

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, SEPTEMBER 22, 2025.

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 22, 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, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Jim Ellison. 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

Motion by Councilmember Shields to approve the absence of Councilmembers Gillen and Kinsey from the September 8, 2025 regular meeting and Councilmember O'Neal from the September 17, 2025 special meeting. 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.

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 8, 2025 Regular City Council meeting
2. Approve minutes of the September 17, 2025 Special City Council meeting
3. File for record Recertification letter to the Nebraska Department of Economic Development
4. Approve Claims
5. Approve August, 2025 Financial Report

Claims 9/9/25 – 9/22/25

24/7 FITNESS \$233.00, ACE HARDWARE \$1,943.82, ACUSHNET COMPANY \$2,760.97, ADIDAS AMERICA, INC \$498.00, ADVANCED SERVICES, INC. \$750.75, AFLAC \$1,391.56, ALARM SECURITY TECHNICIANS \$38.95, AL'S TOWING, INC \$225.00, ALTEC INDUSTRIES, INC. \$1,629.74, AMAZON CAPITAL SERVICES \$102.71, AMERITAS LIFE INSURANCE CORP. \$592.48, AT&T MOBILITY \$1,661.86, AXON ENTERPRISE, INC \$23,628.21, B & C STEEL \$1,686.00, BAIRD HOLM LLP \$1,965.00, BENZEL PEST CONTROL \$221.71, BLUFFS FACILITY SOLUTIONS \$590.39, BMI LICENSING DEPARTMENT \$446.00, BORDER STATES INDUSTRIES, INC \$10,982.73, BRANDON NEIGER \$182.00, BRIAN EADS \$217.00, BRITTANY HALE \$300.00, CALLAWAY GOLF COMPANY \$1,488.81, CENGAGE LEARNING/GAGE \$71.84, CHRISTIE CLARKE \$175.00, CITY OF GERING \$40,454.03, COLUMN SOFTWARE, PBC \$1,149.66, CONNECTING POINT \$13.63, CONTRACTORS MATERIALS, INC. \$14.00, CONTRYMAN ASSOCIATES, P.C. \$1,200.00, COZAD SIGNS, LLC \$8,415.00, CROSSROADS COOPERATIVE \$27,572.74, CS PRECISION MANUFACTURING \$21,890.86, DOCU-SHRED LLC \$933.56, DOOLEY OIL \$672.75, DUTTON-LAINSON COMPANY \$30,200.22, EAKES INC \$190.65, EASY PICKER GOLF PRODUCTS \$1,125.65, ELITE TOTAL FITNESS \$165.00, ERIC REICHERT CONSTRUCTION \$501.86, FAIRBANKS SCALES, INC. \$3,128.90, FAIRFIELD INN \$139.95, FASTENAL COMPANY \$289.90, FAT BOYS TIRE & AUTO \$21.00, FEDEX \$42.13, FIRST NATIONAL BANK OF OMAHA \$8,314.93, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$277.74, FRANCISCOS BUMPER TO BUMPER IN \$460.00, FRANK PARTS COMPANY \$79.67, FYR-TEK, INC. \$356.75, GORSUCH & SONS \$11.70, GREATAMERICA FINANCIAL SERVICE \$100.00, GREGORY'S LOCK SHOP LLC \$20.00, GROUND UP CONSTRUCTION & CLEAN \$1,652.13, HAYLEY GRAMS \$175.00, HDR ENGINEERING, INC. \$6,574.86, HEALTHBREAK, INC. \$625.00, HENNINGS CONSTRUCTION, INC. \$80,220.50, HIGH PLAINS SCUBA CENTER \$1,678.50, HOLIDAY INN EXPRESS HOTEL \$135.00, HOMETOWN LEASING \$157.23, HORIZON TO HORIZON, INC \$500.00, HYDRO OPTIMIZATION & AUTOMATION \$1,400.00, IDEAL LAUNDRY AND CLEANERS, INC. \$747.29, INDEPENDENT PLUMBING & HEATING \$386.07, INGRAM LIBRARY SERVICES \$1,485.11, INTERNAL REVENUE SERVICE \$55,059.79, IRBY TOOL & SAFETY \$904.94, JACO COMMODITIES, LLC \$16,572.88, JASON ROGERS \$18.11, JIRDON AGRI CHEMICALS, INC \$14,338.73, JOHN HANCOCK USA 17,399.96, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$9,882.93, JOHNSON CASHWAY CO. \$16.19, JOHNSON

FEED INC \$7,263.30, JOHNSON SERVICES \$31,667.50, JONES & BARTLETT LEARNING \$2,013.99, KALEB SHAW \$182.00, L.N. CURTIS & SONS \$1,321.29, LAWSON PRODUCTS \$120.00, LEAGUE OF NE. MUNICIPALITIES \$1,050.00, LEGACY COOPERATIVE \$9,071.25, LOGOZ LLC \$45.00, MACKENZIE WESTPHAL PHOTOGRAPHY \$2,000.00, MANUEL BARRAZA \$9,200.00, MATHESON TRI-GAS INC \$315.77, MATTY B'S HVAC \$399.60, MENARDS \$233.67, MICHAEL TODD & COMPANY, INC. \$170.79, MILES PARTNERSHIP LLLP \$5,000.00, MUNICIPAL ENERGY AGENCY OF NE \$344,109.47, MUNICIPAL SUPPLY, INC. OF NE. \$1,939.99, NC CHILD SUPPORT CENTRALIZED COLLECTIONS \$99.99, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPARTMENT OF REV (PR) \$16,988.44, NEBRASKA DEPARTMENT OF TRANSPORTATION \$149.61, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$420.00, NEBRASKA PUBLIC POWER DISTRICT \$3,972.62, NKC TIRE \$427.05, NORTHWEST PIPE FITTINGS, INC \$889.68, ONE CALL CONCEPTS, INC \$228.05, OREGON TRAIL DAYS ASSOC. \$6,500.00, O'REILLY AUTOMOTIVE STORE \$85.19, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,167.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$4,741.99, PAUL REED \$2,377.61, PAUL REED CONSTRUCTION & SUPP \$1,728.43, PETE'S QUICK LUBE \$200.72, PING INC \$206.15, PIPE WORKS PLUMBING LLC \$2,786.44, POWERPLAN OIB \$250.07, PRECISION AIR \$296.32, PRINT BROKER \$1,581.40, PT HOSE AND BEARING \$391.67, PVB VISA \$24,087.35, RAPID FIRE PROTECTION \$130.00, REGIONAL CARE INC. \$11,954.90, RICH'S WRECKING & USED CARS, I \$125.00, RIVERSIDE DISCOVERY CENTER \$4,166.67, RIVERSTONE BANK \$563.52, RPM FITNESS \$70.00, SANDBERG IMPLEMENT, INC. \$360.62, SCB COUNTY REGISTER OF DEEDS \$10.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCOTTSBLUFF-GERING UNITED WAY \$273.02, SENIOR CITIZENS CENTER \$1,000.00, SHERRY PRESTON \$175.00, SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00, SIMON CONTRACTORS \$4,501.67, SOUTHWESTERN EQUIPMENT COMPANY \$21,163.17, STEPHANIE GREEVER \$75.00, STEVE MOUNT \$203.00, SUNBELT SOLOMON \$48,643.75, SUNSET LAW ENFORCEMENT \$3,492.80, TERESA TOSH \$21,340.39, TERRY CARPENTER, INC. \$650.00, TOUCH OF GREY PAINTING \$8,317.35, UNANIMOUS, INC. \$30.00, VALLEY AUTO LOCATORS LLC \$578.75, W J R INC. \$31,772.59, WE TRAVEL, LLC \$2,030.00, WESTERN COOPERATIVE COMPANY \$7,842.95, WESTERN PATHOLOGY CONSULTANTS \$91.00, WINSUPPLY SCOTTSBLUFF NE CO. \$214.77, YMCA OF SCOTTSBLUFF \$762.00, TOTAL \$1,075,830.57

Motion by Councilmember Morrison to approve the Consent Agenda. 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.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign an Economic Development Assistance Agreement regarding Scott Free Brewing Company

Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Economic Development Assistance Agreement regarding Scott Free Brewing Company. 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. Approve and authorize the Mayor to sign a Services Agreement by and between Intralinks and the City of Gering

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Services Contract Agreement by and between Intralinks and the City of Gering. Second by Councilmember Frye.

Discussion: Councilmember Shields asked if this is one of the services for which the City goes out for bid at certain times. Administrator Heath replied that the City hasn't recently done that for this service. Staff didn't have time to do that this year, but wanted to get an agreement in place that would save the City some money; a monthly payment will be made based on an annual fee. It's a one-year contract.

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. Approve and authorize the Mayor to sign Agreement between the City of Gering, Nebraska and Local Union No. 1597 International Brotherhood of Electrical Workers AFL-CIO

Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Agreement between the City of Gering, Nebraska and Local Union No. 1597 International Brotherhood of Electrical Workers AFL-CIO. Second by Councilmember Wiedeman.

Discussion: Councilmember Wiedeman commented that they are not going to take Arbor Day as a holiday; instead it has been replaced by a floating holiday, is that correct? Staff replied non-verbally that that is correct. Councilmember Wiedeman confirmed that staff are looking at doing that for other staff as well. Staff confirmed, that is correct.

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. Request for Personnel Committee meeting - Agenda item: 1.) Review and consider Policy Updates

Motion by Councilmember Gillen to approve a request for a Personnel Committee meeting with agenda item: 1.) Review and consider Policy Updates. Second by Councilmember Jackson. 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.

ORDINANCES:

1. Approve Ordinance No. 2167 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2025; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE

Councilmember Gillen made a motion to introduce Ordinance No. 2167 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2025; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE. Seconded by Councilmember Shields. 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 Frye moved that the Ordinance be designated as Ordinance No. 2167 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 Kinsey. 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.

RESOLUTIONS:

1. Approve Resolution 9-25-1 regarding the Fiscal Year 2025/2026 Property Tax Request

RESOLUTION NO. 9-25-1

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of the City of Gering passes by a majority vote a resolution or ordinance setting the tax request; and
WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the City of Gering, resolves that:

1. The 2025-2026 property tax request for non-bond purposes be set at \$2,246,875. The property tax request will be split between the General fund and the Public Safety Fund. General Fund is allocated \$1,885,082 and Public Safety Fund is allocated \$361,793.
2. The 2025-2026 property tax request for bond purposes be set at \$0.00
3. The total assessed value of property differs from last year's total assessed value by 6.34%.
4. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.301518 per \$100 of assessed value.
5. The City of Gering proposes to adopt a property tax request that will cause its tax rate to be \$.31052 with \$.26052 for the General Fund and \$.05 for the Public Safety Fund per \$100 of assessed value.

6. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Gering will exceed last year's by 5.56 %.
7. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2025.

PASSED AND APPROVED this ____ day of _____, 2025.

ATTEST:

City Clerk (seal)

Mayor

Motion by Councilmember Morrison to approve Resolution 9-25-1 regarding the Fiscal Year 2025/2026 Property Tax Request. 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. Approve Resolution 9-25-2 regarding Enterprise Fund Transfer

RESOLUTION NO. 9-25-2

WHEREAS, the City of Gering transfers Enterprise Fees to the General Fund to assist in balancing the budget; and
WHEREAS, Enterprise Fees are derived from the Electric, Water, Wastewater and Sanitation Funds; and
WHEREAS, the transfer has been maintained at approximately 13.5% of budgeted Enterprise Fund Revenues over the last few years; and
WHEREAS, the transfer budgeted at \$2,260,000 for the 2025-2026 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Gering, Nebraska, that staff is authorized to transfer Enterprise Fees of not more than 13.5% of Enterprise Fund Revenues to the General for the fiscal year 2025-2026 in the amount of \$2,260,000.

PASSED AND APPROVED this ____ day of _____, 2025.

ATTEST:

City Clerk (seal)

Mayor

Motion by Councilmember Shields to approve Resolution 9-25-2 regarding the Enterprise Fund Transfer. 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.

3. Approve Resolution 9-25-3 regarding Pay Plan for Officers and Employees of the City of Gering

RESOLUTION NO.

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

1. That the following Pay Plan for positions of the City of Gering, Nebraska primary, full-time positions be approved and effective September 29, 2025.

PAY SCHEDULE - GENERAL EMPLOYEES ONLY
NON-EXEMPT EMPLOYEES

Grade	A	B	C	D	E	F	G	H	I
9	\$15.31	\$16.08	\$16.88	\$17.72	\$18.61	\$19.54	\$20.52	\$21.54	\$22.62
10	\$16.08	\$16.88	\$17.72	\$18.61	\$19.54	\$20.52	\$21.54	\$22.62	\$23.75
11	\$16.88	\$17.72	\$18.61	\$19.54	\$20.52	\$21.54	\$22.62	\$23.75	\$24.94
12	\$17.72	\$18.61	\$19.54	\$20.52	\$21.54	\$22.62	\$23.75	\$24.94	\$26.19
13	\$18.61	\$19.54	\$20.52	\$21.54	\$22.62	\$23.75	\$24.94	\$26.19	\$27.49
14	\$19.54	\$20.52	\$21.54	\$22.62	\$23.75	\$24.94	\$26.19	\$27.49	\$28.87
15	\$20.52	\$21.54	\$22.62	\$23.75	\$24.94	\$26.19	\$27.49	\$28.87	\$30.31
16	\$21.54	\$22.62	\$23.75	\$24.94	\$26.19	\$27.49	\$28.87	\$30.31	\$31.83
17	\$22.62	\$23.75	\$24.94	\$26.19	\$27.49	\$28.87	\$30.31	\$31.83	\$33.42
18	\$23.75	\$24.94	\$26.19	\$27.49	\$28.87	\$30.31	\$31.83	\$33.42	\$35.09
19	\$24.94	\$26.19	\$27.49	\$28.87	\$30.31	\$31.83	\$33.42	\$35.09	\$36.85
20	\$26.19	\$27.49	\$28.87	\$30.31	\$31.83	\$33.42	\$35.09	\$36.85	\$38.69
21	\$27.49	\$28.87	\$30.31	\$31.83	\$33.42	\$35.09	\$36.85	\$38.69	\$40.62

EXEMPT EMPLOYEES ONLY (salaries figured at 80 hours per pay period)									
Grade	A	B	C	D	E	F	G	H	I
22	\$28.87	\$30.31	\$31.83	\$33.42	\$35.09	\$36.85	\$38.69	\$40.62	\$42.65
23	\$30.31	\$31.83	\$33.42	\$35.09	\$36.85	\$38.69	\$40.62	\$42.65	\$44.79
24	\$31.83	\$33.42	\$35.09	\$36.85	\$38.69	\$40.62	\$42.65	\$44.79	\$47.03
25	\$33.42	\$35.09	\$36.85	\$38.69	\$40.62	\$42.65	\$44.79	\$47.03	\$49.38
26	\$35.09	\$36.85	\$38.69	\$40.62	\$42.65	\$44.79	\$47.03	\$49.38	\$51.85
27	\$36.85	\$38.69	\$40.62	\$42.65	\$44.79	\$47.03	\$49.38	\$51.85	\$54.44
28	\$38.69	\$40.62	\$42.65	\$44.79	\$47.03	\$49.38	\$51.85	\$54.44	\$57.16
29	\$40.62	\$42.65	\$44.79	\$47.03	\$49.38	\$51.85	\$54.44	\$57.16	\$60.02
30	\$42.65	\$44.79	\$47.03	\$49.38	\$51.85	\$54.44	\$57.16	\$60.02	\$63.02

2. That the following positions in the Classification Plan are assigned to the following Class Grades:

NON-EXEMPT POSITIONS - General Employees Only

Grade	Class Titles	Grade	Class Titles
10	Library Assistant II	14	Technical Service Librarian
12	Animal Control Officer	14	Recreation Coordinator
13	Administrative Secretary	16	EMS Coordinator
13	Customer Service Clerk	18	Deputy City Clerk
13	Landfill Adm. Clerk	19	Combination Building Inspector
13	Admin Support Specialist	19	Engineering Technician
14	Youth Service Librarian	19	Golf Course Superintendent
14	Adult Engagement Librarian	20	City Planner

* denotes positions that are currently unfilled

EXEMPT POSITIONS - General Professional, Administrative, and Executive

Grade	Class Titles	Grade	Class Titles
22	Library Director	24	Street Superintendent
22	Golf Course Professional	25	Director of Parks, Recreation, & Leisure Services
23	Director of Human Resources	27	City Engineer
24	City Clerk/Asst to City Admin	27	Director of Public Works
24	Deputy Director of Finance	28	Chief of Police
24	Director of Tourism	28	Electric Superintendent
24	Director of Environmental Services	28	Fire Marshal
24	Police Captain	28	Finance Dir/City Treasurer

3. That the Pay Schedule for the positions of Patrol Officer, Detective, and Police Sergeant be approved and effective September 29, 2025.

Hourly Pay Schedule								
	1	2	3	4	5	6	7	8
Patrol Officer	\$26.91	\$28.26	\$29.67	\$31.15	\$32.71	\$34.34	\$36.06	\$37.86
Police Detective	\$28.30	\$29.72	\$31.20	\$32.76	\$34.40	\$36.12	\$37.92	\$39.82
Police Sergeant	\$30.88	\$32.42	\$34.05	\$35.75	\$37.54	\$39.41	\$41.39	\$43.45

4. That the following Pay Schedule for the below listed IBEW eligible positions of the City of Gering, Nebraska be approved and effective September 29, 2025.

Pay Schedule - IBEW Eligible Employees Only - Hourly Rates										
Grade	A	B	C	D	E	F	G	H	I	J
3	\$ 18.08	\$ 18.98	\$ 19.93	\$ 20.93	\$ 21.98	\$ 23.08	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05
4	\$ 18.98	\$ 19.93	\$ 20.93	\$ 21.98	\$ 23.08	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45
5	\$ 19.93	\$ 20.93	\$ 21.98	\$ 23.08	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92
6	\$ 20.93	\$ 21.98	\$ 23.08	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47
7	\$ 21.98	\$ 23.08	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09
8	\$ 23.08	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80
9	\$ 24.23	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59
10	\$ 25.44	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47
11	\$ 26.71	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47	\$ 41.44
12	\$ 28.05	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47	\$ 41.44	\$ 43.51
13	\$ 29.45	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47	\$ 41.44	\$ 43.51	\$ 45.69
14	\$ 30.92	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47	\$ 41.44	\$ 43.51	\$ 45.69	\$ 47.97
15	\$ 32.47	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47	\$ 41.44	\$ 43.51	\$ 45.69	\$ 47.97	\$ 50.37
16	\$ 34.09	\$ 35.80	\$ 37.59	\$ 39.47	\$ 41.44	\$ 43.51	\$ 45.69	\$ 47.97	\$ 50.37	

HOURLY POSITIONS - IBEW Employees Only

Grade	Class Titles	Grade	Class Titles
3	Park Maintenance Worker I	9	Sanitation Coordinator
4	Solid Waste Handler	9	Water/Wastewater Operator III
4	Equipment Operator	10	Electric Line Apprentice
4	Water/Wastewater Operator I	10	Wastewater Treatment Plant Operator
5	Heavy Equipment Operator	10	Electric Meter/Service Man
6	Water/Wastewater Operator II	10	Park Maintenance Supervisor
6	Park Maintenance Worker II	10	Street Supervisor
7	Cemetery Sexton	12	Water/Wastewater Supervisor
8	Master Mechanic	15	Electric Journeyman/Linemman
8	Maintenance Mechanic	16	Electric Line Crew Supervisor
8	Storekeeper/Purchasing Agent		

* denotes positions that are currently unfilled

5. That the following Pay Schedule for positions in seasonal and part-time positions of the City be approved and effective January 1, 2026.

PAY SCHEDULE - GENERAL EMPLOYEES - PART TIME & SEASONAL					
Grade	A	B	C	D	E
1	\$15.00	\$15.25	\$15.50	\$15.75	\$16.00
2	\$15.50	\$15.75	\$16.00	\$16.25	\$16.50
3	\$16.50	\$16.75	\$17.00	\$17.25	\$17.50
4	\$17.50	\$17.75	\$18.00	\$18.25	\$18.50
5	\$18.50	\$18.75	\$19.00	\$19.25	\$19.50
6	\$19.50	\$19.75	\$20.00	\$20.25	\$20.50
7	\$20.00	\$20.25	\$20.50	\$20.75	\$21.00
8	\$20.50	\$20.75	\$21.00	\$21.25	\$21.50

HOURLY POSITIONS - Seasonal & Part time Positions Only

Grade	Class Titles	Grade	Class Titles
1 / A	School Crossing Guard	2	Lifeguard
1 / A	Library Page	3	Maintenance Worker
1 / A	Clubhouse Attendant I	3	PD Support Tech
1 / A	Pool Cashier	4	Assistant Pool Manager
1 / A	Laborer I	4	Camp Host
1	Fire Intern	4	Electric Intern
1	Laborer II	4	Golf Pro Assistant
1	Clubhouse Attendant II	5	Assistant Clerk - Part Time
2	Tourism Intern	8	Pool Manager
2	Library Assistant I		

Passed and approved this _____ day of _____, 2025.

ATTEST:

Mayor

City Clerk

Motion by Councilmember Wiedeman to approve Resolution 9-25-3 regarding the Pay Plan for Officers and Employees of the City of Gering. 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.

PUBLIC HEARINGS:

Mayor Ewing explained ground rules for all three public hearings:

1. Anyone wishing to address Council regarding a 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 for each public hearing and may not return to the mic once they are finished, regardless of whether or not there is 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 be reset to five minutes for all subsequent speakers.
5. All comments must pertain to the public hearing agenda item at hand. If anyone goes off-topic, they will be redirected to the specific topic being addressed.
6. Council will not enter into a debate with members of the public. Council will listen to all comments given by the public before asking questions or making comments.
7. If more than one person is attempting to speak at one time, the Mayor will pause the discussion and resume with only one person speaking. The meeting is being recorded so it's important that all comments can be heard clearly without disruption.

As a point of clarification, Mayor Ewing explained that one of the items discussed at the Planning Commission meeting in August was proposed changes to the zoning code regarding protest requirements. Due to the number of public hearings for this meeting, the public hearing to discuss protest requirements has been scheduled for October 13. Staff and Council believe this is an important discussion and wanted to give the public an opportunity to provide input, but there will be no discussion or action taken on protest requirements at this meeting.

2. Public hearing to consider amending the Land Use Table found in Section 3.11 of the City Zoning Regulations of the City of Gering, Nebraska

Mayor Ewing moved public hearing number 2 up on the agenda regarding the Land Use Table. The City Engineer felt that conducting that public hearing first would help clarify a few things for the public hearing regarding the Comp Plan.

Mayor Ewing opened a public hearing to consider amending the Land Use Table found in Section 3.11 of the City Zoning Regulations of the City of Gering, Nebraska at 6:13 p.m.

City Engineer, Annie Folck, stated that the next two public hearings for the Comprehensive Plan and the Zoning Code are both living documents. They are both meant to be reviewed and amended regularly in order to continue to change and be reflective of our current community. If the City never makes changes, it becomes outdated very quickly. The City's preference is to make sure to keep them current and relevant to everything Council is considering today. Both of the next two public hearings were brought up from a situation several months ago - there was a public hearing last April regarding a proposed zone change for the corner of Five Rocks Road and Country Club Road.

She asked that the Land Use Matrix public hearing be first on the agenda because one of the concerns she heard from a lot of the residents was that they were not necessarily concerned about a physical therapy office (that was proposed), but they did have some concerns about some of the other allowable uses in C-1. She reminded Council that once the City does a rezone, anything in that zone is allowed. It may not be today or next year, but someday any of those uses could come in and it would not go before Planning Commission and Council for approval if it's a permitted use by right. Staff reviewed the C-1 District and went through some of the uses that are a little more intensive and don't necessarily meet the intent of the district (which is to provide services close to peoples' homes). Council can see the red lines on the document showing proposed changes and several different uses that are being

proposed to be removed from the C-1 Zone. This will make it a much more narrow zone and hopefully make it more acceptable to residents if they have an area zoned next to them that is a C-1 Zone. Things that were removed were commercial services limited, household appliance and repair shop, laundry and dry cleaning, manufacturing assembly limited, and storage warehouse limited.

She reiterated that these are living documents. As staff and legal were looking through the Zoning Code, they looked to see if there were any other uses they needed to consider changing. One other one that came up was actually in the C-1 and C-2 Zones where the City allows for upper story residential (which is typically downtown). She explained there can be a storefront on the first floor and a residence above that. Currently, the City does not allow that on the basement level. There aren't a lot of two-story buildings downtown, but there are a lot of basements. Staff and legal think by allowing residential in the basement, that would be a good way to redevelop some of the buildings downtown and possibly help them cash flow better. That is one change being recommended.

The other change is adding a garden center to the C-2 Zone. That's in response to some concerns about a current property and looking at different uses. They think that's a fairly benign use and it's not terribly intensive and would be appropriate in the C-2 Zone.

Engineer Folck stated those are all the proposed changes for the Land Use Table and asked if there were any questions from Council before they opened it up to the public. Hearing no questions from Council, Mayor Ewing asked if there was anyone in the Council Chambers wishing to speak regarding this public hearing.

Wade Huber, 3015 Monument Shadows, Gering, thanked everyone for the service they do and for allowing the public to speak. Currently, all of them on Country Club Road live in a very pleasant, low-density residential neighborhood. His wife and him recently moved back after spending two and a half years in Phoenix. Gering is home to them; it's a little bit different than Phoenix. He loves that traffic jams are now not getting through the light the first time. He asked that Council not consider his comments as disrespectful. He has been in business his whole life and he's not opposed to what Council is trying to do, he just thinks it could be in a different spot. They have two little ones that call them Grandpa and Grandma and that's why they moved back; this is home. They lived here six and a half years prior to moving to Arizona. In the neighborhood where they live, parents let their kids play in the street. Kids are learning how to ride their bikes and scooters on the streets. "You can't find very many streets you can do that on anymore." He cannot drive Country Club without seeing someone walking their dog to the pathway, running up the hill or riding a bike. There are hundreds of people that are taking that road that will be affected by this, and people walking to the path; that's what the City built that for was to get people out walking. This will make a major change to that. It's one of the most beautiful walking paths in Nebraska; the view is awesome - that will change. He went on to say that this is the perfect low-density residential neighborhood. That's why they wanted to move back there. His concern is that rezoning will change the entire character of the area by more people, more traffic, safety issues and noise, as well as a reduction in property values. Commercial property does not very often increase the value of a home; it's going to go down. He asked if the City Council has conducted a feasibility study on water and sewer in that area. He understands that the water and sewer systems are old - it can't handle that. Maybe the first year when it's just a physical therapy place, but with a coffee shop and when they start adding all the other things, it can't handle it. Who's going to pay for that? Will that be put on his "specials"? Who's also going to pay for the turning lane that will need to be put in to handle all the traffic? Maybe it will be a year or two, but all those things get added to the "special". Who's going to pay for the crosswalks and the changing of the lights that helps those walkers, bikers and runners get across to Five Rocks? The services in the neighborhood are not adequate to handle a commercial property. That is not what it was designed to do. He asked if this zone change is consistent with the City's Comprehensive Plan. Have there been plans to make that a commercial area for quite a while? If the proposed change is not consistent with the Comprehensive Plan, it flat out needs to be denied. He thanked Council for listening.

Lana Payne, 2820 Applewood Road, Gering, stated she wasn't sure if she was speaking at the correct point in time; land use and the nodes kind of overlap. In essence, this is about convincing the City Council in looking at what the Planning Commissioners have recommended - to not follow completely their recommendation. The majority of the people here are from this particular neighborhood that kind of got this whole thing started. Rezoning will impact everybody in this room. It will impact the residents, the Schanemans, the Smiths. It won't matter which side Council is on, people are going to be impacted by the final decision. It's not about wanting or not wanting a particular business. It's basically about not wanting that piece of property developed commercially. This piece of property

was purchased in 2001, put into a trust and held by the same owner this entire time as Rural Residential. It's not conceivable after that time period that "we would recently want to accept a change of zoning". And for the most part, "we don't". There are some people that don't like one way or the other - however it turns out is however it turns out. But there are many that don't want commercial property as the entrance to their neighborhood, and that is their concern (some of the concerns have already been addressed by Engineer Folck and the Planning Commission). They are concerned about what will happen to any facility that will be put on that piece of property. Not for now, she knows if Katie develops it, it will be top-notch; she's going to look after it. But what's to happen later on? All those things change the makeup of that community and the people that live there have invested themselves emotionally and financially in building a neighborhood and building a community, not just for there but Gering as a whole. They pay higher property taxes because of the golf course, they are concerned about the traffic, there's a bicycle path with people walking, and kids learning to ride their bikes. There are people walking dogs, there are all kinds of outdoor activities going on in the neighborhood as well as trying to access the Monument. If something needs to happen on that corner, as long as it is in the rural residential realm, that's fine. If not, "then you don't want commercial." She stated that they don't want more traffic and congestion. It will happen; it will come. She thanked Council for letting her speak and for considering her position.

Engineer Folck noted as a point of clarification, that for this public hearing Council is only talking about the Land Use Matrix. Council is not talking about changes to the Comprehensive Plan; there is no zone change being considered at this meeting. They will talk about the Comp Plan and changes to that particular intersection in the next public hearing agenda item.

Mayor Ewing entertained questions and comments from Council. Councilmember Morrison stated she knows people talk about congestion and more traffic, but from where that corner is (where someone might want to do this change), how far west are they when talking about kids riding their bikes in the streets and walking and doing all these things? How far west of that corner does the housing really begin that that traffic would ever come up into that neighborhood? They're not going to be in their neighborhoods. They're not going to be running over their children on their bikes and skateboards. It will never go that far into the neighborhood is what she's thinking.

Councilmember Wiedeman asked if on C-1 Neighborhood Commercial, "gas station" was taken out. Engineer Folck replied that they actually left in gas stations, there was a strong discussion about that. It was left in as a conditional use. While she does not necessarily see the Five Rocks and Country Club intersection being an appropriate use for that, there are other areas the Comp Plan shows as being appropriate in C-1 that might actually be a really good location for a service station. They didn't want to remove it just looking at one particular piece of property and then all of a sudden there's no way to zone appropriately for it in other areas. It will be a conditional use. Councilmember Wiedeman noted that convenience stores can be there and not sell gas. Will those also be under a Conditional Use Permit? Engineer Folck replied they would both remain as conditional use. Councilmember Wiedeman added that and the traffic were some of the concerns for the residents in that area. Engineer Folck clarified that a conditional use means that it cannot go in without getting approval from Planning Commission and at that point, the applicant would have to submit their site plan and all the required information and everyone within 300 feet would receive a letter and be notified when the public hearing would happen so they have an opportunity to speak at the public hearing before anything like that could go in. She reiterated that they left that in there for other locations in town, but she would not recommend it for that particular intersection. Councilmember Wiedeman added that they're also looking at additional nodes on the south end of town where it might be more appropriate. Engineer Folck confirmed that was correct.

Councilmember O'Neal asked if Council was voting on just C-1 and C-2. Engineer Folck replied that it's the whole Land Use Matrix Council is voting on.

With no further comments, the administrative record was closed and the public hearing closed at 6:31 p.m.

2a. First 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 Gillen made a motion to introduce Ordinance No. 2169 as a first reading – 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 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.

1. Public hearing to consider amending the Comprehensive Plan of the City of Gering, Nebraska

Mayor Ewing opened a public hearing to consider amending the Comprehensive Plan of the City of Gering, Nebraska at 6:32 p.m.

City Engineer, Annie Folck, stated this public hearing grew out of concerns the City heard when the rezone was considered at the intersection of Five Rocks and Country Club Road because as was found out at that time, the City always looks to its Comprehensive Plan for guidance when considering any sort of zone change. Unfortunately, when staff went through the Comprehensive Plan, it said basically two different things in two different places. In the narrative it said that that intersection was appropriate for commercial, but there was not actually a commercial node on the map. What staff is asking Council to do at this meeting is to try to help clarify that. Along with that, there are several other changes shown in the packet that legal recommended to try to clarify some of the language about nodes and how they're supposed to be used and interpreted. None of those are material changes, but staff and legal felt more comfortable with the updated wording. There is also a recommendation to add some commercial nodes along the expressway to allow future growth along that corridor. The biggest question for this meeting is that Council needs to make a decision and set a vision for the community for whether or not commercial is appropriate at that intersection of Five Rock Road and Country Club Road.

As Council considers this, what staff are asking is that Council adopt the updated Comprehensive Plan with all of the wording changes and all the additional nodes along the expressway (which is the same in both options 1 and 2). Then staff is asking Council to choose either option 1, which would show a commercial node at the corner of Five Rocks Road and Country Club Road, or option 2 which would be the identical map, but it would not have a node at that location - meaning that that property would show as future residential from here on out in the Comprehensive Plan, but the rest of it would be the same. Staff and legal recommend the other changes regardless - the updated wording, taking out some of the references to specific intersections within the narrative, and changes to the wording to try to help clarify how those nodes are to be interpreted. In both scenarios, it is recommended to add some commercial nodes out along the Heartland Expressway. This is a really good time to do that because that's all undeveloped at this point. As people get ready to develop that area, whether for residential or whatever else, this helps them know what the future plan is for that. There's potential for commercial growth on that end of town; it's a good time to add those commercial nodes for the future.

The biggest question that she thinks the community has been divided on, really for years, is whether or not commercial development is appropriate at that particular intersection at Country Club Road and Five Rocks Road. There is no right or wrong answer, there are concerns on both sides, there are a lot of strong feelings from the community on both sides. Staff is not trying to push Council to make a decision one way or the other, but is asking for some clarity, for Council to make a decision so Gering has a vision that can be communicated to residents and to potential applicants going forward and into the future so every time there's a potential zone change, staff has a very clear answer in the Comprehensive Plan.

There have been a lot of concerns about traffic. The City did put out traffic counters, and waited until school was in session and while there were still golf leagues. Staff did get some counts, but unfortunately someone tampered with them. The hoses were taken loose a couple of times - the first time they just took them loose, the second time one disappeared and one got cut. Staff did not get as comprehensive data as they would have liked. But looking at those counts and looking at the warrants under MUTCD for traffic lights, there is a light warranted there. But the traffic is not far above the minimum that would warrant a light at that location. Staff does think that with some changes to that light and changes to the controller (to make it more efficient), and looking at the timing and everything (which is something that is relatively inexpensive and easy for the City to do, and probably should be done anyway), staff think with that, the City can address any traffic concerns that may come from having a

commercial property at that location. Planning Commission did consider this at a public hearing and they did recommend approval of option 1 with the commercial node at the intersection of Five Rock Road and Country Club Road at their meeting on August 19. It was a very close vote; a 5-4 vote in favor of option 1.

Mayor Ewing entertained public comment noting that the same rules applied as the first public hearing. Those wishing to address Council would have five minutes to speak.

Peggy Fegler, 120 Buffalo Circle, Gering stated their duplex is right across from where the (commercial entrance) driveway would probably be, and their neighbor's house would be right across the driveway where people would go in. One thing that was said was that they thought they could build 40 houses in that area. That area is four acres, Buffalo Ridge is 3.9 acres. They are roughly the same size, so it's not a large number of houses that could go in there going by the size of Buffalo Circle. The thing she remembers (being present on April 28 when Council voted to not allow the building to be at Five Rocks and Country Club Road) is it was a very close vote. There was a majority of 5 to 2 but there was a protest and the protest means that the people who lived closest around it were concerned. And they are still concerned. One of her concerns is that today when she came home from Coop, she counted how many seconds it took her to go, she's assuming they're going to build the driveway just south of the utilities or just east of the utilities, and that's about 180 feet. It takes her six seconds to get there after she makes that turn. A car going out of there and heading east is going to have to worry about the traffic coming up from the corner and they're also going to have to worry about the traffic coming from Monument Heights going east, and worry about people coming out of their driveway, which is not exactly across from it - they're probably about 20 yards further west. She thinks that's going to cause a problem. If there's a physical therapy place and they said they have about 20 patients each, that would be about 50 cars easily going in and another 50 going out. If there's four businesses, the coffee shop would have 50 to 75 people a day going in and out; she assumes the gym would, too. Sometimes she has heard that Cold Stone Creamery is coming to Gering and one of the logical places for it to go would be there. There would again be a lot of cars going in basically from 7:00 in the morning to 8:00 at night. Her concern is the traffic and the fact that she thinks it's going to be very difficult getting out of there and how wide that driveway is to get in. It's up on a hill. If it was an ideal place for a commercial thing, ideally one would want it off the highway, but that can't be done. Think of the traffic going out of there and how to get the traffic going east on Country Club Road and how much time they have to look at that corner; it's about six seconds and she doesn't drive fast. Cars going down Country Club Road to the golf course go a little over the speed limit. She thinks the speed limit is 30 or 35; it's pretty quick, pretty fast. It's not 25. To her, what is happening is that people lost last time, so they are coming back now - "How can we get it built there?" And to do that, they're going to change the Comprehensive Plan. The City can say it needed to be updated, but what are they updating? They're updating that one corner, that one corner is completely surrounded by residential. It is definitely spot zoning, there is no other node, not anywhere else, that is completely surrounded by residential. U Street and M Street, no. It is the only one, so it really is spot zoning. They're doing it, and she thinks they came back and that's the main reason the City got the Comprehensive Plan updated. Everything else is just a lot of verbiage and it's very nice, it's fine, she can understand the nodes along the highway, but that's not why we're here. We're here because they lost on April 28 and they want to do it, so they're trying to find a different way to do it. It's sort of like changing the game if you lose.

Lukas Benzel, 2720 Monument Valley Drive, Gering, stated the 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. He, as did others, asked that Council simply hear the voices of the citizens, especially those who are directly affected. The public was 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. 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 he is aware of. Any and all support came from those who claim to be affected, but in reality, aren't affected 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. He has lived up there for almost 13 years and it has never once been for sale that he recalls, so how would there be an opportunity to do so? He thinks that's a big point that's been missed. Of course, the property owner has every right to hold out and sell it to whomever 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 see fit, "even though you said you weren't doing anything to develop this property yourself". It is concerning to him that the City seems bent on helping and hearing certain individuals and not others. Again, there is already talk 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 in the community even said they were sure this will eventually be a gas station. They are well aware that this is all a charade to give them public voice, but at the end of the day, they all know things are being altered in order to do whatever the City has already decided behind the scenes. Transparency goes a long way and there hasn't been much where this is concerned. After the last meeting, residents immediately saw the change of the length of the turning lane, the length of the light extended, which has already made it more difficult to pull off of Country Club and turn north in a timely manner comparatively, and the traffic trackers go up again. He even noticed U Street got striped after comments were made. It is simply disappointing to know that voices are heard, but only when it fits the agenda of certain community individuals or entities. He thought it was important that Council hear from him and others yet again, but he knows minds are made up, and he cannot sit and listen to any more lip service at the expense of time spent with his family, so he won't be staying to hear any rebuttal or replies. Although he's sure none of what he's saying will change Council's 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. Growing up in Gering, integrity was something this community was known for, and the way this continues to evolve makes him highly concerned that "we are sacrificing our values for what some, not all, consider progress".

Lana Payne, 2820 Applewood Road, Gering, stated in having Council pick option 1 or option 2, she wants to understand what in the future would be the working document when the procedure for protest is established. Because if option 1 is Council's choice, then that node is going to be on there. And then that suggests that that becomes a working document. If it's left as option 2, to leave things as they stand (which she's not sure if she understood Engineer Folck correctly) that with option 2 would be all the other nodes on there, just not that one. Engineer Folck replied, correct. Mrs. Payne stated that would be her choice so that when it's established, whatever the protest procedure is going to be, that there is no node there at that time. Because she thinks probably in order to be in compliance with what the State would like is that if it (the node) is already on there, then there's not much citizens can do about it except come in and whine, but if that node is not on there at all, then that still leaves that community open for opportunity to protest the next time this comes around.

Councilmember Morrison asked Engineer Folck to address spot zoning. Engineer Folck explained there's a pretty strict legal definition of spot zoning based on case law. One of the main things is that if it was not outlined in the Comprehensive Plan. Just because it's only one property does not necessarily make it a spot zone, but it has to be very clear that there was some foresight and planning to allow for that area to be rezoned that way. Basically, if option 2 was chosen, and there is no commercial node at that intersection within the City's Comprehensive Plan, then her recommendation to Council, if the rezone for commercial were to come before them, would be that this is a spot zone, and it should not be approved. If option 1 is chosen, showing that there is a commercial node there, that there is a vision that there should be commercial there in the future, then her staff recommendation would be that the Comprehensive Plan shows that that area should be commercial, therefore staff does not consider it to be a spot zone and they would recommend the zone change be approved. That's why it's so important to have clarity in the Comprehensive Plan. What staff ran into with the previous application was that the Comprehensive Plan wasn't totally clear because one section talked about the potential for commercial at that intersection, but it wasn't shown on the map. That's really what staff is trying to do here, to clarify what the vision is for that intersection.

Kari Foreman, 3020 Monument Shadows, Gering, stated she's begging Council to leave it as residential. When any town starts letting commercial residential, everything being put together, the property value values go down. She just had that issue not in this town, but her husband and she both have parents who were selling their houses and she asked the realtor if they can get a certain amount out of them, and was told no, because they were bordering on commercial. She's begging Council, please leave it residential. They love their residential area and she thinks it's as simple as that.

Kevin Mooney, 70 Buffalo Circle, Gering, asked Engineer Folck if the upper node on the map is Five Rocks; are there two nodes being talked about? Engineer Folck indicated on the overhead map that the discussion is only about the node at the intersection of Five Rock Road and Country Club Road. The City hasn't heard any concerns about any of the other commercial nodes, those are already in the plan. Staff recommends leaving those as they

are. The question is about this particular one which currently is not shown as a node in the Plan but was mentioned in the narrative. Mr. Mooney said if there was an entrance area (into that vacant area) to the north, would there have to be another node there? Engineer Folck replied no, that property borders the intersection. It has Five Rocks on one side and Country Club on the other which would be considered a corner property on that intersection; that commercial node is for that particular property. Mr. Mooney continued stating his thinking on this has been changed; he thinks it will eventually end up being, no matter what they do, a commercial area. Although he has the same concerns that everybody else does about traffic. But what's proposed to go in that area to the north of him, he doesn't really have much of a problem if that's going to be decided again. But regarding the traffic concerns, he asked if the City has decided anything as far as the right lane turn and the traffic light. He noted that Peggy and everybody else who has talked has legitimate concerns about people taking a left out of there and having to look at traffic coming from a hill and also from that light and also from their area. That's a lot of looks that people have and that's the biggest concern. That's something the Council ought to seriously consider when looking at this, is whether or not there's something that can be done about the traffic. He would beg Council to maybe postpone this a little bit and seriously consider what the City is going to do with all that traffic - to address the traffic concerns before making this decision. The traffic concerns to him are the big biggest part, not whether it's going to be commercial or not, because even if it was residential, there would still be the same problem with people coming out of there. Somebody coming out of that other area up the hill has to look at the light, people coming from the light. Everybody says there's not that much traffic up there. Yes, there is! "There's more than you think there is". He added that he wishes the counter would have figured out what it is. And the traffic that does come from the golf course area and up there to the west, it is not going 30 miles an hour. It is going at a greater speed than that, and he doesn't see much traffic control (via law enforcement) for people who are driving too fast. He would beg Council that they postpone this decision and really look at what the City can do to control the traffic up there if it's decided to do that - whether it's an extra right turn or the traffic light needs adjusted with other things, because the traffic problem is a problem. He has no objection to moving it to C-1 when it's eventually done, or this develops. "But we've got to do something about what the traffic concerns would be if you decide to do this." He doesn't know if Council has considered it well enough to actually make a decision at this meeting. He concluded by saying that maybe Council ought to postpone it, and really look at that first before making a decision.

Councilmember O'Neal asked Engineer Folck if the area, she thinks it's in Terrytown, the turn that goes up the hill before getting to this intersection, is there a way people could get to that property from that turn off so they'd have at least two entrances? Engineer Folck replied that it would have to go through other private property, it's not adjacent. Councilmember Morrison added she was thinking the same thing - if they can't come off the highway, can that turn lane be built right at the corner of Country Club and Five Rocks and add another turn lane in there? Councilmember Wiedeman noted there is a sidewalk coming from Bellevue to Country Club for safe routes for school. There is a shoulder there that is not a turning lane, but cars use it for such.

Engineer Folck showed the area on the map that is Terrytown; the City of Gering does not actually control that right of way, but the bigger concern is that these are private properties and this particular property does not front on the public roadway; in order to access it from there, they would have to access it from the entrance into Bellevue. It would be a great solution if it actually extended far enough. Councilmember Morrison asked if there was anything further south where there could be an entrance. Engineer Folck replied in order to get an entrance off of Five Rocks Road, it would have to go through the State. They would have to get a recommendation from the local office, and the committee back east would make the final decision. In talking with the District Engineer, he said he has a few concerns with this particular location due to the site distance with the hill and the grade difference between the property there and dropping down to the roadway. He didn't know if he could recommend a new entrance at that location. Proximity to the light would be another concern.

Katie Smith, 90110 CR 19, Scottsbluff, stated with all this discussion with the traffic, the engineers she has met with several times discussed moving the building further north so people aren't going to turn in and be backed up. There's going to be a driveway that goes around to the parking, there's going to be over 60 parking spots and that's one driveway. And the other driveway would be into at least a 10-car stack and there could be double lanes, there could be a 20-car stack if she wanted, for the coffee shop. It's not like someone drives in and they're at a coffee shop. It's going to be hundreds of feet to the north so there isn't going to be traffic backing up along that road. That was one thing the engineers discussed with them is how they could avoid some of the traffic going on and off that road and making sure that there is enough space between the road and where anybody is getting into. At the Planning Commission meeting, they brought this up and she thought it was interesting that they talked about how

many residential houses would fit there and say someone could get 30 or 40 houses in there - they were talking about the traffic in and out of there as well. She agrees with Kevin, there *is* going to be traffic, but there are things that can be done to make it less congested. With the plans right now with the architects, it's off of Country Club a ways, and that way they're not getting traffic backed up, there will be plenty of space to see going on and off of it. She added that hopefully that's helpful.

Mayor Ewing asked if there were any questions or concerns from Council. Councilmember Jackson stated the biggest thing or two he has heard is regarding traffic concerns. Has City staff met with their engineers to see if those concerns are legitimate? Engineer Folck replied that City staff have not met with their engineers because this isn't necessarily about their particular proposal, this is more high-level, because again a zone change is forever and it may not be that particular development. Staff has not met with their engineers. She has reached out to the engineers that are currently working on the City's Safe Streets For All Plan, but she has not heard back from them. The City is going to be working with them to look at all of the lights and timing for street lights; there's a lot that can be done to optimize. That's going to be part of that, is looking at all the lights and making sure they are timed appropriately - that really does make a big difference on efficiency. Councilmember Jackson clarified that staff doesn't really know if it's going to be a safety issue. Engineer Folck replied that she does not think it will be a safety issue. She does not think there is that much traffic there currently and looking at the size of the property, the limitations on how much more can be developed at that location, whether it's this development or housing, there will be additional traffic there and that could cause some issues. But that just happens whether it's residential or commercial, "when you add more people you add more traffic". She does not think that the uses in the C-1 Zone (that are the more narrow uses, the ones that are less intensive), she does not think those will contribute enough traffic to cause issues at that intersection. When looking at the traffic counts going to the west, they're far lower than the traffic that goes to the east. Going to the east, the peak hours are at about 7:00 a.m., which is school traffic she assumes - people coming and going to Northfield. At the west, it actually peaks in the afternoon on golf league nights. But outside of golf league nights, the peak hour traffic is not that bad going to the west.

Councilmember Jackson briefly clarified, as someone who ran a lot of radar on Country Club Road, why citations are sometimes not issued for speeding vehicles on Country Club Road, which is a 35 MPH Zone. Mr. Mooney added that he thinks the speed limit should be 25 or 30 and further explained.

Administrator Heath reminded Council that it has been a month and a half since the Budget Workshop, but regarding the signal at Country Club and Five Rocks Road, there's money in the budget to update the controller and also put in what's known as a grid panel on that intersection which would improve traffic flow.

With no further comments, the administrative record was closed and the public hearing closed at 7:08 p.m.

1a. First 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

Mayor Ewing entertained a motion to introduce Ordinance No. 2168 as a first reading. He asked that the Councilmember who makes the motion to introduce this ordinance please state option 1 or option 2 for the amended Comp Plan. For clarification, option 1 *would* include a commercial node at the intersection of Five Rocks Road and Country Club Road. Option 2 would *not* include a commercial node at the intersection of Five Rocks Road and Country Club Road thus not allowing commercial as an option at that intersection.

Councilmember Jackson made a motion to introduce Ordinance No. 2168 as a first reading – 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 with a correction to page 49, second paragraph third sentence changing “community” nodes to “commercial” nodes; 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, Jackson. “NAYS”: Shields, Wiedeman, O’Neal. Abstaining: None. Absent: None. Motion carried.

3. Public hearing to consider amending the Zoning Code of the City of Gering, Nebraska to add supplementary regulations regarding medical cannabis establishments

Mayor Ewing opened a public hearing to consider amending the Zoning Code of the City of Gering, Nebraska to add supplementary regulations regarding medical cannabis establishments at 7:12 p.m.

Engineer Folck reiterated that as was previously stated, the City's Zoning Code needs to change with the times. One of the big changes coming our way is that in November of 2024, the voters of the State of Nebraska approved the legalization of cannabis for medical purposes. Where that was never addressed in the City's Zoning Code before, staff thinks it's important to try to have something in there to help oversee the location of any of these facilities. The State of Nebraska has indicated that they will start issuing licenses for medical cannabis establishments starting in October. Staff want to try to get this done as soon as possible. The State has not adopted their permanent regulations for these establishments, but does have some temporary regulations in place. The City is proposing modeling its regulations off the State's temporary regulations which would prohibit facilities within a thousand feet of what's considered a covered facility like a school, day care, church or hospital.

After a discussion with the Planning Commission, whether to go above and beyond the requirements of the State, and prohibiting it any locations, they did not recommend any additional buffers (buffers from residential). They recommended matching the State's requirements as far as distances from those aforementioned facilities. They did discuss a little bit about what different zones to locate them in. Again, the City is still waiting for state guidance for some of this. Planning Commission was not ready to recommend any particular zones to put this in, so the City is not ready to add them to the Land Use Table. They did recommend as a minimum, temporary measure (so the City has at least some oversight) that the City adopt regulations defining these facilities and requiring them to obtain a Conditional Use Permit that would have to be reviewed and recommended by the Planning Commission and would have to go to City Council for final approval. The reason for the additional oversight is because there are a lot of concerns with these types of facilities. First, there is a large amount of a controlled substance on hand. Secondly, a lot of banks are hesitant to do business with these facilities because they are technically still not legal under federal law. They typically operate with a lot of cash on hand as well. There are definitely some security concerns. Depending on the type of facility, the production facilities in particular can have a pretty strong smell to them. The City wants to make sure that no matter where it goes in the community, there's a chance for neighbors to weigh in and that it goes through Planning Commission and Council before anything is granted.

She added that this is a temporary stop-gap measure so if there is something proposed to the City October 1, the City has a process to follow and some oversight. Once the State issues permanent requirements, then staff will come back to make recommendations for a more permanent amendment to the zoning code that would hopefully be consistent with State requirements.

Councilmember Morrison asked where would someone be able to locate one. Engineer Folck replied under what's proposed right now, the City would have to do it the way anything is done that's not defined in the code, staff would look at the intent of the code. If someone wanted to do it in a residential zone, staff would read the intent of that zone which is a place for people to live; it's not for commerce or business. As staff, she would not recommend approving them in a residential zone. It's more unclear when looking at the commercial zones, it would depend on the type of facility. If someone wanted to do a production center where they grow it, she would say it would not be appropriate downtown. If it's a dispensary, it would have to be debated if that's different than a bar or a tattoo parlor or other uses as well. Looking at the intent of the zone, she would probably recommend going through the conditional use process and letting the Planning Commission and Council decide if it's appropriate at that location. Councilmember Morrison asked about the options for a growth facility. Engineer Folck replied, off the top of her head, that would be most appropriate in the Ag Zone. It will be a case-by-case basis and staff will have to look at the intent of the zone. The Land Use Table will also have to be changed and other changes will have to be incorporated as well. Councilmember Morrison added that she just wants to make sure it's made perfectly clear where it can and cannot be.

Mayor Ewing entertained comments from the public. Seeing none, he entertained further comments from the Council. With no further comments, the administrative record was closed and the public hearing closed at 7:18 p.m.

3a. Approve Ordinance No. 2170 - An ordinance of the City Council of Gering, Nebraska amending the zoning ordinance of the City of Gering, Nebraska to add Section 5.12, medical cannabis establishments; repealing all ordinances in conflict herewith; and providing for an effective date hereof

Councilmember Gillen made a motion to introduce Ordinance No. 2170 – AN ORDINANCE OF THE CITY COUNCIL OF GERING, NEBRASKA AMENDING THE ZONING ORDINANCE OF THE CITY OF GERING, NEBRASKA TO ADD SECTION 5.12, MEDICAL CANNABIS ESTABLISHMENTS; 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”: Shields, Gillen, Frye, Kinsey, Wiedeman, O’Neal, Morrison, Jackson. “NAYS”: None. Abstaining: None. Absent: None. Motion carried.

Councilmember Kinsey moved that the Ordinance be designated as Ordinance No. 2170 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 Wiedeman. 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.

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.

Steve Morgheim, 2150 Pacific Blvd, Gering, stated he attended the Planning Commission meeting last Tuesday, all the seats were full; it was great to see citizen involvement. There were a lot of concerns raised by the citizens that talked about the third extension for the Racino. Most of them were not impressed. He raised one question twice about the committee's vote to either approve or disapprove an extension of the special use permit. He said he asked if the City Council may ask or have the ability to look into their vote either approving or disapproving after the Planning Commission makes the vote. And the answer he got back was “no”, that the only way the Council could be involved on this situation was when the final permit is brought to them for their review. That's putting the cart before the horse. His issue is, “when we as citizens ask you all to look out for us with the idea that you can't say anything until it's done.” He would like to appeal to the Council to look into that. It was approved seven to one. There were so many concerns and he gave an example. In Hastings, Prairie Thunder Hastings LLC had a very difficult time getting their project approved. The Council turned it down, even after their Planning Commission turned it down. And then there was a bunch of discussion and it was finally approved even after all this was approved, Prairie Thunder got what they wanted and moved to Ogallala. Why? Part of it was one of the terms the citizen used was zoning colonization. Prairie Thunder Hastings had 150 acres of land, which is about what they have south of Gering. By the time it was all done, they had reduced that down to 35 acres requesting a C-3 designation with less acreage. He does not like that tactic. He doesn't think it's appropriate. Either stand by what was agreed to upfront, but don't keep coming back making changes. He's asking Council to review this matter. That being said, by appeal he's sure they're not going to go anywhere but as a follow up, just because he thinks citizens need to be involved, he's going to ask that a steering committee of citizens be formed to elevate transparency of what Prairie Thunder and Racinos are really trying to accomplish. He doesn't doubt anybody's credibility, but the process seems to be out of whack. He hopes the Council will look into this. They're going to do whatever they can with their social media platform to elevate transparency. 895 people showed up at a meeting in Hastings that were opposed to what was happening and they were just disregarded.

Casandra Lauder, 1590 Spoke Drive, Gering, stated in regards to transparency, she asked if there has been any thought to having these meetings recorded so they can be viewed at a later date without waiting for the minutes to come out. Mayor Ewing replied that the City would look into that.

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

Meeting adjourned at 7:27 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor