

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, OCTOBER 13, 2025.

A regular meeting of the City Council of Gering, Nebraska was held in open session on October 13, 2025 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. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Matt Turman. Absent was Councilmember Jackson. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

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

1. Recital of the Pledge of Allegiance and Prayer
2. 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 September 22, 2025 Special City Council meeting
2. Approve minutes of the September 22, 2025 Regular City Council meeting
3. File for record TCD Quarterly Report
4. Approve Claims

Claims 9/23/25 – 10/13/25

21ST CENTURY EQUIPMENT \$256.30, ACE HARDWARE \$2,080.70, ACUSHNET COMPANY \$813.59, AIR MED CARE NETWORK \$9,525.00, ALL BUSINESS & COMMERCIAL RECYCLING, LLC \$38,505.65, ALLO COMMUNICATIONS \$3,388.21, AL'S TOWING, INC \$150.00, AMAZON CAPITAL SERVICES \$4,247.18, AMERITAS LIFE INSURANCE CORP. \$592.48, APPLIED CONTROL EQUIPMENT LLLP \$1,153.84, BENCHMARK GOVERNMENT SOLUTIONS, LLC \$63.70, BLACK HILLS ENERGY \$793.42, BLUE OX \$1,671.00, BLUFFS FACILITY SOLUTIONS \$588.46, BOK FINANCIAL \$750.00, BORDER STATES INDUSTRIES, INC \$137,177.51, BROWN'S SHOE FIT COMPANY \$703.89, CALLAWAY GOLF COMPANY \$303.90, CALVARY MEMORIAL CHURCH \$300.00, CAMPSHOT \$557.39, CARL VAN VELSON \$20.00, CELLI'S CYCLE CENTER \$817.91, CENTRAL RESTAURANT PRODUCTS \$2,499.00, CENTURY BUSINESS PRODUCTS, INC \$8,395.00, CHERI HUTCHISON \$42.88, CITY OF GERING \$23,970.66, CITY OF SCOTTSBLUFF \$5,880.00, CLARK PRINTING LLC \$218.20, COLUMN SOFTWARE, PBC \$465.22, CONTRACTORS MATERIALS, INC. \$891.40, CORE & MAIN LP \$6,223.27, DANKO EMERGENCY EQUIPMENT CO \$3,047.00, DEARBORN LIFE INSURANCE COMPAN \$99.76, DETROIT INDUSTRIAL TOOL \$1,991.66, DIRT STIX NURSERY \$188.57, DOCU-SHRED LLC \$30.00, DOOLEY OIL \$732.14, DUTTON-LAINSON COMPANY \$3,409.19, EAKES INC \$501.09, ECOLAB \$491.96, EDSON VICHARA \$368.15, EJS SUPPLY, LLC \$2,799.00, ELLICOTT DREDGE TECHNOLOGIES \$51,200.00, ELLIOTT EQUIPMENT CO. \$457.02, ELLISON, KOVARIK & TURMAN LAW \$10,000.00, ERIC REICHERT CONSTRUCTION \$162,467.76, EUROFINS ENVIRONMENTAL TESTING NORTH CENTRAL, LLC \$354.00, FASTENAL COMPANY\$416.62, FAT BOYS TIRE & AUTO \$21.00, FEDEX \$373.02, FELSBURG HOLT & ULLEVIG INC \$1,106.25, FIRST NATIONAL BANK OF OMAHA \$8,464.93, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$2,746.20, FRANCISCOS BUMPER TO BUMPER IN \$400.00, FRANK PARTS COMPANY \$2,278.52, FRONTIER OVERHEAD DOOR \$600.00, FYR-TEK, INC. \$1,467.28, GERING VALLEY PLUMBING & HTG., INC. \$10,000.00, GERING VOLUNTEER FIRE DEPT. \$1,190.00, GFSI LLC \$2,300.60, GOLDSTAR PRODUCTS INC \$2,784.75, GORSUCH & SONS \$5,364.51, GRAINGER \$1,382.18, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$5,757.50, HDR ENGINEERING, INC. \$10,695.21, HENNING BROTHERS \$83.00, HERSTEAD MONUMENT CO. \$1,500.00, HIGH PLAINS SCUBA CENTER \$1,355.00, IDEAL LAUNDRY AND CLEANERS, INC. \$2,013.12, INGRAM LIBRARY SERVICES \$1,785.46, INLAND TRUCK PARTS CO. \$1,508.61, INTERNAL REVENUE SERVICE 54,563.99, INTRALINKS, INC. \$18,011.27, IRBY TOOL & SAFETY \$3,843.66, ITRON, INC. \$179.23, J & A TRAFFIC PRODUCTS \$4,560.50, J RODZ \$85.00, JARED SHEPARD \$154.00, JEO CONSULTING GROUP \$12,615.55, JIRDON AGRI CHEMICALS, INC \$33,868.64, JOHN HANCOCK USA \$17,677.22, JOHN HANCOCK USA FIRE \$1,442.48, JOHN HANCOCK USA POLICE \$11,370.08, JOHNSON CASHWAY CO. \$1,007.89, KANSAS GOLF & TURF INC \$230.48, KENT EWING \$155.60, LAWSON PRODUCTS \$515.36, LEAGUE ASSOC./RISK MANAGEMENT \$3,512.43, LEAGUE OF NE. MUNICIPALITIES \$1,134.00, LEE ENTERPRISES \$452.29, LEGACY COOPERATIVE \$2,158.02, LIGHTHOUSE ELECTRICAL \$24,597.00, LINCOLN MARRIOTT CORNHUSKER \$336.00, LOGOZ LLC \$1,132.00, LOIS CECAVA \$1,268.27, LONG DRAW PRODUCTIONS \$1,200.00, LOST RIVER SAND & GRAVEL, INC \$5,950.56, MACQUEEN EQUIPMENT, LLC \$9,775.22, MAIN STREET APPLIANCE \$2,250.00, MANUEL BARRAZA \$7,520.00, MATHESON TRI-GAS INC \$343.28, MATTY B'S HVAC \$250.00, MENARDS \$281.47, MICHAEL FREDERICK \$50.00, MICHAEL

TODD & COMPANY, INC. \$826.95, MIDWEST CONNECT \$3,951.20, MOBIUS COMMUNICATIONS COMPANY \$30.00, MUNICIPAL SUPPLY, INC. OF NE. \$11,741.31, MUTUAL OF OMAHA \$5,150.39, NC CHILD SUPPORT CENTRALIZED COLLECTIONS \$50.24, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPT OF ENVIRONMENT AND EN \$28,195.15, NEBRASKA DEPT OF REVENUE \$811.26, NEBRASKA DEPT OF REVENUE \$25.00, NEBRASKA DEPT. OF REVENUE \$77,175.69, NEBRASKA GOLF ASSOCIATION \$25.00, NEBRASKA LIBRARY COMMISSION \$847.80, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$686.00, NEBRASKA STATE VOLUNTEER FIREFIGHTER \$100.00, NEBRASKA STATEWIDE ARBORETUM \$250.00, NKC TIRE \$5,195.37, NMC INCORPORATED \$1,392.44, NORTHWEST PIPE FITTINGS, INC \$363.49, ONE CALL CONCEPTS, INC \$121.86, O'NEILL WOOD RESOURCES, LLC \$39,156.25, OPEN A NINE, LLC \$3,354.87, OREGON TRAIL COMMUNITY FOUNDATION/OLD WEST BALLOON FEST \$6,000.00, O'REILLY AUTOMOTIVE STORE \$534.38, PANHANDLE AREA DEVELOPMENT \$7,536.32, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$589.00, PATTLEN ENTERPRISES, INC \$140.94, PAUL REED CONSTRUCTION & SUPP \$2,066.15, PEACEFUL PRAIRIE NURSERY, INC.1,225.91, PING INC \$117.36, PIPE WORKS PLUMBING LLC \$7,600.00, PLAYAWAY PRODUCTS LLC \$671.38, POWER SCREENING, LLC \$5,460.86, POWERPLAN OIB \$21,742.28, PRAISE WINDOWS \$350.00, PRECISION AIR \$320.07, PRINT BROKER \$359.13, PT HOSE AND BEARING \$244.15, QUADIENT LEASING USA \$840.00, QUADIENT POSTAGE FUNDING \$857.99, RAPID FIRE PROTECTION \$264.00, REGIONAL CARE INC. \$167,998.10, RELENTLESS LLC \$768.90, RESCO \$41,631.53, RIVERSTONE BANK \$596.02, ROGERS SPRAYERS INC. \$574.95, SAFEWASTE USA LLC \$752.96, SAMUEL PATTISON \$254.46, SANDBERG IMPLEMENT, INC. \$10,437.93, SCB. COUNTY SHERIFF OFFICE \$184.88, SCHANK ROOFING SERVICE \$2,744.00, SCOTT FREE BREWING COMPANY LLC \$12,500.00, SCOTTSBLUFF LANDSCAPING \$3,275.25, SCOTTSBLUFF/GERING STATE GOLF C/O OTCF \$2,000.00, SCOTTSBLUFF-GERING UNITED WAY \$273.02, SCS ENGINEERS \$5,207.75, SE MUNICIPAL SOLAR (NE), LLC \$8,822.17, SIMON CONTRACTORS \$12,028.26, STRYKER SALES \$302.64, TAYLOR MADE GOLF COMPANY \$329.99, TEAM CHEVROLET \$600.00, TERESA TOSH \$17,519.20, THE MIXING BOWL \$40.00, THE TORO COMPANY \$315.00, TORRINGTON SOD FARMS \$1,230.13, TOUCH OF GREY PAINTING \$4,160.94, TWIN CITY DEVELOPMENT ASSOC \$12,500.00, TYLER TECHNOLOGIES \$1,052.00, TYNDALE \$626.62, USEFUL CORPORATION \$3,496.00, UTILITY BILL REFUNDS \$741.13, VALLEY AUTO LOCATORS LLC \$1,080.45, VERIZON CONNECT \$51.80, VERIZON WIRELESS SERVICES, LLC \$552.91, WESCO RECEIVABLES CORP. \$675.64, WESTERN COOPERATIVE COMPANY \$14,683.33, WESTERN PATHOLOGY CONSULTANTS \$359.00, WNCC FOUNDATION- \$6,000.00, ZIMCO SUPPLY CO \$5,250.00, TOTAL \$1,358,654.39

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. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

CURRENT BUSINESS:

1. Presentation of proclamation to DOVES for Domestic Violence Awareness Month

Mayor Ewing read a Domestic Violence Awareness Month Proclamation and presented it to the Director of DOVES, Hilary Wasserburger, and DOVES Board Member, Lane Miller.

2. Approve emergency expenditure for leasing a Mud Cat Dredge from Ellicott Dredge Technologies, LLC for the Wastewater Department

Motion by Councilmember Morrison to approve an emergency expenditure for leasing a Mud Cat Dredge from Ellicott Dredge Technologies, LLC for the Wastewater Department in the amount of \$51,200. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

3. Approve and authorize the Mayor to sign Equipment Use Agreement by and between the City of Gering and Scotts Bluff County CERT

Motion by Councilmember Shields to approve and authorize the Mayor to sign Equipment Use Agreement by and between the City of Gering and Scotts Bluff County CERT. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

4. Approve amendments to Personnel Policies: 1.9, 1.10, 1.12, 2.2, 2.8, 2.14, 4.3, 5.1, 5.4, 6.1, 6.4, 7.2, 7.3

Motion by Councilmember Morrison to approve amendments to Personnel Policies: 1.9, 1.10, 1.12, 2.2, 2.8, 2.14, 4.3, 5.1, 5.4, 6.1, 6.4, 7.2, 7.3 as presented in the packet. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye,

Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

5. Approve request for Public Safety meeting agenda item: 1.) Discuss code changes regarding living in recreational vehicles

Motion by Councilmember O'Neal to approve a request for a Public Safety meeting agenda item: 1.) Discuss code changes regarding living in recreational vehicles. Second by Councilmember Kinsey. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

6. Consider a motion to ratify all actions of Pat Heath, City of Gering LARM Representative, identified in the minutes of the Annual Members Meeting of the League Association of Risk Management on September 24, 2025, including the election of nominees to the LARM Board of Directors

Motion by Councilmember Wiedeman to ratify all actions of Pat Heath, City of Gering LARM Representative, identified in the minutes of the Annual Members Meeting of the League Association of Risk Management on September 24, 2025, including the election of nominees to the LARM Board of Directors. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

PUBLIC HEARINGS:

1. Public hearing to consider recommending the issuance or denial of a Class C Liquor License for El Charro, LLC at 1675 10th Street, Gering, NE

Mayor Ewing opened a public hearing to consider recommending the issuance or denial of a Class C Liquor License for El Charro, LLC at 1675 10th Street, Gering, NE at 6:08 p.m.

Jerry Ostdiek, attorney for the applicants, as well as Nathaniel Vargas, proposed Liquor License Manager for El Charro, LLC, and Marisol Avalos were present and addressed Council. Mr. Ostdiek asked Mr. Vargas a series of questions.

Mr. Vargas resides at 612 E. 9th Street, Scottsbluff, NE. He attended college for Electrical Apprentice. He has a background of working in restaurants since the age of 13 until he graduated from high school. He continued to work at restaurants "every now and then" after becoming an Electrical Apprentice and working with HVAC. He has been working at El Charro for half a year as a co-manager/waiter. El Charro has been in business for about one year. He requested Council approval of the liquor license as the managing member of El Charro, LLC. He also asked for approval by Council for him to act as the corporate manager. Business is up and down; he feels the liquor license would help. Customers have requested them to have liquor sales at El Charro. He believes he is fit, willing and able to properly provide the services and meet the requirements of the liquor license. He believes he can conform to all the provisions and requirements of the Nebraska Liquor Control Act. He noted that he is almost done completing the "service" class. Marisol Avalos will be managing with Mr. Vargas; she has concluded the responsible server training. The servers will also complete the "liquor seller" class. Mr. Ostdiek asked Mr. Vargas how he intended to be in compliance with the Liquor Control Act. Mr. Vargas replied that they'll be on top of all the I.D.s, making sure everything is good. They'll monitor how people react and how they're enjoying their meal; they all want to go back to their families in one piece. It was noted that prior to El Charro, this location was a bar.

Mayor Ewing entertained public comment regarding this public hearing. With no further comments, the administrative record was closed and the public hearing closed at 6:13 p.m.

1a. Recommend approving or denying the issuance of a Class C Liquor License for El Charro, LLC at 1675 10th Street, Gering, NE

Motion by Councilmember Wiedeman to approve the issuance of a Class C Liquor License for El Charro, LLC located at 1675 10th Street in Gering. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

2. Public hearing regarding the FY 25/26 One and Six Year Street Improvement Plan

Mayor Ewing opened a public hearing regarding the FY 25/26 One and Six Year Street Improvement Plan at 6:14 p.m. Transportation Superintendent, Casey Dahlgren, presented the One and Six Year Street Plan.

Completed Projects for 2025

One Year Plan – Completed Projects for 2025

Project/Priority #	Street/Description	Act. Cost
GER (8-2020)	Arroyo Road 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 5 ADA Handicap Ramps	
GER (9-2020)	Hackberry Drive from Old Oregon Trail Road North to Cross Pan 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement	
Total:		\$ 299,795

One and Six Year Street Program for 2026

One Year Plan - 2026

Project/Priority #	Street/Description	Est. Cost
FUT	Future Development Intersections	\$50,000
GER (25-1)	10th & M St. Southwest/Southeast Corners Install ADA Radius	\$40,000
GER (25-2)	10th & Q St. Northeast/Southeast Corners Install ADA Radius	\$20,000
GER (25-3)	Kimball Ave. & Dogwood St. Remove & Replace Intersection	\$30,000
GER (25-4)	Kimball Ave. & Elm St. Remove & Replace Intersection	\$30,000
GER (25-5)	Pacific Blvd. Box Culvert Rehab Deck on Box Culvert	\$170,000
Total:		\$340,000

Six Year Plan

Project/Priority #	Street/Description	Est. Cost
GER (26-1)	10th Street from Union Pacific Railroad Tracks to Stable Club Road 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of New Curb/Gutter and Sidewalk	\$2,605,000
GER (26-2)	7th Street from M Street South to Concrete Pavement 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 10 ADA Handicap Ramps	\$290,000
GER (27-1)	Nelson Avenue 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 9 ADA Handicap Ramps	\$236,000
GER (27-2)	Q Street from 15th to 19th Street 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 20 ADA Handicap Ramps	\$350,000
GER (28-1)	M Street from 11th Street East to City Limits 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 19 ADA Handicap Ramps Including Preformed Pavement Marking	\$2,778,000
GER (29-1)	Lockwood Road from Old Oregon Trail Road South to City Limit 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement	\$358,000
GER (30-1)	Country Club Road West of Five Rocks 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 11 ADA Handicap Ramps Including Preformed Pavement Marking	\$875,000
GER (31-1)	5th Street from A St. to D St. 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 4 ADA Handicap Ramps	\$129,000
GER (31-2)	5th Street from H St. to I St. 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 4 ADA Handicap Ramps	\$96,000.00
	Total:	\$7,717,000

Transportation Superintendent Dahlgrin noted that the six-year plan is not cut in stone. Some of those projects involve doing groundwork for grants (such as GER 26-1). The 5th Street project (GER 31-2) will probably come up in next year's budget on the one-year plan because there was recently an infrastructure update there and that street is gone; there's nothing left.

Councilmember Morrison asked, regarding P and 12th, there's a big swale there. It's very steep. Will that ever get fixed? Mr. Dahlgrin replied he would take a look. He thinks that's where the storm sewer went bad and a cross pan had to be installed for drainage. He doesn't think anything can be done there without a storm sewer being installed. Engineer Folck added that it's all surface drainage there, there's no place to take the water right now.

Councilmember Wiedeman commented on an area between 19th and 20th on R Street, there was a water leak and the road was dug up and filled with dirt but nothing has been done. Mr. Dahlgrin will check on that.

Mayor Ewing entertained public comment.

Lonnie O'Bryan, 2830 21st Street, Gering, addressed the Council and stated that west on Country Club Road from Five Rocks Road was talked about – to do a mill and overcoat of some type. He understands it has been somewhat approved for the zoning to be more commercial. That's a hill coming down to that intersection and there's 45 mph traffic crossing on Five Rocks Road. This time of year, that hill is not too much of a problem. But when there's a little ice, to stop on that might become a major problem especially early in the morning when school traffic and "into town business traffic" is coming. Also, a little after dark if there's early evening ice, going home traffic will be the same way. He has seen the hill from the underpass on up to that intersection when it has been impassable for cars that are not able to make the hill. He further described what he has seen due to icy road conditions. He wanted the City to be aware and to consider if there's anything the City can do to alleviate that sliding problem when it's icy. He requested that the City make sure it's sanded and well cared for during the wintertime or there could be some major accidents with 45 mph cross traffic. He thanked the Council.

With no further comments, the administrative record was closed and the public hearing closed at 6:27 p.m.

2a. Approve Resolution 10-25-1 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards 2025

RESOLUTION 10-25-1

Signing of the Municipal Annual Certification of Program Compliance 2025

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, Section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor of Gering is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this ____ day of _____, 2025 at Gering, Nebraska.

City Council Members:

Rebecca Shields	Susan Wiedeman
Michael Gillen	Pam O'Neal
Tamera Frye	Julie Morrison
B.J. Kinsey	James Jackson

City Councilmember _____ moved the adoption of said resolution. Member _____ seconded the motion. Roll call: ___Yes ___No ___Abstained ___Absent. Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Motion by Councilmember Gillen to approve Resolution 10-25-1 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards 2025. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Jackson. Motion carried.

3. Public hearing to consider changing Section 2.2.1.D of the City of Gering Zoning Ordinance Regarding Protest Requirements for Zone Changes

Prior to opening the third public hearing, Mayor Ewing reminded everyone of the following guidelines:

1. Anyone wishing to address Council will have five minutes to speak. Timers are provided in the Council Chambers.
2. Anyone wishing to address the Council will come to the podium, print their name and address, and speak into the microphone.

3. Anyone wishing to speak will have one opportunity to come to the mic.
4. All comments must pertain to the public hearing agenda item at hand.
5. Council will listen to all comments given by the public before asking questions or making comments.
6. This meeting is being recorded so it's important that all comments can be heard clearly without disruption.

Mayor Ewing opened a public hearing to consider changing Section 2.2.1.D of the City of Gering Zoning Ordinance regarding Protest Requirements for Zone Changes at 6:29 p.m.

Engineer Folck stated that it has come to staff's attention that a certain portion of the City's Zoning Code is not consistent with State Statute which is Section 2.2.D.1 regarding protesting a recommendation made by the Planning Commission. Right now, people can protest for any reason if they don't agree with the recommendation the Planning Commission made. They can make a protest to City Council, and if they get 20% or more of the property owners within 300 feet to sign the protest, then Council cannot pass the zone change with fewer than a three-fourths vote of the entire Council (super majority which is six votes of the Council). The way the Zoning Code is currently written, people can protest on any zone change. The way State Statute reads, there is similar language allowing for a protest of the Planning Commission's recommendation, but it only allows a protest in situations where the recommendation is for a zone change that would be out of accordance with the City's Comprehensive Plan. That protest would trigger the requirement of a three-fourths vote of the Council to pass the zone change (in Gering's case, six votes of Council). She explained that City legal feels it's important that the City gets in compliance with State Statute. Staff are proposing mirroring the language of the State Statute. The biggest change is stating that this protest would be allowed when the proposed zone change is not in accordance with the Comprehensive Plan. Other changes (using the same language as State Statute) include how the 300 feet is measured.

2.2.1.D. PROTEST. Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to ~~recommend~~ make a recommendation, if a protest against such amendment be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more of either the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred feet therefrom, and of those directly opposite thereto extending three hundred feet from the street frontage of such opposite lots, and such change is not in accordance with the comprehensive development plan, ~~any real property proposed to be rezoned or by the owners of 20% (20%) of the total area excepting public streets and ways, located within or without the corporate limits of the municipality and located within three hundred (300) feet of boundaries of the property proposed to be rezoned, the recommendation of the Planning Commission shall not be affirmed~~ such proposed zoning amendment shall not become effective except by the favorable vote of ~~at least~~ three-fourths (3/4) vote of all members of the City Council.

Engineer Folck explained that the more material change is allowing for protests that would trigger the three-fourths majority requirement *only when* the proposed change is not in accordance with the Comprehensive Plan. This doesn't mean people can't protest something, they can still come to public hearings, write letters, and speak in front of the Planning Commission and City Council at public hearings at both of those levels. It's not that the City is not allowing residents to protest a zone change, it's just that the trigger for requiring a three-fourths majority vote will be changed somewhat because they would only be able to do that in cases where the proposed zone change is out of step with what the Comprehensive Plan recommends.

Mayor Ewing entertained public comment.

Lonnie O'Bryan, 2830 21st Street, Gering, addressed Council and clarified that it's 20% of the homes within 300 feet of across the street. Engineer Folck explained of the property owners within 300 feet of the property. He clarified that the 300 feet should start across the street from that property. Engineer Folck replied affirmatively. He asked how long would people have to get that (protest) in. Engineer Folck replied, two weeks.

Mayor Ewing entertained questions from the Council. Councilmember Shields stated she doesn't like doing this change, she feels like the City is taking away the voice from the citizens. Because with the Comprehensive Plan, "We try to do the best we can but we might still miss things and if they don't have the chance to come voice their opinions, how do we know what we thought was in the Comprehensive Plan really is right?". Councilmember Gillen commented that the clarifying thing is that people will still have the ability to speak to Council, it just wouldn't require the super majority of the Council to approve something. It could pass by a simple majority of the Council as opposed to a super majority. But they'd still have the ability, every time there is a public hearing, to come and address their Council Members, voice their concerns, get a group of their constituents together to still protest what they feel is a change; it just wouldn't require a super majority of the Council to approve it.

Councilmember Morrison added, regarding thinking that the Comprehensive Plan isn't any good or changes, this is an ongoing document and it's up to the Council and the City Engineer to make sure it's up to date and the City follows State Statutes to get it done.

Councilmember O'Neal stated she thinks it's important to clarify that this is recommended so that it matches what the State actually says. In focusing on it being a Comprehensive Plan, something she thinks would be better to focus on is this actually gives property owners a better opportunity and more latitude because it increases the protest area that the City's plan had. Engineer Folck responded that's true, yes. Councilmember O'Neal added that she thinks it's important to emphasize that all the changes that are being made are going to match the State, and not just focus on the Comprehensive Plan.

Engineer Folck explained that the reason for the State Statute is typically zoning decisions should weigh very heavily the Comprehensive Plan and "if you're not going to do that, then it is completely appropriate that it *should* be held to a higher standard, that there should be a higher number of people that have to vote for it." She thinks the intent of the Statute was to make sure that if Councils were to decide to do something that was not in agreement with the plan, they better be well in agreement that it's a good idea.

Councilmember Shields asked for clarification as she thought Engineer Folck said that if the property wasn't in the Comprehensive Plan, they could not do a protest to do the majority vote. Engineer Folck explained that all properties are shown somewhere within the Comprehensive Plan. Every area of Gering is identified. It also identifies future land use for each of those properties. If that future land use, for example, is multi-family residential and someone wants to come in and do heavy industrial, in that case if Planning Commission were to recommend that change, then people could protest Planning Commission's recommendation and Council would be held to the three-quarters super majority in order to make that pass. She further explained that if the Comp Plan says it should be multi-family residential and the Planning Commission recommended changing the zoning to multi-family residential, then the neighboring property owners could not submit that protest that would require a three-quarters majority vote.

Councilmember Gillen commented that regardless, the City has to get in compliance with State Statute. There's no way around it. That's the overarching document the City has to get to. City Attorney, Matt Turman, added that's correct. The City can be more restrictive than State Statute but it cannot be less restrictive. Currently, the City's Zoning Code is less restrictive than State Statute and allowing things potentially that State Statute would not allow. At a minimum, the City needs to adopt the language in State Statute which is what is being proposed with this change. The two changes, as were noted, are the reference to the Comprehensive Plan and also how the circle is drawn of who's included in the protest. As Councilmember O'Neal referenced, this actually extends out the circle and would include more people that would want to potentially participate in a protest for a future zone change.

Councilmember Morrison asked about the 20% figure. Attorney Turman explained that is 20% of the owners of the area. It's based on land mass - that's State Statute, it's not a choice the City made. Councilmember Gillen clarified that if somebody was renting, they are not considered an owner of the property; it would have to be an owner of the property that would have to sign, not a renter. Mr. Turman replied, correct. Councilmember Morrison stated or if this was close to an Ag area, then if somebody owns 67 acres on the other side of the road, then they could have the majority. Mr. Turman replied, that's correct. If that individual owned more than 20% themselves, they would have the right to protest as an individual (assuming it was not in compliance with the Comprehensive Plan).

Councilmember Shields ask for further clarification on the 300 feet. Engineer Folck explained that the requirement has always been 300 feet. When staff do the notices, they measure 300 feet from the property boundary which is State Statute. In looking at the language for the protest, it says 300 feet from the property on the sides and the rear, but in front of the property it's from the other side of the street before the 300 feet starts. Typically, street rights of ways are anywhere from 60 to 80 feet. That takes the area out another 60-80 feet past the area that would have been covered prior to this change.

With no further comments, the administrative record was closed and the public hearing closed at 6:43 p.m.

3a. First reading of Ordinance No. 2171 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AMENDING SECTION 2.2.1.D OF THE CITY OF GERING ZONING ORDINANCE REGARDING PROTEST REQUIREMENTS OF ZONE CHANGES OF THE CITY OF GERING, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Gillen made a motion to introduce Ordinance No. 2171 as a first reading – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AMENDING SECTION 2.2.1.D OF THE CITY OF GERING ZONING ORDINANCE REGARDING PROTEST REQUIREMENTS OF ZONE CHANGES OF THE CITY OF GERING, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Frye. There was no discussion. Mayor Ewing called for the vote. “AYES”: Gillen, Frye, Kinsey, Wiedeman, O’Neal, Morrison. “NAYS”: Shields. Abstaining: None. Absent: Jackson. Motion carried.

ORDINANCES:

1. Second reading of Ordinance No. 2168 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF GERING, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Gillen made a motion to move the second reading of Ordinance No. 2168 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF GERING, NEBRASKA (as presented to include Option #1); REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Frye. There was no discussion. Mayor Ewing called for the vote. “AYES”: Gillen, Frye, Kinsey, Morrison. “NAYS”: Shields, Wiedeman, O’Neal. Abstaining: None. Absent: Jackson. Mayor Ewing voted “AYE” creating a majority vote. Motion carried.

2. Second reading of Ordinance No. 2169 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AMENDING SECTION 3.11 OF THE ZONING ORDINANCE OF THE CITY OF GERING, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Morrison made a motion to move the second reading of Ordinance No. 2169 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AMENDING SECTION 3.11 OF THE ZONING ORDINANCE OF THE CITY OF GERING, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Shields. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Frye, Kinsey, Wiedeman, O’Neal, Morrison. “NAYS”: None. Abstaining: None. Absent: Jackson. Motion carried.

REPORTS:

1. Liaison Report - Central Irrigation District, Councilmember Kinsey

Councilmember Kinsey reported:

- It was a successful season.
- There was a substantial repair that had to be made at the diversion dam. They had to repair a washout. What's become now the annual silt run or the environmental high waters for protection of waterfowl, does a lot of erosion to the diversion dam so it has been repaired and repacked with riprap to prevent further erosion.
- There's a motor that has been included in the City Transportation Superintendent's budget for the automatic weir.

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. None.

ADJOURN:

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

Meeting adjourned at 6:48 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk


Kent E. Ewing, Mayor

