

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, APRIL 28, 2025

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 28, 2025 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorneys Jim Ellison and Matt Turman. Absent was Councilmember Seay. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

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

1. Recital of the Pledge of Allegiance and Prayer
2. Oath of Office for newly appointed Ward IV Council Member, James Jackson

The City Clerk administered the Oath of Office for newly appointed Council Member, James Jackson.

3. Roll Call
4. Excuse councilmember absence (None)

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

Mayor Ewing stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Mayor. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Council determines that the matter requires emergency action.

CONSENT AGENDA:

(Items under the Consent Agenda are proposed for adoption by one action for all items unless any member of Council requests that an item be considered separately.)

1. Approve minutes of the April 14, 2025 regular City Council Meeting
2. Approve Claims
3. Approve March, 2025 Financial Report

Claims 4/15/25 – 4/28/25

24/7 FITNESS \$316.00, ACE HARDWARE \$324.15, ACUSHNET COMPANY \$3,633.84, AFLAC \$1,391.56, AMAZON CAPITAL SERVICES \$740.58, AMERITAS LIFE INSURANCE CORP. \$570.08, AT&T MOBILITY \$1,589.85, ATLAS CONSULTING GROUP, LLC \$507.00, AXON ENTERPRISE, INC \$36,051.17, B & C STEEL \$380.08, BENZEL PEST CONTROL \$56.71, BLACK HILLS ENERGY \$2,539.75, BLACKBURN MANUFACTURING CO. \$422.31, BLUFFS FACILITY SOLUTIONS \$188.87, BORDER STATES INDUSTRIES, INC \$89,502.16, BROWN'S SHOE FIT COMPANY \$300.00, CALLAWAY GOLF COMPANY \$397.45, CITY OF GERING \$19,448.24, CITY OF SCOTTSBLUFF \$1,700.00, COLUMN SOFTWARE, PBC \$270.52, CONTRACTORS MATERIALS, INC. \$100.00, DANKO EMERGENCY EQUIPMENT CO \$130.62, DEARBORN LIFE INSURANCE COMPAN \$110.08, DEMCO, INC \$3,207.27, DENNIS SUPPLY COMPANY \$76.94, DUTTON-LAINSON COMPANY \$1,667.15, EAKES INC \$298.19, EASY PICKER GOLF PRODUCTS \$281.09, ECOLAB \$325.80, ELITE TOTAL FITNESS \$165.00, ERIC REICHERT CONSTRUCTION \$86,080.19, FASTENAL COMPANY \$617.88, FAT BOYS TIRE & AUTO \$657.32, FIRST NATIONAL BANK OF OMAHA \$12,247.93, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$72.05, FRANK PARTS COMPANY \$1,121.94, FRONTIER OVERHEAD DOOR \$2,676.80, FYR-TEK, INC. \$62.30, GALLS, AN ARAMARK COMPANY \$1,551.60, GERING U-SAVE PHARMACY \$31.42, GFSI LLC \$3,112.47, GOLF AND SPORT SOLUTIONS, LLC \$828.16, GREY HOUSE PUBLISHING \$278.00, HEIMAN FIRE EQUIPMENT \$12,040.46, HENNINGS CONSTRUCTION, INC. \$102,461.90, HOME DEPOT CREDIT SERVICES \$14.53, HOMETOWN LEASING \$157.23, IDEAL LAUNDRY AND CLEANERS, INC. \$485.26, INDOFF INCORPORATED \$116.53, INGRAM LIBRARY SERVICES \$26.10, INTERNAL REVENUE SERVICE \$53,285.29, IRBY TOOL & SAFETY \$387.27, J RODZ \$115.00, JC GOLF ACCESSORIES \$422.50, JOHN HANCOCK USA \$17,977.42, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$9,426.37, JUNIOR LIBRARY GUILD \$1,065.48, LOGOZ LLC \$756.00, LONDON FLATS, LLC \$672.88, MADISON KOCH \$75.00, MASEK DISTRIBUTING INC \$295.74, MENARDS \$174.42, MIDTOWN ANIMAL HOSPITAL, P.C. \$292.50, MOTOR FUELS DIVISION \$1,986.00, MUNICIPAL ENERGY AGENCY OF NE \$322,691.61, MUNICIPAL SUPPLY, INC. OF NE. \$6,536.44, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$784.16, NEBRASKA DEPARTMENT OF REV (PR) \$15,528.62, NEBRASKA DEPT OF ENVIRONMENT AND EN \$8,727.35, NEBRASKA DEPT OF REVENUE \$1,031.80, NEBRASKA DEPT. OF REVENUE \$71,512.75, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$210.00, NEBRASKA PUBLIC POWER DISTRICT \$1,748.23, NEBRASKA TOURISM COMMISSION \$30.00, NEBRASKA TRAVEL ASSOCIATION \$125.00, NEMNICH AUTOMOTIVE LLC \$1,518.92, NORTH PLATTE NRD \$143.00, NORTHWEST PIPE FITTINGS, INC \$488.51, O'REILLY AUTOMOTIVE STORE \$67.90, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$703.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PAUL REED CONSTRUCTION & SUPP \$2,699.90, PING INC \$777.97, PIPE WORKS PLUMBING LLC \$525.00, POWERPLAN OIB \$185.85, PT HOSE AND BEARING \$230.11, PVB VISA \$9,340.65, R & R PRODUCTS, INC. \$294.15, REGIONAL CARE INC. \$113,509.62, RIVERSTONE BANK \$535.95, ROBERT THOMAS \$17.19, RPM FITNESS \$70.00, RUSSELL'S EXCAVATION &

CONSTRUCTION \$63,000.00, SANDBERG IMPLEMENT, INC. \$855.66, SCB COUNTY REGISTER OF DEEDS \$40.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB/GERING UNITED CHAMBER OF \$215.00, SCOTTS BLUFF CO. CONSOLIDATED \$125.00, SCOTTS BLUFF COUNTY COURT \$17.00, SCOTTSBLUFF TENT & AWNING \$98.86, SCOTTSBLUFF-GERING UNITED WAY \$273.02, SCS ENGINEERS \$9,087.25, SENIOR CITIZENS CENTER \$1,000.00, SHERWIN WILLIAMS \$109.39, SIMMONS OLSEN LAW FIRM, P.C. \$6,320.00, SIMON CONTRACTORS \$300,245.00, TAYLOR MADE GOLF COMPANY \$1,124.72, TEAM CHEVROLET \$609.47, TERESA TOSH \$5,520.83, TERRY CARPENTER, INC. \$650.00, THE YOGA COLLECTIVE \$65.00, TICO CUSTOMS, LLC \$150.00, TIFOSI OPTICS INC \$343.10, TYLER TECHNOLOGIES \$1,786.75, UTILITY REFUNDS \$368.77, W J R INC. \$3,119.99, WARRIOR RUN \$1,004.91, WESTERN COOPERATIVE COMPANY \$8,914.07, YMCA OF SCOTTSBLUFF \$829.00, TOTAL \$1,449,113.16

Motion by Councilmember Gillen to approve the Consent Agenda. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Seay. Motion carried.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign an Agreement for Mosquito Control with the City of Terrytown

Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Agreement for Mosquito Control with the City of Terrytown. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Seay. Motion carried.

PUBLIC HEARINGS:

1. Public Hearing to consider a Zone Change from RR, Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, Nebraska

Mayor Ewing opened a public hearing to consider a Zone Change from RR, Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, Nebraska at 6:05 p.m.

Mayor Ewing outlined ground rules for the public hearing:

1. Anyone wishing to address Council regarding this public hearing will have five minutes to speak. Timers are provided in the Council Chambers.
2. Anyone wishing to speak will have one opportunity to come to the mic and may not return to the mic once they are finished, regardless of whether or not there was any time left on the clock.
3. The Mayor will entertain comments from the public in an orderly fashion. Anyone wishing to address the Council will come to the podium, write their name and address on the pad provided, and speak into the microphone.
4. If a speaker finishes in less than five minutes, the clock will still be reset to five minutes for all subsequent speakers.
5. All comments must pertain to the public hearing agenda item. If anyone goes off-topic, they will be redirected to the specific agenda item for this public hearing.
6. Council will not enter into a debate with members of the public. Council will listen to all comments given by the public before asking questions or making comments.
7. If more than one person is attempting to speak at one time, the Mayor will pause the discussion and resume with only one person speaking at a time. The meeting is being recorded, it's important that all comments can be heard clearly without disruption.

Administrator Heath provided the following comments: The zoning amendment procedure is initiated when a landowner, someone associated with the landowner, or the local government itself, wishes to make a change to the text or map of the ordinance. For amendments initiated by a landowner, the job of the Planning Commission is to study the appropriateness of the proposed amendment based on consistency with the comprehensive plan and zoning regulations. A public hearing provides the public with an opportunity to comment on the proposed amendment. When the public comment period is closed, the Planning Commission will discuss the matter and vote

on whether to recommend to the elected body approval of the amendment. The elected body, (City Council) then holds a public hearing to provide the public with the opportunity to comment on the proposed zoning amendment. When this public hearing is closed, a motion can be made for or against the proposed amendment or the Council could vote to continue the public hearing to a future meeting.

A zoning change is a quasi-judicial proceeding. The decision-making body is receiving facts to consider the legal rights and privileges of a particular party based on that party's particular circumstances. The parties whose rights are involved are entitled to the same fairness, impartiality and independence of judgment as are expected in a court of law.

- For example: notice provisions for quasi-judicial proceedings are designed to ensure that those landowners with the greatest stake in the matter are made aware that a decision potentially affecting their property interests is going to be made, and to give them an opportunity to present evidence either in support of, or opposition to the application.

Site-specific rezonings are quasi-judicial proceedings. The decision-making body in a quasi-judicial proceeding must base its decision solely on material that is presented at the hearing and contained within the record of the proceedings. It cannot rely on some fact or opinion that was not presented in testimony or evidence at the hearing.

The public demands that individuals holding elected and appointed public offices make decisions using a fair process, without prejudice or self-interest guiding their actions.

Elected officials are accustomed to discussing governmental business with constituents. Citizens expect to be able to discuss public matters with their elected representatives, and expect the elected representatives to be responsive to those discussions. With quasi-judicial proceedings, elected officials should refrain from discussing the proposed action with each other and with the public at large prior to and after taking action.

City Engineer, Annie Folck, provided the staff report: The City of Gering has received an application to change the zoning on a property located on Lot 1, Block 2, Pappas Northwest Addition, generally located at the northwest corner of Five Rocks Road and Country Club Road. The application requests a change in zoning from RR Rural Residential to C-1 Neighborhood Commercial. The majority of the property is currently vacant, with some older farm sheds on the northern edge of the property (built in 1982).

In looking at the past history of the area in question, this is not the first time that commercial development has been considered. When the golf course was developed in the 1990s, it was originally anticipated that there would be a business park on the southwest corner of this intersection. When that business park failed to develop, that corner was instead developed as the residential area that is now Buffalo Circle. In 2017, an application was submitted to the City for the same property that is in question now. The 2017 application would have changed the zoning from rural residential to commercial. At the time, the City's Comprehensive Plan clearly showed that the intent for that area was to keep it residential. The public hearing for that application was continued several times and it was eventually pulled from consideration by the applicant.

When the City went through the process to draft the Comprehensive Plan in 2018 and 2019, there were many comments from the public regarding the 2017 zone change application and its outcome. Largely in response to those concerns, the new Comprehensive Plan was drafted in a way that provides much more flexibility when considering whether or not a zone change would be appropriate in that area.

The City's Comprehensive Plan describes this area as District 1, the Northwest Monument Neighborhood District. While it states that the predominant use is residential, it also states, "Small footprint lower scale commercial uses that act to support the neighborhood may be appropriate in higher traffic areas such as the intersection of U Street and Five Rocks Road. Commercial uses should be consistent with the character of the area in scale and design." In the section describing Future Desired Characteristics, it states, "Neighborhood serving retail at key intersections and slightly higher-intensity housing would be appropriate at select locations, such as the northwest corner of Five Rocks Road and Country Club. Commercial uses should be limited to the needs of the residents with the goal of reducing trips and located in small clusters along arterials and at arterial/collector intersections." Because this property is located on the intersection of Country Club Road and Five Rocks Road, two of the City's main arterials, this would be an area that is appropriate for neighborhood commercial. While C-2 or C-3, the City's less restrictive

commercial zones, would not be appropriate; C-1, Neighborhood Commercial, is the City's most restrictive commercial zone. The stated intent of the district is as follows:

3.9.1.A. INTENT. The C-1 Neighborhood Commercial District is intended primarily for the provision of retail and personal service facilities to satisfy the convenience-goods needs of the consumer relatively close to his/her place of residence.

Due to this being such a restrictive zone, uses like beauty shops, retail stores, medical facilities, restaurants with no drive through, and music/dance studios are permitted uses by right. Other uses that have the potential to generate more traffic/parking needs, such as banks, funeral homes, and drive through restaurants, would be allowed only through a conditional use permit, meaning that neighbors would have to be notified and a public hearing would be held with the Planning Commission before such uses could be approved. The most intensive uses, such as industrial services or automobile repair shops, would not be allowed at all in this zone. A complete table showing permitted and conditional uses is attached.

Engineer Folck cited the following principles from the Comprehensive Plan:

Policy 2.1.E: Support job creation by focusing on retention, expansion, incubation, and recruitment efforts.

Policy 2.1.F: Support the creation and growth of local businesses.

Policy 2.3.C: Clarify and streamline City processes by reducing uncertainty and making it easier to improve properties as well as to start and operate businesses in Gering.

Policy 2.3.D: Encourage local entrepreneurial opportunities and support existing small entrepreneurial businesses.

Policy 2.3.E: Provide incentives for business development to reduce the need for out-of-town shopping trips.

FINDINGS OF FACT

Findings of fact in favor of approving the zone change include the following:

- The size of the property being rezoned is small enough that the development will be restricted to "small footprint lower scale commercial uses" such as what the Comprehensive Plan describes as being appropriate for the area.
- The location is at the intersection of two of the City's arterials, a very high traffic area.
- The zone requested is the least intensive of the commercial zones and is intended to provide services relatively close to residential areas.
- The Comprehensive Plan cites this specific intersection when describing Future Desired Characteristics of the district. The wording here can be interpreted in different ways. One interpretation is that this specific intersection would be appropriate for neighborhood commercial uses.

Findings of fact in favor of denying the zone change include the following:

- The Future Land Use Map in the Comprehensive Plan does not specifically show this location as a commercial node.
- The Comprehensive Plan, when describing Future Desired Characteristics of this district, could be interpreted to identify this intersection as being appropriate for neighborhood commercial in conjunction with higher-intensity housing.
- A commercial development on that intersection could generate additional traffic that could be of concern.
- Surrounding parcels are largely residential in character.

Mayor Ewing then entertained public comment:

La Rita Van Boskirk, 2805 Grandview Rd, Gering: Mrs. Van Boskirk stated that she and her husband reside in the Monument Heights area, a residential area in the northwest part of Gering. Both at the April 1 Planning Commission meeting and again at this meeting, the City Engineer has referred to the Comprehensive Plan of Gering. She would like to refer to that Plan as well. The Engineer talked about the verbiage of the corner of Five Rocks Road and Country Club Road being included as a commercial node. It does appear that it's not included as a commercial node on the map. She would like someone to study if there's a discrepancy there and why that might be. Mrs. Van Boskirk also referred Council

to the Zoning Regulations Section 3.8: "The purposes and objectives of the Residential Districts are to preserve and protect areas in the City which by their location, proximity to other land uses, and the character of the natural environment, and accessibility to public services and facilities exhibit a high potential as living areas for the people." She added, from the regulations, that: "The regulations are intended to preserve the quality and character of existing residential areas, as well as encourage continuing maintenance and rehabilitation by ensuring that incompatible uses of the land will not encroach residential areas." The Northwest Monument Neighborhood District document states that this area is characterized by low density housing, ranging from small to large-lot properties. That housing in the area is clustered and organized along the golf course which ensures open, plentiful space. The City Engineer referred to Future Desired Characteristics and some of those are: "To maintain the open space feel of the district while promoting single family home development and integrating some compatible two-unit homes which could be thoughtfully planned to existing neighborhoods or in new clusters." She noted that she did her research also and Neighborhood serving retail can go into that area if they meet the needs of the residents. She assured Council that "If at some point the residents of Monument Heights felt they need commercial, we will come and ask you for it. We ask that our needs not be determined for us." She continued, noting that based on this aforementioned information, it seems that there are other places that would be more appropriate for this business. They would like to encourage the young woman to take her business to Gering, they would like to see all of that happen, but they would like to not see it happen in a residential area. There are areas downtown and areas on the Gering/Scottsbluff Highway that they would like to encourage that business to go. It does seem that it would be important that single-family homes could be planned if it were to stay Rural Residential, or two-unit homes if it goes to strictly residential. She has also been wondering about a lovely park in that area - natural, native grasses and trees that would never grow so large that they would inhibit the view of the Monument. Someplace with serene compatibility with nature. She encouraged City Council to think about it and consider single family and two-family dwellings, a lovely park; it would go with what the Northwest document 'future characteristics' asks for - to enhance the natural and scenic resources and highlight the nearby Monument. She then asked if she could ask Gering citizens who were present (because they do not want to see this zone change) to raise their hand. Mayor Ewing replied that they will all have their turn at the mic.

Katie Smith, 90110 CR 19, Scottsbluff, NE: Mrs. Smith stated that she is the sole owner of Elite Physical Therapy and is looking to build a fourplex on this property; it would be four different businesses. A coffee shop, a physical therapy clinic, a spa (possibly a med spa), and a gym. She has had a clinic in Scottsbluff for the last 13 years and one in Gering for the last 11 years. She would like to combine those into one as her family gets busier, and to support the Gering community. She thinks with that fourplex she could add 30 to 40 jobs to the Gering area. She has lived right behind it and has lived in that area; she thinks it's a great area and there are wonderful people. As a physical therapist, people come to wherever is closest to them. When they're hurting and needing rehabilitation, most people come where they can get in the easiest and where there is the best access. A lot of her clients live very close to her clinics, both in Scottsbluff and in Gering. They always say they appreciate the short walk in instead of having to go down into the basement somewhere. She thinks a lot of the residents would very much utilize the physical therapy clinic. She thinks the coffee shop and the gym could bring a little community involvement. From what she has read, it says that coffee shops have families walking to them and friends meeting at them. They would have that access to walk to this coffee shop or walk to the gym - for all the residents. She believes that it would very much serve the residents of this community. It would also increase the healthcare access for all the people in these regions. Her typical hours are 7 a.m. to 6 p.m., Fridays at 2:00 p.m. She doesn't believe the coffee shop would be open that late in the afternoon. It would not be late hours that she foresees happening. On a typical day, she might have 20 patients at her Scottsbluff clinic and 15 patients at the Gering clinic. Spread out over 8 to 10 hours, she doesn't see that being a lot of increased traffic for the physical therapy aspect of it. She has grown up in this community, her family is in the community and her kids are being raised in this community. She doesn't plan on going anywhere else, she enjoys it. They support all the local schools, they see athletes from every different school and they see the athletes from the college. They really enjoy that. She asked if Council had questions for her.

Kathy Carrillo, 2860 Monument Valley Drive, Gering: She lives in the area. She and her husband are opposed to the rezoning of this property because they have some concerns about it. Adding a commercial site will take away from the beauty they enjoy in that area. The owners of the homes in this area take pride in their property. They maintain their homes and property to keep the integrity and beauty of this area. They enjoy their residential area and the beautiful back drop of the majestic Scotts Bluff Monument. A commercial site may look good for a while, but after a time, it isn't maintained and soon doesn't look well and becomes run down. Commercial buildings are an eyesore to a residential area. And it will become even more of an eyesore in time due to lack of maintenance of the buildings

and property. They feel a commercial site in their residential area would only bring down their property values. Stores and businesses constantly change at commercial sites; they come and go. They know at some point in the future, a convenience store may likely end up in that location. This will only bring continued problems with traffic, undesirable activities and strangers loitering in their neighborhoods. They've seen it happen many times in places where they've lived where they had drug deals going on behind the buildings. There's litter, noise, and of course loitering. They don't want this kind of activity or the people who create these issues in their neighborhoods. And worst of all, the traffic problems are going to drastically increase. Five Rocks is already a busy road. It's part of Highway 71 which comes through from I-80 to South Dakota; especially in the summertime. They know how busy it gets when Sturgis is happening. There is also the Monument Shadows Golf Course that sponsors many golf tournaments throughout the year that bring a lot of people. Also held in this area is the annual Monument Marathon that brings participants from all over the world and their supporters and it increases the amount of traffic with those activities. Adding a commercial site is only going to increase it more. Also, many people walk this area. Country Club Road has the access to the pathway along the Scotts Bluff Monument. People cross over Five Rocks to continue their walk on Country Club to get to the pathway. Anytime of the day, they see people walking up and down this road and many walking their dogs. With increased traffic, it just increases the unfortunate possibility of someone getting hit. Adding a commercial site to that corner is increasing the chances of accidents. We know people will make inappropriate turns entering or leaving that facility. Five Rocks and Country Club Road cannot sustain more increased activity and traffic with another site, even if the road were widened to create turn lanes; it isn't going to help the traffic problem. This is a residential area and should remain as such. It would be sad to know that our city leaders are going to put gaining a small amount of tax money from a commercial site over looking out for the citizens of Gering enjoying their homes and neighborhood. There are several vacant buildings in the existing commercial areas of Gering. Why doesn't the City use incentives to encourage businesses to use those empty sites? Or why doesn't the owner create the opportunity of some single-family homes there as was previously mentioned? She concluded stating "Please vote no to this rezoning."

Jenn Smith, 2460 Valencia Drive, Gering: She has lived in Gering and worked in his community since 2003. She is 100% in support of growth and wants Gering to grow. She has a business that she has become a part of in Gering that they have grown over the last three years and it has done incredibly well. She's 100% in support of growing Gering; she just wants it to happen in the right way. She lives close to this property in the Northfield Addition; behind where The Villa is. This is where she recreates, where she lives and where she goes. Somebody already talked about the pathway, that is the only pathway that they have. It is the only sort of solace, recreation place that she can go and feel safe not to get run over with traffic and things like that. She loves to ride her bicycle on that corridor; she often goes up through the Villa and jumps on the highway or she'll go north of Country Club and go across that way. That's the most dangerous part of her entire ride. She will ride all the way up 71 to the top of the Wildcats and back in, and the most dangerous part of the ride is right there. The shoulders are not good on that road, it's very narrow and traffic is terrible. The river bridge has not helped and it's just shown that if traffic is increased in this area what could happen. There has been a lot more wrecks in that area and more congestion and problems there. Those are some of her biggest concerns. She doesn't want to be "me, me, me", but she asked herself why would Gering change that and what are good reasons to change the zoning. A lot of it talks about if there's a need for housing and those kinds of things. She went on realtor.com to see if there is a lot of housing in Gering. There are about 20 properties for sale in Gering is all, and two land parcels for sale; both of them .27 of an acre. That's it, that's all Gering has. This is a really big residential area, as long as she has lived here, she has never seen anyone try to develop it residential. That's her question. If somebody has it and it's zoned residential, why don't they develop it residential? If the person who has it doesn't want to develop residential, why don't they sell it and allow somebody to have a residential chance at it? Regarding the infrastructure piece, if it's built there is it ready for it? She would love to see a business like what the applicant is talking about in Gering - right down the road there's a big commercial lot for sale with a sign that says "will build to suit." They'll do anything for it. It's right behind another building/business that just came in, the sleep business. It's a nice big commercial lot. It's available and open and they are ready to build on it. She's not understanding why "we" don't keep commercial commercial and residential residential in our tiny little town that we have - just to keep things looking good and feeling good. As far as infrastructure goes, that corner where the sleep center is can handle the infrastructure because it has been built for that. But that corner up there has not necessarily been built that way. Her biggest concern about the infrastructure piece is in relation to what's happened in Scottsbluff along the Highway 26 corridor where a bunch of commercial development has happened - for example where Walmart is, that intersection is awful. There are tons of wrecks there and terrible accidents because of that development and increased traffic. Same thing at the K-Mart intersection - all of those intersections across that big highway. Five Rocks is the biggest highway in Gering. It's

the biggest travel corridor through town. That's her biggest concern, is Gering going to develop along that and increase congestion and what is the cost to the City as far as feasibility goes if those things do start to develop? She hasn't seen any feasibility studies on this, she doesn't know if there were some done, but it seems if Gering is going to change these kinds of things, that should be done first.

Alan Doll, 1535 T Street, Gering: Mr. Doll thanked everyone who has engaged on this issue. He stated that it's clear that people care deeply about the future of Gering, and that level of civic involvement is something to be proud of. He completely understands the concerns many have voiced about preserving the residential character and safety of the neighborhood. Those concerns are valid and come from a deep love of the community. At the same time, he wanted to offer a bit different perspective. Growth and change are not threats to the community - they are essential parts of building a thriving, sustainable future. Rezoning, when done thoughtfully, is a tool that allows a city to respond to evolving economic, demographic, and infrastructure needs. It doesn't have to mean loss of character or safety. It can be a way to strengthen our community. A project like this, even if it involves relocating existing businesses rather than brand-new ones, could bring fresh visibility, revitalized energy, and longer-term economic stability to this part of town. Businesses that are better suited to modern needs - with better parking, accessibility, and space - are often able to serve customers more effectively, create more jobs, and generate additional tax revenue that ultimately benefits everyone. Some have asked why businesses couldn't simply move into existing vacant spaces, like those down Country Club Road or at the old NTC building. It's a fair question. But the reality is that not all spaces are logistically feasible. Layout, accessibility, parking availability, and even zoning compatibility can make a space impractical or prohibitively expensive for certain businesses. Vacancies don't automatically translate into viable opportunities. He noted that he also wanted to acknowledge the concerns about traffic and safety; these concerns are absolutely valid. But development does not have to mean more danger - it can mean smarter, safer infrastructure. By requiring updated traffic studies, adding better pedestrian crossings, improving signage, and implementing traffic-calming measures, the safety and connectivity of our neighborhoods can actually be enhanced. "We" should advocate for responsible development that addresses these concerns up front. In terms of aesthetics and preserving the 'feel' of the neighborhood; again, he hears and respects the concern. But many modern developments work hard to integrate with surrounding areas. Through thoughtful architectural guidelines, quality landscaping, and collaboration between developers and residents, new buildings can complement the community, not clash with it. He encouraged everyone not just to speak, but also to listen (at this meeting). Ask good questions, be open to understanding all sides, and think about the long-term good for Gering, not just what feels safest today. Change is always hard, but progress and preservation do not have to be opposing forces. With collaboration and constructive dialogue, they can absolutely work hand-in-hand to make Gering an even better place for all of us.

Peggy Fegler, 120 Buffalo Circle, Gering: Mrs. Fegler stated that she lives right across from where the drive-way will go. Eight years ago, she wrote a letter to the City regarding the proposed rezoning for the property located at the northwest corner of Five Rocks and Country Club Road. She and her husband are opposed to the current proposal. They would be supportive of developing the land for residential housing. Both of them have lived in Gering since the late '70s when Highway 71 was being constructed. In the late '70s, early '80s, Ted Pappas, a previous owner of this property, asked for the land to be zoned commercial; he wanted to build a truck stop. It was a highway; a truck stop would have been appropriate. The City said no, they had other plans - housing. In the mid-seventies, Scotts Bluff National Monument wanted to expand their land but the Scott Bluff Country Club was in the way. The Country Club decided to move north of Scottsbluff and sold their remaining golf course holes to Gering. That was the beginning of the Gering Municipal Golf Course. Around that time, houses started to be built in Monument Heights. Building continued there through the '90s. In the late '90s, the Monument Shadows Clubhouse was built. Houses were being built all around the golf course. City leaders wanted a golf course community. For the last 50 years, the Northwest Monument Neighborhood has been strictly residential. In the Land Use section of the 1995 Comprehensive Plan, it refers to the 160 additional acres available for future housing. It is also noted that "development in this area should, however, be monitored by strict design standards to ensure that such development will not compromise the integrity of the Scotts Bluff National Monument." She noted there was no mention of possible commercial use in this area. On page 54 of the Current Comprehensive Plan it states: "A future goal is to maintain the open space feel of the district while promoting single family home development and integrating some denser residential housing. Accessory dwelling units and compatible two-units are appropriate and could be thoughtfully integrated. Neighborhoods serving retail at key intersections and slightly higher-intensity housing would be appropriate at select locations, such as the northwest corner of Five Rocks and County Club Road. Commercial use should be limited to the needs of the residents with the goal of reducing trips and

located in small clusters along arterials and collector intersections.” She continued saying first of all, there is no ‘County Club Road.’ The intersection of Five Rocks and Country Club Road is completely surrounded by residential neighborhoods. Many of the residents in the area do not feel a need for commercial property at that corner. In looking at the maps on page 53 and 55 of the current plan, there is no commercial node at Five Rocks. It’s at Five Rocks and U Street and Five Rocks and M Street. It feels to her like someone stuck that one sentence in in order to allow commercial development. She went on to say there will be only one entrance to the commercial property. It will be off Country Club Road approximately 250 feet from the corner (traffic) light. About 20 feet west of this section is the entrance to Schaneman’s house and Buffalo Ridge. With the increase in traffic, problems could occur trying to leave all three properties. There will basically be a five-way intersection. On the other hand, the sleep center at Country Club Road and Scottsbluff/Gering Highway has two entrances and they have three related businesses. If the businesses at the location each generated just 25 cars a day, that would be a hundred coming in and a hundred coming out. Many businesses would not survive on just 25 customers a day, three hours each. It’s going to be a lot more than two hundred cars going in one entrance - no other way out. Buffalo Ridge was developed with a private street. The street does not meet City requirements; the residents are obligated to maintain it. Presently, they get a few lost cars. Will that increase? Will they have to spend more on maintenance? Will there be accidents? How will the present development plan affect their neighborhood in regards to noise, lights, and what happens if gas stations and restaurants also go in with one entrance? The pathway is... Mayor Ewing advised Mrs. Fegler that her time was up.

Kevin Mooney, 70 Buffalo Circle, Gering: Mr. Mooney stated that the traffic concerns that Peg mentioned are real. It will be three different entrances within about 20 to 30 feet of each other. The entrance to their place, the entrance to the Schaneman Road, and then not very far from there and not far from his entrance there will be another entrance to a property - a proposal that normally he would be more than willing to support, but there’s going to be those three entrances, right there on Country Club Road; that’s not that wide of a road. It’s supposed to be part of the pathway. It has two bicycle strips on both sides of the road, those are there for a reason - bicycles. And it’s used as a pathway and a walkway for many in their area. To put another entrance there “you are asking for trouble” because people go down that road from the golf course headed to the light and the speed limit is supposed to be 30, but he can tell when he’s turning out of Buffalo Circle trying to get on Country Club Road, that he better be watching because somebody’s usually going 45 or even 50 down that road toward the light. He went on to say that it’s spot zoning. The last time he was here reporting, Council was not very receptive to spot zoning. As a matter of fact, he thinks it was in the Comprehensive Plan “no spot zoning”. That’s exactly what this is. Everything is residential around it, then put a C-1 District right next to them; and it’s limited. He talked to Engineer Folck about it, they had a very nice talk about it for about 40 minutes, she was very cordial and great. They talked about it and he mentioned storage units and she said they’re not going to do that. But there’s still a possibility of somebody putting a convenience store in there with six pumps (it’s limited to six pumps), and does he really want an area where they’ll have somebody filling up all the time and maybe they’ll have lower prices than anybody else. No one knows what C-1 is going to end up being for them in that area. Whether Council says yes or no to this, and he hopes it’s no, the one thing the City has to do with that intersection is put in a definite right-hand turn lane on Five Rocks Road and Country Club, because people pull up to the light and there’s an area to go right in next to the person that’s parked there and take a right-hand turn, but no one knows if it’s legal or not, even though there is the space to do it. There’s no lane there that says they can. If the City puts in a right lane there, it would at least stop the traffic a little bit and get people looking both ways. He does think the traffic on Five Rocks Road has increased because of the situation with the bridge and most of that traffic is going to continue because people have learned that the best way to get from Scottsbluff to Gering is to go from WTT on Five Rocks Road and go to Gering rather than to go through the Scottsbluff/Gering Highway. It’s faster and it’s fewer lights; it’s a better way to go. The traffic is not going to decrease on Five Rocks Road when the bridge construction is complete. He hopes Council thinks about all these things, the fact that the residents don’t want it, and that Council denies the zoning change. It’s not a personal thing against Katie, he thinks that’s a great proposal, but he’d like to see her put it somewhere else.

Mary Robinson, 1725 Country Club Rd. Gering: Mrs. Robinson stated that she approached the Comprehensive Plan differently; she looked at all the points it had about strengthening neighborhoods. One can read those whichever way to support whatever they want to do. Her concern, like Kevin said, is that intersection is “icky”. She talked to the police and in the last three years there have been 11 accidents at that intersection. In addition, First Student sends a bus up the road twice a day and that could increase. And when do people want coffee – first thing in the morning. Roadrunner sends two buses every hour past that intersection in addition to their door-to-door pickup, which can vary by day. One of her biggest concerns is that both track and cross-country teams use that pathway,

run that path up to the Monument or whatever they like to do for exercise for their students. She's a former teacher; that concerns her. In addition, lots of people walk their dogs; some are pretty steady on their feet - some like her are not so steady with dogs. Bicycles just all of a sudden appear at that intersection. Adding more traffic in and out of that is dangerous. And in that Comprehensive Plan, it did say that in the nodes "mixed use with various scales, some will connect to nearby neighborhoods, residential balance, mix of housing is promoted"; although you can change that. "Zone changes reflect and compliment existing developments such as adjacent neighborhoods." Look at the context, what's the access? There's no way to get into that except somebody's drive-way; how many entrances are there going to be in and out of that? "You can't come up from the highway, can you?" Her concern is the safety and all of the people and bicycles. They want to preserve that pathway that goes up to the Monument.

Lukas Benzel, 2720 Monument Valley Drive, Gering: Mr. Benzel stated that he resides in this neighborhood. He doesn't take coming before the Council lightly in the position he's in in his job. The last time this happened, he was much less aware than this time. The individual who applied for that is a person he thinks very highly of, but he wasn't even for it in that regard. Again, like many have said, they're not anti-business - just business in the right spot in Gering; they do want to see that. He stated in the past, it was denied. He thinks it's important that the residents that are most directly affected are heard. In doing the research, Gering is one of the most expensive towns to live in and "we don't want to give people more reasons not to live here." When buying property, people buy property knowing what they're getting into, generally speaking. He works at a school and if someone buys near a school usually the school has been there a while so when people complain about that, one wonders why they bought there. They bought there because they did not expect it would ever be anything but residential. It is concerning to him that this even advanced to the Council on a three-person vote. Two of whom were related - a mother and son-in-law; he thinks that's a conflict of interest when considering development for a whole city. There appears to be people bent on pushing this through and it's worrisome that this decision comes from people not directly affected. Everyone can support their points with whatever data they have, but he thinks some of it may be being skewed or assumed. He knows there was a traffic study done. He would be very curious of the results of that, whether it was taken into account a 24-hour period or the period that people would actually use that road because it's very busy for those that drive it every day with one way in and out. With the bridge completion, the success of business, and the money coming in for all these things, assumptions can't be made on that; when the bridge is done and what the business would bring in to support the town. Some people have brought up what it could be down the road. It was already discussed there are plenty of other spots. A beautiful building, Melt, is now vacant right downtown, right near a coffee shop. He gets that it may or may not be appropriate for the business, but they are options. There's also a neighborhood with a lot of land similar to theirs like a Westwood Addition that could support business if it was re-zoned. Those are both near a highway. The corner dedicated for Community Christian's future - he would hope that wouldn't be developed into anything else. Again, multiple options. The bottom line is: safety (it's a residential area), and aesthetics. Driving is not getting better in our community, "we've seen more wrecks, traffic is backed up." The plan was talked about that it wouldn't back up onto the street, but that's exactly what has happened down by the underpass with multiple accidents is traffic backing up trying to come out and come in. He's really concerned with the amount of kids that bike, run, and walk up there; golf carts and school students. When Northfield is releasing and starting, the amount of traffic is very concerning. He runs up there in the mornings and has almost been hit a number of times even pushing the button, waiting and watching for traffic - and that's before the traffic really starts. He reiterated that it has been a residential area for years. He knows in the past there has been controversial decisions, there are always controversial decisions with this kind of thing for residents and the community. He thinks for the future of our town, talking about making it consistent and set up the right way for business and residential is very important. He noted some bullet points in the Comprehensive Plan on page 13:

- **DOWNTOWN** - Downtown will serve as the primary hub for visitor-oriented commerce. There is also a desire to preserve the small-town Main Street character.
- **COMMERCIAL DEVELOPMENT PATTERN** - Commercial development will be primarily concentrated downtown near civic uses.

Mr. Benzel added that he talked to a member of the Planning Commission and they acknowledged that one of them approved it for two reasons: it fits the plan and this is America. Mr. Benzel stated "We elect you to make the decisions, not just because it's America. As we know, that's not a reason to approve something." In closing, he noted that he has four children that are about to driving age and are going to have to drive that road. For those most affected by one way in and one way out, and for the safety and beauty of our town, he would ask that Council consider the residents that are most affected by this decision.

Patsy Sterkel, 3030 Eagle Pointe, Gering: Mrs. Sterkel stated that in 2017, a request to rezone this property to Commercial was denied. Several of the current Council Members were involved in that decision. The same concerns that existed then, exist today. What changed? In November 2019, during Adopt Plan Gering (a plan that took nine months to develop) both citizens and employees were involved. Three community workshops were held for resident input. Plan Gering acknowledged the value of housing, and residents, and the need to maintain residential property value. It developed a picture of the future Gering. It combined 11 zoning districts and established zoning regulations to be used in moving the city into the future. She asked, is there anything in these documents that supports placing commercial in the middle of residential? She doesn't think so; 14 pages in the plan and seven pages in the zoning regulations site one way or another the importance of residential zones and contains verbiage to protect them. Four areas were identified as future commercial nodes - none of them were the corner of Five Rocks and Country Club Road. At least twice, there are statements that commercial development should be in a commercial or mixed-use zone. There was a referral to retail on page 54 and it does state that commercial uses could be limited to the needs of residents with the goal of reducing trips. She noted that the northwest residents do not need any commercial activity at that intersection and "we don't mind trips". Why would Gering consider placing commercial in the middle of residential zones when government documents indicate commercial should be in mixed or commercial? Why would Gering consider rezoning this to a C-1 Commercial that allows for 17 permitted and 13 Council-approved uses that would invade and diminish their residential zones? Gering residents buy and want to live in residential areas; they don't want to live next to any commercial business. Why is the intersection of Five Rocks and Country Club considered a main arterial when Country Club does not go through; it is a dead end when it reaches the path. It is identified as a residential street in City documents and it's their only way out. Why is this rezoning request even coming before Council to vote? If the Planning Commission meeting had followed normal business rules, it would've never left the floor for a vote. It would have died there. After getting no request to bring it up for a vote, why did the chairman try a second time? That too, failed. Why was it so important to pass this to the Council as a vote rather than a failure to leave the floor. The Commission had made their decision clear; they have a procedure for challenging that decision, why wasn't it followed? She added that she shops Gering and supports local businesses. She supports growth within Gering - residential, commercial and industrial. But each in its own space. She realizes the RR parcel is going to need rezoning in order to be developed, but an RL in an RM zone with Buffalo Ridge type housing would follow City guidelines. It would provide additional revenue to the City and contribute to housing opportunities for Gering. Rezoning to another residential zone would be supported by our residents. She asked Council to consider the events of the Planning Committee meeting - to honor the documents designed by the City of Gering engineers to guide the city growth and to vote no on this request for rezoning this city residential property. She thanked Council for allowing her to state her case and for their service to the city.

Ben Backus, 440 O Street, Gering: Mr. Backus stated that he came to the meeting because in his previous time on Council, he knows that countering viewpoints can provide vital insight for making a decision. Also, he was on Council when the previous decision was made so he'd like to inform the new faces of the behind the scenes that went on. The previous administration, when that decision was being made, was not nearly as open as they are today. Council didn't have all this information "up here". The Comprehensive Plan was outdated, and Kevin brought up that it was spot zoning which indeed it was by going off that Comprehensive Plan. There was no C-1 Zone at that time either he believes; it was just Commercial. What was told to them that was going in there - it could have changed, and "whatever" could have gone on that lot. Whereas C-1 now is much more restrictive. Things to consider since it came up the first time - that lot is still open, nobody has built there because apparently nobody wants a house by a trailer park and a highway that's valued at \$500,000. As Ms. Folck pointed out, and he just did, there's a C-1 Zone now that restricts what can be built there. Since that time, perception builds reality and the perception that Gering has gotten, whether it's deserved or not, is that Gering is not very business friendly. When he was on Council, he would hear that all the time and people would still bring up the BBQ situation that came up before. He noted it was discussed that it would not be spot zoning at the Commission meeting. In his eight years on Council, he can confidently say that this is not a spot zone because it meets the Comprehensive Plan for the nodes being appropriate in high traffic areas. Also, Nebraska spot zoning requires the change to be arbitrary, unreasonable and discriminatory. The only time spot zoning came up the whole time he was on Council was when somebody wanted to turn a commercial zone into a residential zone in the middle of a commercial area, and Council shot that down. He praised something Gering has over Scottsbluff and that's the ward system. It prevents a vocal minority from influencing everybody. The people in other wards represent their wards and they can consider impartially whether this change would be good for the City of Gering and not have to worry about the weight of the ballot box on their shoulders.

Lonnie O'Bryan, 2830 21st Street, Gering: Mr. O'Brien stated he lives kitty corner from the property in question, within 200 feet of that intersection. He has no problem with the ownership of the property and sees no problem with that being developed as residential. That whole side of that highway, both sides when it was developed as residential, has been filled up - all the way up as far as it can go towards the Monument, all the way down as far as it can go to the city. When a commercial entity is put in, especially a coffee shop or something that's drive-up... he goes to McDonald's every day and there's always trash in the parking lot until they get it cleaned up. The wind would take that trash right down to his house. Their situation on the east side of that highway is that there have also been drainage problems. He questions whether or not the drainage will be more of a problem once that's developed with a lot of concrete and wide-paved streets and parking lots. Under C-1 zoning, that could very well be a problem. He lives on a frontage road that's blind on the end; he has very poor drainage off of that. Every winter he has to have that plowed himself. He has to drain that property himself when the snow melts because there's poor drainage out of that end of the frontage road. Another problem he sees is if the City does spot zoning like this, there are other lots along the highway that would probably be better for these businesses than that one is. He added "You're just taking the opportunity of your main commercial zonings now downtown, 10th Street, the Oregon Trail - those places require traffic to come off of the roads. You are actually drawing traffic away from your downtown businesses and your 10th Street businesses all the way to the river bridge. There are a lot of empty buildings down there now. These businesses could very well go in there." He believes it would be better for the City to put their time into that. He stated that he sees no reason why if that were developed to be residential houses, those houses would be built within a very short time.

Jean Bauer, 900 18th Street, Gering: Mrs. Bauer stated that they own a property on the east side of Five Rocks Road. She's more concerned about the traffic at that intersection. Council may or may not know that Amazon has purchased the lot east of Shain Shimic's house on Country Club Road. She can't even imagine what the traffic at Country Club and Five Rocks Road is going to look like once that facility is built. In addition to everybody else's concerns, that's more their concern. They've walked that area and ridden bicycles in that area, it is very dangerous. She does agree with Kevin Mooney in that she thinks that bridge being closed this long has really changed people's traffic patterns and she's wondering if the traffic on that road will continue. And it is very dangerous. That's what she would like Council to consider.

Brian Copsey, 2420 Shadow Ridge Drive, Gering: Mr. Copsey stated that he and his wife live in the Preserve. He came in 2017 after Mark and Brody Geis wanted to build a restaurant. He was shocked; he thought it was a "no-brainer." His parents moved back to the area when he was about five years old. Their neighbors were Ted Pappas's daughter and son-in-law. He has been in Ted's Pappas's house before and was there when it was built and before there were any improvements and before the intersection went in. He played golf in high school at the Monument Golf Course. None of those houses were there. The golf course got developed and Buffalo Circle or Court was put in there. Everybody who lives there now knew they were buying a house on the busiest highway in town. It never ceases to amaze him how many people have business advice for somebody who has never been in business. The City put in the time, effort and money for a comprehensive plan. He has served on the school board, he knows how much work that is and to "have a vision for where you're going; so what are we doing as a community?" He doesn't get a feeling as a business owner... he and his wife own a business in downtown Gering, they moved there about 11 years ago, they are right on 10th Street. He doesn't know any other community where someone can drive down the main artery highway, and there's not a single business. That lot has been empty for 50 years. If it was such a great opportunity for housing, somebody would have approached them and bought it. There is a need for housing in Gering, there are a lot of areas to build, this obviously is not one of them. This makes a great option for a business. Himself included, he thinks "by looking at this room, I think everybody could use physical therapy services at some point in time." That intersection is already traffic-controlled. It has left turn arrows and a dedicated left turn lane. There are a lot of "what if and what could and what might be" and there is a plan in front of Council now for a business. Those don't come Gering's way very often. The City in the past has made great efforts to acquire property and try to entice people. From his experience, a lot of them have never worked out. They aren't asking the City for anything other than to rezone it. Keep in mind where he lives, they have a landfill right in front of the Monument - so for people complaining about the view of the Monument or "what it is we're doing", this development would bring four potential businesses to Gering, not one. That does not happen every day. He stated that he would ask for Council's support in this. Yes, there is more traffic. He lives on that street, it adds probably another 30 to 45 seconds to his commute to work with the additional traffic. This isn't the size of community where all of a sudden people have discovered a new route to take that's going to save them all this time and flood traffic on Five Rocks Road. There are a lot of events in the area and a lot of golf tournaments, Gering wants to bring visitors to the area. He

added "I guess you have to decide, are we just going to stay a bedroom community for the rest of our life and not try to grow our tax base?" Why does it cost so much for a bond initiative for a middle school (or whatever) and Scottsbluff can fund one cheaper - it's because they have the tax base. He stated "We need this development, it's investment, it's a local Gering resident, it's a local Gering business, I don't know how much more friendly we can be if somebody from the outside comes in and says 'well if they're not going to approve it for them, why should we even talk to Gering'." To him, it doesn't make any sense, and it frustrates him as a lifelong resident that these roadblocks keep getting put in front of businesses and they will quit coming. They will just not be interested in business in Gering. Mr. Copsey concluded by saying "We have to accept where those opportunities may be and decide if it's going to be a nice fit for the community, and a four-stall business sure looks like a nice fit for us."

Janie Scanlan, 2720 Applewood Road, Gering: Mrs. Scanlan stated that she is right at the end of Country Club Road. She opposes this. She does see the traffic as a problem with the kids and the teenagers; her kid got in an accident down in that intersection. There is not a right turn lane to turn into their neighborhood. If someone tries it, they will get a ticket. She was wondering why Gering would want businesses on that highway taking people away from downtown. There are some signs that say "Gering this way" so people can go through the whole downtown instead of thinking "Oh, this is the little town of Gering, here's the shopping center." And then just going by on the highway. She thinks Gering could bring more people downtown, revitalize the downtown; it's looking great with that park and everything. She feels people want to keep the businesses together so that more businesses are seen down there and that will grow the community down in Gering. There is space. There's a commercial lot down by the Sleep Center. There are already businesses down there, "Let's keep them together so more visibility happens in our town." It takes five minutes to get to Gering; that's not far. The "chiropractic" is down there and Elite Physical Therapy is down there now, and the grocery store. "Let's keep the businesses and people coming to the downtown area seeing all the different things we have here, and enjoying it." She thinks it would be a detriment to our city and will draw people away from taking a look down in Gering. She doesn't like the idea that the traffic will be more, people turning around will be more - they'll be turning around in the neighborhood or up on the end where the pathway is. She just doesn't see it as a good thing for Gering or their neighborhood. She doesn't see that it's going to increase value or that their homes will rise in value. It's so quiet and peaceful. People love it when they get up there, "It's like you're near town, but you're out of town." She would like Council to consider that. Property taxes are not cheap up there with bigger lots and things. She would like to see that stay a residential area; she would be totally happy that way. There was a house for sale across the street and it has sold; that kind of turnover is what they want. If someone starts building something there, will people think it's a quiet area to live, near the beautiful Monument? She doesn't think so. She would like Council to consider that for the city, the downtown and for the residential area; just keep growing it that way.

Tom Swan, 3005 Monument Shadows, Gering: Mr. Swan shared an experience from about a year and a half ago. He used to take his daughter to Gering High School every morning and pick her up later in the day. Coming back, the traffic would back up on Five Rocks. It only allows two cars in the left turn lane going onto Country Club Road. He talked to the City first and was told he needed to talk to the State and asked them "As a concerned citizen, the next time you repaint the lines, could that left-hand turn lane be extended?" Since then, he thinks they have painted the lines and it still only holds two cars. There's already an existing traffic problem turning onto Country Club coming off of Five Rocks. Like someone said, his neighbor turned right going southbound and went off on the shoulder and got a ticket for doing that. There's no right turn lane there. If this is approved, and this is the only way for them to get into their neighborhood, exit or entrance, what would be the City's solution to build another entrance or exit out of that neighborhood? The City's best professional opinion right now is that it won't increase traffic, but if it does, what's the solution to build another entrance or exit from there?

Kari Foreman, 3020 Monument Shadows, Gering: Mrs. Foreman stated that she and her husband have lived on Monument Shadows for 20 years. This whole traffic situation wasn't there. From Walmart to that four-way, it just isn't set up for that. The infrastructure isn't there for it. She has never seen that place for sale for residential. She doesn't think it has been developed because it hasn't been sold as that.

Eric Reichert, 1502 9th Ave., Scottsbluff: Mr. Reichert stated that he's not a community member, but he has been working with Katie on her project and what she's wanting to do. He has worked in a lot of different communities and has been in front of a lot of City Councils and this comes up a lot with any business and growth in communities; there's always people that don't want the growth and people that are trying to make the communities better and have more options for the people in the communities. This isn't anything specific towards Gering, he has seen this

a lot. This facility is going to be a smaller version of the northern Heights professional plaza in Scottsbluff. That facility is in a primarily residential area. It's on a busy intersection - Highway 26 and 5th Ave. The pathway moves right beside that as well. It is definitely a benefit for Scottsbluff to have that. It has a lot of similar type businesses that Katie is wanting to do. They're not basing the structure off of this facility, but it's kind of the same idea. It's something that would be new for Gering. The track and sports teams run up and down also, and cross Highway 26. They are going back and forth across that as well. It's a very similar situation. As far as this building, the majority of the building isn't over 16 feet tall; will there be something higher than that on some of the corners? Possibly; they are not at that stage yet. They would be working with the City very closely as far as landscaping and making sure it's sustainable so it can be maintained better. They will be working with the City for the ingress and egress of the facility. There has been talk about a coffee shop, that isn't even what they are talking about tonight; this is just the zone change. That's a whole other topic. He wants to make sure everyone is thinking through that. As far as could it be a gas station - he owns a few gas stations and this is not where he would put a gas station. He doesn't feel like that would ever be an option for anybody in his industry. There were a lot of emails being sent to Engineer Folck and he hopes Council reviewed those as well. There are a lot of business owners in those emails that he has talked to. Working with the City Engineer, she has done her homework for this project. She knows traffic counts and the feasibility of what that location could bring. The City has her employed for a reason, he would suggest leaning on her to get as much information as Council can.

Vern Benzel, 2435 Chateau Way, Gering: Mr. Benzel stated that he's a 67-year resident of Gering, Nebraska. This is the only place he has ever called home. He takes great pride in living here, it means the world to him; he raised his kids here. They've listened to a lot of information at this meeting; it has astounded him. There are two different points of view and not anybody's (point of view) is wrong. He has four grandchildren that live up the road on Country Club on Monument Valley Drive. His biggest concern his whole life has been children. He was in children's ministry for almost 30 years. He thinks what everyone is talking about is safety. He was a little confused, it was mentioned earlier, he doesn't understand how this is at the City Council at this point. Many years ago, he had to do something different on his property to build an addition. He went to pull a building permit and they said he couldn't do that, it wasn't allowed; they said he had to go to the Board of Adjustment. He went to the Board of Adjustment twice. After that, he went to the Building Commission and it was finally approved at that point; then it came to the City Council. What he understood, what has happened in the past, he doesn't understand how it has gotten to this point yet without the proper vote in the Building Commission. He knows he doesn't understand the rules. His big thing is Gering and what does everyone take pride in here. If someone were to ask anybody what they think (that doesn't live here), they'd say "You've got the Monument." He went on to say that "We're known for the Monument. We're known for family values." He ran his own personal business for 25 years and he understands needing to make money on things. He understands the person that owns this property needs to make it work. He understands where that's coming from. However, where there are so many points of view with that intersection... He's a biker and when he comes from Scottsbluff and comes up that steep hill before he gets to Country Club, and usually he turns right and goes to the top of Country Club. He has to watch, it's really crazy, it's always early in the morning and it's busy then. When he was talking about pride in the community, about the Monument and what it has meant to most, there are quite a few that are older here (at the meeting) and thinking about Oregon Trail Days and thinking about what the long-term future is. His faith is everything so he tries to think of it that way. What really hit him is, if the Lord should tarry and two more generations from right now the small city of Gering is still here (and he wants expansion and businesses to come in here), but two generations from now when there are new people sitting in the Council chairs, what will they say? Will they say there is big signage on that corner and people can't really see around the signage to see where the Monument is and that place is looking kind of old and dilapidated? Is that what "we" want two generations from now for them to think - would they have voted differently if they would have known what it looks like in 20 or 30 years? The Council has had a lot of information thrown them, but he would hope in this one case, Council would consider saying no to this.

Derek Smith, 9010 CR 19, Scottsbluff, NE: Mr. Smith stated that his wife is Katie, she's the one that applied for the zone change. He has heard a lot from both sides. He's not going to talk about those. He's going to talk about longevity and Kate, herself. Both of their families have been here for several generations. They have young kids who are in the school system now. They have every intention of staying here and growing with the community and doing the right things to make sure they're putting the best project out there to make everyone proud. Kate has been a successful business person for the better part of a decade in two different locations. She has gone into this with a lot of intent and he hopes Council will consider her proposal and the zoning change.

Phillip Holliday, 2505 Shadow Ridge Ct., Gering: Mr. Holliday stated he lives in the Preserve. Listening to everyone talk, there is one thing he has heard a lot of and that is assumptions. Assumptions of how the landscape of these properties is going to be. The Assumption of how tall this building is going to be. The assumption of what this property could potentially become. The assumption of what the vacant buildings down the street on Country Club are being used for. What vacant buildings are still downtown. The assumption of what the open lots cost on 10th and Country Club. He's pretty sure not a lot of people in this room actually understand what the Sleep Center paid for that less than one acre lot. If anyone understood what that cost was, they would understand that sometimes relocating a business isn't necessarily feasible to do because of the cost. He was on Council with Mr. Backus and this came up and quite frankly it should've been done then. This is a fantastic opportunity. This is a businesswoman that loves this community, that is dedicated to this community, that wants to see this community grow. As a local business owner, he has to support her. "There comes a point in time where we have to open our books to say yes, let's do the right thing." He understands the concern of the traffic, but he has kids. He has a daughter that's about to turn 15 that is going to drive on this very road. Is he scared? Yes, he's scared. But he can't let his fear stop the growth of the city. This is a great project. He hopes that Council votes yes and stated he appreciated their time.

Steve Schaneman, 2270 Country Club Rd., Gering: Mr. Schaneman stated he's the owner of the property. He has owned it since '01. He has paid taxes and maintained it since '01. He thinks this is a good opportunity to improve this whole area. Regarding the traffic, he drives it every day; he doesn't have a problem with the traffic – not on Country Club. Five Rocks is busier now while the bridge is out, that's understandable. It hasn't been a problem for him. It's a pretty good opportunity for a pretty nice business to go in.

LaWayne Klein, 322 Hillcrest Drive, Scottsbluff, NE: Mr. Klein stated that he's going to blow everyone's socks off because he's from Scottsbluff. He has nothing but respect for everyone at this meeting. Gering has a great City Council, Mayor, Engineering staff, and people that are concerned. It's phenomenal that everyone cares enough about something like this. What he would suggest to "all of you", Gering has a great engineer, everyone has heard a lot of good things and the pros and cons. The only thing he can tell everyone is in his growing business with FedEx Ground, the one thing he has learned when people say stuff is sometimes emotions can get the best of them in a sense. What he has learned is "You don't want to say it too quick." Take a deep breath, step away, process. He would encourage Council, if possible, to go back and re-listen to everything that has been said. The concerns of the people, the concerns of the Engineering Department. There is a great contractor here with experience in all these different communities. And then maybe by then, they can even come up with a plan... If he was one of the Council, he would want to see more of a definite plan and a clearer picture that they could present to these people that maybe could be workable for everybody.

Mayor Ewing asked if there were any further comments from the public. Hearing none, Administrator Heath entered 21 letters and emails opposed to the proposed zone change and three letters in favor of the proposed zone change into the public record from the following individuals: Ron Bahnsen, Sherry Blaha, Patricia Baum, Christine Buhr, Jim & Dawn Burbach, Steve and Kathy Carrillo, Peggy & Jerry Fegler, Rob & Kari Foreman, Rob Hackett, Virginia Hansen, Eldon & Candy Hubbard, Alvena Hughes, Craig & Julie Landers, Cher Page, Lanny Page, Lewis Reinhardt, Terri Rose, Becki Thomlison, Kelly Tofflemire, Jerry & Stephanie Upp, Thom & LaRita Van Boskirk, Kim Schmidt Walker, Ted & Charlotte Yeager.

Mayor Ewing then entertained questions and comments from Council Members.

Councilmember Gillen stated that there were questions from residents and suggested that Engineer Folck address those. Engineer Folck stated that there were a few questions about the light and configuration and what the City's plan would be if traffic did become a problem. She explained that the first thing staff would look at is the timing of that light (as was alluded to in the public comment) and the length of the turn lanes as well; that can make a big difference in the efficiency of the light and moving some of that traffic through there. Staff did take some traffic counts but she was very clear that it was not a traffic study. Staff did not have time or the equipment. This was not an official traffic study; they just took some traffic counts to give staff a better handle on peak hour, not long-term averages, but mainly peak hour flow because that's when there would be issues. In that area, currently through the entire intersection, all different directions, the peak hour over a six-day period, there were roughly 1400 cars. For comparison, they also took a count at 10th Street and Q Street, which is a downtown intersection, and the peak there was around 700 cars. She noted that right now, they had to take into account the bridge being out and noted

that adds a lot of extra traffic to Five Rocks Road. She explained that this gives everyone a feel for what the traffic is now compared to Q Street. She further noted that there was no way for them to get counts that do not include the bridge traffic which she thinks skewed things considerably. That being said, even at that 1400 peak hour flow, they have not seen traffic backing up a huge amount. Again, the first thing staff would look at is the timing of that traffic light as well as the length of the turn lanes, potentially adding right turn lanes if warranted. But before they would go to that stage, staff would look at the timing of the light. The more often the light changes over, the less efficient it's going to be because during those orange periods, people are not supposed to be going. Longer light cycles will speed up the traffic as well as a delay, so if someone pulls up (currently on the camera) and they turn right and they're gone, the light is still going to change and that's hurting the efficiency as well. The first thing the City would do is have someone who does this all day, every day (all they do is time traffic lights), and come up with the optimum timing for that light. Additionally, staff would look at additional turn lanes, if need be, which she thinks would help considerably with traffic in that area.

She continued saying another concern referenced increased traffic on Country Club Road due to a development. They've had a lot of conversations with the developer. They do not think that's going to be nearly as significant as some of the rumors she has heard going around town; certainly not as much semi traffic. They are talking two semi-trucks a day. It's not going to be a massive amount of semi traffic.

She further noted the suggestion of a plan to show what the development will be. She cautioned everyone that again this is a zone change; it shouldn't be based on this specific development. If it's appropriate for this zone, it should be appropriate for anything in this zone because as many people have pointed out, whether that's twenty years or fifty years and none of us in this room are here anymore, it eventually will change. She added "We do need to make sure the zone is appropriate, not base this decision solely on this specific development."

Engineer Folck noted there were several questions about why this was brought to Council after the Planning Commission did not make a positive recommendation. She turned it over to City Legal Counsel to address that question as it deals with due process. City Attorney, Matt Turman, explained to the Council that in the Zoning Regulations, Section 2.2.1.C, when the Planning Commission makes an affirmative or negative recommendation it is going to come to Council anyway. In that same section it states, "In the event the Planning Commission fails to recommend..." which is what happened, a 3 to 3 vote – failure to have a positive or negative, "the City Council may take such action as it deems appropriate." No matter what the Planning Commission does in this situation with a rezone, it's going to come before the Council anyway and that is proper according to the City Code.

Engineer Folck stated that she covered everything she had noted and asked if there were other questions from Council. Councilmember Gillen stated that he had heard in a lot of the comments, why doesn't the City develop that area as residential or a park or whatever. He asked Engineer Folck to speak to what the City's role is in the development process.

Engineer Folck explained that the City is not developing this property. All they are asking for is a zone change. The City, from time to time, *will* look at developing property for economic development; that's why there is the industrial park. But ultimately, the City has very limited funds. Everyone knows there is a need for housing and would love to see more housing. The City has done everything possible to go out and find housing developers. In her opinion, the reason things aren't being developed for housing is because this area is averaging over \$230 per square foot for slab-on-grade homes. The market just isn't there for single family housing. There have been a few developments around town but it's very limited; there's not a lot of market for that. She wishes there were developers interested in it. They have no responsibility to tell the City what their plans are, but to her knowledge, there has not been interest in this property for housing. Several areas have been identified as being extremely desirable for housing and even in those areas there is a struggle to find developers and get them to have any interest in Gering. Again, she thinks it's a function of the housing prices, people's salaries and what the cost is to build right now; it is just not adding up. As much as Gering would like to see more housing, she doesn't think it's a choice between this and housing at this point. In her opinion, it's a choice between this and nothing. Mayor Ewing added that ultimately, the City doesn't own this property. Engineer Folck responded, correct.

Councilmember Shields thanked everyone for coming out and commented that this is a really hard place to be in as Council Members. They are supposed to represent the city, do what's best for the city, but they also represent each and every person in the audience. She listened to everything everyone said and took everything into consideration; she had an open mind coming into this. She didn't understand something LaRita (Van Boskirk) said about "commercial node"; LaRita didn't think it qualified for something. Councilmember Shields asked Engineer Folck to explain that. Engineer Folck responded she thought it was the map and that's what staff had in their findings of fact as well. While the narrative talks about commercial nodes at arterial intersections, on the map it does not necessarily have the little dot there showing a commercial node, although under future desired characteristics, it does specifically talk about the northwest corner of "County Club" (with a typo) and Five Rocks Road.

Councilmember Shields continued, noting that someone talked about residents that live within Buffalo Ridge Drive, they have to pay for their own streets. Mr. Mooney replied that it's a private street; the City doesn't take care of it. So far, they haven't had to make repairs. He is the secretary and treasurer of the HOA. They have started asking people to pay a little more in their dues to make some improvements for that, if that time comes, and they are starting to get extra money in the account for that. He reiterated it is a private area, the City doesn't do their streets; they have somebody else do their snow removal.

Councilmember Shields also noted that everybody is worried about the safety of the street there. Knowing it's a state highway, can the City still do more things to that? For example, if they want do a right turn lane, could the City put one in? Engineer Folck responded that would be a process where the City would have to work with the Nebraska DOT. She has talked to Doug Hoevet about this and they would be willing to work with the City on whatever the City needs to do. As far as the timing of the light, that is entirely up to the City. Councilmember Shields replied she was more worried about the widening of the streets or the longer turn lane, like Tom talked about. Engineer Folck responded she's confident the City would have the ability to do that. Kevin Mooney noted that when someone comes up on that intersection from Scottsbluff and wants to take a right-hand turn onto Country Club Road, there's an area there where it's easy to do that, but if someone does that, they get a ticket because there's no designated lane there. He added that it would be very helpful if there was a lane there to improve the flow of the traffic.

Councilmember Weideman noted that the City put in sidewalks coming from Bellevue and then coming in from the Preserve. The ones coming from Bellevue were put in because there were kids running across the street and there was a fatality on that road from a child running across the street on that highway. If a right turn lane is put in, it would cut right into that sidewalk/pathway. She's a little concerned and doesn't know if there is enough space to put in a right turn lane going into that sidewalk/bike path from the north turning right onto Country Club. Engineer Folck responded that is something they would have to survey and do a lot more work to determine whether or not that would work.

Councilmember Weideman added the only way to make it safer is to see if the City Could get some additional space there somewhere; she doesn't know if that is even feasible because of the way that intersection is constructed. She also noted that the one where the frontage road is, there is no shoulder there *at all* so people that are bicycling... she holds her breath every time she's headed to Scottsbluff and there's somebody on a bicycle. She knows the City is working on a Safe Streets For All Project and she is sure that would be part of the planning when they look at that. She knows staff doesn't have an answer today, but those are some of her questions. Engineer Folck noted that the right turn lane would be in question but she thinks she can confidently say that the City can increase the length of the left turn lanes on Five Rocks Road and look at the timing of the light. Councilmember Weideman noted that coming from the north to the south, traffic should decrease a little bit once the bridge construction is completed. Engineer Folck responded, that is correct.

Administrator Heath added that the reason the sidewalk was put in between Bellevue and Country Club was to get people to cross at the intersection instead of at an unmarked spot. At least there is a controlled intersection there where they can push a button and hopefully get traffic to stop, rather than being down in the middle and not having any signal. The sidewalk was put in to direct people back to the intersection.

Councilmember Morrison commented that she heard people (at this hearing) say that in 20 years, it's going to be run down and it's going to look terrible. Addressing the audience, she stated "Probably all of you have lived in your homes for 20 years. Have yours gotten run down and looking shabby? If she (the applicant) puts as much money into her businesses, if it goes, as she would want to, why would she let that happen? That's going to be a lot of money. You people have kept yours up, what would make you think that she wouldn't keep hers up also?"

Councilmember Gillen asked what the City's process is of dealing with a lot of extra concrete and pavement with storm runoff and snow melt? Obviously if there's a parking lot, the snow has to go somewhere. Engineer Folck responded the City does have retention requirements, and they have already had that conversation with Eric, as the contractor, and if they get to the point of putting together their site plan, they are well aware that a good portion of that site is going to have to capture and retain additional runoff to make sure that doesn't run off onto another property further down.

Councilmember O'Neal asked (based on the comment about runoff), she didn't know if Engineer Folck had any idea about what that actually is (in that area), but would that take care of that? Engineer Folck responded that they won't be required to address the runoff issues for anywhere else in the neighborhood, only for the increased runoff from their development. The sizing of that retention is going to be based on their development *only*. Administrator Heath added that they do have storm sewer on the west side of Five Rocks on Country Club that drains north toward Bellevue, and then on the east side where the gentleman was commenting on, there is not adequate storm drainage there - which is typical for most parts of the city. Councilmember Gillen clarified that that shouldn't be any worse by this development; they should be able to contain their own runoff and/or snow. Engineer Folck replied that the City's retention requirements are pretty considerable, to the point that yes, it should take care of all their runoff and depending on how and where it's placed, potentially additional.

Councilmember Jackson stated that there has been quite a bit of talk about the fact that Buffalo Circle would be adjacent to this driveway and Mr. Schaneman's as well. How big of an issue is that going to be? Engineer Folck responded that she doesn't see that as being a huge issue. Again, noting the amount of traffic seen there, looking at that intersection handling 1400 cars an hour - with another 15-20 cars an hour, she really doesn't see that being a huge issue there. Councilmember Morrison questioned if it would even be an hour. Engineer Folck responded only during those peak hours. Whatever that number ends up being an hour, when looking at how much traffic is currently in that intersection compared to what could be generated by a development of this size, while yes it may end up being something different than what is currently proposed when the zone is changed, the sheer size of the property is small enough that she doesn't think anyone is going to see uses that... and all of the uses that would potentially have more traffic, like drive throughs and such, would have to have a Conditional Use Permit. Again, there is another layer of approvals and the City would have to know specifically how much traffic they think they're going to generate and then the City would be able to approve or deny it based on the specific proposal. Not all drive through restaurants are the same. A drive through coffee shop is not going to have the same amount of drive through traffic as a Chick-fil-A. Again, that's why it's a Conditional Use in that zone not a Permitted Use because the City will have a chance to address that if and when the time comes.

Councilmember Shields asked the applicant, Katie Smith, for clarification regarding having physical therapy and also a gym. Is the gym more for her physical therapy patients to use or is it going to be a larger gym that people would have memberships at? Mrs. Smith responded that as a Physical Therapist, she has always wanted to transition people into a healthier setting; going from physical therapy to showing them how to utilize the gym for their long-term use. She would open it up as a public gym as well. She doesn't know if she would cap the number or what she would do as far as that goes. It would not be a YMCA gym or 24/7; it would be smaller, probably 2000 square feet or less. It wouldn't be something huge but it would be a huge asset to the community and people who live close by. Councilmember Shields asked how many square feet for the whole building? Mrs. Smith responded around 10,000 square feet.

Councilmember Shields shared she is all for adding businesses to Gering but is concerned about the safety. She asked Engineer Folck if she feels Council has all the information they need to make a good decision because she wants it to be a win-win for the city and all of the residents that are concerned about it, that they can make sure it is safe, especially with the three entrances being so close. Does Council have all the information they need to

make a good decision (tonight)? Engineer Folck responded that she thinks short of doing a full-on engineering study that lasts months and months, this is as much information as the City is going to have. In looking at all of this, she doesn't think safety is a concern. She knows there are a lot of concerns about the pathway and the fact that it crosses that driveway and everything, but to her, it's similar to where the pathway crosses the street that leads to the golf course which also has a massive amount of traffic as well. It's no different than the U Street pathway crossing the driveway to the high school. At a certain point, she feels people who are walking and biking also have a responsibility to watch for those conflicts and "there is only so much we can do to limit that for people."

Councilmember Kinsey asked if they could reroute or protect the sidewalk with bollards, and other safety "stuff" as well. Engineer Folck responded that the pathway on Country Club is actually striped on the street; she doesn't believe there is even a sidewalk on that section, so they would be required to add a sidewalk; it wouldn't lead to anything for a while but... An unidentified person from the audience interjected stating that the pathway is on the sidewalk up until Schaneman's driveway and then it gets on his driveway to the street. Councilmember Kinsey asked for clarification that they could route it in a way that is safer if need be, or protected with bollards. Engineer Folck responded that they could. If they put up those little delineators for pedestrians like there are at the amphitheater, she's a fan of those. If that was the problem, that's something they could certainly look at. However, the only concern is that's not going to help when people are pulling in and out of a driveway.

With no further comments, Mayor Ewing closed the administrative record and the public hearing closed at 8:18 p.m.

1a. Council to accept or deny a protest submitted by Gering residents pursuant to City of Gering Zoning Regulations Article 2. Regulation Administration, 2.2.1.D

Mayor Ewing entertained a motion regarding a protest that was submitted by Gering residents pursuant to the City of Gering Zoning Regulations Article 2. Regulation Administration, 2.2.1. This would be in accordance with the City's Zoning Code, a protest that is signed by 20% of the property owners within 300 feet of the property being rezoned can be submitted to the City Council. If such a protest is received, the zone change must be passed by a three-fourths majority, not a simple majority. Staff has reviewed the petition and confirmed that it was signed by at least 20% of the property owners within 300 feet.

Motion by Councilmember O'Neal to accept the protest as presented in the packet. Second by Councilmember Kinsey. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Seay. Motion carried.

ORDINANCES:

1. Consider Ordinance No. 2158 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

Mayor Ewing pointed out to the Council and the public that the first motion of any ordinance is simply to introduce it. After Council approves introducing the ordinance, then they will consider approving or not approving the proposed zone change. In consideration of the protest that was accepted by the Council, he wanted to make it clear to Council and the public that there must be a minimum of six affirmative votes, or three-fourths of the Council, in order for the zone change to be approved, even if the ordinance were read three times at three separate meetings. The Mayor cannot create a super majority. He reminded Council to refrain from discussing the proposed zone change, regardless of the outcome, following this meeting.

Councilmember Morrison made a motion to introduce Ordinance No. 2158 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE

SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Seconded by Councilmember Kinsey.

Discussion: Councilmember Wiedeman clarified that this is just to introduce the ordinance. Mayor Ewing replied, yes.

Mayor Ewing called for the vote. "AYES": Shields, Gillen, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Seay. Motion carried.

Councilmember Wiedeman moved that the Ordinance be designated as Ordinance No. 2158 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, and that the ordinance be passed as read, which motion was seconded by Councilmember Morrison.

Discussion: Councilmember Shields asked for clarification if Council is voting on the ordinance. Clerk Welfi replied, this is to approve or not approve the ordinance; yes or no.

The Clerk called the roll. "AYES": Shields, Gillen, Kinsey, Morrison, Jackson. "NAYS": Wiedeman, O'Neal. Abstaining: None. Absent: Seay. Motion failed.

CLOSED SESSION: (Council reserves the right to enter into closed session if deemed necessary.) None.

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

Mayor Ewing stated the mic was open to anyone who wanted to address the Council.

Lisa Weborg, 10580 Road 88, Bridgeport NE: Mrs. Weborg asked if Katie was approved or denied? Mayor Ewing replied that it was denied. Mrs. Weborg stated she was speaking as a business woman. She spent the morning with Annie Folck. She noted that she had a lot of questions and a lot of concerns. She owns two businesses, Weborg 21 Center at 2625 10th Street and 2605 10th Street. There has been a lot of commotion behind her facility and it did not come to Council. As a business owner, she was not notified. She stated that Jean Bauer commented on the assumption of what was going on behind the property. She was also told that she didn't need to be notified because it was already a commercial property. She purchased those properties with the view in mind; she has an outside venue for weddings, and she has three brides that she is now going to contact because of the dirt work, the construction that's going on behind her property. She thinks "In your wedding photos, you wouldn't want to have 30-40 vans there." But her business wasn't concerned. She stated to Katie Smith, that she feels like sometimes as a business woman or a person that does business in Gering, she feels all the time that she doesn't get the support that she would like to get from the City. She talked to Annie about a grant that was on 10th Street in Gering that she couldn't apply for even though at that time she had three businesses on 10th Street. But she wasn't allowed to apply for that grant because it was only a portion of 10th Street. She had a house for a while in Gering where people in the audience are talking about. She sold it for pennies on the dollar because of the fact of the water issues up there. There's a lot of issues up there. She asked if she was correct in thinking that RR stands for Residential and Rural. Engineer Folck responded that RR is Rural Residential, correct. Mrs. Weborg continued that if Mr. Schaneman wanted to put a pig farm up there, he could do it and he wouldn't have to tell any of "you guys" that there was going to be animals living there. A pig farm versus a nice facility that could improve our tax dollars. She shared that she has children and 20 grandchildren and was "vacillating back and forth." She stated that being in Annie's office today, that woman knows what she is doing. She (herself) can't go through all those 40 pages of paperwork that contractors give and answer all those questions. But as a business owner, she is very disappointed that this did not get passed for certain reasons because she feels like all the... she (Annie) did her job. As a business owner, she was really disappointed that her businesses weren't important enough, that she didn't get notified, that she found out because of gossip in town. She went to the City office on Friday but didn't realize it was Arbor Day and the City was closed, so she made her appearance today. She thanked Council for their time.

Russ Reisig, 60108 Hwy. 26, Mitchell, NE: Mr. Reisig asked if Council did not have seven votes tonight. Mayor Ewing replied that they had to have six to make a (super) majority. Mr. Reisig clarified "You wanted three-fourths, didn't you?" That's what he was told, he sat there and it said three-fourths; five out of seven is three fourths. Clerk Welfl clarified three-fourths of the elected officials. Mr. Reisig stated Council was short a voter; if they had another person then it would be correct. Mayor Ewing replied correct, one was absent this evening. The gentleman asked "Don't you back it down to where you'd actually do three-fourths of the vote?" He added if there were two people absent, there's no way it could ever pass. That was not how he has seen things done; usually it would be a count of what "you" have and divide by percentages of who's present to vote and five "yeses" out of seven would be three-fourths of the vote.

ADJOURN:

With no further comments, Mayor Ewing entertained a motion to adjourn.

Motion by Councilmember Gillen to adjourn. Second by Councilmember Kinsey. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Seay. Motion carried.

Meeting adjourned at 8:31 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor