**THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING PLANNING COMMISSION REGULAR MEETING, OCTOBER 20, 2026**

A regular meeting of the City of Gering Planning Commission was held in open session on October 20, 2026, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Crews, Hauck, C. Kaufman, Keener, Waterman. Absent: Commissioners Miles, Taylor, Alvazar, T. Kaufman. Notice of the meeting was given in advance by publication in the Star-Herald on October 3 and 10, 2026 and the agenda was posted on the City's website on October 15, 2026, pursuant to the designated method of giving notice by the Planning Commission. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

**Call to Order and Roll Call:**
Chair Keener called the meeting to order at 6:01 p.m. and noted that a quorum of the Planning Commission was present and business could be conducted.

**1. Pledge of Allegiance**

**2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article14**

Chair Keener stated that as required by State Law, public bodies shall make available copies of the current Open Meetings Act in the meeting room. There are printed versions of the Open Meetings Act on the counter by the press corps. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson or Vice-Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.

**3. Approval of Minutes of the October 6, 2026, regular Planning Commission meeting**

**A motion was made by Commissioner C. Kaufman to approve the minutes of the October 6, 2026 regular Planning Commission meeting. Seconded by Commissioner Waterman. There was no discussion. The Secretary called the roll. "AYES": Keener, Hauck, Waterman, C. Kaufman and Crews. "NAYS": None. Abstain: None. Absent: Miles, Taylor, Alvazar, T. Kaufman. Motion carried.**

**4. Current Business:**

**A.** Public Hearing to consider whether the area described below is substandard and blighted according to the Nebraska Community Development Law:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF PAPPAS NORTHWEST ADDITION, AS PLATTED IN THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA; THENCE WESTERLY ON THE NORTH LINE OF SAID PAPPAS NORTHWEST ADDITION TO THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 2 OF SAID PAPPAS NORTHWEST ADDITION; THENCE SOUTHERLY ON THE WEST LINE OF SAID BLOCK 2 AND IT'S NORTHERLY EXTENSION TO THE SOUTHWEST CORNER OF SAID BLOCK 2; THENCE SOUTHERLY ON THE SOUTHERLY EXTENSION OF SAID WEST LINE TO THE NORTH LINE OF MONUMENT SHADOWS-CCR SUBDIVISION AS PLATTED IN SAID CITY OF GERING; THENCE EASTERLY ON SAID NORTH LINE TO THE NE CORNER OF SAID MONUMENT-CCR SUBDIVISION; THENCE NORTHERLY TO THE SE CORNER OF SAID BLOCK 2; THENCE NORTHERLY ON THE EAST LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING, AND ADJACENT PUBLIC RIGHT OF WAY

i. Recommendation to the City Council regarding the declaration of the redevelopment area as substandard, blighted, and in need of redevelopment.

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Chair Keener opened the public hearing at 6:05 p.m. to consider whether the area described is substandard and blighted according to the Nebraska Community Development Law. City Engineer Annie Folck presented the staff report and recommendation.

Ms. Folck explained that the City had received a blight study for the property. She stated that there are several ways a blight study can be initiated. In some cases, the City initiates a study to target an area for redevelopment based on factors such as the comprehensive plan. In other cases, a property owner may wish to have their property considered for the designation, hire consultants to prepare a report, and submit the report to the City for approval. In this instance, the property owner commissioned the study, which was prepared by JEO Consulting and submitted to the City for consideration.

Ms. Folck noted that a representative from JEO was participating via Zoom, along with Jeff Ray, who was formerly employed by JEO and served as the primary author of the study. Mr. Ray was present to answer questions and provide clarification regarding the work completed. Ms. Folck indicated that the technical questions would generally be directed to the consultants.

Ms. Folck explained that, to designate a property or area as blighted and substandard, the Planning Commission must determine whether it meets the definitions established by state statute. The property must meet both the statutory definition of substandard and the statutory definition of blighted to qualify for the designation.

She noted that this study differed from some previous studies because it involved only one parcel. Before the study was completed, the City consulted with its Tax Increment Financing (TIF) attorney regarding whether a single parcel could be considered. According to Ms. Folck, the attorney did not believe there was anything prohibiting the designation of a study area consisting of one parcel, particularly because the parcel could potentially be subdivided into several parcels. The attorney found nothing in state statute that would prohibit approval solely because the study area consisted of one lot. Ms. Folck added that, because the property was under a single ownership, the City did not undertake the expense of commissioning the study itself.

Regarding the substandard designation, Ms. Folck explained that state statute defines a substandard area as one in which there is a predominance of buildings or improvements conducive to ill health, the transmission of disease, or conditions that endanger life and property by fire or other causes, along with other qualifying criteria. The complete statutory definition was included in the study. The report identified a combination of factors contributing to substandard conditions, including inadequate vehicle access, debris, and the age of the structure on the property.

Ms. Folck further discussed the property's access limitations. The property is located along Five Rocks Road, which is a state-owned roadway. The City had discussed the access situation with the district engineer, who indicated that any new access would require review by a committee in Lincoln. However, based on sight distances, roadway grade, and proximity to the intersection, the district engineer did not believe access from Five Rocks Road would be approved. Driveways are also restricted within a certain distance of the intersection farther west. Consequently, if development were to occur on the property, access would most likely need to be obtained through neighboring properties.

Ms. Folck then reviewed the statutory criteria for a blighted designation, explaining that at least one qualifying condition must be met. The study identified four primary factors supporting the blighted designation:

1. Defective or inadequate street layout: The property has limited direct access to adjacent streets.
2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness: The lot is long and narrow, approximately three times as deep as it is wide, making development challenging.
3. Improper subdivision or awkward platting: The state-controlled highway access restrictions significantly limit access to the site.
4. Age of structures: The property contains one structure that is approximately 43 years old. Ms. Folck explained that structures older than 40 years meet the age-related threshold identified in the study.

Ms. Folck stated that the City's legal counsel had reviewed the study. An opinion letter included in the meeting packet indicated that legal counsel believed the study substantiated the proposed designation of the property

as blighted and substandard. However, she noted that the City was not required to approve the designation simply because the property met the criteria. The decision remained at the discretion of the City Council, and the Planning Commission retained discretion over its recommendation and whether the area should be targeted for redevelopment.

Ms. Folck also reviewed the statutory limitation on the amount of land within a first-class city's corporate limits that may be designated as blighted and substandard. The maximum is 35 percent of the city's land area. She reported that approximately 32.4 percent of the area within the City's limits was currently designated as blighted and substandard. Adding the subject property would increase that percentage to approximately 32.5 percent. She noted that the increase was minimal and would leave the City below the 35 percent statutory limit. If the addition had caused the City to exceed the limit, the designation could not have been approved.

Ms. Folck then opened the discussion to questions and reminded the Commission that representatives participating via Zoom were available to respond to technical questions or provide additional clarification.

Commission Hauck asked whether the property owner supported the proposed blight and substandard designation and commented that he had observed the property near his neighborhood, noticing gopher and possibly prairie dog mounds. He recalled that the property had previously been a well-maintained alfalfa field and suggested that water issues may have contributed to its current condition. Engineer Folck confirmed that the designation was being considered at the property owner's request and explained that, although the owner was unable to attend the meeting, they had paid for the study and submitted it to the City for consideration.

Chair Keener asked whether the designation would make the property eligible for community development grants. It was explained that the primary benefit of the designation was eligibility for TIF, although it could potentially assist with other grant opportunities. The City does not frequently pursue Community Development Block Grant (CDBG) funding because its income levels typically exceed eligibility thresholds. Although blight and substandard designations can provide options for certain grants, it was noted that the small size of this particular property might limit the benefit for those purposes. TIF was identified as the primary reason for pursuing the designation.

Commissioner Hauck asked whether the property would be zoned commercial. Ms. Folck clarified that the property had recently been rezoned to neighborhood commercial.

Commissioner Crews asked whether the blight designation would remain in effect after redevelopment. Ms. Folck explained that the designation could remain until the City formally removed it. She noted that the City had another redevelopment area designated as blighted and substandard that might be considered for removal of the designation in the future. However, an area with active TIF financing could not be removed from the designation while the TIF remained active. If the property owner used TIF, the City would need to wait until the TIF expired, generally after 15 years or once all associated funding had been paid off, before considering removal of the designation. When asked who had the authority to remove the designation, Ms. Folck clarified that the decision would be made by the City Council.

Commissioner Crews asked whether the property's previous agricultural zoning had any bearing on the blight and substandard determination. The member acknowledged the access limitations identified in the study but questioned whether the property's former use and zoning made its existing conditions consistent with what might ordinarily be expected in an agricultural area.

Ms. Folck invited Jeff Bray, the author of the study, to respond. He explained that the property's former agricultural zoning had no bearing on the blight and substandard determination because zoning is not among the criteria established by the state legislature for such a designation. He further explained that the property did not meet the statutory criteria for classification as a farm, which is commonly associated with agricultural use, because it was not large enough and did not generate sufficient revenue to qualify. He reiterated that existing zoning is not considered when determining whether a property meets the statutory requirements for a blight and substandard designation.
Chair Keener asked whether the Planning Commission had any additional questions. He then asked whether anyone present in the Council Chambers wished to speak regarding the application and invited anyone wishing to comment to approach the podium and state their name and address.

There being no one present wishing to speak on the matter and no further comments, Chair Keener closed the public hearing at 6:17 p.m. He then entertained a motion to recommend to City Council approval, denial, or tabling Resolution PC10-26-2, designating the redevelopment area in the Five Rocks Blight Study as Blighted and Substandard.

**Commissioner C. Kaufman made a motion to recommend to City Council approval of Resolution PC 10-26-2, designating the redevelopment area in the Five Rocks Blight Study as Blighted and Substandard. The motion was seconded by Commissioner Waterman. There was no further discussion. The Secretary called the roll. "AYES": Crews, Waterman, Keener, C. Kaufman, Hauck. "NAYS": None. Abstain: None. Absent: Miles, Taylor, Alvazar, T. Kaufman. Motion carried.**

**5. City Engineer Report**

City Engineer Folck stated that this agenda item would be presented to the City Council on November 9 for consideration. If approved, the City would proceed with a public hearing on December 1 to consider the TIF redevelopment plan for the property, as the TIF application could not be considered until the property was designated as blighted and substandard. Ms. Folck noted that no Planning Commission meeting would be held in November, but a meeting was tentatively scheduled for December 1.

When asked if there were other steps for this applicant after TIF, Ms. Folck explained that the proposed development would also require a conditional use permit (CUP) because the applicant intended to establish a drive-through coffee shop. She stated that the CUP would likely be considered at the same meeting as the TIF redevelopment plan. She added that these would be the remaining City approvals required, after which the project would proceed through the building permit process and other approvals that would not come before the Planning Commission.

**6. OPEN COMMENT: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.**

Chair Keener opened the public comment period, noting that no discussion or action on unscheduled business would take place and that the period was for citizen comments only. No comments were received.

**7. Adjourn**

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

The meeting adjourned at 6:21 p.m.

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Levi Keener, Chairman

ATTEST:

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Karen Heins, Administrative Secretary

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