

CITY OF GERING

PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY, DECEMBER 16, 2025 AT 6:00 P.M.** IN THE GERING CITY HALL COUNCIL CHAMBERS, 1025 P STREET, GERING, NEBRASKA.

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

Call to Order and Roll Call

1. Pledge of Allegiance
2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14, As required by State Law, public bodies shall make available 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 Chairperson or Vice-Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.
3. Approval of Minutes of the September 9, 2025 Special Planning Commission meeting
4. Current Business:
 - A. Public Hearing to consider amending the City Zoning Ordinance and modify the land use table to provide for appropriate zones for recreational vehicle habitation
5. City Engineer Report
6. OPEN COMMENT: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.
7. Adjourn

THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING PLANNING COMMISSION SPECIAL MEETING, September 9, 2025

A special meeting of the City of Gering Planning Commission was held in open session on September 9, 2025, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Alvizar, Hauck, C. Kaufman, T. Kaufman, Keener, Miles, Taylor and Waterman. Absent: Crews. Also present were City Engineer Annie Folck, City Administrator Pat Heath and Secretary Karen Heins. 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.

Call to Order and Roll Call:

Chairman Miles called the meeting to order at 6:00 p.m. and noted that a quorum of the Planning Commission was present and business could be conducted.

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14

Chairman Miles 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 Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the August 19, 2025, regular Planning Commission meeting

A motion was made by Commissioner Keener to approve the minutes of the August 19, 2025 regular Planning Commission meeting. Seconded by Commissioner T. Kaufman. There was no discussion. The Secretary called the roll. "AYES": Waterman, Taylor, Keener, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstain: None. Absent: Crews. Motion carried.

4. Current Business:

A. Public Hearing to consider Conditional Use Permit for a Racetrack and Casino to be located in the SW ¼ of Section 11, Township 21 N, Range 55 W of the 6th P.M., Scotts Bluff County, NE, aka 140777 Highway 71.

Chairman Miles opened a public hearing at 6:03 p.m. to consider a Conditional Use Permit for a Racetrack and Casino to be located in the SW ¼ of Section 11, Township 21 N, Range 55 W of the 6th P.M., Scotts Bluff County, NE, aka 140777 Highway 71.

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

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|------------------|-------------------------------------------------------------------------------------------------|-------------------------------------|--------------|
| To: | Planning Commission | Date: | 9/9/2025 |
| From: | Planning & Community Development | Zoning: | AG |
| Subject: | Recommendation & Report - Conditional Use Permit, Casino Resort and Racetrack | Property Size: | 104.67 Acres |
| Location: | PT SW ¼ (N of ROW) Section 11 Township 21 Range 55 W of 6 th P.M., AKA 140777 Hwy 71 | #Lots/Parcels: | 1 |
| Owner: | Prairie Thunder Gering, LLC | City Council Public Hearing: | N/A |

Four years ago, the City of Gering received an application for a conditional use permit (CUP) from Prairie Thunder Gering (PTG) to construct and operate a 5/8-mile horse racetrack and a casino. The racetrack will be operated by Scotts Bluff Exposition and Racing (SBER). This CUP was originally approved on September 21, 2021. The City of Gering Zoning Code Section 2.2.2.H requires a project to have commenced within one year of approval, or the approval is void, unless the applicant requests an extension. A one-year extension was requested and granted at the Planning Commission meeting on July 19, 2022. That CUP expired on September 21, 2023, as due to a delay in obtaining a license from the State of Nebraska Racing and Gaming Commission, the applicants had still not begun construction. The City's Zoning Code only allows for a one-time extension of up to one year; thus, the applicant applied for a new Conditional Use Permit for the same project, which was granted on September 19, 2023. They were granted another one-year extension on August 20, 2024. However, the Nebraska Racing and Gaming Commission has still not acted on their application, so construction on the project has not begun. Because the CUP cannot be extended again, the applicant is once again applying for a new Conditional Use Permit.

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

While in the initial year after construction there may only be one race day held, over the next four years the plan is to hold five race days a year, increasing to fifteen race days starting in 2031. Races would likely occur during June and July with multiple races per day. For each single race, it is estimated that there would be 500 visitors. Once there are three race days, they estimate 2,000 people, and for concerts and other event days, they estimate upwards of 3,500 people. On race days, operations would begin at 7 a.m. with training time until 10 a.m. The first post time would be 2 p.m. Each race lasts about 14 seconds.

A casino resort would be constructed in conjunction with the horse racetrack. The casino resort would operate 24 hours a day year-round. The casino resort would consist of a 50,000 square foot gaming facility complete with 650+ electronic games, 20 table games, Draft Day Sports Lounge for sports

wagering and simulcasting, show lounge with live entertainment, a 160-room hotel, indoor/outdoor pools, a 15,000 square foot Convention Center, three restaurants including Ruthie's Steak & Seafood, a travel center with semi-parking, an RV Park, and additional acres for future development. Approximately 300 full-time and part-time employees are expected to be hired to staff the facilities that are part of this project.

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

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

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

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

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

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

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

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

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

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

1. A development agreement will be executed whereby PTG agrees to the following:
 - a. PTG will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City’s system in two locations: Five Rocks Road and 14th Street. All water lines installed will be a minimum pipe size of 8” and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7th Street and Highway 71. The sewer line must be a minimum of 8”. The City will be responsible for any oversizing costs above 8”.
 - b. PTG shall pay to extend utilities to the southwest and southeast corners of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
 - c. PTG will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City’s Zoning Code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.

- d. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
 - e. Stormwater retention will be provided in accordance with Ordinance 2040.
 - f. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow.
 - g. Amplified sound shall not create a nuisance and be directed away from nearby residential development.
 - h. Building materials and facades shall conform to the renderings that are included as part of the application.
 - i. The property shall be annexed after utilities are extended to the property.
 - j. PTG will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. This will include the most likely and most feasible primary entrance to the Casino as well as auxiliary entrances. PTG will share the results of the traffic study with the City. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by PTG.
2. SBER must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.
 3. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.
 4. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.
 5. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.
 6. PTG will provide traffic control as requested by the City on race days and for other special events.
 7. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).
 8. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.

MOTION

Approve

Approve Resolution 9-25-1 granting a Conditional Use Permit to Prairie Thunder Gering (PTG) to operate a Horse Racing Track and Casino Resort at 140777 Highway 71 with the following conditions:

Deny

Deny Resolution 9-25-1 granting a Conditional Use Permit to Prairie Thunder Gering (PTG) to operate a Horse Racing Track and Casino Resort at 140777 Highway 71 for the following reasons:

Table

Table Resolution 9-25-1 granting a Conditional Use Permit to Prairie Thunder Gering (PTG) operate a Horse Racing Track and Casino Resort at 140777 Highway 71 for the following reasons:

Chairman Miles noted that, in order to ensure everyone had an equal opportunity to speak, a five-minute time limit would be imposed for individuals wishing to address the Planning Commission. He added that a visible on-screen timer would be provided to help speakers track their time and adjust their comments accordingly.

City Engineer Annie Folck was asked to provide her report and recommendation. Ms. Folck stated that the City had received a new application for a racetrack and casino—similar to the proposals considered over the past few years. She explained that the original project was granted a Conditional Use Permit (CUP) in 2021. Under the terms of the CUP, the applicant had one year to begin construction or request a one-year extension.

An extension was granted in 2022; however, Ms. Folck clarified that only one extension is allowed before a full reapplication is required. This policy exists because plans often evolve over time, and the City must ensure that the most current version of a proposal is accurately reflected and aligned with current conditions. Changes in the surrounding area, such as new development, can also influence the City's assessment.

In 2023, the applicant submitted a completely new application, followed by a one-year extension in 2024. Ms. Folck noted that the project is now once again at the stage requiring a full renewal application. This process ensures that, should the Planning Commission choose to reapprove the CUP, all parties remain comfortable with the conditions outlined in the most current proposal.

Ms. Folck referenced a map of the proposed site, noting that it is located at the southern end of Gering. While the site is currently outside city limits, it falls within the City's extraterritorial zoning jurisdiction. She described the surrounding area, indicating that Kimball Avenue lies to the northwest, connecting with Five Rocks Road to the west. Robidoux Road borders the site to the south, specifically the segment between the Heartland Expressway (Highway 71) and Five Rocks Road. Highway 71 runs along the southeast side of the property, with 14th Street located nearby.

Ms. Folck stated that the applicants were present to provide an overview of their proposal and would begin by explaining the details of what they plan to build on the site. Following their presentation, she would review the staff's recommendations, including proposed conditions that would apply should the Commission choose to approve the CUP. These conditions are intended to help mitigate potential impacts on surrounding properties.

Ms. Folck advised the Commission that their options for the evening included approving the CUP with the staff-recommended conditions. She noted that the Commission could also modify any of those conditions based on new information or concerns raised during the meeting. She emphasized that this process is valuable because it allows for public input and the consideration of perspectives or issues that may not have been previously identified. Therefore, if the Commission wished to include additional conditions beyond those outlined in the staff report, they were free to do so. Alternatively, the Commission also had the option to deny the permit. She encouraged members to keep these possibilities in mind throughout the discussion, particularly if there were any elements they felt should be added to or changed within the proposed conditions.

Ms. Folck concluded her remarks by noting that representatives of the applicant were present both in person and via Zoom. She indicated that she would bring them up on screen and invited them to present an overview of their proposed development for the area.

Brian Jorde, representing Prairie Thunder Gering LLC (PTG), the owner and applicant of the property, greeted the Commission and the Public via Zoom and expressed appreciation for the opportunity to present the project. He stated that he would provide a brief presentation intended to address some potential questions and confirmed that the team would remain available to answer any additional questions following the presentation.

Mr. Jorde noted that joining also via Zoom was Sharon Hasselhoff, a representative from Elite Casino and Resorts with extensive experience in operations and gaming, who would be available to answer any gaming-related questions. Present in the room were Cynthia Smith, President of Scotts Bluff Exposition and Racing, who will oversee racing activities and race dates, and Brian Becker, a founding member of the Nebraska Quarter Horse Association, who plays an integral role in promoting quarter horse breeding and will be involved in the management and operations of the project.

With introductions complete, Mr. Jorde began his presentation, providing a high-level overview of the key elements of the proposed development.

Mr. Jorde stated that the current proposal is consistent with previous submissions and includes the construction of a 5/8-mile quarter horse racetrack. The permanent casino facility is planned to be approximately 50,000 square feet and will feature 650 electronic gaming machines, approximately 20 table games, a sportsbook, and a horse race simulcasting area. The broader development plan also includes a hotel with approximately 160 rooms, indoor and outdoor pools, a 15,000-square-foot convention center, and three restaurants.

He noted that the site location—previously shown during the meeting—was carefully selected after reviewing multiple options in 2021. The chosen site, outlined in red on the map, was ultimately determined to be the most suitable for the project. Zooming in, Mr. Jorde explained that the Heartland Expressway bisects the quarter section, with the primary development site encompassing approximately 105 acres, shown in blue on the map. In addition, PTG owns approximately 35 acres across the Expressway, which is intended for future development to support and complement the main project.

Mr. Jorde outlined the proposed phased approach for the project, beginning with Phase One. He explained that Nebraska law requires any gaming facility to be attached to and operated in conjunction with a racetrack within a race track enclosure. Therefore, establishing the racetrack is the first priority to qualify for gaming revenue opportunities.

Phase One includes the construction of a 5/8-mile racetrack, complemented by a 100-stall barn adequate for the initial year of racing, a test barn as required by regulations, and a temporary casino facility of approximately 20,000 square feet to support initial operations.

Phase Two would involve transitioning to the permanent casino facility previously described, including the larger casino, hotel, convention center, additional barns, and other supporting infrastructure to accommodate increased race days and expanded live racing activities.

To provide context and demonstrate the viability of this phased approach, Mr. Jorde referenced a case study of a similar project undertaken by the same team: the Ogallala Racetrack and temporary casino in Keith County. He shared photographs taken about a month before that casino's opening on August

19th, showing a 100-stall barn consistent with the proposed phase one, the 5/8-mile racetrack, and land reserved for future permanent development including the casino, hotel, and convention center. He also highlighted the temporary 20,000-square-foot casino facility, which is now operational, providing an actual example of the initial phase of this type of development.

Mr. Jorde shared several photos to illustrate the scale and size of the operation. One image showed the racetrack and rail in the foreground, with the temporary casino structure visible in the background. Another photo depicted patrons inside the casino enjoying the facilities on opening day. He also highlighted the sportsbook area, noting that similar amenities would be included in the permanent casino but expanded to approximately two and a half times the size. Another photo from inside the casino highlighted part of the gaming floor, with Mr. Jorde drawing attention to the women's restroom, describing it as "first class in all regards."

Shifting focus to the horse barns, he explained that the barn shown was just one of several that would eventually be built, as state statute requires the racetrack to host a minimum of 15 race days and at least 125 races annually starting in Year 8. The initial barn includes 100 stalls, and a photo taken about a month before its completion illustrated the high quality of the construction, with no expenses spared.

Regarding the project's second phase, Mr. Jorde referenced the team's partners, Elite Casino and Resorts, noting they were also behind the development of the permanent facility now open in Grand Island. He noted that this project serves as a clear example of what is planned for Gering, including a casino floor, convention center, hotel, rooftop restaurant, and all necessary supporting facilities.

He concluded by emphasizing the proven track record of success for the team, expressing confidence that with the proper procedures, permits, and approvals in place, the project would move forward successfully. He added that they were excited to be partnering with Elite Casino and Resorts on this endeavor.

Transitioning to numbers associated with this project, Mr. Jorde began by explaining the financial structure mandated under Nebraska law, which requires that 20% of a casino's gross gaming revenue (GGR)—defined as total gaming revenue with no deductions—be paid monthly for specific public purposes. Of that 20%, 70% is allocated to property tax credit relief, which Mr. Jorde estimated would amount to approximately \$7 million annually from the permanent casino. "This is a direct reduction in property tax bills," he noted, "literally relieving the tax burden that all of us have come to know as Nebraska property owners."

He emphasized that the City of Gering would also directly benefit from the project—but only after annexation, which he clarified is a required condition for moving forward. "I've heard some chatter that the City won't receive tax revenue because the property isn't currently within city limits. But this project only proceeds if the property is annexed into the City." Once annexed, Mr. Jorde projected that the casino would generate approximately \$1.25 million annually each for both the City of Gering and Scotts Bluff County, continuing indefinitely as long as the facility operates at expected levels. He also noted that this gaming revenue would be in addition to new property taxes from the development of a \$100 million facility, as well as payroll taxes and increased employment.

The employment impact was another key highlight. Mr. Jorde stated the project is expected to generate between \$4.25 million and \$4.5 million in new annual payroll, plus benefits, supporting approximately 150 new jobs. Of these, around 60 would be part-time positions, which he said have proven attractive in other communities for individuals seeking flexible evening or weekend work in addition to existing jobs. The operation will run five daily shifts, including three 8-hour shifts and two swing shifts with fewer,

more flexible hours. He added that, based on experience from similar projects, employees are typically drawn from within a 60-mile radius, a trend expected to hold true for the Gering facility.

Finally, Mr. Jorde pointed out an opportunity for local investment, noting that, “If you live in Scotts Bluff County and are a qualified investor, you’ll have the opportunity to invest in part of the ownership of this project,” He also pointed out that Elite has a long history of doing this—they’re a family-owned business, and this model helps ensure the community is truly engaged and supportive of the project.

Mr. Jorde emphasized that in addition to all those aspects, the development is also intended to be a family-friendly destination. He explained “Racing is available for families—there’s no age limitation—so everyone can come and enjoy the race day and other festivities.”

While access to the casino itself is restricted to those 21 and older, in accordance with Nebraska law, Mr. Jorde noted that the project includes outdoor spaces and amenities designed to appeal to all ages. Plans include concerts, performances, and other entertainment events held at the racetrack venue, often in coordination with existing local entertainment offerings. “We want to be a partner with the community,” he said, “not compete with those activities.”

Mr. Jorde then addressed the timeline and next steps. He explained that the team originally applied in 2021 and had hoped to begin construction in 2022, with the facility fully built out by now. However, like other racetrack and casino projects across the state, they remain subject to the approval and regulatory timeline of the Nebraska Racing and Gaming Commission, which has slowed progress.

Mr. Jorde noted that PTG was the first to apply for a new facility outside of Nebraska’s original six licensed racetrack locations, submitting their application on July 9, 2021. He acknowledged the extended delay, stating, “We have been waiting patiently year after year, and I know you and your community have been patient along with us.” He added, “We’ve been told repeatedly that once those original six are up and running, the review of our application—and others—will take place, and we hope that’s very soon.”

Mr. Jorde then outlined the remaining steps should the Planning Commission approve the CUP at this meeting. The next step would be for their racing partner, Scotts Bluff Exposition and Racing, to apply for a racing license. Once that license is granted, their gaming partner, Elite Casino & Resorts, would submit an application for a gaming operator license.

He emphasized the scale of commitment involved, noting that the gaming license comes with a non-refundable \$5 million fee, which Elite has already paid for similar projects in Grand Island and Ogallala, and is committed to do again for the Gering facility.

Concluding his remarks, Mr. Jorde expressed his appreciation and opened the floor for questions while stating, “We respectfully request a yes vote on our application.”

Ms. Folck asked the Commission if there were any questions for the applicant at that time.

Commissioner Hauck posed a question regarding the horses that would be involved in the racetrack operations. He asked whether the horses would be sourced locally or brought in from out of state.

Mr. Jorde acknowledged the question and indicated that Cynthia Smith, President of Scotts Bluff Exposition and Racing, would be best suited to respond.

Ms. Smith introduced herself as the President of both Scotts Bluff Exposition and Racing and Hastings Exposition and Racing. She expressed enthusiasm about the success of their operations in Ogallala and shared excitement about bringing a similar facility to Gering.

In response to Commissioner Hauck's question, Ms. Smith explained that the horses participating in their races came from a wide range of locations, including North Dakota, Oklahoma, Iowa, Colorado, and across Nebraska. She emphasized that Nebraska-bred horses are an important part of the racing program and shared a highlight from their recent meet in Ogallala, where a Nebraska-bred foal won the Nebraska-bred race for a Nebraska trainer and owner. She described the moment as an exciting milestone for their very first race at that track.

One of the main reasons horses are drawn from out of state, she explained, is because their races currently offer the highest average purses in Nebraska, with prize amounts ranging from \$18,000 to \$20,000 per race. This is significantly higher than many other general purse races, which typically fall between \$7,500 and \$10,000. Ms. Smith noted that this competitive purse structure makes their races more attractive to owners and trainers, both in Nebraska and beyond.

She also highlighted the strong interest coming from Colorado, due to the decline of racing opportunities in that state. Over the past year, their organization has received numerous inquiries from Colorado-based trainers asking when there will be races.

In addition, Ms. Smith shared that there is growing interest in foaling horses in Nebraska so that they can qualify as Nebraska-breds. This designation allows them to compete in specialized races such as futurities and derbies for two- and three-year-olds, and to access the incentives tied to the Nebraska-bred program.

Commissioner Hauck asked whether the races would involve quarter horses and whether Nebraska requires them to be Nebraska-bred.

Ms. Smith confirmed that all races would involve quarter horses. She explained that the Nebraska Racing Association serves as the registrar for those horses. A mare born in another state can be registered in Nebraska, and if she gives birth to a foal in Nebraska, that foal qualifies as a Nebraska-bred. Such horses are then eligible to compete in Nebraska-bred races and qualify for additional purse incentives associated with that designation. She also noted that Brian Becker, Secretary of the Nebraska Quarter Horse Racing Association, handles the registration process for mares and foals within the state.

Commissioner Hauck then asked whether the Gering proposal was in competition with a similar application in Kimball, or if Kimball was also pursuing a license for a comparable facility.

Ms. Smith responded that she could not speak to any plans or applications being pursued by Kimball and deferred to Mr. Jorde, who offered to address that point separately.

Mr. Jorde responded to Commissioner Hauck's question regarding whether the Gering proposal was in competition with a similar effort in Kimball. He stated that, to his knowledge, Kimball has not submitted an application for a racetrack and casino facility at any point over the past four years.

While he acknowledged that there had been "some talk or rumblings" about a potential project in Kimball, he emphasized that PTG has formally submitted an application and is actively pursuing the project. Mr. Jorde added that, in his view, Gering offers a superior location due to existing

infrastructure, services, and a larger surrounding population that includes Scottsbluff, Terrytown, and Gering itself.

He said “We feel we are in good standing,” and noted that their team already has a proven track record of success in Nebraska, including two operational casino facilities and a strong development partnership with Elite Casino & Resorts. He clarified that Kimball is free to submit an application in the future but has not done so to date.

Ms. Smith then added a comment highlighting the enthusiasm for their recent race event in Ogallala. While they had anticipated 800 to 1,000 attendees, nearly 1,800 to 2,000 people showed up. She noted that they partnered with a local barbecue vendor to provide free food for attendees and received overwhelmingly positive feedback from the community. Guests traveled from across the region, which was reflected in the variety of license plates observed. She added that the turnout was so high that local hotels reached full capacity, even requiring some of the project architects to return to the airport instead of staying overnight. While inconvenient for staff, she noted this as a positive sign for local tourism and hospitality, and said that the city was pleased with the economic activity generated by the event.

Commissioner Keener asked what types of community give-back programs have been implemented in other locations where the applicant has developed racetrack and casino facilities, such as Ogallala and Grand Island.

Mr. Jorde responded by thanking Commissioner Keener for the question and explained that, from the racing side, the organization operates as a nonprofit. As such, it does not distribute earnings to board members or officers, and is instead required to reinvest those funds back into the community. First and foremost, that reinvestment is through support of horse racing activities and infrastructure. He noted that because the Ogallala facility in Keith County had only been open for a couple weeks, he was not yet able to provide specific examples of community give-back initiatives. However, he emphasized that both their organization and Elite Casino & Resorts have already developed a strong relationship with Keith County officials and the local development community, and are committed to being active and supportive partners in the years ahead. He encouraged anyone with questions to reach out directly to the Keith County Development Office for further insight into the early impact and collaboration efforts.

Sharon Haselhoff stated that she is the Regional Vice President for Elite Casino & Resorts and provided additional context regarding the company's community engagement efforts. She introduced herself as being based in Larchwood, Iowa, and noted that she oversees operations at Elite's Grand Falls, Grand Island, and Lake Mac (Ogallala) properties.

Ms. Haselhoff explained that they have a strong tradition of community involvement at each of its locations. For example, at the Grand Island property, the company partners with a “Charity of the Month” program, where guests are invited to donate \$10 in exchange for \$10 in free slot play. The funds raised during the month are donated to the featured nonprofit, with the total varying depending on the level of community participation and outreach by the organization.

She also shared a recent example from Ogallala, where just two days after their first race, Elite presented a \$25,000 donation to the Ogallala Public School District to support athletic programming.

In addition to corporate giving, Elite encourages its employees to volunteer in their communities. The company maintains a pool of funds specifically designated for charitable contributions tied to employee volunteer hours. When an employee volunteers at least 10 hours, either through a company-sponsored

activity or independently (e.g., through a church or school), Elite donates to the charity of the employee's choice, allowing the employee to present the check on behalf of the company. She concluded by saying "We're very active in the community and it is a staple of our core to be involved in the community."

Commissioner Alvizar inquired about the facility's proposed operating hours, referencing materials indicating that the casino would operate 24 hours a day. He specifically asked whether those hours were subject to change and if the Planning Commission had the authority to place conditions on them—especially in light of local alcohol sales regulations, which prohibit sales after 1:00 a.m.

Ms. Folck confirmed that the Planning Commission does have the authority to place conditions on the hours of operation as part of the CUP approval. She clarified that, as currently written, the application does not include any conditions related to hours of operation, but those could be added at the Commission's discretion.

Ms. Haselhoff provided additional context regarding the company's typical operating schedule. She stated that at their Ogallala location, current hours are 7:00 a.m. to 3:00 a.m., and that full 24-hour operations typically begin only after the permanent resort and hotel are built. She noted that this was also the case in Grand Island, where the facility began with limited hours and transitioned to 24-hour operations once the full resort opened.

Commissioner Alvizar then followed up with a question about employment, referencing the applicant's earlier estimate of 150 new jobs. He asked the applicant to elaborate on how they plan to attract those workers, particularly in terms of wages.

Ms. Haselhoff explained that while wages are always a factor in recruitment, the 150 employees referenced would be for the temporary facility, which would operate with a limited number of table games initially. That number is expected to increase significantly as the project moves into its permanent resort phase, which will include expanded gaming, food and beverage services, and hotel operations.

Ms. Haselhoff provided a recent example from the Lake Mac property in Ogallala, where Elite hired approximately 120 employees for the temporary facility. Hiring began around July 4, and by the facility's opening on August 19, they had staffed between 110 to 115 employees, eventually surpassing 120.

She noted that when live table games are introduced, Elite conducts its own dealer training school and pays trainees during that period. This step adds to the staffing numbers, often pushing total employees above the 150 mark for the temporary facility. As the full resort is developed, including a hotel and convention space, employment is expected to rise to approximately 300 positions.

In terms of recruitment, Ms. Haselhoff stated that some employees may transfer from other Elite properties, particularly those looking to move up in the company. However, the company places a strong emphasis on hiring locally whenever possible, especially for key management roles, as having the right leadership in place is essential to successful long-term operations.

Before opening the floor for public comment, Ms. Folck noted that if there were no further questions for the applicant at that time, she would transition the meeting back to the staff report, adding that the Commission could still ask questions later in the meeting as needed. She then proceeded to provide her overview of the proposed site plan, which was displayed for reference.

She explained that when reviewing any request for a CUP or zone change, the first step is to refer to the City's Comprehensive Plan to determine what guidance and policies apply to the subject area. In this case, she cited several relevant policies from the Plan:

Policy 2.1.A: "The City will support the development of outdoor recreation and experiential tourism." Ms. Folck stated that the proposed horse racetrack aligns with this policy, as it represents a unique recreational opportunity in the Panhandle region. She noted there is currently nothing comparable between Gering and Ogallala.

Policy 3.2.B: "Focus commercial development in areas that have good transportation access and support the development of multiple uses." She noted it is important to ensure that a facility of this size is situated in a location that can support that demand without creating issues for surrounding roadways.

In this case, from a logistical standpoint, the proposed location is highly favorable. The site has access along 14th Street, Robidoux Road, and Five Rocks Road, all of which are capable of handling higher traffic volumes. Although direct access to Highway 71 is not permitted, these adjacent routes provide convenient and efficient connections to the highway, which is expected to serve as the primary access point for out-of-town visitors.

That said, Ms. Folck continued to say that staff does have some concerns regarding the proposed entrance on 14th Street. These concerns have already been discussed with the applicant, and at this point, that access point remains tentative and subject to change. As a result, one of the recommended conditions of approval includes the requirement that a traffic study and necessary traffic improvements be completed. But as far as the roadways in the area, staff finds this area is very conducive to a use like this.

She continued to note other policies in the Comprehensive Plan that are relevant.

Policy 3.2.F: Emphasizes the importance of "enhancing Gering's gateways and creating a common vision for the areas." As such, the appearance and design of the facility will be essential. Renderings provided by the applicant were shown in the agenda packet. While the Gering facility will likely be similar to those in Ogallala and Grand Island in materials used and look of design, it is not expected to be as tall.

Policy 3.2.H: Calls for "steps to improve the appearance of the community." Portions of the site—particularly along Kimball Avenue—contain obsolete and deteriorated irrigation structures and steep, eroded slopes. These existing conditions are not visually appealing. Site cleanup and aesthetic improvements will be required as part of the project and are included in the conditions.

That said, Ms. Folck noted some concerns related to the surrounding area. As shown on the map, there are currently undeveloped properties to the east, south, and west of the proposed site, with an existing residential neighborhood located to the north of the facility. In evaluating the appropriateness of this site for a commercial use of this scale, staff referred to the City's Comprehensive Plan. While the Plan designates a commercial node at this intersection, the scale of the proposed development likely exceeds what was originally envisioned. However, given the context and the framework of the Plan, staff believes the location remains appropriate for commercial development of this nature.

The Comprehensive Plan's guidance for the southwest Gering neighborhood district also supports consideration of mixed-use development along arterial and collector streets. It states that mixed-use along arterial/collector streets as well as important intersections may be appropriate...transitions from the commercial activity node to nearby residential will be an important consideration.

Thus, in the recommendations, staff is advising the Planning Commission to carefully consider how potential impacts—such as increased traffic, lighting, noise, and stormwater runoff—may affect the surrounding neighborhoods.

Another consideration is the City's anticipated future growth in this area. Since the proposed site is located on the outskirts of town, staff emphasized the importance of ensuring that necessary utility and transportation infrastructure to support long-term development is included as part of this proposal. Although the site will have access to existing city utilities, care must be taken to ensure that future developments to the south, southeast, and southwest are provided equal opportunity for access as well.

Specifically, staff recommended that utility extensions not be limited to the nearest side of the property. Doing so would create challenges for extending services further south in the future, potentially requiring costly leapfrogging of infrastructure. To avoid this, staff recommends requiring the applicant to extend utility lines to the far side of the property to allow for future growth.

Ms. Folck noted that one of the challenges with applications of this scale is determining which comes first - the classic "chicken or egg" question: should applicants be required to provide a detailed engineered site plan before zoning approvals are granted, or should zoning approvals come first to justify the significant investment of time and money needed to develop those plans?

In this case, it is difficult for staff to approve with the current site plan being very conceptual and lacks important details—such as grading, utility layouts, and other design elements. However, consistent with what the City agreed to in previous years, staff is recommending that if the zoning approval is granted, the applicant would still be required to go through the City's development plan review process, as outlined in Section 2.2.4 of the Gering Zoning Code. This means that prior to issuance of any building permits, the applicant must submit a detailed site plan for review and approval by both the Planning Commission and City Council. This process ensures that if any concerns arise following this meeting—whether related to site layout, traffic impacts, stormwater management, or other elements—there will be another opportunity for the City to evaluate and address at that time. By that stage, the applicant will have completed their traffic study and any other technical assessments required as part of the conditions of approval. Staff noted that this additional oversight is essential to ensuring a healthy development that aligns with the City of Gering's long-term growth objectives.

With that, Ms. Folck proceeded to present the conditions staff recommended for approval of the CUP. Again, she noted that Planning Commission members are welcome to propose additional conditions based on tonight's discussion or amend any of the proposed items as they see fit. She noted the first recommendation is that the applicant would execute a development agreement with the City whereby PTG would agree to the following:

- PTG would be responsible for all necessary utility improvements to bring water and sewer to the property.
- Water is available on Five Rocks Road and 14th Street. The City would require them to loop that because best practice is to not have dead ends to ensure good water quality and good fire flows; so the water would have to be looped and it would also have to go to the farthest end of the property. The sewer would have to be extended from the sewer interceptor located at the intersection of 7th Street and Highway 71 and that would have to be a minimum of eight inches as well.
- PTG would be responsible for extending the sewer line to the farthest point of the property to accommodate future development in the surrounding area.

- Landscaping would also be required along Highway 71, Five Rocks Road, and Kimball Avenue, consistent with the standards outlined for the C-1 zone, despite the property remaining zoned AG. While landscaping is not typically required in the AG district, staff believes that a development of this scale and visibility warrants appropriate landscaping.
- There is a condition to remove all old irrigation structures and to regrade and vegetate the slopes along Kimball Avenue. Additionally, stormwater retention will be required. While this is not currently shown in the site plan provided, it will be reviewed in detail during the development plan review process.
- Lighting is always a concern. A condition has been included requiring that all lighting shall be LED, shielded, and directed downward to minimize glare, light trespass, and sky glow. Special attention will be given to prevent light trespass into nearby homes, ensuring that lighting does not become a nuisance or negatively impact neighboring properties.
- Amplified sound is another concern. As a condition of approval, amplified sound shall not create a nuisance and must be directed away from nearby residential development. This issue would also be reviewed in the development plan process, at which time the specific locations of loudspeakers must be provided to ensure mitigation of sound impacts on surrounding neighborhoods.
- Building materials and facades shall conform to the renderings that are included as part of the application.
- The property shall be annexed after utilities are extended to the property.
- PTG will be required to conduct a traffic study to evaluate the potential roadway improvements necessary to accommodate the anticipated increase in traffic. The results of this study will ultimately determine the location of the main entrance to the facility. If the primary entrance is located on 14th Street, which is currently an unpaved road, the City may require the applicant to pave the entire street from the Expressway to intersection with Birch Street to mitigate issues related to dust, road conditions, and increased traffic volumes. Alternatively, if the 14th Street entrance is limited to access to barns, used primarily by pickups and horse trailers, then the City would allow paving only from the Expressway to the driveway. These conditions are intended to ensure the surrounding area is not negatively impacted by the development. Regarding neighborhoods, if the traffic study shows that improvements like a turn lane on Five Rocks Road are needed, PTG will be responsible for paying for those upgrades. It should not be expected for the City to make those improvements.

In addition to the development agreement, a few other conditions are being required:

- Scotts Bluff Exposition and Racing (SBER), the applicant's racing partner, will be required to obtain all necessary racing and gaming licenses from the Nebraska Racing and Gaming Commission. They must also comply with all conditions of those licenses, as well as any applicable local, state, and federal regulations.
- The property must be kept well maintained with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.
- There is a requirement that all landscaped areas must include irrigation. In western Nebraska's climate, simply using low-water or drought-tolerant plants is often not sufficient to ensure successful establishment and long-term viability. At a minimum, a drip irrigation system is typically necessary. The conditions specify that plant materials must be primarily drought-tolerant, native, or well-adapted species—similar to those used in the Plaza. This does not mean limited choices like cactus or yucca, but rather that thoughtful, climate-appropriate plant selection should be made to ensure an attractive and sustainable landscape.
- There is a requirement that building plans be submitted to the Nebraska State Fire Marshal prior

to the start of construction. All applicable fire suppression and life safety code requirements must be met. This condition was included at the request of the Gering Fire Department.

- Another condition requires that PTG provide traffic control on race days and during other special events, as requested by the City. This would be similar to the traffic management provided after large events at the Five Rocks Amphitheater, ensuring attendees can safely and efficiently exit the area. PTG would either be responsible for coordinating traffic control or contracting with the City for those services, but in either case, the City would not be expected to provide traffic control at no cost.
- Signage for the development will be required to comply with the City of Gering's sign regulations.
- Additionally, as previously discussed, the issuance of the CUP will be contingent upon review and approval by both the Planning Commission and City Council through the development plan review process, as outlined in Section 2.2.4 of the City's Zoning Regulations.

Ms. Folck concluded by reiterating that when evaluating any proposal, decisions must be grounded in planning principles and property rights—not personal opinions about the proposed use. Under Nebraska law, the City cannot deny a legal land use solely based on liking or disliking the use (i.e., do we like casinos, do we want a casino, etc.). Rather, the key consideration is whether the proposed use is appropriate for the specific location and what reasonable conditions should be applied to minimize potential impacts on surrounding properties.

With that, she noted there were members of the public present who wished to speak, and also acknowledged receipt of a letter that needed to be read into the record. She then asked if there were any further questions for her from the Commission.

Chairman Miles asked a question regarding stormwater retention. Based on his review of the site map and his experience with new construction projects and retention, he noted that the only area appearing large enough to accommodate stormwater retention was the center of the racetrack. He inquired whether that area could be used for that purpose and asked how a similar issue had been addressed at the Ogallala facility.

Mr. Jorde responded that it was a great question and confirmed that the Ogallala facility is designed to utilize the infield of the racetrack for stormwater retention. He explained that the infield represents a significant green space that would otherwise remain unused. While he was not personally involved in any negotiations related to variances for that facility, he noted that, in his experience working with engineers who specialize in this area, the infield is often used for runoff and staging excess water. However, he could not provide specific details if Ogallala required anything out of the ordinary.

Ms. Haselhoff added that nothing out of the ordinary was required for using the infield as a stormwater retention area. She explained that the specific location of such retention areas typically depends on the grade of the land and the flow of water across the site. Multiple individuals and engineering firms are usually involved in determining the best path to be successful long term.

Commissioner T. Kaufman asked whether there had been any changes to the site plan or overall project design after completing the two previous facilities. He was interested in how much the design evolved from the initial concept to the final product, particularly after conducting traffic studies and beginning construction.

Ms. Haselhoff responded by noting that there are always slight changes made to the site plan as a project progresses because each property has its own unique differences. While there is an initial vision for the development, factors such as land, grading, and specific site conditions can necessitate

adjustments. Elements like entrance locations and the results of traffic studies often influence the final layout to ensure the project is designed in the most efficient, effective, and safe manner to build. She emphasized that they rely on the expertise of their hired professionals to guide those decisions, while also incorporating any conditions imposed by the city or county throughout the process.

At this time, Chairman Miles asked the members of the public if interested in addressing the Planning Commission to come to the podium and remember to speak into the microphone, state name and address in addition to writing it on the notepad provided.

Public Hearing

A Point of Order was called from the audience. Mr. Morgheim addressed the Commission, noting that the public turnout was strong and reflective of the community's interest in the matter. He emphasized the importance of free speech under the First Amendment and urged the Commission to consider allowing members of the public to speak for longer than the five-minute time limit, provided they remained on topic. He stated that, given the significance of the issue and the number of people in attendance, it did not seem appropriate to limit the time individuals could speak.

Chairman Miles responded, acknowledging the importance of public input. He explained that time limits are imposed to ensure that everyone has a fair opportunity to speak. While the standard limit was previously three minutes, he had already extended it to five minutes. He confirmed that the five-minute limit would remain in place and reminded attendees that speakers would be heard one at a time.

Before public comment officially began, an individual from the audience interjected with a question regarding local wages. The individual inquired whether the wages offered by PTG would be comparable to those paid in Ogallala and Grand Island, specifically for the average employee.

Ms. Haselhoff responded, explaining that wages can vary depending on the timing of when hiring occurs and when the project moves forward. However, she noted that the average hourly wage is typically in the \$18+ range, while the average salary range is around \$70,000.

Robert Rahmig, 240495 CR T, noted that he has been working with the Kaufman family for over 25-30 years. He shared that they have rented corn stalks in that area. He described the property as uneven, with a 20-foot hill in the middle that would require extensive landscaping.

He explained that they farm just east of the proposed site and that there's a tile line running underneath the property. Their head gate sits on the farm to the west and supplies water through that line to several nearby farmers. He raised concerns that digging, landscaping, or relocating utilities like water and sewer could affect that line. He questioned who would be responsible for those expenses.

He shared his concerns regarding traffic. He runs cows in the winter time and noted it is hectic to get back and forth across Highway 71 with 200 head of cows at any given time so increased traffic is going to definitely impact his work. He further said the farm machinery is a moot point as you can still get around it usually, but it's going to definitely impact when they can move and how they move. He explained moving cattle through the area around the proposed site during the winter months, from November through March. He noted that he tries to begin grazing earlier in the season — around November or December — and grazes everything into D Street in Gering, clear south to County Road W – Wright's Gap – to Rifle Site Pass Road and other nearby roads. He has cows and stalks all along there, but with the proposed casino project, he anticipates needing to adjust how and when they move livestock in the area.

Mr. Rahmig also expressed concern with the project moving forward despite votes against it. He emphasized that irrigation and farming activities continue east and southeast of the proposed development, and hoped those realities would still be taken into account as it affects their livelihood.

Mr. Rahmig also raised a question about the potential financial benefit of the proposed development to the local school district. He referenced a recent \$43 million school bond issue that had failed and asked whether any revenue from the casino would support school construction or operations. He noted that, according to information shared at a recent school board meeting, approximately 56% of local property tax revenue currently goes toward school operations. He questioned whether the casino would help offset that burden and reduce pressure on local taxpayers.

In addition, Mr. Rahmig expressed concerns about social impacts of a casino, citing potential drug and alcohol abuse, as well as gambling addiction. He emphasized his concerns were not solely about the location but the impact this development would have on places citizens inhabit. The proposed location is effectively “in our front yard, not even our backyard, but our front yard.” Finally, he reiterated earlier comments regarding the land itself, stating that while maps may show the site as flat, it is in fact uneven.

Commissioner Keener raised a question regarding the irrigation concerns voiced by Mr. Rahmig. He asked whether someone from the property ownership group could address how the project might affect irrigation in the area.

Ms. Folck responded, stating that irrigation impacts would be addressed during the development plan review process. At that stage, detailed engineered plans would be submitted, and the applicant would be required to coordinate with the irrigation district — in this case, Gering Irrigation. She noted that the irrigation district holds easements through the property, and any work affecting those easements would require their approval. Ms. Folck emphasized that staff would ensure continued access to irrigation for all affected properties and noted that, legally, there is no way for the applicant to discontinue water access for properties to the east.

Tim Anderson, 150 Kimball Avenue, stated that his property is located directly behind the proposed development site and that he currently has a clear view of the Wildcat Hills — one of the reasons he chose to live there. He expressed concern that the new facility would block that view and he would be looking right down into their facility. And it could potentially impact his property values. Mr. Anderson noted he is on a private well and asked whether the facility would be on the City of Gering’s water system. Ms. Folck confirmed that it would.

He also voiced concerns about increased traffic on Kimball Avenue, Five Rocks Road, and Highway 71, stating that he had moved to the area because it was quiet with limited access. He questioned how tall the buildings would be and mentioned he had not closely reviewed the plans but was concerned about what would be built behind the facility noting it looks like barns. He reiterated his biggest concerns are related to traffic and water. Mr. Anderson also emphasized that any related costs should be covered by the developer, not Gering taxpayers, as the project would be expected to generate significant revenue.

Julie Schaff, 2511 2nd Avenue, Scottsbluff, spoke next as a representative of the Buckboard Therapeutic Riding Academy. During her remarks, she referenced the location of the Academy on the map displayed at the meeting, emphasizing the importance of ongoing mitigation efforts to ensure the safety of the vulnerable population the organization serves.

Ms. Schaff highlighted that Buckboard Therapeutic Riding Academy has operated for 28 years without a serious accident. She attributed this record to careful horse selection, prioritizing horses with a

temperament suited for working with a vulnerable population. She described the unique and sensitive work of the Academy, including lifting children with low muscle tone from their wheelchairs onto horses, enabling therapeutic experiences that she characterized as "magic."

She explained that the Academy's horses are specifically desensitized to what are commonly referred to as "spooky objects"—anything that moves or makes unexpected noise, which could startle a horse and potentially unseat a rider. To mitigate this risk, Ms. Schaff emphasized the importance of maintaining visual barriers along the property line to prevent such distractions from being seen by the horses. While she acknowledged uncertainty regarding how to address potential issues with amplified sound, she stressed the importance of protecting the safety of the vulnerable individuals the Academy serves, as shown in the photos she provided in her handout. Speaking from experience, she noted that those familiar with horses understand these concerns and expressed confidence that ongoing dialogue with them would lead to collaborative solutions.

Ms. Schaff went on to emphasize the importance of the casino developers also having a mindset that recognizes and prioritizes the safety of the vulnerable population served by the Academy. She expressed hope that those involved would understand the need to maintain both the safety and the quality of the experience offered to the riders, and stated her belief that such cooperation was likely. She reiterated the Academy's desire to remain "on the front page" due to its close proximity to the proposed development. Ms. Schaff also noted that, historically, Buckboard Therapeutic Riding Academy has always operated in a country setting—first outside Bridgeport and then outside Gering. The shift to a more developed area presents new challenges, and she stressed the need for close collaboration moving forward. She concluded, "We are happy to do that. We want to be good neighbors, but we just absolutely must insist on the safety for our children and our vulnerable population because a horse is a horse, they're going to do what they're going to do. So, we're going to need to mitigate."

Chairman Miles then inquired about the Academy's hours of operation.

Ms. Schaff explained that the hours vary. During the school year, sessions are typically held from 4:00 to 6:00 p.m. In the summer, they take place in the mornings also, Monday through Thursday. Sometimes on Fridays, they bring in children from Northfield (Elementary) and Torrington. She noted these hours may increase in the future. The Academy hopes to expand its services, possibly offering more daytime and evening sessions. While she couldn't share full details yet due to pending grant applications, she noted that any evening programs would likely involve a less vulnerable group of riders.

Commissioner C. Kaufmann noted that the handout included images of both indoor and outdoor riding. She asked for clarification, inquiring whether the Academy primarily rides indoors, outdoors, or both. Ms. Schaff thanked her for the question and explained that while the Academy does have indoor riding, they keep a large double garage door open whenever possible, giving horses visibility to the outside. She added that they also use the outdoor area for riding.

Commissioner Kaufmann commented that, as her husband farms that land and they are frequently in the area, she has rarely seen horses outside. Ms. Schaff acknowledged the observation and agreed, explaining that the Academy is currently in a staffing transition, which has limited outdoor activity. However, she noted that the board is actively discussing increased use of the outdoor space. One of their service lines could eventually include three round pens outdoors, which would allow for expanded use—particularly for the less vulnerable population.

Kay Helberg, 210114 Floral, addressed the Commission about concerns with traffic near her property. She said that if 14th Street is used for access, she would like it to remain a private road. She explained that drivers already use it as a shortcut to ball fields and schools, often speeding at 45–50 miles per hour, especially over the hill. Ms. Helberg suggested the road be limited to private access only with a 15-mph speed limit, to reduce the public traffic through there. She added that if traffic increases, it will be very hard to get in and out of driveways and suggested a "No Outlet" sign on Floral Avenue. She noted that she has a shop at that location with a wide driveway, and has observed people frequently congregating or using the driveway to turn around, including with horse trailers. This activity often triggers sensors and cameras and creates ongoing issues. She expressed concern that if nothing is done, and there is increased traffic, the road could become a bigger issue.

Commissioner Keener asked Engineer Folck to confirm whether the traffic study would include 14th Street, and Ms. Folck said yes.

Steve Lovelidge, 1405 N Street, addressed the Commission and shared that he served as a probation officer for the State of Nebraska for 39 years and indicated that he has dealt with a lot of addiction. He emphasized that gambling is a form of addiction, and from his conversations with others, he believes the primary motivation behind the proposed development is not the racetrack, but rather the introduction of a casino and gambling. Mr. Lovelidge expressed concerns about the impact of gambling, stating that it can threaten public health, lead to increased mental illness and suicide, and potentially drive individuals into poverty. He stated that gambling addiction can damage personal relationships, break down families, negatively impact financial stability, and may also contribute to crime and theft in the community.

Mr. Lovelidge recalled when gambling first became available in the area and shared recollections of seeing some of his clients spending large amounts of money in hopes of winning big. He noted that people gambling at these harmful levels, generate about 60% of losses. He noted that each high-risk gambler affects an average of six other people. Mr. Lovelidge emphasized that gambling, like alcohol and drug addiction, is a disease.

He questioned whether the primary focus of the project is truly on horse racing, or if the real emphasis is on bringing in the casino and expanding gambling. He shared that, based on what he has heard from others across the state, the push appears to be centered more on gambling than racing. He expressed concern for those lobbying for increased gambling access and that such leads to higher crime rates.

Mr. Lovelidge asked whether anyone had reviewed the impact of gambling in other Nebraska communities. Noting that Ogallala's casino had just opened, he specifically questioned whether Grand Island had seen increases in crime, alcohol use, or drug-related issues since the introduction of casino gambling there.

He stated clearly that he did not want to see a casino in Gering. He added that with a casino already operating in Ogallala, another one in Gering is unnecessary, and he was uncertain about whether a similar facility was planned in Kimball.

Mr. Lovelidge quoted the Mayo Clinic, saying that gambling can stimulate the brain's reward system, much like drugs or alcohol, and leads to addiction. He stated that addiction brings problems like crime and other issues in the community. He asked why the Commission couldn't focus on bringing in businesses that help the community, rather than ones that could cause more problems. He said the area needs legitimate businesses that support local people. Mr. Lovelidge also expressed concern that if the casino offers \$18–\$20 per hour, it could cause workers to leave their current jobs for higher pay, which might hurt local businesses that can't compete with those wages.

He further quoted the Mayo Clinic saying that gambling creates relationship issues, financial trouble or bankruptcy, legal problems or imprisonment, poor work performances or job losses, and poor general health.

Mr. Lovelidge concluded by referencing the Pledge of Allegiance recited earlier in the evening, noting the phrase "under God" and emphasizing the value of biblical wisdom. He quoted Scripture, stating that "the love of money is the root of all evil", and referenced Proverbs 30:8–9 which says "to pray not to be rich so that I might forget about God, and not to be poor, that I might steal." He offered these thoughts to the Commission for consideration and thanked them for their time.

Steve Morgheim, 2150 Pacific Boulevard, stated that he and his wife have been part of the community for 16 years and have worked to improve many aspects of it. Before sharing his comments, he asked the Commission three questions:

1. Does the City Council have the ability to overturn what the Planning Commission decides tonight?
2. Who is on the Board of Directors for this group, and how are they selected?
3. Do they have any connections with tribal affiliates?

Ms. Folck responded to the first question, explaining that the CUP is approved solely by the Planning Commission—City Council cannot overturn the decision. However, she added that the site development review process, which will be required, will go through both the Planning Commission and the City Council for approval.

In response to the second question, Ms. Folck explained that questions about the applicant—such as who is on their board—can be asked by the Planning Commission. While it's not a typical back-and-forth format, it is within the Commission's discretion to request that information from the applicant.

Mr. Morgheim restated his question, asking, "Who's on the Board of Directors of this corporation that's going to be coming here with these racehorses?"

Commissioner Waterman responded that the information about the Board of Directors should be publicly available on the company's website. Chairman Miles added that there are two different entities involved in the project, so the answer would depend on which group Mr. Morgheim was referring to.

Ms. Folck then noted that it's up to the Planning Commission to decide how deep they want to go into those kinds of questions. She said if the Commission wanted the applicant to respond, they could request that—but otherwise, they could resume the timer and allow Mr. Morgheim to continue his comments.

Chairman Miles responded that there were no Commissioners requesting to hear details about the ownership at that time, so they would proceed with Mr. Morgheim's comments.

Mr. Morgheim pressed further, asking whether anyone knew who was on the Board of Directors for either of the entities involved in the project, and specifically whether anyone from Gering was represented.

Chairman Miles responded that he was not aware and did not have a list in front of him.

Mr. Morgheim then acknowledged a local press member present and commented that many don't even know this meeting is going on.

Mr. Morgheim proceeded with his comments and explained the reason behind his earlier question by referencing the book, *The Last Campaign*, which is about Robert Kennedy. He shared that he had attended Kennedy's rally before he was shot in Los Angeles. He noted that it was in the Sports Center in Lincoln, Nebraska and mentioned that Neal Smith was probably there too; who attended college there. Mr. Morgheim described Kennedy as a great man.

He emphasized the importance of being skeptical about what you read, and connected the book to his earlier question about the Board of Directors. He pointed to a passage on page 196, which describes Robert Kennedy traveling through Kimball, noting he loved Kimball but hated Robert Kennedy. He spoke to him. He ended up winning that county, after which Kennedy was later shot. He reflected on how Kennedy was shot, and added, "Who would have thought that possible in the United States?" He also mentioned the assassinations of JFK, RFK, and Martin Luther King Jr., and the shooting of the President.

He went on to summarize the story from the book, saying that Kennedy was in Kimball and spoke to the crowd, they warmed up to him. He then boarded the Union Pacific, he had started in Cheyenne, and after Sidney, Nebraska the Union Pacific travels through northeastern Colorado. He concluded by calling it a "good book by a good author, real, credible stuff."

Mr. Morgheim pointed out that the book spelled "Sidney" as "Sydney" and remarked, "I didn't know Sidney was spelled that way—did you all?" He questioned how many people had proofread the book, and how many truly knew the details. Tying it back to his earlier comments, he added, "You don't even know the Board of Directors." The author doesn't even know how to spell Sidney.

Mr. Morgheim continued, sharing a recent personal experience. He said that while walking his dog, which he does three times a day, they got tired and sat on the grass near the high school across from his home. He looked up and saw a golf cart approaching driven by high school security.

He described the security officer as a nice young man, whom he greeted. The young man replied that he was doing well. The officer then informed him that he saw him on camera and came over to see what Mr. Morgheim was doing. Mr. Morgheim noted they have security, golf carts, uniforms in Gering, Nebraska. They have monitors and he questioned, "they want to know what I'm doing sitting in the grass." He found this concerning. He concluded by asking, "What's the point?"

Mr. Morgheim recalled a standoff incident that occurred near the high school last year, noting that it received national media coverage. He described the scene as involving the FBI, SWAT teams, and said it looked like something that could have been made into a movie. He referenced a billboard offering a \$220,000 reward for information, which was later lowered to \$22,000, suggesting that it might have been due to the bad economy.

He then posed a broader question to the Commission: "What kind of community are we trying to build and plan for?"

He compared the proposed project to a scene from the movie *Apocalypse Now*, where helicopters descend on a village, and a character says, "I love the smell of napalm in the morning." Mr. Morgheim remarked that, in his experience, every city official he has ever known, says, "I love the smell of taxes in the morning," and suggested that tax revenue is what this project is really about, despite being "sugar-

coated.” He concluded by saying he had no doubt the project would be approved, but repeated his concern: “What kind of community are we trying to build?”

Staff interjected to inform Mr. Morgheim that his time was up.

He continued briefly, saying that if the City wants to focus on planning, it should also prioritize enforcing existing issues, such as slumlords, absentee landlords, individuals he referred to as “rich Sherlocks”, that have meth cookers, drug distribution, and even kidnapped children. He stated, “I could go on and on,” and urged the City to focus on building a better community and working toward increasing property values.

He ended his remarks by saying, “Thank you.”

Ken Meyer, 1602 Avenue P, Scottsbluff and Scotts Bluff County, addressed the Commission. He began by reminding the group that the issue of gambling had previously gone to a statewide vote in Nebraska and was overwhelmingly supported by voters in Western Nebraska. He emphasized that the margin of support was significant, indicating that people in the region are largely in favor of a project like this.

Mr. Meyer clarified that he is not a gambler himself and couldn’t recall the last time he went somewhere to gamble. He stated that he was not speaking on behalf of the Board of Commissioners, but rather as a taxpayer.

He noted that Scotts Bluff County had a \$15.3 million tax ask this year, and said that any opportunity believed to bring economic benefit should be considered. He described the potential economic impact from the proposed project as “overwhelming,” and highlighted additional development opportunities on the 30 acres to the south of the site.

He concluded by stating that the project could help reduce the local tax bill, and mentioned that while the mill levy had decreased slightly due to rising property valuations, this project would further support both the City of Gering and Scotts Bluff County through additional revenue.

Mr. Meyer continued his comments, noting that the individuals behind the project have been working on it for four to five years. He emphasized that if Nebraska voters had not wanted gambling, they would have voted against it, as they have with other issues like schools. He reiterated that Western Nebraska overwhelmingly supported legalized gambling, and said the people working on this project are committed to doing whatever is necessary to make it successful, attractive, and income-producing. He added that the project has the potential to help reduce taxes.

Addressing concerns about gambling addiction, Mr. Meyer said he is involved with an organization that approves numerous liquor licenses each year, as do the cities of Gering and Scottsbluff. He acknowledged that alcohol is also a problem for some, but said such licenses are still typically approved unless there are legal issues. He commented that “we don’t question that.”

Mr. Meyer referenced an earlier study conducted when the project first began, which projected that 1.5 million visitors per year could come to a facility like this. He stated that this kind of influx would have a major economic impact on the area, particularly for hotels, restaurants, and gas stations.

He noted that Scotts Bluff County currently receives about \$500,000 annually in tourism dollars, all of which goes back into the community. He said he could see that number increasing significantly as a

result of this project and acknowledged that while concerns are valid, the potential benefits are substantial.

Mr. Meyer reflected on past concerns raised by the public when Walmart was first proposed in a residential area. He noted that while there had been opposition at the time, the store is now well-used and no longer a point of controversy. He added with humor that he wished it hadn't come in—joking that he might save money if his paycheck didn't end up going straight to Walmart.

He returned to the current proposal, stating that he believed this is a good project led by good, honest people. He shared that he had met with representatives from the casino about a year ago and was very impressed with their plans and their commitment to becoming part of the community.

Although he stated that he is not a gambler or a horse racing enthusiast, he said he would come to Gering to watch a race or play blackjack. He voiced support for the project, encouraging the Commission to vote yes, emphasizing that economic development is needed in the area. He concluded by saying the project could increase property valuations, helping to reduce the local tax burden, which he described as “killing us.” He added, “This is a way that can help. This really can.”

Mike Clement, 150597 Kihltau Road, stated, “I am the CEO of a nonprofit organization in Scottsbluff and the pastor of Bible Baptist Church. I've been asked if I would read this letter for you from some Gering citizens”.

September 9, 2025 We are against the use of land for a casino in Gering. We feel this is not wise in the use of the land, and that it would hurt the residents in Gering. ~ Danny Fiester and Shirley Fiester, 1830 Kings Road, Gering, NE.

Mr. Clement addressed the Commission, stating that he was not originally from the area, but had moved to Nebraska in 1980 with his wife and children. He explained that he was born and raised in New Jersey, where he witnessed the arrival of casino gambling in Atlantic City. He shared that the measure was initially voted down statewide, but later passed when limited to Atlantic City alone. He described the negative consequences that followed, noting that years later the city's police chief and mayor expressed that they would not have supported the casinos had they known what the outcomes would be. Mr. Clement described the area, stating that it got so bad that prostitutes were working the steps of churches on Sunday mornings as people exited services.

He added, “Now, I know this is not New Jersey. This is Nebraska,” and said that was one of the reasons he chose to live here. Since moving to the area, he said he has met many lifelong residents who left and later returned to raise their families, describing Nebraska as a good place to raise children and have a family.

Mr. Clement continued his comments, stating that the project being discussed would not improve the community, despite the potential to generate significant revenue. He reminded the Commission that “every dollar that's been mentioned here is a dollar that came out of somebody's pocket.”

He shared a personal experience from when he first moved to the area and worked as a carryout at Alexander's Grocery Store. At the time, video slot machines had just been introduced in Nebraska, and he recalled observing people using food stamps to buy groceries, then putting their loose change into the slot machine. He said some would later return items like milk in order to receive cash back, which they would then use in the slot machines—ultimately losing it all.

Mr. Clement noted “that didn’t really last that long, as what was initially thought to be a good idea but turned out to be a bad thing.” He emphasized that the current proposal could follow the same path, and told the Commission, “You have the opportunity to stop this before we get to the place where we say, ‘Wow, wish we hadn’t done this.’”

He concluded by acknowledging that while the project may raise tax revenue, it would also hurt people, adding, “And in Nebraska, people are more important.”

Rebecca Dodge, 210108 Wildcat Drive, addressed the Commission. She noted that while she is not a resident of Gering, she commutes daily through the area on her way to work at Heritage Estates, where she works as a nurse.

She expressed concerns about the existing traffic volume along Five Rocks Road, especially during large events. Referencing the recent Horizon Music Festival, she said the traffic out of there was a mess, as in poorly controlled. She asked the Commission to seriously consider the location of the CUP for the proposed project.

She also referenced the area near A Street and Kurt Drive, and said that while a traffic study is being conducted, she still has significant concerns about traffic impacts when combined with other events at Five Rocks and the current addition of the Amazon distribution center in the community.

Speaking first as a citizen, then from a business perspective, Ms. Dodge said that given the concerns related to gambling and alcohol, she asked for a condition to see a portion of the casino or nonprofit revenues (from Prairie Thunder or Scotts Bluff Exposition) allocated to addiction support services for alcohol, drug, and gambling treatment. She emphasized that this population already exists in the area.

Additionally, Ms. Dodge advocated for consideration of Buckboard Therapeutic Riding Academy, expressing appreciation for the vulnerable population it serves. She suggested writing into the agreement a requirement that the applicant help fund a new facility for Buckboard and possibly donate retired quarter horses for therapeutic use, once they are no longer racing and have been desensitized.

She noted that the CUP may ultimately be approved but urged the Commission to think beyond the tax revenue, saying, “We may not win the CUP—you guys may go ahead and adjust it and say yes to those \$15 million power mini balls that are taxable.” She acknowledged the nonprofit status of the applicant but asked whether certain financial responsibilities could still be written into the CUP approval. She noted that as PTG will be required to pay for landscaping, she suggested they should also be required to pay for improvements to the loop, sewer and water. She referenced her experience and family members living on the south side of Gering, and pointed out that water issues in that area can be problematic, and asked that the applicant be required to address irrigation concerns—particularly related to runoff from the hill east of the proposed site, near the pivot system. She requested that impacts on irrigation and runoff management be reviewed and possibly included as a development condition.

Turning to law enforcement, Ms. Dodge questioned who would be responsible for providing security at the casino—whether it would be covered by Scotts Bluff County or paid for by the applicant. She suggested that, if the County is expected to provide law enforcement, a provision be added requiring PTG to fund additional deputies based on hours of operation. She also suggested specialized training for those deputies in areas such as counterfeit detection and narcotics-related activity, referencing concerns about potential increases with these activities.

Ms. Dodge concluded her comments by speaking from her perspective as a nurse, expressing concern about the addiction-related consequences of gambling, which she has seen firsthand. She added that Scottsbluff's hospital is already challenged in recruiting medical professionals, and that the casino is unlikely to contribute to attracting high-quality jobs that would bring more physicians and professionals (their spouse/partner) to the area. She posed the question: "What is the casino going to do for high-quality jobs?"—noting that such employment is essential for improving health outcomes for this population.

Ms. Smith responded to one of Ms. Dodge's earlier concerns regarding horse aftercare. She stated that she had previously discussed the topic with Ms. Schaff and noted that the therapeutic riding facility was one of the first sites they visited when exploring property in the area. She confirmed she was present during that visit, along with Brian, a representative from the Nebraska Division of the Horse Racing Association, whose children have participated in rodeo events with some of the children served by the facility.

Ms. Dodge emphasized that she is strongly advocating for continued support because, while she too couldn't speak publicly about a specific grant, she shared that she has personal knowledge of the next potential group that would be receiving services at the facility. She described it as a "very needed" population to be served, and expressed deep concern about what could happen if a similar placement opportunity is not available.

Ms. Smith acknowledged her comments and affirmed that the work being done at the facility is truly wonderful. Ms. Schaff added that this is where the quarter horses come in, noting with a lighthearted remark that they would be happy to make use of PTG's manure pile.

Ms. Smith added that the American Quarter Horse Association (AQHA) has established rules and standards for racetracks, which they follow. In addition, they also adhere to the model rules set by the Association of Racing Commissioners International, which govern all aspects of racing. She emphasized that the AQHA has a strong aftercare program for horses once their racing careers end, and noted that quarter horses, in particular, have many opportunities for second careers. She said this provides a clear channel to ensure proper aftercare for horses once they are done racing.

Kim Bowman, Gering, addressed the Commission and shared that he has lived in the area for 35 to 40 years. He said he often hears opposition to certain industries due to concerns about being "dirty" or offering low wages. In contrast, he described the proposed project as a clean, progressive opportunity that could bring financial benefits and higher wages to the area. He concluded by expressing his support and encouraging the Commission to approve the conditional use permit.

David Clement, 280 A Street, addressed the Commission and noted that he attended the meeting two years ago when the project was applied for then. He shared that since then, he has taken time to analyze the numbers more closely and now has a better understanding of the financial implications. Based on his analysis, Mr. Clement stated that the community would lose significantly more money than it would gain in tax revenue—estimating losses at least double, and possibly up to three times, any potential return.

He expressed that he would like to see this project shot down. Mr. Clement emphasized that the city has the authority to deny the permit and urged the Commission to do so, stating that this project is not something the community wants or needs.

While expressing his support for the area's farmers and ranchers, and acknowledging their critical role in the local economy, Mr. Clement also stressed the need for increased outside revenue. He voiced

support for bringing more industry and outside revenue into the area, but noted this proposal would instead draw money away. He encouraged the Commission to stand up for the community and reject the project.

Mr. Clement continued by sharing that he has lived in Gering or the surrounding area his entire life and appreciates the community and the people who live there. He expressed concern that the proposed project has the potential to negatively impact individuals and families, saying it could "destroy people's lives." He urged the Commission to seriously consider saying no to the project and to instead seek out alternative forms of economic development that would truly benefit the area.

Mr. Clement emphasized the difference between meaningful commerce and gambling, noting that when someone spends money at a store, they leave with a product or service. In contrast, he argued, if someone spends \$100 at a casino, they are likely to leave with nothing. He encouraged the Commission to support projects that offer tangible value and long-term benefit to the community, and thanked them for their time.

Mr. Morgheim briefly addressed the Commission and asked the Chairman, "Could you indulge me for 15 seconds?" Chairman Miles responded that due to time constraints and the need to ensure everyone had a chance to speak, he could not allow additional time at that moment but noted that the floor would be opened again at the end of the meeting.

Engineer Folck then stated that if no one else in the room wished to speak, she had a letter that needed to be read into the record. She proceeded to read the following:

"Dear Planning Commission, This letter is in support of a conditional use permit for the proposed race track and casino to be located on the south side of Gering. A venture of this capacity would be a great benefit to the City of Gering and Scotts Bluff County. The City of Gering can benefit from the increase to its tax base as well as the revenue generated from such a venture. Please vote to support the passage of the conditional use permit. Sincerely, Jean A. Bauer"

Following the letter, Chairman Miles stated that with no further comments, the public hearing was closed at 7:47 p.m.

Chairman Miles then stated he would entertain a motion to approve or deny Resolution PC9-25-1, regarding a conditional use permit for a race track and casino to be located in the SW ¼ of Section 11, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, aka 140777 Highway 71.

A motion was made by Commissioner T. Kaufman to approve Resolution PC 9-25-1, regarding a conditional use permit for a race track and casino to be located in the SW ¼ of Section 11, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, aka 140777 Highway 71. The motion was seconded by Commissioner Keener.

Discussion followed: Commissioner Alvizar asked whether, if the permit were approved, a condition could be added to limit the operating hours—similar to the Ogallala facility—restricting hours to 7:00 a.m. to 3:00 a.m. until Phase Two or the full casino and hotel are developed, at which point it could transition to 24-hour operation.

Ms. Folck responded that since Commissioner Kaufman had made the motion, he could amend it to include that condition if he wished.

Commissioner Kaufman responded that he did not wish to make any changes to the motion. He stated that the operators are running a private business and know their business best, adding that they are able to determine the best recommendations for the most appropriate operating hours as presented.

Commissioner Hauck asked for clarification on whether the Planning Commission makes the final decision regarding the CUP. Ms. Folck confirmed that this was correct.

The Secretary called the roll. “AYES”: Waterman, Taylor, Keener, C. Kaufman, T. Kaufman, Hauck, Alvizar. “NAYS”: Miles. Abstain: None. Absent: Crews. Motion carried.

5. City Engineer Report

Engineer Folck reported that there are currently no pending applications. She noted that they will likely be reviewing some of the regulations soon, particularly as the state releases its requirements for medical cannabis. Once those requirements are known, they will work to schedule a meeting to address necessary updates to the zoning code. Aside from that, there is nothing forthcoming at this time.

6. Open Comments:

Chairman Miles noted that the Planning Commission would not be engaging in discussion or taking action on any unscheduled business during this portion of the meeting. He explained that this time was designated for citizen comment only. He invited members of the public to speak, requesting that they state their name and address before addressing the Commission, and reminded speakers of the five-minute time limit.

Kay Helberg, 210114 Floral, asked a question about noise levels, specifically related to concerts: “The decibels of noise—is that a thing? Does anybody know, or are there any records on that? How loud does it get? How far does the noise permeate?”

Ms. Folck responded that noise would be addressed during the development review process. She explained that staff would review the proposed speaker system, its placement on the property, and the direction of sound projection. She also noted that those reviews would include public hearings, giving the community the opportunity to hear details and provide input before any final approval.

Steve Morgheim, 2150 Pacific Boulevard, offered a final comment that the property in question was purchased for approximately \$1.2 million in 2022. He noted that last year, only \$4,000 in property taxes were paid on it. He questioned how many others had seen their property taxes increase significantly, and added, “These guys have a million-dollar investment and only paid \$4,000 in taxes. I don’t get that one.”

7. Adjourn

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

The meeting adjourned at 7:55 p.m.

Jody Miles, Chairman

ATTEST:

Karen Heins, Administrative Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

| | | | |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------|
| To: | Planning Commission | Date: | December 16, 2025 |
| From: | Planning & Community Development | Zoning: | |
| Subject: | Public Hearing to Consider Amending the City Zoning Ordinance and modify the land use table to provide for appropriate zones for recreational vehicle habitation | Property Size: | |
| Location: | | #Lots/Parcels: | |
| Owner: | | City Council Public Hearing: | January 12, 2025 |

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations and according to Nebraska State Statutes.

Agenda Item Summary

The City has received numerous complaints about people living in recreational vehicles in residential zones. While this is already prohibited by the City's zoning code, it is difficult to enforce, as zoning is typically enforced through the process of issuing building permits or certificates of occupancy, neither of which is required for someone to move into a recreational vehicle. In order to make enforcement easier, City Council has directed staff to draft an ordinance that would prohibit people from living in recreational vehicles outside of designated recreational vehicle parks or trailer courts. Staff is working on that ordinance, which will go to City Council for approval in January. However, in reviewing the City's zoning code, it has come to the attention of staff that recreational vehicle park is not a defined use in the zoning code, and it is not listed in the land use table.

Staff is proposing the attached Ordinances, which would add definitions clarifying that a recreational vehicle park has the same definition as a campground, which is currently defined as "Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes. A campground includes any buildings, structures, vehicles or enclosure used or intended for use or intended wholly or in part for the accommodation of transient campers." The Ordinances would add a recreational vehicle park area/campground into the land use table as a conditional use in the Ag, C-2, C-3, and ML zones.

The City's zoning code currently lists a "recreational vehicle parking area" in the land use table, but there is no definition for it. The proposed Ordinances would not change how this use is listed in the land use table, where it is a permitted use in the C-3, ML, and MH zones, but they would add a definition for a recreational vehicle parking area. This definition would make it clear that a recreational vehicle parking area is solely for storage of recreational vehicles, and that no one is allowed to stay or live in recreational vehicles in this area. This is to ensure that if anyone is going to be occupying a recreational vehicle, it will have to be located in a designated recreational vehicle park where there is appropriate infrastructure for water, sewer, and electrical hookups.

Recommendation

Recommend Approval

Recommend approval of the attached Ordinances to City Council with the following conditions:

Recommend Denial

Recommend denying approval of the attached Ordinances to the City Council for the following reasons:

Table

Table making a recommendation regarding the attached Ordinances for the following reasons:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO AMEND ARTICLE 1 “GENERAL APPLICATION” SECTION 1.6 OF THE CITY OF GERING ZONING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:

Section 1. That the City of Gering Zoning Ordinance, Article 1 “General Application” Section 1.6, be amended, to add the following definitions:

Recreational Vehicle Park: See Campground

Recreational Vehicle Parking Area: Area where recreational vehicles, boats, trailers, travel trailers, motor homes, and any vehicle or trailer with living quarters for accommodation may be parked or stored. Living, sleeping, frequenting, occupancy, and habitation in a recreational vehicle parking area is strictly prohibited.

Section 2. That All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict, and should any part or Section of this Ordinance be declared void and unenforceable, such declaration shall not render any other part void and unenforceable.

Section 3. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

PASSED AND APPROVED this _____ day of _____, 2026.

Kent Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 3, SECTION 3.11 TO ADD RECREATIONAL VEHICLE PARK/CAMPGROUND TO THE LAND USE TABLE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Be it ordained by the Mayor and City Council of the City of Gering, Nebraska, that:

Section 1. The City of Gering Zoning Ordinance, Article 3, Section 3.11, Land Use Table, shall be amended, to add Recreational Vehicle Park/Campground to the land use table as shown in Exhibit A.

Section 2. All other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties, or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. The Mayor and Council of the City of Gering, Nebraska, find and determine that all procedural requirements for Amendment of the City of Gering Zoning Ordinance have been satisfied.

Section 4. This Ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2026

Kent Ewing, Mayor

(Seal)

ATTEST:

City Clerk

| USES | ZONING DISTRICTS | | | | | | | | | |
|------------------------------------------------------------------------------------|------------------|-----|----|------------|-------|----------|----------|-------------------------------|----|----|
| | AG | RR | RL | RM | RH | C-1 | C-2 | C-3 | ML | MH |
| | AGG / AEDS | RRE | RL | (RM + RML) | (RMH) | BNC(C-1) | BCB(C-2) | (BHC(C-3)+ BTS(C-4) +BEC(C-5) | ML | MH |
| AGRICULTURAL | | | | | | | | | | |
| Agricultural Produce Stand | P | P | | | | | | | | |
| Agricultural Production | P | P | | | | | | | | |
| Agricultural Service | C | | | | | | | | | |
| Animal Husbandry | P | P | | | | | | | | |
| Bulk Grain Storage / Grain Elevator | P | | | | | | | | P | P |
| Feed Lots (1st / 2nd / 3rd Class) | C | | | | | | | | | |
| Livestock Auction / Sales Barn | | | | | | | | | | P |
| | | | | | | | | | | |
| NATURAL RESOURCE | | | | | | | | | | |
| Gas / Oil Wells | C | | | | | | | | | C |
| Natural Resource Extraction / Processing | C | | | | | | | | | C |
| | | | | | | | | | | |
| RESIDENTIAL | | | | | | | | | | |
| Boarding and Rooming Houses / Bed and Breakfasts | C | P | C | C | C | | P | | | |
| Convalescent / Nursing / Rest Homes | | | | | P | P | | | | |
| Group Home | | C | C | C | C | | | | | |
| Group Shelters / Transitional Housing | | C | | | C | | C | P | | |
| Home Occupation | P | P | P | P | P | | | | | |
| Independent and Assisted Living Center | | | | | P | P | | | | |
| Live Work /Basement or Loft (Residential / Commercial) Dwelling (not in 1st floor) | | | | | | P | P | | | |
| Mobile / Manufactured Home Park | | | | | P | | | | | |
| Multi-Family Dwellings - General | | | | | P | | | | | |
| Muti-Family Dwellings - Limited (6 units or less) | | | | C | P | | | | | |
| Short-term Residential Rental | P | P | P | P | P | P | P | | | |
| Single-Family Dwellings (attached) | | | C | C | P | P | P | | | |
| Single-Family Dwellings (dettached) | P | P | P | P | P | | | | | |
| Accessory Dwelling Unit | P | P | | C | P | | | | | |
| Tiny Homes / Tiny Home Community | | | | | P | | | | | |
| Two-Family Dwelling (Duplex) | | | C | P | P | | | | | |
| | | | | | | | | | | |
| CIVIC / PUBLIC ASSEMBLY / SEMI-PUBLIC / UTILITY | | | | | | | | | | |
| Airports / Landing Strips / Heliports | C | | | | | | | C | C | C |
| Cemetaries | C | C | C | C | C | | | | | |
| Communication Equipment / Structures | | C | | | C | C | P | P | P | P |
| Communication Towers | C | C | C | C | C | C | C | C | C | C |
| Community / Cultural / Educational Facilities | C | C | C | C | C | C | C | P | P | |
| Golf Course | C | C | C | C | C | | | | | |
| Government / Public Service Administrative Facilities | | | | C | C | P | P | P | | |
| Government / Public Service Yards | | | | | | C | C | P | P | P |
| Hospital | | | | C | C | P | P | P | | |
| Libraries | | | | C | C | P | P | P | | |

| USES | ZONING DISTRICTS | | | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----|----|------------|-------|----------|----------|-------------------------------|----|----|
| | AG | RR | RL | RM | RH | C-1 | C-2 | C-3 | ML | MH |
| | AGG / AEDS | RRE | RL | (RM + RML) | (RMH) | BNC(C-1) | BCB(C-2) | (BHC(C-3)+ BTS(C-4) +BEC(C-5) | ML | MH |
| Parks (public / private) | P | P | P | P | P | P | P | P | P | P |
| Post Offices | | | | | | C | P | P | P | P |
| Public Safety / Emergency Service Facilities | C | C | C | C | C | C | P | P | P | P |
| Recreation / Entertainment Facilities - Indoor (public / private) | C | C | C | C | C | P | P | P | C | |
| Recreation / Entertainment Facilities - Outdoor (public / private) | C | C | C | C | C | C | C | P | C | |
| Recreational Vehicle Park/Campground | C | | | | | | C | C | C | |
| Religious Facilities / Institutions (Churches) | C | C | C | C | C | P | P | P | | |
| Sports Arenas / Stadiums (within buildings) | | | | | | | C | P | P | |
| Theaters / Auditoriums | | | | | | C | P | P | P | |
| Utility and Service Facilities | C | C | C | C | C | C | C | P | P | P |
| Water / Sewage Treatment Facilities | C | | | | | | | | P | P |
| | | | | | | | | | | |
| COMMERCIAL / INDUSTRIAL | | | | | | | | | | |
| Art Galleries | | | | | | P | P | P | P | |
| Automatic Bank Teller Machines - external / stand alone | | | | | | C | C | P | P | P |
| Auto wrecking yard or junk yard only when located inside a building or when wholly enclosed by a well-maintained fence not less than eight (8) feet in height. | | | | | | | | | C | P |
| Banks (with or without drive through or ATM) | | | | | | C | P | P | P | |
| Barber and Beauty Shops | | | | | | P | P | P | P | |
| Bars / Cocktail Lounges / Drinking Establishments / Nightclubs | | | | | | | P | P | P | |
| Bicycle Shops | | | | | | P | P | P | P | |
| Billiard / Pool Halls | | | | | | | P | P | P | |
| Bowling Alleys | | | | | | | P | P | P | |
| Bus Depots / Public Transit Transfer Stations | | | | | | | P | P | P | P |
| Bus / Transit Fleet (storage, repair or service) | | | | | | | | | P | P |
| Commercial Retail - stores / shops | | | | | | P | P | P | P | P |
| Commercial Services | | | | | | | | P | P | P |
| Commercial Services - limited | | | | | | | P | P | P | P |
| Contractor / Equipment / Vehicle Fleet Yards | | | | | | | | | P | P |
| Convenience Stores | | | | | | C | P | P | P | P |
| Day Care - Child Care Centers | C | C | | | C | P | P | P | C | |
| Day Care - Family Child Care Home | P | P | P | P | P | | | | | |
| Day Care - Family Child Care Home (24 hours) | C | C | C | C | C | | | | | |
| Exterminators | | | | | | | | P | P | P |
| Farm Equipment Sales / Display - with or without repair services | C | | | | | | | P | P | P |
| Feed and Seed Stores (enclosed structure only) | C | | | | | | | P | P | P |
| Funeral Homes / Chapels / Mortuaries | | | | | | C | P | P | P | |
| Garden Supply / Outdoor Nurseries | P | | | | | | P | P | P | |
| Garden Supply Stores - Nurseries limited (enclosed area and container / packaged form) | C | | | | | | P | P | P | |
| Hotels / Motels / Lodging Facilities | | | | | | | P | P | P | |
| Household Appliance / Repair Shops | | | | | | | P | P | P | |

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