

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, July 11, 2016

A regular meeting of the City Council of Gering, Nebraska was held in open session on July 11, 2016 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, O'Neal and Cowan. Also present were City Clerk Kathy Weffl and City Attorney Jim Ellison. Absent were Councilmembers Holliday, Allred, Morrison and City Administrator Lane Danielzuk. 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 Cowan to excuse the absences of Councilmembers O'Neal and Holliday from the June 27, 2016 Regular City Council meeting. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. 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 June 27, 2016 Regular City Council meeting
2. Approve Claims
3. Approve Fire Department Roster
4. File for record a letter from the Kenesaw Volunteer Fire Department

Claims:

6-18-16 to 7-1-16

21st CENTURY EQUIPMENT \$552.10 (1) PTO SHAFT, 24/7 FITNESS \$95.00 WELLNESS, ABEBOOKS \$9.41 (1) BOOK, ACTION COMM INC \$379.22 PERALES RADIO RPR, RADIO RPR, ACUSHET CO \$55.98 (1) CLUB RPR, AIR CANADA \$25.00 TRVL EXP GFOA CONF - MEJIA, ALAMAR UNIFORMS \$199.07 UNIFORMS, PATCHES, PINS - TJADEN, ALICE TRAINING INSTITUTE \$595.00 ALICE TRAINING - WEST, AMAZON \$584.29 (1) ALTERNATOR, (15) DVD'S, (2) BKS, (1) CABLE, (2) MATS, (1) BLADE, (3) DIGITAL SONGS - STORY TIME, (1) VOLTAGE REGULATOR, (2) LAPTOP BATTERIES, (19) BOOKS, ATLAS LAWN EQUIPMENT CO \$67.90 PTO PIVOTS, (2) BUSHINGS, B & C STEEL \$153.31 (1) PC (16) GA SHEET METAL, 1 1/4", 1-2" BAR, 1-1" TUBING, BAIRD HOLM LLP \$600.00 LEGAL FEES PENSPLAN, BAIRD CLYDE \$150.00 CANCELLED RV ROOM, BENZEL PEST CONTROL \$79.90 JUNE PEST CONTROL, BKD RENTALS LLC \$2,154.20 JULY RENT SUBSIDY, BLACKSTONE AUDIO INC \$527.97 (12) AUDIO BOOKS, BLUFFS SANITARY SUPPLY \$2,243.39 (1) CS TP, (6) URINAL SCRNS, ETC, (100) TBS STABILIZER, (2) CASES TOILET PAPER, (48) GAL ACID, (1) CS TP, (1) BTL CLNR, (1) CS SOAP, ACID, DE POWDER, SOAP, TP, GLOVES, (2) CS TP, (1) CS DISFCTNT, (1) CS URINAL, (3) AIR FRSHNRS, (1) CS URINAL SCRNS, BOARD TRONICS \$325.75 (1) TIMING MECHANISM, BOUND TO STAY BOUND BOOKS \$16.71 (1) CHILDREN BOOK, BRIDGESTONE GOLF INC \$389.97 (18) DZ GOLF BALLS, BROADWAY OFFICE CENTRE \$776.20 (2) PENS, (2) REFILLS UTILITY, (6) STENO BOOKS, (1) BX RUBBER BANDS, (2) BXS WINDOW ENVLPS, (13) INK CARTRIDGES, PPR CLPS, (2) BNDRS, LABOR RPR WRK UTILITY PRINTER, (2) PK POST IT NOTES, BRODART CO \$111.20 (7) PKGS CARD POCKETS, BROWN SHOE FIT CO \$421.58 (2) PR BOOTS - BEWLEY/PALOMO, BRUNTZ BRENDA \$700.55 TRVL EXPS PERMIT, INSP TRNG, C & M GOLF & GROUNDS \$49.98 (2) BALL JOINTS, C D HERGERT TRUST \$1,350.00 RIP RAP FOR FLOOD CONTROL, CASEY'S GENERAL STORE #27 \$40.16 GAS BASIC TRAINING - SCHROEDER, CEN CON LLC \$4,460.00 BORE FOR ELECTRIC LINES, BORE FOR WATER LINES, CENTER POINT LARGE PRINT \$45.54 (2) LG PRINT BOOKS, CENTURYLINK \$321.37 NEW PHONE UTILITY OFFICE, CHARTER COMM \$99.98 JULY TV/INTERNET CHRG CLBHS, CHRISTIAN KRIS \$150.00 TREE REMOVAL REBATE, CITY INSURANCE FUND \$149,706.72 HEALTH PREM 125, CITY OF GERING \$73.92 MAYOR & HOTEL INVESTORS MEALS, CITY OF GERING - GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER, CITY PAYROLL TRUST \$6,575.94 FSA MEDICAL 125, DISABILITY INSURANCE, CONSOLIDATED MANAGEMENT \$559.91 MEALS SCHROEDER & MCBRIDE, CONTRACTORS MATERIALS \$732.75 (2) ADA PANELS FOR SIDEWALK, (5) 1 GL CONCRETE CURE, (4) CONCRETE WOOD FLOATS, (2) ADA PANELS, CRESCENT ELECTRIC SUPPLY \$31.49 (1) BIT, D & H ELECTRONIC SUPPLY \$73.79 (2) BTRY-S

RADAR/CAMERA SYSTEM, DALES TIRE & RETREADING \$595.29 (1) USED TRUCK TIRE, (1) TIRE RPR, (1) NEW TIRE G6, (1) FLAT TIRE RPR PICKUP, (2) FLAT TIRE RPR G4, DEMCO \$299.79 (300) JKT CVRS, (5) PKGS DATE DUE, DHHS DIVISION PUBLIC HEALTH \$37.00 WATER LAB, DIA \$153.00 (6) DAY PARKING GFOA CONF - MEJIA, DIAMOND VOGEL PAINT CENTER \$223.95 (5) GLS PAINT FIRE HYDRANT PNTNG, DIRECTPARTS \$13.95 (1) SPRING, DOCU - SHRED LLC \$23.00 (64) GAL SHREDDED DOCUMENTS, DOLLAR GENERAL STORE #077 \$22.50 (2) WALL CLOCKS, (2) PKGS BATTERIES, DOOLEY OIL INC \$1,527.51 (216) GAL DIESEL, (282) GAL DIESEL, (1) DRUM DEF FLUID, (221) GAL DIESEL, (4) CS HYD TRANS FLUID, (10) PK OIL, DUTTON - LAINSON CO \$2,241.17 (25) CLEVIS, (15) BRKTS, (30) ARESTORS, ELECTRIC PUMP \$86.43 WWTP PUMP RPR, EMBASSY SUITES \$328.86 TRVLS EXPS GFOA CONF - MEJIA, ENERGY LABORATORIES INC \$419.00 WATER LAB, ENERGY ONE ELECTRONICS \$1,252.03 (5) SIREN BATTERIES, ENVIRO SRV INC \$1,102.00 WATER LABS, WW LABS, EPSON STORE \$159.96 (4) INK CARTRIDGES, ESC ENGINEERING \$9,578.00 WORK FOR NPPD LINE, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, FAMILY DOLLAR \$12.00 (5) DATA MODULES - SPEED TRLR, FASTENAL CO \$2,490.60 (20) NUTS, (17) BOLTS, (1) HAT, (10) BOLTS BACKHOE RPR, (4) BOLTS FOR TARPEN, (10) COTTER PINS, (120) CNS SPRAY PAINT LOCATE SUPPLIES, (3) BOLTS, (25) NUTS, (50) SCREWS, (11) CASES MARKING PAINT, (10) BOLTS #12 WELL RPR, (6) DRILL RODS #11 WELL RPR, (1) ADJUSTING ROD, (58) BTRYs, (21) GLVS, ETC, (1) BX GLVS, (1) THRD ROD, (10) BOLTS, (5) CVRALLS - SWR JET SAFETY EQUIP, FED EX \$54.73 FREIGHT CHR, FIRST STATE BANK \$351.90 IBEW UNION DUES, FLOYDS SALES & SRV \$341.09 TRCK SRVS 1999 FRT LINER, (1) HOOD LIGHT G10, (1) PARK BRAKE VALVE G6, (1) OIL FILTER FOR G9, (1) CLEVIS/COTTER PIN G9, (1) BELT G5, FRESH FOODS \$54.65 HEA MEETING LUNCHEON, GALE \$212.17 (8) LG PRINT BOOKS, GENERAL TRAFFIC CONTROLS \$2,911.32 ELEC CROSSWALK SIGN, GERING CITIZEN \$477.67 CONDENSED MINUTES, GERING CONVENTION & VISIT \$20,613.75 QRTLY ASSISTANT PYMT, GERING COURIER \$99.00 MUSICAL POSTER ADVERTISING, GRADUATION POSTER, GRADUATION ADVERTISING, GERING MERCHANTS \$3,937.43 KENO FUNDS '16 S V R LUNCHEON, KENO FUNDS \$2016 ARTS FESTIVAL, GERING VALLEY PLUMBING \$2,633.88 A/C RPR, RPR EVAPORATOR MOTOR COOLER, NEW THRMSTAT/CRCT BOARD #2, RECHARGE BEER COOLER, GFOA \$40.00 GFOA CONF REG FEE - MEJIA, GIBBS LAWRENCE \$35.10 TRVL EXPS WNED MEETING, GLAMOUR \$25.68 (1) YR SUBSCRIPTION, GOOD HOUSEKEEPING \$15.97 (1) YR SUBSCRIPTION, GREY HOUSE PUBLISHING \$265.50 (1) REF BOOK, GS MEDIA & EVENTS \$4,067.04 RV PARK GOOD SAM TRVL GUIDE, HACH CO \$443.09 (25) PK SPADNS2 LAB SUPPLIES, HAWKINS INC \$2,148.75 (375) GALS CHLORINE, HD SUPPLY WATER WORKS LTD \$301.68 (1) FILLER FLANGE #11 WELL RPR, HEILBRUN \$1,577.37 (2) DISC PADS, (1) OIL FLTR '10 TAHOE, (4) ROTORS 2010 TAHOE, (2) SHRINK TUBING 2010 TAHOE, (1) AIR FILTER DODGE CHARGER, (1) BATTERY - TRENCHER, (1) OIL FILTER 2011 IMPALA, (1) DISC PAD 2010 CHARGER, (1) STARTER SOLENOID, (2) SCREWS, (1) WTR PUMP, (1) BTL ANTIFREEZE, (1) SERPENTINE BELT PICKER, LIFT CYLINDER RPR, (1) WIRE STRAP, (2) OIL FILTERS, (4) RELAYS, (3) FTNGS, (5) NUTS, (1) FLSHR, ETC, (2) CAB FILTERS, (1) STOPLIGHT SWITCH '98 PICKUP(1) BTL T-WAS, (1) BELT FOR SOD CUTTER, (1) BATTERY, (1) FUSE, (1) SEAT CVR, (3) AIRFRESHNERS, (2) GAL ANTIFREEZE, (3) THREAD ROD, (4) BXS TOWELS, (1) BELT SOD CUTTER, (2) AIR, (1) OIL, (1) FUEL FILTER, (1) GAUGE, (1) SENSOR, (1) OIL FILTER 13' FORD INT SEDAN, (4) FT CHUCKS, (1) BELT FOR CONCRETE SAW, (1) GAUGE, (1) LEADS SHOP SUPPLIES, HENRY MORENO \$30.00 SWIMMING LESSONS REFUND, HOBBY LOBBY \$8.75 (5) PAINT STAMPS - STORY TIME, HOLIDAY INN KEARNEY \$83.00 LEAGUE FINANCE MTG - COOLEY, HOME DEPOT \$126.52 (4) GALS PAINT, HOTEL RESERVATIONS.COM \$219.85 TRVL EXPS GFOA CONF - MEJIA, HOUZZ INC \$488.76 (3) OVERFLOW BENCHES - CLUBHOUSE, IALEFI \$710.00 MSTR INST DEV TRNG - JJ/KS, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$460.76 (40) MATS EXCHANGED, (1) MOPG G/4 AIR FRESHNERS, (1) TBL SKIRT EXCHANGED, (1) CS TP, (2) SC HAND TOWELS, IMUS CATHY \$75.00 RV ROOM DEPOSIT REFUND, INDEPENDENT PLUMBING \$215.35 (36') RAKE TORRO, (2) DIAPHRAM, (1) IRRIGATION CONTROLLER, (1) IRRIGATION MODULE, INGRAM LIBRARY SRV \$1,033.49 (37) BOOKS, (36) CHILDREN'S BOOKS, INTERNAL REVENUE SRV \$49,600.74 FED/FICA TAX, J HARLEN CO INC \$170.96 LINEMAN BOOTS - MCCORMICK, JC GOLF ACCESSORIES \$378.36 (9) CLIPS, (13) MRKRS, (18) SPKS, (30) TEES, JESSEN TERRY \$22.42 OVER PAID FINAL 11-0100-00, JIRDON \$1,301.12 (5) 2.5 FL SURGE/AQUEDUCHT, JL BECKER INC \$902.50 (2) SEMI'S HAULING SRV, JOHN HANCOCK USA \$14,597.84 JH RETIRE 1-10% & 6%, JOHNSON CASHWAY CO \$2,698.66 (1) TUBE SILICONE, (1) 2X10, (2) 2X12, (2) GLS PRIMER, (12) NUTS/BOLTS, (1) 1X4, (1)LB DECK SCREWS, (4) LED BULBS, (20) BOLTS, (12) BAGS CONCRETE MIX, (6) BAGS CONCRETE MIX, (1) GARDEN SPRAYER - CONCRETE, (2) CNS MARKING PAINT, (1) GROUNDING CONNECTOR, (4) CANS SPRAY PAINT, (13) HILTI GUN LOADS & NAILS, (3) BAGS CONCRETE MIX, (4) FURRING STRIPS FOR FOAMS, (1) ELEC BOX, OUTLET, NPL OFFSET, (4) 2x2 NEW DUGOUTS, (56) BAGS FIELD MARKER, (1) TAP MSRER, (21) FORM BOARDS, (1) TUBE SILICONE, (2) 2X4 NEW DUGOUT, (3) 2X8 NEW DUGOUT, (30) LBS SCREWS NEW DUGOUT, (1) REEL STRING LINE, (2) QTS PAINT, (6) BRUSHES, (6) NUTS, (48) 2X4 NEW DUGOUT, (1) 50' GARDEN HOSE, (5) TORX BITS, (2) BITS, (2) BX SCREWS, (12) 2X4, (1) AUGER DRAIN, (1) SPADE/PLUG CORED, (1) BAG CONCRETE, (1) TAPE MSRER, REAL STRING LINE, (3) CAP ENDS - PARTS FOR SHOP, (1) FURRING STRIP, (24) FIBERGLASS SCREENS, (5) PAINT BRUSHES, ETC, FIRE HYDRANT, (3) LUMBER CRAYONS, (18) FORM BOARDS, (50) STKS, (1) TAPE RULER, (5) KEYS, (1) SIDE REGULAR, (10) 2X4 NEW DUGOUT, (2) PAINT BRUSHES - FIRE HYDRANT, (4) BITS, (1) MGNTC GUIDE, (1) STAR HR FH, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KEMBEL SAND & GRAVEL CO \$670.50 (38.43) TONS MASONRY SAND, (28.62) TONS MASONRY SAND, KOVARIK ELLISON MATHIS \$2,888.75 JULY GENERAL RETAINAGE, KRIZ - DAVIS CO \$1,358.63 (5) LED LIGHTS, (6) NUTS,, (3) ELECTRIC RECEPTICLES, (3) LINEMAN KNIVES, (4) LIGHTS, (1) ELEC ENCLOSURE, (5) GRIPS, (2) HOOK PROBES, (1) TAPE MEASURE, (1) 30 AMP BREAKER, (1) LED LIGHT, KWIK STOP #10 \$24.00 GAS - TRNSPRT EPC FROM NP, LAMBERT JAMES \$200.00 LEFT RV PARK EARLY, LIBRARY JOURNAL \$157.99 (1) YR SUBS TO PROF MAG, LINDGREN DONNA \$75.00 RV ROOM DEPOSIT REFUND, LOAF N JUG \$31.91 GAS PATROL CAR - WEST, LOGOZ LLC \$51.36 (4) PR SWEAT PANTS - MCBRIDE, MASEK GOLF CAR CO \$537.00 GOLF CAR LEASE PYMT, MATHESON TRI - GAS INC \$296.14 (1) LENS, HD GEAR, (3) VISORS, (1) BTRY, (2) CO2 CYL, (1) ACETYLENE CYL, WELDER TIP CLEANER, WELDING CUTTING TIP SUPPLIES, MCDONALDS \$16.95 VOLUNTEER MEALS, MEAT SHOPPE \$22,034.69 CATERING COSTS, MELLEN & ASSOC INC \$5,484.75 #11, #4, #12 WELL METER, MENARDS \$294.42 10' COPPER & COUPLER, (1) PROTRACTOR - HORSESHOE PITS, (2) MIXIMIZER INJECTORS - CP RPRS, (1) POLY TUBING, COMP STRGHT, PVC, (4) 9 VOLT BATTERIES, MUTIPLE TOOLS, WHITE SAND, (1) 2X10X12 REDWOOD, MG TRUST CO LLC \$6,108.34 MG T - POLICE, MICHAEL TODD & CO \$334.75 (40) 18" TRAFFIC CONES, MITCHELL REFRIGERATION \$245.61 (1) FLTR, MAINT ICE MACHINE, MIZUNO USA INC \$601.18 (7) GOLF CLUBS, MONEY WISE OFFICE SUPPLY \$168.80 (7) INK CRTRDGS7, (6) INK PEN REFILLS - UTILITY, (1) RM WHITE CARDSTOCK, MONUMENT GRILL \$525.00 RMBRSMT MEMBER GUEST MEALS, MONUMENT SHADOWS GOLF \$30.00 EMPLOYEE SHIRT

ALLOWANCE, MURDOCH'S RANCH & HOME \$905.18 (1) 16' STEEL GATE, (3) FR PANTS, (1) PR MUD BOOTS, NATIONAL INSURANCE SRV \$1,114.24 VISION INSURANCE, NATIONAL REGISTRY EMT \$70.00 EMT TEST - LEHR, NCS*ITL CDE COUNCIL \$199.00 MECH BLDG INSP TEST - STERKEL, NE CHILD SUPPORT PYMT \$627.56 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$13,466.74 STATE TAX, NE PUBLIC POWER DISTRICT \$2,401.95 MAY UTILITES - PHEASANT DRIVE, NE SAFETY & FIRE EQUIPMENT \$202.00 RANGEHOOD INSPECTION - CLBHS, NEBRASKA MACHINERY CO \$2,330.09 TRACK HOE RNTL, CLN FR ROAD, (4) NUTS G8, NEBRASKA STATEWIDE ARBORE \$750.00 (147) GRASSES, (21) TREES, (123) SHRUBS, NEBRASKA TRANSPORT CO \$82.11 FREIGHT, NEENAH FOUNDRY CO \$3,058.00 (2) MANHOLES, NEOFUNDS BY NEOPOST \$800.00 JUNE MONTHLY POSTAGE, NETWORK FOR GOOD \$50.00 HUMANITIES NE SPEAKER FEE, NIKE USA INC \$338.18 (18) HATS, NORTHWEST PIPE FITTINGS \$569.06 (1) BTL PVC GLUE, (3) FITTINGS, PIPE, TEE, (2) CPLRS, RPR LEAK CP, 1" TUBE CUTTER, OCLC INC \$138.65 JUN CAT & ILL SUBS, OFFICE WORLD \$211.58 (1) COUNCIL MINUTE BOOK, OREGON TRAIL DAYS \$150.00 PREVIOUSLY PAID FOR (3) SDL'S, PANHANDLE CONCRETE PROD \$1,302.00 MANHOLE CONE, FLATOP MANHL RPR, PANHANDLE COOP ASSOCIATION \$48.95 (1) BTL PROPANE FORKLIFT, PANHANDLE HUMANE SOCIETY \$3,134.00 JULY ASSISTANCE, PAYNE MATT \$95.00 TREE REBATE, PAYPAL \$95.94 (2) HIGH CHAIRS FOR CLUBHOUSE, PENGUIN RANDOM HOUSE LLC \$232.50 (6) CHILDREN AUDIO BOOKS, PIPE WORKS PLUMBING \$2,204.05 REPLACED DBL DRINKING FNTN, POSTMASTER \$600.00 POSTAGE MAILING PERMITS, POWERPLAN OIB \$4,944.82 (1) WATER PUMP 765D, (2) 5 GLS HY - GARD, (2) TIRES/RIMS 765B, (1) STROBE LIGHT G11, (4) HYD QUICK BACKHOE RPR, WATER PUMP RPR DOZER 761B, (1) BELT 762B, PRO OVERHEAD DOOR \$12.78 GARAGE DOOR SEAL 8', PT HOSE & BEARING \$169.00 (1) IMPACT WRENCH, (4) SOCKETS, PT - OT PROFESSIONALS \$850.00 PT PHYSICAL, PUMP & PANTRY \$92.63 GAS TO NLETC - MCBRIDE, QDOBA MEXICAN GRILL \$18.73 EPC TRNSPRT NORT PLATTE, QUALITY INN & SUITES \$114.24 TRVL EXPS MEAN MTG DOGGETT, R & R PRODUCTS INC \$36.20 (1) BUNKER RAKE TEATH, RAY ALLEN MANUFACTURING \$59.60 K9 SCENT TRNG STORAGE CASE, READERS DIGEST \$14.98 (1) YR SUBSCRIPTION, REAL SIMPLE \$32.95 (1) YR SUBSCRIPTION, RECORDED BOOKS LLC \$143.98 (4) AUDIO BOOKS, RESPOND FIRST AID SYSTEMS \$239.17 RESTOCK FIRST AID CABINET, CS & RESTOCK FIRST AID CAB - LANDFILL, RUSSELL'S EXCAVATION & CO \$7,420.00 LABOR FOR FLOOD CONTROL, SANDBERG IMPLEMENT INC \$659.66 (1) REDI ROD, SHARPEN (26) CHAIN SAWS, (2) TIRES 25X12 KUBOTA, SCB CO GIS/MAPPING DEPT \$11,480.00 PICTOMETRY FLIGHT & IMAGERY, SCB CO VEHICLE REGISTRATION \$20.50 VEH REG 2017 FREIGHLNER, SCB COUNTY REGISTER OF D \$74.00 WEST LAWN CEM CERT - PACKER, ZONING CERT - TITLE INS, AGMT - FENCE, MNTN CITY PROPERTY, WEST LAWN CEM CERT - NEGRET, WEST LAWN CEM CERT - FRITSCHIE, SCOTTSBLUFF TOWING SRV \$470.00 2000 CHEV BLAZER TOW FEE, PATROL CAR TOWED WEATHER - GLEIM, 2001 DODGE DURANGO TOW FEE, 2016 PONTIAC GRND PRIX TOW FEE, 2000 BUICK LESABRE TOW FEE, SCOTTSBLUFF - GERING UNITED \$71.54 UNITED WAY CTRB, SCS ENGINEERS \$2,294.70 MAY GAS MONITORING, SENIOR CITIZENS CENTER \$525.00 JULY FINANCIAL SUPPORT, SHERWIN WILLIAMS \$35.22 (16) PAINT STRAINERS, SIMON CONTRACTORS \$4,810.16 (42.38) TONS CRUSHED ASPHALT, (23.75) CY CONCRETE, SLAFTER OIL CO \$118.65 (10) GAL HYD OIL FOR GENERATORS, (5) GAL HYD FLUID, SOCIETY FOR HR MANAGEMENT \$175.00 SHRM MEMBERSHIP DUES, SOURCE GAS \$148.60 JUN UTILITIES 900 OVRLND TRAIL, JUNE UTILITIES 225 E D STREET, JUNE UTILITIES 1255 11TH ST, JUNE UTILITIES 1415 5TH STREET, SOUTHWESTERN EQUIPMENT CO \$1,905.05 (1) PACKING CYLINDER G10, SRIXON \$377.91 (2) PUTTERS, (7) DZ GOLF BALLS, STAPLES CREDIT PLAN \$159.98 (2) KEYBOARDS, STAR HERALD \$1,234.89 GLC MTG NOTICE, PC MTG NOTICE, BUDGET HRG NOTICE, INSERTION OF NEWSLETTER, TALK OF THE TOWN NEWSLETTER, STEAM OPERATION CORP \$2,400.00 STEAM LOCOMOTIVE ASSMNT TEST, STERKEL ROD \$118.00 TRVL EXP PERMIT, INSP TRNG, SUBWAY SANDWICHES & SALAD, \$38.00 HEARTLAND EXPRS LUNCH - DANZ, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, SYSCO DENVER INC \$158.88 (1) CASE HAND SOAP, TEAM CHEVROLET \$375.00 JULY LEASE VEHICLE PYMT, TERRY CARPENTER INC \$650.00 JULY WATER WELL LAND RENT, THE MIXING BOWL \$6.25 LUNCHEON MAYOR & SMITH, THE ROCK PILE \$169.16 (25.06) TONS CONCRETE FINES, TOMMY'S JOHNNY'S INC \$135.00 PORTA POT RENTAL, TRAVELLODGE \$431.42 TRVL EXPS FIRE SCHOOL, UNITED INDUSTRIES \$106.00 RPR FOUNTAIN, US AUTO FORCE \$269.77 (2) 18X8.5X8 TIRES, (2) TURF TIRES, (1) TURF TIRE, VALLEY BANK - POLICE \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO \$5,988.32 HSA CTRB 125, VALLEY BANK TRUST - GERING \$140,628.75 SLD WASTE SERIES 2012 1-72332, VAN DIEST SUPPLY CO \$3,357.50 (50) GAL MOSQUITO SPRAY, WALMART \$60.54 (1) PK PAPER TOWELS, (2) PKGS BANDAIDS, (1) BX SHARPIES, (2) PKGS SRP CANDY, (2) PKGS PINS, ETC EMP APRTN DNR, WELLS FARGO FINANCIAL LEASE \$100.90 JULY COPIER LEASE, WESCO DISTRIBUTION INC \$689.97 (1) NORDIC CABINET, WESTCO \$6,317.03 DIESEL 1464.5 GAL, GAS 90 GAL, DIESEL 178 GAL, DIESEL 125 GAL, DIESEL 150 GAL, GAS 1300 GAL, WINCHELL CLEANING SRV \$500.00 JUNE CLEANING HALL & BATHS, WM RECYCLE AMERICA \$2,395.12 SINGLE STREAM RECYCLING FEES, YMCA \$646.36 WELLNESS, YOUNG MENS CHRISTIAN \$10.00 YOUNG MEN'S CHR, ZEILER MELISSA \$75.00 RV ROOM DEPOSIT REFUND, PAYROLL CHECKS \$136,799.29

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

BIDS: None

PUBLIC HEARINGS:

1. Public Hearing to consider a petition to annex property as requested by the applicant(s), Loran and Sue Ellen Herdt. The owner(s) submitted a petition to annex their property which consists of approximately 10 acres located on un-platted land on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

Mayor Kaufman opened the public hearing to consider a petition to annex property as requested by the applicant(s), Loran and Sue Ellen Herdt at 6:03 p.m. Paul Snarr, City Engineer, addressed the Council.

**CITY OF GERING
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	July 11, 2016
From:	Planning & Community Development	Zoning:	AGG
Subject:	Public Hearing - Petition to Annex (General Agricultural District)	Property Size:	± 10 acres
Location:	Un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6 th PM.	#Lots/Parcels:	1
Owner:	Loran and Sue Ellen Herdt	Planning Commission Public Hearing:	May 23, 2016 Continued: June 21, 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 a petition to annex property as requested by the applicant(s), Loran and Sue Ellen Herdt. The owner(s) submitted a petition to annex their property which consists of approximately 10 acres located on un-platted land on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

The property is currently zoned AGG (General Agricultural District) and is proposed to be rezoned to RRE and platted as Block 1, Herdt Subdivision. This property is located along a major corridor within the City and lies within the Scotts Bluff National Monument Historical Site District as defined in our Ordinances and Official Zoning Map.

The owners want to ensure that the petition to annex is contingent upon the property being re-zoned (next public hearing).

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.

- Verbal Petition to annex requested by the owner(s) Loran and Sue Ellen Herdt, March 14, 2016.
- Application for a Change in Zoning by the property owners, Loran and Sue Ellen Herdt, March 14, 2016.
- Preliminary Plat was received by the owner's representative, Dennis Sullivan with MC Schaff March 14, 2016 and July 5, 2016 with a revised street dedication of Westridge Drive.
- Petition to annex letter was received by the owner(s) Loran and Sue Ellen Herdt, June 8, 2016
- Application for the Preliminary Plat was received by the owner's representative, Dennis Sullivan. with MC Schaff June 8, 2016.
- Recommendation and Report for annexation was presented to the Planning Commission April 19, 2016 and was motioned by this Commission to move forward as a Public Hearing.
- Public Hearing for the zoning amendment as requested by the owners from AGG to RRE was presented to the Planning Commission May 23, 2016 with a motion to continue said hearing due to the petition letter requesting to annex had not been submitted by the owner/applicant.
- Planning Commission through Public Hearing June 21, 2016 approved to move to forward to City Council for Public Hearing
- City of Gering Subdivision and Zoning Regulations dated March 1984.
- City of Gering Official Zoning Map
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).

- 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, Article 15 Amendment, Section 15.2 Submission to Planning Commission, 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 was published and sign notices were placed meeting City regulations.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.
- City Attorney, Jim Ellison, comments as follows:

Paul,

The Petition / Request looks ok. I believe that a redevelopment agreement needs to be prepared which includes:

1. *House to be built on the extreme northwest corner of the property. If house construction starts, it should be completed within 6 months. No CO to be issued until all required construction is completed. I would also insist on a minimum height requirement for the home etc. . . . If he builds a separate building for garage etc., that also needs to be addressed.*
2. *No building debris, junk, or storage of vehicles or other material which will be inconsistent with the view of the monument and nuisance ordinances.*
3. *Other than the building site, I would restrict where he is allowed to build any other structures on the property. I.e., any structures need to be as close to the NW corner of the property site as possible.*
4. *No added development is allowed on the acreage other than home/garage.*
5. *What is the effect re: the Scottsbluff National Monument? These people should be notified at the Monument concerning this purchase and request to rezone. People in the housing development to the north should be notified in that their views and property can be affected by what Herdt does.*
6. *No materials of any kind should be allowed to be stored or discarded on the property including the canyons.*
7. *There should be some consideration for the view of the monument from U street, the pathway, and Fire Rocks Road. Maybe an agreement of record to restrict development of houses along the western property line.*
8. *It seems to me that he should at a minimum comply with covenants of the housing area to the north in terms of what he builds etc. I have not seen these covenants, assuming there are some.*
These are a few of my suggestions. I think that whatever is agreed upon assuming the city goes along with this, it needs to be recorded. Your thoughts.

Jim

Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider the owner(s) request and petition to annex their property consisting of approximately 10 acres located on un-platted land on the Northwest Corner of Five Rocks Road and U Street and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for the owner(s) petition to annex un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION for the owner(s) petition to annex un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM for the following reason(s):

Continue

Make a motion to CONTINUE the Public Hearing for the owner(s) petition to annex un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM for the following reason(s):

Councilmember Gibbs stated that Mr. Snarr stated in the record that the annexation is contingent upon the re-zoning. Should we be taking those in the other order? Mr. Snarr replied it would be nice, however to rezone it our ordinances state that any annexation coming in, the property is assumed to be AGG, so it goes back to AGG when we annex. Mayor Kaufman clarified that procedurally we annex first and then change the zoning. Mr. Snarr suggested that in the motion Council make it contingent upon zoning change. 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 of the application.

Loren Herdt, 805 Ave. C, Minatare, stated that part of the application was contingent that a street should be platted on that piece of property. Mr. Snarr said that will be discussed for the zoning and preliminary plat, not the annexation public hearing. Mr. Herdt said they bought the property for the scenic view. It is

a separate piece of property. He said he realizes the lawyer suggested taking on the covenants of the neighborhood that adjoins it. Mr. Reed developed and platted that in approximately 1993; it was actually platted even prior to that in 1978 as lots one, two and three and was later called Canyon Estates. There was no intention of adding that particular piece of property onto that development for several reasons we'll get into later. He doesn't feel it's needed to adopt their covenants, he said Mr. Snarr stated that the City has plenty of zoning and ordinances to keep everything in order, he doesn't see why 23 years later they would have to adopt the housing development covenants prior to that. He feels if they'd wanted that piece of property included in that development that it would have been done at that time since it was all owned by the same developer.

Mr. Snarr stated that generally the covenants are done between the developer and the property owners. They'll have a housing association or sub-division association... Mr. Herdt interrupted and said that he's well aware, they own a home in Illinois with an HOA, he's well aware of Home Owner's Associations rules and regulations and procedures and how things are done. Mr. Snarr replied that what we'll have is just a development agreement. Mr. Herdt stated perhaps that should have been done and brought up before this was done; this is all new to his wife and him. They bought the land and thought they could build on it and then found out they couldn't build on it the way it was zoned. So they had to go through the procedures of rezoning, platting... the reason for annexation is that Paul brought up they could get City utilities and it would be a lesser rate. There shouldn't be a problem drilling a well, but there could be. So they thought that would take away the expense of drilling a well. They want to build a home there and retire. They're asking annexation for City sewer, water, electricity and sanitation. They have some other issues that have come up that it's all contingent on otherwise they'll have to leave it as AGG and let it sit. Hopefully we can come to an agreement. No one else spoke in favor of the application.

Mayor Kaufman asked if anyone wished to speak in opposition of the application. John Hood, resident of Canyon Estates, addressed Council. He said he wasn't necessarily speaking in opposition of the application; he just wanted to make a point. He gave a set of the covenants for Canyon Estates to the Planning Commission.

With no further comments the Mayor closed the Administrative Record and the Public Hearing closed at 6:16 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, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

1a. Approve or deny a petition to annex property as requested by the applicant(s), Loran and Sue Ellen Herdt. The owner(s) submitted a petition to annex their property which consists of approximately 10 acres located on un-platted land on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

Motion by Councilmember Smith to approve a petition to annex property as requested by the applicant(s), Loran and Sue Ellen Herdt. The owner(s) submitted a petition to annex their property which consists of approximately 10 acres located on un-platted land on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska. Approval is contingent upon zoning. Second by Councilmember Cowan.

Discussion: Councilmember O'Neal clarified if the annexation is only approved contingent on the zoning. Mayor Kaufman replied correct unless we got it back on for some other reason.

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

2. Public Hearing to consider an application for a change in zoning from AGG (General Agricultural District) to RRE (Rural Residential Estate District) on un-platted land located on the

Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM. This property is proposed to be platted as Block 1, Herdt Subdivision and contains approximately 10 acres in the City of Gering, Scotts Bluff County, Nebraska.

Mayor Kaufman opened the public hearing to consider an application for a change in zoning from AGG (General Agricultural District) to RRE (Rural Residential Estate District) on un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM. at 6:18 p.m. Paul Snarr, City Engineer, addressed the Council.

**CITY OF GERING
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	July 11, 2016
From:	Planning & Community Development	Zoning:	AGG currently
Subject:	Public Hearing – Amendment to Zoning - Rezone parcel from AGG (General Agricultural District) to RRE (Rural Residential Estate District)	Property Size:	± 10 acres
Location:	Un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6 th PM.	#Lots/Parcels:	1 Currently
Owner:	Loran and Sue Ellen Herdt	Planning Commission Public Hearing:	May 23, 2016 Continued: June 21, 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 application for a change in zoning from AGG (General Agricultural District) to RRE (Rural Residential Estate District) on un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM. This property is proposed to be platted as Block 1, Herdt Subdivision and contains approximately 10 acres in the City of Gering, Scotts Bluff County, Nebraska.

The owners of the property, Loran and Sue Ellen Herdt, filed an application for this Change in Zoning, March 14, 2016 to amend the zoning from AGG (General Agricultural District) to RRE (Rural Residential Estate District) in order to Plat and build a home on the property. The property is located along a major corridor within the City and lies within the Scotts Bluff National Monument Historical Site District as defined in our Ordinances and Official Zoning Map. The terrain of the 10 acres has a scenic appeal with a ravine and other topography that limits building sites without excessive work of excavation and cost. The zoning to the North and East is RM and the zoning to the South and West is AGG.

Section 9.5: Scotts Bluff National Monument Historic Site District lists the intent to preserve, protect, and enhance the historical view of the Monument and Council will want to ensure this intent is met when making a motion. The owners would need to plat the property and Staff would recommend the owner dedicate the extension of Westridge Drive to U Street, sign the Subdivision Development Agreement as put together by the City, and submit plans for approval (site/building plans) prior to obtaining building permits meeting City Regulations.

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.

- Verbal Petition to annex requested by the owner(s) Loran and Sue Ellen Herdt, March 14, 2016.
- Application for a Change in Zoning by the property owners, Loran and Sue Ellen Herdt, March 14, 2016.
- Preliminary Plat was received by the owner's representative, Dennis Sullivan with MC Schaff March 14, 2016.

- Petition to annex letter was received by the owner(s) Loran and Sue Ellen Herdt, June 8, 2016
- Application for the Preliminary Plat was received by the owner's representative, Dennis Sullivan, with MC Schaff June 8, 2016.
- Recommendation and Report for annexation was presented to this Commission April 19, 2016 and was motioned by this Commission to move forward as a Public Hearing.
- Public Hearing for the zoning amendment as requested by the owners from AGG to RRE was presented to this Commission May 23, 2016 with a motion to continue said hearing due to the petition letter requesting to annex had not been submitted by the owner/applicant.
- Planning Commission through Public Hearing June 21, 2016 approved to move to forward to City Council for Public Hearing
- International Fire Code Appendix D requires 2 entrances if there are 30 or more homes without sprinkler systems. The second entrance could be a minimum of 20' wide (provisions to this), hard and hard surfaced to meet weight requirements
- City of Gering Subdivision and Zoning Regulations dated March 1984.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- 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, Article 15 Amendment, Section 15.2 Submission to Planning Commission, 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 was published and sign notices were placed meeting City regulations.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.
- City Attorney comments as follows:

Paul,

The Petition / Request looks ok. I believe that a redevelopment agreement needs to be prepared which includes:

- 1. House to be built on the extreme northwest corner of the property. If house construction starts, it should be completed within 6 months. No CO to be issued until all required construction is completed. I would also insist on a minimum height requirement for the home etc. . . . If he builds a separate building for garage etc., that also needs to be addressed.*
- 2. No building debris, junk, or storage of vehicles or other material which will be inconsistent with the view of the monument and nuisance ordinances.*
- 3. Other than the building site, I would restrict where he is allowed to build any other structures on the property. I.e., any structures need to be as close to the NW corner of the property site as possible.*
- 4. No added development is allowed on the acreage other than home/garage.*
- 5. What is the effect re: the Scottsbluff National Monument? These people should be notified at the Monument concerning this purchase and request to rezone. People in the housing development to the north should be notified in that their views and property can be affected by what Herdt does.*
- 6. No materials of any kind should be allowed to be stored or discarded on the property including the canyons.*
- 7. There should be some consideration for the view of the monument from U street, the pathway, and Fire Rocks Road. Maybe an agreement of record to restrict development of houses along the western property line.*
- 8. It seems to me that he should at a minimum comply with covenants of the housing area to the north in terms of what he builds etc. I have not seen these covenants, assuming there are some.*

These are a few of my suggestions. I think that whatever is agreed upon assuming the city goes along with this, it needs to be recorded. Your thoughts.

Jim

Mayor Kaufman asked if the Council wished to have the Administrative Record read aloud. Seeing none, Mr. Snarr continued:

Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider this application for a change in zoning and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION to rezone un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM from AGG (General Agricultural District) to RRE (Rural Residential Estate District) with the following conditions:

Example Recommendations include but not limited to:

- *Plat to dedicate the extension of Westridge Drive to U Street*
- *Aesthetics to ensure major corridor and historical site meets City Ordinances i.e. no equipment, junk cars, etc. Visible from corridors and type of animals and fencing enclosure*

- *Building Construction to meet aesthetics with adjacent subdivisions in RM Zoning*
- *Agree and sign the Development Agreement*

Deny

Make a NEGATIVE RECOMMENDATION to rezone un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM from AGG (General Agricultural District) to RRE (Rural Residential Estate District) for the following reason(s):

Continue

Make a motion to CONTINUE the Public Hearing for the owner(s) request to rezone un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM from AGG (General Agricultural District) to RRE (Rural Residential Estate District) for the following reason(s):

Councilmember Christensen asked if we've had any response to the questions that were submitted by the City Attorney; for example a response for the Monument. Mr. Snarr said he hasn't gotten a response from the Monument. Letters were sent to everyone who has property within 300 feet. Mr. Snarr said he will double check that but they would have received a letter and it has been advertised per our guidelines. Councilmember Cowan asked if he can have any type of farm animal there. Mr. Snarr replied that it's limited to smaller animals; larger animals would be horses. He then read from the zoning regulations:

"Breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, or other small animals and fowl on a domestic, non-commercial scale provided that no structure housing poultry or small animals shall be closer than 50 feet to any property line or closer than 25 feet to any dwelling on the site." Subsection 4 of the Rural Residential Estate District: "The raising or keeping of horses provided that not more than two animals and their immature offspring for each acre shall be permitted. And provided that no stable shall be located closer than 50 feet to any dwelling."

Councilmember Cowan inquired if that means he can have 10 horses there; Mr. Snarr replied 20. Mayor Kaufman asked if anyone in the Council Chambers wished to speak in favor of the application. Loren Herdt addressed Council again and stated that he and his wife want to rezone to RRE for a couple reasons: the size of the lot is roughly 9.26 acres, you cannot subdivide it due to the terrain; the canyon is 30-40 feet deep. It's a one-home site. Common sense tells you that you could not have two horses per acre due to the terrain. His wife thought it would be nice to have a horse again; it's nice to have that option. That's the biggest reason for RRE. Mr. Herdt asked if he could talk about the street vacation. Mr. Snarr said the street dedication will really come forward with the preliminary plat but it can be discussed.

Mrs. Herdt handed out some information to Council regarding the proposed street dedication. Mr. Herdt reiterated that he and his wife want to build a home on this land and why he chose RRE zoning. Mr. Herdt went on to say that the Planning Commission, on June 21 after hearing from residents from Silver Spur Court, cited that annexation with a street dedication was in order. He said he wanted to address some of the concerns brought up at that meeting. In 1978 the land was deeded with restrictions to and from Highway 71. In 1993 it was developed by Paul Reed and platted as Canyon Estates. Mr. Herdt stated that in 2004 this particular property and others changed hands, in 2012 he purchased the 9.26 acres and in 2016 after filing for annexation and zoning now it's brought up that the road was supposed to have been developed 22 years ago. He didn't know if Council had been addressed with this issue before, but he thinks it's a little late.

Mr. Herdt went through the "graphs" he prepared with Council showing blue and orange lines for routes to and from the highway on Graph 1. He said it was brought up that residents need a quicker way in and out of their neighborhood. The paved street is marked in orange, which is 1653 feet long. The blue route, or proposed route (which goes across his property) there is a ditch bank road that residents use; it's 1535 feet. It's about 118 feet shorter. In his eyes the only reason it's going to be faster is because of disregard to the speed limit and not having to drive down through a residential area. He said being quicker doesn't hold water for him. If the entire Canyon Estates petitioned that would be different, but they only heard from a few residents that were from Silver Spur Court. He said graph 2 reveals traffic patterns at the Five Rocks intersection and Lariat Loop. He said the residents brought up the fact that there's a lot of traffic on Five Rocks Road and the fact that it's hard to get out and go to Scottsbluff that direction. They're crossing two lanes of traffic to do that. Graph 3 shows the traffic flow on U Street and Five Rocks Road. There's north and south bound traffic and traffic coming from U Street turning left onto

Five Rocks Road and there's a turning lane turning left onto U Street. There's moderate traffic from 7 a.m. to 4 p.m. to and from the landfill. He further explained the traffic patterns. He said he doesn't feel that would be a quicker or safer route accessing Five Rocks Road to Scottsbluff. Graph 4 shows a dome development plat which talks about ingress/egress to and from Five Rocks Road on the title insurance. Specifically:

"...subject to restrictions regarding unrestricted drives to and from Highway as disclosed by Warranty Deed filed July 27, 1978."

The warranty deed also states that "There will be no ingress or egress over the above described tract from or to the remainder of said south half of the southeast quarter, except, over one unrestricted drive(s), not to exceed 40 feet in width, the centerline(s) of which (is, are) located on the north line(s) of said property owned by the grantor."

Mr. Herdt stated that since 1978 four owners have owned this property; nothing has been filed for street development through this property. Graph 5 shows Silver Spur Court and West Ridge Road; he has a circle there. He said part of what the attorney addressed at the Planning Commission meeting was access for development. Mr. Herdt said there is a state statute stating that if there is a 50-foot diameter turn around to an adjacent property that would satisfy a state statute that there wouldn't need to be access through that property. He said he might be interpreting this incorrectly but that's the way he understands it. He asked if Building Inspector, Rod Sterkel, could bring up the tape measure on the screen to measure the distance on that intersection. Councilmember Gibbs said based on the observation of size of the cul-de-sac at Silver Spur and the intersection Mr. Herdt is talking about, it appears the distance is at least that size or a little larger. He suggested that Mr. Herdt is about right on the size. Mr. Herdt went on to say on graph 5, what appears to be a street through there, there's a 33-foot wide curbed access that dead-ends at his property. He personally feels that's a private drive that the developer put in there. If the developer had wanted that to be a part of Canyon Estates he would have platted that in at that time and included that in his development plan. At the Planning Commission meeting, in a memo, Mr. Reed stated that he never intended a street to go through that property. Mr. Herdt said that's his take on that. He also believes the state statute for a turn-around is met.

Mr. Herdt said in graph 6 there's a jet-out, it's the same height of the street. There are mounds of dirt there from when they dug basements for the houses built there. It gives an idea of where they'd like to put their house. In his opinion it's the only building site available. If Council decides it needs a street dedicated through there that shows where it's going to go. A proposed street of 60-foot dedication with a 20-foot utility easement is what was recommended. He said that would be from the Gering irrigation district's easement which is 50 feet from the high water mark. It was illustrated on the screen to show Council where the edge of the street would be. Mr. Herdt said it would take up his whole building site. He said there's no place to build and if you go on down further towards the other end of the property you're at the canyon wall with the two easements. He added "...between the ditch company's easement of 50 feet and an additional 60 feet of street dedication and another 20 feet, you understand where the street's going to fall, right?" Mr. Herdt stated by doing that it's an undue hardship on the developer, whether it's him or someone else; he doesn't see a reason for it. He said they would meet the other requirements and he said he showed there's not a quicker route; highway access would be more difficult and dangerous. He realizes the road they have is tough, but that's what brought these people to Canyon Estates was the exclusiveness of it; being secluded. They don't have people driving back and forth through their property to cut through. He said let them have their subdivision, let him have his piece of property. He added that a future developer could decide where they want their streets for that development. If he can't develop this property there's no reason to go through the expense of platting it. He was told he wouldn't be burdened with the expense of putting a road through there. And he would hate putting that burden on the City of Gering just to benefit a few people who are inconvenienced at this point.

Mr. Snarr stated as far as he can tell by our zoning and subdivision regulations, if this were medium or high density the developer would be required to construct the street to City standards. With only one developer, it would be hard to burden them with that and he can't find anything that requires it. However, for a subdivision this size, per the fire code: *30 or more residential homes requires that one or two family*

home subdivisions have more than one apparatus access road into the complex. The second access road is needed in case one access road, for any reason, becomes unusable. Two access roads must also be remote from one another as required by section D-104.3 of this manual. Mr. Snarr stated trying to meet his concerns and... as was mentioned that we could possibly look at a 50-foot dedicated right-of-way for an access road with a 10-foot easement, that would help with the setback. Per the latest preliminary plat we have that's what was shown; that's the next hearing after this hearing.

Councilmember Smith asked how many houses are in that development; Mr. Snarr said it looks like more than 30 lots. Councilmember Gibbs said this is not the only subdivision in Gering that has a single access in and out; he lives in one. Mr. Herdt suggested another route and added that he hopes we can come to an agreement.

Councilmember Cowan asked if an alley could be considered an exit. Mr. Snarr replied that what Councilmember Cowan is referring to belongs to the ditch company, it's not a dedicated alley; alleys have to be dedicated. Mr. Snarr said that would have to be an agreement between the canal company and the City. It's something we'd have to look into.

Mayor Kaufman asked if anyone else wished to speak in favor of the application.

Frank Strong, 2300 Silver Spur, stated the whole Canyon Estates was not notified, just those within 300 feet which is mostly Silver Spur. They do have a problem in the mornings and in the afternoons getting out of there due to traffic going to Scottsbluff. In the evenings they have a worse problem when they drop off the kids; they have to stop on five rocks and wait for the kids before they can enter their subdivision. If there was no plans for a road to come through there, why was it stubbed there? He added that they don't have alleys. They would like to see them adopt their rules and abide by them because most of those houses there are pretty nice. He bought in that particular neighborhood because of the covenants. He personally wouldn't have bought that property (that the Herdts purchased) knowing that a road would have to be put in there as soon as it was developed. That's typically what happens and he thinks the City is being more than reasonable just asking for an easement through there. Who knows what's going to happen with that in the future; he's seen worse land than that developed. He said they use it, the City uses it and Mr. Herdt has already warned one of his neighbors that if they go through there he's going to say they're trespassing. So if he shuts them down and shuts the City down your water truck is going to have to go clear out to Five Rocks, down to Lariat Loop and come up to go to the hydrant, etc. It will affect garbage trucks too.

Mayor Kaufman asked if anyone else wished to speak in opposition of the application. Lois Herbel, 2305 Silver Spur Court, stated the following to the Council:

We support the annexation of the property in discussion. It is reasonable to have that property be part of the City of Gering based on its location and the fact that it is an island surrounded by the city.

We are concerned about the proposed zoning change for the property. We would like to have this property become part of Canyon Estates and the new zoning be the same as the rest of Canyon Estates. U Street is a natural division point. When you look at that property most people in the City do not realize that that piece of property is not part of Canyon Estates. The property contains the same type of terrain as Canyon Estates and is directly adjacent to the south of Canyon Estates. The southern boundary of this property is U Street which provides a natural division for zoning. It seems reasonable to have this property be an extension of the Canyon Estates division. However, if the same zoning cannot happen, we request that the covenants be incorporated into the development plan for the property.

Mrs. Herbel then handed the Mayor a copy of the Canyon Estates Covenants. She continued: *Our covenants were developed to provide an attractive community that would enhance the view shed of the National Monument. The covenants primarily address house size (1,200 sq. feet, masonry siding, designer shingles, sprinkler systems, well-maintained landscapes, vehicles addressed, no sub-dividing lots, how outbuildings are to be constructed, etc.) The covenants were written to protect property values for individual home owners in the community and to present a sense of pride in home construction and landscaping. We residents are very conscientious about the quality and appearance of our properties. We definitely would like these issues addressed in any development plan.*

Currently, the extension of the street, Westridge Road, has not been built. A stub street corner was laid several years ago and many loads of soil were hauled in (long before they built their house) to provide a base for the street which would connect Canyon Estates with U Street. That dirt didn't come out of peoples' basements. Paul Reed did say that a street was to be built there but he did not hold on to that property very long. There are loads of soil there right where the street was to go. This street was to be built when the population increased and lots were developed in Canyon Estates, consequently, traffic has increased to enter and depart from Canyon Estates to the point that an additional access into the area is needed. They need that street desperately. Currently, drivers use the ditch road to access the community. This is not a safe route because there is no railing along the ditch and the road bed becomes very slick when wet. Residents, city employees (water truck and garbage truck as well as other employees), business deliver trucks, walkers and joggers approaching the pathway use this ditch road. The community has one access with all of Canyon Estates using it as well as some from the Preserve area. The school bus drops off students at the entrance also which causes a problem for drivers exiting Five Rocks Road. One entrance into this housing development creates a safety factor for fire, ambulance, police and other emergency access. An entrance from U Street would provide a much faster and more direct route for many residents in case of an emergency. A dedicated street needs to be built to connect Canyon Estates with U Street to alleviate these problems.

This area is considered an historical area due to its location in front of the Scotts Bluff National Monument. As a community, it is our responsibility to be good stewards of the view shed of this landmark. We would want to be certain that any development in this area would not diminish this beautiful view. This is one of the few areas that show a pristine prairie complete with wildlife habitat for animals such as foxes, deer, rabbits, etc. The trend for many communities is to protect a natural habitat area within their community by providing green spaces to promote diversity of wildlife, encourage pollination and encourage the entire community to biologically function in harmony. This area is the only natural area in the community with the exception of a portion of Northfield Park. We need to protect its integrity.

We've heard different plans for that property but we've not seen a written plan. We have heard that a mechanical shop is being possibly proposed to be constructed on a portion of this property. We would hope that if that becomes a reality, that vehicle body parts and other such materials not be stored around and on the outside of this structure. Of course, this could not be a commercial business due to the lack of commercial zoning. We have also heard that a goat farm or horses are being discussed as a use of this property. We would hope that noise, odor, flies and escaped animals would not be a problem, especially since this property borders a main thoroughfare to connect our communities. That would also require more out buildings for animal shelter. We would hope that attractive structures would be built to protect the view of the Monument. To date, we have not heard a concrete plan of what Mr. Herdt definitely plans to do on this property. That is concerning to us as residents of Canyon Estates. We are concerned that without guidelines like our covenants and once the zoning was in place that almost anything might happen on this property. We would like to prevent ahead of time, any problems that might occur.

This addresses our concerns at this point. We would greatly encourage the City Council to recommend annexation of the property, zone it to be part of Canyon Estates that would be under the scrutiny of city ordinances and Canyon Estate Covenants. If that can't happen, we would like the covenants incorporated into the development plan for this subdivision. We also would like a dedicated street be built to connect Canyon Estates with U Street.

No one else spoke in opposition of the application. Mayor Kaufman stated that we've heard a lot of good testimony tonight. You can definitely see both sides. As a property owner we can appreciate the Herdt's right to want to develop the property but at the same time part of our job at the City is City Planning and planning for the future and making sure properties have a consistency and a flow in a community when you're trying to build. It's his recommendation to look for a motion to continue this public hearing to let staff research some of the things that were brought up tonight.

Motion by Councilmember Gibbs to continue a public hearing to consider an application for a change in zoning from AGG (General Agricultural District) to RRE (Rural Residential Estate District) on un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM. This property is proposed to be platted as Block 1, Herdt Subdivision and contains approximately 10 acres in the City of Gering, Scotts Bluff County, Nebraska. Second by

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

2a. Approve or deny an application for a change in zoning from AGG (General Agricultural District) to RRE (Rural Residential Estate District) on un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM. This property is proposed to be platted as Block 1, Herdt Subdivision and contains approximately 10 acres in the City of Gering, Scotts Bluff County, Nebraska.

No action was taken on 2a at this time.

3. Public Hearing for a Preliminary Plat of Block 1 Herdt Subdivision containing approximately 10 acres of un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

Mayor Kaufman stated that plats are tied to zoning. He then entertained motion for tabling this public hearing.

Motion by Councilmember Gibbs to table a public hearing for a Preliminary Plat of Block 1 Herdt Subdivision containing approximately 10 acres of un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

3a. Approve or deny a Preliminary Plat of Block 1 Herdt Subdivision containing approximately 10 acres of un-platted land located on the Northwest Corner of Five Rocks Road and U Street as part of the SE1/4 of the SE1/4 of Section 34, T22N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

No action was taken on 3a at this time.

4. Public hearing to consider a Class C Liquor License for The Romp, Inc.

Mayor Kaufman opened the public hearing to consider a Class C Liquor License for The Romp, Inc. at 7:09 p.m. No one spoke in favor or opposition of the application. Council did not have any questions of the applicant who was present in the audience. Mayor Kaufman closed the administrative record and the public hearing closed at 7:10 p.m.

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

4a. Approve or deny a Class C Liquor License for The Romp, Inc.

Motion by Councilmember Smith to approve a Class C Liquor License for The Romp, Inc., 1135 10th Street, Gering, NE. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

CURRENT BUSINESS:

1. Request for Recreation Committee meeting – Agenda item: Discussion regarding a Collegiate Baseball League ball field at Oregon Trail Park

Motion by Councilmember Gibbs to approve a request for a Recreation Committee meeting – Agenda item: Discussion regarding a Collegiate Baseball League ball field at Oregon Trail Park. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

2. Approve NMPP Member Resolution for Appointments – Resolution 7-16-2

Motion by Councilmember O'Neal to approve NMPP Member Resolution for Appointments – Resolution 7-16-2. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

3. Approve Ordinance 2027 - AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130, SECTION 130.80 THROUGH 130.82 OF THE GERING CITY ORDINANCES DEALING WITH GENERAL OFFENSES, WEAPONS OFFENSES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Mayor Kaufman entertained a motion to table approval of Ordinance 2027 until such time that at least six Council Members are present to waive the three readings and also to have attorney Matt Turman present to explain the amendments to this ordinance.

Motion by Councilmember Gibbs to table approval of Ordinance 2027. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

4. Approve Ordinance 2028 – An Ordinance... AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND AMEND THE DIRECTION OF TRAFFIC FLOW FROM EASTBOUND TO WESTBOUND AND PARKING IN THE ALLEY ON THE SOUTH SIDE OF CITY HALL LOCATED BETWEEN 10TH AND 11TH STREET AND O AND P STREET. SAID ALLEY IS A PART OF THE FINAL PLAT OF LOT A, REPLAT OF PART OF LOTS 1 THROUGH 5, BLOCK 30, FIRST ADDITION TO GERING, SCOTTS BLUFF COUNTY, NEBRASKA RECORDED IN DEED BOOK 205 PAGE 531 AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Mayor Kaufman entertained a motion to table approval of ordinance 2028 until such time that enough Council Members are present to waive the three readings.

Motion by Councilmember Gibbs to table approval of Ordinance 2028. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

5. Consider offer on 1415 5th Street

Mayor Kaufman entertained a motion regarding agenda item 5.

Councilmember Gibbs made a motion pursuant to Nebraska Revised Statute 84-1410, also known as Nebraska's Public Meetings Law, that the Gering City Council enter into closed session for the purpose of: Strategy/negotiation session regarding: real estate negotiations, protection of the public interest, and discussion of strategy, negotiation, and guidance from City legal counsel concerning 1415 5th Street, property currently owned by the City of Gering.

Mayor Kaufman stated that Councilmember Gibbs made a motion pursuant to Nebraska Revised Statute 84-1410, also known as Nebraska's Public Meetings Law, that the Gering City Council enter into closed session for the purpose of: Strategy/negotiation session regarding: real estate negotiations, protection of the public interest, and discussion of

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strategy, negotiation, and guidance from City legal counsel concerning 1415 5th Street, property currently owned by the City of Gering. The motion was seconded by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

Mayor Kaufman stated that the Council will enter into closed session at 7:14 p.m. He then invited TCD Director, Rawnda Pierce, City Attorney Jim Ellison and if needed, the potential buyer, Lance Satur into closed session.

Motion to come out of closed session at 7:40 p.m. by Councilmember Gibbs. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred and Morrison. Motion Carried.

Motion by Councilmember Gibbs to accept an offer for \$126,000 plus a one-year warranty paid by the City of Gering. Second by Councilmember Christensen.

Discussion: City Attorney, Jim Ellison, clarified that the motion should include authorization for the Mayor to sign all documents associated with the sale and closing. Councilmember Gibbs agreed to amend the motion, Councilmember Christensen agreed to second the amended motion.

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

REPORTS: None

OPEN COMMENT SECTION:

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

Councilmember Cowan said he thinks the City did a very good job on Oregon Trail Days. Mayor Kaufman stated that someone from Bridgeport patronized our pool over the weekend and was very complimentary of our staff. They felt the staff were very professional in a situation they experienced at the pool.

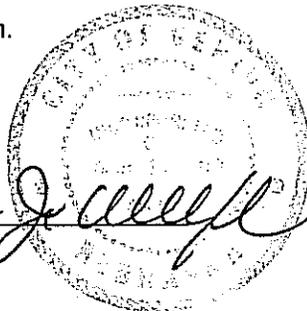
ADJOURN

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

Meeting adjourned at 7:43 p.m.

ATTEST:

Kathleen J. Welfl, City Clerk



Mark A. Kaufman, Mayor