

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, May 23, 2016**

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 23, 2016 at 6:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, Allred, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Holliday and O'Neal. 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 absence of Councilmember Allred from the May 9, 2016 Regular City Council meeting. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. 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 May 9, 2016 Regular City Council meeting
2. Approve Claims and Financials

**Claims:**

**4-30-16 to 5-13-16**

911 CUSTOM \$240.00 F150 08 ROOFTOP MNTG PLATFORM, ACUSHNET CO \$676.79 (48) GOLF BALLS REIMBURSEMENT/ (16) DOZ GOLF BALLS/(1) WEDGE GOLF CLUB/(48) PR GLOVES/(1) MENS JACKET, AHLER'S BAKING INC \$17.98 BRKFST SENIOR WORK DAY, ALAMAR UNIFORMS \$40.99 (1) NAME BADGE - ENLOW, ALL STAR PRO GOLF \$385.91 (1,167) TEES, ALLO COMMUNICATIONS \$1,264.99 MAR TELEPHONE/INTERNET CHR, AMERICAN LIBRARY ASSOCIATION \$209.00 DIRECTOR'S ALA MEMBERSHIP, ANTIGUA GROUP INC \$2,080.96 (77) LADIES SHIRTS, BENZEL PEST CONTROL \$229.90 APRIL & MAY PEST CONTROL, BLACKBURN MANUFACTURING \$277.55 (24) RLS CAUT/(9) RLS ELEC TAPE, BLUFFS SANITARY SUPPLY \$208.47 (48) CS 2 PLY TT SHEETS, (2) QTS PRCELAIN CLEANER, (1) CS SOAP/TP & MISC CLNG SUPPLIES, BOUND TO STAY BOUND BOOKS \$26.49 (2) CHILDRENS BOOKS, BROADWAY OFFICE CENTRE \$174.16 (1) TYPWRTR RBN, (2) BXS PENS, (1) 3 RING BINDER, (132) COPIES, (2) INK CARTRIDGES, (1) PK POST IT, (1) DZ LGLG PADS, (1) REA, LEGAL PAPERS, (1) TRTN ADDRESS STAMP, (2) PKGS ADDING MACHINE TAPE, (1) CORRECTION TAPE RIBBON, BUDGET TIRE & SRV \$14.00 (1) FLAT TIRE RPR, CALLAWAY GOLF CO \$2,994.26 (10) HATS/(4) SETS RENTAL CLUBS/(1) PUTTER/(264) GOLF BALLS, CEN CON LLC \$7,700.00 (550) BORE, D ST & GENTRY BLVD, CHARTER COMM \$99.98 TV/INTERNET CHR, CLUB HSE, CITY OF GERING \$431.13 CASH FOR POOL REGISTER & WELLNESS GOLF, CITY OF GERING - GENERAL AC \$65,000.00 TRANSFER ACH PAYROLL, CITY OF SCOTTSBLUFF \$1,908.63 EMERGENCY MNGMT JAN - MAR, CITY PAYROLL TRUST \$6,687.21 FSA MEDICAL 125, CONCRETE CATTLE CO \$2,220.00 LBR GUTTER WRK KRAMER PLACE, CONSOLIDATED MANAGEMENT CO \$325.20 MEALS FOR MCBRIDE/SCHROEDER, CONTRACTORS MATERIALS \$39.50 (6) NUTS, (1) DRILL BIT POND 3B COVER RPRS, CREDIT MANAGEMENT SRV \$330.50 GARNISHMENT, DANKO EMERGENCY EQUIPMENT \$297.22 (24) SCBA BRACKETS, DBC IRRIGATION SUPPLY \$191.98 (100) O RINGS/(2) SWING JOINTS, DHHS DIVISION/PUBLIC HEAL \$124.00 BLOOD ALCOHOL TEST, DIAMOND VOGEL PAINT CENTE \$19.82 (1) SPRAY GUN/(1) QT PT 11-14 WELLS, DIANE DOWNER \$61.56 FNL TRVL EXPS PLTS/SCYP MTG, DOOLEY OIL INC \$543.99 (388) GLS DIESEL, DOOR CLOSER SRV \$27.50 (13) KEYS CUT FOR FILE CABINETS, DUTTON - LAINSON CO \$497.33 (8) ELECTRIC METERS, ECOLAB \$172.51 APRIL PEST CONTROL, ENVIRO SRV INC \$812.00 WATER LAB & WASTE WATER LAB, ENVIRONMENTAL SRV \$27,888.00 DEMOLITION COST, ESC ENGINEERING \$5,591.20 ENGINEERING SRV & RPR WORK ON 2 METERS, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, FAIRBANKS SCALES INC \$940.00 SCALE MAINTENANCE, FASTENAL CO \$495.53 (10) CAP SCREWS POND 3-B CVR RPR, (1) PIECE ANGLE IRON 3B CVR RPR, (47) BOTS FOR 3B COVER RPR, (1) DRILL BIT, 225 BOLTS/WASHERS FOR SIGN, (1) HITCH PIN, (12) SAFETY COVERALLS, (20) BOLTS FOR BALER, (1) BTL ANTI-SEIZ POND RPR & (1) HITCH, PIN, FEDEX \$117.96 WWT 3B COVER FAILURE/WATER LAB, FIREGUARD \$269.58 (1) SCBA MASK/SHPING CHRGS, FIRST STATE BANK \$351.41 IBEW UNION DUES, FLOYD'S SALES & SRV \$1,008.65 BRAKE WORK ON G-9 MUD FLAPS G-6, FORT DEARBORN LIFE INC CO \$99.76 FIREFIGHTER LIFE INS, FREMONT MOTOR SCOTTSBLUFF \$6.73 (1) WNDSHLD WASHER HOSE 05 TAURUS, FREQUF JUDY \$75.00 RV ROOM DEPOSIT REFUND, FRESH FOODS \$189.40 FOOD FOR FREE LANDFILL DAY, GALE \$32.38 (2) LRG PRINT

BOOKS, GERING CITIZEN \$662.30 RQST FOR PROPOSAL REDEVELOPERS, SPECIAL BRIDAL ADVERTISING, CONDS MNTS GERING COUNC MTG, SALES TAX ELECTION NOTICE, GIBBS LAWRENCE \$83.70 TRVL EXPS WNED MTG SIDNEY, GOLF SOFTWARE COM \$79.95 (1,000) SCORE CARDS MENS LEAGUE, GREAT AMERICA LEASING CORP \$222.56 COPIER MAINTENANCE, HD SUPPLY WATERWORKS LTD \$6,399.98 (20) GASKETS, (1) COUPLER, (32) WATER METERS, (3) ADAPTERS FOR 11-14 WELL RPR, (3) WATER METERS, HEILBRUN \$132.00 (1) AIR FILTER SAW RPR, (3) GRS CPLRS, (2) SWITCHES, (4) FLAP WHEELS, (2) PR GLOVES, (1) OIL/AIR FLTR, (4) LBS SAE NUTS, (1) NEEDLE GREASE ADAPTER, HERBAL ALVIN \$150.00 TREE RMVL REBATE - HERBEL, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$430.06 (31) MATS CHANGED OUT, (1) MOP, (4) AIR FRESHNERS, CLN (2) TABLE CLOTHS, (1) CS TP, (2) CS HAND TOWELS, INDEPENDENT PLUMBING \$547.12 (8) RAKES, (3) PRUNNERS, STEM ADPT FOR RV SHOWERS, INGRAM LIBRARY SRV \$507.26 (26) BOOKS, INTERNAL REVENUE SRV \$43,533.68 FED/FICA TAX, JD'S ACE BODY SHOP \$94.00 RPR CASE TRACTOR ROOF, JOHN HANCOCK USA \$13,976.62 JH RETIRE 6% & 1-10%, JOHNSON CASHWAY CO \$459.43 (3') SCREEN WIRE 11-14 WELL RPR, (1) ROLL MSGK TAPE, (3) NUMTS/BOLTS, (1) RAIL END, (1) SQUEEGEE SHOP FLOOR, (2) FLOOD LIGHTS, (1) BULB, (1) RECIPSAW/BLADE/BATTERY, (100) SCREWS, (1) BOX WSHRS, (1) BOX NUTS, (1) CN RED PRIMER - 11-14 WELL RPR, PARTS FOR RPR WATER LINE IN BLDG, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KOIS BROTHERS EQUIPMENT \$4,927.95 (200) LIDS FOR CONTAINERS, KOVARIK, ELLISON, MATHIS \$5,073.75 LEGAL FEES-ELLISON, MAR KRUB, MEMORIAL CHAPEL, MAR LB840 HOTEL LEGAL, MAR CHRGS SLS TAX/INFSTRCTR, MAR FMLY BLT HOMES LB840, KRIZ - DAVIS CO \$1,013.34 (2) SECONDARY CONNECTION PEDS, (12) ELEC CONTRS FOR 11-14 WELL RPR, LL JOHNSON DIST \$148.54 (1) BELT BRACKET SWEEPER, (1) FUEL SENDER & GASKET, LOGOZ LLC \$75.00 (1) REFLECTIVE JACKET, MARKUSOND AMBER \$175.00 DEPOSIT REFUND, MATHESON TRI-GAS INC \$277.17 (1) BANDSAW BLADE, (19) PR GLOVES, MB KEM ENTERPRISE \$503.50 (3) OVERHEAD DOOR RPR, (1) DOOR LUBE, MEAT SHOPPE \$19,977.55 MANAGEMENT CONTRACT, CATERING COST, MENARDS \$526.50 (1) 8 PK TWLS, CAN PASTE WAX/BATTERIES, ELEC SUPPLIES TO HOOK UP DRYER, PIPE FTGS RV DUMP STATION, (3) TIE DOWN STRAPS, SHOWER CURTAIN ROD - RV PARK, (32) BLOCKS, (2) TROWELS SWR LINE, 1-14 WELL RPR, MG TRUST CO LLC \$6,579.58 MG T-POLICE, MITCHELL REFRIGERATION \$76.58 ICE MACHINE RPR, MONEY WISE OFFICE SUPPLY \$475.52 (1) FILE BOX, (3) COLOR PENS, (2) BXS PENS, (1) CS DVDS, (1) AIR FRSHNR, (1) BX FILE FOLDERS, (1) BX PENTELL ENERCEL PENS, (1) PKG NOTARIAL GOLD SEALS, 2-3" BINDERS, (8) INK CRTRGS, (1) BX LAM POUCHES, (3) BXS PAPERCLIPS, (1) BX ENVLPS, (1) RM CRDSTCK, (6) FLSH DRVS, (1) ERASER, (4) MRKRS, NE CHILD SUPPORT PYMT \$627.56 CHILD SUPPORT 1, NE DEPT OF REVENUE \$65,097.77 APRIL SALES & USE TAX, NE DOR GAMING DIVISION \$100.00 LOTTERY LICENSE RENEWAL, NE PUBLIC POWER DIST \$1,482.99 APR UTILITIES PHEASANT DR, NEBRASKA ENVIRONMENTAL PR \$428.98 (4) CAPS, POLY LUBE, (8) SLS, WASHERS, NEBRASKA MACHINERY CO \$396.00 HYD RPR ON TRENCHER, NEOFUNDS BY NEOPOST \$1,600.00 (2) MONTHLY POSTAGE FEES, NIKE USA INC \$1,795.20 (1) LADIES SHORT, SHIRT, (24) HATS, (51) LADIES SHIRTS, NORTH PLATTE NRD \$60.00 (10) JUNIPER TREES, NORTHWEST PIPE FITTINGS \$112.80 (50') PVC PIPE, (9) FTGS DUGOUTS, OREGON TRAIL PLBG/HEATING \$220.00 SRV COOLING EQUIPMENT, PANHANDLE HUMANE SOCIETY \$3,134.00 MAY ASSISTANCE, PING \$1,273.88 (11) GOLF CLUBS, POSTMASTER \$600.00 POSTAGE MAILING PERMITS, POWERPLAN OIB \$745.68 STARTER SWITCH RPR, (6) ELEMENTS, (3) FUEL/(2) OIL/(1) KIT FILTER, (4) CONCTR TER, (3) CONNECTORS, PT HOSE & BEARING \$58.03 (2) CANS CUTTING OIL, (12) HOSES G-8, RAILROAD CONTROLS LP \$352.23 (1) HORN DRIVER/FREIGHT, RAY ALLEN MANUFACTURING \$979.99 (1) K9 DEPLYMENT & HEAT SENSOR, RECORDED BOOKS LLC \$134.97 (4) AUDIO BOOKS, RED BARN SHOP LLC \$1,738.21 PARTS & LBR RPR (2) CYLINDERS, REGANIS AUTO CENTER \$15.26 (1) NOZZLE FOR JEEP PATRIOT, RUSSELL INDUSTRIES \$681.38 (1) CK VLV CRESCENT ST LFT STAT, SARCHET ENTERPRISES \$175.00 BRWNSFLD GRANT MTGS/PRPRY REV, SCB COUNTY AMBULANCE SRV \$316.23 MAY AMBULANCE CONTRCT, SCB COUNTY REG OF DEEDS \$10.00 WEST LWN CEM CERT WALKER, SCB COUNTY SHERIFF OFFICE \$29.42 SUBPOENA FEES FOR COURT, SCB/GERING UNITED CHAMBER \$385.00 GENERATIONAL DIFF WORKSHOP, SCOTTSBLUFF-GERING UNITED \$71.54 UNITED WAY CTRB, SCS ENGINEERS \$3,485.08 1<sup>ST</sup> QTR GW MONITORING RPRTNG, SENIOR CITIZEN CENTER \$525.00 MAY FINANCIAL SUPPORT, SHIFFERMILLER LAW OFFICE \$10,000.00 JOHN URDIALES AGREEMENT, SIMON CONTRACTORS \$4,697.81 (3.5) CY CONCRETE STORM WTR DRN, (1.5) CY CONCRETE CURB WORK, (6) CY CONCRETE ST PRPR BY SCHWANS, (13) CY CONCRETE KRAMER PLC, (7) CY CONCRETE DRVWY RPRS, (49.04) TN CRSHD CONCRETE ALLEYS, (2.25) CY CONCRETE DRVWY RPR, (3.5) CY CONCRETE CURB & CTR WRK, (3) CY CONCRETE MAIN RPR, SOLUTIONS EAP \$244.55 COUNSELING SRV, SOURCE GAS \$465.35 APR UTILITIES 1415 5<sup>TH</sup> ST, 225 E D ST, 1035 M ST, 900 OVLND TRAIL, 1255 11<sup>TH</sup> ST, SOUTHWESTERN EQUIPMENT CO \$1,190.19 PARTS & FRT RPR WORK G-8, STAPLES CREDIT PLAN \$148.04 (2) INK, (1) PK RBRBDS, (1) RECORDER, (1) PK PA, (1) INK CARTRIDGE, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, SYSCO DENVER INC \$157.65 (6) HAND SOAP REFILLS, TERRY CARPENTER INC \$650.00 MAY WATER WELL LAND RENT, THE ROCK PILE 193.47 (23.08) TONS MSNRY SAND SEWER LN, URDIALES JOHN \$5,800.00 JOHN URDIALES AGREEMENT, US AUTO FORCE \$44.85 SMOOTH TIRE, USA BLUE BOOK \$899.70 (630) MNI MRKRS, (4) GAUGES, (1) PROBE, VALLEY BANK - POLICE \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO \$6,823.66 HSA CTRB 125, VAN PELT FENCING \$9.95 (1) POST CAP., VERIZON WIRELESS \$58.11 MAR (3) AIR CARD FEES, WALMART \$20.39 (2) AIR HRNS, (1) BX CO2 CARTRIDGES, WATCH GUARD VIDEO \$588.00 VEHICLE DVD UNIT RPR - ENLOW, WELLS FARGO FINANCIAL LEA \$100.00 MAY COPIER LEASE, WESCO DISTRIBUTION INC \$4,942.52 (12) HARD HATS, (8) HRNS, (1) CHIN STRAP, (1) SWT BAND, (8) LANYARDS, WINCHELL CLEANING SRV \$830.00 CLEANING LOBBY, BTHROMS, OFFICE, WM RECYCLE AMERICA \$2,480.60 SINGLE STREAM RECYCLE FEES, PAYROLL CHECKS \$116,058.78 PAYROLL CHECKS ON 5-13-16

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

**BIDS:** None

**PUBLIC HEARINGS:**

**1. Public Hearing to consider an application for a change in zoning from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) on Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM in the City of Gering, Scotts Bluff County, Nebraska.**

The Mayor opened the public hearing for a change in zoning from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) on Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street at 6:03 p.m. Paul Snarr, City Engineer/Planner addressed the Council with the Administrative Record.

**CITY OF GERING  
CITY COUNCIL PUBLIC HEARING  
ADMINISTRATIVE RECORD**

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<b>To:</b>	City Council	<b>Date:</b>	May 23, 2016
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	RM
<b>Subject:</b>	Public Hearing - Rezone Lot 1, Block 1, Unzicker Addition from RM (Residential Medium Density District) to RRE (Rural Residential Estate District)	<b>Property Size:</b>	2.28 acres
<b>Location:</b>	Lot 1, Block 1, Unzicker Addition	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Bob & Royann Unzicker	<b>City Council:</b>	May 23, 2016

**Procedure**

1. Open Public Hearing
2. Overview of Hearing 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 determination

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

**Hearing**

Mr. Mayor and City Council Members,

This is a Public Hearing to consider an application for a change in zoning from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) on Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM in the City of Gering, Scotts Bluff County, Nebraska.

The property is owned by Bob and Royann Unzicker and consists of approximately 2.28 acres and has a farm type setting with a home, garage, sheds, and corrals. It is my understanding that this property has been for sale for quite some time and has not been able to sell due to the potential interest to retain the site with the continued use as a small farm and ability to use the corrals for horses and small animals.

The applicant, Ashely Lara is interested in purchasing the property (contingent on the rezone) and filed an application for the Change in Zoning, April 20, 2016 to amend the zoning from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) in order to meet zoning that would allow for horses and small animals.

***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 Council's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing.***

- Application for a Change in Zoning by the property owners, Ashley Lara, April 20, 2016.
- 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 City Council, 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.
- Planning Commission Recommendation and Report and Public Hearing, May 17, 2016.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Council did not wish to have the record read aloud. Mayor Kaufman asked if anyone in the Council Chambers wished to speak in favor or opposition of this application. Mr. Snarr noted that the applicant, Ms. Lara, made a presentation at the Planning Commission meeting and he was under the impression she would be doing the same at the Council meeting, however she was not present. He noted she had good information and uses for the property with this request. Councilmember Gibbs asked if it's entirely within City limits. Mr. Snarr replied yes. Councilmember Gibbs asked if RRE was allowed in City limits; Mr. Snarr replied yes.

Mr. Snarr stated: 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 follows:

**Recommendations**

**Approve**

Make a POSITIVE RECOMMENDATION to rezone Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) with the following conditions:

**Deny**

Make a NEGATIVE RECOMMENDATION to rezone Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM from RM (Residential Medium Density 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 Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) for the following reason(s):

Councilmember Christensen asked Mr. Snarr if there was any opposition to this application. Mr. Snarr said no, not at the Planning Commission meeting. Mr. Snarr noted a letter written by the Unzickers which was included in the Council packet on page 25. The letter spoke in favor of the application. Mr. Snarr noted that the use needs to be changed to meet our zoning standards.

No one spoke in favor or opposition of the application. With no further comments the Mayor closed the Administrative Record and the Public Hearing was closed at 6:13 p.m.

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

**1a. Approve or deny an application for a change in zoning from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) on Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM in the City of Gering, Scotts Bluff County, Nebraska.**

**Motion by Councilmember Gibbs to approve the application for a change in zoning from RM (Residential Medium Density District) to RRE (Rural Residential Estate District) on Lot 1, Block 1, Unzicker Addition addressed as 2160 M Street on the Northwest Corner of Five Rocks Road and M Street situated in the Southeast Quarter of the Northeast Quarter of Section 3, T21N, R55W of the 6<sup>th</sup> PM in the City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Morrison.**

**Discussion:** Councilmember Christensen added as long as it includes the requirements as pointed out by the City Engineer including the Redevelopment agreement. Both Councilmember Gibbs and Morrison agreed to amend the motion to include the Redevelopment Agreement.

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

1. Public Hearing to consider a Special Exception/Conditional Use Application to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (1): Public and private playgrounds, parks, community centers and other recreational facilities for communal use on an exclusive noncommercial basis.

Mayor Kaufman opened the public hearing to consider a Special Exception/Conditional Use Application at 6:15 p.m. Mr. Snarr presented the Administrative Record and noted the applicant referred to it more as a nature center.

**CITY OF GERING  
CITY COUNCIL PUBLIC HEARING  
ADMINISTRATIVE RECORD**

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<b>To:</b>	City Council	<b>Date:</b>	May 23, 2016
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	RM
<b>Subject:</b>	Public Hearing - Exception to Allow a Community Horse Clinic for Community Use Lot 1, Block 1, Unzicker Addition RRE (Rural Residential Estate District)	<b>Property Size:</b>	2.28 acres
<b>Location:</b>	Lot 1, Block 1, Unzicker Addition	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Bob & Royann Unzicker	<b>City Council:</b>	May 23, 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 determination

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

**Hearing**

Mr. Mayor and City Council Members,

This is a Public Hearing to consider an application for a Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change to RRE (Rural Residential Estate District).

The City Zoning and Subdivision Regulations for RRE Section 6.104 Exceptions, Sub Section (1): Public and private playgrounds, parks, community centers and other recreational facilities for communal use on an exclusive noncommercial basis.

The applicant, Ashely Lara is interested in purchasing the property from Bob and Royann Unzicker which consists of approximately 2.28 acres and has a farm type setting with a home, garage, sheds, and corrals and would like to have a community horse clinic for community use.

***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 Council's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing.***

- Application for an Exception/Conditional Use Permit by the interested purchaser of the property, Ashley Lara, April 20, 2016.

- 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 City Council, 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.
- Planning Commission Public Hearing, May 17, 2016.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Councilmember Gibbs suggested tabling this public hearing until the applicant could appear in person to answer questions and asked if it would create a time problem. Mr. Snarr said he believed it would if we held up the process. Council did not wish to have the Administrative Record read aloud.

Mr. Snarr continued: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider this application for a Special Exception/Conditional Use Permit to allow for a community horse clinic for community use and request your recommendation to approve, deny, or continue as follows:

**Recommendations**

**Approve**

Make a POSITIVE RECOMMENDATION to approve the Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change to RRE (Rural Residential Estate District) with the following conditions:

**Deny**

Make a NEGATIVE RECOMMENDATION to approve the Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change 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 approve the Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change to RRE (Rural Residential Estate District) for the following reason(s):

No one spoke in favor or opposition of the application. With no further comments the Administrative Record was closed and the public hearing closed at 6:20 p.m.

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

**2a. Approve or deny a Special Exception/Conditional Use Application to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (1): Public and private playgrounds, parks, community centers and other recreational facilities for communal use on an exclusive noncommercial basis.**

**Motion by Councilmember Smith to approve a Special Exception/Conditional Use Application to allow for a community horse clinic for community use on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (1): Public and private playgrounds, parks, community centers and other recreational facilities for communal use on an exclusive noncommercial basis. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred,**

Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. Motion Carried.

3. Public Hearing to consider a Special Exception/Conditional Use Application to allow for an on-site sign on the applicants private property on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (6): Signs subject to Section 10.15 of this Ordinance - Ordinance No. 1731. Per Ordinance No. 1731, off-site signs in this area are prohibited between M Street and Country Club Road. On-site signs are also prohibited unless meeting compliance with NDOR.

Mayor Kaufman opened the public hearing to consider a Special Exception/Conditional Use Application to allow for an on-site sign on the applicants private property on Lot 1, Block 1, Unzicker Addition at 6:21 p.m. Mr. Snarr presented the Administrative Record.

**CITY OF GERING  
CITY COUNCIL PUBLIC HEARING  
ADMINISTRATIVE RECORD**

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<b>To:</b>	City Council	<b>Date:</b>	May 23, 2016
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	RM
<b>Subject:</b>	Public Hearing - Exception to Allow for an On-Site Sign located on Lot 1, Block 1, Unzicker Addition RRE (Rural Residential Estate District)	<b>Property Size:</b>	2.28 acres
<b>Location:</b>	Lot 1, Block 1, Unzicker Addition	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Bob & Royann Unzicker	<b>City Council:</b>	May 23, 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 determination

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

**Hearing**

Mr. Mayor and City Council Members,

This is a Public Hearing to consider an application for a Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for an on-site sign on the owner(s) property on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change to RRE (Rural Residential Estate District).

The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (6): Signs subject to Section 10.15 of this Ordinance - Ordinance No. 2331. Ordinance No. 2331 off-site signs in this area are prohibited between M Street and Country Club Road. On-site signs are also prohibited unless meeting compliance with NDOR.

The applicant, Ashely Lara is interested in purchasing the property from Bob and Royann Unzicker which consists of approximately 2.28 acres and has a farm type setting with a home, garage, sheds, and corrals and would like to advertise for a community horse clinic for community use (prior 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 Council's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing.*

- Application for an Exception/Conditional Use Permit by the interested purchaser of the property, Ashley Lara, April 20, 2016.
- 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 City Council, 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.
- Planning Commission Public Hearing, May 17, 2016.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr noted that he corresponded with the NDOR regarding this matter. He then read the response from NDOR which stated: *"There would be no permit required if the sign is completely on the same property as the nature center. The signs would have to only advertise activities and/or events on the property. It would also be stipulated that no other businesses or private persons be advertised on said signs. They would not be able to overhang the State right-of-way."* Mr. Snarr went on to say as long as they're on her private property they were fine with it.

Mr. Snarr added: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider this application for a Special Exception/Conditional Use Permit to allow for an onsite sign and request your recommendation to approve, deny, or continue as follows:

**Recommendations**

**Approve**

Make a POSITIVE RECOMMENDATION to approve the Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for an on-site sign on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change to RRE (Rural Residential Estate District) with the following conditions:

**Deny**

Make a NEGATIVE RECOMMENDATION to approve the Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for an on-site sign on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change 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 approve the Special Exception/Conditional Use Permit requested by the applicant, Ashley Lara to allow for an on-site sign on Lot 1, Block 1, Unzicker Addition contingent on the approval of the zoning change to RRE (Rural Residential Estate District) for the following reason(s):

Council did not wish to have the Administrative Record read aloud. Councilmember Gibbs asked if there are any specifications in City Ordinance that requires a sign not exceed a certain size. Mr. Snarr said we would have to go by our sign requirements; we'll make sure it doesn't exceed the size limits. Mr. Snarr thinks her intention was more of a banner attached to the fence. The fence is well within the property lines. She wants to hang a banner on the fence and there would be a sign on M Street. He thinks the banner would say the dates and whatever activity was happening.

Councilmember Smith said he thought the applicant wanted to put sponsor names on those signs as well. Councilmember Allred noted that in the packet it states she wants to hang 3x5 banners on the arena back by the ditch bank like they have at rodeos to show a token of appreciation for businesses who are supporting this nature center. Councilmember Smith stated that if we're blocking advertisement for everybody else in that area that would be a profit center for her to sell banners with company names on it because there's no other signs to look at; she has a quarter mile of billboard there if you allow this to happen. Mr. Snarr said he would fall back on NDOR's recommendation that she not advertise for anyone else, that it's specifically advertising for her business only.

Councilmember Morrison asked if those signs faced in the arena, not facing either road, would that still not be permissible. Mr. Snarr said he wouldn't have a problem with that because the only folks that would be seeing that would be those there for the event. They would be on her property and wouldn't distract drivers and keep the historical site from M Street to Country Club. Councilmember Smith said he's

concerned if you allow some the staff really aren't going to be able to police if she decides to put them on the other side facing the highway.

Mayor Kaufman asked if anyone in Council Chambers wished to speak in favor of this application. Ben Backus, 440 O Street, addressed Council and stated that he knows Ms. Lara and he called her and there was a misunderstanding of the date. He inquired if he might delay the public hearing long enough for Ms. Lara to arrive. Mayor Kaufman noted that so far the application process has gone pretty smooth. He said there won't be a need but he can't predict what will happen. Councilmember Gibbs asked if the Mayor would care to juggle the agenda around a little bit; there does appear to be some confusion on the signage so it might be worth having her here if she's on her way.

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

Mayor Kaufman noted the public hearing was suspended at 6:34 p.m.

#### **CURRENT BUSINESS:**

##### **1. Refinancing Water Project and Combined Utilities Bond Series 2012 – Presentation by Brad Slaughter, Ameritas Investment Corp.**

Brad Slaughter with Ameritas Investment Corp. addressed Council and distributed a handout. He stated that he and Finance Director, John Mejia, have been in discussion and while looking at the refinance of the Leasing Corp. bonds he noticed going through our audit that there was a substantial amount of debt with NDEQ and the City. In talking to Mr. Mejia, Mr. Slaughter noted that the rates are substantially lower and they took a look at that debt. He said he would like to go through that with Council at this meeting. He then reviewed in more detail the information he handed out to the Mayor, Council and staff.

Mr. Slaughter stated that the City has two notes outstanding with NDEQ; one with about 5.4 million as far as principal remaining at 3.3% and another at \$360,000 dollars at 4.24%. They are set to be paid off by December 15<sup>th</sup> of 2040. In 2012 the City issued combined utilities revenue bonds that pledged electric utility user revenues as well as sanitary sewer user revenues towards outstanding debt that was for the sanitary sewer wastewater treatment facility. There is 1.19 million left on that at 1.68% set to be paid off June 15<sup>th</sup> of 2021. They are proposing the City combine its existing water, sanitary sewer and electric revenue and pledge all of those revenues combined towards the debt that is outstanding on utilities. The City's coverage in combining all the debt is very good. The higher the coverage the better the credit and the lower the interest rate when you go to refinance. The 3.3% and 4.24% interest rates will fall to about 2.9%. The sewer debt will fall from about 1.68% to 1.6%. The payments would stay about the same as they are now but they would knock four years off the amortization schedule. The debt would be paid by December 15<sup>th</sup> of 2036. With the decreased interest expense in connection with not paying an administrative fee to NDEQ, he estimates will save the City about a half a million dollars. Mr. Slaughter continued to go over the handout with Council. Mr. Slaughter explained that the rate will be locked in for 20 years; if we acted right now the rate would be right at 2.8%. He added that cities like Gering have an opportunity to do something like this about every 15-20 years; the City is in the perfect position to do this right now.

#### **DISCUSSION OF POSSIBLE WATER AND COMBINED UTILITIES REFINANCE**

##### **Water Debt**

- The city has two loans outstanding with NDEQ.
- Loan #1 at 3.3%, with \$5,400,877 in principal remaining
- Loan #2 at 4.24%, with \$360,502 in principal remaining
- Bonds are set to be paid semi-annually through December 15, 2040

##### **Sewer and Electric Debt**

- The City has \$1,190,000 in bonds outstanding against its Sanitary Sewer System.
- Electric and sewer utilities revenue is pledged toward this debt

- This debt is outstanding at 1.68%
- Bonds are set to be paid semi-annually through June 15, 2021

**PROPOSED ACTION**

We propose refinancing all of the City's existing water, sanitary sewer and electric utility debt into one Combined Utilities Revenue Bond. We would plan to issue no more than \$7,490,000 in bonds amortized over 20 years. The final payment on the debt would be December 15, 2036.

**BENEFITS TO A BOND REFINANCE**

- Interest Rate on the NDEQ Debt would drop to no more than 2.9%
- Interest Rate on the 2012 bonds would drop to 1.6%
- Amortization schedule would be shortened by 4 years
- Decreased interest expense and administrative fee will generate close to \$500,000 in savings

**BENEFITS TO A COMBINED UTILITIES SYSTEM**

**TOTAL REVENUES RECEIVED ARE PLEDGED TOWARDS ALL DEBT ON THE UTILITIES**

Since 2012 the revenue available for debt service has amounted to more than \$3,000,000 annually. Allows for incremental user rate increases, if required

**COVERAGE RATIOS INCREASE SUBSTANTIALLY**

Increased coverage ratios illustrate the quality credit of debt issued by the City Higher coverage ratios = lower interest rates

**ALLOWS FOR CAPITILIZATION OF FUTURE IMPROVEMENT PROJECTS**

Proven revenues allow for bond markets to be accessed at any time

**CONTINUING DISCLOSURE REQUIREMENTS SIMPLIFIED**

Audits and financial information only required for one bond issue outstanding

**INTERNAL BOOK KEEPING AND REVENUE ALLOCATION REMAINS UNCHANGED**

Revenues from each utility can be applied as desired

**PROPOSED FEE STRUCTURE**

AIC Public Finance's only fee will be the discount at which it purchases the City's bonds after issuance is authorized. The discount will not exceed 1% of the par amount of bonds issued based upon the final bond sizing and maturity. From the discount, AIC Public Finance will pay the fees and expenses of selling and underwriting the bonds, including:

- DTC charges
- Cusip Fees
- MSRB Fees
- Costs of printing the bonds and Preliminary and Final Official Statements
- All AIC Public Finance out-of-pocket expenses

The City will be responsible for payments due for Bond Counsel and the Paying Agent and Registrar if one is employed. If desired, AIC Public Finance will work with the Agency to secure these services as it has extensive experience working with all of the companies that provide these services in Nebraska.

**STATEMENT OF ASSURANCE**

There have been no filed, pending or threatened litigation or regulatory actions brought against or involving Ameritas Investment Corp. (AIC) instituted by any federal, state or local government unit related to our municipal finance business.

Mr. Slaughter stated that they will perform the refinance for 1% of the par amount of bonds that was issued. That would cover all charges, printing, out of pocket expenses, etc. The only other fees are the fees to pay the City's legal counsel to review the documents. The Bond Counsel's fee has been built into the savings schedule. The roughly \$500,000 savings is after the 1% fee; it's net to the City.

Mayor Kaufman thanked Mr. Slaughter for his time. He stated that we're not moving forward on the ordinance yet as staff, legal and Council need adequate time to review it. This was an introductory; we

should be receiving the ordinance soon. Mr. Slaughter stated there are two ways Council can take action on this. Doing the parameters ordinance will give them legal authority to move forward with the refinance. Or if Council has an idea of what savings they feel comfortable with, as far as the minimum, they can state that tonight. Ameritas could actually finish the documentation and market the bonds before the meeting on June 13.

Councilmember Allred asked if this is something that has to be bid out to other companies such as Ameritas. Administrator Danielzuk and Mayor Kaufman replied no. Councilmember Gibbs said he assumes what Mr. Slaughter has said is based on the Fed's maintaining the current interest rates. Mr. Slaughter replied absolutely right. Councilmember Gibbs said if they bump it up this is going to change. Mr. Slaughter said the market place generally dictates; they somewhat guess on the municipal market place for Nebraska. Before the Fed's meet they generally build in an expectation of what that would be. It came out just recently that they were going to table this and have a discussion and probably discuss the movement of interest rates in June. Councilmember Gibbs said so it behooves us to move as quickly as possible. Mr. Slaughter stated he doesn't want this to seem like a pressured sale to move forward but if there's movement it might not be there from a savings standpoint. We're at the threshold of what he believes is in the City's best interest to do this. He wants to make sure there's enough savings there for the City to move forward.

Mayor Kaufman stated the plan is to have it on the next agenda, however if Council wants to make a motion it's up to them. Administrator Danielzuk asked Mr. Slaughter which of the two alternatives he feels is the most efficient and timely. Mr. Slaughter said in order for them to move forward before the next meeting they'd have to have a special meeting to pass the parameters ordinance. Council can either do that or Council can give them the benefit to move forward with that minimum amount of savings and then they would market the bonds and have locked interest rates with a finalized ordinance at the meeting on June 13. If they wait until June 13 to pass the ordinance then they wouldn't be able to market the bonds until after the fact. Councilmember Gibbs stated that he thinks Council needs to move; this is a no brainer. We'll save money and shorten the term. Councilmember Allred asked a question about the amortization schedule which Mr. Slaughter addressed.

Mayor Kaufman entertained a motion regarding option 2 with set parameters so we can move forward with an ordinance at the first meeting in June.

**Motion by Councilmember Gibbs to move forward with option #2, with the \$548,000 savings, with set parameters so we can move forward with an ordinance at the first meeting in June. Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. Motion Carried.**

Mr. Slaughter asked if the minimum savings Council wants is the \$550,000? Councilmember Gibbs replied that's what he was hoping for. Mr. Slaughter replied that the only issue we get to there is if we go to market and we lose that 10 basis points, we usually put some movement in there, so they get us the lowest rate the market will dictate, which right now is at that 550, he said but usually we put some wiggle room in there from a parameters standpoint so that if we're at 538, we don't miss it. Does that make sense?

Mayor Kaufman stated if Councilmember Gibbs and Morrison are willing to change the motion and Council is in agreement, he suggested the verbiage be "The best possible savings". Councilmember Gibbs agreed to amend his motion with that language. Councilmember Morrison agreed to second the amended motion. The Council consensually agreed.

- 2. Approve Ordinance 2024 - AN ORDINANCE OF THE CITY OF GERING, PROVIDING FOR THE ADOPTION OF A SALES AND USE TAX, SPECIFYING THE AMOUNT, TERMS, CONDITIONS AND EFFECTIVE DATE OF THE SALES AND USE TAX; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

Councilmember Smith made a motion to introduce Ordinance No. 2024 - AN ORDINANCE OF THE CITY OF GERING, PROVIDING FOR THE ADOPTION OF A SALES AND USE TAX, SPECIFYING THE AMOUNT, TERMS, CONDITIONS AND EFFECTIVE DATE OF THE SALES AND USE TAX; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. Motion Carried.

Councilmember Gibbs moved that the Ordinance be designated as Ordinance No. 2024 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 Allred. The Clerk called the role. "AYES": Smith, Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. 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. 2024 was read by title only, Councilmember Morrison moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. The question is shall Ordinance No. 2024 be passed? There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. Motion Carried.

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

**3. Request for Public Safety Committee meeting – Agenda item: Proposed changes to the Gering weapon offense ordinance and potential purchase of 1225 11<sup>th</sup> Street, Gering, NE**

Motion by Councilmember Morrison to approve a request for Public Safety Committee meeting – Agenda item: Proposed changes to the Gering weapon offense ordinance and potential purchase of 1225 11<sup>th</sup> Street, Gering, NE. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, O'Neal. Motion Carried.

**PUBLIC HEARINGS: Continued**

**3. Public Hearing to consider a Special Exception/Conditional Use Application to allow for an on-site site sign on the applicants private property on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (6): Signs subject to Section 10.15 of this Ordinance - Ordinance No. 1731. Per Ordinance No. 1731, off-site signs in this area are prohibited between M Street and Country Club Road. On-site signs are also prohibited unless meeting compliance with NDOR.**

The continuation of the Public Hearing to consider a Special Exception/Conditional Use Application to allow for an on-site site sign on the applicants private property on Lot 1, Block 1, Unzicker Addition continue the public hearing resumed at 7:00 p.m. Mr. Snarr introduced the applicant, Ashley Lara. Mr. Snarr indicated she has a power point that she can show if the Council so wishes. Mayor Kaufman asked the Council's preference. Councilmember Allred and Morrison stated that clarification on the signage is all that's really needed. Ms. Lara thanked Council for allowing her to speak to them and consider her application.

Councilmember Morrison asked Ms. Lara about the signs with the sponsor names and is she aware that she cannot do that. She asked Ms. Lara how she intends to do that. Ms. Lara asked Paul to help her

clarify that. Mr. Snarr said as was discussed earlier, you cannot advertise for sponsors where it's visible from the road. You can only advertise for your business and possibly an event that's coming up. But advertising for sponsors is not allowed but she could possibly do that on the back side of the fence facing in. Ms. Lara said she is in the process of setting up a non-profit for Oregon Trail Nature Center, as long as that name is available. On the front end of the property is where the large signage will be located. She has a goal to get the arena back to looking like it did at one time (as shown on a slide). There are several different local businesses that are on-board to donate material, time and resources to restore the property. As a token of appreciation and to offer an incentive to those businesses, she planned to put up 3x5 foot banners to recognize those that donated given if it is within the NDOR parameters. Councilmember Smith said its Council's understanding that it is not within their standards. And there's no signs allowed on M Street in that area. He would be in favor on her main sign on M Street but he wouldn't be in favor of banners lining the arena. Councilmember Morrison clarified even on the fence that faces Five Rocks? To which Councilmember Smith replied correct.

Mr. Snarr asked for clarification on the main sign. Ms. Lara stated that it would probably be 3x5 or 5x7 but it would not be a digital sign. She has a place in her yard that she can put it. Councilmember Cowan asked if her banners would be on the east fence line. Ms. Lara said no, on the back side fence line and not side by side but evenly spaced. Mayor Kaufman clarified that they would be on the far west fence facing east, but in fact she could put them on the east fence and face the west. The real intent is to show who ever visits the support she has been given. If she faced them west it wouldn't be a visibility issue for traffic but visitors would see them. Councilmember Gibbs said as long as they are opaque he thinks it would probably work. Mr. Snarr recommended she work with staff to ensure so we didn't have any side obstructions and the signs meet the size criteria of our zoning regulations. Councilmember Gibbs said he doesn't have a problem with them bringing something specific back to Council. Mayor Kaufman said they'll either approve or deny tonight and pending on what Council's desire is, she would then work with staff to hammer out the details.

Mayor Kaufman asked if there was anyone else wishing to speak in favor of the application. He then asked if anyone wished to speak in opposition of the application. Seeing none, the Administrative Record was closed and the public hearing closed at 7:09 p.m.

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

**3a. Approve or deny a Special Exception/Conditional Use Application to allow for an on-site site sign on the applicants private property on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (6): Signs subject to Section 10.15 of this Ordinance - Ordinance No. 1731. Per Ordinance No. 1731, off-site signs in this area are prohibited between M Street and Country Club Road. On-site signs are also prohibited unless meeting compliance with NDOR.**

**Motion by Councilmember Morrison to approve a Special Exception/Conditional Use Application to allow for an on-site site sign on the applicants private property on Lot 1, Block 1, Unzicker Addition. The City Zoning and Subdivision Regulations for RRE (Rural Residential Estate District) Section 6.104 Exceptions, Sub Section (6): Signs subject to Section 10.15 of this Ordinance - Ordinance No. 1731. Per Ordinance No. 1731, off-site signs in this area are prohibited between M Street and Country Club Road. On-site signs are also prohibited unless meeting compliance with NDOR. Second by Councilmember Allred. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Allred, Morrison and Cowan. "NAYS": Smith. Abstaining: None. Absent: Holliday, O'Neal. Motion Carried.**

#### **REPORTS:**

##### **1. Update on Panhandle RC & D – Councilmember Gibbs**

Councilmember Gibbs gave the following report regarding the Panhandle RC & D:

Panhandle Resource Conservation & Development is a *regional* organization encompassing all 11 counties of the panhandle, an area larger than 9 states. RC&D's resources are available to the City of Gering through its membership at no additional cost to the city.

Jeff Kelley was named the Executive Director in November of 2015, following the retirement of Chuck Karpf on June 30 last year. RC&D will remain a separate entity continuing to work under the USDA RC&D guidelines as well as national RC&D parameters. Utilizing the benefits of co-locating with PADD and sharing PADD staff has reduced the financial burden RC&D has suffered during fiscal years 2012 and 2013 since losing its Federal funding. Cash Flow in Fiscal Year 2015-16 moved to a positive amount due to the reorganizational changes. While the two organizations will share employees, they are separate entities. The major area of cooperation will be in Community and Economic Development. RC&D will continue to concentrate on environmental and non-profit development issues.

**Direct Benefits of RC&D:**

- 1) RC&D assists the Legacy of the Plains Museum with bookkeeping. This is listed under direct benefits as Legacy of the Plains is one of the major tourist attractions helping to attract tourists to the City of Gering. The bookkeeping services are provided at below market rates.
- 2) RC&D assists the No-Till conference held each year at the Civic Center.
- 3) RC & D has begun working with the Circle the Bluffs Pow-Wow held at the Legacy of the Plains Museum. The RC & D will provide technical assistance in event planning and grant writing.
- 4) RC&D was awarded \$40,000 from the USDA's Rural Energy Assistance Program to provide energy audits to small businesses and Ag producers in communities not served by NPPD. The grant funds will pay for 75% of the cost of the audit.

**Indirect Benefits:** RC&D will continue to offer bookkeeping services for non-profit organizations for a fee.

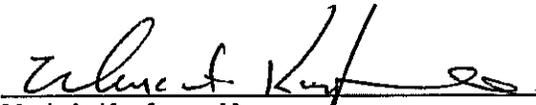
**OPEN COMMENT SECTION: None**

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

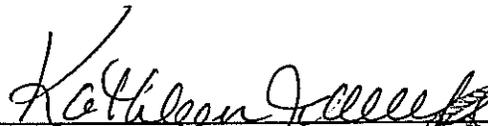
**ADJOURN**

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

Meeting adjourned at 7:15 p.m.

  
Mark A. Kaufman, Mayor

ATTEST:

  
Kathleen J. Welf, City Clerk

