

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
November 23, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on November 23, 2015 at 6:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman, and Councilmembers Smith, Christensen, Gibbs, Holliday, Alfred, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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**

Mayor Kaufman 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 (None)

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

Mayor Kaufman stated 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 November 9, 2015 Regular City Council Meeting
2. Approve Claims
3. Approve Financials
4. Approve lease agreement for land for billboard advertising sign on Hwy. 26
5. Quarterly report from Twin Cities Development

**Claims:**

11-5-15 to 11-17-15

ACCUSTAR SURVEYING \$5,390.00 SOKKIA SURVEY TOTAL STATION/TOPOGRAPHIC SURVEY OF KRAMER PLACE, ACUSHNET CO \$926.19 1 GOLF CLUB, ADVANCED SRV INC \$421.47 SALARY FOR SANITATION TEMP CARTER, ALAMAR UNIFORMS \$3,196.11 EQUIPMENT FOR 14' DODGE CHARGER/UNIFORMS FOR GLEIM, PERALES & WEST, ALLISON BERNHARDT \$75.00 RV ROOM DEPOSIT REFUND, ALLO COMMUNICATIONS \$1,240.11 TELEPHONE/INTERNET CHRG, ALTEC INDUSTRIES INC \$410.12 TRUCK TA60 RPR, B & C STEEL \$21.40 RPR, BAKER & ASSOCIATES INC \$1,169.10 DEVELOPMENT PLANS - PLAZA, BANNER CO SCHOOL \$100.00 ADVERTISING FOR CIVIC CENTER, BENZEL PEST CONTROL \$53.00 PEST CONTROL, BLUFFS SANITARY SUPPLY \$321.55 CLEANING SUPPLIES, 1 CASE OF PAPER TOWELS, 1 HAND SOAP REFILL, BRITTNEY FARRO \$75.00 RV ROOM DEPOSIT REFUND, BROADWAY BUSINESS PRODUCTS \$592.86 25 CALENDARS, 2 DESK PADS, SUPPLIES, 1 PK OF DVD'S FOR COUNCIL/MEETING RECORDING, BROWN/NELSON ELECTRIC \$310.17 WWTP FAN REPLACEMENT, BUDGET TIRE & SRV \$195.00 2 NEW RIMS FOR 706 VEHICLE, C & M AIR COOLED ENGINE \$90.30 RPR'S, CENTER POINT LARGE PRINT \$44.34 2 LARGE PRINT BOOKS, CENTURYLINK \$2,433.71 MONTHLY PHONE BILL, CERTIFIED LABORATORIES \$349.00 1 CASE OF GREASE, CHARTER COMMUNICATIONS \$515.42 TV/INTERNET CHRG, CITY OF GERING \$14,025.00 DONATED UTILITES FOR FARM/RANCH MUSEUM, PCS GREENHOUSE & SR CITIZENS CENTER, CITY PAYROLL TRUST \$3,713.81 FSA MEDICAL 125, CLEVELAND GOLF \$279.81 4 GOLF CLUBS, COMPASS TOOLS \$1,862.50 ZEPHYR MODEL 2 GPS ANTENNA, CONNECTING POINT \$294.50 1 TONER CARTRIDGE, 1 INK CARTRIDGE & COPIER SRV CONTRACT, CONTRACTORS MATERIALS \$1,071.70 1 HAMMER DRILL, 1 DRILL BIT SET, 1 CHALK BOX, 1 SHOVEL, 1 BAG OF CHALK, 2 EXP JOINTS, 1 SAW BLADE, 300 KEYWAYS FOR COUNTRY CLUB ROAD PROJECT, CRESCENT ELECTRIC SUPPLY \$1,314.80 95 CONNECTORS, 16 FITTINGS, 100 WINGNUTS, 1 POCKET KNIFE, 1 ROLL OF FISH TAPE & 1 SENSOR, CULLIGAN OF SCOTTSBLUFF \$5.50 (1) 5 GALLON BOTTLE OF WATER, DALES TIRE \$752.55 ROTATE TIRES ON G1, 2 NEW TIRES FOR G8 & 1 NEW TIRE FOR G6, DANKO EMERGENCY EQUIPMENT \$1,099.00 1 NOZZLE & 4 PR OF GLOVES, DEARBORN NATIONAL LIFE INSURANCE \$123.84 FIREFIGHTER LIFE INSURANCE, DEX \$65.73 ADVERTISING FOR CIVIC CENTER & GOLF COURSE, DHHS DIVISION/PUBLIC HEALTH \$2,797.00 1 WATER LAB, DIANE DOWNER \$551.99 FUEL, MEALS, PARKING FEE DURING NLA CONF, DUTTON - LAINSON CO \$4,508.98 4 TRANSFORMERS, 25 CLEVIS'S, 30 FUSES, 150 PHOTO CELLS, DVS STORAGE LLC \$1,151.24 TIF PASSTHROUGH PYMT, ECOLAB \$165.08 RODENT CONTROL AT AMPITHEATER & 225 EAST D STREET, ENVIRO SRV INC \$924.00 2 WW LABS & 2 WATER LABS, ENVIRONMENTAL COMPLIANCE \$950.00 PCB COMPLIANCE AUDIT, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, FASTENAL CO \$246.14 HORNET SPRAY, 5 PR OF GLOVES, RPR'S, CENTRAL PLANT RPR'S & 4 BOLTS, FAT BOYS TIRE & AUTO \$41.00 1 SKID STEER TIRE RPR, FERGUSON TITLE SRV \$16.80 CLOSING KELLY BEAN PROPERTY EXCHANGE, FIRST STATE BANK \$364.00 IBEW UNION

DUES, FLOYD'S TRUCK CENTER INC \$506.48 PART FOR G10, 1 FILTER, 1 VENTILATION KIT, GALE \$273.64 11 BOOKS, GARY'S CLEANING & RESTORATION \$3,000.00 CIVIC CENTER CARPET SHAMPOOING, GERING CITIZEN \$30.00 SUBSCRIPTION - LIBRARY, GERING HIGH SCHOOL \$1,642.90 KENO FUNDS: DANCE TEAM UNIFORMS, GREATAMERICA LEASING CORP \$178.49 COPIER LEASE PYMT, HARRINGTON INDUSTRIAL PLA \$1,469.35 CENTRAL PLANT RPR'S, HEILBRUN'S INC \$1,494.34 SUPPLIES, 12 HYD FILTERS, RPR'S, 1 ECH RELAY, 1 AIR FILTER, 1 FUEL FILTER, 1 AIR FILTER, 1 HYD HOSE, 2 BRASS STRAIGHT THRU'S, SRV SUPPLIES FOR F350, 12 BOTTLES BRAKE CLEANER, TOOLS, SHOP SUPPLIES, 1 OIL CHANGE, 7 HOSES, 4 HOSE CLAMPS, 1 V-BELT, 2 LED LIGHTS FOR F350, PARTS FOR VEHICLE MAINT, 1 OIL CHANGE, 5 ADAPTER BEARINGS & 5 HOUSING, HENNINGS CONSTRUCTION \$43,696.79 10<sup>TH</sup> ST MAIN LOOP PROJECT PYMT & P ST MAIN REPLACEMENT FINAL PYMT, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$181.48 MAINT SUPPLIES, 1 CASE OF TOILET PAPER, MAT CLEANING AT CITY HALL, POLICE DEPT, LIBRARY, GOLF COURSE & CIVIC CENTER, INDEPENDENT PLUMBING & HEATING \$268.23 IRRIGATION PARTS & RPR'S, INGRAM LIBRARY SRV \$1,232.72 77 BOOKS, INLAND TRUCK PARTS CO \$109.76 1 AIR SOLENOID & 1 SIGHT GAUGE, INTER CODE COUNCIL INC \$155.00 IRC TAB SOFT FOR ROD, INTERNAL REVENUE SRV \$40,036.12 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$217.90 2 NEW BATTERIES, INTRALINKS TECHNICAL SOLUTIONS \$1,655.28 COMPUTER SUPPORT & ANTIVIRUS SOFTWARE AT LIBRARY, IRBY TOOL & SAFETY \$3,424.00 1500 FT TPLX WIRE, 1000 FT OF RL WIRE & 1000 FT OF WIRE, JC GOLF ACCESSORIES \$165.00 1 GOLF BAG, JIRDON \$801.05 62.50 GALLONS OF GC CHEMICALS, JOHN HANCOCK USA \$13,849.57 JH RETIRE 6%, JOHNSON CASHWAY CO \$137.51 RPR'S, 1 SAW BLADE, 1 FUSE FOR CITY HALL WATER HEATER, 1 RIVET, 1 DRILL BIT, SUPPLIES, 1 EXHAUST FAN, 4 CONNECTORS, 4 CLAMPS, 2 SCREENS, 4 ADAPTERS, 4 CLIP FASTENERS, 1 COVER BOX BLANK & 1 COUPLER, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KAWASAKI KORNER \$526.62 RPR'S, KEMBEL SAND & GRAVEL CO \$374.80 37.48 TONS OF SAND, KENT EWING \$37,358.35 TIF PASS THROUGH PYMT, KIMBALL CO VISITORS \$10,000.00 GERING COMMITMENT - TOURISM, KRIZ - DAVIS CO \$4,321.79 6 LIGHTS/50 CLAMPS, 3 CEMETARY SHOP LIGHTS, 8 SHOP LIGHT CONNECTORS, 2 CROSSARMS, 1 FLOODLIGHT, 1000 FT OF WIRE, 7 OUTLETS, LL JOHNSON DISTRIBUTING \$4,072.60 IRRIGATION SUPPLIES, MARRIOTT CORNHUSKER \$327.00 LODGING: COOLEY - LEAGUE CONF, MATHESON TRI - GAS \$140.53 1 BLADE/SUPPLIES, MATTHEW MARTIN HUTT PH D \$900.00 PRE-EMPLOYMENT TEST: MCBRIDE & SCHROEDER, MEAT SHOPPE \$13,931.45 CATERING COSTS & MANAGEMENT CONTRACT, MENARDS \$49.95 SHOP SUPPLIES, MG TRUST CO LLC \$6,204.53 MG T - POLICE, MIZUNO USA INC \$555.88 1 GOLF CLUB, MONEY WISE OFFICE SUPPLY \$232.79 1 CT STORAGE BOXES FOR UTILITY OFFICE, 1 CT OF LEDGER PAPER, 1 TONER CARTRIDGE FOR ACCOUNTING OFFICE, 12 PENCILS, 1 BOX OF HANGING FILES, 3 BINDERS, 1 POWERSTRIP, 1 PRINTER CARTRIDGE, MUNICIPAL ENERGY AGENCY \$687.94 DUES, NATIONAL FIRE PROTECTION \$165.00 MEMBERSHIP DUES 15 - 16, NDEQ - FISCAL SRV \$27,555.32 QRTLTY SOLID WASTE DISPOSAL FEE, NE BOARD OF ENGINEERS \$50.00 CONF REGISTRATION: SNARR, NE CHILD SUPPORT PYMT \$827.56 CHILD SUPPORT 1, NE DEPT OF REVENUE COMPL \$750.00 GARNISHMENT 2, NE PUBLIC POWER DISTRICT \$110.04 UTILITIES: 240066 HWY 92, NEBRASKA LIBRARY COMMISSION \$849.10 OVERDRIVE ANNUAL SUBSCRIPTION, NORTHWEST PIPE FITTINGS \$17.02 CENTRAL PLANT RPR'S, SPRINKLER RPR'S, 2 PIPE CLAMPS, OCLC INC \$138.65 CAT & ILL SUBSCRIPTION, PAT CLOSSON \$98.56 WORK BOOT REIMBURSEMENT, PAUL SNARR \$100.00 MEAL EXP: NBEA CONF, PAYROLL CHECKS \$109,920.57 PAYROLL CHECKS ON 11-13-15, PETTY CASH \$168.95 REIMBURSE PD SAFE: MORENO, BRUNZ, JACKSON & FERGUSON & RV PETTY CASH FOR QUARTERS, PIPE WORKS PLUMBING LLC \$430.00 MAIN LINE RPR, POWERPLAN OIB \$2,039.91 RPR TO 344J & 2 CYLINDERS, PRAISE WINDOWS INC \$180.00 WINDOW CLEANING, PT HOSE & BEARING \$3,366.22 PARTS FOR G8, 10 LOCK WASHERS, SUPPLIES, 5 ADAPTERS, 8 FITTINGS, PART FOR BALER, RECORDED BOOKS LLC \$126.00 5 AUDIOBOOKS, RECOVERY SYSTEMS CO \$6,243.85 RPR TO BALER, RESPOND FIRST AID SYSTEMS \$42.96 3 BOXES OF LENS CLEANER, 1 PK EYE DROPS, ROBERT THOMASON \$14.16 REIMBURSEMENT FOR DISTILLED WATER, ROOSEVELT PUBLIC POWER DISTRICT \$26.00 UTILITIES: SIGNS, SANDBERG IMPLEMENT INC \$61.58 2 TRIMMER BLADES, SCOTTSBLUFF TOWING SRV \$50.00 TOW VEHICLE TO CENTRAL STORES, SCOTTSBLUFF TOWING SRV \$50.00 TOW VEHICLE TO CENTRAL STORES, SCOTTSBLUFF WINNELSON CO \$12.46 RR RPR'S, SCOTTSBLUFF - GERING UNITED \$10.00 UNITED WAY CTRB, SCS ENGINEERS \$1,730.05 WORK ON EXISTING LANDFILL, SEACREST & KALKOWSKI PC \$5,577.00 GEN DOWNTOWN REDEV LEGAL FEES, SIMON CONTRACTORS \$17,658.37 COUNTRY CLUB RD PROJECT SUPPLIES. SOLUTIONS EAP \$244.55 COUNSELING SRV, SOUTHWESTERN EQUIPMENT CO \$1,092.95 4 PINS & 2 ARM RECEIVERS, STAR HERALD \$224.36 SUBSCRIPTION - LIBRARY, STATE OF NE/DAS COMMUNICATION \$296.00 LONG DISTANCE PHONE CHRG, STOTZ EQUIPMENT \$23.67 1 CABLE, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, SUSAN KIESEL \$112.50 RV ROOM CANCELLATION REFUND, SYSCO DENVER INC \$133.09 MAINT SUPPLIES., TAYLOR MADE GOLF CO \$986.08 3 GOLF CLUBS, TEACHERS CORNER \$14.97 SUPPLIES FOR STORYTIME, THE ROCK PILE \$678.87 ALLEY GRAVEL, TOMMY'S JOHNNY'S INC \$270.00 PORTABLE TOILET, TORRINGTON SOD FARMS \$64.10 1 PALLET & 170 FT BLUEGRASS, TWIN CITY DEVELOPMENT \$1,760.00 BRWNSFLDS GRANT CONSULTING, TWIN CITY ROOFING/SHEET \$246.00 1 STEEL HOOD, VALLEY BANK - POLICE \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO \$4,382.28 HSA CTRB 125, VERIZON WIRELESS \$672.33 IPAD FEES, 3 AIRCARDS FOR PORT CAMERAS, ON CALL CELL/LAPTOP FEES, WELLS FARGO FINANCIAL \$112.11 COPYSTAR COPIER LEASE PYMT, WEST COAST TRENDS INC \$71.45 6 CLUB HEADCOVERS, WESTCO \$5,951.78 1 SPYKER CABLE, 810 GALLONS OF DIESEL, 911 GALLONS OF GENERATOR FUEL, WETERN PATHOLOGY CONSULT \$200.00 RANDOM POOL MANAGEMENT, WINCHELL CLEANING SRV \$610.00 CLAEANING SRV

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

**PUBLIC HEARINGS:**

Mayor Kaufman reversed the order of the public hearings. Public Hearing #2 occurred before Public Hearing #1.

**2. Public Hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant for Downtown Revitalization**

Mayor Kaufman opened the public hearing for an application to the Nebraska Department of Economic Development for a Community Development Block Grant for Downtown Revitalization at 6:02 p.m.

TCD Director, Rawnda Pierce, stated that the City of Gering is looking at Phase II for the Downtown Revitalization Grant. Unfortunately this has taken a lot longer than anybody expected, but because of a change in staffing at the State level and because the application was made under the former Mayor, the State wanted the City to resubmit the entire package. She said that Council should have received that email; it outlines the entire project as it stands now and there are extra copies available in the Council Chambers. The breakdown for the \$350,000 grant is \$162,000 to go to facade improvements for individual businesses, \$8000 for the removal of architectural barriers; there are a few businesses in the community that are hard to get in and out of so that will help get those so they're accessible by the public. She stated that a big portion of the public facilities is going to the public plaza and parking considerations; that totals, along with administration costs, \$350,000. There will be other funds contributed which includes some matching funds from business owners and the City looking at maybe doing some upgrades on some crosswalks to make them more visible and safer. She said the balance is some money coming from Valley Bank as a low-interest rate loan. She said they explained to the state that the City will be committing funds in phases over several years. City engineering would like us to consider resurfacing the parking area to the north first so that when parking is eliminated at the Civic Center that parking would have already been replaced. She added that they're hoping to get this public hearing done and the release of funds so that when spring hits we can start construction; it's a two-year grant.

The Mayor opened it up for comments and questions by anyone in the Council Chambers. Councilmember Gibbs stated that as he has stated before, he thinks this is a great project but it's just in the wrong place. Taking away that much parking from the Civic Center at a time of increased competition is a big mistake. The park and the farmers market should be in the area of phase I not in the area you're calling phase II; the parking lot at the Civic Center should remain intact. He said that's one man's opinion, do with it what you want. Ms. Pierce stated that there were committees that looked at it, part of the reason it was moved was consideration of the businesses along the part that's north of the Civic Center because they have to have trucks coming in and out of there and that can't be disrupted. She said there are really only 20 or 30 parking places that are going to be eliminated; there will be substantially more than that added. Councilmember Gibbs replied "but they have to walk a considerable distance to get to the Civic Center". He added that people do not like to walk long distances especially in inclement weather. You're making the Civic Center less competitive at a time when they need to remain more competitive. Ms. Pierce replied that the committee took this into consideration and spent a lot of time on it; she is just the voice speaking it tonight.

Councilmember Christensen asked if the parking lot north of the Civic Center would be resurfaced. Ms. Pierce replied yes, that parking lot would be done before the asphalt is taken up at the Civic Center. Councilmember Christensen stated that that parking lot should take care of some of the problems. Ms. Pierce replied that's the hope.

Councilmember Morrison asked if they're going to put an entrance door on the north side of the Civic Center. Ms. Pierce replied that's actually been discussed and we're hopeful that's something that can be done. Councilmember Morrison replied that will help.

Councilmember Holliday stated that he would agree with Larry that he thinks they need to be flip-flopped as well. One thing he looks at right now, especially hearing how the phases are going to go, if you do Phase I where you want your area to be you're going to speed your process up. Ms. Pierce replied that it's basically going to cover two budget cycles, it will hit two budget years for the City. The thought was to

get the bid right away for the parking lot and that can be done quickly. She said don't consider it year one and year two, consider it spring and late fall. Councilmember Holliday said the other thing is if you limit the access on N and O Street, the majority of those two businesses that receive trucks receive trucks on those streets. If you take away those two streets you take away their ability to receive trucks. Ms. Pierce said there are no streets being proposed to be closed. She said the parking will come off a different street; instead of O it's going to come off 11th. Councilmember Holliday added that when Mr. Brooks was here a while back one thing was to support the businesses around it (the plaza). There are businesses that are in the direct area of where it is proposed, however he thinks they are limiting the amount of businesses that can be impacted immediately and could be impacted in the future. There is a lot more area to grow when you put it on the north side of the Civic Center as opposed to putting it there. It doesn't give you much more options than what is already there to support the local businesses. Ms. Pierce replied that the committee's determination is that that is the most visible corner of the community and you want that to be your showcase; that was discussed at length. The State actually feels this is a better project; she just met with them last week and they felt it was a much better project being on 10th instead of being hidden.

Councilmember Gibbs said with regard to a north side entrance to the Civic Center, he's not saying it can't be done but the entire north side from east to west is service area for that building; that's the way it was designed. You're going to have to cut across the service area in back to add an entrance. He's sure it can be done but it's going to be awkward to do and it's probably expensive and it may make the Civic Center less viable as far as being able to service all the rooms conveniently from those service areas.

Councilmember Cowan said he agrees with Councilmember Holliday and Gibbs. He asked when we do Phase II are we going to be able to discuss that and vote on that as a Council or is this going to be a done deal. Ms. Pierce said this is what's being proposed and submitted so if it's not something you're in favor of we probably better know now, because that's part of the reason it has taken a long time. We've had a lot of different opinions and comments and that's kind of where we're at now.

Mayor Kaufman stated he would like to remind... we did look at this when the Downtown Revitalization Committee pitched it. He said he has been in a lot of meetings with the Downtown Revitalization Committee; we've got several dozen stake holders in our community that are made up of that committee and they came up with this solution for the Downtown Revitalization Project. The points are well-made, and they're valid but at the same time we have a lot of community stakeholders that have spent a considerable amount of time, about a year and a half, that we're into this process. We have a lot of community members that are invested in this project and invested their time and made the recommendations. We passed it along to the committee piece and as we're looking at it today we're just trying to get the \$350,000 released for the project with \$162,000 going to the business owners to improve facades, and move forward. Relative to the Phase II, he said that's something we can discuss but we're here to move this forward and try to get those funds that are appropriated for us released to us.

Ms. Pierce said it would have been ideal if there had been an open space on 10th but the City doesn't have any places that aren't being actively used in the right setting. They flip-flopped back and forth on the two places quite a bit but it was the business owners that spoke up and said no, wait a minute, you're not thinking about us. Councilmember Gibbs said the Council is the one that is ultimately responsible for the decision though. If we make the wrong decision the City is the one who's going to pay in the long run and the Civic Center will suffer if it's the wrong decision and he thinks it is.

Councilmember Smith said he thinks the Kellers were involved in the committee and he thinks, from talking to some of the committee members, the Kellers were the ones who really pushed for this. He thinks it's adding green space to the civic center. He thinks it actually adds to your competitiveness and having it there at your most visible intersection really invites people into the downtown area. He said he'd have to disagree, he thinks it's a good project.

Ms. Pierce said the engineer that looked at the drawing is saying that you could actually bring your indoor space outdoors and have your venue be expanded.

Councilmember Gibbs said he has seen at least one email from the Kellers expressing concern about losing the parking and he thinks that email went to the entire Council about a year ago. Ms. Pierce said that's why the decision was made to replace the parking before you lose any.

Mayor Kaufman asked if there was anyone in the Council Chambers who wanted to address the issue. Renae' Garton, Gering Merchants Association, stated that this is a small concern but what does the committee propose we do with the Santa's Village? Ms. Pierce stated the Santa's Village could be done around the plaza or in the plaza. Ms. Garton said so in December, the busiest month for the Civic Center when we want to stay competitive, we're going to take up more parking spaces. Ms. Pierce said no, once this is built you'll have parking on either side; the north and south side of the plaza area. The Santa's Village would become part of the plaza area the way it was outlined. Councilmember Gibbs said you wouldn't want to put those buildings on that lawn area in December; you'll tear it all up. Putting it on a lawn is not a good idea.

Ms. Pierce said that Rapid City, SD took out parking spaces in their busiest part of town and people screamed and yelled. A year or two later people are just ecstatic because it brought so much business to the community and so much more activity that they aren't complaining a bit about losing the parking. People will walk if there's something to walk to and if there's activities going on. Councilmember Gibbs said that was the reason for putting the Civic Center in the downtown area and not on an outlying part of the community to bring people downtown which it has done. If you get uncompetitive that goes away and we've wasted millions of dollars and 25 years of work because we're making a mistake where we put this.

Councilmember Allred stated he'd like to point out two things. His personal opinion is that Santa's Village would be more inviting to him and his family if it were on grass with trees around with Christmas lights and give more Christmas feeling. He doesn't think that Santa's Village is going to be impeded nor does he think the lawn area will be damaged beyond repair; he thinks it will be minimal at most. We also have to consider that directly to the east of the Civic Center is a hotel planned which is in conjunction with trying to book more events and larger events at the Civic Center. There will be a number of those individuals we hope to have rent a room from that hotel and they're going to be parked at the hotel and walk across the street for any events. He doesn't think that people are going to be deterred from going to the Civic Center if they have to walk across N Street and maybe even around to the south side of the building to enter. There might be some people that complain but he doesn't think that we're going to lose millions of dollars or years of work by doing this. This is actually going to do like Rawnda is explaining, the committee has worked very hard to come to this stage and he thinks that having some more green space and opportunity to bring indoor events to the outdoors somewhat, it's going to be beneficial and add to our portfolio of what we have to offer.

Kevin Sandberg, with the Gering Merchants, said they have real concerns about Santa's Village. If you're talking about that parking lot on the north side, visualize walking in the Civic Center, you're going to have to have a long hallway because if you don't... think about taking all the gala and decorations away from everybody because you're coming in the back door; it could disrupt the capacity of the Civic Center things. He said as a merchant with the group they just think they probably won't have Santa's Village; the grass thing with the fork lift, it's not a good thing. It's not going to be the place to have Santa's Village.

Councilmember Cowan said he's not against the grant, he just wants to know if we can switch these two around; do Phase II over there at Phase I. Councilmember Gibbs added that the concept is great, it's just in the wrong place.

Brad Staman with the Daily Grind, Gering Merchants and Downtown Revitalization Committee stated that Santa's Village came up many times as they were designing and talking about this. The designers did not see any problem with it. They talked about pathways going through there where the forklifts could drive and set the village down; it would be a nice area for Santa's Village. It would be surrounded by some trees, there would be a stage in there so you could do all kinds of things there as well. The reason they went with Phase I with the parking lot was because, as Rawnda said, so we would not lose any parking there. There are some concerns; is it the ideal place? No, but if we close streets then we have either the Union Bar that was going to be impacted or Main Street Appliances that would be impacted.

Mr. Staman added that since we don't have an ideal site, this was the site that they came up with. The designers thought this was a great place to be; the green space would be fantastic, the stage will be available year-round, and as a Gering Merchant in Downtown Gering when we have events going on in Gering they're busy. People will come down and get a cup of coffee. They'll come down to the China House and eat lunch, they'll come and check out what's going on downtown. He said if we don't have things going on, especially on Saturdays, they're dead. This is an opportunity for us to have a green space, a public plaza, where we can have events year-round. We can have music festivals, art shows, farmer's market, which will bring people downtown; bring potential customers who will be buying our goods and we'll be paying sales tax. Mr. Staman said it's a win win; is it perfect, no. We do have to figure out a way to get entrance into the Civic Center and that's not an easy challenge but it's not an impossible challenge. If we say we can't do this now and shut it down, the plaza dies, the grant disappears and we go back to square one on downtown revitalization. We've been here before and we've never accomplished it. We're right at the gate right now; we can make this happen. And yes there are challenges and yes there's going to be problems here and there but as we talked to the designers and consultants Santa's Village could fit in here, the houses could be taken in, put down, removed and it was going to be a win win. He said if we don't do it, he doesn't know where else we could do it. Swapping it (to the north) takes it off Main Street; its' hard to see and makes it less likely for people to walk out of there and come downtown. They looked at that site back there, they felt as a committee that the site at the Civic Center parking lot was better.

Councilmember Gibbs asked if there was funding in the grant to add the entrance to the north side of the Civic Center because that's not going to be cheap to do. Councilmember Allred said he doesn't think we need an entrance there; there's an entrance on the southwest and southeast side of the building. How many more feet, if you've already walked across the street, 75 to 100 more feet to walk into the building?

Mr. Staman said if it's a do or die situation we can swap this. We can leave the parking as it is. We need the plaza, we need something that will bring people downtown on the weekends and throughout the week; we need that. If Council doesn't like the set up now, we'll swap it around, let's move it forward, please.

Mayor Kaufman said one thing we need to make clear is this plan has already been approved by Council and moved on through the process so we're talking about moving on the grant application at this point in time. However, if Council would like we can have this public hearing continued at the next meeting and have more members of the Downtown Revitalization Committee available and maybe have someone here who can go over the presentation again if the Council would be open to that. If not, then we're looking at moving forward as planned.

Councilmember Gibbs said basically this is our last opportunity to change this. He's willing to make that shot and he has no problem swapping the two locations. He said he's not opposed to the plan, he's just opposed to where it's being put. He agrees the downtown plaza is probably a good idea; it just can't take away from the Civic Center at a time when the Civic Center has increased competition. If you kill that Civic Center he doesn't care how good that plaza is, it'll be one giant white elephant.

Councilmember Holliday said it would be nice to hear what the general public has to say, what their thoughts are, what they'd like to see. Rawnda Pierce stated that they've had public meetings where they had workshops, they had design people that came in and said what would you like to see here, they've had 12-14 public meetings where anybody was welcome. She said we've had different people at different times; pretty much every business up and down the main street has been represented over the time. She said she knows it's a lot of money; there was a lot of talk about the location. She said it's your project; she's the administrator.

Mayor Kaufman entertained a motion to continue this public hearing to the first meeting in December and allow more members of the Downtown Committee to be present to talk about the project and have more opportunity for the public to weigh in if they so choose.

**Motion by Councilmember Cowan to continue the public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant for Downtown Revitalization to the first meeting in December to allow more members of the Downtown Revitalization Committee to be present to talk about the project and for more opportunity for the public to weigh in if they so choose, second by Councilmember Gibbs.**

**Discussion:** Councilmember Holliday asked if a deadline would be jeopardized. Ms. Pierce stated at this point one meeting isn't going to make a difference. Councilmember Gibbs urged the media to publish a copy of what is being proposed showing how much of that parking lot is going to disappear. He'd like them to emphasize to the public what is going on here because once it happens it's too late. He said he thinks when the public finds out we're eliminating half the parking there they're not going to be very happy about it. Mayor Kaufman asked to have the facts as to the net gain of parking spaces.

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

#### **PUBLIC HEARING:**

**1. Public hearing to consider an application to change the zoning of Block 3, John Hoffman Subdivision as requested by Paul Reed of Reed & Wilson Investments, LLC owner of the property and addressed as 845 Country Club Road from RMH (Multi Family Residential High Density District) to MH (Heavy Industrial and Manufacturing District) in order to remove the existing housing structures and construct Commercial Shops (Com Shops). The property is situated in the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 35, Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, City of Gering, Scotts Bluff County Nebraska per the Final Plat of Blocks 3 and 4, John Hoffman Subdivision, recorded 6-28-2006, Instrument No. 2006-4072.**

Mayor Kaufman opened the public hearing to consider an application to change the zoning of Block 3, John Hoffman Subdivision as requested by Paul Reed of Reed & Wilson Investments, LLC at 6:33 p.m. Rod Sterkel, Building Inspector, presented the Administrative Record.

Mr. Mayor and City Council Members,

This is the public hearing to consider an application to change the zoning of Block 3, John Hoffman Subdivision as requested by Paul Reed of Reed & Wilson Investments, LLC owner of the property and addressed as 845 Country Club Road from RMH (Multi Family Residential High Density District) to MH (Heavy Industrial and Manufacturing District) in order to remove the existing housing structures and construct Commercial Shops (Com Shops). The property is situated in the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 35, Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, City of Gering, Scotts Bluff County Nebraska per the Final Plat of Blocks 3 and 4, John Hoffman Subdivision, recorded 6-28-2006, Instrument No. 2006-4072.

The surrounding boundary consists of MH (Heavy Industrial and Manufacturing District).

#### **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.**

- Application for a Change in zoning by the property owner Paul Reed of Reed & Wilson Investments, LLC, October 20, 2015.
- City of Gering Current 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 Section 15.2 and are incorporated by reference in this Administrative Record. Signs were also posted on site for the proposed change in zoning per zoning regulations.

- Final Plat of Blocks 3 and 4, John Hoffman Subdivision, recorded 6-28-2006, Instrument No. 2006-4072
- Public Hearing Notice published 8/29/2015.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mayor Kaufman asked if Council wished to have the Administrative Record read aloud. Seeing none he asked if anyone in the Council Chambers wished to speak in favor or opposition of the application. Ben Ryschon, on behalf of Paul Reed Construction, addressed Council and stated they're just trying to take an eyesore from the community and develop it into a commercial application in that area. Those houses have all been torn down at this point. The zoning they're requesting is already all the way around it; Twin City Pack, Twin City Roofing, R & C Construction. They're just trying to get it all clumped together there. They're looking to do some commercial properties there that they can develop. No one spoke in opposition of the application.

Mr. Sterkel 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 requested by Paul Reed of Reed & Wilson Investments, LLC, to change the zoning of Block 3, John Hoffman Subdivision addressed as 845 Country Club Road from RMH (Multi Family Residential High Density District) to MH (Heavy Industrial and Manufacturing District) and ask that you please keep this hearing open until all entries are put into this record.

With no further comments the Administrative Record was closed and the public hearing closed at 6:37 p.m.

**Motion by Councilmember Morrison to enter the Administrative Record into the Public Record, second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**1a. Approve or deny an application to change the zoning of Block 3, John Hoffman Subdivision as requested by Paul Reed of Reed & Wilson Investments, LLC owner of the property and addressed as 845 Country Club Road from RMH (Multi Family Residential High Density District) to MH (Heavy Industrial and Manufacturing District) in order to remove the existing housing structures and construct Commercial Shops (Com Shops). The property is situated in the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 35, Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, City of Gering, Scotts Bluff County Nebraska per the Final Plat of Blocks 3 and 4, John Hoffman Subdivision, recorded 6-28-2006, Instrument No. 2006-4072.**

**Motion by Councilmember Gibbs to approve an application to change the zoning of Block 3, John Hoffman Subdivision as requested by Paul Reed of Reed & Wilson Investments, LLC owner of the property and addressed as 845 Country Club Road from RMH (Multi Family Residential High Density District) to MH (Heavy Industrial and Manufacturing District) in order to remove the existing housing structures and construct Commercial Shops (Com Shops). The property is situated in the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 35, Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, City of Gering, Scotts Bluff County Nebraska per the Final Plat of Blocks 3 and 4, John Hoffman Subdivision, recorded 6-28-2006, Instrument No. 2006-4072, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

#### **CURRENT BUSINESS:**

**1. Approve and authorize the Mayor to sign as the Certifying Official for Downtown Revitalization (DTR) for CDBG and other documents related to the grant as deemed necessary.**

Mayor Kaufman explained this is just giving him authority to sign the application and related documents.

**Motion by Councilmember Gibbs to approve and authorize the Mayor to sign as the Certifying Official for Downtown Revitalization (DTR) for CDBG and other documents related to the grant as deemed necessary, second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**2. Approve and authorize the Mayor to sign Provisional Agreement and Lease Agreement for the Golf Course Restaurant**

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Provisional Agreement and Lease Agreement for the Golf Course Restaurant, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**3. Approve appointment of Galen Larson for the Civil Service Commission**

**Motion by Councilmember Gibbs to approve the appointment of Galen Larson for the Civil Service Commission, second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**4. Approve appointment of Jason Parks and Michael Gillen for the Planning Commission**

**Motion by Councilmember O'Neal to approve the appointments of Jason Parks and Michael Gillen for the Planning Commission, second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**5. Consider approving having only one Regular Council meeting in December**

Mayor Kaufman stated that it has been the customary practice to hold only one regular Council meeting in December due to the holidays, however should the need arise for a special or emergency meeting we can have a meeting if we need to.

**Motion by Councilmember Morrison to approve having only one Regular Council meeting in December, second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**6. Request for Personnel Standing Committee meeting – Agenda items: Pay and Classification System and Policy 6.3 pertaining to the use of cell phones and other electronic devices**

**Motion by Councilmember Smith to approve a request for Personnel Standing Committee meeting – Agenda items: Pay and Classification System and Policy 6.3 pertaining to the use of cell phones and other electronic devices, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**7. Approve Ordinance 2017 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING FROM GENERAL AGRICULTURAL DISTRICT (AGG) TO AGRICULTURAL ESTATE DWELLING SITE (AEDS) FOR THE FINAL PLATS OF COOPER SUBDIVISION, SPECIFICALLY TRACT ONE COOPER SUBDIVISION, RECORDED NOVEMBER 1, 1976 IN DEED BOOK 152, PAGE 123, COOPER SUBDIVISION TRACT SIX, RECORDED APRIL 13, 1983 IN DEED BOOK 173, PAGE 373, COOPER SUBDIVISION TRACTS 2, 3, 4, 5, AND 7, RECORDED AUGUST 27, 1984 IN DEED BOOK 177, PAGE 70, AND TRACTS 7A AND 7B, A REPLAT OF TRACT 7, COOPER SUBDIVISION, RECORDED JUNE 12, 2014 UNDER INSTRUMENT NO. 2014-2721 WITH ALL RECORDED SUBDIVISIONS BEING LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 54 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**Councilmember Allred made a motion to introduce Ordinance No. 2017 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING FROM GENERAL AGRICULTURAL DISTRICT (AGG) TO AGRICULTURAL ESTATE DWELLING SITE (AEDS) FOR THE FINAL PLATS OF COOPER SUBDIVISION, SPECIFICALLY TRACT ONE COOPER SUBDIVISION, RECORDED NOVEMBER 1, 1976 IN DEED BOOK 152, PAGE 123, COOPER SUBDIVISION TRACT SIX, RECORDED APRIL 13, 1983 IN DEED BOOK 173, PAGE 373, COOPER SUBDIVISION TRACTS 2, 3, 4, 5, AND 7, RECORDED AUGUST 27, 1984 IN DEED BOOK 177, PAGE 70, AND TRACTS 7A AND 7B, A REPLAT OF TRACT 7, COOPER SUBDIVISION, RECORDED JUNE 12, 2014 UNDER INSTRUMENT NO. 2014-2721 WITH ALL RECORDED SUBDIVISIONS BEING LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 54 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, SCOTTS BLUFF. Seconded by Council member O'Neal.**

**Discussion:** Councilmember Gibbs asked where this was. Mr. Sterkel showed a map on the overhead screen. Councilmember Gibbs said so we're talking about a location that's in our zoning jurisdiction but not in the City limits. Administrator Danielzuk replied that's correct. He added that this is business the Council has handled in the past; we're catching up on the ordinance requirements.

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

**Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2017 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 Cowan. There was no discussion. The Clerk called the roll. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2017 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Christensen. "The question is shall Ordinance No. 2017 be passed?" There was no discussion. The Clerk called the roll. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

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

**8. Approve and authorize the Mayor to sign Purchase and Sale Agreement regarding 1335 9<sup>th</sup> Street, Gering, NE**

**Councilmember Gibbs moved pursuant to Nebraska Revised Statute 84-1410, also known as Nebraska's Public Meetings Law, that the Gering City Council enter into closed session for the purpose of: Strategy/negotiation session regarding real estate negotiations,**

protection of the public interest, and discussion of strategy, negotiation and guidance from City legal counsel concerning a Purchase and Sale Agreement regarding 1335 9<sup>th</sup> Street, Gering, NE.

Mayor Kaufman stated that there is a motion by Councilmember Gibbs that the Gering City Council enter into closed session pursuant to Nebraska Revised Statute 84-1410, also known as Nebraska's Public Meetings Law, for the purpose of: Strategy/negotiation session regarding real estate negotiations, protection of the public interest, and discussion of strategy, negotiation and guidance from City legal counsel concerning a Purchase and Sale Agreement regarding 1335 9<sup>th</sup> Street, Gering, NE. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Mayor Kaufman stated that Council will enter into closed session at 6:51 p.m. He invited Administrator Danielzuk, City Attorney Ellison, with John Mejia and Kathy Welfl (if needed).

Motion by Councilmember Gibbs to come out of closed session at 7:44 p.m., second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Motion by Councilmember Smith for approval of the Purchase and Sale Agreement with the proposed changes to Section 4 and upon approval of those by the buyers and sellers, second by Councilmember Allred. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

REPORTS: (None)

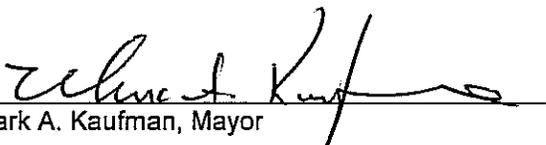
OPEN COMMENT SECTION: (None)

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

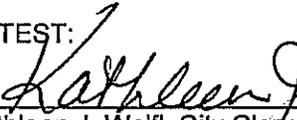
ADJOURN

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

Meeting adjourned at 7:46 p.m.

  
Mark A. Kaufman, Mayor

ATTEST:

  
Kathleen J. Welfl, City Clerk

