THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING PLANNING COMMISSION REGULAR MEETING, SEPTEMBER 1, 2026

A regular meeting of the City of Gering Planning Commission was held in open session on September 1, 2026, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Keener, C. Kaufman, Miles, Taylor, Waterman, Hauck and Crews (6:04pm). Absent: Commissioners T. Kaufman and Alvizar. Notice of the meeting was given in advance by publication in the Star-Herald on August 20, 2026 and the agenda was posted on the City's website on August 28, 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:
Chair Keener 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

Chair Keener stated that 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

A motion was made by Commissioner Miles to approve the minutes of the August 18, 2026 regular Planning Commission meeting. Seconded by Commissioner Taylor. There was no discussion. The Secretary called the roll. "AYES": Keener, Miles, Taylor, Hauck, Waterman, and C. Kaufman. "NAYS": None. Abstain: None. Absent: Crews, T. Kaufman and Alvizar. Motion carried.

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.

Chair Keener introduced the agenda item, consideration of Resolution PC 9-26-1, granting a one-year extension to the Conditional Use Permit for a racetrack and casino located at 140777 Highway 71. City Engineer Annie Folck provided the staff recommendation and report.

Engineer Folck explained that approximately five years ago, the Planning Commission originally considered and approved a Conditional Use Permit (CUP) for a casino at the site located on the south end of town along Highway 71, also known as the Heartland Expressway, near Five Rocks Road and Kimball Avenue. She explained that, under City Code, a project must be started within one year of CUP approval or an extension must be obtained.

The applicant requested and received an extension in 2022, after which the original CUP expired two years from the date it was originally awarded. A new CUP was then applied for in 2023, extended in 2024, and subsequently expired. The applicant applied for a third CUP in 2025, which is now nearing expiration. The applicant has once again requested a one-year extension. Ms. Folck noted that the applicant was available to participate in the meeting via Zoom and could answer questions from the Planning Commission.

Ms. Folck reviewed the proposed project, explaining that it includes a horse racing track, barns, paddock viewing areas, a winner's circle, rooftop terrace, and grandstands. In addition to the horse racing facilities, the project would include a casino, conference center, restaurants, and hotel, making it an extensive development.

She noted that she was not going to review all of the information in detail because it was included in the Planning Commission packet. She highlighted several policies from the City's Comprehensive Plan that were considered when the CUP was originally reviewed. These included Policy 2.1.A., which addresses the development of outdoor recreation and experiential tourism; Policy 3.2.B., which focuses commercial development in areas with good transportation access and supports multiple uses; and Policy 3.2.F., which addresses enhancing Gering's gateways and creating a common vision for those areas.

She also clarified the City's role in the project, noting that she had received phone calls during the week indicating some confusion regarding the City's involvement. She emphasized that the project is not a City project, the City has no ownership interest in it, and it is not City-led. The City's role is limited to providing zoning oversight. Ms. Folck stated that the City cannot make a determination as to whether gambling is good or whether the City wants the use in the community, as those matters are beyond the scope of the City's authority. The City's role is to provide zoning oversight and help mitigate the effects of the proposed use on neighboring properties.

Ms. Folck explained that, when the CUP was originally approved, staff recommended several conditions intended to mitigate the impact of the development on surrounding properties. Regarding development of the property, Ms. Folck clarified that the City does not pay to develop private property, including extending utilities or constructing streets where they do not currently exist. Those costs are the responsibility of the property owner.

As a condition of the CUP, the City would enter into a development agreement with the applicant specifying the utilities necessary for the development. The applicant would be responsible for bringing water and sewer lines to the property. Ms. Folck explained that the locations where the utilities would need to be extended had been specified. The applicant would be required to extend utilities to the furthest extent of the property rather than only to the proposed buildings, ensuring that neighboring properties would have the same opportunity to connect to City utilities by virtue of their proximity to the system. She said that the existing street infrastructure is in place, but a traffic study would be required. If the traffic study identifies improvements necessary for safety, such as a turn lane or traffic signal, the applicant would be responsible for those costs.

Ms. Folck next discussed landscaping and the City's gateway policies. Because the development would be one of the first things people see when entering the community, the applicant would be required to provide landscaping along Five Rocks Road, Highway 71, and Kimball Avenue. The goal is for those areas to be attractive and serve as an asset to the community.

Ms. Folck also noted that existing utility and irrigation structures on the property, including steep slopes, abandoned concrete ditches, and other features, would need to be addressed, stabilized, and landscaped.

The development would also be required to provide stormwater retention to ensure that runoff from the large amount of proposed paved area does not adversely affect neighboring properties. She explained that because rainfall would be falling on concrete rather than agricultural ground, there would be significant additional runoff, which would need to be appropriately contained so it does not become a nuisance to neighboring properties.

Lighting requirements would require LED lighting to be shielded and directed downward to prevent it from becoming a nuisance to surrounding properties.

Ms. Folck also noted requirements for amplified sound. She added that the City had learned through experience with its stadium that sound systems designed for large crowds can carry significant distances. The applicant would therefore be required to have the sound system properly engineered and directed away from residential neighborhoods.

Ms. Folck stated that the applicant had submitted renderings showing the proposed building facades. The CUP requires that the building materials and facades conform to those renderings. While the final design details may vary, the completed development would be expected to be substantially similar to the submitted renderings. She explained that the intent was to prevent the applicant from constructing a metal building with metal siding when the submitted renderings show materials such as glass and stone.

The property would also be required to be annexed into the City after utilities are extended to the property. Ms. Folck explained that annexation would ensure that the City has jurisdiction for police services and would simplify fire protection and other services, while also providing a benefit to the City by having the property within the City limits.

The applicant would also be required to obtain the necessary racing and gaming licenses from the Racing and Gaming Commission. Ms. Folck noted that obtaining those licenses has been the source of delay for the project to date.

Additional requirements include maintaining the property with appropriate weed management and landscape maintenance; proper management and timely removal of manure generated by the horses; and retaining on site any runoff that comes into contact with manure.

Ms. Folck explained that required landscaped areas would need to be irrigated. She clarified that this does not mean all landscaping must consist of bluegrass with sprinkler systems, as low-water-use plants and drip irrigation could be used. The requirement is intended to ensure that landscaping planted by the applicant is maintained and remains viable over the long term.

The applicant would also be required to comply with requirements of the State Fire Marshal.

Ms. Folck mentioned traffic control requirements for race days and other special events. The applicant estimates that events could draw approximately 2,000 to 3,500 people. Ms. Folck noted that the existing roadway network can accommodate that level of traffic, citing the proximity of the proposed development to the City's amphitheater, which has hosted events with attendance of up to approximately 3,500 people. However, because the City typically provides police officers at the end of large events to assist with traffic flow, the applicant would be responsible for providing traffic control for its larger events rather than the cost being borne by the City.

Signage for the development would also be subject to the City's sign regulations.

Ms. Folck stated that the final requirement was potentially the most important. She explained that when the City reviews a CUP, the Planning Commission typically considers criteria such as ingress and egress, screening, utilities, trash removal, and other site details. In this case, however, the project remains at an early stage and is a very large and complex facility for which the applicant has not completed the entire design.

Ms. Folck explained that the applicant did not want to incur the expense of completing the full design until obtaining the State license. At the same time, the applicant needs the City's zoning approvals in order to submit its application for the State racing and gaming license. This created a situation in which it was unclear whether the complete design should be required before the applicant knew whether it could proceed with the project.

As a compromise, the City would grant the zoning approvals necessary for the applicant to submit its application to the State for the racing and gaming license. However, the applicant would not be permitted to proceed with construction until it returned to the Planning Commission and City Council through the City's development plan review process, as outlined in City Code. Ms. Folck explained that this is the process normally used for special developments that are somewhat outside the ordinary, such as Heritage Estates.

The development plan review process would allow the City to review the details of the project, including the criteria normally considered as part of a CUP. The applicant would not be permitted to proceed with construction until the development plan had been completed and approved to the City's satisfaction.

Ms. Folck stated that staff had spoken with the applicant, who indicated that there were no changes to the application and that the applicant did not wish to modify anything from what was originally submitted. Because there have been no changes to the application, staff recommended that the Planning Commission approve a one-year extension of the previously granted Conditional Use Permit.

Chair Keener thanked Engineer Folck and asked whether any commissioners had questions for the applicant.

Commissioner Hauck asked whether Kimball was also applying for a racing and gaming license and whether the choice of location in this part of Nebraska would ultimately be between Gering and Kimball.

Brian Jorde, the representative from Prairie Thunder Gering, thanked the Commission for allowing him to participate virtually and explained that there are currently six racetracks in Nebraska, with five located in the eastern portion of the state and one in Ogallala. He noted that the Ogallala license was originally associated with Hastings and that Prairie Thunder had helped move the license west to Ogallala, where the facility is now operating.

Mr. Jorde explained that the process is open to any community or individual wishing to apply for a racing license. A racing license must first be granted by the Nebraska Racing and Gaming Commission, after which an application for a gaming operator license can be submitted. He stated that racing licensure comes first, followed by the gaming operator license.

He further explained that, following the November 2020 election, when gambling at licensed racetracks was legalized through a citizen petition approved by Nebraska voters, Prairie Thunder began looking for opportunities in western Nebraska. Rather than competing in the eastern portion of the state, the group wanted to locate as far west as possible and began looking at property in Gering. Mr. Jorde stated that Prairie Thunder believes the Gering/Scottsbluff area is the most appropriate location for additional gaming if the State chooses to expand beyond the existing licenses. He stated that there is no law requiring the State to grant a seventh, eighth, or ninth racing license and that there are several applicants. Prairie Thunder was the first applicant and submitted an application for Gering in 2021, but the Nebraska Racing and Gaming Commission has not yet taken action on the application. The Commission has indicated that it will act on new applications once the original six facilities are up and operating.

Mr. Jorde noted that five of the original six facilities are currently operating and that South Sioux City had recently made public its plans for a permanent facility. He stated that Prairie Thunder's position is that, if there is going to be a seventh racing facility in Nebraska, it should be located in Gering.

Regarding Kimball, Mr. Jorde stated that Kimball is rumored to be interested but has never filed an application during the past five years. He acknowledged that Kimball could still apply, but said Prairie Thunder believes a study conducted by the Nebraska Racing Commission supports Gering as the more appropriate location because it would not detract from existing racetracks or casinos and would instead be additive to racing and gaming. He also stated that Gering's infrastructure and population base are significantly greater than Kimball's.

Mr. Jorde clarified that the process is not an either-or situation between Gering and Kimball, but rather an open process. He stated that geography and the distance from existing facilities would need to make sense. Because Prairie Thunder is associated with the Ogallala development and operators, he believes that relationship may benefit the Gering application. One consideration is whether the closest existing racetrack or casino objects to a new facility and believes it would negatively affect its existing business. He stated that Prairie Thunder believes it has a good chance if the decision ultimately comes down to Gering versus Kimball, but acknowledged that the decision is outside of its control.

Commissioner Hauck commented that it appeared the State of Nebraska was taking a long time to act and asked what was causing the delay.

Mr. Jorde responded that the group was frustrated but explained that the applicants are dependent upon the regulatory commission, which has authority over the process. He noted that gaming is a relatively new industry

in Nebraska and that there have been some fits and starts and growing pains. The Commission has been hiring additional staff and gaming experts because the industry is heavily regulated and requires significant staffing. He stated that he wished the project would have been under construction by that point as Prairie Thunder has already purchased the land and has made a significant investment in the property.

He expressed hope that the original six facilities would continue moving forward, noting that five casinos are now operating and that things have generally been going well across the State. He said he was hopeful that the Commission would finally take action on new applicants during the current year.

Commissioner Hauck also asked whether local owners of quarter horses would be able to enter their horses in races at the proposed track or whether the horses would need to be certified or registered and whether there were specific regulations governing quarter horses.

Mr. Jorde explained that the Nebraska Quarter Horse Racing Association (NQHRA) is responsible for certifying horses and ensuring that the horses are authorized to participate in Nebraska races. Horses from outside Nebraska may also participate but must follow the same registration process. He explained that horse racing is heavily regulated to prevent doping, cheating, and other improper activity. The facilities are monitored with technology, including video cameras throughout the horse barns.

Mr. Jorde noted that anyone who has a horse they would like to race are encouraged to contact the Nebraska Quarter Horse Racing Association to learn how to register the horse. He explained that the connection between the legalization of gambling and racing facilities was intended in part to increase racing, expand breeding programs, and support Nebraska's agricultural and livestock traditions. He noted that there are approximately 80,000 quarter horses in Nebraska, although a much smaller number are registered for racing. He reiterated that there is a step-by-step process for registering a horse to race.

Chair Keener thanked Mr. Jorde and asked whether there were any questions or discussion from members of the public.

Steve Morgheim, 2150 Pacific Boulevard, addressed the Planning Commission and complimented Ms. Folck and City staff for being helpful and responsive to his questions during the preceding week.

Mr. Morgheim began by noting that part of his confusion involved an email he had received from Casey Ricketts of the Nebraska Racing and Gaming Commission, with whom he had spoken on several occasions. He stated that he had emailed Ms. Ricketts on August 18 and asked whether the Nebraska Racing and Gaming Commission had received an application for a racetrack operator's license in Gering. Mr. Morgheim stated that Ms. Ricketts' response was that the Nebraska Racing and Gaming Commission had not received an application for a racetrack operator's license in Gering, Nebraska. He questioned how there could be a delay in the project if an application for the required license had not been received.

Mr. Morgheim then clarified that he was not speaking against racing or gambling. He explained that he had founded Civiscope™, whose purpose is to benchmark how government discloses its work, ask better public policy questions, measure results, and take ownership of their decisions.

Mr. Morgheim stated that he was primarily there to ask a straightforward clarification question regarding the CUP rather than argue the merits of the project. He acknowledged that the racino could provide meaningful benefits to Gering and that reasonable people could weigh those potential benefits differently. He stated that he was not attempting to determine who was right or wrong about the project.

Mr. Morgheim asked whether, before another extension was granted, the Commission could review the project as a whole. He noted that the CUP was originally approved with conditions for a reason and that circumstances may have changed since the original approval. He stated that some conditions may have been satisfied while others may remain unresolved. Mr. Morgheim said that potential benefits should be considered alongside the City's potential obligations, including infrastructure, traffic, emergency services, housing, and other municipal consequences.

His question was whether, before extending the CUP, members of the Planning Commission had personally reviewed the matter sufficiently to determine what had changed, which conditions had been satisfied, which remained outstanding, and whether the assumptions underlying the original approval still held.

Mr. Morgheim stated that he did not presume to tell the Commission what the answer should be. He asked that these questions be answered before approving another extension so that, months later, the discussion would not simply become a matter of asking for financial justification. He stated that he was not interested in a "show me the money" approach, but rather wanted to see evidence.

David Clement, 280 8th Street, addressed the Planning Commission and stated that he had spoken before regarding the proposed project. He said that considering the possibility of the project coming into the neighborhood and community had caused him to reconsider his position, and he stated that he believed the project was a bad idea.

Mr. Clement noted he had recently spoken with several local businessmen, including one who does business with other business owners in Ogallala. According to Mr. Clement, those business owners had not seen a substantial increase in business as a result of the casino in Ogallala. Mr. Clement stated that the casino had been expected to create additional jobs and bring more business to the area, but the business owners he spoke with were not seeing significant increases in either. He noted that the facility had been operating for approximately a year and said he had not seen evidence of the economic impact occurring on the scale that had been promised or anticipated.

Mr. Clement asked the Planning Commission to look into whether the anticipated economic benefits were actually occurring and, if not, what factors might be contributing to the difference. He questioned whether the economy was experiencing a temporary downturn or whether the anticipated benefits were simply taking longer to materialize. He further stated that the Ogallala casino provides a real-life example relatively close to Gering and encouraged the Commission to conduct additional research before moving forward with a similar project in the community.

Mr. Clement added that, personally, he believed gambling was a bad idea anywhere. However, he said he was supportive of bringing additional industry to the community. He noted that Gering relies heavily on agriculture, which he considers an important part of the community, but said the community could benefit from additional industries to supplement agriculture. He would like to see more industry come into the community but did not believe a casino was the type of industry that would provide the desired benefit. He illustrated his point by comparing a casino to a furniture manufacturer. If someone gave a furniture business $1,000, they would receive approximately $1,000 worth of furniture in return. In contrast, he said, if someone gives $1,000 to a casino, they are likely to leave with less because "the house always wins."

Mr. Clement acknowledged that casinos may provide some opportunities for patrons to win money and stated that casinos may encourage people to continue gambling by allowing them to win periodically. However, he concluded that he would like to see additional industry in the community but did not believe the proposed casino was the type of industry that would help the community.

There were no further comments by the public.

Commissioner Hauck made a motion to approve Resolution PC 9-26-1, granting a conditional use permit extension for a race track and casino located at 140777 Highway 71. The motion was seconded by Commissioner C. Kaufman. There was no further discussion. The Secretary called the roll. "AYES": Crews, Taylor, Waterman, Keener, C. Kaufman and Hauck. "NAYS": Miles. Abstain: None. Absent: Alvizar and T. Kaufman. Motion carried.

5. City Engineer Report

City Engineer Folck provided the City Engineer Report stating that the Planning Commission had recently held several meetings and would have several additional meetings due to applications that were time-sensitive and needed to be processed as quickly as possible.

She reported that another Planning Commission meeting was scheduled for September 15, 2026, with an additional meeting scheduled for October 6, 2026.

The September 15 meeting would include two vacation requests. One would involve vacating a plat for the purpose of moving a lot line. The second would involve vacating an easement for the housing project being developed by Oikos near McClellan Park. She stated that Oikos could not proceed with closing on some of its funding until the easement was vacated, so staff wanted to complete the process as soon as possible.

The October 6 meeting would include a Conditional Use Permit request for a property that is currently for sale. The property is under contract contingent upon approval of the Conditional Use Permit.

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 citizen comment.

7. **Adjourn**

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

The meeting adjourned at 6:39 p.m.

Levi Keener, Chairman

ATTEST:

Karen Heins, Administrative Secretary