

**THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION MEETING**  
**DECEMBER 19, 2017**

The Gering City Planning Commission of Gering, Nebraska was held in open session at 6:00 p.m. in the Gering City Council Chambers. Present were Commissioners Allen, Arnold, Bowman, Erdman, Hauck, Kaufman, Marietta, Parks and Rechsteiner. Commissioners absent None. Also present were City Planner Annie Folck and Secretary Bruntz - Secretary to the Planning Commission.

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

Chairman Parks called the meeting to order at 6:02 p.m., roll call was taken and the Pledge of Allegiance was recited; also reviewed were: 1) Nebraska Revised Statutes Chapter 84, Article 14, which requires at least one copy of the Open Meetings Act be posted in the meeting room, 2) the notice of publication and 3) the time limit for public comment.

Chairman Parks asked for a motion to approve or disapprove the minutes from the October 17, 2017. Commissioner Erdman made the motion to approve the minutes and Commissioner Arnold seconded. On roll call vote, the following voted "AYE": Arnold, Allen, Bowman, Erdman, Hauck, Kaufman, Marietta, Parks and Rechsteiner. "NAY": None. Absent: None.

Chairman Parks asked if there were Commissioners absent that needs to be excused from the October 17, 2017 meeting (there were none) and November 21, 2017 (Arnold, Allen, Bowman, Erdman and Parks). Motion was made by Commissioner Rechsteiner and seconded by Vice Chairman Marietta. On roll call vote, the following voted "AYE": Allen, Arnold, Bowman, Erdman, Hauck, Kaufman, Marietta, Parks and Rechsteiner. "NAY": None. Absent: None.

**Discussion on the Comp Plan:**

Annie spoke to the Commission about the current Comp Plan. It is by state statute that all zoning changes are to be in line with the Comp Plan. Gering needs a good document to work with, that being staff & the PC members. The Comp Plan should be a vision for Gering and what the residents want. This helps staff deal with applicants with a certainty based on the plan. The goal is to update the Comp Plan and zoning codes that are not up to date for the community. Tenth Street from U Street to the river is a good example of a hodgepodge of mixed uses. What should this area look like long term? There needs to be current enforceable zoning codes in place.

A request for qualifications & proposals has been sent out and four quality proposals have been returned. The committee (staff members, Chairman Parks and Mayor Kaufman) met today to review and narrowed the proposals down for consideration of the project to two. Interviews will be held in January and the Planning Commission will be kept informed during the process. Annie would like the PC to play a role in this process by getting all the input from the residents of the community they can. What does the community want? What is important for Gering's values? One good thing about planning & zoning is that it is local control. A comp plan can't be copied from other communities, it has to be what's right for Gering. This will be done by conversations and surveys with Gering residents, events & open houses.

Annie asked if there were any questions on the process. Commissioner Hauck asked if this was a consulting firm that will cost the taxpayers money. Annie replied yes. Commissioner Hauck said he was not sure if he liked that idea. The talk he hears is that Gering has a lot of money to do many different things; he feels this is a situation the City should avoid. Annie said this is a very important investment for the City. Gering has struggled with zoning changes and decisions on what business to bring in. A good quality plan will pay for itself many times over.

Chairman Parks talked about an example of wrong zoning (M & 7th Streets to the West) and added that code enforcement is wrong; there is no one to enforce the codes. This is going to be money well spent.

Commissioner Allen asked, how are changes in zoning to bring in businesses. The industrial park was to bring in businesses, this has been talk – where is the guarantee. Chairman Parks said there will never be a guarantee. An example was Marky's Meat – the commission voted b/c we felt that was best for the future of Gering, unfortunately the residents of that area were the louder voice – which was their prerogative. The commission will be able to back themselves up on decisions with a new comp plan that came from public input. Annie added right now the City does not have a good comp plan and it is anyone's guess who will get a zoning change. She can't tell applicants with any degree of certainty if it is a good idea or not; the plan is outdated and it's not being followed. The most important thing for businesses is certainty.

Commissioner Arnold said (regarding expense) none of us has the time or professional ability to make those decisions and it is important to outsource – this will be an unbiased view. Gering has no traffic on Main Street; can retail service survive in Gering. We do need to spend the money on professionals to give an unbiased view. Vice Chairman Marietta asked what will be the cost for this.

Annie said this was done as a request for qualification process which is different from a request for proposal. We did not want to base the decision on the lowest cost but on one who is best qualified & will give a quality plan to work from. Each submitted a sealed bid with cost, when the decision is made the sealed bid will be opened.

Commissioner Allen asked where the money will come from. Chairman Parks said the Mayor and the Accounting department will look at the budget to figure it out, hopefully it will fall into the guidelines of this fiscal year. Commissioner Arnold said Gering's budget is based on electricity & use (utilities) where Scottsbluff is based on sales tax. Commissioner Hauck asked if City staff can be the consultants & pay their normal wage. Chairman Parks replied the City is legally bound to have this done, the other comp plan is out dated and the City has out grown it including the view to the future (the City is past dial up internet & fiber optics need to be installed – none of this is in the 1995 comp plan).

Commissioner Hauck doesn't think many people in the City know what a comp plan is and when the residents hear that the City is going to pay money for a new comp plan it is thought of as being foolish and he would have to agree. What about the \$50,000.00 that was spent for a study on the Library and nothing has been done.

The planning commission will be able to represent the residents of the City with a new comp plan & have decisions backed up by it said Chairman Parks.

Commissioner Bowman agreed that a third party consultant is needed, they will be impartial and outreach to the public is needed – getting them involved (small community meetings). Annie said the selection for the consultant should be done by the end of January and this will probably be a yearlong process. The public input should not be rushed and there will be an update to the zoning code. Before this project is started we will know the scope of services, deliverables and cost. There will be work sessions throughout the process before the comp plan will be recommended by the Planning Commission to City Council for adoption. Commissioner Rechsteiner asked how long the new plan will be fluid, Annie said it depends on the rate of development in the community. The consultants will work with the City on developing the public input process (focus meeting groups, open houses, events, etc.) and come back with a draft plan.

Commissioner Allen said the public will want to know specifically where the money for this comp plan will come from and they will want a solid figure. This is stemming from the Library study which no one has heard anything about. To move forward with this there needs to be specific numbers for cost and what is going to be shifted around; this will be a selling point for the public.

#### **Discussion on Bylaws:**

Annie spoke about the no quorum at the last meeting even though there was not anything that needed to be acted on, but it still concerns her. If there would have been an actual application on the agenda then it would have been very concerning. The PC needs to have courtesy to act on issues promptly. She appreciates everything they do as volunteers. There needs to be a few more options so there is not another no quorum meeting.

- Per state stature there can be an alternate member and this is not provided in an Ordinance and language will need to be changed for this.
- Code states there should be one regular meeting per month and the code should be followed. If there is no business for a meeting the City should not have that as a requirement.
- There are no bylaws for the Planning Commission. She has found some from other cities to use as a guideline. Chairman Parks spoke about what the City Code has for attendance. Annie said the Ordinance states three consecutive absences. What has officially been adopted?

Bylaws could address the following:

- Attendance requirements.
- Ex parte communication.
- Conflict of interest.
- What is a majority vote? Majority of the whole PC or a majority of those present. What is the PC comfortable with? Chairman Parks thought they are covered in the Code.

Commissioner Hauck said there are no reasons told as why Commissioners are absent to be excused, we just vote to excuse. Chairman Parks said there are no preapproved excuses. Can we make Commissioners accountable? Commissioner Arnold says it is very subjective. Chairman Parks said he doesn't want to play the blame game and agrees this is a valid point. Commissioner Marietta asked, does it make a difference if it is an excused or unexcused absence; go with the number of absences for a year. It matters if there is not a quorum for the meeting not the excuse.

Chairman Parks said there will bylaws drafted up and emailed out to all the members to review. Annie said staff would send these out and cautioned the PC members not to "Reply All" when responding to the email b/c that is a violation to the open meetings act. This would be considered an electronic meeting. Replies to the email(s) on bylaws should be to Annie.

Commissioner Arnold asked Annie to explain ex parte. Annie said all communication should be done in the public realm. Meetings are advertised, posted or mailings are sent out to everyone involved. It is not fair to all sides of an issue if one member has been talking to the applicant and your mind is already made up on how to vote by the time you attend the PC meeting. The other side of the issue has not been heard yet. This is inappropriate which is ex parte communication and is also an ethics issue. If something is challenged in court this could come into play – did we do the process correctly, follow all the rules & procedures.

Commissioner Arnold said you can't discuss with anyone. Chairman Parks responded an applicant can't talk to you outside of a meeting, do not discuss with anyone even if they stop you on the street; tell them you can talk about this at the public meeting. Cover your ears and walk away.

Motion to adjourn was made by Commissioner Arnold and seconded by Commissioner Allen. On roll call vote, the following voted "AYE": Allen, Arnold, Bowman, Erdman, Hauck, Kaufman, Marietta, Parks and Rechsteiner. "NAY": None. Absent: None.

**Note: If a member needs to abstain from voting, the member should communicate this prior to a motion being made.**

**Note: There was dialogue that was not audible for the minutes due to microphones being off, sitting back from the microphones, static in the microphones or individuals not standing at the podium to speak.**

Adjourn 7:03 p.m.

  
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Jason Parks, Chairman

  
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Brenda Bruntz, Secretary

**AFFIDAVIT OF PUBLICATION**

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County of Scotts Bluff ) ss.

I, Jennifer Harms do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 1 (one)

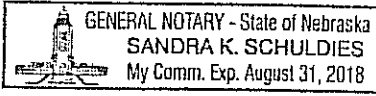
consecutive week (s) in the issues published, respectively December 1, 2017

that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication and that said notice was published in the newspaper proper and not in the supplement.

*Jennifer Harms*

SUBSCRIBED in my presence and sworn to before me on Dec 4 2017.

*Sandra K. Schuldies*  
Notary Public



The publication fees amount to \$ 22.14

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**NOTICE OF MEETINGS FOR DECEMBER 2017**  
Notice is hereby given of Public Meetings of the following Gering City Public Bodies. All meetings will be held in the Gering City Council Chambers or Conference Room, 1025 "P" Street unless otherwise noted. The Gering City Council will meet at 6:00 P.M. on Monday December 11, 2017. The Gering City Council will meet informally December 14, 2017 from 4:30 to 6:00 p.m. in Council Chambers with UWL students to view site plan ideas for a Brownfield's project located at South 3rd Street. The Planning Commission will meet at 6:00 P.M. on December 19, 2017. The Gering Library Board will meet at 5:00 P.M. on December 19, 2017 at the Gering Public Library, 1055 "P" Street. Members of the Gering City Council may be present at the following events: the Gering Library Holiday Open House on December 8, 2017 from 3:00 to 6:00 pm., and the Gering Merchants/Santa's Village activities for the holidays. Because one or more City Council members may attend these meetings or events, this notice is also published for the purpose of providing the public with notice that on the date and time designated, a quorum of the Council may be present at the same time as the meetings/events. Any person with a disability desiring reasonable accommodation to attend a public meeting must contact the City Clerk's office at City Hall, 1025 "P" Street, Gering, NE by 12:00 p.m. five (5) days prior to the date of each meeting. Agendas kept current and up to date are available at the office of the City Clerk during normal business hours. /s/Kathy Wellif, City Clerk  
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