

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, FEBRUARY 9, 2026

A regular meeting of the City Council of Gering, Nebraska was held in open session on February 9, 2026 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Jim Ellison. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

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

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse Council Member absence (None)

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

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

CONSENT AGENDA:

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

1. Approve minutes of the January 26, 2026 regular City Council Meeting
2. Approve Claims
3. Approve November, 2025 Financial Report
4. File for record – Written comments for Appropriations Hearing for the Department of Revenue held on February 5, 2026

Claims 1/27/2026 – 2/09/2026

21ST CENTURY EQUIPMENT \$1,893.30, ACCELERATED RECEIVABLES SOLUTI \$331.06, ACCUSTAR SURVEYING \$2,620.00, ACE HARDWARE \$274.34, ADVANCED SERVICES, INC. \$990.00, ALTEC INDUSTRIES, INC. \$2,903.46, AMAZON CAPITAL SERVICES \$1,043.34, AMERITAS LIFE INSURANCE CORP. \$622.84, AT&T MOBILITY \$384.27, BENZEL PEST CONTROL \$160.06, BERGANKDV \$30,000.00, BLACK HILLS ENERGY \$6,098.32, BLUFFS FACILITY SOLUTIONS \$487.59, BORDER STATES INDUSTRIES, INC \$19,732.98, BROWN'S SHOE FIT COMPANY \$111.99, C & C MANUFACTURING LLC \$331.70, CENTURY BUSINESS PRODUCTS, INC \$115.80, CERTIFIED LABORATORIES \$835.06, CITY OF GERING \$18,419.65, CITY OF SIDNEY \$600.00, COLUMN SOFTWARE, PBC \$1,084.36, CONNECTING POINT \$17.55, CORE & MAIN LP \$3,364.77, CROELL, INC \$425.00, DANKO EMERGENCY EQUIPMENT CO \$193.70, DEARBORN LIFE INSURANCE COMPAN \$120.40, DUTTON-LAINSON COMPANY \$3,644.62, EAKES INC \$1,073.92, ECOLAB \$344.65, ED M. FELD EQUIPMENT CO., INC. \$6,045.75, FAIRFIELD INN-KEARNEY \$144.95, FASTENAL COMPANY \$475.09, FEDEX \$170.01, FIRST NATIONAL BANK OF OMAHA \$30,067.12, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$3,527.04, FRANK PARTS COMPANY \$1,101.51, FRASER STRYKER PC LLO \$3,144.00, FRONTIER OVERHEAD DOOR \$15,627.85, GARRETT TIRES & TREADS \$1,913.11, GERING VOLUNTEER FIRE DEPT. \$114.00, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$4,432.50, HARBOR FREIGHT TOOLS \$119.84, HARRINGTON INDUSTRIAL PLASTICS \$694.21, HAWKINS & COMPANY \$130.84, HEALTHBREAK, INC. \$625.00, HULLINGER GLASS & LOCKS, INC. \$91.00, HYDRO OPTIMIZATION & AUTOMATION \$15,165.99, IDEAL LAUNDRY AND CLEANERS, INC. \$983.59, INFINITY CONSTRUCTION INC. \$1,870.00, INTERNAL REVENUE SERVICE \$55,794.57, INTRALINKS, INC. \$14,555.42, IRBY TOOL & SAFETY \$15,608.48, J & A TRAFFIC PRODUCTS \$2,003.30, J.D.'S ACE BODY SHOP \$1,834.40, JOHN HANCOCK USA \$18,896.42, JOHN HANCOCK USA FIRE \$1,075.74, JOHN HANCOCK USA POLICE \$12,669.84, KLAAS STRUCTURAL ENGINEERING,L \$7,200.00, L.L. JOHNSON DISTRIBUTING \$562.18, LANE SEIFERT \$75.00, LAWSON PRODUCTS \$24.95, LEGACY COOPERATIVE \$3,834.08, LEGAL & LIABILITY RISK MANAGEMENR INSTITUTE \$150.00, LOGOZ LLC \$35.00, LOOKOUT BOOKS \$513.99, MACQUEEN EQUIPMENT, LLC \$506.22, MARK CHRISMAN TRUCKING \$15,129.25, MASEK DISTRIBUTING INC \$24.76, MATHESON TRI-GAS INC \$148.30, MENARDS \$1,619.73, MIDWEST CONNECT \$370.61, MIDWEST THEATER \$12,000.00, MOBIUS COMMUNICATIONS COMPANY \$30.00, MUNICIPAL SUPPLY, INC. OF NE. \$4,673.60, MUTUAL OF OMAHA \$5,905.75, NC CHILD SUPPORT CENTRALIZED COLLECTIONS \$53.19, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPT OF REVENUE \$9,079.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$430.00, NEBRASKA PUBLIC POWER DISTRICT \$555.20, NKC TIRE \$96.30, NMC INCORPORATED \$1,939.69, OMAHA SLINGS INC. \$384.02, O'REILLY AUTOMOTIVE STORE \$458.27, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$920.00, PANHANDLE PUBLIC HEALTH DISTRI \$390.19, PAT HEATH \$78.00, POWERPLAN OIB \$2,387.11, PRECISION AIR \$616.33, PREVENTION \$36.00, PRINT BROKER \$264.53, PT HOSE AND BEARING \$6.25, QUADIEN POSTAGE FUNDING \$865.32, R & R PRODUCTS, INC. \$651.54, READER'S DIGEST

ASSOCIATION \$32.25, REGIONAL CARE INC. \$2,107.97, REGIONAL WEST MEDICAL CENTER \$150.00, RIVERSIDE DISCOVERY CENTER \$5,000.00, RIVERSTONE BANK \$639.99, RVW INC \$800.00, SANDBERG IMPLEMENT, INC. \$144.47, SCB CO. GIS/MAPPING DEPT. \$1,116.68, SCB COUNTY REGISTER OF DEEDS \$10.00, SCOTTS BLUFF COUNTY COURT \$17.00, SCOTTSBLUFF-GERING UNITED WAY \$226.34, SE MUNICIPAL SOLAR (NE), LLC \$14,956.91, SIMON CONTRACTORS \$842.08, SISTER BAY FURNITURE CO \$31,937.72, SPORTS NEBRASKA \$1,250.00, SUNBELT SOLOMON \$6,996.66, SYSCO DENVER, INC. \$803.41, TEAM CHEVROLET \$600.00, TERESA TOSH \$31,999.48, THE TORO COMPANY \$315.00, TIMEVALUE SOFTWARE \$35.00, TINA WORTHMAN \$431.80, TRANSWEST \$39.29, TYLER REDWINE \$2,500.00, ULINE, INC \$738.32, UNANIMOUS, INC. \$4,500.00, UNITED STATES GEOLOGICAL SURVEY \$5,140.00, VALLEY AUTO LOCATORS LLC \$1,258.65, VERIZON WIRELESS SERVICES, LLC \$553.61, WESTERN COOPERATIVE COMPANY \$3,663.33, WESTERN NE. COMMUNITY COLLEGE \$13,269.60, WILLOW LANE EDUCATION \$567.96, TOTAL \$513,163.11

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

CURRENT BUSINESS:

1. Consider Preliminary Plat for Hobbs Horizon Addition, Southwest Quarter of Section 1, Township 21 North, Range 55 West, 6th P.M., City of Gering, Scotts Bluff County, Nebraska

City Engineer, Annie Folck, stated that as Council may recall, they passed a zone change for this particular area around McClellan Park (she showed the area on the overhead screen). The developer has been getting their financing in place and they are ready to move forward with developing some townhomes. She explained that when there's a large site like this, about 37 acres, the City wants to make sure that even if it's developed in phases, that long-term, there's an overall plan and that they're not just piecemealing things together. The City wants to know where everything is going to go for the street, water and sewer systems from the very first phase so that at the end of it, there is a cohesive development there. The preliminary plat looks at what it would look like once the whole thing is completed. When Council gets to the final plat agenda item, it's only going to be for the first phase. She further explained that there are several sheets for the preliminary plat in the packet. They are technical drawings showing where the water and sewer and everything goes. Those have all been reviewed by staff. She called Council's attention to the phasing of the project. The first phase shown is where they would complete I Street all the way through. I Street is currently stubbed in on both sides on the west and east. There's already an existing sewer line that they can utilize. They will have to put in another sewer line and water as well, which is stubbed in; that would be the first phase. The second phase would be to the north and would fill in everything going up towards the Cottonwood Apartments and Second Street to where that is stubbed in. One of the key parts that was talked about with the developer is that the City really wants to make sure there's an outlet on D Street because once they get to the third phase, it's really going to add a lot of traffic and staff want to make sure there's a way for people to get directly to an arterial. She showed the third phase on the overhead screen. She noted that Snodgrass Street and H Street would be developed and Third Street would be developed giving an outlet to D Street. That will be completed midway through the development so that by the time phase 4 and 5 go in, there is that additional access. This preliminary plat also addresses stormwater. They will be putting in an underground stormwater system that will outlet to a proposed retention pond area that will overflow into the big D Street drain that runs along the south side of the property. She concluded by saying that staff has reviewed the preliminary plat and is recommending approval; it also went to Planning Commission and they recommended approval as well. The applicant was present to answer questions.

Councilmember Morrison asked how they will address the retention pond as far as landscaping. Jack Baker, Civil Engineer and Surveyor for the developer, addressed Council and stated that in the first phase, the water will be routed south (while that street is being constructed) into undeveloped land into a large holding area. As they build out the future phases near the park area, there will be more permanent landscaping. As one holding area is done, they'll keep moving it until they get to phase 4 and 5 where they will add more permanent landscaping with grasses and plantings. The developer, Michael Snodgrass, addressed Council and stated the final phase isn't fully developed yet. Right now, for phase 1, there has to be a retention basin put in place, but even with phase 1 there will be landscaping and that will continue through each phase.

Motion by Councilmember Shields to approve a Preliminary Plat for Hobbs Horizon Addition, Southwest Quarter of Section 1, Township 21 North, Range 55 West, 6th P.M., City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Gillen. There was no discussion. Mayor Ewing

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

2. Consider approving and authorizing the Mayor to sign a Contract for Public Improvements between the City of Gering and Acme Estates II Owner LP

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Contract for Public Improvements between the City of Gering and Acme Estates II Owner LP. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

3. Consider Final Plat for Hobbs Horizon Addition, Southwest Quarter of Section 1, Township 21 North, Range 55 West, 6th P.M., City of Gering, Scotts Bluff County, Nebraska

Annie reiterated that the final plat is just for the first phase. The reason the entire area isn't platted all at once is because sometimes there are changes as they get into construction or there may be changes the City wants to see. She showed on the overhead screen the section along I Street. The final plat is the legal document that splits those into lots that then can be conveyed separately. It allows them to get the improvements made for this phase before they are ready to move on and subdivide the rest of it and put in those improvements as well. Staff is recommending approval of the final plat and Planning Commission recommended approval as well.

Motion by Councilmember Wiedeman to approve a Final Plat for Hobbs Horizon Addition, Southwest Quarter of Section 1, Township 21 North, Range 55 West, 6th P.M., City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

4. Consider approval of Keno Fund request: a. High Plains Auto Club, \$3,500.00

Keno Committee Chairman, Darrell Bentley, addressed Council and noted that the High Plains Auto Club applies every year and does a great job with this event and brings people to the community. There were two applications that didn't meet the requirements and one that was tabled for more information.

Motion by Councilmember O'Neal to approve a Keno Fund request in the amount of \$3,500 for High Plains Auto Club. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

5. Consider approving appointment of Sarah Flores to the Western Nebraska Regional Land Bank

Motion by Councilmember Morrison to approve the appointment of Sarah Flores to the Western Nebraska Regional Land Bank. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

6. Consider approving appointment of Cory Voigt to the City of Gering Employee Safety Committee

Motion by Councilmember Gillen to approve the appointment of Cory Voigt to the City of Gering Employee Safety Committee. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

BIDS/PROPOSALS:

1. Consider purchase of a used Mud Cat MC-40E Dredge Package – Wastewater Department

Mike Davies, Public Works Director, stated that in the summer of 2025, the Wastewater Treatment Plant was struggling and reached maximum effluent discharge levels. It became necessary to remove the sludge in Pond 5.

After doing some research, he decided to lease a dredge. In October and November, they dredged about six to seven feet out of Pond 5. The plant has been running very well since; staff has been pleased with the lab data. Staff and JEO Engineers talked and decided to either try to buy the dredge or lease it again next fall to dredge out Ponds 7 and 9. After that discussion, staff advertised for a Mud Cat Dredge Package and received one bid from Ellicott Dredge Technologies in the amount of \$151,928. There will be a credit for the October and November lease payments which were \$19,900 per month. After that, the total amount is going to be \$92,228. Staff decided that rather than trying to lease the dredge again in September of 2026, to just purchase it with Council's approval.

Staff recommends purchasing the Mud Cat Dredge Package in the amount of \$151,928 less the credit of \$59,700 for a total of \$92,228. Administrator Heath added that there's also a credit for the security deposit. The City will save a minimum of \$23,000 by purchasing the dredge rather than shipping it back to Ellicott Dredge Technologies and leasing it again next fall. It's beneficial to the City and there's the option of leasing it to other cities that have lagoons. It can also be sold once Gering is done with it.

Mayor Ewing asked, with the current weather conditions, if staff has been able to run it more. Mr. Davies replied that they ran it until about Martin Luther King Jr. Day when the dredge and pipe froze. They got it back out just this week.

Motion by Councilmember Shields to approve the purchase of a used Mud Cat MC-40E Dredge Package for the Wastewater Department in the amount of \$92,228 from Ellicott Dredge Technologies. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

RESOLUTIONS:

1. Consider approving Resolution 2-26-1 resolving that Proposition No. 1 be submitted to all qualified electors within the corporate limits of the City of Gering, Scotts Bluff County, NE regarding the continuation of a Sales and Use Tax in the amount of 1%; such proposition will appear on the May 12, 2026 Primary Election Ballot

Administrator Heath clarified, regarding this resolution, that this is a *continuance* of the 1% sales tax that has been in effect since 1990. For the last 10 years, this tax has reduced property taxes for Gering property owners by approximately \$10.5 million. This tax has also supported Gering's tourism programs, downtown improvement programs and projects and the revenue from this tax is an integral part of the City's General Fund.

RESOLUTION NO. 2-26-1

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, that:

Section 1. At the statewide primary election to be held on the 12th day of May, 2026 the following Proposition be submitted to all qualified electors within the corporate limits of the City of Gering, Scotts Bluff County, to-wit:

PROPOSITION NO. 1

Shall the City Council of the City of Gering, Nebraska, continue to impose a sales and use tax in the amount of one percent (1%) upon the same transactions within the City of Gering on which the State of Nebraska is authorized to impose a tax, subject to the following terms and conditions to-wit:

1. Duration of Tax. The City sales and use tax referred to in PROPOSITION NO. 1 above shall remain in effect until repealed by the City Council of the City of Gering, Nebraska.

2. Property Tax Relief. During the existence of the City's sales and use tax referred to in PROPOSITION NO. 1 above, sixty percent (60%) of the net revenue received by the City of Gering from such sales and use tax shall be applied for the purpose of maintaining the City's reduced request for property tax within the City of Gering, Nebraska.

3. Current and Future Community Improvement and Development. During the existence of the City sales and use tax referred to in PROPOSITION NO. 1 above, twenty (20%) percent of the net revenue received by the City of Gering, Nebraska, shall be used to fund current and future community improvement and development purposes.

4. **Tourism.** During the existence of the City sales and use tax referred to in PROPOSITION NO. 1 above, twenty percent (20%) of the net revenue received by the City of Gering, Nebraska, shall be used for tourism development purposes.

Yes (for such tax)

No (against such tax)

Section 2. The City Clerk shall cause a certified copy of this Resolution to be delivered to the Scotts Bluff County Clerk.

Section 3. Any resolutions or parts of any resolutions in conflict with this Resolution are hereby repealed.

PASSED AND SIGNED this 9th day of February, 2026.

Kent Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Gillen to approve Resolution 2-26-1 resolving that Proposition No. 1 be submitted to all qualified electors within the corporate limits of the City of Gering, Scotts Bluff County, NE regarding the continuation of a Sales and Use Tax in the amount of 1%; such proposition will appear on the May 12, 2026 Primary Election Ballot. Second by Councilmember O'Neal.

Discussion: Lisa Betz-Marquez addressed Council and stated that as a representative of the Gering Merchants Association, they really hope that this 1% tax will move forward and that the community will support it because it's also important for funding some of the things that the community enjoys at the Gering Civic Plaza. Particularly Santa's Village, the Summer Bash and a lot of other things they have in mind. She asked that Council support it and she hoped that everyone present at the meeting would consider voting yes when it's on the ballot.

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

ORDINANCES:

1. Consider second reading of Ordinance No. 2175 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND CHAPTER 72, SECTION 72.09 OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Administrator Heath stated that before consideration regarding the second reading of Ordinance 2175 for the use of recreational vehicles within city limits, he wanted to again take a moment to explain the purpose and intent behind this ordinance so everyone understands why this matter is before the Council tonight.

In recent months, the City of Gering has received several complaints and concerns from citizens regarding individuals living in RVs on residential lots. Gering's current zoning code does not and has not allowed for this use. Long-term residential use of an RV in residential zoning has never been permitted. Staff has reached out to several first and second class cities in Nebraska and did not find any city that allows long-term living in an RV in residential areas.

Permanent or long-term living situations in RVs in residential areas presents several safety and sanitation concerns. Long-term RV occupancy also changes the intended density and character of single-family neighborhoods.

The Public Safety Committee had a lengthy meeting last November where citizens voiced their thoughts and concerns about this matter. The committee decided to recommend a possible option to Council that involved using the conditional use permit process as well as providing for short-term stays in RVs in residential areas. However, after another in-depth discussion between the Mayor and Council at their regular meeting on December 8, it boiled down to one major concern, and that was enforcement. At that meeting, Police Chief Holthus addressed the Council and provided a professional, experienced opinion that enforcement of an ordinance that allows for short-term or long-term stays in RVs would be a nightmare. He suggested either completely allowing it or completely prohibiting

it. The vote of the Council that evening was 5-2 in favor of prohibiting RV stays altogether in residential areas which is why this ordinance is before Council tonight for a second reading.

He wanted everyone to understand that the City must protect the health, safety, and overall quality of life in Gering's neighborhoods. This is not intended to inconvenience or target anyone unnecessarily. "It is about ensuring that our community remains safe, livable, and consistent with established zoning standards."

Mayor Ewing entertained a motion to move the second reading of Ordinance No. 2175.

Councilmember Morrison made a motion to move the second reading of Ordinance No. 2175 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND CHAPTER 72, SECTION 72.09 OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Frye.

Discussion: Councilmember O'Neal clarified that this has been a zoning law for some time, correct? Engineer Folck replied, correct. Councilmember O'Neal asked if staff had ever tried to enforce it with the zoning that is in effect. Ms. Folck replied that they have not gone that route after discussions with legal. Legal said it would take several months and it's really not a very efficient way of going about it. It's also very expensive with legal fees. Their recommendation was to get the City's ordinances cleaned up so that citations could be issued as needed. Councilmember O'Neal asked if she was correct that the only way to have this is to move it forward so staff has an ordinance that can be enforced? She asked if they have to go back and take it out of the zoning laws if it can't be enforced. Engineer Folck replied that zoning is more of a preventative measure. Typically, zoning is a way to keep things from becoming an issue. Essentially, when someone adds an RV to a lot, they are adding another residence. If someone is living there permanently, it's adding another residence. It makes it go from a single-family lot to a multi-family lot - Zoning very clearly prohibits that. That's not going to change regardless of what Council does with this ordinance. She doesn't think it's something that most people would want to change because that would mean people could just live in a garage or a shed or things like that which she doesn't think anyone is advocating for. That is a part of the Zoning Code that applies to RVs as well. That is the route the City would go if it were to pursue that for enforcement. But again, that is a very difficult process and it takes a long time and it gets expensive. It's not ideal for the situation at hand. Pat asked City Attorney, Jim Ellison, if that would most likely end up in litigation in court. Jim replied, yes. He added that the ordinance route is a much more efficient way to handle the problem.

Councilmember Frye noted that it has also been brought to her attention that people think this is for storage of RVs. This is not for storage; it's just for living.

Councilmember Gillen provided a point of clarification. It's in the public record that he was not supportive during the prior vote. He is supportive of people *not* residing or living in an RV on their property because that's not what the zoning rules allow for. After sitting through the Public Safety Committee meeting and hearing people, the about face that they went through after that - that's what bothered him. He thinks there would be another way of finding a compromise. He's concerned about the all or nothing situation that is being pushed forward.

Councilmember Morrison asked hypothetically, on her property she could probably set three RVs on the east side of her lot, is that going to be okay? People could have one, but then they sneak in another and another. Instead of a single-family dwelling, it becomes a single-family dwelling/trailer park/RV Park. "Where do we draw the line?"

Administrator Heath explained that anytime additional structures or RVs are added to a lot, it's creating a multi-family situation. RM is for residential zoning which are single-family residences. There is RH that allows for multi-family, which could include apartments being built in that zoning, whether they're high-end or low-end apartments, and that allows for multi-use families. It also creates parking issues when someone adds multi-family to a residential zone because they are not really designed to have those additional families or people living in those situations. He used an example of the Cottonwood Apartments; those areas are designed for multi-family because parking areas and roads were designed into it to accommodate that. It also accommodates emergency services getting to those sites. "If you look at the area to the west of City Hall, in that residential area, that is not designed for multi-family or to park an RV." He really believes if this is added, the City would be creating multi-family, and the City would have to look at its zoning and create multi-family where there is currently RM. He thinks when people bought those

homes, they did not intend to have multi-family units or apartments or anything having the ability to be constructed in those neighborhoods. The City also has to look at protecting current owners the area.

Councilmember Frye added that several people have contacted her that are for this ordinance. One of the things that was brought to her attention is in one neighborhood, the RV was parked between the houses next to their bedroom window. They didn't feel like they could open their curtains or windows because there was someone literally just a few feet away from them (in an RV). She asked "What do you do in that case? Those people have a right to their property as well."

Councilmember Gillen reiterated that he doesn't agree with people residing in an RV, but he thinks there are instances where enforcement becomes the issue. How does a Police Officer prove how many nights someone has been staying there - he understands all that. But there are certain times... Half his family members have RVs, not because the kids want to live in them, but it's fun to camp for a night in the RV in the backyard. He understands usage and the desire for kids to be able to stay in an RV overnight. He agrees that neighborhoods were not designed as multi-family and he's all supportive of that. He thinks there should be rules against living in an RV, but living in an RV and a kid staying in an RV overnight are two vastly different topics in his opinion.

Councilmember Wiedeman stated that for her, it comes down to enforcement. If someone calls and they have someone living in an RV and suddenly they see wastewater going down their alleyway - somebody said (at a previous meeting) well then the City can write a ticket for hazmat or whatever. She went on to say but if nobody sees them do that, Police can't write a citation. In the discussion in the beginning and at the meeting on December 8, that was the biggest thing. Yes, it would be nice to have something where family members could stay for 14 days, but if somebody calls to check on it, how does the officer know how many days someone has had somebody in there? She explained that's what it came down to (in the discussion); it's either yes or no. She concluded "Unfortunately, that's what it came down to with this ordinance because it's not fair for Council to put that on our Officers to try to find out if someone has been in an RV three days or five days or four months or whatever is going on. That's why the ordinance came that way, that's why the Council voted that way on December 8, and that's where we are at this point. It's to make it easier for our Officers to enforce this."

Councilmember Kinsey stated that as the "villain" behind this ordinance, a lot of people have mentioned to him that they would like to have kids staying in an RV for a weekend or whatever. He trusts that Gering's Police Force will exercise judgment and realize that that's just children spending the night and not someone living in an RV. Police Officers have the right to exercise discretion, like when an Officer gives a warning for rolling through a stop sign or for going six miles over the speed limit. An unidentified person made an inaudible comment from the audience. Councilmember Kinsey went on to say that it would still be illegal, but because the ordinance is complaint-based, if someone has a situation where they need someone to live or stay in a camper for a week or two on their property, though it may not be ideal, he would recommend contacting the neighbors and telling them the situation and discussing with them before campers move in on the property and if they're okay, he doesn't imagine anybody would come knocking on anyone's door with it.

Mayor Ewing asked Chief Holthus to explain his opinion on the enforcement issue. Chief Holthus stated that Councilmember Wiedeman summarized it well. How is he or one of his officers going to make a determination whether it's someone's first day in the camper, or have they have been in there for three or four days already. He and his department do not want an ordinance that doesn't make sense. If they can't prove the ordinance, then it doesn't make sense. If Police personnel can't prove it, then a judge is not going to enforce it or make a judgment about it. There's no way to prove how long someone has been residing in an RV. If there are youngsters in an RV overnight, his belief is yes, technically that's not allowable, but a reasonable person would say it's not really living in an RV. It's a one-night accommodation for youngsters. He added that there has to be a balance with everything they do, and he knows Council has struggled and always do to find that balance in City ordinances. For the Police Department, it's "Either we allow it, or we don't allow it."

Councilmember Jackson stated that he is sympathetic to both sides of this, and he is struggling with it for a couple of reasons. He asked, if it was just limited to conditional use permits, and they would have to be applied for and the City would set the time, then there's no issue about going in and proving they did it because there would be a date like June 3 through June 7. They'd have a conditional use permit and if police go over there on June 8 and they are still there, then they are in violation. That takes the enforcement out of it. His only issue now is that

Council either votes it down so they can go back and redo it again so they can allow conditional use permits or they allow it. He said he just thinks there's more work to be done.

Councilmember Frye asked who the conditional use forms would fall on. Engineer Folck replied that those would go through Planning Commission. Councilmember Morrison stated that was discussed earlier and she feels the Council is just passing the buck if they do that. Engineer Folck noted if there was a conditional use process put into place, it would require some changes to the zoning code; in order for someone to get the conditional use permit, the City would have to notify everyone within 300 feet and a public hearing would be held at the Planning Commission level for every single conditional use permit that would be considered. Mayor Ewing added that that could take several months. Engineer Folck replied that it would depend on how many applications are received. Judging by how many complaints the City has received so far, there could be quite a few of them.

Councilmember Jackson asked City Attorney Ellison if there was any way to allow CUPs to be permitted without going through that process; for example, if it says in the ordinance that a permit will be approved by staff - or does it have to go through everyone else? Mr. Ellison replied that currently that's the way it's set up; Council would have to go back to the drawing board to consider that. It would be subject to Council agreeing to it as well; it would be very difficult.

Councilmember Gillen asked if Council could establish an RV permit instead of a conditional use permit where people could go online... Councilmember Wiedeman interjected, something like a building permit. Engineer Folck replied it's something that could be considered. She said, going back to the Public Safety Committee meeting discussion, part of the appeal for the conditional use permit was the fact that neighbors would be notified and would have a chance to weigh in and express their concerns. If it's streamlined, and the City gets rid of that process, it would speed things along and be a lot easier for staff. On the other hand, "What are we really gaining if all anyone has to do is fill out a piece of paper and they can still do everything they're doing now." Councilmember Morrison added and then the City would have no teeth in the ordinance again if it's done that way. Engineer Folck referred to Chief Holthus again and noted that it puts the onus on the property owner and not on the Police Department. Chief Holthus replied they'd still need some form of an ordinance that says after the conditional use permit was expired, they can't stay in the RV any longer. Councilmember Morrison asked if a fee would go with something like this. Ms. Folck replied if there was a different RV ordinance, then yes, a fee could be assessed.

Councilmember O'Neal asked, for people that need a very short-term stay, couldn't it be specified that that's what it's for is for people that need it for a short term, either because they're building or the kids want to stay in it once in a while, could that be done, and have it written that way? Attorney Ellison replied that Council could do that, but then it goes back to the enforcement issue. Councilmember O'Neal asked if a conditional use permit could specifically be for a short term stay. Ms. Folck noted that Council can put any conditions they want on a conditional use permit. Councilmember O'Neal added if anybody goes outside of it, then the City would have legal recourse. Councilmember Morrison asked if the ordinance would have to be in place first so if someone didn't follow the rules, something could be done. Engineer Folck replied, if it's Council's desire to revisit this and put in some sort of process, they can. If it's a conditional use permit process through zoning - which is very specific in State Statute - there's no getting around the letters to property owners and a public hearing. If Council wants to put in some sort of RV permit, that is something that could be considered, but it would all have to be put into the same ordinance. Council and staff would have to go back to the drawing board and put in some guidelines.

Administrator Heath noted if Council does an RV permit, he thinks it will take the neighbors input out. Councilmember O'Neal said it shouldn't matter if it's short term; it shouldn't matter what the neighbors think. Councilmember Frye asked if there would be a limit on how many times people could request a permit. Engineer Folck explained that Council can write the ordinance however they want. Councilmember Frye noted again that it comes back to enforcement.

Administrator Heath reiterated that prior to the Public Safety Committee meeting, he reached out to 13 first and second class cities. There were five that allow temporary living in an RV. The maximum was 30 days per year, but for those cities, they only allowed seven days consecutive. Some allowed a maximum of 14 days per year. Those are options Council could look at. He reminded Council if they do a CUP process, it could take several months and people can come to the public hearing and express concerns.

Councilmember Morrison asked if people would have to come back each time to get a new permit. Mayor Ewing explained that would be up to the Council if they decide to write it in the ordinance like that. She thinks it would be a headache. Mayor Ewing noted that this community is not overly inundated by this yet, that's part of the reason some of this was brought up. Discussion followed about people potentially renting spaces out to make money, noting it would be much less expensive than paying rent. Administrator Heath stated several of the cities that allow it have it written in their ordinance that those spots could not be rented out. Councilmember Morrison asked who's going to police that? Administrator Heath replied "Again, you're getting into that enforcement issue and how difficult it would be." Councilmember Morrison added the City will need another full-time officer just to take care of this.

Councilmember O'Neal asked Chief Holthus if this ordinance is passed, does he have what's necessary to enforce it now, the way it's written – yes or no. Chief Holthus replied, yes, he believes so. He added that as Councilmember Kinsey indicated, it's going to be on a complaint basis. They had two come in today where people had allowed other people to live in a camper on their property and now they can't get them to leave; they're going to be dealing with the Landlord-Tenant Act. He added that there are a lot of potential pitfalls with this.

Patsy Sterkel, 3030 Eagle Point, addressed Council and stated she has a very long driveway and two sons and one granddaughter with motorhomes that visit her. They pull in her driveway and one of them goes to the campground. She asked, how does this fit in with her family that stay in her driveway for a week? They only sleep in there at night; they shower in her house. How is this ordinance going to accommodate that? Administrator Heath replied, currently if Council adopts the ordinance as it's written tonight, it would not allow them to stay on her lot. She replied that she would not like that. She liked what the officer said, that they can make good judgments and so can her neighbors. She asked Council to allow that to happen. Mayor Ewing replied that would be up to the officers at the time; it would most likely be on a complaint basis. Ms. Sterkel thought that would make sense. Mayor Ewing added that Council has to put some teeth in something down the road. Julie added that if people are following the rules, no one is going to come knocking on their door.

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

2. Consider approval of Ordinance No. 2179 - AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GERING, NEBRASKA

Mayor Ewing entertained a motion to introduce Ordinance No. 2179 regarding adopting a supplement to the City's Code of Ordinances.

Councilmember Kinsey made a motion to introduce Ordinance No. 2179 – AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GERING, NEBRASKA. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Councilmember O'Neal moved that the Ordinance be designated as Ordinance No. 2179 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, and that the ordinance be passed as read, which motion was seconded by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

PUBLIC HEARINGS:

1. Public hearing to consider recommending the issuance or denial of a Class I Liquor License for El Torito Mexican Grill at 3580 10th Street, Gering, NE

Mayor Ewing opened a public hearing to consider recommending the issuance or denial of a Class I Liquor License for El Torito Mexican Grill at 3580 10th Street, Gering, NE at 6:52 p.m. The applicant, Edgar Parra, was present.

Councilmember Morrison asked the applicant if this is an established business that Mr. Parra has taken over. Mr. Parra replied that they just took it over from his uncle on November 18. There was not a liquor license for this

location previously. Mayor Ewing asked how many staff they have; Mr. Parra replied, about six. They are in the process of getting trained on serving alcohol. Some staff have taken the course and some are still working on it.

Mayor Ewing entertained public comment regarding this public hearing. Hearing none and with no further comments, the administrative record was closed and the public hearing closed at 6:54 p.m.

1a. Recommend approving or denying the issuance of a Class I Liquor License for El Torito Mexican Grill at 3580 10th Street, Gering, NE

Motion by Councilmember Jackson to recommend approving the issuance of a Class I Liquor License for El Torito Mexican Grill at 3580 10th Street, Gering, NE. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

2. Public Hearing to consider a Zone Change for Lot 1, Block 2, Pappas Northwest Addition, Gering, Nebraska, located on the northwest corner of Five Rocks Road and Country Club Road from RR, Rural Residential District to C-1, Neighborhood Commercial District

Mayor Ewing opened a public hearing to consider a Zone Change for Lot 1, Block 2, Pappas Northwest Addition, Gering, Nebraska, located on the northwest corner of Five Rocks Road and Country Club Road from RR, Rural Residential District to C-1, Neighborhood Commercial District at 6:55 p.m.

Mayor Ewing provided ground rules for the public hearing:

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

City Engineer, Annie Folck, presented the staff report. She began by apologizing for the technical difficulties, explaining that the screen behind the Council was not fully visible to the audience and that attendees would need to turn to view the presentation.

Engineer Folck stated that the City received a rezone application for the property located at the corner of Country Club Road and Five Rocks Road, directing attention to a map showing the property. For context, Ms. Folck reviewed the history of the application, noting that a similar rezone request had been submitted approximately a year earlier. At that time, the applicant had proposed rezoning the property to commercial, but the request raised issues related to the City's Comprehensive Plan, which the City relies on for guidance when considering zone changes.

Engineer Folck explained that the Comprehensive Plan is designed to be flexible. Rather than restricting each lot to only commercial or only residential use, the Plan divides the City into districts and identifies areas within each district that could be appropriate for different zoning types. This approach allows maximum flexibility, which is particularly important in an area with little development pressure and unpredictable property owner intentions. She noted that, in some cases, multifamily housing could be just as appropriate as neighborhood commercial development, so offering multiple options for property owners is preferable to locking them into a single use.

Ms. Folck then described a specific issue from a year prior. The narrative section of the Comprehensive Plan identified the intersection of Country Club Road and Five Rocks Road as appropriate for small-scale commercial development. However, the accompanying district maps did not designate a commercial node at that intersection. As a result, the zone change for that property did not move forward after the public hearing and vote. Following that, staff, advised by legal counsel, returned to the Council to clarify the Plan. The options were either to remove the reference to Country Club Road and Five Rocks Road from the commercial development narrative or to add a commercial node at that intersection on the map.

She stated that the goal of the clarification was not to make development easier for any particular developer. Rather, it was intended to provide guidance for staff and the City so that, if a similar request arose in the future, the City would have better legal standing if the decision were challenged in court - regardless of whether the request was ultimately approved. The intent was to ensure the Comprehensive Plan offered clear guidance for any zoning decisions.

Engineer Folck noted that staff presented two options to the Council, and Council chose the option that added a commercial node at the intersection of Country Club Road and Five Rocks Road. Following that decision, the previous applicant returned a few months ago with a new application for a zone change, which brings the discussion to the current proposal under consideration.

Engineer Folck explained that the property falls within District 1, the Northwest Monument Neighborhood District, as described in the Comprehensive Plan. While the Plan identifies the predominant use as residential, it also notes that small-footprint, lower-scale commercial uses that support the neighborhood may be appropriate at key intersections and higher-traffic areas. Such commercial uses should be consistent with the character and scale of the area.

Because the subject property is located at the intersection of Country Club Road and Five Rocks Road - two of the main arterials - Ms. Folck stated that this location is appropriate for neighborhood commercial use, which is why a commercial node has now been designated on the district map.

She clarified that the term "commercial" does not mean any commercial zone would be appropriate at this site. She specifically noted that C-2 or C-3 commercial zones, which are less restrictive, would not be suitable. The applicant is seeking C-1 Neighborhood Commercial, the most restrictive commercial zone in the City's Zoning Code.

Ms. Folck described the intent of the C-1 District, quoting the zoning code: it is intended primarily for the provision of retail and personal service facilities to satisfy the convenience goods needs of the consumer relatively close to his/her place of residence. She noted that a copy of the land use table was included in the Council packets for reference. She stated that a comparison of the various uses shows that the C-1 zone, when reviewing the commercial uses, has far fewer permitted uses. She further explained that several uses permitted in other zones are allowed only as conditional uses in the C-1 zone and while they would not go through every specific use at this meeting, she emphasized that this is the most restrictive commercial zone the City has. Ms. Folck added that the zone is intended to coexist side by side with residential areas with minimal negative impacts on those residential areas.

Turning to the decision-making process, Ms. Folck reminded the Council that zone changes must be supported by findings of fact. She explained that staff prepared suggested findings of fact for the Council's consideration and noted that Council Members could add their own findings of fact and reasoning for how they wished to motion or vote.

She stated that the Comprehensive Plan shows the area as appropriate for a commercial node with C-1 Neighborhood Commercial zoning. She explained that the size of the property being rezoned is small enough that development would be restricted to a small footprint and to lower-scale commercial uses, as described in the Comprehensive Plan as appropriate for the area. She noted that the property is close to four acres in size and stated that the Council would never see a Walmart or other really large-scale retail uses at that location, which she indicated could otherwise become an issue. She further stated that the property is located at the intersection of two of the City's arterials, which is a very high-traffic area, and that the requested zone is the least intensive of the commercial zones and is intended to provide services relatively close to residential areas.

Ms. Folck also reported that the Planning Commission had reviewed the application at its January meeting but was evenly divided, voting three to three, and therefore did not make a recommendation either for or against the

proposed zone change. Staff offered those findings of fact to the Council for consideration in making their decision. She concluded by asking if there were any questions for her before the item was opened to public comment.

Councilmember Jackson referenced earlier discussions about whether traffic concerns at the intersection could be addressed through engineering solutions. Ms. Folck responded that traffic impacts had been discussed previously and that staff had conducted traffic counts, though some of the equipment had been tampered with and damaged. Despite those issues, she said the City had reviewed the situation and had already budgeted for improvements to the traffic signal controller to improve efficiency. She added that staff would also carefully review driveway alignment and access points to ensure traffic safety considerations were addressed.

Councilmember Kinsey asked how many homes could potentially be built on the roughly four-acre site if it were developed as residential, similar to the surrounding neighborhood. Ms. Folck replied that the number would depend on whether the property was developed as low-density or high-density residential. She noted that the Comprehensive Plan identifies the area as appropriate for higher-density residential as well, referencing the orange-striped designation on the map. Using a rough estimate and assuming approximately one-third of the property would be used for streets and rights-of-way, a high-density residential development could accommodate approximately 45 units.

Councilmember Morrison then asked, if the property were zoned for residential use, could a developer construct subsidized housing on the site without City approval beyond standard permitting? Ms. Folck confirmed that if the property were zoned for high-density residential, the City could not legally discriminate based on funding source or price point. She explained that once zoning is in place, the City must approve development that meets code requirements, regardless of whether it is subsidized housing.

Councilmember Morrison noted that 44 or 45 units could translate to approximately 90 additional vehicles, all using a single driveway access to the site. Councilmember Kinsey asked whether lower-density residential development, more in line with the existing neighborhood, could still result in approximately 25 homes. Ms. Folck responded that it was possible, but noted that the outcome would depend on lot size and how a developer would choose to design the project.

Councilmember Morrison asked, if development were to occur at that corner, such as high-rise apartment buildings, would there be no height limit at that location until further south. Ms. Folck explained that each zoning designation includes a specific height restriction. The property's current zoning allows a maximum height of 35 feet. She also noted that additional height restrictions apply south of Country Club Road, intended to preserve views of the monument, but that those overlay restrictions end at Country Club Road. North of that point, along Five Rocks Road, no additional overlay limits building height beyond what is specified in the zone.

Administrator Heath confirmed that if the property were zoned higher-density residential, the height limit would increase accordingly. Ms. Folck affirmed that was correct.

Mayor Ewing opened the floor for public comment, reminding those present of the procedures. He invited anyone wishing to speak to come forward to the microphone, state their name and address, and sign in on the provided sheet.

Lonnie O'Bryan, 2830 21st Street, Gering, stated that if high-rise apartments were to be constructed at that location, the zoning would have to be changed again, and he did not believe there would be less opposition to that, especially if the apartments were low-income. He stated that he had nothing against the property owners or the individual suggested as the occupant. He stated the Council and the City's planning officials need to decide whether they are planning to develop a "ghost town" downtown or a business district downtown. He said there are approximately 25 buildings or occupancy spaces downtown that are empty, and likely more than that, with many for rent or for sale. He noted that the Pizza Hut building has been vacant three or four times in the last few years. He also stated that Rise and Shine moved a couple of months ago and that a number of other buildings, including what he believed to be the largest church downtown in terms of square footage, had shut down and moved out to the highway.

He continued that with the business planning to move, which is currently located by Fresh Foods, it may only bring a limited number of customers per day, possibly 10 to 15, who may also shop at Fresh Foods. If there are businesses downtown that service customers well, those customers could also accommodate other downtown businesses, but the businesses in Gering must be good and competitive, and the City must encourage that.

Mr. O'Bryan stated that if the City continues to encourage development out by the highway, downtown will continue to become more empty. He added if the Council hasn't seen that by now, he didn't know how he could change their minds. The property had previously been considered a possible commercial node under the zoning, but with changes made by the current Council, it is now a probable commercial node and a probable zoning change. He concluded by stating that the decision is up to the Council, but he does not see how the proposal will help downtown, which he said has many problems. He thanked the Council.

Pat Fullmer, 100 Buffalo Circle, Gering, came forward stating that she was speaking on behalf of a member of the community who was unable to attend the meeting in person. She explained that the resident, Alvena Hughes, 20 Buffalo Circle, was elderly and not able to attend the meeting. Ms. Fullmer proceeded to read the letter by **Alvena Hughes, 20 Buffalo Circle, Gering** - "Dear Mayor and all others, it is a concern for me and others for safety reasons. That is adjust to our walking and biking pathway and a lot of residential traffic already. So, I feel it is an unsafe place already. More traffic will add to it. I am writing that you consider all the negatives of the area. Sincerely, Alvena Hughes, February 8, 2026."

After reading the letter, Ms. Fullmer asked the Council how it was possible for a group of decision-makers to make choices affecting the lives of others when, in her view, the wishes of one property owner were being considered over those of a larger number of residents who had expressed opposition to the proposal. She added that it was the Council's responsibility to decide whether to base its decision on one person or maybe 50 people. She thanked the Council.

Peggy Fegler, 120 Buffalo Circle, Gering, noted that her house is approximately across from where the driveway of the proposed commercial complex would be located. She stated that she reviewed the City of Gering Zoning Regulations adopted in November, 2024 and that the document addresses amendments to change zoning districts; also outlining suggested questions that should be considered before approving a zoning change. Ms. Fegler proceeded to ask the following:

- Would the change in district classification be consistent with the purpose of these regulations and the intent of the proposed district? She stated that the proposed change would be consistent with the purpose of allowing commercial use, as the intent is to rezone the property to a C-1 district.
- What is the character and condition of the surrounding neighborhood? She described the surrounding neighborhood as entirely residential, quiet, and in good condition.
- Is the proposed amendment requested because of changes or changing conditions in the area? If so, what are the changes? Ms. Fegler stated that there have been no changes in the neighborhood during the nine years she has lived there aside from the trees growing taller.
- Is the subject property suitable for the uses to which it is restricted by the current district classification? She stated that the subject property is currently zoned R-1, which she believes is appropriate.
- Is the subject property suitable for the uses that are permitted by the proposed district reclassification? Ms. Fegler stated that she does not believe the property is suitable for the uses allowed under the proposed C-1 zoning. She stated that this would be the only commercial node in Gering completely surrounded by residential development and noted that the site would have only one entrance. She added that the single entrance into Buffalo Ridge works well for that subdivision because it is not large, noting that it consists of only 12 houses. She stated that the lots are only one-tenth of an acre smaller than the other development and that there is no way 20 houses could be placed there. She stated that there is only one residential entrance and that the proposed commercial development would also have only one entrance.

Ms. Fegler stated that while she could understand that entering the development might be relatively easy, exiting would be more difficult. She said that the vast majority of vehicles leaving would be heading east toward Five Rocks Road and would likely experience problems. She added that there is approximately 100 yards between the corner and the proposed driveway location, and that there is a 13-foot elevation difference from the lower area to the top of the hill. She estimated that a driver has about seven seconds from the time they turn up the hill before reaching that point, and that vehicles could be coming at the same time, leaving little time to react.

Ms. Fegler referenced the previous Planning Commission meeting and stated that Katie (the applicant) had said the business would have between 30 and 40 employees. She questioned how many people would need to be coming in and out each day to make the business profitable, estimating there could be between 100 and 200 vehicle trips daily for various purposes.

Ms. Fegler explained that when she personally cannot make a left-hand turn at a location, she will often make a right-hand turn and take an alternate route home. However, that would not be an option in this case because making a right-hand turn would lead to a dead-end road. She stated that the only alternatives would be to drive through two or three residential neighborhoods, go up toward the golf course, or turn into someone's driveway to turn around; the only real option would be to make a left-hand turn or divert into residential areas.

Ms. Fegler also referenced a recent newspaper article stating that the City of Gering is part of "Safe Streets for All." She questioned why, if the City supports safe streets for all, it would allow a commercial driveway to cross the pathway. She added that the pathway crossing is located at the top of the hill and when she rides her bike up that hill, she is traveling as fast as she can while climbing it and expressed concern about conflicts between fast-moving cyclists and vehicles entering or exiting the site.

Ms. Fegler urged the Council to consider these factors and vote against the rezoning. She stated that adding a commercial development at what is already a busy intersection could result in an additional 200 to 300 vehicle trips per day if the business were to be successful, which she believed would negatively impact the neighborhood.

Kathy Carrillo, 2860 Monument Valley Drive, Gering, began by asking the Council to vote against the proposed rezoning. She cited the City of Gering's Zoning Regulations, noting that the zoning ordinance was adopted to preserve, protect, and promote public health, safety, peace, comfort, and general welfare. She further stated that the zoning ordinance was adopted to achieve certain objectives and referenced item number 11, which states that it is intended to protect and enhance property values. She stated that the area in question is entirely residential, except for the golf course, which she said enhances the beauty and property values of the area. She described it as one of Gering's few upscale areas and stated that residents take pride in their homes and property.

Ms. Carrillo stated that changing the zoning to commercial would go against the ordinances and regulations. She expressed concern that allowing a commercial building would introduce a parking lot with lighting, commercial signage on the building and along the roadway, and a wider driveway to accommodate incoming and outgoing traffic. She stated that there is an incline on Country Club Road off Five Rocks Road and that drivers tend to increase their speed to make the incline, which, combined with a driveway at that location, could create safety issues and possible injury, affecting the general welfare of those in the area. She added that it would also diminish the peace and comfort of those who walk, ride bikes, or walk their dogs along Country Club Road and those who cross Five Rocks Road to access the Country Club and the Scotts Bluff National Monument trail.

She stated that allowing a commercial site would not enhance property values and questioned how most commercial buildings in Gering currently look, describing many as run down and not well maintained, with potholes in parking lots and faded or damaged signage. She questioned how such development would protect or enhance property values. She further stated that businesses change over time and suggested that a convenience store, restaurant, vaping or cannabis shop, or bar could eventually occupy the site. She expressed concern about the type of customers some businesses bring, stating that loitering could occur in nearby neighborhoods and decrease safety, peace, comfort, and general welfare.

Ms. Carrillo also raised concerns about trash from restaurants or convenience stores attracting rats and causing infestation, as well as litter in surrounding areas. She stated that a commercial site at that location would not enhance safety, peace, comfort, public health, or general welfare, nor would it protect property values.

She clarified that she is not opposed to bringing businesses into Gering but believes they should remain in existing commercial areas rather than residential areas. She stated that businesses should be encouraged downtown, noting there are vacant buildings, including a two-story building across the street that she believed would be a suitable location for multiple business activities and events, which could bring more customers to the area and benefit existing businesses.

Ms. Carrillo concluded by asking each Council Member to explain whether approving a zone change to commercial against the wishes of residents would be the right thing to do, or, if they were to approve the zoning change, why. She asked the Council to help preserve the beauty and integrity of the residential area; she thanked the Council.

Eldon Hubbard, 2770 Applewood Road, Gering, stated that he has been a resident of the area for approximately 35 years. He began by responding to comments he had heard regarding traffic, trash, and related concerns. Mr. Hubbard said those same arguments were raised when the Monument Valley Pathway was proposed, noting that the pathway has since become a widely used and valued asset to the community.

Mr. Hubbard thanked the Council for what he described as their thoughtful consideration of the ordinances and the Comprehensive Plan. He said he believed the Council had put appropriate effort into the process and praised the expertise of City staff, specifically acknowledging the City Engineer.

He expressed support for efforts to attract and support businesses in Gering, saying the City should do everything possible to assist businesses that want to locate there. Based on conversations he had with the applicant, Mr. Hubbard stated that he believed the proposed business would be an asset to the community rather than a detriment, contrary to some of the concerns expressed earlier.

He encouraged the Council to vote in favor of the zoning change to allow the business to move forward and thanked them for their time.

Kari Huber, 3015 Monument Shadows, Gering, noted that she had signed in earlier so she would have her full allotted time. Ms. Huber explained that she would be reading her comments because she was nervous and emotional, emphasizing that the issue affected her life and the things she deeply cared about.

Ms. Huber noted that she had previously spoken at a Planning Commission meeting and that her husband had voiced concerns at earlier City Council meetings regarding the proposed rezoning of their residential neighborhood to commercial. She stated that most people likely did not know her. She explained that she and her husband moved to Gering when a job opportunity opened up, and that he served as general manager for six and a half years before retiring. They later moved to Chandler, Arizona, where their best friends lived. She added that desert living was not for them, noting that it likely had more to do with the fact that their grandchildren were living here.

When she and her husband first moved to Nebraska, they were impressed with Gering and chose to live in their neighborhood because of the majesty of the Monument; it is breathtaking. The neighborhood they chose became home. Their first home in Gering was at 3045 and they now live at 3015 Monument Shadows. They had contacted the family who purchased their former home to ask if they would sell it back to them, but the family declined because they love the neighborhood as much as she and her husband do. They then purchased the house across the street. The people in the neighborhood are the friendliest and most loving they have ever known. They were welcomed back with open arms and it's good to be back home.

Ms. Huber then stated that she and her husband were perplexed as to why the City would want to change their neighborhood to a commercial zone. She described it as one of the nicest places to live in Gering and possibly in all of western Nebraska, noting that she is a little biased. She previously told Katie that she was not against her physical therapy business, and that her own son is a physical therapist; however, she does not believe the business belongs in their residential neighborhood.

Over the past few weeks, she has contemplated why anyone would want to move a business to a location where it is so opposed. She stated she believes it helps to be good friends with the city engineer and questioned why "Annie" did not recuse herself. She continued saying that when Katie said the building would be set on the north end of the lot, she initially thought that was something positive. However, at another City Council meeting, Annie stated she would rule out certain businesses such as storage units, but did not rule out a gas station. Ms. Huber stated that it then dawned on her that the physical therapy business may be the least of their worries and questioned whether Katie's family, who owns the land, might pursue putting in a gas station. She asked why else would a gas station be suggested as being within the commercial guidelines being endorsed and stated that storage units would cause far less traffic than a gas station.

Ms. Huber added that the neighborhood does not need more traffic and described the intersection of Five Rocks Road and Country Club Road as one of the busiest in Gering, which she said affects everyone in the neighborhood. She then stated that she would return to her favorite subject, her grandchildren. She asked the Council not to ruin their lovely, quiet, safe neighborhood for one family, stating that her grandchildren enjoy playing outside and that residents appreciate being in a neighborhood where they feel children are safe. She said she sees neighbors' children playing outside, using the sidewalks, quiet streets, and the walking path that runs along Country Club Road.

She concluded by asking the Council not to ruin their beloved neighborhood and to consider how they would feel if someone attempted to change their neighborhood to a commercial zone. She thanked the Council for listening.

Kari Foreman, 3020 Eagle Pointe, Gering, noted that she was not feeling well but wished to speak nonetheless. She stated that since the first meeting she attended, she had expected to see diagrams or a model illustrating the

proposed development, including all infrastructure, because of her background as a planner. She said the information provided was not clear and raised more questions than answers, leaving her feeling uncertain.

She noted that the Planning Commission had returned more than once without a recommendation and had not approved the proposed change to commercial zoning. She also stated that the State would not approve a turn off the highway, which added to their concerns. She expressed that the community wants both strong neighborhoods and thriving businesses; one should not come at the expense of the other.

Ms. Foreman stated that when they moved to Gering, they valued the sense of community and belonging. She said that while businesses are needed and can flourish, she felt dismissed when residents' concerns were not fully considered especially as taxpayers; the taxes they pay in that neighborhood are horrendous. She shared that in another town, her husband's family tried to sell a home, but poor planning decisions mixed business and residential areas. She said the realtor informed them they could not sell for "that amount" because of bordering commercial zones, despite the property being well cared for. She noted that these experiences raised questions and concerns. She added that she and her family have lived in Gering for nearly 25 years and that the area has always been sold for residential purposes.

Ms. Foreman added that everyone who has purchased property in the area bought it for residential purposes, including those seeking to change it. She emphasized that the area is intended for residential use and that they wish to keep it that way. She expressed concern about allowing the wishes of a few to override the rest of the community and setting aside the needs of everyone else... She asked, "Where do we go? Are we just supposed to take it? How do we seek to leave?"

Ms. Foreman noted that her family has always tried to make sound financial decisions and that they are very happy in their home. However, when others make poor decisions, it creates problems for residents. She concluded by stating that this is the Council's opportunity to embrace what they have in the neighborhood, continue with residential zoning, and maintain the character of the area, which works well. She urged the Council to keep it that way and thanked them for listening.

Jerry Kilthau, 2700 Country Club Road, Gering, stated he lives on the road on the north side of the hayfield along Country Club Road. His residence can be difficult to find, delivery drivers often drive up and down the road before he has to meet them and direct them to his home.

Mr. Kilthau said he heard concerns from neighbors about increased traffic resulting from the proposed development. Based on his observations, he believed most existing traffic on Country Club Road is local, with some semi-truck traffic on Five Rocks Road and some tourist traffic passing through the area. He stated that he did not expect an increase in traffic unless the business would actively draw visitors from outside the area, which he did not believe was likely.

He also noted that, to his knowledge, there have not been many accidents at the intersection of Five Rocks Road and Country Club Road. Mr. Kilthau explained that although he had not followed every detail of the process, he wanted to voice a possible alternative approach to address traffic concerns. He suggested that, if allowed by the State, the City could consider placing a driveway farther east along Country Club Road rather than directly at the intersection. He proposed locating the access point closer to the middle of the property, north of Country Club Road and before the railroad tracks. He said this could involve additional grading and dirt work to lower the approach so vehicles would be at grade when entering or exiting the roadway.

He also suggested that fencing could be installed around the property - not a standard chain-link fence, but a more visually appealing option such as black wrought-iron fencing to help guide vehicle and pedestrian movement and contain access to designated entry and exit points. In his view, such measures could reduce traffic conflicts at the intersection of Country Club Road and Five Rocks Road and help address safety concerns raised by residents.

Mr. Kilthau concluded by stating that these were his personal thoughts and he hoped the Council would consider whether such alternatives might be feasible.

Steve Eich, 1315 P Street, Gering, noted that he had not initially planned to speak on this matter, but he felt compelled given the number of people opposing the rezoning. He shared that he had experienced a similar situation in the past. He expressed his view that the proposed zoning change is "completely appropriate" and stated that concerns about increased traffic were overstated, noting that an estimated 200 cars per day would not be significant.

He characterized these traffic concerns as "just a talking point" used by those opposed to the zone change. He concluded by expressing sympathy for those who oppose the development and reaffirmed his support for the zoning change.

Derek Smith, 90110 CR 19, Scottsbluff, NE, spoke in support of the zoning change. He introduced himself and his wife, Katie, and thanked the Council for their time and for the opportunities over the past year to speak regarding their application to rezone their property to C-1 Commercial.

He provided a timeline, explaining that their original application more than a year ago nearly passed but fell short due to the supermajority requirement. They reapplied and have since attended Planning Commission and Council meetings. He stated that while the Planning Commission did not issue a formal positive recommendation, it also did not formally deny the application because three members were absent. Although it was not the outcome they had hoped for, they respect the process and have continued to move forward.

Mr. Smith noted that throughout the process they have received significant support from members of the community, and they have also heard concerns. He then addressed the concerns raised by residents.

He stated that traffic has been the primary concern raised in previous meetings. He noted that, as the Council itself had stated, the initial traffic study was inflated due to the bridge detour that was in place at the time. He further stated that a second attempt at collecting traffic data was compromised when the counting equipment was intentionally damaged. He added that the Council has also indicated that improvements to traffic safety controls are already included in the City's long-term plan and that funds have been budgeted for those upgrades. In addition, efforts have been put in place to extend turning lanes and improve efficiency.

He stated that on their end, they are being proactive and are working with engineers to design on-site traffic flow that minimizes impact, improves safety, and keeps traffic moving efficiently within the property itself.

Mr. Smith stated that the second concern they have heard relates to the appearance of the building, including questions about what it will look like, how tall it will be, and what type of business it will be. He stated first and foremost, they are not building a gas station. He explained that no finalized plans have been publicly shared because they are still being developed, and that only minimal details have been discussed at earlier meetings. They are working with a professional engineering team to ensure compliance with all City and State regulations, while also designing a building that is visually appealing and fits the surrounding area. He wanted to clarify what they are proposing; the facility would include a physical therapy clinic, a gym, a med spa, and a coffee shop.

He added that the physical therapy clinic would consolidate two existing locations into one, improving efficiency and patient access. He further noted that the other three businesses would be new and would bring new services and new jobs to the community, ranging from entry-level positions to management roles and licensed medical professionals.

Mr. Smith continued saying that he wanted to address the comment he has heard more than once that residents support the businesses, just not at that location. They chose the location because it has been in their family for nearly 25 years and has remained vacant during that entire time. Their goal is not to disrupt the area, but to thoughtfully activate a long-unused space with businesses that will serve local residents and contribute positively to the community. He said they are committed to doing the project the right way, working with the City, listening to concerns, and building something the community can be proud of. He thanked the Council for its time and consideration.

Wade Huber, 3015 Monument Shadows Drive. Mr. Huber addressed the Council noting that he had received a letter from LaRita Van Baskirk, who was unable to attend due to illness, and was asked to read it on her behalf: Letter by **LaRita Van Baskirk, 2805 Grandview Road, Gering** - "We were here in April having the same discussion about whether to rezone the corner, and we still haven't come up with a clear plan, from residential to commercial. According to the Gering Comprehensive Plan, this property should not and could not become any type of commercial zoning. We are respectfully asking the City Council to leave the corner zoned as rural residential. Please don't change it to commercial. We are asking Mr. Schaneman and Katie Smith to begin the process to keep the corner residential. What could be better and more lovely than developing that corner into condominiums, much like Buffalo Circle across the street? We are not anti-business and want businesses to come to Gering; however, we do ask that businesses go where business areas are in downtown Gering. These wishes are of area residents and the interests of your constituents. Please consider all of them. Thank you very much."

After reading the letter, Mr. Huber directed appreciation to Mr. Smith stating that it was the first time he had heard specifics about what was being proposed and questioned how a decision could be made on a plan that the public does not know. He stated he had not heard anything from the Council about the benefits or negatives of the proposal or why it needed to be approved and asked why it is important to the City.

Mayor Ewing responded that during the public hearing portion, the Council cannot respond or engage in discussion. Mr. Huber asked where he could find out why the proposal is important to the City. Mayor Ewing stated that staff would contact him and reiterated that the public hearing portion is for citizen comments only.

Mr. Huber then asked whether rezoning to commercial and potential new water or sewer infrastructure would affect taxes. Staff responded that they could visit with him about that and stated that typically development costs, including infrastructure improvements, are borne by the developer. Staff referenced a development agreement discussed earlier to ensure the developer pays those costs. Mr. Huber stated that information such as that would be helpful for residents to know. He thanked the Council.

Lana Payne, 2820 Applewood Road, Gering, addressed the Council stating that she had been asked to read a letter on behalf of Luke Benzel, who could not attend. She noted that most of the letter had been read previously, but that Mr. Benzel had added some additional remarks since the last time he was at a meeting. She proceeded to read the letter by **Luke Benzel, 2720 Monument Valley Drive, Gering** - "Last time we were here, there was large support in opposition to this decision, and it was voted as such. Even though the media sold it as "equal representation," anyone who was counting knows that was not true.

I, as did others, asked that you simply hear the voices of the citizens, especially those who are directly affected. We were given one opportunity to speak before it came back around for the Council to address points, more on that later.

We were lectured by business owners and even former Council Members throughout the public comment portion. Told we don't know what it takes to run a business, etc. Again, NONE of the individuals in support of this actually live up the road on Country Club, aside from one letter that was sent, which I am aware of. Any and all support came from those who claim to be affected, but in reality aren't because they don't live west of the highway on Country Club or any of its streets, again, a one-way in and out.

Then, after everyone spoke, we were patronized with leading questions to "put our minds at ease." Everything ranging from traffic flow, possible businesses that could come, and told no one has tried to develop this property for housing purposes. Well, of course not. I've lived up here for almost 13 years, and it has never once been for sale that I recall, so how would there be an opportunity to do so? I think that's a big point that's been missed. Of course, the property owner has every right to hold out and sell it to whoever they want. Yet here we are again, with the City working to "adjust" the plan to make sure something is done with this property that they (you) see fit, even though you said you "weren't doing anything to develop this property yourself."

Another big concern is that the Planning Commission, that helped advance this, is made up of appointed individuals, two of which are related. Additionally, Ms. Folck, the City Engineer, has clearly been trying to manipulate the situation with policy changes, to help this individual. There is growing concern and a lack of transparency regarding her possible friendship with the applicant. It seems she views this development as a "feather in her cap" when it will end up being another reason people don't trust the City leadership.

It is concerning to me that the City seems bent on helping and hearing certain individuals and not others. Again, we are already hearing talks of businesses moving within Gering, which again will bring no new business, just shift business, and will, as pointed out before, draw business away from downtown. Someone offhand in the community even said they are sure this will eventually be a gas station. We are well aware that this is all a charade to give us public voice, but at the end of the day, we all know things are being altered in order to do whatever you've already decided behind the scenes. Transparency goes a long way and there hasn't been much where this is concerned.

After the last meeting, we immediately saw the change of the length of the turning lane take place, the length of the light extended, which, by the way, has already made it more difficult to pull off of Country Club to turn left (north) in a timely manner, comparatively, and the traffic trackers go up again. I even noticed U Street got striped, but after comments were made regarding that. I guess I say all this to say, it is simply disappointing to know that voices are heard, but only when it fits the agenda of certain community individuals or entities. I thought it was important that

you hear from me and others yet again, but I know minds are made up, and I cannot sit and listen to any more lip service at the expense of time spent with my family.

Although I'm sure none of what I am saying will change your minds or be well received, with all due respect, know that we are not blind to what is happening, and this doesn't look good for our community when citizens' concerns are dismissed simply for the sake of what some consider development and the almighty dollar." Ms. Payne was informed by Mayor Ewing that the time had expired to finish reading the letter.

Administrator Heath addressed comments made in Mr. Benzel's letter. He stated that he did not appreciate his accusations, noting that Ms. Folck is a professional engineer. He emphasized that she is bound by a professional code of conduct in her work and maintains neutrality on all projects that come before the City. He concluded that the accusations made were completely false.

Mayor Ewing asked if anyone else wished to address the Council. It was noted again that a screen in the meeting room was not functioning properly due to technical difficulties.

Administrator Pat Heath then read two letters of public comment into the record. He stated an email was received on February 4, 2026 from Steve and Lori Grasmick, 2740 Monument Valley Drive - "Dear Members of the City Council/Zoning Commission, we are writing to express our strong support for the proposed zoning change regarding the northwest corner of Five Rocks Road and Country Club Road, currently designated as Rural Residential, to be changed to a Neighborhood Commercial District. We believe this zoning amendment represents a thoughtful and forward-looking step for our community. We believe it will serve the evolving needs of our community, especially residents of the Monument Heights neighborhood in which we live. The proposed change allowing a multi-unit commercial complex supports economic growth and would be an attractive addition to that corner. I appreciate the careful consideration the Council/Commission gives to zoning matters and the opportunity for public input. We believe this change is reasonable, beneficial, and in the best interest of our city. Thank you for your time, service, and commitment to thoughtful community planning. I respectfully urge you to approve the proposed zoning change. Sincerely, Steve & Lori Grasmick, 2740 Monument Valley Dr, Gering."

Administrator Heath stated that another email was received by seven of the eight Council Members from Eldon and Candy Hubbard of 2770 Applewood Road. He stated that although Mr. Hubbard shared comments earlier, he would still read the email aloud - "Once again, we voice our support for this business expansion in Gering. Thank you, Eldon and Candy Hubbard." Mr. Heath continued, noting that the email also stated: "Dear Council Members, we are writing in support of the change of zoning to Commercial I for the property that borders Country Club Road and Five Rocks Road. I understand that a local businessperson would like to locate both of her Physical Therapy businesses at that location as well as some other associated businesses. We have no concerns about additional traffic nor about home values being impacted. Please support this request to expand business in Gering. Eldon and Candy Hubbard, 2770 Applewood Road, Gering, Nebraska 69341."

Council Members were then invited to ask any additional questions or provide comments regarding the proposed zone change and the public input received.

Councilmember Gillen stated he wanted to speak to the residents regarding the silence from Council Members in regard to these issues. He explained that, as part of the code they have to follow under state statute, Council Members cannot engage in conversations regarding pending items before the Council. He said they can only speak to those items and address comments and concerns after individuals have voiced them at a Council meeting so that everyone has the opportunity to hear the Council Members. He added that they cannot take a stance on an issue out in the public or voice opposition or support for issues before the Council meeting, explaining that Council meetings are the public venue for providing their thoughts and opinions when asked regarding the issues. He acknowledged the challenge this creates, as residents often want to know how Council Members intend to vote. He emphasized that Council decisions are not made with preconceived notions; Council Members take considerable personal time to research issues, listen to community feedback via meetings, emails, and in-person discussions, and weigh all perspectives carefully before acting. He further noted that the public hearing process is the appropriate venue for residents to share their concerns and that Council Members must refrain from taking public stances outside this process for legal reasons.

Regarding the topic of business development, he stressed that the Council aims to foster growth in the community while protecting residents and their homes. He noted that not all existing buildings are viable options for new businesses due to ownership or financial limitations. Development is weighed carefully, balancing community needs, safety, and long-term growth.

He reminded attendees that Council Members represent certain areas of town and consider the input of constituents from their districts heavily in decision-making. Ultimately, the purpose of this public hearing is to allow Council Members to hear input and later provide feedback on the issues at hand.

With no further questions or comments, Mayor Ewing closed the administrative record and the public hearing at 8:07 p.m.

2a. Consider first reading of Ordinance 2180 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

Councilmember Morrison made a motion to introduce Ordinance No. 2180 as the first reading - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Second by Councilmember Jackson. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Frye, Kinsey, Morrison, Jackson. "NAYS": Shields, Wiedeman, O'Neal. Abstaining: None. Absent: None. Motion carried.

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

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

Mayor Ewing moved to the Open Comment section and opened the microphone to anyone wishing to address the Council and requested that speakers state their name and address and print their information on the sign-in sheet provided.

Kim Graslie, 985 5th Street, Gering, addressed the Council regarding the preliminary plat for the Hobbs Addition. She stated that the plat appeared to show fourplexes adjacent to existing homes. She said that during prior meetings and the town hall, Mr. Snodgrass had indicated that duplexes would be placed next to the existing residences, with fourplexes located more toward the middle of the development. She expressed concern that this commitment had not been put in writing and stated that, upon reviewing the preliminary plat, it appeared that fourplexes were shown near the existing homes along K Street and 5th Street.

Engineer Folck responded that the preliminary plat shows what could be constructed on the lots. She explained that in the initial phase, identified in bold on the plan, duplexes are shown adjacent to the existing residences. She added that this was something the City could review further with the developer.

Ms. Graslie reiterated that neighbors had been told duplexes would be placed next to their properties and she wanted the developer held true to that representation. She also expressed concern about increased traffic in the neighborhood, noting that currently only residents travel through the area and that additional development and completion of I Street would likely increase traffic through existing neighborhoods. Ms. Graslie asked whether the developer would be restricted to constructing only duplexes and fourplexes, as outlined in the rezoning application.

City Attorney Ellison interjected and reminded those present that this part of the agenda is for public comment only. If Ms. Graslie wanted to be on the agenda, it would be at another meeting. He encouraged her to talk to Engineer Folck after the meeting. He stated that she can express her opinions to the Council. Ms. Graslie stated that she

wanted the development to proceed as previously represented and reiterated her concern that duplexes be placed adjacent to the existing homes. She thanked the Council.

Krystal Eich, 1315 P Street, Gering, expressed appreciation for the discussions held at this meeting regarding Ordinance No. 2175. She stated that more individuals in attendance appeared invested in the concerns of both staff and citizens on both sides of the issue. Ms. Eich noted that it had been stated the ordinance was not intended to prohibit the private use of property rights by any citizen; however, as currently written, the ordinance restricts law-abiding citizens from enjoying the private use of their property. She referenced the November 19, 2025 Public Safety Committee meeting, where Councilmember Gillen provided an analogy regarding restrictions on the number of chickens permitted on a property, describing that ordinance as a fair balance between private property rights and neighbors' rights related to noise, public health, and safety. She stated that she believed Ordinance No. 2175 still required additional revisions to achieve a similar balance.

Ms. Eich addressed concerns regarding the improper discharge of waste onto properties, stating that if the City does not have an ordinance prohibiting improper sewage discharge, it should be added to the code. She said as written, the ordinance prohibits habitation but does not specifically address sewage disposal, which she understood to be a primary concern.

She further addressed concerns about creating multi-family situations in areas where zoning prohibits such use. She referenced a suggestion made during a previous public comment period that campers be registered to the property owner and properly licensed and insured. She suggested limiting the allowance to one camper, RV, or trailer owned by the legal deeded property owner to prevent leasing yards as campgrounds.

Ms. Eich also referenced concerns raised by Councilmember Frye regarding setbacks and questioned whether existing setback ordinances would address situations such as parking a camper near a neighboring bedroom window. She suggested that if temporary structures such as campers are not included in existing setback regulations, the ordinances should be strengthened to address that issue, noting that the current ordinance does not do so.

Finally, Ms. Eich expressed concern regarding the suggestion of selective enforcement, stating that it could expose the City to legal consequences and result in poor legislation. She stated she was not personally concerned about receiving a citation for her grandchildren staying in her camper in her driveway as it had been stated on the record that such situations would not be enforced. She encouraged the Council to pause, step back, and continue discussions to develop a clear and enforceable ordinance.

Lonnie O'Bryan, 2830 21st Street, Gering, addressed the Council regarding taxes in the community. He referenced low-income housing and the Housing Authority and stated that he did not believe such entities pay much in taxes due to nonprofit status. He expressed concern that as more public housing is constructed, the tax burden shifts, resulting in single property owners paying more.

He referenced a bill before the Legislature that he believed would address decreases reflected on recent tax statements, though he was uncertain of its status. He stated that taxes continue to increase and noted that approximately 20 individuals had previously spoken in opposition to a project that was not mentioned that evening. He stated that when many taxpayers are opposed to a project, it should be given serious consideration.

He expressed concern that tax burdens disproportionately affect certain segments of the population while others do not pay property taxes. He stated that many schoolchildren live in public housing that is subsidized by tax dollars. These factors should be considered when taxpayers address the Council. He concluded by stating that when new schools or public housing are constructed, taxes increase for those who pay property taxes.

Steve Eich, 1315 P Street, Gering, addressed the Council and stated he would try to be nicer in his comments regarding RVs. He said he believed a solution had essentially been identified during the discussion that evening. He referenced asking Chief Holthus how long complaints had been received on a particular property, which he believed was the main issue, and suggested that if a temporary allowance were established - such as allowing fourteen consecutive days or a total of thirty days - then if complaints continued beyond ninety days, the City would have a mechanism to address the situation.

Mr. Eich also suggested adding language to the ordinance prohibiting the dumping of sewer water if such language was not already included. He stated that if the ordinance had initially focused on addressing specific problem situations, the City may already have had the ability to respond to those concerns.

He further stated that the current language of the ordinance does not work for everyone and could result in many residents technically being in violation for allowing family members to stay temporarily in campers on their property. He said he agreed that permanent placement of RVs in residential areas should not be allowed but suggested that temporary use could be addressed with reasonable limitations. He thanked the Council.

ADJOURN:

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

Meeting adjourned at 8:21 p.m.



Kent E. Ewing, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk

