

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
AUGUST 29, 2016**

A regular meeting of the City Council of Gering, Nebraska was held in open session on August 29, 2016 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison 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

The Mayor 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

Motion by Councilmember Morrison to excuse the absence of Councilmember Cowan from the August 8, 2016 Regular City Council meeting and Councilmember Gibbs and Mayor Kaufman from the August 18 Special City Council meeting. Second by Councilmember Allred. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

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

As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Mayor. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and Council determines that the matter requires emergency action.

CONSENT AGENDA:

1. Approve minutes of the August 8, 2016 Regular City Council meeting and the August 18 Special City Council meeting
2. Approve Claims and Financials
3. File for record article in the Nebraska Municipal Review regarding Mayor Kaufman's participation in the International Political Exchange to China and Taiwan
4. File for record Amendment to Purchase and Sales Agreement

Claims:

7-29-16 to 8-12-16

ACTION COMM INC \$137.50 (1) NEW RADIO BATTERY, ALLO COMM \$9.99 TELEPHONE/INTERNET CHRGS, B & C STEEL \$262.57 PART FOR BULLDOZER, BENZEL PEST CONTROL \$90.95 PEST CONTROL, BLUFFS SANITARY SUPPLY \$678.25 (2) CS EXAM GLOVES, BROADWAY OFFICE CENTRE \$241.30 TONER FOR SCALE, BROWN/NELSON ELECTRIC \$80.68 TRANSFORMER COOLING FAN, CALLAWAY GOLF CO \$141.79 GOLF CLUB PUTTER, TERRY CARPENTER INC \$650.00 WATER WELL LAND RENT, CARR - TRUMBULL LUMBER CO \$32.92 HOSE RPR'S, CHARTER COMM \$527.99 TV/INTERNET CHARGES 600 ROBIDX, CITY OF GERING - GENERAL AC \$65,000.00 ACH TRANSFER PAYROLL, CITY PAYROLL TRUST \$3,769.45 FSA MEDICAL 125, CONNECTING POINT \$598.00 (2) TONER CTG, CONTRACTORS MATERIALS \$336.95 (1) ADA SIDEWALK PANEL, CRESCENT ELECTRIC SUPPLY \$35.74 BOXES/COUPLERS, CULLIGAN WATER CONDITIONING \$166.90 RPR WATER SOFTENER, DALES TIRE AND RETREADING \$50.14 FLAT TIRE RPR, LANE DANIELZUK \$501.60 MEALS/MILEAGE LEAGUE MTG, DIAMOND VOGEL PAINT CENTER \$99.78 HYDRANT PAINT, DUTTON - LAINSON CO \$2,027.71 URD ELBOWS, ECOLAB \$247.14 RODENT CONTROL, ELECTRIC PUMP \$31,101.01 POND 3-B PUMP RPR'S, ENVIRO SRV INC \$984.00 WW LABS, FASTENAL CO \$242.77 TOOL SHARPENING, FIRST STATE BANK \$351.90 IBEW UNION DUES, FLOYDS SALES & SRV \$2,478.17 WORK ON G7, FORT DEARBORN LIFE INC CO \$120.40 FIREFIGHTER LIFE INS., GALE \$32.38 (2) LRG PRINT BOOKS, GERING COURIER \$104.00 SAFETY TIP 4TH JULY, GERING MERCHANTS \$330.54 SVR KENO FUNDING, GERING VALLEY PLUMBING \$107.20 RPR DRINKING FOUNTAIN, GREASE N GO \$101.21 SRV PICKUP, HEILBRUN \$1,286.65 WORK ON THE JD6415, HENSLEY BATTERY & ELEC S \$38.85 BATTERY, HOME DEPOT \$17.57 SINK STRAINER PUTTY, IDEAL LINEN SUPPLY INC \$594.22 (9) RUG CHANGE OUTS, (4) AIR FRNSR, INDEPENDENT PLUMBING & HE \$444.64 (29) SPRINKLR HEADS, INFINITY CONSTRUCTION INC \$5,940.00 PACIFIC BLVD PROJECT, INGRAM LIBRARY SRV \$738.77 (29) BOOKS, INTERNAL REVENUE SRV \$45,758.94 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$110.95 (1) BATTERY FOR K9 VEHICLE, JC GOLF ACCESSORIES \$258.87 TEES/RPR TOOLS/BALL MARKS, JOHNSON CASHWAY CO \$678.72 (433 FT) ROPE, LL JOHNSON CO \$28.94 TRAVERSE SCREW, KNEB \$332.50 RADIO ADVERTISING, KAWASAKI KORNER \$9.95 BULB FOR MULE, KOVARIK, ELLISON, MATHIS \$6,322.22 BOND REFINANCING LEGAL FEES, KRIZ - DAVIS CO \$760.77 WIRE/CONNECTORS, MB KEM ENTERPRISE \$367.75 REPLACE OVERHEAD DOOR SPRINGS, MEAT SHOPPE \$27,941.59 CATERING COSTS, MUNICIPAL SUPPLY INC OF \$4,955.18 WATER MAINT RPR, MUTUAL OF OMAHA \$941.25 PENSION PLAN FEES, N E O FAB \$32,000.00 (8) NEW ROLLOFF BOXES, NE CHILD SUPPORT PYMT \$627.56 CHILD SUPPORT 1, NE DEPT OF REVENUE \$81,671.20 JULY SALES & USE TAX, NE FIRE CHIEFS ASSOC \$100.00 NE CHIEF DUES, NEBRASKA MACHINERY CO \$1,281.34 BATTERY AND OIL FOR THE 100, NE POWER REVIEW BOARD \$1,017.93 2015 ASSESSMENT, NE

STATE VOLUNTEER FIREFI \$680.00 NSVFA MEMBERSHIP, NIKE USA INC \$41.85 GOLF HATS, NORTHWEST PIPE FITTINGS \$163.79 (3) CLOSET KITS, PANHANDLE COOP ASSOCIATION \$3,952.21 FUEL FOR DOZER & ALJON, PANHANDLE GEOTECHNICAL \$529.25 DENSITY TEST FOR WATERMAIN RPL, PANHANDLE HUMANE SOCIETY \$3,134.00 MONTHLY SUPPORT, PETTY CASH \$69.77 PETTY CASH DISBURSED, POSTMASTER \$600.00 MAILING PERMITS, POWERPLAN OIB \$36.99 HYDRAULIC OIL, PRINT EXPRESS \$924.30 LETTERHEAD, RDJ SPECIALTIES INC \$202.74 LOLLIPOPS NATIONAL NITE OUT, RECORDED BOOKS LLC \$110.94 (1) AUDIOBOOK, RON'S TOWING \$300.00 TOW STREET SWEEPER, SAFELITE AUTOGLASS \$153.02 RIGHT FRNT WINDOW REPLACEMENT, SANDBERG IMPLEMENT INC \$143.41 (1) COUPLER, SCB COUNTY AMBULANCE SRV \$316.23 AMBULANCE CONTRACT, SCOTTSBLUFF - GERUNG UNITED \$71.54 UNITED WAY CTRB, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT, SHERWIN WILLIAMS \$340.70 (20) GAL PAINT FOR CONTAINERS, SIMON CONTRACTORS \$202.00 MAIN RPR'S, SLAFTER OIL \$146.90 HYD OIL, STAR HERALD \$262.50 NEWSPAPER AD, STATE OF NE/DAS COMM \$258.40 LONG DISTANCE PHONE CHRGS, ED TJADEN \$287.00 MEALS FOR TRAINING, TWIN CITY DEVELOPMENT \$12,500.00 QTRYL DUES, VALLEY BANK & TRUST CO \$800.00 CORPORATE AGENT FEES, WELLS FARGO FINANCIAL LEA \$100.90 AUG COPIER LEASE, WESTCO \$5,460.21 GASOLINE, WESTERN PATHOLOGY CONSULT \$137.10 DRUG TESTING, WESTERN PLAINS BUSINESS \$118.59 COPIER MAINTENANCE, WESTERN TRAIL SPORTS POST \$22.00 GUARD SHIRT, WESTERN UNITED ELECTRIC \$190.94 RUBBER GOODS TESTING, WINCHELL CLEANING SRV \$720.00 CLEANING BATHROOMS/OFFICE, MENARDS \$257.50 BENCH GRINDER ANGLE GRINDER, INTOXIMETERS \$180.25 DRY GAS, GERUNG CITIZEN \$940.46 CONDENSED MINUTES, IRBY TOOL & SAFETY \$48.15 CABINET RAIL, INTRALINKS TECHNICAL SOLU \$5,321.24 NEW LAPTOP REPLACEMENT, ENCYCLOPAEDIA BRITANNICA \$400.00 BRITANNICA ONLINE SUBS, VERIZON WIRELESS \$549.58 JULY IPAD FEES, JACKS UNIFORMS & EQUIPMENT \$223.64 (7) PR OF BDU PANTS, JOHN HANCOCK USA \$13,561.03 JH RETIRE 6%, MG TRUST CO LLC \$6,022.14 MG T-POLICE, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, BAKER & ASSOC INC \$405.00 ENGINEERING REVIEW, NE PUBLIC POWER DIST \$300.34 UTILITIES RENTAL, SCB CO DISTRICT COURT \$31.00 COURT FEES, MATHESON TRI - GAS INC \$51.81 CARBON DIOXIDE, SUGAR VALLEY FEDERAL CRED \$1,078.37 CREDIT UNION, GREATAMERICA LEASING CORP \$100.00 COPIER LEASE, MONEY WISE OFFICE SUPPLY \$110.48 INK CRTDG/PAGE MRKR/PENS/PAPER, DOOLEY OIL INC \$976.43 (110 GAL) OF HYD, (1) DRM DEF, 6-10 PK, GREY HOUSE PUBLISHING \$265.50 (1) REF BOOK, THE ROCK PILE \$418.34 (13.79) TONS ROCK, LOGOZ LLC \$121.00 (9) NAME BAGS, WINDOW DECAL, K4 TRUCKING LLC \$1,305.00 HAUL DIRT NEW BALL FIELD, ONE CALL CONCEPTS INC \$126.99 LOCATE FEES, JIRDON \$70.86 (3) BAGS FERTILIZER, RR DONNELLEY \$69.13 TRAFFIC CITATIONS, BIG MACK \$1,863.00 WORK ON AIR, NEOFUNDS BY NEOPOST \$1,600.00 JULY POSTAGE, UNANIMOUS \$350.00 JULY WEBSITE SUPPORT, PT HOSE & BEARING \$140.78 BACKHOE RPR, RYANS WELDING LLC \$450.00 WELDING ON THE BACK GATE G8, ACUSHNET CO \$255.78 GOLF CLUB WEDGE, LSPL FOUNDATION \$400.00 SUMMER READING PROG COST SHARE, FRASER STRYKER PC LLO \$2,046.90 PERSONEL MATTER, COOLEY TAMMY \$94.00 SHRM 2018 CONF MEALS, GROUND UP CONSTRUCTION \$510.00 ADMIN/PD OFFICE CLEANING, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, MATTHEW MARTIN HUTT PH.D \$450.00 INTERVIEW AND PSYCH EXAM, MONUMENT GRILL \$648.00 REIMBURSEMENT FOR MEALS, WESTERN STATES BANK \$23,887.52 GERUNG/SCB SINKING FUND, WESTERN STATES BANK - POL \$320.00 PO UNION DUES, PENGUIN RANDOM HOUSE LLC \$45.00 (1) AUDIOBOOK, A & A PORTA POTTIES \$135.00 AUG PORTAPOT, BOK FINANCIAL \$750.00 COMBINED UTL REFUNDING ESCROW, STANLEY M SLOWIK INC \$700.00 REG FEES PRE - EMP INTERVIEWING, ROHRICK DIANA \$110.12 OVERPAID FINAL 22342001, HAYNER SAMANTHA \$7.36 OVERPAID FINAL 6057006, PAUL & ADAM LLC \$132.74 OVERPAID FINAL 25051200, RAY NORMA \$75.00 RV ROOM DEPOSIT REFUND, WARREN MASON \$15.00 REFUND RV OVERPYMT, ERNST BOBBI \$30.00 LFT RV PARK 1 DAY EARLY REFUND, GODINEZ KATHY \$75.00 RV ROOM DEPOSIT REFUND, LOPEZ LUPE \$75.00 RV ROOM DEPOSIT REFUND, REYNOLDS YVONNE \$75.00 RV ROOM DEPOSIT REFUND, CHVALA DAVID \$2,826.00 OVERPAID UTILITIES ONLINE 3129001, PAYROLL CHECKS \$129,847.78 PAYROLL CHECKS ON 8-5-16

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

PUBLIC HEARINGS:

1. Public hearing to consider an Amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts. The Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 5 yes/1 no) to move this Public Hearing to City Council with no conditions.

Mayor Kaufman opened the public hearing to consider an Amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts at 6:03 p.m. Paul Snarr, City Engineer/Planner, presented the Administrative Record.

**CITY OF GERUNG
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	August 29, 2016
From:	Planning & Community Development	Zoning:	NA
Subject:	Public Hearing - Amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts	Property Size:	NA
Location:	City Jurisdictional Area	#Lots/Parcels:	City
Owner:	City of Gering	Planning Commission Public Hearing:	August 16, 2016

Procedure

1. Open Public Hearing
2. Overview of petition by City Staff
3. Presentation by Applicant
4. Solicitation of Public comments
5. Questions from the City Council
6. Close the Public Hearing
7. Public Process: City Council determines final approval

Public Notice: This hearing was noticed in the paper and notice was posted on the property

Public Hearing

Mr. Mayor and City Council Members,

This is a Public hearing to consider an Amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts. The Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 5 yes/1 no) to move this Public Hearing to City Council with no conditions.

The amendment would include a definition for shipping containers to be added to the City Zoning and Subdivision Regulations as follows:

- **Section 3.3: Definitions**, specifically Section 3.301 Text of Definitions Subsection (1) Accessory Use or Building: add a second paragraph stating: Shipping Containers and not defined as an Accessory Buildings, see definition (92.A) Shipping Containers.
- **Section 3.3: Definitions**, specifically Section 3.301 Text of Definitions Subsection (92.A) Shipping Containers: Shipping Container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, hi-cube container, box, sea container, or container van, designed to store and move materials and products across various modes of the intermodal freight transportation system.
- **Section 10.4: Accessory Buildings**: add Section 10.406: SHIPPING CONTAINERS: are not permitted in any Residential or Commercial Zoning Districts with the exception of obtaining a Building Permit and used only on a temporary basis including moving, relocating, and/or construction on the property. Shipping containers shall not exceed 8 feet in width, 9 feet in height, and 40 feet in length. The container shall not be allowed in easements, public rights-of-way, and setbacks including the Site Triangle as defined in Section 10.1: Visibility at Intersections. The Building Permit may allow the container to be placed in the front yard setback only if being used for moving, relocating, or construction purposes for a limited amount of time as stated on the required Building Permit and not to exceed 30 days. In the event additional time is required the applicant may apply for one-30 day extension. Building permit fees for shipping containers shall meet those for accessory structures.

Administrative Record:

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

- City of Gering Subdivision and Zoning Regulations dated March 1984, specifically Section 3.3 Definitions and Section 10.4 Accessory Buildings.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (5 yes/1 no) to move this Public Hearing to City Council.
- Public Hearing Notice was published in the paper and notice was sent per State Statute 18-2115. City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Council did not wish to have the Administrative Record read aloud.

Mr. Snarr stated: Mr. Mayor and City Council Members, I have completed my entry regarding this amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for this amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION for this amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts for the following reason(s):

Continue

Make a motion to CONTINUE the Public Hearing for this amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts for the following reason(s):

Councilmember Morrison asked why someone would have to have a building permit if this is a temporary use. Paul said it's nice to have the permit to know where they're located because we will get calls on where these are placed. He said what started this is he had calls from other cities asking how we deal with shipping containers as they were having issues in neighborhoods. Councilmember Morrison asked if someone put one on a foundation and put a roof on it what would the City do. Mr. Snarr said they could probably bring in a building permit, it would be similar to putting a storage shed in a backyard; it's something we could look at. He said they could bring in a plan of how they'd fix it up and if it met the conditions similar to what their home looks like it would probably pass. Councilmember Cowan said there are some businesses out there that have them already. Mr. Snarr said they'd be grandfathered in; there are some districts such as the industrial districts where these would be permitted. In residential and downtown areas storage units really aren't permitted.

No one spoke in favor or opposition of the application. The Mayor closed the public hearing and the administrative record at 6:11 p.m.

Motion by Councilmember Gibbs to enter the administrative record for this application into the public record. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

1a. Approve or deny an Amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts.

Motion by Councilmember Smith to approve an Amendment to the Zoning and Subdivision Regulations restricting the use of shipping containers for accessory buildings and storage in both residential and commercial districts. Second by Councilmember Allred. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, O'Neal, Morrison and Cowan. "NAYS": Holliday. Abstaining: None. Absent: None. Motion Carried.

1b. Approve Ordinance 2032 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND AMEND THE ZONING AND SUBDIVISION REGULATIONS RESTRICTING THE USE OF SHIPPING CONTAINERS FOR ACCESSORY BUILDINGS AND STORAGE IN BOTH RESIDENTIAL AND COMMERCIAL DISTRICTS AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Councilmember Gibbs made a motion to introduce Ordinance No. 2032 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND AMEND THE ZONING AND SUBDIVISION REGULATIONS RESTRICTING THE USE OF SHIPPING CONTAINERS FOR ACCESSORY BUILDINGS AND STORAGE IN BOTH RESIDENTIAL AND COMMERCIAL DISTRICTS AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Allred moved that the Ordinance be designated as Ordinance No. 2032 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison 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. 2032 was read by title only.

Councilmember Morrison moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. The question is shall Ordinance No. 2032 be passed? There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison 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 an application submitted by the owner, Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow custom built storage units at 316 M Street as platted on Lot 3, Block 1, Barton Subdivision being a Re-plat of Lots 1, 2, and 3, Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska.

Mayor Kaufman opened the public hearing to consider an application submitted by the owner, Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow custom built storage units at 316 M Street as platted on Lot 3, Block 1, Barton Subdivision being a Re-plat of Lots 1, 2, and 3, Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska at 6:14 p.m. Rod Sterkel, Building Inspector, presented the Administrative Record.

**CITY OF GERING
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	August 29, 2016
From:	Planning & Community Development	Zoning:	BHC
Subject:	Public Hearing – <i>Special Exception Conditional Use Permit to Consider Storage Units within BHC Zoning</i>	Property Size:	Lot Size ±0.34 acres
Location:	Lot 3, Block 1 Barton Subdivision Re-plat - 316 M Street	#Lots/Parcels:	1
Owner:	City of Gering	Planning Commission Public Hearing:	August 16, 2016

Procedure

1. Open Public Hearing
2. Overview of petition by City Staff
3. Presentation by Applicant
4. Solicitation of Public comments
5. Questions from the City Council
6. Close the Public Hearing
7. Public Process: City Council determines final approval

Public Notice: This hearing was noticed in the paper

Public Hearing

Mr. Mayor and City Council Members,

This is a Public hearing to consider an application submitted by the owner, Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow custom built storage units at 316 M Street as platted on Lot 3, Block 1, Barton Subdivision being a Re-plat of Lots 1, 2, and 3, Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska.

The property is zoned BHC (Highway Commercial District) and per the City Zoning and Subdivision Regulations Section 7.3 BHC specifically Section 7.304 Exceptions, Subsection (6) Mini Storage Warehouses (Ordinance 1472, 5/92) allows mini storage warehouses as an Exception provided Article 13 of the Ordinance as minimum requirements for granting exceptions and approval by the Planning Commission and City Council.

The Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 6 yes/0 no) to move this Public Hearing to City Council with the following conditions:

- Follow the drawing that was submitted with the application/packet
- Follow the requirements for the water retention pond
- Fencing
- Greenery

Administrative Record:

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

- City of Gering Subdivision and Zoning Regulations dated March 1984 - Section 7.3 BHC specifically Section 7.304 Exceptions, Subsection (6) Mini Storage Warehouses (Ordinance 1472, 5/92).
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Public Hearing Notice was published 8/5/2016 in the paper meeting City Ordinances.
- Exception/Conditional Use Permit Application submitted by the owner, Kent Ewing July 18, 2016 to allow custom built storage units located at 316 M Street.
- Final Plat of Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, as Recorded in Deed Book 137 page 286 on April 13, 1972.
- Final Plat of Lots 1, 2, and 3, Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, Recorded under Instrument No. 2010-6382 on December 16, 2010.
- Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote 6: yes/0 no) to move this Public Hearing to City Council with the following conditions: 1) follow the drawing that was submitted with the application/packet; 2) follow the requirements for the water retention pond; 3) fencing; 4) greenery
- Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Council did not wish to have the record read aloud.

Mr. Sterkel continued: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider the application submitted by the owner Kent Ewing for an Exception/Conditional Use Permit to allow construction of storage units on property located at 316 M Street and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION to consider the application submitted by the owner Kent Ewing for an Exception/Conditional Use Permit to allow construction of storage units on property located at 316 M Street with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to consider the application submitted by the owner Kent Ewing for an Exception/Conditional Use Permit to allow construction of storage units on property located at 316 M Street for the following reason(s):

Continue

Make a motion to CONTINUE the Public Hearing to consider the application submitted by the owner Kent Ewing for an Exception/Conditional Use Permit to allow construction of storage units on property located at 316 M Street for the following reason(s):

Administrator Danielzuk added, for the administrative record, "greenery" as another condition; four conditions total. No one spoke in favor or opposition of the application. The Mayor closed the Administrative Record and the Public Hearing was closed at 6:19 p.m.

Motion by Councilmember Smith to enter the administrative record for this application into the public record. Second by Councilmember Cowan. There was no discussion. The

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

2a. Approve or deny an application submitted by the owner, Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow custom built storage units at 316 M Street as platted on Lot 3, Block 1, Barton Subdivision being a Re-plat of Lots 1, 2, and 3, Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska.

Councilmember Gibbs asked if Council could see the submitted map that shows the layout of what is going to be done. Councilmember Morrison asked how many storage units Mr. Ewing is intending to put up. Mr. Ewing, 305 Margaret Drive, stated that he owns the Stage Coach Stop and the area around that on both sides. The particular lot for these is between the bar and the Stage Coach Convenience store. The actual storage units are going to be the Tuff Sheds like you see at Home Depot. They have an assortment of different styles. He will have a variety such as barns, loafing sheds, etc. The plan shows a 30'x56' building going across the back section of the lot with the overhead doors facing the alleyway. The six Tuff Sheds will be out front; three on each side facing each other. The plan is to make it look like a small town. It's not going to look like a storage facility; there will not be any signage saying it's a storage facility. Mr. Ewing said he wants to make it look pleasing from the highway. There will be trees across the front, most of it will be rocked and possibly more trees. The biggest shed is 12'x16' and they get smaller from there. They'll be mounted on a six-inch metal frame structure that goes into the ground. Councilmember Gibbs commented on how they'll be secured to the ground. Mr. Ewing said it will be tied down just like a trailer house; his information is that it's secure but he will do more checking on that.

Councilmember Christensen asked if the demand is enough to require additional storage units in the community. Mr. Ewing replied that he believes so; he's had comments regarding a need for them. Councilmember Morrison asked if these are going to be for the people who may live in the small homes nearby; Mr. Ewing replied partly, yes. He added that they are open to the public. Mr. Sterkel brought up examples of the sheds on the overhead screen. Mr. Snarr clarified that the large storage unit will be on a foundation; Mr. Ewing replied yes. Mr. Ewing stated that the sheds are aesthetically pleasing. Installation of all six sheds will take roughly one week.

Mr. Ewing drew a site plan that was passed out for Council to view. Mr. Ewing stated the sheds would be set back quite a ways from the street. He will leave plenty of access for the convenience store as well. Mr. Snarr said we'd make sure it meets all the setbacks; there's quite a bit of right-of-way through there. Councilmember Gibbs asked if there would be electricity in any of these; Mr. Ewing replied no. He stated the utility side would just be for trash; no electricity.

Motion by Councilmember Gibbs to approve an application submitted by the owner, Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow custom built storage units at 316 M Street as platted on Lot 3, Block 1, Barton Subdivision being a Re-plat of Lots 1, 2, and 3, Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska. Second by Councilmember Cowan.

Discussion: Councilmember O'Neal asked Mr. Ewing about fencing; she wanted to make sure he is okay with that requirement. Mr. Ewing said he understands the fencing side of it but he wants to talk to staff about how he can do that; he does not want to enclose it. He's hoping to negotiate that. Councilmember O'Neal stated that her concern is that the motion is contingent on those four conditions. Administrator Danielzuk stated that it could be added to the motion to allow staff to work with the developer of record on the compliance issues related to the application. Councilmember Gibbs stated he was okay with that as long as they don't compromise the greenery. Councilmember Cowan also agreed to amending the motion.

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

3. Public hearing to consider an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District) located on Lot 2, Block A Barton Subdivision addressed as 315 N Street. The applicant has submitted a Variance for a Public Hearing with the Board of Adjustment September 13, 2016 to allow re-platting and splitting said existing Lot 2, Block A Barton Subdivision into 2 – 53 foot wide lots.

Mayor Kaufman opened the public hearing to consider an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District) located on Lot 2, Block A Barton Subdivision addressed as 315 N Street. The applicant has submitted a Variance for a Public Hearing with the Board of Adjustment September 13, 2016 to allow re-platting and splitting said existing Lot 2, Block A Barton Subdivision into 2 – 53 foot wide lots at 6:37 p.m. Mr. Sterkel presented the Administrative Record.

**CITY OF GERING
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	August 29, 2016
From:	Planning & Community Development	Zoning:	RMH
Subject:	Public Hearing – <i>Single Family Homes located within the RMH Zoning District</i>	Property Size:	Lot Size 106'W X 100' Deep – Considering 53' Wide X 100" Deep
Location:	Lot 2, Block A, Barton Subdivision - 315 N Street	#Lots/Parcels:	1
Owner:	City of Gering	Planning Commission Public Hearing:	August 16, 2016

Procedure

1. Open Public Hearing
2. Overview of petition by City Staff
3. Presentation by Applicant
4. Solicitation of Public comments
5. Questions from the City Council
6. Close the Public Hearing
7. Public Process: City Council determines final approval

Public Notice: This hearing was noticed in the paper

Public Hearing

Mr. Mayor and City Council Members,

This is a Public hearing to consider an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District) located on Lot 2, Block A Barton Subdivision addressed as 315 N Street. The applicant has submitted a Variance for a Public Hearing with the Board of Adjustment September 13, 2016 to allow re-platting and splitting said existing Lot 2, Block A Barton Subdivision into 2 – 53 foot wide lots.

The Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 5 yes/0 no/1 abstained) to move this Public Hearing to City Council with no conditions.

The property is zoned RMH (Multi Family Residential High Density District) and per the City Zoning and Subdivision Regulations Section 6.5 RMH specifically Section 6.504 Exceptions, Subsection (12) Single Family Dwellings are allowed provided the requirements of Section 6.505 and Article 13 of this Ordinance are met as minimum requirements with approval of the City Council.

The property is located on Lot 2, Block A Barton Subdivision as platted as the Subdivision of Part of Block 1, Barton Subdivision in the City of Gering, Nebraska, Lots 1, 2, & 3, Block A, Recorded in Deed Book 153, Page 382 on March 2, 1977 located in Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska. The lot width parallel to N Street is approximately 106 feet with a depth of 100 feet.

Administrative Record:

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

- City of Gering Subdivision and Zoning Regulations dated March 1984 - Section 6.5 RMH specifically Section 6.504 Exceptions, Subsection (12) Single Family Dwellings and Section 6.505 with reference to Article 13 of the Regulations.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Public Hearing Notice was published 8/5/2016 in the paper meeting City Ordinances.
- Exception/Conditional Use Application submitted by the owner, Kent Ewing July 18, 2016 to allow single family homes within RMH Zoning located at 315 N Street.
- Final Plat of Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, as Recorded in Deed Book 137 page 286 on April 13, 1972.
- Final Plat – Subdivision of Part of Block 1, Barton Subdivision in the City of Gering, Nebraska, Lots 1, 2, & 3, Block A, Recorded in Deed Book 153, Page 382 on March 2, 1977.
- Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 5 yes/0 no/1 abstained) to move this Public Hearing to City Council with no conditions.
- Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

The Council did not wish to have the record read aloud.

Mr. Sterkel continued: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street for the following reason(s):

Continue

Make a motion to CONTINUE the Public Hearing to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street for the following reason(s):

Mayor Kaufman asked if anyone in Council Chambers wished to speak in favor or opposition of the application. No one spoke in favor or opposition. Councilmember Gibbs asked to look at the Google Earth map to view the site. Mr. Ewing stated this particular area is filled with duplexes and apartments and a trailer court nearby. It's not his intention to put tiny houses near expensive homes. This area is a prime location for smaller homes. This is an empty lot not being used and homes would add utilities and taxes to the City.

Councilmember Smith asked how large the houses are. Mr. Ewing stated less than 900 square feet; most of them range 700 to 760 square feet. They will be built on site on a foundation; they will not be mobile. They will be on a concrete slab. Councilmember Allred asked how many will be placed on this lot; Mr. Ewing replied two. Mr. Snarr asked Council to keep in mind that he is not the owner of the lot; this exception is contingent upon Mr. Ewing purchasing the lot. Mr. Ewing said he has spoken to the owner of the lot and they have an agreement made but no signed contract.

Councilmember Morrison asked if these houses will have garages. Mr. Ewing said one will have a garage below the living quarters and the other will have a single car attached; they will have driveways and off-street parking and possibly a small utility shed. They will have small yards with little upkeep. Mr. Ewing will sell the properties once they're ready. Councilmember Gibbs asked Mr. Snarr if it has been clarified if Mr. Ewing can do this before he owns the property; Planning Commission had concerns about that. Mr. Snarr said he has the right as an applicant to come before the Planning Commission and City

Council. If it's approved he can move forward with purchasing the lot but he wouldn't recommend him moving forward because the Board of Adjustment has yet to hear the variance issues. The lot width is in question. Administrator Danielzuk said normally in order for an applicant to have a right to come before a Board or Commission they would have to have a property interest in it or some sort of arrangement or agreement. He asked Mr. Ewing if he has an arrangement or agreement that establishes his property interest in that parcel. Mr. Ewing replied no, he does not. Mr. Danielzuk stated then probably, and he would defer to the City Attorney, but probably Mr. Ewing has not established a property right to come in as an applicant. Acting City Attorney, Matt Turman, asked Mr. Ewing in working with the owner of the lot, is there a possibility he could enter into an agreement contingent upon Council approval or Board of Adjustment approval. Mr. Ewing replied yes, definitely. Mr. Turman asked him if that would be something he'd be willing to do and then come back to Council at a future date. Mr. Ewing replied that he can do that, it's just that he didn't want to own a lot without being able to do what he wanted to do with it. Councilmember Gibbs stated that we just want to make sure all our ducks are in a row so if Council approves it they don't get Mr. Ewing in trouble down the road and the Council. Mr. Ewing agreed.

Motion by Councilmember Gibbs to continue this public hearing until the next Council meeting. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Administrator Danielzuk asked Mr. Ewing if the current owner of the property would come forward; they absolutely have that property interest. Mr. Ewing replied yes, he doesn't believe that that would be a concern. Mr. Ewing said he has been speaking to the property owner for over a year now about doing this project. Councilmember Gibbs added that he doesn't think there's any major objection, we just want to be sure we do it right.

3a. Approve or deny an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District) located on Lot 2, Block A Barton Subdivision addressed as 315 N Street. The applicant has submitted a Variance for a Public Hearing with the Board of Adjustment September 13, 2016 to allow re-platting and splitting said existing Lot 2, Block A Barton Subdivision into 2 – 53 foot wide lots.

CURRENT BUSINESS:

1. Citizen Agenda Item submitted by Bill Rexus regarding Rural Electric Rates

Bill Rexus, 200491 CR P, explained to the Council that as of about a year and a half ago his electric rates were through Roosevelt Public Power. A tree row he planted under the power lines about 40 years ago has grown tall enough to reach the electric wire. He went to Roosevelt about it and they said they could do underground wiring for him. He said one day Roosevelt came out and said this really wasn't their territory; it belongs to the City. Mr. Rexus then met with Paul, Lane and he thinks Ron Doggett and explained the situation. He said the City took it upon themselves to acquire that parcel of land right beside the amphitheater which is his property. He asked if his rates will go up because Roosevelt is one of the highest there is. He was told they didn't think so. He felt he had no choice; the City is going to do what they're going to do. As of January 1, 2016 he got the electric rates and his first billing in 2016 was \$838.53. He and his wife are the only ones living there; they shut off the upper level of his house. His house is all electric. He asked Paul and Lane why this can be. He said they told him that he's in rural rates and those rates are higher. He went back to Lane and asked him to document the rates from residential and rural. He has a sheet that Lane provided to him over a period of five months. During that five-month period the average rate was \$238.00 per month higher than residential rates. It was \$1189.00 higher than the residential rates over that same period. Mr. Rexus said he had no choice in this; he was bounced from Roosevelt to the City. He was told if he annexed to the City his rates would go down to residential. He went to the County Assessor and was told that his property taxes would go up \$791 to \$1000 per year if he annexed. He got a letter from Lane stating there will be no exceptions to the rates. He then asked Lane if that is correct. Administrator Danielzuk read part of the letter aloud:

200491 County Road P
Gering, Nebraska 69341
RE: CITY ELECTRICAL RATES

Bill,

This letter is in reference to the issues you are having with your electrical utility rates. The Public Works Committee and City Staff met August 3, 2016 to discuss your concerns.

The result of this meeting is that the City is not inclined to suggest any policy changes to the rate structure or to grant any exceptions. In the event you request to annex, the City would adjust your rate from the rural electrical rate to the City electrical rate.

You are currently Zoned RRE (Rural Residential Estate District) and if you decided to annex your property it would revert to AGG (General Agricultural Estate District). The City would recommend that you discuss this change in zoning with the County Assessor to see how this would restructure your property tax rate.

Thank you,

Lane Danielzuk, City Administrator

Mr. Danielzuk stated that we're dealing with a rural class of which Mr. Rexus is one of 44 customers. Mr. Rexus asked if those customers are satisfied with this. Mr. Danielzuk replied probably not everybody. Mr. Rexus replied if anybody is they don't know how to do math. Mr. Rexus stated that he has no choice; he either annexes to the City which makes his taxes go up, or he stays the way it is and say he doesn't want to annex to the City, he pays \$3000 a year over the amount of residential electric power. He asked is that the way we treat citizens. He said he has no choice, he was acquired by the City; he has to live by the City's rules. He wants some answers; they said the zoning will change. According to Amy it would revert to Agriculture Residential Estates; he plans to develop that but at this point he has a very uneasy feeling about the whole thing. He needs some answers from the City, what will happen when he rezones this back; what else is going to come up that he doesn't have any control over. He said he's appealing to the Council and Mayor and anyone else involved; what does he do?

Mayor Kaufman replied that ultimately the choice is his. He stated that Mr. Rexus has done a very good job of explaining the facts. Sometimes we don't like the facts that we're presented with. As communities grow, you're like many in our community that are on the fringe of our boundaries as a city. He said Mr. Rexus is in that delicate area of do you want to be rural or do you want to be part of an extended City. Mayor Kaufman stated he hears what Mr. Rexus is saying but you can't have your cake and eat it too. If Mr. Rexus wants to be rural that's his absolute choice, but if we're supplying the City utility the rate is higher because he's not annexed into the City. If he wants to be annexed in it would be less. Mr. Rexus asked if he annexes, what other costs are going to happen that he has no control over? Mayor Kaufman replied he doesn't know, we'd have to work with staff and see what that situation would look like. He's sure that staff would be more than willing to sit down and weigh those options with him and help him make an educated decision. Mr. Rexus stated that the way it looks to him he's going to be forced one way or the other; he's forced to pay more taxes or he's forced to pay extra for utilities which really rubs him wrong. He added that any way he goes he's a loser. The path of least cost would be to annex but being treated like he has been he doesn't see much future in that as far as trying to get along with the City and turn that into a subdivision.

Councilmember Gibbs asked Mr. Rexus if he understands the reasoning for the difference in the City rate vs. the rural rate. It's basically the fact that the people within the City are paying property tax which in turn helps support the infrastructure which provides those electric towers and whatever else. Mr. Rexus replied that his property tax will go up to at least \$5500 per year. He added that he's paying property taxes too. Councilmember Gibbs replied but Mr. Rexus isn't paying property taxes to the City of Gering. If he annexes into the City that should be the only additional tax to him because he's probably already in the school district and all the other entities. Mr. Rexus replied that Amy analyzed it and it would be \$791 and some cents. Councilmember Gibbs replied versus what he's going to pay in the additional electric rates, it sounds like there would be a considerable savings. Mr. Rexus said he has no choice; that would be his first choice to do that. He said he thinks what the City is doing to him and other people is really ridiculous. He said he thinks "you folks really need to think about this." Councilmember Gibbs said it has

been this way for many many years. Mr. Rexus stated he doesn't care, times change. Councilmember Gibbs replied he understands that but the expenses don't; they continue on. Mr. Rexus stated that he's 285 feet from the edge of the City power; why should he pay \$3000 a year higher for electric?

Councilmember Allred introduced himself to Mr. Rexus and stated that they did meet as a committee and he doesn't know that Mr. Rexus has necessarily been treated unfairly. If the City granted Mr. Rexus an exception we have roughly 40 other residents in this same situation that would all come to the City with the same request and want an exception to the rule; if they all wanted to annex into the City of Gering we could grant them that exception to have residential electric rates. We can't grant Mr. Rexus City electrical rates if he's not in the City of Gering because it would not be fair. He said Mr. Rexus is asking the Council to be fair; it would not be fair to the other 40 some residents in the surrounding areas that are paying rural rates but also aren't paying City taxes. Mr. Rexus again asked about how the zoning will affect him and change his position. Councilmember Allred replied that the best thing he can do is to set up a meeting with City staff who know all of those answers; Council is not privy to all the details that would be involved. City staff would be happy to look at those options for Mr. Rexus to make sure he is completely aware of all the details that would be involved in an annexation. Mr. Rexus said he's always willing to listen; right now he has a very bitter taste in his mouth. Councilmember Allred apologized that he feels that way.

Mr. Rexus stated he would be in favor of meeting with some people; he will annex but he wants to know what else will be involved. Mayor Kaufman commended Mr. Rexus for stating his point of view. Mr. Rexus asked what the time frame would be; six months, two years... Administrator Danielzuk stated he'd like to give a little history regarding the first time the final plat for the Rexus subdivision came to the Planning Commission which was July 15 of 1986. Mr. Rexus stated he has spent a lot of money already zoning and platting. Mayor Kaufman stated this isn't a new issue. Mr. Rexus thanked the Council for their time.

2. Approve Interlocal Agreement with the City of Gering Community Redevelopment Authority (CRA)

Councilmember Gibbs asked, under Section A on page 2, his understanding is that this CRA is supposed to be specific to infrastructure projects. He quoted from the agreement "*...and other municipal facilities, projects and improvements (collectively, the "Infrastructure Projects").*" He stated to him that sounds like an open-ended check; he'd like to have that language removed. City Clerk Weiff asked to comment; she stated as we're required to do to make sure we've dotted the i's and crossed the t's, everything was run by Bond Counsel per City Attorney Ellison. The language in the agreement is statutory language; it's verbatim from the statute. It was probably put in the agreement that way because it follows the statute to the letter but the intention is strictly for streets, water mains and sanitary sewer and nothing else. Councilmember Gibbs stated that intentions and specifics are not always the same in the end and that's his concern that this will get diluted at some point in the future.

Councilmember Gibbs also asked about page 4, section F regarding issuing bonds. It says this group would have the power to "*...Issue bonds, notes or other evidences of indebtedness...*" He asked what kind of bonds these would be, GO or Revenue Bonds, and how would they be paid. Administrator Danielzuk stated that he thinks it could be either a GO Bond backed by the full faith and credit of the City as an organization... Councilmember Gibbs asked if a GO bond would require a vote of the people like it normally does. Administrator Danielzuk replied if that's what the statutory requirements are he's sure that's what we'd have to do. Councilmember Gibbs asked if in the case where bonds were issued and this group defaulted on the bonds that *they* issued, not the City issued, but that *they* issued, who would be responsible for the defaulted bonds? Administrator Danielzuk replied it would probably be a combination but since the City would have the most resources involved in the interlocal relationship than the CRA, then the City would be responsible. Councilmember Gibbs said that concerns him because they're going to obligate the city tax payers to a bond which is not being issued directly by elected people of the City and they could wind up holding the bag if they wind up defaulting on it.

Councilmember Gibbs stated that in section J, talking about purchasing vehicles and other property, again that doesn't sound like infrastructure. He doesn't think this money raised for infrastructure should be used to purchase vehicles and other property. Mayor Kaufman clarified that the document we're

looking at right now is the interlocal agreement; it's not the document that the actual voters would go... so the interpretation statutorily for the interlocal agreement is a little more broad in its terms. The document that the voters would actually vote on we can get specific. That document is right here and gets specific to the three types of infrastructure that we want to use the tax for. He added there's a difference in the verbiage in the interlocal versus what we're actually going to vote on. Councilmember Gibbs asked why the interlocal would be broader in scope. Mayor Kaufman replied he thinks it's to satisfy the legal end of putting that document together. Councilmember Gibbs said he's just concerned it leaves loop holes; he's worried the potential is there. He asked if we can be more specific than this and if what's voted on would take precedence over this. Mayor Kaufman replied that's his understanding. He added that we have to build the framework so that in the future if the Council wanted to use the CRA in a different way it's already in place. They would have to go back to the voters. Mayor Kaufman said what we're voting on would be for that time table and if it was a bond then it would sunset and they'd have to revote. Councilmember Gibbs noted that that answered his questions.

Councilmember Christensen stated the CRA Committee was approved a few weeks ago which was composed of seven members including four Gering Council and the Mayors of Scottsbluff and Terrytown. He said in reading through the text of the proposal he sees where the committee is supposed to be made up of five members but seven were appointed. * **Notation:** *This was clarified later in the meeting (see below).*

Motion by Councilmember Morrison to approve Interlocal Agreement with the City of Gering Community Redevelopment Authority (CRA). Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Approve Resolution 8-16-3 regarding a Half Percent Sales Tax Proposition for infrastructure projects

Motion by Councilmember Holliday to approve Resolution 8-16-3 regarding a Half Percent Sales Tax Proposition for infrastructure projects. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

4. Approve and authorize the Mayor to sign Equipment Contract for D Street Substation Rebuild Power Transformer

Administrator Danielzuk stated this was a bid opening that was done by our consultant ESC Engineering. Nine approved equipment supplies were invited to participate. Five participated in submitting bids. Alternative bids were not submitted. ESC Engineering is recommending that the City of Gering accept CG Power's bid in the amount of \$419,890. Spare parts for the GC Power Transformer include high voltage bushing, low voltage bushing and a set of gaskets for a cost of \$6,400.00. It is Gering's choice if the spare parts are purchased at this time. It's staff's recommendation that they be purchased in total as a package. It's staff's recommendation to accept the bid from CG Power for \$419,890 and the spare parts for \$6400. Mr. Danielzuk stated that this would be the first leg of the substation conversion for the conversion of the city-wide electrical voltage from 4KB to 12KB. This is the first part of the project; the other part of the project will be taking the infrastructure out to where we hope to have a new certified industrial park with the City of Scottsbluff. In the new fiscal year we'll also be purchasing a new transformer for approximately the same price to put in part of the redundancy in the system and the conversion and start the second leg of the conversion. We set aside approximately two million dollars in this next fiscal year process for the first and partial second part of the conversion.

Motion by Councilmember Gibbs to approve and authorize the Mayor to sign Equipment Contract for D Street Substation Rebuild Power and Transformer for \$419,890 plus the additional \$6400 for spare parts. Second by Councilmember Smith.

Discussion: Councilmember O'Neal noted that this company's bid was significantly lower than some of the rest; do we know that company at all? Mr. Snarr replied that ESC said that they knew of them before the bid process and didn't have anything bad to say about them; they've worked with them in the past.

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

* **Clarification to Councilmember Christensen's question regarding the CRA:** Mayor Kaufman clarified a question asked about the interlocal. The CRA/interlocal structure is as we said before, a seven member committee with elected officials. The question Councilmember Christensen had was actually referencing the Cooperative Committee; that is *not* the CRA. The Cooperative is an internal committee that will actually be a resource to the CRA. That committee is a five-member structure that will make recommendations to the CRA. It will be made up of staff and probably a few Council Members as well.

CLOSED SESSION:

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

REPORTS: (Information only)

1. Report by Mayor Kaufman regarding International Political Exchange

Mayor Kaufman reported on his experiences in China and Taiwan during the International Political Exchange which took place August 10-25, 2016.

OPEN COMMENT SECTION: None

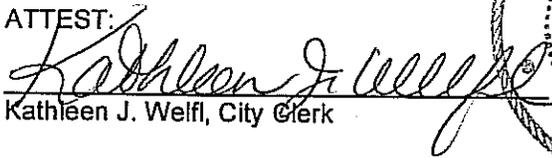
Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

ADJOURN

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

Meeting adjourned at 7:52 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk

