

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
JULY 25, 2016**

A regular meeting of the City Council of Gering, Nebraska was held in open session on July 25, 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, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Allred. 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 Smith to excuse the absences of Councilmembers Holliday, Allred and Morrison from the July 11, 2016 Regular City Council meeting and Councilmember Cowan from the July 18, 2016 Special Council meeting. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. 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 July 11, 2016 Regular City Council meeting
2. Approve Claims and Financials

Claims:

7-2-16 to 7-15-16

ACUSHNET CO \$1,709.64 (120) PR GLOVES, (24) HATS, (2) PUTTERS, ALLO COMM \$2,640.20 JUNE TELEPHONE/INTERNET CHRG, B & C STEEL \$308.03 (50) SCREWS FOR GREEN HOUSE, (304) LAP SCREWS, ANGLE IRON HORSESHOE PITS, 75' 1" ROUND BAR - HORSESHOE PITS, BAIRD CLYDE \$75.00 RV ROOM DEPOSIT REFUND, BENZEL PEST CONTROL \$53.00 JUNE PEST CONTROL, BETTER CONTAINERS MFG CO \$167.95 (2) CASES MERCHANDISE BAGS, BLUFFS SANITARY SUPPLY \$649.87 BLT WINDOW CLEANER, (7) CS TP, (2) CS TWLS, (1) CS URNL SCRNS, (3) AIR PRSHNRS, (2) QTS CLNR, (9) BTLs WASP KILLER SPRAY, BROADWAY OFFICE CENTRE \$779.13 COPY COUNT CHRG, CEMENTERS MOBILE MIX \$5,019.75 (9) YDS CONCRETE, CENTURYLINK \$2,556.80 JUNE TELEPHONE CHRG, CHARTER COMM \$527.99 JULY TV/INTERNET CHRG RBDX, CITY OF GERING - GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER, CITY OF TORRINGTON \$15.00 HRTLND EXPRESSWAY MTG - DANIELZUK, CITY PAYROLL TRUST \$3,697.87 FSA MEDICAL 125, CLOSSON PAT \$63.94 (1) PR NEW WORK BOOTS, COLLOPY PERFORMANCE & MACH \$30.00 TURN (2) BRAKE ROTORS, COMPANION CORP \$899.00 (1) YR SUPPORT ALEXANDRIA, CONCRETE CATTLE CO \$1,272.50 SDWLK, CURB, GUTTER 12TH & M ST, CONNECTING POINT \$62.00 JULY COPIER SRV CONTRACT, CONSOLIDATED MANAGEMENT \$174.41 MEALS MCBRIDE & SCHROEDER, CONTRACTORS MATERIALS \$1,004.38 (1) BNDL STAKE, (1) EXP JOINT, SAW BLADE FOR CONCRETE, (1) IMPACT SOCKET, (1) ALUM COUPLER, (1) 18" SONOTUBE, (2) DRILL BITS, COVERTTRACK GROUP INC \$2,010.00 SURVEILLANCE EQUIPMENT, CREATIVE SIGNS DIVISION \$501.00 WATER SRV LINE RPR, RPR SIGN, CRESCENT ELECTRIC SUPPLY \$1,177.70 (100) PKS TAPE, (25) GRND RODS, (30) REDUCING WASHERS, CULLIGAN WATER CONDITIONING \$118.00 (12) BAGS SALT, D & H ELECTRONIC SUPPLY \$23.74 RADIO RPR, DALES TIRE & RETREADING \$55.75 (1) TIRE RPR, DETROIT INDUSTRIAL TOOL \$2,371.20 (6) SAW BLADES, DIAMOND VOGEL PAINT CENTE \$199.56 (4) GL PAINT - FIRE HYDRANTS, DOOLEY OIL INC \$2,947.87 (282) GAL DIESEL, (1450) GLS FUEL - LANDFILL, ECOLAB \$88.69 JULY RODENT CONTROL, ENVIRO SRV INC \$984.00 WATER LABS WW LABS, ERIN HINZE \$31.00 RMBRSMT CDL LICENSE, ESC ENGINEERING \$1,810.11 D STREET SUB REBUILD ENGINEERING, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, FAMILY BUILT HOMES \$200,000.00 LB840 E D ASSISTANCE AGRMNT, FASTENAL CO \$80.93 (12) AAA BATTERIES, (8) BATTERIES, (4) BTLs WINDOW CLNR, (2) PR GLOVES SAFETY EQUIPMENT, (14) WASHERS, (6) NUTS, FIRST STATE BANK \$351.90 IBEW UNION DUES, FLOYDS SALES & SRV \$3,847.14 ALGAE IN FUEL SYSTEM G8, (12) FUEL FLTRS, (1) LUB FILTER, (2) OIL FLTR KITS, (6) LUB FILTERS, RPR ELEC ISSUE G10, RPR CONTROL VALVE G5, (1) DIPSTICK G9, (1) AIR, (2) FUEL, (1) LUB FLTRS G5, FORT DEARBORN LIFE INS CO \$120.40

JUL FIREFIGHTER LIFE INS, GALE \$179.32 (8) LRG PRINT BOOKS, GARY'S CLEANING & RESTORA \$527.52 CLEAN LOBBY CARPET, GERING CITIZEN \$875.96 LANE PROPERTY BID NOTICE, OTP WATER MAIN BID, FREIGHTLINER BID NOTICE, POOL ADVERTISING, JULY MTG NOTICE, CONDENSED MINUTES, GERING GARDEN CENTER \$1,100.00 (2) LEXON PANELS - GREEN HOUSE, GERING VALLEY PLUMBING \$3,350.00 A/C RPR & FREEZER RPR, GERING WRESTLING CLUB \$328.16 FMBSMNT FUNDS_DETER TOURNMNT, GREGORY'S LOCK SHOP LLC \$8.00 MNTNC ON PUSH BUTTON LOCK, GROUND UP CONSTRUCTION \$510.00 JUNE CLEANING ADMIN/PP OFFICES, GRUBBS BRIDGETTE \$75.00 RV ROOM DEPOSIT REFUND, HAWKINS INC \$3,353.70 (40) BAGS FLUORIDE & RPR FOUNTAIN, HD SUPPLY WATERWORKS LTD \$73.32 (1) EPOXY MAIN RPR, HEILBRUN \$272.51 (8) LIGHT BULBS FOR AUTO SHOP, (1) TIRE GAUGE, (4) 2" HOSE CLAMPS, (1) PLUG, (2) LIGHTS, (1) SPARK PLUG, (1) ADAPTER, (2) SETS BRAKE SHOES, (3) OIL FILTERS, (2) BXS NITRILE GLVS, (5) HOSE CLAMPS, (2) BTLs OIL TREATMENT, (1) AMBER LENS G-11, HOME DEPOT \$170.79 (4) GL PAINT, (6) PK ROLLERS, (2) TRAYS, HONEY WAGON EXPRSS \$140.00 CLEAN GREASE TRAPS, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, IDEAL LINEN SUPPLY CO \$478.44 (40) MATS, (100) TOWELS, (6) MOPS EXCHANGED, (2) TABLECLOTHES DRY CLEANED, (1) CS TP, (2) CS PAPER TOWELS, INDEPENDENT PLUMBING \$80.00 (20) DB SPLICES, INGRAM LIBRARY SRV \$1,140.36 (1) CHILDREN BOOK & (65) BOOKS, INTERNAL REVENUE SRV \$56,732.00 FED/FICA TAX, INTRALINKS TECHNICAL SOLUTIONS \$375.00 JUNE COMPUTER SUPPORT, INVENTIVE WIRELESS OF NE \$50,000.00 LBB40 LOAN, IRBY TOOL & SAFETY \$1,850.24 (20) CUT OUTS, JC GOLF ACCESSORIES \$324.08 (3) BALL MARKERS, BALL MARKERS, RPR TOOLS, TEES, JIRDON \$8,498.64 (12.5) TON FERTILIZER, (5) GL Q4 HERBICIDE, (1) GL DYE FOR SPRAY, JOHN HANCOCK USA \$16,373.18 JH RETIRE 6%, JOHNSON CORROSION ENGINEER \$635.00 TANK INSPECTION, JOHNSON CASHWAY CO \$470.78 (4) 36"X12" LITE PANELS, .5 2X1-X16 BOARD, (12) BTLs MOSQUITO REPELLENT, (1) GALV COUPLER, (2) FITTINGS - WWTP PUMP RPR, (12) PK SHOP TOWELS, (1) PC BLUE PEX PIPE WWTP SUPPLY, (6) CANS SPRAY PAINT, (3) PAINT BRUSHES - FIRE HYDRANT, (1) 75' GARDEN HOSE, (1) NUT/WASHER, (1) PK 4"/(1) PK 8" CABLE TIES, (16) 2X4'S SHIPPING SUPPLIES, K4 TRUCKING LLC \$1,440.00 HAULING ASPHALT - AMPHITHEATER, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KRIZ - DAVIS CO \$525.12 (11) SUSPENSION GRIPS, LL JOHNSON DISTRIBUTION \$413.10 (4) SPRINKLER BODY ASSM, MARIN ROSEMARY \$75.00 RV ROOM DEPOSIT REFUND, MARTIN JERLYN \$72.00 TREE REBATE, MASEK GOLF CAR CO \$31.54 (2) REVERSE BUZZERS, MATHESON TRI-GAS INC \$67.74 (1) HYP RETNG CAP, (2) HYP DRAG SHLD, MEAT SHOPPE \$23,309.22 CATERING COSTS, MANAGEMENT CONTRACT, MEDEARIS JACK \$106.00 RMBRSMNT FOR GOLF BALLS, MENARDS \$29.99 RPR 10' HOSE PUMP, MG TRUST CO LLC \$6,409.49 MG T - FIRE, MIZUNO USA INC \$601.18 (7) GOLF CLUBS, MONEY WISE OFFICE SUPPLY \$170.18 (1) BX POCKET FILES, (1) DZ MEMO BOOKS, (1) INK CARTRIDGE, (1) BX 9X12 CLASP ENVELOPES, MONUMENT GRILL \$1,350.00 RMBRSMNT MEALS - DETER TOURNAMENT, MONUMENT SHADOWS MENS ASSOC \$50.00 RMBRSMNT USE METAL SIGN HLDRS, MUNICIPAL SUPPLY INC OF \$1,596.06 (1) GATE VLV, GLAND, GASKET KIT, NE CHILD SUPPORT PYMT \$627.56 CHILD SUPPORT 1, NE DEPT OF REVENUE \$53,742.58 JUNE SALES & USE TAX, NE PUBLIC POWER DISTRICT \$255.25 JUNE UTILITIES 240066 HWY 92, NEBRASKA MACHINERY CO \$20.84 (4) NUTS - G8, NEBRASKA TRANSPORT CO \$878.29 FREIGHT FOR PUMP SHIPMENT, 3-B PUMP RPR SHIPPING COST, NORTHWEST PIPE FITTINGS \$400.45 (1) 90ELL, (1) BALL VLV - WATER TRUCK, (1) 3X4 NIPPLE - WATER TRUCK, (2) 2" PVC COMP COUPLINGS, (2) 2" INSERT COUPLINGS, (20) GALVANIZED CAPS, (2) CAPS WATER LINE RPR, ONE CALL CONCEPTS INC \$146.04 JUNE LOCATE FEES, PAYROLL CHECKS \$148,288.86 PAYROLL CHECKS ON 7-8-16, PING \$137.63 (2) GOLF CLUBS - IRONS, PIPE WORKS PLUMBING LLC \$952.32 SEWER LINE RPR, POWERPLAN OIB \$42.84 BACKHOE RPR, PRAISE WINDOWS INC \$580.00 JUNE WINDOW WASHING, PRIME STRIPE INC \$292.95 (5) CASES RED MARKING PAINT, PROGRESSIVE BUSINESS PUB \$118.56 (1) YR SUBSCRIPTION, PT HOSE & BEARING \$338.71 (1) SET ALLEN WRNCHS, BLTS, NUTS, (2) FITTINGS, 11' HYD HOSE & BACKHOE RPR, RECREATION SUPPLY CO \$156.60 (3) LADDER TREADS, RESPOND FIRST AID SYSTEMS \$101.26 FIRST AID SUPPLIES - PARKS, ROBINSON ELECTRIC \$2,505.05 RPR 4 LIGHTS BALER SHOP, ROBINSON BETTY \$75.00 RV ROOM DEPOSIT REFUND, SANDBERG IMPLEMENT INC \$332.74 (1) SAFETY FLAG, 48.2 6OZ OIL, SCB CO AMBULANCE SRV \$316.23 JULY AMBULANCE CONTRACT, SCB CO WEED CONTROL \$396.25 WWTP WEED CONTROL, SCOTTS BLUFF CO COURT \$71.00 JUNE COUNTY COURT FEES, SCOTTSBLUFF GERING UNITED \$71.54 UNITED WAY CTRB, SEACREST AND KALKOWSKI PC \$35.00 MAY DOWNTOWN REDEVOPMNT - CBLSTN, SHAW JUDY \$75.00 RV ROOM DEPOSIT REFUND, SIMON CONTRACTORS \$9,576.87 (5.5) YDS CONCRETE, (524.6) TONS CRUSHED ASPHALT, (8.25) CY CONCRETE FOR MAIN RPR, SLAFTER OIL CO \$186.70 (3) GAL OIL, 10/14 SHELL SHOP SUPPLIES, SOLUTIONS EAP \$244.55 COUNSELING SRV, SOURCE GAS \$36.45 JUNE UTILITIES 1035 M ST, SOUTHWESTERN EQUIPMENT CO \$740.45 (10) CAM FOLLOWERS, (20) NUTS, SRIXON \$88.70 (1) WEDGE, STAR HERALD \$2,405.98 PC & CC PUBLIC HEARING NOTICE, CC PUBLIC HEARING NOTICE, 5 ROCKS ATM BID NOTICE, WATER QUALITY REPORT, LANDFILL SHREDDER BID NOTICE, OTP SANITARY SEWER BID NOTICE, FREIGHTLINER BID NOTICE, OTP WATERMAIN BID NOTICE, LBB40 MTG NOTICE, ORDINANCE 2024 NOTICE, POLICE OFFICER JOB AD, DESIGN SRVCS - LIBRARY NOTICE, STATE OF NE/DAS COMM \$250.40 LONG DISTANCE PHONE CHRGS, SUGAR VALLEY FEDERAL CR \$1,268.08 CREDIT UNION, TAYLOR MADE GOLF CO \$90.00 (1) PR SHOES, THE ROCK PILE \$754.40(67.86) T CONCRETE FINES, TORRINGTON SOD FARMS \$128.50 (1) PLT KY BLUEGRASS SRVLINE, UNITED WAY OF WESTERN NE \$40.00 PACESETTER KICKOFF LUNCHEON, UNIVERSITY OF SOUTHERN CA \$150.00 MEMBERSHIP DUES - HEATH, VALLEY BANK & TRUST CO \$20,440.65 JUNE GERING/SCB SINKING FUND, VERIZON WIRELESS - LERT B \$204.80 JUNE ON CALL, LAPTOP FEES, WESTCO \$7,669.06 (2082) GALS GAS, (2053.5) GAL DIESEL, (1) QT VEG KILLER WEED CONTROL CP, WESTERN PATHOLOGY CONSULT \$144.20 (2) EMP DRUG TESTING, WESTERN STATES BANK \$5,988.32 HSA CTRB 125, WESTERN STATES BANK - POL \$300.00 PO UNION DUES, WESTERN TRAIL SPORTS POST \$343.92 (8) GUARD SUITS, (4) LANYARDS, (4) WHSTLS, WINCHELL CLEANING SRV \$720.00 JULY CLEANIG HALLS, BATH, OFFICE

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

BIDS:

1. Oregon Trail Park Water Main – Public Works Dept.

Paul Snarr, City Engineer, stated three bids were opened; Hennings Construction, Paul Reed Construction and Russell's Excavation. One of the bidders had some incorrect bid data on his sheet and his completion date put us in November or December. Staff would like to recommend that Council approve the bid submitted by Hennings Construction in the amount of \$128,130 which also meets our completion date.

Motion by Councilmember Christensen to award the Oregon Trail Park Water Main bid to Hennings Construction for \$128,130.00. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

2. Oregon Trail Park Sanitary Sewer Main – Public Works Dept.

Mr. Snarr stated we received three bids. One of them had an error in their calculations and the completion date was November/December. Staff would recommend awarding this bid to Hennings Construction for \$53,487.40 with a completion date of September 23, 2016. Councilmember Morrison asked if these two projects can be done at the same time since they'll be there with their equipment. Mr. Snarr replied no, they'll do the sewer line first and then jump over to the water line.

Motion by Councilmember Gibbs to award the Oregon Trail Park Sanitary Sewer Main bid to Hennings Construction for \$53,487.40.00. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

CURRENT BUSINESS:

Mayor Kaufman moved Current Business item #3 up on the agenda. Attorney, Matt Turman, addressed Council and stated this ordinance is designed to get our City Code into compliance with state law. Section 130 of our criminal code deals with our general criminal offenses. Many of them have not been updated in a long time while state statutes are constantly changing. LB605 basically re-wrote most of our criminal code last year. The new laws were intended, in part, to reduce prison overcrowding and increase probation supervision but it resulted in changes of penalties and severity of offenses. Mr. Turman stated there have been changes over the years in the weapons offenses too. That's one area in our code that's in dire need of updates. The proposed amendments to our ordinance are almost verbatim to other cities in Nebraska that have already passed. He modeled much of it after Omaha. In light of self-defense and defense of others, he researched how it would apply to wild or aggressive animals and it does apply in those instances should there be an animal attack. We're trying to give our police officers a code they can use and enforce and not have to ignore because it's obsolete. They can also prosecute under this code so the fines stay locally for our schools instead of going to the State School Fund.

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.

Councilmember Morrison made a motion to introduce Ordinance No. 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. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

Councilmember Smith moved that the Ordinance be designated as Ordinance No. 2027 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Christensen. The Clerk called the role. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. 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. 2027 was read by title only, Councilmember Gibbs moved that the Ordinance be passed as read, which motion was seconded by Councilmember Holliday. The question is shall Ordinance No. 2027 be passed? There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. 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 Council President declared passed.

1. Consider approving extension of Class C Liquor License for the Union Bar – adding 1409 10th Street

Motion by Councilmember Holliday to approve the extension of a Class C Liquor License for the Union Bar – adding 1409 10th Street. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

2. Consider approving Keno Fund application requests:

- City of Gering, Evergreen House
- City of Gering/Western Nebraska Funeral Services, LLC
- Gering Public Schools

Keno Committee Chairman, Darrell Bentley, addressed Council and stated that he's excited the Greenhouse is going to come alive again. He added that there were two requests that were approved a year ago that the committee voted to extend for another year. Councilmember Christensen stated that the request from the school district bothers him. Mr. Bentley said it bothered him too but the big pusher of this is the Gering Golf Course; the City's Golf Pro is the one who presented it. It's an introductory to the game of golf for grade schools, the Jr. High and the Freshman Academy. Mr. Bentley feels that golf is something kids can take out of school and use further on in their lives. This program is an effort to starting getting younger people to use the golf course. He said there's even a better price for students 8th grade and down. The question was posed to the school if they had funds to do this but they had other projects that needed funding. Mr. Bentley said after the presentation he and the committee were in favor of funding this program in the schools. Councilmember Christensen asked if it would be part of the curriculum; Mr. Bentley replied that it will be part of their gym class. Councilmember Christensen asked why the Gering Public Schools can't contribute to this. Mr. Bentley said he can't answer that. He said we've funded other requests for the school as well. The City's Golf Pro is the one who pushed this and the way he laid it out, the program and equipment it is, will last a long time; it's not a one-time thing. It will lasts for generations of school kids.

Councilmember Christensen asked the Mayor and Council to withhold the decision on this until we can have someone at the meeting to explain what it's all about.

Mayor Kaufman clarified if Councilmember Christensen's motion is to act on the first two requests but table a decision on the Gering Schools request. Councilmember Christensen replied in the affirmative. Councilmember Holliday asked if the school system is going to start using this program this year, because if they are we've got three weeks until school starts. Mr. Bentley said first off we have to

approve it and then they'll have to get it ordered so he's guessing their plan is to put it in for this year. Councilmember Holliday said he'd hate for Council to delay approving and delay the kids getting to use it. Councilmember Smith added in addition most of the money will be used to benefit our golf program as much or more than the school system.

Mayor Kaufman said what we have right now is a motion by Councilmember Christensen to approve two requests and not one; we still need a second. If we don't get a second it will die for a lack of a second and then it's up for discussion again. The motion died for a lack of a second.

Motion by Councilmember Gibbs to vote on the Evergreen House request and the Funeral Services Request separately from the Gering Public Schools request. Second by Councilmember Smith.

Discussion: Mayor Kaufman clarified that Council is voting on the items separately.

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

Motion by Councilmember Gibbs to approve City of Gering Evergreen House request and the City of Gering Western Nebraska Funeral Services parking lot request for Keno funds. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

Motion by Councilmember Smith to approve Keno funds for the golf program for the school system in Gering. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, O'Neal Morrison and Cowan. "NAYS": Christensen. Abstaining: None. Absent: Allred. Motion Carried.

Mayor Kaufman thanked Mr. Bentley for his time.

4. Approve Ordinance 2028 – 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.

Councilmember Gibbs made a motion to introduce Ordinance No. 2028 - 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. Seconded by Councilmember Holliday.

Discussion: Councilmember Morrison clarified that we're on Ordinance 2028 not on 2027; there was a typographical error on the agenda summary.

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

Councilmember O'Neal moved that the Ordinance be designated as Ordinance No. 2028 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully

and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Morrison. The Clerk called the role. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. 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. 2028 was read by title only, Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Smith. The question is shall Ordinance No. 2028 be passed?

Discussion: Councilmember Morrison asked when we're going to start this. Police Chief Holthus replied we have to do some things like signage in the alley, etc.; it won't happen overnight. He said they'll work with the Street department and their crews and make sure everyone's aware of the changes before it goes into effect. Mayor Kaufman asked if the striping and everything would be done at the same time; Chief Holthus said that would be our intention. Mr. Snarr agreed.

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

5. Consider purchase of property described as: All that part of the of the S1/2SE1/4 of Section 34, T22N, R55W of the 6th PM in Scotts Bluff County, Nebraska, lying East of the centerline of the Gering Irrigations District Canal and West of the right-of-way of Nebraska Highway No. 71, Except all that part platted as Replat of Canyon Estates Addition to the City of Gering, Scotts Bluff County, Nebraska.

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 purchase including discussions of price, protection of the public interest, and discussion of strategy, negotiation, and guidance from City legal counsel concerning property currently owned by Loren and Sue Ellen Herdt at the location described on the agenda under Current Business item 5.

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 purchase including discussions of price, protection of the public interest, and discussion of strategy, negotiation, and guidance from City legal counsel concerning property currently owned by Loren and Sue Ellen Herdt at the location described on the agenda under Current Business item 5. The motion was seconded by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

Mayor Kaufman stated that the Council will enter into closed session at 6:30 p.m. He then invited City Attorney Jim Ellison, City Administrator Danielzuk and City Engineer Paul Snarr and if needed, the potential sellers, Loren and Sue Ellen Herdt into closed session.

Motion to come out of closed session at 7:22 p.m. by Councilmember Gibbs. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote.

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

Motion by Councilmember Smith to purchase property on the South Half, Southeast Quarter of Section 34, T22N, R55W of the 6th PM of the City of Gering, Scotts Bluff County, NE for \$33,000 subject to a real estate contract. Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

PUBLIC HEARINGS:

1. Continuation of 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.

1a. 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.

2. Remove from 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.

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.

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.

Mayor Kaufman stated regarding item 1 and item 3 under public hearings; Item 1 to continue a public hearing for an application for a change of zoning from AGG to RRE on un-platted land located on the northwest corner of Five Rocks Road and U Street as requested by the applicants and item 3, a public hearing regarding 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, he would entertain a motion to continue public hearing 1 and to keep on the table public hearing 3 to a date and time certain which will be the first Council meeting after the closing of the property.

Motion by Councilmember Gibbs, second by Councilmember O'Neal to continue public hearing 1 and to keep on the table public hearing 3 to a date and time certain which will be the first Council meeting after the closing of the property. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

4. Public hearing to consider a Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property for MTL Commodity Corporation Subchapter S

(Gering Laundromat) located at 933 10th Street, Gering, NE and will include a new laundromat, right-of-way improvements, utility extensions, lot surfacing and landscaping. The property is generally located in a portion of the SE1/4 of Section 2, T21N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

Councilmember Smith made a motion pursuant to Nebraska statute 84-1410, Nebraska's open meetings law, that the Gering City Council enter into closed session for the purpose of: Discussion of strategy and negotiation regarding real estate, redevelopment, and TIF contract, protection of the public interest, and discussion of strategy and legal guidance from the City legal counsel concerning The Gering Laundromat TIF and redevelopment application and contract.

Mayor Kaufman stated that Councilmember Smith 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 : Discussion of strategy and negotiation regarding real estate, redevelopment, and TIF contract, protection of the public interest, and discussion of strategy and legal guidance from the City legal counsel concerning The Gering Laundromat TIF and redevelopment application and contract. The motion was seconded by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

Mayor Kaufman stated that the Council will enter into closed session at 7:25 p.m. He then invited City Attorney Jim Ellison, City Administrator Danielzuk and City Engineer Paul Snarr and if needed, Mark Simmons, into closed session.

Motion to come out of closed session at 8:31 p.m. by Councilmember Smith. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

Mayor Kaufman opened the public hearing to consider a Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property for MTL Commodity Corporation Subchapter S (Gering Laundromat) located at 933 10th Street, Gering, NE at 8:32 p.m.

Paul Snarr, City Engineer, addressed the Council with the Administrative Record.

**CITY OF GERING
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	July 11, 2016
From:	Planning & Community Development	Zoning:	BCB
Subject:	Public Hearing – Redevelopment Plan & Redevelopment Agreement TIF	Property Size:	16,351 ft ²
Location:	Lot 7, Block 1, Oregon Trail Park Addition Replat	#Lots/Parcels:	1
Owner:	Mark & Marilyn Simmons	Planning Commission Public Hearing:	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 Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property for MTL Commodity Corporation Subchapter S (Gering Laundry Mat) located at 933 10th Street, Gering, NE and will include a new laundry mat, right-of-way improvements, utility extensions, lot surfacing and landscaping. The property is generally located in a portion of the SE1/4 of Section 2, T21N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

The legal description of the property is Lot 7, Block 1, Oregon Trail Park Addition a Replat of Part of Lot 5, Block 1, Oregon Trail Park Addition, a Replat of Lots 1 and 2, Block 1, Oregon Trail Park Addition, and Replat of Part of J Street, Block 1, Subdivision of Block 2, Oregon Trail Park Addition, City of Gering, Scotts Bluff County, Nebraska, Situated in the West Half of the Southeast Quarter of Section 2, Township 21 North, Range 55 West of the 6th PM.

The City has previously declared this Project Area to be blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21.

A Re-Development Agreement, Redevelopment Plan, Resolution 7-15-3, and Tax Increment Development Revenue Bond have been prepared for this Tax Increment Financing (TIF) Project.

The Public Hearing Notice was published in the paper June 10, 2016 and notice was sent per State Statute 18-2115 to Scotts Bluff County, Gering School District, Community College(s), Educational Service Unit, and Natural Resource District. The site was also signed per State Statute.

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.

- Final Plat of Lot 6, Block 1, Oregon Trail Park Addition and Lot 7, Block 1, Oregon Trail Park Addition (Replat) Recorded under Instrument No. 2014-5376
- Blighted and Substandard Area Determination Analysis of Lots 1 & 2, Oregon Trail Park Addition, Gering, NE – Area #15c South Eastern Area Expanded with Declaration being Blighted and Substandard, Dated October 2009
- The Blighted and Substandard Area Determination Analysis was approved in a public hearing by the Planning Commission, December 8, 2009
- Planning Commission through Public Hearing June 21, 2016 approved to move to forward to City Council for Public Hearing
- The Blighted and Substandard Area Determination Analysis was approved in a public hearing and by Resolution No. 12-09-4 Area #15C by City Council December 14, 2009
- City of Gering Subdivision and Zoning Regulations dated March 1984.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Public Hearing Notice was published in the paper and notice was sent per State Statute 18-2115 to Scotts Bluff County, Gering School District, Community College(s), Educational Service Unit, and Natural Resource District. The site was also signed per State Statute and letters were sent to all property owners within 300 feet per the requirements of the City's Zoning and Subdivision Regulations, Article 15 Amendment, Section 15.2
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr said we have received plans; we required a site plan to see what would be surfaced and landscaped. It shows a surfaced parking lot from the building south of J Street and from the northeast corner of the building parallel to the curb on 10th Street. It does show surfacing and landscaping and grass on the north side of the building to 10th Street and also it could be landscaped on the west side of the building. That is the site plan we received.

Mr. Snarr added:

Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider this Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property for MTL Commodity Corporation Subchapter S (Gering Laundry Mat) and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for this Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property platted as Lot 7, Block 1, Oregon Trail Park Addition for MTL

Commodity Corporation Subchapter S (Gering Laundry Mat) located at 933 10th Street, Gering, NE with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION for this Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property platted as Lot 7, Block 1, Oregon Trail Park Addition for MTL Commodity Corporation Subchapter S (Gering Laundry Mat) located at 933 10th Street, Gering, NE for the following reason(s):

Mayor Kaufman asked if any Councilmember 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.

Mark Simmons, 933 10th Street, said he would very much like to see the TIF financing approved to do the paving and landscaping; these would be difficult to do in absence of the financing. Councilmember O'Neal asked Mr. Snarr if everything in their packet matches the plan. Mr. Snarr showed it to Mr. Simmons. Mr. Simmons said that it looks like what they've been talking about, yes. Mr. Snarr said he thinks the estimate is 600 square yards of concrete and it would take every bit of that to do this paving. He asked Mr. Simmons if that's what he's intending to do. Mr. Simmons replied yes, that would be the intent. Councilmember O'Neal said just for clarification, everything we see in the packet for square footage, landscaping, etc., is this what you would intend to do if TIF funding were approved. Mr. Simmons replied that is correct. He said the intent is the parking lot, the landscaping and there's a collective pond that Paul has mentioned we need to get in there as well for water retention; all those things are included, yes. Councilmember Morrison asked Mr. Snarr what he thinks the concrete alone would cost. He replied if Mr. Simmons did all the paving as shown in the site plan he thinks the cost would be right around \$76,000. Councilmember Morrison asked Mr. Simmons how he's going to do the ADA, landscaping and retention pond. Mr. Simmons replied that the numbers he worked with aren't that high; he's not sure where Paul got that number. Those aren't the numbers he was anticipating the concrete costing. Mr. Simmons said the ADA is already in there. That was put in at the time the building was built, for the handicapped parking. Councilmember O'Neal asked, if she's reading this correctly, the parking lot concrete surfacing is 600 yards square, right? Mr. Snarr said that's what we have in the redevelopment plan and the agreement is 600 yards. The cost Mr. Snarr has for that is between \$55,000 and \$60,000. However, he said if you surface everything that's shown it comes out to a lot more; it's about 850 square yards but you wouldn't have to pave everything shown because you're supposed to have landscaping out front in this zoning anyway. Mr. Snarr said we calculated 600 square yards with an estimate of \$55,000-\$60,000.

City Attorney, Jim Ellison, stated to Mr. Simmons that we received an email from his attorney indicating that Mr. Simmons did not want to pave the entire parking lot; he only wanted to do the aprons, is that correct? Mr. Simmons replied that was the original intent because of the cost. Mr. Simmons said unless the numbers he's getting are incorrect it appears that he can do a lot more paving than he thought was financially available or doable. Mr. Ellison said the email he received from Mr. Simmons' attorney dated July 12 indicated that Mr. Simmons did not intend to do that much paving but only a 20-foot apron around the south side of the building. Mr. Simmons said that was correct, again because he thought the costs were going to be higher than the numbers that he's now receiving. Mr. Ellison asked if this is a public parking lot or a private parking lot. Mr. Simmons replied it's a public parking lot from a privately owned business that serves the public. He said is it a City parking lot per say? He then stated "If mine is then apparently every business in town has one like that, if it's not it's not, you tell me." Mr. Ellison asked if he were to come to Mr. Simmon's business and just park there but wasn't using the laundromat would he be allowed to do that. Mr. Simmons said he wouldn't have a problem with that unless the customers that were using the business didn't have a place to park; if you need to park there that's fine. He asked Mr. Ellison if this is an issue. Mr. Ellison said in order to be TIF-able it's supposed to be a public parking lot. Mr. Simmons asked if all the businesses that have been approved for TIF met that criteria in Gering. Mr. Ellison said he can't answer that but the question is for Mr. Simmons. Mr. Ellison asked will you allow public people to park there even if they don't use your business. Mr. Simmons replied they can park there if they don't use my business but he's not sure why they would but if that's what they want to do that isn't a problem. He said there are no other businesses around there so he's not sure why anybody would park there.

Mr. Snarr asked Mr. Simmons if he has gotten costs from a contractor on the concrete. Mr. Simmons said he got some preliminaries late spring on what he could do on that. Mr. Snarr asked if he recalled what they were - price per square yard. Mr. Simmons replied no, he does not; he's guessing they're going to be similar to what he paid to have the apron that he's got. He said he's assuming we're running along those lines. Mr. Snarr asked if he remembered what those numbers were. Mr. Simmons said he submitted those numbers to Mr. Snarr; he has the bill for the concrete he already did, but he didn't have it with him. Mr. Ellison asked about the thickness of the concrete that's required. Mr. Snarr replied for a parking lot like that he could probably get by with 4.5" to 5". We really don't have a requirement; we highly suggest going over four inches for a parking lot.

Councilmember O'Neal asked, regarding what Mr. Snarr has outlined in the packet with the drive-way and alley approaches at a minimum of six inches thick, she asked Mr. Simmons if he has a copy of all that so that he can see what that is. She asked if he's saying that's what he's going to do. Mr. Simmons replied that is correct. He said his attorney mentioned to him this morning that he isn't comfortable with a hard and fast number because we don't know what that's going to be as far as the amount of concrete and what we end up with, and the thickness obviously affects that as well. Mr. Simmons said again if it's doable within the TIF funding that's what we're after. He said if it's going to cost \$70,000-\$80,000 then the TIF funding isn't going to be that high and then it's not going to be that much obviously. Councilmember Morrison said there's a figure in here that says 600 square yards of concrete and there's a figure here of \$97,000. Mr. Simmons said again he's not sure where those numbers came from; that is the reason that initially he backed off of that because even with TIF he couldn't do that, so he thought he'd put a 20-foot apron around there. He said he hasn't talked to the contractor that he used last winter and he hasn't gotten bids on that but he's thinking it can be done for less than that and if it can that would be great, he would go ahead and do everything we've talked about here. He said but that original number that you're talking about is why he backed off of that. Mr. Snarr said that was an estimate and it was estimated very high to go through and try to make sure he hit all the improvements that he could when writing the development plan and the agreement. The plans and the agreements were sent off to quite a few people for review and he finally got some review comments back last night; he hasn't modified those yet. But his estimate for 600 square yards right now would be \$55,000 to \$60,000.

Mayor Kaufman asked if there are any additional questions. Administrator Danielzuk asked Mr. Simmons what was the condition of the lot when he received it. What did it look like on the surface? Mr. Simmons said it was basically just a scruffy lot; it was his understanding it had a trailer court on it earlier. You could still see a little bit of evidence of that; it was basically just a lot. Mr. Snarr said he recalls dirt and gravel pretty much. Mr. Danielzuk said he thinks it has something to do with what might be considered eligible costs and ineligible costs; that's why he wants to know what the surface was like. Mr. Simmons said he saw no stubs and just a few remnants of the trailer park; there was a manhole cover type thing as well. He wasn't there when they did the escalating for the foundation; they claimed there was some stuff they had run across from the old trailer court that was ripped out and thrown away.

Councilmember Cowan asked if we give the TIF and he does not follow through with that what would happen. Mr. Snarr replied he thinks it would have to be followed through with. Everyone has had the redevelopment plan and redevelopment agreement. He just got comments late last night of modifications that have to be made. He hasn't had a chance to go through that yet and this has to be recorded this week or by the 31st or it doesn't happen. Mr. Snarr said it's going to be hard to get these changes made so Mr. Simmons has got to commit to paving the parking lot the way it's shown on the original site plan by B & C Steel and the landscaping needs to be installed. He does not know what the penalty would be; it would be a waste of Tax Increment Financing Funds.

Councilmember Morrison asked Mr. Simmons if he can't do this for \$77,000 or whatever he's asking for, and it comes in closer to \$97,000 is Mr. Simmons going to chuck the whole project or is he... She asked "What are you going to do?" She said because if this is the way she understands it, the TIF financing has to be used if we give it right now, for the parking lot, landscaping, etc. So if Mr. Simmons finds that it's going to cost that \$97,000 mark, what does he intend to do? Mr. Simmons replied then he's not going to pave the whole thing; he'll back it down and he'll do what he can afford. Councilmember Morrison replied then that's where we'll have problems because that's what's in the plan. She said to Mr. Simmons that he

has in that plan that that parking lot is going to be paved from his building to 10th and from his building to J. Mr. Simmons said he wished Kelly Stray was at the meeting because the site plan that was submitted to the City was developed in his office; except for the handicapped parking that they have done it doesn't legally have to be paved. Mr. Simmons said that plan was submitted, Kelly took care of all that stuff, he was the general contractor on that; Mr. Simmons said he literally didn't know anything about it. That's why he hired a general contractor to take care of those details for him. He said they've put down a mixture of the crushed asphalt and crushed concrete to make a harder surface so it's not a mud hole. They would do more of that if they had to in the absence of concrete so there's an even better parking area than there is now, but that site plan was submitted because that's what they do when they draw up the plans. Councilmember Morrison said then she doesn't know how Council can so yes, he can have TIF, with Mr. Simmons not knowing what's going on in his parking lot and Council agreeing on something that he doesn't know, nor the Council know, what the outcome is going to be. Mr. Simmons said whatever amount of the TIF is available, they can pave that much. Councilmember Morrison said but that's not how it's written up. It's written up that those are the places that are going to be concreted; that was the plan. Mr. Simmons said but in the absence of TIF financing that doesn't need to be done at all. Councilmember Morrison said that would be your choice, it's your business. He replied "Correct", so if the TIF is done to do something that wouldn't have been there otherwise, he wouldn't have paved it otherwise, so he will pave as much as he *can* with the money that's available. He said if there's \$60,000 or whatever for the TIF financing and the concrete is \$90,000, the whole thing doesn't get paved. He said it doesn't make a bit of difference what was in the site plan. Councilmember Morrison replied but it does (make a difference). We have to have something to go on. If we don't have to have site... We need to know what's going on there. Mr. Simmons said the best way to determine that is we can get hard and fast bids which he hasn't done because he didn't know if this was going to go through anyway. We can get bids and see how many square yards, square feet, of paving the TIF financing will buy us. Councilmember Smith said we don't have time to do that now. Councilmember Morrison said we're down to the zero hour if this has to be recorded by the 31st. Mr. Snarr said with changes to be made we're down to the deadline; he wishes he'd gotten review comments back a lot sooner.

Councilmember Gibbs asked Paul, regardless of the TIF, the landscaping and drainage has to be done, does it not? Mr. Snarr replied it does. Councilmember Gibbs said the only thing we're debating is whether the rest of the parking lot gets paved or not. Mr. Snarr replied correct. Mayor Kaufman clarified that the cost of the paving is on top of everything else. Mr. Simmons replied that's correct. Mayor Kaufman said the tough thing with TIF is there are certain statutory rules that we have to abide by; part of that is that redevelopment agreement. Regardless of what the TIF funds provide, if we gamble and don't have the hard bids tonight, and if there's additional costs, the plan has to be executed. It's not a case of public dollars going into the project and you go as far as you can; that's a violation of TIF. The intent of the TIF is to finish the project. If you do the project as far as the TIF dollars can go but don't finish it, there's a fundamental problem. If you use the TIF funds and finish the project, that's what the TIF was intended for. Mr. Simmons asked what the Mayor's definition of the plan is, is it the site plan? Mayor Kaufman said the redevelopment agreement and plan that Paul just showed him.

Mr. Ellison stated to Mr. Simmons that he's getting the impression that Mr. Simmons may not understand how TIF works. Mr. Simmons replied that he does understand how it works. Mr. Ellison said what it means is you have to commit to a redevelopment agreement, you have to commit to do the paving, the landscaping and everything else that's in the original plan. It's not a dollar for dollar exchange based on what the TIF amount is. That's all based upon what the County Treasurer says the increase in value would be. It may or may not pay for what the parking lot and landscaping is. He asked Mr. Simmons if he understood that. Mr. Simmons replied yes he does. Mr. Ellison said you can't just agree to a redevelopment agreement and then say I don't think I'll do that later. Mr. Simmons said he didn't write the redevelopment agreement; Paul was helping him with that and that was the ideal situation which is all well and good if it's affordable. The plan was written before Mr. Simmons had any idea what those costs were going to be. Mr. Snarr said there are minimum standards for parking and access around it; we don't want cars tracking mud and debris out into the street.

Administrator Danielzuk asked Mr. Simmons if he agrees with the City of Gering Redevelopment Plan for the Laundromat; he then took the document to Mr. Simmons for inspection. Mr. Simmons replied that he has seen the document. Mr. Simmons said he agrees with the plan if it's affordable. He understands the

Council needs something hard and fast in advance. He said if we don't have it and Council has to make a decision tonight then don't do it. Mr. Simmons said he's not going to commit to \$90,000 of paving if there's only \$60,000 or whatever of TIF funds. He said he would pave as far as that would go but Julie and everybody has pointed out that's not how it works, you can't do it that way, so okay we won't do it that way. Mr. Simmons asked if he would have submitted a plan other than this one that showed half as much parking, would that have been acceptable? Councilmember Morrison said that would have been better but he should have started this TIF process from the beginning and not try to pick it up at the end of the project. Council needs to know it will be finished as it is in the plan. Councilmember Gibbs noted that if you don't do as much paving the valuation would not be as great and there wouldn't be as much TIF available. Mr. Ellison replied probably, yes.

Mayor Kaufman asked if there are any additional questions. Administrator Danielzuk asked Mr. Simmons if he has seen the redevelopment agreement; he then walked the agreement to Mr. Simmons. Mr. Simmons replied yes, he has seen it. Mr. Danielzuk asked if he agreed with what is stated in the redevelopment agreement. Mr. Simmons said he's not comfortable with the amount of parking in the redevelopment agreement. He asked at the Planning Commission meeting if he had to have bids submitted and was told no, this is just for intent. It was his understanding that this could be worked on and they could get the numbers jiving with how much pavement they're putting in, etc. with how much funding was available. That's obviously not the case. He thought the agreement could be adjusted; he didn't know it had to be set in stone as of tonight. Mr. Danielzuk asked Mr. Simmons if he could say he's comfortable with the plan or the agreement. Mr. Simmons replied no, not 100%.

Mayor Kaufman asked if anyone else wished to speak in favor of the application. Seeing none, he asked if anyone wished to speak in opposition of the application.

With no further comments the Mayor closed the Administrative Record and the Public Hearing closed at 9:08 p.m.

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

4a. Approve or deny a Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property for MTL Commodity Corporation Subchapter S (Gering Laundromat) located at 933 10th Street, Gering, NE and will include a new Laundromat, right-of-way improvements, utility extensions, lot surfacing and landscaping. The property is generally located in a portion of the SE1/4 of Section 2, T21N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

Motion by Councilmember Gibbs to deny a Re-Development Plan and Re-Development Agreement using Tax Increment Financing (TIF) from real property for MTL Commodity Corporation Subchapter S (Gering Laundromat) located at 933 10th Street, Gering, NE and will include a new Laundromat, right-of-way improvements, utility extensions, lot surfacing and landscaping. The property is generally located in a portion of the SE1/4 of Section 2, T21N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

4b. Approve and authorize Mayor to sign a Re-Development Agreement using Tax Increment Financing (T.I.F.) from real property for MTL Commodity Corporation Subchapter S (Gering Laundromat) located at 933 10th Street, Gering, NE and will include a new Laundromat, right-of-way improvements, utility extensions, lot surfacing and landscaping. The property is generally located in a portion of the SE1/4 of Section 2, T21N, R55W of the 6th PM in the City of Gering, Scotts Bluff County, Nebraska.

4c. Approve and authorize the Mayor to sign Tax Increment Development Revenue Bond related to real property for MTL Commodity Corporation Subchapter S (Gering Laundromat) located at 933 10th Street, Gering, NE

4d. Approve Resolution 7-16-1 related to real property for MTL Commodity Corporation Subchapter S (Gering Laundromat) located at 933 10th Street, Gering, NE

Items 4b through 4d were not addressed by Council as item 4a was denied by Council.

REPORTS: (Information only)

1. Liaison Report: Update on Oregon Trail Days – Councilmember O’Neal

Councilmember O’Neal stated that she had a report prepared, but spoke to Jodi Ruzicka, President of the Oregon Trail Days Board, who asked that she wait until they have all the figures in. Councilmember O’Neal will report at the next meeting.

OPEN COMMENT SECTION: None

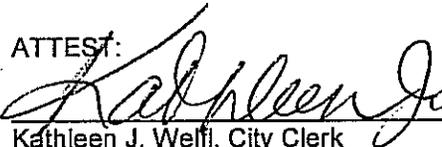
Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

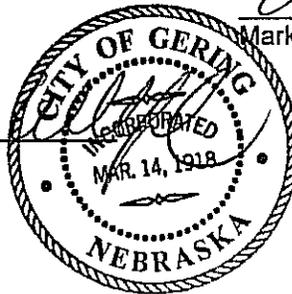
ADJOURN

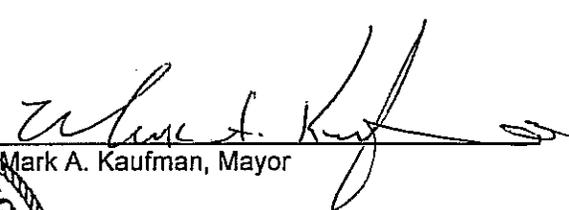
Motion by Councilmember Christensen to adjourn. Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. “AYES”: Smith, Christensen, Gibbs, Holliday, O’Neal, Morrison and Cowan. “NAYS”: None. Abstaining: None. Absent: Alfred. Motion Carried.

Meeting adjourned at 9:11 p.m.

ATTEST:


Kathleen J. Weiff, City Clerk




Mark A. Kaufman, Mayor