CITY OF GERING
PLANNING COMMISSION MEETING AGENDA

A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY SEPTEMBER 1, 2026 AT 6:00 P.M.** IN THE GERING CITY HALL COUNCIL CHAMBERS, 1025 P STREET, GERING, NEBRASKA.

All agenda items are for discussion and action will be taken as deemed appropriate.

Call to Order and Roll Call

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14, As required by State Law, public bodies shall make available copies of the current Open Meetings Act in the meeting room. There are printed versions of the Open Meetings Act on the counter by the press corps. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson or Vice-Chairperson. 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 the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the August 18, 2026 regular Planning Commission meeting

4. Current Business:

    A. Consider Resolution PC 9-26-1, granting a conditional use permit extension for a race track and casino located at 140777 Highway 71.

5. City Engineer Report

6. OPEN COMMENT: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.

7. Adjourn

THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING PLANNING COMMISSION REGULAR MEETING, AUGUST 18, 2026

A regular meeting of the City of Gering Planning Commission was held in open session on August 18, 2026, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners C. Kaufman, Crews, Taylor, Shimic, Hauck and Alvizar. Absent: Commissioners T. Kaufman, Keener and Waterman. Notice of the meeting was given in advance by publication in the Star-Herald on August 6, 2026 and the agenda was posted on the City's website on August 13, 2026, pursuant to the designated method of giving notice by the Planning Commission. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Call to Order and Roll Call:
Vice Chair C. Kaufman called the meeting to order at 6:00 p.m. and noted that a quorum of the Planning Commission was present and business could be conducted.

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article14

Vice Chair Kaufman stated: As required by State Law, public bodies shall make available current copies of the Open Meetings Act in the meeting room on the counter by the press corps. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson. 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 the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the May 19, 2026, regular Planning Commission meeting

A motion was made by Commissioner Hauck to approve the minutes of the May 19, 2026 regular Planning Commission meeting. Seconded by Commissioner Alvizar. There was no discussion. The Secretary called the roll. "AYES": Alvizar, Miles, Hauck, C. Kaufman, Crews. "NAYS": None. Abstain: Taylor and Shimic. Absent: Keener, T. Kaufman, and Waterman. Motion carried.

4. Current Business:

A. Consider the method of giving notice for regular meetings pursuant to the Nebraska Open Meetings Act.

i. Approve Resolution PC8-26-1 regarding the method of giving notice for regular meetings pursuant to the Nebraska Open Meetings Act

Vice Chair Kaufman introduced the next agenda item, consideration of Resolution PC 8-26-1, establishing the method for providing reasonable notice of Planning Commission regular meetings, public hearings, and special meetings.

Vice Chair Kaufman explained that the resolution establishes the methods the Planning Commission will use to provide notice, including monthly notice of regular meetings, quarterly publication of the regular meeting schedule, notice of public hearings as required by law, and notice of special meetings. For regular monthly meetings, the resolution provides for publication in the Scottsbluff Star-Herald at least 10 days prior to the meeting, with agendas also posted on the City's website. The resolution also provides for quarterly publication of the regular meeting schedule as required by the Nebraska Open Meetings Act.

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Commissioner Hauck asked whether the notice published in the Star-Herald would always appear on a Saturday or on a specific day of the month. Ms. Folck explained that the notice would be published at least 10 days prior to the meeting. Since the Planning Commission typically meets on Tuesdays, the notice would generally appear on either a Thursday or Saturday, depending on the publication schedule. Staff clarified that the requirement is that the notice be published at least 10 days prior to the meeting.

Commissioner Taylor asked whether the 10-day notice period was a new requirement or remained the same. Ms. Folck explained that the State Legislature had made changes to the Nebraska Open Meetings Act, one of which requires meetings of public bodies to formalize its method of providing meeting and public hearing notices. She further stated that the meeting notices and public hearing notices provided for in the resolution are consistent with what the City has already been doing. The only addition is the quarterly publication of the regular meeting schedule, which is now required by law.

Ms. Folck added that public hearings are required by statute to be noticed at least 10 days in advance. Since the majority of Planning Commission meetings include a public hearing, the City has generally published meeting notices 10 days or more in advance. She stated that, even when a meeting does not include a public hearing, the City intends to provide notice in the same manner for consistency. As an example, a meeting may involve only a final plat or another matter that technically does not require a public hearing, but the meeting would still be noticed in the same manner. Ms. Folck reiterated that the resolution does not represent a change from the City's existing practice, other than the newly required quarterly publication of the regular meeting schedule.

With no further discussion, Vice Chair Kaufman entertained a motion to approve Resolution PC 8-26-1, establishing a method for providing reasonable notice of Planning Commission meetings, public hearings, and special meetings.

Commissioner Miles made a motion to approve Resolution PC 8-26-1. The motion was seconded by Commissioner Taylor. The Secretary called the roll. "AYES": Shimic, Crews, Taylor, Miles, C. Kaufman and Alvizar. "NAYS": Hauck. Abstain: None. Absent: Keener, T. Kaufman, and Waterman. The motion carried.

B. Public Hearing to amend the Zoning Ordinance to add supplemental regulations for adult entertainment establishments and to add adult entertainment establishments to the land use table.

i. Make recommendation to City Council

Vice Chair Kaufman opened a public hearing at 6:08 p.m. to consider amendments to the Zoning Ordinance to add supplemental regulations for adult entertainment establishments and to add adult entertainment establishments to the land use table. She invited City Engineer Annie Folck to provide the staff report and recommendation.

Ms. Folck explained that the proposed regulations were brought forward after a similar facility was established in a neighboring community. She clarified that there was currently nothing proposed for Gering, but stated that the appropriate time to establish regulations was before such a use became an issue. She explained that staff was attempting to be proactive by establishing regulations so that, if an adult entertainment establishment were proposed in Gering, the City would have regulations in place to address it. Currently, the City's zoning code does not address this type of facility.

Ms. Folck explained that adult entertainment is a unique land use with a long history of case law. She noted that the proposed ordinance therefore contained more background information, findings, and rationale than is typical of the City's ordinances. At the recommendation of legal counsel, the ordinance included the case law on which the regulations were based, as well as an explanation of why adult entertainment establishments are considered a unique use.

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Ms. Folck stated that adult entertainment establishments, as a category of commercial uses, have been associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illegal drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, sexual assault, and exploitation. She also noted that alcohol consumption can impair judgment and lower inhibitions, thereby increasing the risk of adverse secondary effects.

Ms. Folck explained that the regulations were intended to separate adult entertainment establishments from sensitive land uses in order to minimize the impact of these secondary effects. She stated that the City has a substantial governmental interest in preventing or abating such secondary effects.

Ms. Folck emphasized that the purpose of the proposed regulations was not to prohibit adult entertainment establishments, as doing so would be unconstitutional under established case law and would violate First Amendment protections. Instead, the purpose of the regulations was to establish reasonable standards regarding where such establishments could locate and how they would operate in order to address and minimize adverse secondary effects.

Regarding location, Ms. Folck referred the Commission to the zoning map included in the meeting packet and explained that under the proposed ordinance, adult entertainment establishments would be permitted only in the MH zoning district, subject to a conditional use permit considered by both the Planning Commission and City Council. She stated that staff believed the MH district would be the least affected by the potential secondary effects and that the City had an interest in keeping such establishments as far from residential uses as possible. The MH district is generally located farther from residential areas and provides greater separation from residential districts than other zoning districts.

Ms. Folck explained that, in addition to the zoning district limitation, the ordinance would establish separation requirements from certain other uses. An adult entertainment establishment could not be located within 1,000 feet of another adult entertainment establishment, a business licensed to sell alcohol, a residential district, a residential use, a church, school, child care facility, or recreational facility. She stated that these separation requirements were intended to help protect sensitive uses from the potential secondary effects of adult entertainment establishments.

Commissioner Crews asked whether the 1,000-foot separation requirement could be increased or whether 1,000 feet was the maximum distance permitted by law. Ms. Folck explained that 1,000 feet was the maximum distance that the City's attorney was comfortable recommending based on applicable case law and ordinances adopted by other communities. She stated that staff could consult with legal counsel if the Commission wished to consider increasing the distance.

Ms. Folck reviewed several of the proposed performance standards. Adult entertainment establishments would be required to close between midnight and 6:00 a.m. Full nudity and specified sexual activities would not be permitted on the premises. Semi-nudity would be permitted only for employees who remained at least six feet from patrons and performed on a stage at least 18 inches high in a room of at least 600 square feet. There would also be no touching between semi-nude employees and patrons.

Ms. Folck explained that alcohol would not be permitted on the premises. The City already has liquor regulations prohibiting the sale of alcohol in such establishments; however, some facilities have attempted to circumvent those requirements by allowing patrons to bring their own alcohol. The proposed ordinance would make it clear that alcohol would not be permitted on the premises regardless of whether the establishment had a liquor license or patrons brought their own alcohol. Persons under 18 years of age would also not be permitted on the premises.

Ms. Folck noted that the ordinance contained additional detailed requirements regarding viewing rooms and booths but did not review those provisions in detail. She encouraged the Commissioners to review those sections of the proposed ordinance.

Ms. Folck further explained that the ordinance placed responsibility for compliance on the operator of the establishment. The operator would be required to be on site and maintain an operator station that could monitor the facility, either through cameras or by having a clear view of the premises. The operator would be responsible for monitoring the establishment and ensuring that the requirements of the ordinance were enforced at all times.

Ms. Folck stated that the other purpose of the ordinance was to add adult entertainment establishments to the City's land use table under the commercial and industrial uses. The use would be listed as a conditional use in the MH zoning district. She reiterated that the purpose was to provide the City with the ability to regulate adult entertainment establishments, direct where they could be located, oversee their operation, and minimize potential secondary effects on surrounding properties.

Vice Chair Kaufman asked whether, if an applicant were denied a conditional use permit by both the Planning Commission and City Council, the applicant could sue the City. Ms. Folck explained that an applicant could bring a lawsuit against the City, as anyone could, but would generally have to establish that the City acted arbitrarily or capriciously in denying the application. The applicant would have to demonstrate that the decision was not based on sound fact-finding or that there was a problem with the reasoning supporting the denial.

Ms. Folck stated that this was why the Commission receives training regarding findings of fact and the reasoning behind decisions. She explained that the findings and reasoning become particularly important in cases such as this. If an application were denied simply because the Commission did not like the proposed use, the decision would be more likely to be overturned in court. However, if the application were denied because the Commission had a well-supported concern that the secondary effects on neighboring property were unacceptable, that reasoning could provide a basis for the decision. She noted that staff typically works with legal counsel to provide information that can assist the Commission in developing appropriate findings of fact.

Commissioner Miles asked that the zoning map be displayed again on the screen and questioned whether there were any small areas of MH zoning that were difficult to see on the map or whether the MH zoning consisted primarily of the areas east of 10th Street, north of the railroad, and east of town along the expressway. Ms. Folck confirmed that the darker areas shown on the map represented the MH zoning district. She stated that there were no other small pockets of MH zoning and identified the larger area as including the City's industrial park and other areas. She also noted that there was additional MH zoning on the southeast end of town, including the area along Lockwood Road and the former Lockwood building. She stated that there was no other MH zoning throughout the community.

Vice Chair C. Kaufman noted a small area of rural residential zoning located within the MH area and asked about the extent of the rural residential district. Ms. Folck acknowledged the area and explained that the 1,000-foot separation requirement from residential uses would help ensure that an adult entertainment establishment could not locate immediately adjacent to residential property.

Commissioner Miles commented that it was interesting that the City's attorney had recommended a maximum separation distance of 1,000 feet because it was not a particularly large distance. Ms. Folck stated that staff could ask the City's attorney whether a greater separation distance would be legally acceptable if the Commission wished to consider increasing the distance.

Commissioner Miles asked about the conditional use permit process and stated that he understood that the Planning Commission typically had final approval authority for conditional uses. Ms. Folck explained that the Planning Commission typically has final authority over conditional uses, with meat packing being the current exception because of the controversial nature of that use and the City Council's desire to have final authority. She stated that the City's attorney felt that adult entertainment was another use that could be controversial enough to warrant an additional level of oversight by the City Council before the application was approved or denied.

Commissioner Hauck asked about the term "juice bar" listed under adult cabaret uses in the materials and questioned what a juice bar was. Ms. Folck explained that the term referred to establishments that attempt to

avoid liquor licensing requirements by allowing patrons to bring their own alcohol. She stated that such establishments may refer to themselves as a "juice bar" and that allowing patrons to bring their own alcohol could otherwise circumvent regulations prohibiting a liquor license at an adult entertainment establishment.

Commissioner Hauck also asked whether the Police Department was comfortable with the proposed regulations. Ms. Folck confirmed that she had provided the proposed ordinance to the Police Chief and that he was comfortable with the regulations.

Vice Chair Kaufman opened the floor for public comment and asked anyone wishing to speak regarding this item to come to the podium, state their name and address, and sign in. She noted that speakers would be limited to five minutes.

Michael Clement, 150597 Kihlthau, Mitchell, identified himself as the CEO of a not-for-profit organization, Bible Baptist Church. Mr. Clement stated that he and his wife had moved back to the area in 1980 and had raised their family in the community. He congratulated the Commission on its efforts, stating that he understood the Commission was attempting to protect the community through the proposed regulations.

Mr. Clement encouraged the Commission to do whatever it could to stop or hinder this type of business from coming to the area and stated that he would like to see the Commission oppose such a business for moral reasons. He spoke about the community's family-friendly reputation and stated that many people who had grown up in the area and later moved away for school or employment had returned after marrying and having children because they considered it a good place to raise children.

Mr. Clement stated that businesses of this type could change that reputation and could negatively affect men, women, and children and damage or destroy families. He encouraged the Commission to consider not only the financial aspects of such a business but also potential costs to the community, including additional work for law enforcement and potential increases in crime and abuse.

Mr. Clement referenced his experience living in New Jersey when casinos were established in Atlantic City and cited an article he had read regarding prostitution and other problems associated with the casinos. He stated that it is easier to keep something out of a community initially than to remove it after it has been established.

Mr. Clement encouraged the Commission to use zoning regulations and licensing requirements strictly if the City could not prevent such a business from locating in the community. He stated that rules should not be relaxed or bent to accommodate this type of business and suggested that, if permitted, such establishments should be located in remote and difficult-to-access areas.

Mr. Clement stated that he would be willing to contribute to a fund to obtain legal representation to defend the community's ability to refuse this type of business. He concluded by encouraging the Commission to "do what's right" and stated that his family had taught their children that right is right even if no one else is right, and wrong is wrong even if everyone else is wrong.

Following the public comment, Vice Chair Kaufman asked Ms. Folck to clarify whether the City could deny an adult entertainment establishment and, if sued, potentially be required to allow the business to locate wherever it wanted. Ms. Folck clarified that a complete ban on adult entertainment establishments would not be legally sustainable and would not hold up in court. She stated that completely prohibiting the use was not an option and that the purpose of the proposed regulations was to provide reasonable oversight and regulation rather than no regulation at all. Vice Chair Kaufman thanked her for the clarification.

David Clement, 280 A Street, addressed the Commission. Mr. Clement encouraged the Commission to adopt as much regulation as legally permissible. He acknowledged that the City's authority may be limited by applicable law but stated that he believed the primary responsibility of government at the city, state, and federal levels is to protect its citizens.

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Mr. Clement stated that businesses of this type can be associated with crime and referenced research he had reviewed regarding connections between such establishments and child and sex trafficking. He stated that, because trafficking is already a serious concern in the community and throughout the country, he believed the City should make it as difficult as legally possible for such a business to locate in Gering.

Mr. Clement stated that he believed the proposed regulations were generally good but suggested that the separation requirements be increased substantially, potentially to 10 miles or outside the city limits. He stated that he has four daughters and did not want to see this type of establishment in the community. He also referenced information he had recently seen claiming that the Scotts Bluff County had the second-highest child abduction rate in Nebraska, although he acknowledged that he was not certain the information was accurate. He concluded by encouraging the Commission to make it as difficult as possible for such a business to locate in the community.

Vice Chair Kaufman thanked Mr. Clement and asked if anyone else wished to speak.

Commissioner Alvizar asked whether the proposed conditions could be changed following the Commission's action on the matter. Ms. Folck explained that the Planning Commission would be making a recommendation to the City Council and could recommend approval of the ordinance as written or include requested changes as part of its recommendation. She stated that she could consult with the City's attorney regarding the proposed separation distances, although the attorney had already increased the distance from the ordinance on which the proposed regulations were based and had indicated that 1,000 feet was the maximum distance with which he was comfortable.

Commissioner Crews asked whether the separation distance could be increased specifically for residential, educational, and church uses, while maintaining a different distance for the other categories. Ms. Folck stated that she could ask the City's attorney whether that would be legally acceptable.

Commissioner Taylor stated that, based on his research regarding Nebraska law, even if the Commission did not want an adult entertainment establishment in the area, the applicant would still need to have a reasonable opportunity to operate a business. He explained that if the separation requirements were increased beyond 1,000 feet, the Commission would need to consider how much land would remain available for such a use. If the regulations left an insufficient number of available sites, the restrictions could potentially be overturned. He cautioned that making the regulations overly restrictive could make the City's position more difficult to defend.

Mr. Michael Clement asked to make an additional comment. He explained that he had previously been employed by a church in New Jersey where a business subject to a required separation distance was ultimately located directly across the street from the church. He stated that the regulation had not clearly defined how the distance was to be measured and that the distance had been measured along a pathway, allowing the business to technically comply even though it was directly across the street. Mr. Clement suggested that, if not already addressed, the City's regulations specify that the required separation distance be measured in a straight line or by line of sight.

Ms. Folck explained that the proposed ordinance already addressed the issue. She read the applicable provision, which states that measurements are to be made in a straight line in all directions without regard to intervening structures or objects, measured from the closest part of the structure containing the adult establishment to the closest point on the property boundary of the other establishment or protected use.

Commissioner Alvizar asked for clarification regarding the possibility of revising the conditions in the future and expressed concern that, if the ordinance were approved, the conditions would be permanently established and could not be changed. Ms. Folck explained that when a conditional use permit is considered for a specific proposed facility, the Planning Commission and City Council would have the opportunity to establish conditions specific to that business and site. If there were a concern unique to a particular site, that concern could be addressed through the conditional use permit process. Ms. Folck further explained that the general standards contained in the ordinance would remain in effect unless the City later chose to amend the ordinance. She noted that the City's codes are living documents and are regularly amended, so the provisions

would not be permanently fixed. However, changes to the general ordinance would not typically be made solely for one establishment or property; site-specific concerns would more appropriately be addressed through the conditional use permitting process.

With no further public comments, Vice Chair Kaufman closed the public hearing at 6:38 p.m.

Commissioner Miles made a positive recommendation for approval of the ordinance amending Article 5, Supplemental Regulations, of the City of Gering Zoning Ordinance regarding adult entertainment facilities. Commissioner Miles stated that he had no additional reasons to provide for the recommendation.

Commissioner Alvizar raised an additional consideration regarding whether the ordinance should require an adult entertainment establishment to provide its own security. Ms. Folck stated that she believed such a requirement could be added and agreed to look into including it in the regulations.

Commissioner Miles clarified that, if the security requirement were added to the ordinance, it would be included among the general requirements rather than needing to be addressed separately as a condition of a future conditional use permit. He stated that he believed such a requirement made sense for this type of establishment and amended his motion to include a security requirement.

Commissioner Shimic asked whether the security requirement would need to specify details such as bonding or insurance. Ms. Folck stated that she would need to consult with legal counsel regarding how detailed the requirement could be. She suggested that the Commission could approve the ordinance with the condition that legal counsel review the security requirements and draft language with which they were comfortable.

Commissioner Miles confirmed his amendment to the motion.

Commissioner Miles made a motion to recommend to the City Council for approval of the ordinance amending Article 5, Supplemental Regulations, of the City of Gering Zoning Ordinance regarding adult entertainment facilities with the condition that legal review and include language for security requirements. The motion was seconded by Commissioner Taylor. There was no further discussion. The Secretary called the roll. "AYES": Alvizar, C. Kaufman, Taylor, Shimic, Miles and Crews. "NAYS": None. Abstain: Hauck. Absent: Keener, T. Kaufman, and Waterman. Motion carried.

5. City Engineer Report

Ms. Folck reminded the Commission that another meeting was scheduled in two weeks to consider an extension of the conditional use permit (CUP) for the casino.

Ms. Folck also reported that she had received an application requesting to vacate a replat. She stated that the Commission would likely need to hold another meeting regarding the request, most likely on the third Tuesday in September, although it could potentially be delayed until the first week of October. Staff would provide the Commissioners with the meeting information once the date was confirmed.

Ms. Folck stated that, otherwise, it had been relatively quiet and there were no other upcoming items at that time.

6. OPEN COMMENT: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.

There was no comment.

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7. Adjourn

A motion was made by Commissioner Crews to adjourn. Seconded by Commissioner Alvizar. There was no discussion. The Secretary called the roll. "AYES": Crews, Miles, Shimic, Taylor, Alvizar, C. Kaufman, and Hauck. "NAYS": None. Abstain: None. Absent: Keener, T. Kaufman, and Waterman. Motion carried.

The meeting adjourned at 6:44 p.m.

Levi Keener, Chairman

ATTEST:

Karen Heins, Administrative Secretary

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CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	**Date:**	9/1/2026
From:	Planning & Community Development	**Zoning:**	AG
Subject:	Recommendation & Report - Conditional Use Permit EXTENSION, Casino Resort and Racetrack	**Property Size:**	104.67 Acres
Location:	PT SW ¼ (N of ROW) Section 11 Township 21 Range 55 W of 6th P.M., AKA 140777 Hwy 71	**#Lots/Parcels:**	1
Owner:	Prairie Thunder Gering, LLC	**City Council Public Hearing:**	N/A

Five years ago, the City of Gering received an application for a conditional use permit (CUP) from Prairie Thunder Gering (PTG) to construct and operate a 5/8-mile horse racetrack and a casino. The racetrack is proposed to be operated by Scotts Bluff Exposition and Racing (SBER). This CUP was originally approved on September 21, 2021. The City of Gering Zoning Code Section 2.2.2.H requires a project to have commenced within one year of approval, or the approval is void, unless the applicant requests an extension. A one-year extension was requested and granted at the Planning Commission meeting on July 19, 2022. That CUP expired on September 21, 2023, as due to a delay in obtaining a license from the State of Nebraska Racing and Gaming Commission, the applicants had still not begun construction. The City's Zoning Code only allows for a one-time extension of up to one year; thus, the applicant applied for a new Conditional Use Permit for the same project, which was granted on September 19, 2023. They were granted another one-year extension on August 20, 2024. That CUP expired in September of 2025, so the applicant applied for and was granted another CUP on September 9, 2025. However, the applicant still has not had licensing approved through the State of Nebraska Racing and Gaming Commission and has not begun construction, so the current CUP will expire on September 9, 2026, unless an extension is granted. The applicant submitted a letter to the City (see attached) requesting a 12-month extension of the CUP, which would extend the deadline for the project to commence to September 9, 2027. The Planning Commission must determine whether or not a 12-month extension of the CUP is appropriate.

For reference, the following is information that was presented at the meeting in which the current CUP was granted:

The project site is located at 140777 Highway 71, within the City's Extraterritorial Zoning Jurisdiction. The property is currently zoned AG and is being actively farmed. The application proposes developing the property into a 5/8-mile horse racetrack, along with a testing and receiving barn, initially two stall barns with capacity for 200 stalls with expansion capability for four additional barns as needed, a paddock viewing area, winner's circle, separate horsemen lounge area, rooftop terrace and other state-of-the art facilities to support the racing activities. They also plan for an RV park. On race days they estimate between approximately 100 trucks with horse trailers accessing the facility.

While in the initial year after construction there may only be one race day held, over the next four years the plan is to hold five race days a year, increasing to fifteen race days starting in 2031. Races would likely occur during June and July with multiple races per day. For each single race, it is estimated that there

would be 500 visitors. Once there are three race days, they estimate 2,000 people, and for concerts and other event days, they estimate upwards of 3,500 people. On race days, operations would begin at 7 a.m. with training time until 10 a.m. The first post time would be 2 p.m. Each race lasts about 14 seconds.

A casino resort would be constructed in conjunction with the horse racetrack. The casino resort would operate 24 hours a day year-round. The casino resort would consist of a 50,000 square foot gaming facility complete with 650+ electronic games, 20 table games, Draft Day Sports Lounge for sports wagering and simulcasting, show lounge with live entertainment, a 160-room hotel, indoor/outdoor pools, a 15,000 square foot Convention Center, three restaurants including Ruthie's Steak & Seafood, a travel center with semi-parking, an RV Park, and additional acres for future development. Approximately 300 full-time and part-time employees are expected to be hired to staff the facilities that are part of this project.

They will provide their own security personnel but will also work with local law enforcement as needed. On non-race days, they will have more than 1,133 parking spaces onsite to accommodate Casino visitors. Approximate Fire Code Occupancy is 1,500. They expect approximately 3,000 daily visitors. Daily approximate parking utilization is 2,300 calculated at an average of 1.3 occupants per vehicle. Fridays and Saturdays will generally run 30% higher in daily traffic versus Sunday through Thursday.

Exact lighting and signage details are not included at this time as those will be formulated in their development agreement with the City and further discussions with the City on code requirements, particularly in relation to an appropriate pylon sign on the property facing the expressway. Lighting in the parking lot will be LED lighting with surveillance built into the light poles. Track lighting for evening races will typically end by no later than 10 p.m. versus non-race days to be dictated by a mutual agreement with the City for proper lighting of the track facility for surveillance. The site selection along HWY 71 provides for easy access for those involved in the racing industry and spectators alike.

The Planning Commission is to consider whether or not to approve the use of the property as a casino resort and horse racetrack, and if there should be any conditions required for approval. Staff would classify this use as Indoor and Outdoor Recreation/Entertainment Facilities, both of which are allowed as conditional uses in the Agricultural Zone. They are only allowed as a permitted use in the Heavy Commercial zone, and are allowed as conditional uses in all other zones. The reason for this is that these types of facilities do not easily fit into any zones, so by making them a conditional use, the Planning Commission has the ability to provide an additional level of oversight to ensure that the facility will not become a nuisance to the surrounding properties.

There are several policies in the Comprehensive Plan that are relevant to this application. Policy 2.1.A states, "Support the development of outdoor recreation and experiential tourism." The development of a horse racetrack would be a unique recreational opportunity for the Panhandle. Policy 3.2.B states, "Focus commercial development in areas that have good transportation access and support the development of multiple uses." In general, this development would have good access from Five Rocks Road, Kimball Avenue, and 14th Street. However, the site plan shows the main entrance to the facility along 14th Street. Staff has concerns about locating the main entrance on an unpaved road. Staff is recommending that if the entrance is to remain on 14th Street, that this street should be paved to City standards from the Expressway to where the pavement currently ends at the intersection with Beech Street. This will ensure that the roadway is better equipped to handle additional traffic and that dust does not become an issue for the facility or the surrounding neighborhood. Staff also recommends a traffic

study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any identified traffic improvements should be installed at the cost of the applicant.

Policy 3.2.F states, "Enhance Gering's gateways and create a common vision for these areas." Because of its location along two of the main entryways into Gering, appearance of the facility will be extremely important in determining whether or not this proposal is acceptable. Building materials, design, and landscaping should all be considered, as this will be the first thing visitors will see as they enter the community from the south. Policy 3.2.H states, "Improve the appearance of the community". There are some areas of the property that have old irrigation structures and steep slopes that have not been well maintained. These areas should be improved as part of this proposal. See attached site plan and pictures of existing property for more information.

Currently, the properties to the east, south, and west of the proposed facility are undeveloped. There is an existing residential neighborhood to the north of the proposed facility. According to the Comprehensive Plan, this property is located in the Southwest Gering Neighborhood District. While this district is envisioned to be primarily residential in nature, it does state that "mixed-use along arterial/collector streets as well as important intersections may be appropriate … Transitions from the commercial activity node to nearby residential will be an important consideration." Planning Commission should consider carefully how the additional traffic, lighting, noise, runoff, and other effects of the facility will impact the existing neighborhoods in the area.

The Comprehensive Plan does show that the City would eventually grow to and through the area that is proposed for development. Care should be taken to ensure that all necessary utility and transportation improvements for future growth are installed as part of this proposal. If these improvements are not made immediately, a development agreement should be enacted that would ensure that the applicant would be responsible for utility and transportation improvements necessary to provide equal opportunity to access the City's services to properties beyond this facility.

The property is currently outside of City limits. In order to provide more efficient emergency management services, staff recommends that when utility services are provided to the facility, the property should be annexed. This will also ensure that the City receives property taxes to help offset the costs of providing police and fire protection to the facility.

In recognition of the cost involved in having a detailed, engineered site plan prepared prior to approval of the CUP, staff is recommending one of the conditions of approval to be that the applicant will go through the Development Plan Review Process described in Section 2.2.4 of the City's Zoning Code. This process outlines all of the details that must be included in the development plan and will require the finalized development plan to go before Planning Commission and City Council for final approval before construction of the facility may begin. This allows for the approval of the CUP at this meeting, while also allowing for additional oversight of the development once the facility design is completed.

Staff is recommending the following conditions for the approval of the CUP:

1. A development agreement will be executed whereby PTG agrees to the following:

a. PTG will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City's system in two locations: Five Rocks Road and 14th Street. All water lines installed will be a minimum pipe size of 8" and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7th Street and Highway 71. The sewer line must be a minimum of 8". The City will be responsible for any oversizing costs above 8".
b. PTG shall pay to extend utilities to the southwest and southeast corners of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
c. PTG will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City's Zoning Code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.
d. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
e. Stormwater retention will be provided in accordance with Ordinance 2040.
f. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow.
g. Amplified sound shall not create a nuisance and be directed away from nearby residential development.
h. Building materials and facades shall conform to the renderings that are included as part of the application.
i. The property shall be annexed after utilities are extended to the property.
j. PTG will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. This will include the most likely and most feasible primary entrance to the Casino as well as auxiliary entrances. PTG will share the results of the traffic study with the City. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by PTG.

2. SBER must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.

3. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.

4. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.

5. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.

6. PTG will provide traffic control as requested by the City on race days and for other special events.

7. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).

8. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.

MOTION

Approve
Approve Resolution PC 9-26-1 granting a one-year extension for the Conditional Use Permit to Prairie Thunder Gering (PTG) to operate a Horse Racing Track and Casino Resort at 140777 Highway 71 with the following conditions:

Deny
Deny Resolution PC 9-26-1 granting a one-year extension for the Conditional Use Permit to Prairie Thunder Gering (PTG) to operate a Horse Racing Track and Casino Resort at 140777 Highway 71 for the following reasons:

Table
Table Resolution PC 9-26-1 granting a one-year extension for the Conditional Use Permit to Prairie Thunder Gering (PTG) operate a Horse Racing Track and Casino Resort at 140777 Highway 71 for the following reasons:

DOMINALAW Group pc llo
dominalaw.com

2425 S. 144th St.
Omaha NE 68144-3267

(402) 493-4100

David A. Domina
Brian E. Jorde
Christian T. Williams

NE NY MI MO
MI NE IA WI
IA NE

July 22, 2026

City of Gering
Planning Commission
c/o Annie Flock, City Engineer
1025 P Street
PO Box 687
Gering, NE 69341
Via email: afolck@gering.org

RE: Prairie Thunder Gering, LLC CUP

Planning Commission:

1. On September 9, 2025, you approved Prairie Thunder Gering, LLC (PTG) for a Conditional Use Permit (CUP) for a horse racing track and casino to be located at 140777 Highway 71, Gering, Nebraska.

2. The Nebraska Racing and Gaming Commission (NRGC) has not yet acted on any new Race License Applications. As you know, a NRGC application for a Gering racing facility was first filed in 2021. We believe Gering was the first of any new location to file. During his re-confirmation hearing this year, NRGC Chairman Dennis Lee told the General Affairs Committee the NRGC would review new license applications later this year. While we have, unfortunately, no control and can't force the NRGC to act this year, it seems this is a real possibility - finally.

3. Gering City Code Section 2.2.2.H. provides that construction of the proposed project must begin within one year of approval or the approval is void, however, there is an option for an extension:

> Within one (1) year of the approval, the proposed project shall have commenced, or the approval is void. However, the applicant may file a letter requesting an extension prior to the expiration of the approval. The Planning Commission shall review the extension request and approve for a specified period up to twelve (12) months or disapprove, indicating their reasons for such action. The Planning Commission's determination shall be forwarded to the applicant.

4. The state market study revealed that Gering was the best location and most additive to the state as opposed to other proposed locations, PTG remains fully committed and excited to see this project across the finish line. We have a significant amount of time and resources invested in this project, not the least of which is our investment in the land, and we will continue to do everything we can to make this a reality for Gering.

5. Our request here is that the Planning Commission vote to extend our CUP twelve (12) months from our current September 9, 2026, deadline, so that it expires on September 9, 2027.

6. I understand you may be having a Planning Commission meeting on or about September 1, 2026, at 6pm mountain time, and we would be eager to have our extension request considered at that time.

7. As always, if you have any questions at all or would like to hear more from us, I am happy to speak or video conference or meet with you as needed. Please email or call me at 402-493-4100.

Respectfully,

Brian E. Jorde
bjorde@dominalaw.com

BEJ/nlc

RESOLUTION PC 9-26-1

PRAIRIE THUNDER GERING CONDITIONAL USE PERMIT FOR HORSE RACE TRACK AND CASINO RESORT

RECITALS:

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for a casino and race track submitted by Prairie Thunder Gering (PTG) to the Gering Planning Commission for a tract of land known as PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71 was approved by the City of Gering Planning Commission at its meeting on September 9, 2025.

2. The City of Gering Zoning Code Section 2.2.2.H requires a proposed project to have commenced within one year of approval, or the approval of the Conditional Use Permit is void. However, the applicant may file a letter requesting an extension prior to the expiration of the approval. The extension may be approved for a specified period of up to 12 months.

3. Prairie Thunder Gering has requested a 12-month extension of their Conditional Use Permit, which would extend the deadline for the project to commence to September 9, 2027.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GERING, NEBRASKA:

1. The Planning Commission finds the Conditional Use Permit application for PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71, conforms to the 2020 City of Gering Comprehensive Plan.

2. The Planning Commission finds the Conditional Use Permit application conforms to the City of Gering 2020 Zoning Regulations.

3. The Planning Commission approves the extension of the required project commencement deadline to September 9, 2027 with the following conditions:

    a. A development agreement will be executed whereby PTG agrees to the following:

        i. PTG will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City's system in two locations: Five Rocks Road and 14th Street. All water lines installed will be a minimum pipe size of 8" and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7th Street and Highway 71. The sewer line must be a minimum of 8". The City will be responsible for any oversizing costs above 8".
        ii. PTG shall pay to extend utilities to the southwest and southeast corners of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
        iii. PTG will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City's zoning code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.
        iv. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
        v. Stormwater retention will be provided in accordance with Ordinance 2040.
        vi. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow.

vii. Amplified sound shall not create a nuisance and be directed away from nearby residential development.
viii. Building materials and facades shall conform to the renderings that are included as part of the application.
ix. The property shall be annexed after utilities are extended to the property.
x. PTG will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. This will include the most likely and most feasible primary entrance to the Casino as well as auxiliary entrances. PTG will share the results of the traffic study with the City. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by PTG.

b. Scotts Bluff Exposition and Racing (SBER), the racing operator, must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.

c. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.

d. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.

e. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.

f. PTG will provide traffic control as requested by the City on race days and for other special events.

g. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).

h. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.

4. Such use shall be reviewed as to its status one year after the date this Resolution becomes effective.

5. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution shall be repealed to the extent of such conflicts.

6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED this 1st day of September, 2026.

_____
Levi Keener, Chairman

ATTEST:

_____
Karen Heins, Secretary

APPLICATION FOR CONDITIONAL USE PERMIT

1. **Date Filed** July 12, 2025 **Planning Commission Hearing Date** TBD - Sept. 2nd or 16th

2. **Applicant Name** Prairie Thunder Gering, LLC
   Address 2425 S. 144th St. Omaha, NE 68144
   Telephone No. 402-493-4100
   Email bjorde@dominalaw.com

3. **Present Owner** Prairie Thunder Gering, LLC

4. **Present Zoning** Agriculture

5. **Legal Description of Property:**
   PT SW (N OF ROW) 11-21-55 (104.67 AC) also known as Parcel Number 010008543

6. **Present Use of Property** Agricultural - farming

7. **Desired Use of Property** Outdoor Entertainment - Commercial; Racetrack, Hotel, Casino

8. **Adjoining Property Use**
   North Vacant land and Residential **South** Agricultural land
   East City owned; Agricultural; Commercial **West** Agricultural land

9. **Proposals for addressing the following criteria:**

   1) ACCESS: Ingress and egress of property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:

The Site Plan included with the attached supporting documentation is a product of nearly 4 years of collaboration with City personnel and understanding design preferences with consideration of current utility locations.

2) PARKING: Off-street parking and loading areas where required, with particular attention to the items in (1) above and the noise, glare, odor or economic effects of the exception on adjoining properties generally in the district:

Our Site Plan proposes several hundred parking spaces sufficient for spaces sufficient for the development as planned such that no off-street parking is needed.

3) SERVICE: Refuse and service areas, with particular reference to the items in (1) and (2) above:

Please see Site Plan and Narrative

4) UTILITIES: Utilities, with references to location, availability, and compatibility

All utilities will be brought on site at our expense. All utilities necessary to meet all applicable codes will be looped to provide adequate pressures and fire flows. The sewer will be extended from the east per discussion with the City.

5) SCREENING: Screening and buffering with reference to type, dimensions, and character

We believe the Site Plan provides for adequate buffering with room to add additional screening features as required by the City.

6) SIGNS: Signs, if any, and proposed exterior lights with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district

Our main signage will be facing the Expressway

7) YARDS: Required yard and other open space

As shown on the Site Plan there will be significant amounts of green and open space.

8) COMPATIBILITY: General compatibility with adjacent properties and other property in the district.

The Site Plan considers the surrounding land uses particularly the residential areas north and northwest of the property to minimize potential conflicts.

for PTG, LLC

Applicant's Signature

Property Owner's Signature
(if different than applicant)

SCOTTS BLUFF CASINO RESORT & RACETRACK

GERING, NEBRASKA

DLRGROUP

ARCHITECTURE ENGINEERING PLANNING INTERIORS

Pre-Design | MARCH 2023

SCOTTS BLUFF CASINO RESORT AND TRACK

GERING, NEBRASKA

MARCH 15, 2023

DLRGROUP

SCOTTS BLUFF CASINO RESORT AND TRACK

GERING, NEBRASKA

MARCH 15, 2023

DLRGROUP

SCOTTS BLUFF CASINO RESORT AND TRACK

GERING, NEBRASKA

MARCH 15, 2023

DLRGROUP

SCOTTS BLUFF CASINO RESORT AND TRACK

GERING, NEBRASKA

MARCH 15, 2023

DLRGROUP

SCOTTS BLUFF CASINO RESORT & RACETRACK

GERING, NEBRASKA

JUNE 20, 2023

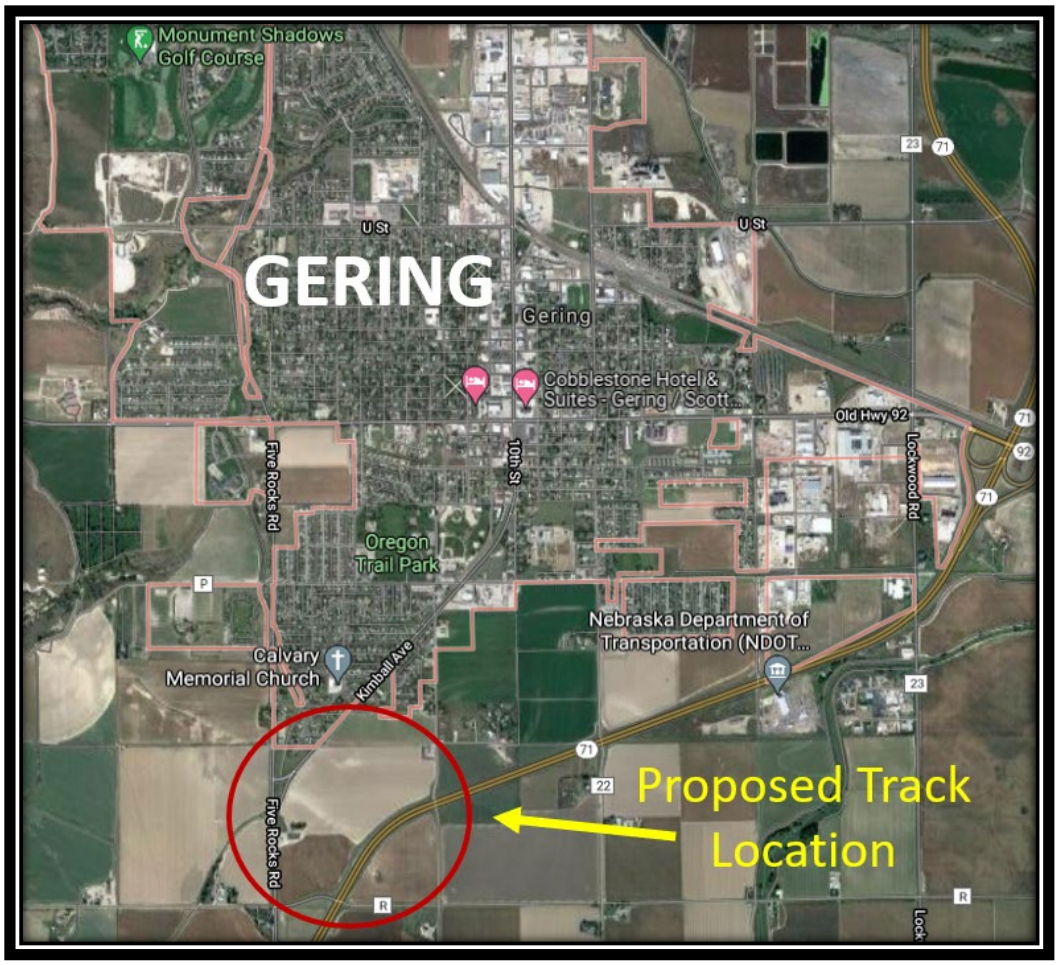
DLRGROUP

PRAIRIE THUNDER GERING, LLC
1501 S. Burlington
Hastings, NE 68901

Planning Commission – City of Gering
c/o Annie Folck, Director – afolck@gering.org

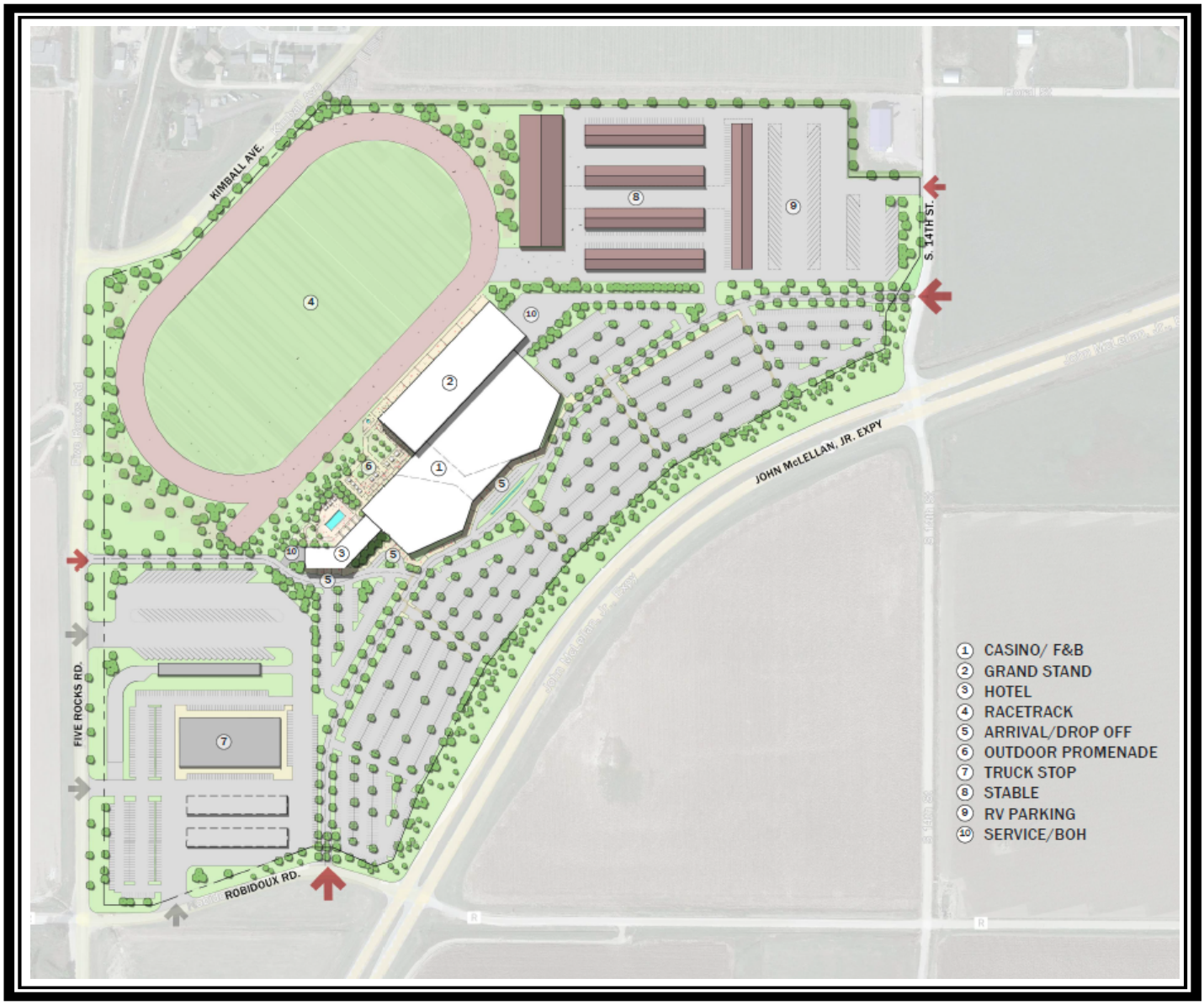
Commissioners:

Prairie Thunder Gering, LLC ("PTG"), owner of the land subject to this Condition Use Permit application, respectfully submits this Application for a Casino Resort & Racetrack Conditional Use Permit in Gering, Nebraska on a 104.67-acre site abutting the Heartland Expressway (a/k/a HWY 71):



Casino Resort and Racetrack land detail: 104 acres +/-

Our site plan:



CASINO RESPORT & RACETRACK PLANS

The Casino hotel resort portion of the facility will consist of an approximately 50,000 square foot gaming facility complete with 650+ electronic games, 20 table games, Draft Day Sports lounger for sports wagering and simulcasting, show lounge with live entertainment, a 160 room Hotel, indoor/outdoor pools, 15,000 square foot Convention Center, 3 restaurants including a Ruthie's Steak & Seafood, travel center with semi-parking, RV Park, and additional acres for future development. Our current concept for the Gering gaming facility is below:

We plan to hold one race day our first year and like five days for the next 4 years and then fifteen race days startign in 2031. There will be multiple races per day. Races would likely occur during June and July. The Nebraska Racing and Gaming Commission will approve the number of race days and the race day schedule in advance and SBER is committed to and will seek approval for multiple race days as discussed above following construction completion.

An additional important legal requirement is that in order to run any races at all at any licensed Nebraska racetrack, you must run at least one race with exclusively Nebraska bred and raised horses. To qualify, these horses must be pre-registered with the Nebraska

Quarter Racing association. Therefore, to get up to multiple race days and to comply with this law, there must be a sufficient number of qualifying quarter horses available to run the Nebraska bred races.

For each single race we conservatively expect 500 visitors, once we are at 3 race days we expect 2,000 people and for concerts and other event days we expect upwards of 3,500 people. Hours of operation for race days commence at 7am with training time until 10am. For race days the first post time will be 2pm. Each race lasts about 14 seconds.

OPERATIONS & PARKING

Once constructed, the Casino would operate 24/7/365. We will provide our own security personnel but also look forward to working with local law enforcement as needed. On non-race days we will have more than 1,133 parking spaces on-site to accommodate Casino visitors. Approximate Fire Code Occupancy is 1,500. We expect approximately 3,000 daily visitors. Daily approximate parking utilization is 2,300 calculated at an average of 1.3 occupants per vehicle. Fridays and Saturdays will generally run 30% higher in daily traffic versus Sunday through Thursday.

Exact lighting and signage details are not included at this time as we understand those will be formulated in our development agreement with the City and further discussions with the City on code requirements, in particular relation to an appropriate pylon sign on the property facing the expressway.

Lighting in the parking lot will be LED lighting with surveillance built into the light poles. Track lighting for evening races will typically end by no later than 10 P.M. versus non-race days to be dictated by a mutual agreement with the City for proper lighting of the track facility for surveillance.

RACETRACK FEATURES

Beyond the Track itself supporting features shall include but not be limited to a testing and receiving barn, initially two (2) stall barns with capacity for 200 stalls with expansion capability for four (4) additional barns as needed, a paddock viewing area, winner's circle, separate horsemen lounge area, rooftop terrace and other state-of-the-art facilities to support the racing activities. We also plan for an RV park. On race days we estimate between approximately 100 trucks with horse trailers accessing the facility.

SERVICE AREA

The Scottsbluff/Gering/Terry Town Micropolitan Statistical Area population is 39,512 and expected to grow by 22% over the next 10 years. This region carries much of the remainder of Nebraska's population base in closing out the western boundary. The area is rich in agriculture and the hub for much of the west though its near routes to major highway corridors. The site selection along HWY 71 provides for easy access for those involved in the racing industry and spectators alike.

CASINO RESORT DEVELOPERS

To further ensure Scottsbluff/Gering Casino Resort and quarter horse race track and overall success, we have partnered with a company that has over sixty years' experience in hospitality and over thirty years' experience in the gaming industry; Elite Casino Resorts ("ECR") owned and operated by the Kehl Family who presently operate the Grand Island Casino Resort.

The Kehl Family beginning

Robert and Ruth Kehl got into business buying a café in downtown Dubuque, Iowa. By the 1970s, their business had expanded to catering and by 1973 they purchased a 150-passenger sternwheeler, River Rogue for dinner cruises. In 1977, they commissioned a 377-passenger boat, the Spirit of Dubuque. In 1982, The Mississippi Belle, a 600-passenger boat, was launched and in 1984 the Mississippi Belle II, an 800-passenger boat. By 1988, the business expanded to West Virginia with the West Virginia Belle, a 1,000-passenger boat. Their children all grew up in the riverboat business working various positions.

In 1986, Robert and Ruth Kehl received the National Small Business of the Year Award from President Reagan.

Ironically, the Kehls were opposed to the idea of riverboat gambling when the idea was first floated in the Iowa Legislature in the late 1980s. They initially believed riverboat gambling would threaten their dinner cruise business. The Kehls soon figured out that gambling would pass to help increase tourism in the economically struggling river cities. The Kehls knew the river better than most, and knew how to build and operate boats, and were great at marketing the tourism industry in the communities in which they operated. Consequently, the Kehls decided to throw their hat in the ring for a gaming license.

On March 8, 1990, Dubuque Casino Belle, Inc., a corporation owned and operated by Robert and Ruth Kehl, was granted the first riverboat gaming operator's license in Iowa. The license was issued by the Iowa Racing and Gaming Commission, on April 1, 1990. The Dubuque Casino Belle became the first vessel licensed in the United States to offer gambling cruises.

The Kehls received their second license in 1991 for Mississippi Belle II, Inc. The Mississippi Belle II started riverboat gaming operations on June 1, 1991, in Clinton, IA.

Less than three years later only a few boats survived, and most were facing bankruptcy due to increased competition from Illinois, which did not have the same restrictive gaming laws that Iowa had (no max bet limits, dockside gaming, 24-hour gaming, more than 30% of the boat could be used for gaming). Some of those operators left their communities and sailed to another state, leaving their employees without a job, without notice and their host communities holding substantial debt. In the Fort Madison and Burlington, Iowa area, their riverboat literally sailed away without notice. In January 1994, the Kehls partnered with community leaders to bring back riverboat gaming, tourism, and jobs to their community. In this partnership, the Kehls created a business

model that allowed local residents to purchase shares in the new riverboat casino while maintaining majority ownership.

The Kehls also advocated for new gaming legislation in Iowa in 1994, which led to a cautious and stable rebuilding of the Iowa gaming industry, bringing it back slowly and steadily.

The Kehls had an interest in and operated a total of four riverboat casinos in the Midwest; Dubuque Casino Belle, the Mississippi Belle II, Catfish Bend Casino, Fort Madison/Burlington, Iowa; and Saint Joe Frontier Casino, St. Joe, Missouri.

The fruits of Robert and Ruth's labors have always been generously shared with others. As philanthropists, they have helped open the Kehl Diabetes Center of UnityPoint Health-Finley, as well as the Robert and Ruth Kehl Center at Clarke University.

ELITE CASINO RESORTS, LLC Today

The Kehl family and trusts have majority ownership in Elite Casino Resorts, LLC, which 100% owns and operates the Riverside Casino & Golf Resort in Washington County, Iowa which opened in 2006; Grand Falls Casino & Golf Resort in Lyon County, Iowa, which opened in 2011; Rhythm City Casino Resort, in Scott County, Iowa which reopened in 2016; 80% ownership in Grand Island Casino Resort, Grand Island, NE which opened in 2022 and 80% ownership in Walker's Bluff Casino Resort, in Carterville, IL and own 100% the Elite Sportsbooks in Iowa and Colorado.

In 2005, Riverside Casino & Golf Resort received one of only four new Iowa gaming licenses awarded by the Iowa Racing and Gaming Commission out of ten applications. In 2010, Grand Falls Casino & Golf Resort was the only license awarded by the Iowa Racing and Gaming Commission out of four applications. In 2014, the Kehls became owners of the existing riverboat casino license in Davenport, Iowa and constructed the land-based Rhythm City Casino Resort to replace the aging riverboat in June 2016.

As of 2015, the Kehls, the boards and the shareholders of each resort mentioned above, consolidated gaming operations to form Elite Casino Resorts, LLC. The consolidation further strengthened operations and put the company in a position for better buying power with vendors, efficient management within operational departments and utilized resources better between the three resorts.

In May of 2019, sports wagering became legal in Iowa. Elite Casino Resorts, LLC decided to create their own sportsbook, ELITE Sportsbook. In August 2019, ELITE Sportsbook was one of two sportsbooks in the state ready to launch on opening day. In

2020, ELITE Sportsbook received approval from the Colorado Division of Gaming to begin retail and online sports betting in the State of Colorado.

Grand Island Casino Resort temporary facility in Grand Island, NE opened in December 2022 licensed by the Nebraska Racing and Gaming Commission. Grand Island Casino Resort is a partnership between Elite Casino Resorts and Fonner Park.

Elite Casino Resorts recently completed a new casino resort development in Southern Illinois. Walker's Bluff Casino Resort is a partnership between Elite Casino Resorts and the Walker's Bluff Winery, a locally owned Southern Illinois business partner, and it opened in 2023.

On August 19, 2025 Elite plans to open the temporary casino at the Lake Mac Casino Resort and Racetrack location in Ogallala following quarter horse racing earlier in the day conducted by Hastings Exposition and Racing, Inc.

KEHL MANAGEMENT

Kehl Management is owned by Dan Kehl, Bobby Kehl and Karlyn Ollendick. They are the management company for all Elite Casino Resorts providing the day-to-day management and are responsible for the officers of the company. Their expertise focuses on providing the highest possible level of guest satisfaction and providing the highest quality facilities and amenities. Operating with a conservative management style, Kehl Management strives to increase revenues and maximum returns for all the stakeholders, the counties, cities, states where they operate, and for the investors.

This type of additional expertise confidently allows SBER to state its races will be planned and ran with the utmost attention to detail and responsiveness to the needs of all involved who we welcome to Gering from the Exercise Rider and Valet to the Stable Foreman and Jockey and everyone in between.

In addition to those directly involved in our race days, we are excited for the economic expansion that will benefit the local economy with the increased activity and utilization of existing hotel rooms, restaurants, and other local businesses.

FAMILY FRIENDLY

Beyond racing and gaming activities we plan to have tours of the facility for those interested in learning more about horse racing. We also plan to have concerts and other outdoor activities the entire community can enjoy.

Concerts/Community Events

OUR MISSION

While the above are conceptual previews of our long-term plan, first and foremost, our focus is bringing quarter horse racing to Scotts Bluff County and revitalizing this dying industry. For over 22 years the Becker family has been keeping the dream of a quarter horse racing circuit alive and adding Gering to the existing Ogallala

quarter horse track will further help support and grow horse breeding, training, and racing – in western Nebraska. The non-profit who will operate the track, Scottsbluff Racing and Exposition, Inc., "SBER", will be laser focused on the development and successful management of the racetrack and fostering the rebirth of Nebraska's horsemen and women.

Not only will racing contribute meaningfully to this revitalization, but our economic analysis also suggests that the first ten-year (10) contributions to the State of Nebraska from new gaming tax generation will be approximately $80,000,000, with over $12,500,000 to Scotts Bluff County and $12,500,000 to the City of Gering.

The total Project Investment is estimated at $100,000,000. Team members that will be hired to support the racing and gaming operation will number approximately 300 full-time and part-time employees with total annual compensation with benefits projected from $14.25 million to $15.0 million.

The value the Gering facility will bring to the local economy through added tax revenue generated through visiting horsemen, Jockey's, horse players and tourism will help satisfy our commitment to local agriculture. By creating a collaboration with both the local and agricultural communities we will stimulate awareness for strengthening horse racing through programs designed to promulgate growth throughout Nebraska horse racing and breeding.

RACETRACK MANAGEMENT

- Cynthia Smith

Cynthia brings over 16 years in both quarter horse and thoroughbred racing regulation and racetrack operations from east to west coast. More recently, Smith was specifically selected by the Iowa Racing and Gaming Commission and the Iowa Quarter Horse Racing

Association to serve as a steward at Prairie Meadows.

Smith has also been involved in the Association of Racing Commissioners International serving on the continuing education committee, numerous benevolent programs, including the Racetrack Chaplaincy of America and teaching English as a Second language. Smith also attended the inaugural ARCI Race Investigators Certificate program at the University of Louisville Equine Industry Program. Her role as a racing official and steward gives her an advantage in the unique relationship between racetrack management and commission regulation to ensure the integrity of our sport. As President of Racing, Smith is an asset to the strategic plans for Nebraska quarter horse racing.

- Breann Becker

Breann Becker has grown up in the horse business her entire life and spent 5 years as President of Hastings Exposition and Racing, Inc. At the age of 7 she began to show in 4-H, at 9 went to over 80 rodeos per year for the Little Britches Rodeo Association, at 12 was competing in amateur rodeos across Nebraska, and by 18 had won over 100 buckles and 8 saddles. She has been very active in the American Quarter Horse Association.

Breann went to the University of Nebraska at Kearney for Accounting. Breann has worked at Lincoln Racecourse in each department as well as worked the teller line, bartended, and cleaned kiosks at the end of each shift. Recently, spring attended the AQHA Heritage banquet where they introduced her and informed the horsemen about the possible growth of Quarter Horse racing in Nebraska.

CONCLUSION

We are humbled by the opportunity to present this vision for a Casino Resort and Racetrack and importantly to expand quarter horse breeding, training, and racing in Nebraska and particularly western Nebraska. Development of our Scotts Bluff County racetrack will further ensure western Nebraska can finally and fully participate in developing the horse racing industry for years to come. We welcome any questions, feedback, and suggestions you have and view you also as our partners in making this operation a success for all.

Respectfully submitted,

Prairie Thunder Gering, LLC
Scotts Bluff Exposition and Racing, Inc.

Zone Boundaries

- AG Agriculture District
- RR Rural Residential District
- RL Residential Low-Density District
- RM Residential Medium-Density District
- RH Residential High-Density District
- C-3 General Commercial District

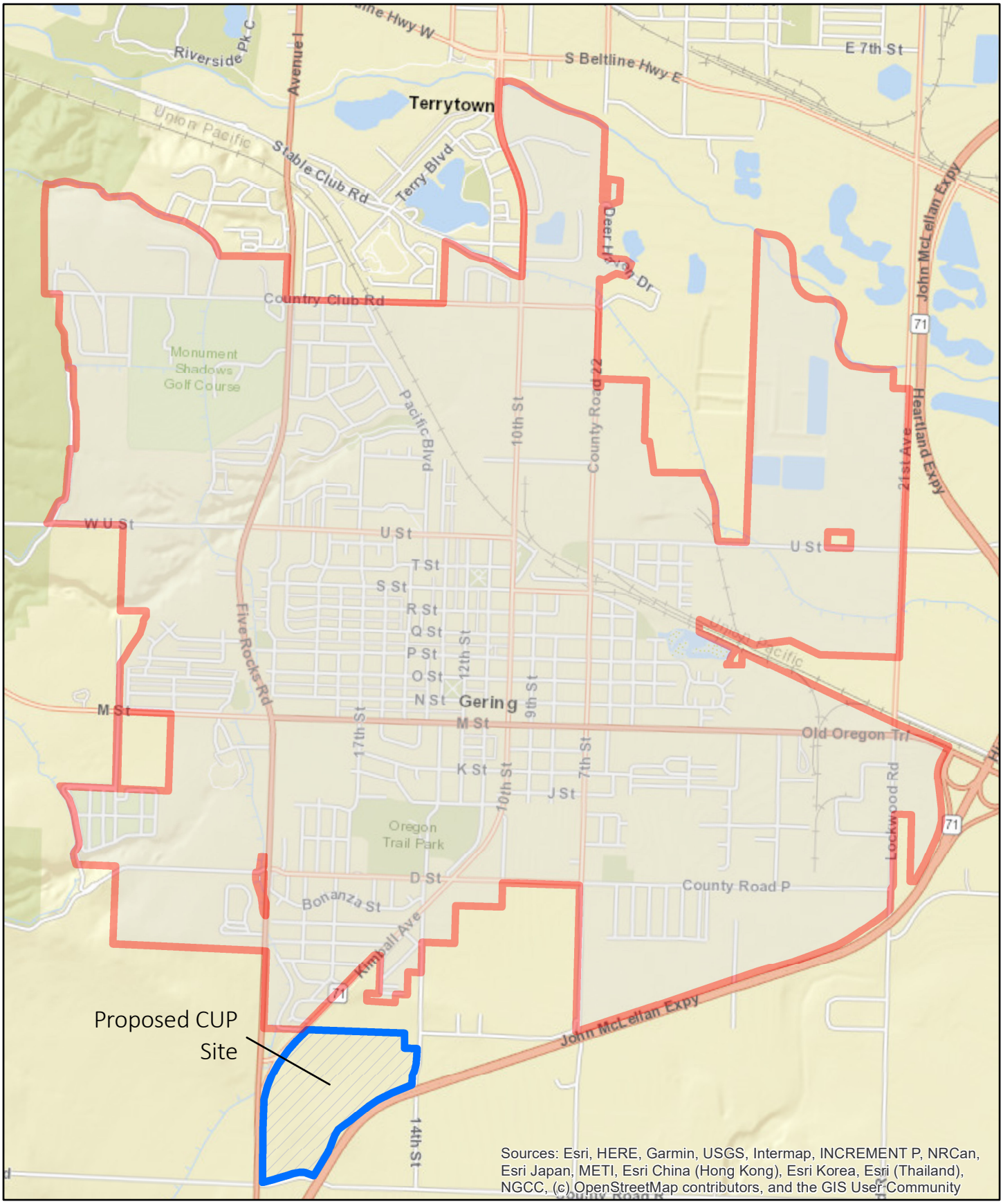
Final 9.6.2023
S. Rodriguez

ZONING MAP

Engineering and Mapping Department City of Gering

NORTH

LINEAR SCALE (FEET)
0 200 400



Legend

City Limits

Conditional Use Permit Site

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S. Rodriguez

VICINITY MAP

Engineering and Mapping Department City of Gering

NORTH

LINEAR SCALE (MILES)
0 0.15 0.30