

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, SEPTEMBER 12, 2016

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 12, 2016 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Holliday and Allred. Notice of the meeting was given in advance by publication in the Gering Citizen, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

The Mayor called the meeting to order at 6:00 p.m. The Mayor noted that there was a quorum of the Council and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

Mayor Kaufman noted there were no absences to excuse from the last meeting.

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.

Mayor Kaufman moved Current Business Agenda Item #1 up on the agenda. He stated that we have several Gering Police Officers in the audience this evening. In recognition of their service to our community we'd like to read a proclamation on their behalf. Mayor Kaufman then read the proclamation.

**PROCLAMATION OF SUPPORT FOR
CITY OF GERING LAW ENFORCEMENT**

WHEREAS: In light of recent national publicity directed toward law enforcement, there is a need to show law enforcement officers that our leaders and citizens recognize the difficult and sometimes impossible career they have chosen in public service to us all.; and

WHEREAS: Each day 780,000 police officers across our country put on a badge and go to work knowing they may face extremely dangerous situations. Yet, they go to work anyway.

WHEREAS: On average, each year, between 105 and 203 officers die in the line of duty, 50,000 officers are assaulted in the line of duty, 14,000 officers are injured in the line of duty, and over 300 officers commit suicide. There is no other profession in the world, except the military, where you will find these kinds of statistics; and

WHEREAS: Being a law enforcement officer you must be professional, courteous, caring and yet be ready to protect the public at all times. You must be prepared to make life and death decisions in a moment's notice. You take an amazing amount of abuse at times, but have to view this abuse as just "part of the job." You do not have the liberty to express your emotions during many situations; and

WHEREAS: Law enforcement officers play an integral role in our society. They are the guardians of our way of life and they deserve our support; and

WHEREAS: We call our Mayor, City Council and citizens to action in support of law enforcement. Those who appreciate law enforcement are encouraged to show their support. Our Community may show their support in a number of ways:

- See a police officer, thank a police officer
- Wear blue clothing in support of law enforcement
- Send a card of support to your local police department
- Share an uplifting story about a positive law enforcement experience on social media
- Ask children in our community to write letters in support of law enforcement
- Participate in Project Blue Light – proudly display your blue light in support of law enforcement

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Gering, Nebraska, that the City of Gering's Mayor be authorized and directed to proceed with signing a proclamation encouraging support of law enforcement on this 12th day of September, 2016.

Chief Holthus addressed the Mayor and Council and thanked them for their support. Gering Officers in attendance introduced themselves which included: Micah Schroeder, Jordan McBride, James Jackson, Justin Brunz, Kristen Massie, Henry Moreno and Travis Enlow.

CONSENT AGENDA:

1. Approve minutes of the August 29, 2016 Regular City Council meeting
2. Approve Claims

Claims:

8-13-16 to 9-2-16

21st CENTURY EQUIPMENT \$1,111.28 RPR TO JD 2005, 24/7 FITNESS \$125.00 WELLNESS, ACUSHNET CO \$1,783.68 GOLF BALLS, AHLERS BAKING INC \$15.88 DONUTS OT DAYS STANBY RUN, ALAMAR UNIFORMS \$836.78 UNIFORM FOR MASSIE, AMAZON \$191.67 (7) BOOKS, ARMADA MEDIA CORP \$600.00 RADIO ADVERTISING, AUTO ZONE 1657 \$38.51 (1) INTAKE MANIFOLD GSKT 03 CRVIC, B & C STEEL \$2,097.88 BULLARD PIPE, BENZEL PEST CONTROL \$79.90 PEST CONTROL, BETSY ROSS FLAG GIRLS INC \$196.00 FLAGS FOR OUTSIDE, BKD RENTALS LLC \$2,154.20 SEPT RENT SUBSIDY, BLACK CLOVER ENTERPRISES \$957.90 HATS, BLUFFS SANITARY SUPPLY \$216.80 FLOOR CLEANER/TOWELS, BOUND TO STAY BOUND BOOKS \$112.86 (6) CHILDRENS BOOKS, BROADWAY OFFICE CENTRE \$86.40 OFFICE SUPPLIES, BROWNELLS INC \$224.31 GUN SIGHTS SCHULTE, CALLAWAY GOLF CO \$311.41 GOLF BALLS, CAPSTONE \$20,000.00 KENO FUNDS EXPAND CURRENT FACI, CASEYS GENERAL STORE #27 \$16.00 FUEL FOR GRND ISLND TRNG JCKSN, CENTER POINT LARGE PRINT \$45.54 (2) LRG PRINT BOOKS, CENTURYLINK \$2,341.82 TELEPHONE/INTERNET CHR, CITY INSURANCE FUND \$141,670.88 HEALTH PREM 125, CITY OF GERING \$111.15 D SUBSTATION MTG, CITY OF GERING GENERAL AC \$130,000.00 ACH PAYROLL TRANSFER, CITY OF SCOTTSBLUFF \$2,383.06 APR - JUNE EMERGENCY MGMT, CITY PAYROLL TRUST \$9,801.35 FSA MEDICAL 125, CORNHUSKER HOTEL \$18.00 PARKING FOR GOVERNORS SUMMIT, CRESCENT ELECTRIC \$174.00 POLE RISER, DANKO EMERGENCY EQUIPMENT \$285.16 STRUCTURAL FIRE BOOTS, DARNALL ALAN \$75.00 RV ROOM DEPOSIT REFUND, DAYS INN \$599.94 ROOMS FOR FIREARMS TRAINING, DISCOUNT CART PARTS \$804.16 GC CONTROLLER, DOLLAR GENERAL STORE #077 \$33.80 SUNSCREEN/BUGSRPAY OT DAYS, DOOLEY OIL INC \$519.94 (220) GALS DIESEL, DOTY JUDI \$88.00 ALTNS OFFICER MASSIE UNIRMS, DUNHAMS SPORTS \$14.99 (1) PR OF SHORTS FOR BIKE PTRL, DUTTON - LAINSON CO \$2,492.97 TRANSFORMER, ELLIOTT EQUIPMENT CO \$2,165.88 CYLINDER PACK, ENERGY LABORATORIES INC \$456.00 WATER LAB, ENVIRO SRV INC \$1,097.00 WW LAB, EPSON STORE \$168.76 INK CARTRIDGES, ESC ENGINEERING \$25,143.86 ENGINEERING, EXPRESS COLLECTIONS INC \$391.48 GARNISHMENT 2, FAMILY DOLLAR \$15.00 FLASH LIGHT 3-6V, FASTENAL CO \$623.58 GLOVES/BATTERIES/RECIP BLADES, FAT BOYS TIRE/AUTO \$33.00 FLAT TIRE RPR, FEDEX \$172.08 WATER LAB, FIRST STATE BANK \$703.80 IBEW UNION DUES, FLAGGING DIRECT \$376.13 PARKING FLAGS, FLOYDS SALES & SRV \$295.84 G9 OIL FILTER/CBN FLTR/FLTR KI, FOOD NETWORK MAGAZINE \$44.97 YEARLY MAGAZINE SUBS, FRESH FOODS \$121.71 WATER/GATORADE FOR TRAINING, GALE \$328.38 (12) LRG PRINT BOOKS, GARYS CLEANING/RESTORATION \$290.00 EXTRACT WTR FROM DRNKNG FTN, GERING CITIZEN \$639.68 CONDENSED MINUTES, GERING PUBLIC SCHOOLS \$12,495.00 KENO FUNDS SNAG SCHOOL KITS, HD SUPPLY WATERWORKS LTD \$4,651.75 MAIN RPR, HEILBRUN \$665.19 (5) GAL TIRE SEALER, HOLIDAY INN EXPRESS - WY \$445.00 WEST DOUGLAS TRAINING, HOME PLATE 2 \$8.86 HEA MEETING, HONEY WAGON EXPRESS \$140.00 CLEAN GREASE TRAPS, ICMA ELECTRONIC RETIREMENT \$1,092.84 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$586.17 TOILET PAPER/HAND TOWELS, IMUS DESIREE \$175.00 REFUND POOL PARTY 8-6-16, INGRAM LIBRARY SRV \$769.31 (20) BOOKS, INTERNAL REVENUE SRV \$88,574.77 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$32.95 BATTERY, JENKINS TED \$94.94 PURCHASE WORK BOOTS, JIRDON \$1,755.00 FERTILZER/CHEMICALS, JOHN HANCOCK USA \$26,888.08 JH RETIRE 6%, JOHNSON CASHWAY CO \$282.78 WASP SPRAY, K4 TRUCKING LLC \$6,525.00 HAUL DIRT, KARENS CLEANING \$425.00 JULY CLEANING SRV, KEEP SCOTTSBLUFF - GERING B \$1,051.00 REIMBURSEMENT FOR ENTRY FEE, KOVARIK, ELLISON, MATHIS \$10,777.55 PROPP LEGAL FEES, KRIZ - DAVIS CO \$10,220.07 LED LIGHTS, LEAGUE OF NE MUNICIPALITY \$1,260.00 COOLEY LEAGUE CONF KEARNEY, LOAF N JUG \$10.26 TRVL EXP TO ALLIANCE ANNL MTG, MARRIOTT CORNHUSKER \$277.84 GOVERNORS SUMMIT HOTEL EXP, MASEK GOLF CAR CO \$684.00 GOLF CART RENTAL, MATHESON TRI GAS INC \$17.10 SHOP PARTS, MAVERIK \$77.20 FUEL TO GET BOTTOM CONTAINERS, MEAT SHOPPE \$27,396.05 CATERING COSTS, MENARDS \$209.53 WIPER BLADE/LIGHT BULB, MENS GOLF ASSOC \$25.00 REIMBURSEMENT FOR FEES COLLECT, MG

TRUST CO LLC \$13,211.54 MG T-POLICE, MONEY WISE OFFICE SUPPLY \$796.52 PRINTER CARTRIDGES, MONUMENT GRILL \$1,282.00 REIMBURSEMENT FOR MEALS, MOUNTAIN SALES & SRV \$316.11 (2) CUT BOARDS, MUNICIPAL ENERGY AGENCY O \$384,783.44 POWER BILL, NATIONAL INSURANCE SRV \$1,060.00 VISION INSURANCE, NE CHILD SUPPORT PYMT \$1,255.12 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$12,573.21 STATE TAX, NE PUBLIC POWER DISTRICT \$4,993.75 UTILITIES PHEASANT DR, NE LIBRARY COMM \$1,429.96 MANGO LANGUAGES SUBSCRIPTION, NE SEC OF STATE \$30.00 PRESTON NOTARY RENEWAL, NEOFUNDS BY NEOPOST \$800.00 POSTAGE, NORTHWEST PIPE FITTINGS \$81.69 SPRINKLER RPR'S, OCLC INC \$144.21 AUG ILL/CATALOGING SUBS, PANHANDLE CONCRETE PROD \$675.00 TRANSFORMER PAD, PARKER DEE \$75.00 RV ROOM DEPOSIT REFUND, PAYPAL \$398.45 STATOR, PAYROLL CHECKS \$127,736.60 PAYROLL CHECKS ON 8-19-16, PAYROLL CHECKS \$123,878.04 PAYROLL CHECKS ON 9-2-16, PEGLER SYSCO FOOD SRV \$353.16 STAGE SKIRT CLIPS, PITTMAN ALISA \$87.50 ½ POOL PARTY REFUND 8-30-16, PLANNER PADS CO \$42.47 PLANNER, POSTMASTER \$36.65 CDBG DRT MAILING, POWERPLAN OIB \$1,356.57 STEERING CYLINDER RPR LOADE, PRAISE WINDOWS INC \$220.00 WINDOW CLEANING, PROTEX CENTRAL INC \$92.00 ALARM INSPECTION, PUMP & PANTRY \$163.58 FUEL TO GET BALER, RALLY FOR A CURE \$720.00 REIMBURSEMENT FOR FEES, RDJ SPECIALTIES INC \$203.03 GRAPE LOLLIPOPS, REGANIS AUTO CENTER \$5,824.13 CAR ENGINE REPLCMNT GLEIM, RESOURCE MANAGEMENT CO \$583.20 TIRES 2.9 TONS, ROBINSON ELECTRIC \$1,211.82 #12 WELL RPR, ROGERS JASON \$210.00 MEALS FOR CONF IN PHOENIX, RUNZA RESTAURANT \$81.44 DIVE RESCUE CLSS 5 MBRS 7-16, SANDY'S BURRITOS \$17.94 MAYOR MTG WITH LANE, SAPP BROS \$15.00 FUEL FOR MTG IN NORTH PLATTE, SCB COUNTY REGISTER OF DEEDS \$60.00 WEST LWN METER, SCB COUNTY SHERIFF OFFICE \$29.28 COURT FEES, SCOTTSBLUFF POLICE DEPT \$360.00 ANNUAL FIREARMS RANGE, SCOTTSBLUFF TOWING SRV \$550.00 TOW FEE 16-3172, SCOTTSBLUFF - GERING UNITED \$143.08 UNITED WAY CTRB, SCS ENGINEERS \$3,636.12 ENVIRO MONITORING, SHERWIN WILLIAMS \$16,287.63 GRIND LAZER FOR MARKING TAPE, SHRM NEBRASKA STATE COUNCIL \$349.00 COOLEY SHRM CONF REG, SIMMONS OLSEN LAW FIRM \$1,500.00 CITY PROSECUTOR BILL, SIMON CONTRACTORS \$5,055.03 ASPHANT 19 TONS, SIRCHIE FINGER PRINT LAB \$1,007.20 FINGERPRINTING EQUIP, SOLUTIONS EAP \$244.55 COUNSELING, SOURCE GAS \$3,674.97 UTILITIES 905 13TH ST, SOUTH DAKOTA SOLID WASTE \$215.00 SOLID WASTE MGMT CLASS, SRIXON \$79.75 GOLF CLUB WEDGE, STAPLES CREDIT PLAN \$229.98 PRINTER FOR SCALE, STAR HERALD \$294.88 BID NOTICE 11TH & P, STUART PIT STOP \$66.91 FUEL TO GET BOTTOM CONTAINERS, SUGAR VALLEY FEDERAL CREDIT \$2,156.74 CREDIT UNION, SURFIRE LLC \$124.78 BATTERIES 123A, TAYLOR MADE GOLF CO \$663.01 GOLF CLUBS WOOD, TEAM CHEVROLET \$375.00 WING VEHICLE LEASE, THE ROCK PILE \$1,318.03 ROCK FOR SUBSTATION, TRAVELODGE (\$113.42) CREDIT TAXES, TUMBLEWEED PRESS INC \$599.00 TUMBLE BK SUBS, UNION PACIFIC RAILROAD \$125.00 LEASE 7TH ST PICNIC/PLAYGROUND, US AUTO FORCE \$76.42 TIRE 23X10, VISTA PRINT \$14.98 SCHULTE BUSINESS CARDS, WALMART \$559.81 (6) BOARD GAMES, (11) SPORTS EQUIP, WESTCO \$5,355.00 GASOLINE, WESTERN CONVENIENCE \$22.97 FUEL TJADEN WING, WESTERN PRAIRIE TITLE \$97,329.74 SCHWARTZKOPF LAND PURCHASE, WESTERN STATES BANK \$10,916.64 HSA CRTB 125, WESTERN STATES BANK - POL \$640.00 PO UNION DUES, WINCHELL CLEANING SRV \$720.00 CLEAN RESTROOMS/HALLS, YMCA \$599.60 WELLNESS, YOUNG MENS CHRISTIAN \$10.00 YOUNG MENS CHR

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

BIDS:

1. Commercial Heat Pump Outdoor Units & Appurtenances Replacement for The City of Gering Administrative Offices, Police Station, and Library.

City Engineer, Paul Snarr, stated that City staff advertised for bids and opened/read them publicly this afternoon. One was from Snell Services and the other was from Oregon Trail Plumbing, Heating and Cooling, Inc. Oregon Trail was the low bid however they failed to follow the specifications in the advertisement for bid. The specifications required bid security in the form of a certified or cashier's check or a bid bond in the amount of 5% of the total bid. The bid security was received on their business checking account check. Staff would recommend awarding the project to Snell Services in the amount of \$79,920.

Motion by Councilmember Morrison to accept the bid from Snell Services in the amount of \$79,920 for Commercial Heat Pump Outdoor Units & Appurtenances Replacement for The City of Gering Administrative Offices, Police Station, and Library. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred. Motion Carried.

PUBLIC HEARINGS:

1. Public Hearing for the 2016/2017 proposed Annual Budget and Final Tax Levy

Mayor Kaufman opened the Public Hearing for the 2016/2017 proposed Annual Budget and Final Tax Levy at 6:10 p.m. John Mejia, City Treasurer, addressed the Council and noted that the property tax levy actually went down this year from the previous year from 29.9 to 28.8; that hasn't occurred for the last 12 years. He said the overall City wide budget did increase 2.50% but when we take a look at just the

general fund and enterprise activities the increase was 1.18% so with the cost of living at 1.1% and the increase in insurance and health insurance we maintained at a pretty good level; so we're pleased with that.

Councilmember Christensen asked if Mr. Mejia could explain the restricted funds; what the purpose of that is. Mr. Mejia replied the restricted funds are those we're receiving from the State; they have to be restricted for certain activities. After that we come into the lid and we have to be underneath that. What we have this year and had last year, our carry over, which you'll see in the next item, we have over a million dollars to carry over but what that is is because we've had a lot of improvement projects that are exempt from the lid. Councilmember Christensen asked if we've used that fund in the previous year. Mr. Mejia replied what that allows us to do is carry that forward. What happens is, with those capital projects and improvements, we're allowed to carry that over from one year but it won't be excluded after the one time exclusion that we have.

Mayor Kaufman asked if anyone in the Council Chambers wished to speak in support, opposition or offered suggestions or observations about the 2016/17 proposed Annual Budget and Final Tax Levy. No one spoke in support, opposition or offered suggestions or observations. The Mayor closed the administrative record and the public hearing closed at 6:13 p.m.

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

1a. Approval to increase 2015-2016 Restricted Funds Authority by an Additional 1%

Motion by Councilmember Smith to approve an increase in the 2015-2016 Restricted Funds Authority by an Additional 1%. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred. Motion Carried.

1b. Approve Ordinance 2033 – An Ordinance to Adopt the Budget Statement to be termed the Annual Appropriation Bill; Appropriate Sums for necessary expenses and liabilities; to provide an effective date.

Councilmember Morrison made a motion to introduce Ordinance No. 2033 - An Ordinance to Adopt the Budget Statement to be termed the Annual Appropriation Bill; Appropriate Sums for necessary expenses and liabilities; to provide an effective date. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred. Motion Carried.

Councilmember Smith moved that the Ordinance be designated as Ordinance No. 2033 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Christensen. There was no discussion. The Clerk called the roll. "AYES": Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred. Motion Carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2033 was read by title only.

Councilmember Gibbs moved that the Ordinance be passed as read, which motion was seconded by Councilmember O'Neal. The question is shall Ordinance No. 2033 be passed? There was no discussion. The Mayor called the vote. "AYES": Smith,

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

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

1c. Adopt Resolution 9-16-1

RESOLUTION 9-16-1

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Gering that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GERING, NEBRASKA, THAT:

1. The property tax request for the fiscal year 2016-2017 be set at \$1,313,000 for the General Fund.
2. That the final levy of the municipality for the fiscal year 2016-2017 is set at .288692 for the General Fund per one hundred dollars of actual valuation.
3. The City Clerk is to certify and forward a copy of this resolution to the County Clerk prior to October 15, 2016.

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER 2016.

Mark A. Kaufman, Mayor

ATTEST:

Kathy J. Wellf, City Clerk

Motion by Councilmember Smith to adopt Resolution 9-16-1. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred. Motion Carried.

2. Continuation of the Public hearing heard by Council August 29, 2016 to consider an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District). Applicant did not own the property – needed purchase agreement and have owner of property sign the application.

Mayor Kaufman stated at this time we will *continue* the public hearing to consider an application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning. This public hearing was started at 6:37 p.m. at the August 29, 2016 Regular City Council meeting. Paul Snarr, City Engineer, presented the Administrative Record.

**CITY OF GERING
CITY COUNCIL ADMINISTRATIVE RECORD**

To:	City Council	Date:	August 29, 2016 – Continued 9/12/16
From:	Planning & Community Development	Zoning:	RMH

Subject:	Public Hearing – <i>Single Family Homes located within the RMH Zoning District</i>	Property Size:	Lot Size 106'W X 100' Deep – Considering 2-53' Wide lots X 100" Deep
Location:	Lot 2, Block A, Barton Subdivision - 315 N Street	#Lots/Parcels:	1
Owner:	City of Gering	Planning Commission Public Hearing:	August 16, 2016

Procedure

1. Open Public Hearing
2. Overview of petition by City Staff
3. Presentation by Applicant
4. Solicitation of Public comments
5. Questions from the City Council
6. Close the Public Hearing
7. Public Process: City Council determines final approval

Public Notice: This hearing was noticed in the paper

Public Hearing

Mr. Mayor and City Council Members,

This is a continuation of the Public hearing heard by this Council August 29, 2016 to consider an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District). The motion to continue was due to the applicant not owning the property. Applicant was directed to submit proof of entering into agreement with the owner of the property with a purchase agreement contingent on being allowed to construct single family homes. The applicant submitted the land purchase agreement dated September 12, 2016.

The property is located on Lot 2, Block A Barton Subdivision addressed as 315 N Street. The applicant has submitted a Variance for a Public Hearing with the Board of Adjustment September 13, 2016 to allow re-platting and splitting said existing Lot 2, Block A Barton Subdivision into 2 – 53 foot wide lots.

The Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 5 yes/0 no/1 abstained) to move this Public Hearing to City Council with no conditions.

The property is zoned RMH (Multi Family Residential High Density District) and per the City Zoning and Subdivision Regulations Section 6.5 RMH specifically Section 6.504 Exceptions, Subsection (12) Single Family Dwellings are allowed provided the requirements of Section 6.505 and Article 13 of this Ordinance are met as minimum requirements with approval of the City Council.

The property is specifically located on Lot 2, Block A Barton Subdivision as platted as the Subdivision of Part of Block 1, Barton Subdivision in the City of Gering, Nebraska, Lots 1, 2, & 3, Block A, Recorded in Deed Book 153, Page 382 on March 2, 1977 located in Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska. The lot width parallel to N Street is approximately 106 feet with a depth of 100 feet.

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.

- City of Gering Subdivision and Zoning Regulations dated March 1984 - Section 6.5 RMH specifically Section 6.504 Exceptions, Subsection (12) Single Family Dwellings and Section 6.505 with reference to Article 13 of the Regulations.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Public Hearing Notice was published 8/5/2016 in the paper meeting City Ordinances.
- Exception/Conditional Use Application submitted by the applicant, Kent Ewing July 18, 2016 to allow single family homes within RMH Zoning located at 315 N Street.
- Final Plat of Block 1 Barton Subdivision, Part of the Northwest Quarter of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, as Recorded in Deed Book 137 page 286 on April 13, 1972.
- Final Plat – Subdivision of Part of Block 1, Barton Subdivision in the City of Gering, Nebraska, Lots 1, 2, & 3, Block A, Recorded in Deed Book 153, Page 382 on March 2, 1977.
- Planning Commission through Public Hearing August 16, 2016 made motion for a positive recommendation (Vote: 5 yes/0 no/1 abstained) to move this Public Hearing to City Council with no conditions.

- City Council Public Hearing August 29, 2016 with motion to continue due to the applicant not owning the property. Applicant is to submit proof of entering into agreement with the owner of the property with a purchase agreement contingent on being allowed to construct single family homes and also having the owner sign the application.
- Purchase Agreement received from the applicant dated September 12, 2016, signed by both parties.
- Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Council did not wish to have the Administrative Record read aloud. Mr. Snarr stated there is one more bullet point to add to the record and that is the purchase agreement which we received today.

Mr. Snarr continued: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street and request your recommendation to approve, deny, or continue as stated in your packets as provided:

Recommendation

Approve

Make a POSITIVE RECOMMENDATION to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street for the following reason(s):

Continue

Make a motion to CONTINUE the Public Hearing to consider the application submitted by Kent Ewing for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street for the following reason(s):

Mayor Kaufman asked if there was anyone wishing to speak in favor or opposition of the application? Seeing none the Administrative Record was closed and the Public Hearing closed at 6:21 p.m.

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

2a. Approve or deny an application submitted by Kent Ewing July 18, 2016 for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District). Applicant did not own the property – needed purchase agreement and have owner of property sign the application.

Motion by Councilmember Smith to approve an application submitted by the owner, Kent Ewing, for an Exception/Conditional Use Permit to allow single family homes to be constructed within RMH Zoning (Multi Family Residential High Density District) located on Lot 2, Block A Barton Subdivision addressed as 315 N Street. It should be noted that the applicant has submitted a Variance for a Public Hearing with the Board of Adjustment on September 13, 2016 to allow re-platting and splitting said existing Lot 2, Block A Barton Subdivision into 2 – 53 foot wide lots. Second by Councilmember Cowan.

Discussion: Administrator Danielzuk stated that in order to be granted a special exception the applicant carries the burden of proving to the board that the imposition of conditions, the requested use will comply with the standards established in the ordinance. There should be conditions attached to this. The conditions that Mr. Danielzuk is going to make and the recommendation that the Council use in the motion is the following: To allow single family homes to be constructed within the RMH zoning located on Lot 2, Block A Barton Subdivision addressed as 315 N Street provided the requirements of Sections 6.505 and Article 13 of this Ordinance are met. Both Councilmember Smith and Christensen agreed to amend the motion to include this.

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

CURRENT BUSINESS:

1. Law Enforcement Proclamation (Addressed earlier in the meeting)

2. Consider recommendation by the Public Works Committee to begin accepting shingles at the Landfill again

Councilmember Gibbs stated that the Public Works Committee met last week. One of the items on the agenda was discussing accepting shingles at the landfill again. We used to accept them up until a few years ago; at that time there were storms and we received a lot of shingles but there was concern about the landfill filling up too fast. Now with the compactor that will considerably reduce the volume of the shingles that we might accept. It is recommended by the Public Works Committee that we "re-allow" the acceptance of shingles in the landfill. This will be a good revenue generator plus it will not take up space in the landfill that we would not be able to deal with. The shredder will reduce the volume considerably and should extend the lifetime of the landfill.

Motion by Councilmember Gibbs to accept shingles at the landfill again. Second by Councilmember Christensen.

Discussion: Councilmember Smith stated that we've done a lot of work to keep the landfill down. At a certain point we were making a lot of money on shingles but he doesn't see many shingle jobs being done right now; he doesn't see it as a huge revenue source. He thinks there is a business in town that is doing something with the shingles so he would not support this.

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

3. Authorize a committee to provide education to the public related to the one half cent sales tax ballot issue.

Mayor Kaufman stated that he thinks the reason behind this is to be proactive so that if requested we're getting accurate information in front of the public. Councilmember Morrison stated we don't know who is going to be on this committee, do we? Mayor Kaufman replied that there has been discussion but it has not been finalized; we wanted to make sure it was Council approved and then we'll work with staff and get the appointments made.

Motion by Councilmember Morrison to authorize a committee to provide education to the public related to the One Half Cent Sales Tax ballot issue. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Holliday, Allred. Motion Carried.

4. Adopt Resolution 9-16-2, Salary Range and Step Schedule

RESOLUTION NO. 9-16-2

WHEREAS, City of Gering has established a salary range schedule for a pay plan for City of Gering employees;

WHEREAS, a 1.1% Cost of Living Adjustment and a merit based step pay plan has been included in the 2016-2017 budget for all non-union permanent City of Gering employees.

BE IT RESOLVED that the following Salary Range Schedule/Step Scale be adopted for pay period starting September 26, 2016:

	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>	<u>STEP 7</u>	<u>STEP 8</u>	<u>STEP 9</u>
Grade 1	\$9.10	\$9.27	\$9.51	\$9.74	\$10.00	\$10.23	\$10.48	\$10.75	\$10.97
Grade 2	\$9.48	\$9.73	\$10.00	\$10.23	\$10.49	\$10.77	\$10.99	\$11.27	\$11.66
Grade 3	\$9.98	\$10.36	\$10.75	\$11.14	\$11.47	\$11.87	\$12.23	\$12.63	\$13.01
Grade 4	\$10.46	\$10.88	\$11.28	\$11.69	\$12.09	\$12.50	\$12.91	\$13.31	\$13.72
Grade 5	\$10.96	\$11.37	\$11.80	\$12.21	\$12.65	\$13.05	\$13.50	\$13.89	\$14.33
Grade 6	\$11.59	\$12.01	\$12.46	\$12.89	\$13.34	\$13.77	\$14.21	\$14.65	\$15.09
Grade 7	\$12.15	\$12.61	\$13.05	\$13.53	\$13.97	\$14.43	\$14.87	\$15.33	\$15.80
Grade 8	\$12.75	\$13.23	\$13.72	\$14.19	\$14.66	\$15.14	\$15.61	\$16.07	\$16.57
Grade 9	\$13.38	\$13.87	\$14.38	\$14.87	\$15.38	\$15.89	\$16.40	\$16.89	\$17.41
Grade 10	\$14.02	\$14.55	\$15.10	\$15.61	\$16.12	\$16.66	\$17.19	\$17.70	\$18.23
Grade 11	\$14.81	\$15.34	\$15.88	\$16.42	\$16.94	\$17.50	\$18.02	\$18.57	\$19.10
Grade 12	\$15.52	\$16.06	\$16.64	\$17.19	\$17.75	\$18.30	\$18.86	\$19.43	\$19.97
Grade 13	\$16.26	\$16.85	\$17.44	\$18.02	\$18.62	\$19.20	\$19.80	\$20.39	\$20.98
Grade 14	\$17.06	\$17.65	\$18.28	\$18.88	\$19.52	\$20.12	\$20.73	\$20.96	\$21.96
Grade 15	\$17.99	\$18.58	\$19.21	\$19.86	\$20.48	\$21.11	\$21.76	\$22.37	\$23.01
Grade 16	\$18.78	\$19.43	\$20.11	\$20.77	\$21.41	\$22.11	\$22.75	\$23.42	\$24.07
Grade 17	\$19.70	\$20.42	\$21.11	\$21.81	\$22.51	\$23.20	\$23.90	\$24.60	\$25.31
Grade 18	\$20.64	\$21.36	\$22.11	\$22.80	\$23.53	\$24.26	\$24.97	\$25.70	\$26.45
Grade 19	\$21.61	\$22.37	\$23.15	\$23.94	\$24.72	\$25.50	\$26.28	\$27.05	\$27.84
Grade 20	\$22.68	\$23.50	\$24.31	\$25.13	\$25.95	\$26.77	\$27.58	\$28.40	\$29.23
Grade 21	\$23.76	\$24.61	\$25.49	\$26.35	\$27.21	\$28.06	\$28.91	\$29.78	\$30.63
Grade 22	\$24.85	\$25.75	\$26.64	\$27.56	\$28.47	\$29.36	\$30.29	\$31.18	\$32.08
Grade 23	\$26.08	\$27.03	\$27.98	\$28.92	\$29.86	\$30.82	\$31.77	\$32.70	\$33.64
Grade 24	\$27.31	\$28.30	\$29.30	\$30.32	\$31.31	\$32.32	\$33.33	\$34.31	\$35.32
Grade 25	\$28.70	\$29.75	\$30.81	\$31.85	\$32.90	\$33.96	\$35.00	\$36.04	\$37.09
Grade 26	\$30.10	\$31.21	\$32.32	\$33.43	\$34.52	\$35.66	\$36.75	\$37.84	\$38.96
Grade 27	\$31.48	\$32.61	\$33.71	\$34.82	\$35.92	\$37.03	\$38.16	\$39.26	\$40.35

Minimum Wage Schedule:

Step A	\$9.00
Step B	\$9.15
Step C	\$9.30
Step D	\$9.45
Step E	\$9.60

Adopted this 12th day of September, 2016.

Mark A Kaufman, Mayor

Kathy Welfl, City Clerk

5. Adopt Resolution 9-16-3 - North Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan

City Engineer, Paul Snarr, stated that the North Platte Natural Resource District, every four or five years has different jurisdictions go through a set of questions for hazard mitigation. This year we went through those questions. The Hazard Mitigation is kind of an adoption from FEMA; it reduces the effects of natural hazards and it was adopted by the NRD by the Disaster Mitigation Act of 2000. It goes through numerous questions on disasters that could occur; power outages, a safe place to go during storm events, etc. By adopting this plan we'd be eligible for some grant funding to assist with implementation of say a generator, or other help needed for a safe room or any action on the form. We need to adopt the resolution in order to be recognized for a grant.

RESOLUTION NUMBER 9-16-3

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by North Platte Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, NE, which includes the jurisdiction of the City of Gering.

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City of Gering and prioritize mitigation strategies to reduce potential loss of life and property damage from both those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Gering in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of the City of Gering, does herewith adopt the North Platte Natural District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety; and

PASSED AND APPROVED this ____ day of _____, 2016

Mark A. Kaufman, Mayor

ATTEST:

Kathy J. Weiff, City Clerk

Motion by Councilmember Gibbs to adopt Resolution 9-16-3 - North Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan. Second by Councilmember O'Neal. 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.

CLOSED SESSION:

(Council reserves the right to enter into closed session if deemed necessary.)

REPORTS: (Information only)

1. Update on RFQ/RFP for Library Building Project – Diane Downer, Library Director
Library Director, Diane Downer, reported the following:

A request for a qualified firm to write a building program statement was sent out June 10, 2016. The project approach would include analyses and assessments of library services currently offered, the existing building conditions, the library service needs of the community over the next 20 years; and building

requirements of a facility needed to meet those needs along with some conceptual designs and preliminary cost estimates.

The City of Gering received 6 proposals from the following firms on July 11:

1. Plan One Architects / Architectural Nexus
2. Peters & Associates Architects
3. SEH / TSP
4. Leo A Daly
5. Studio 120 Architecture
6. Joseph R Hewgley & Associates / Humphries Poli Architects

The Library Board met on July 19, 2016. They reviewed each of the six proposals to assure that each met the qualifications specified in the RFQ/RFP. They all included information about the firm and their qualifications of those who will work on the project. They varied in their projects that were represented. SEH, Studio 120, and Hewgley were more detailed in their project approach.

Discussion continued with the different criteria listed in the proposal. The Library Board and full time library staff members ranked the firms. After tallying the scores of the firms in first, second, and third places, Library Board President, Suzanne Myers, went through the list, stated each one separately, and asked the Board if they wanted to interview the firm. The results were a yes for Studio 120, SEH, Hewgley, and Leo Daly.

Face to face interviews were scheduled on August 18 and 19, starting at 1:30 pm with two interviews a day. The interview committee consisted of Library Board members: Suzanne Myers, Alan Johnson, Tracy Henderson, and Kerri Schnase-Berge. Other members included Parks, Cemetery & Tree Board Chair, Don Gentry; City Council Member, Pam O'Neal; stakeholder, Amy Doll; City Administrator, Lane Danielzuk; and myself. After the last interview, the committee ranked the firms and chose to enter negotiations with Hewgley / Humphries.

OPEN COMMENT SECTION: None

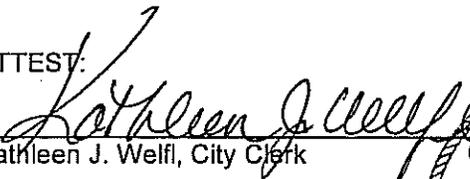
Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

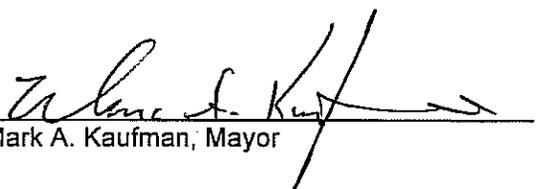
ADJOURN

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

Meeting adjourned at 6:36 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk


Mark A. Kaufman, Mayor

