

THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION
MEETING JUNE 18, 2019

The Gering City Planning Commission of Gering, Nebraska was held in open session at 6:00 p.m. in the Gering City Council Chambers. Present were Commissioners Allen, Bowman, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. Commissioner absent Marietta. Also, present was City Public Works Director Pat Heath, Planner Annie Folck and Secretary Bruntz - Secretary to the Planning Commission.

Notice of the meeting was given in advance by publication in the Star Herald, the designated method of giving notice. Availability of the agenda was communicated in advance to the Media and Commissioners. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Chairman Rechsteiner called the meeting to order at 6:02 p.m., roll call was taken and the Pledge of Allegiance was recited; also reviewed were the Nebraska Revised Statutes Chapter 84, Article 14, which requires at least one copy of the Open Meetings Act be posted in the meeting room and the time limit for public comment.

Chairman Rechsteiner asked for a motion to approve or disapprove the minutes from the May 21, 2019 meeting. Commissioner Hauck made the motion to approve the minutes and Commissioner Erdman seconded. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. "NAY": None. Absent: Marietta.

a.

The City of Gering Planning Commission will reopen the public hearing that was continued from the May 21, 2019 meeting to consider Storm Water regulations & ordinance and preliminary discussion on how this will effect excavators, contractors and developers. (Open 6:05 p.m.) Pat Heath asked if any of the Commissioners had questions.

Commissioner Hauck asked about hazardous material that was mentioned on page one. It can/could be substantial or present hazard to human health, he would like to know if this should also include animals. Is fish an animal? Annie said it states in the ordinance or the environment, that is where fish would fall into -human health, safety or environment. Pat said he could add animal; he agrees with Annie. It could be other aquatic animals and Pat appreciated the comment.

Commissioner Allen asked about illicit connections with the words wash water. Does this mean washing your car. Pat said yes, for example, in winter washing off the salts off a vehicle that will go down the street and it includes soaps that are used to wash the vehicle, they could be environmentally unfriendly which is considered an illicit discharge.

Annie wanted to give some history since she was involved with this when she was with the City of Scottsbluff and added she is not taking anything away from Pat; he has done a lot of work on this. The ordinance is modeled off of Scottsbluff's that was put in place back in 2010; which she wrote. Many of these things, for example, car washes become judgment calls for staff. It is not practical to pick on people washing cars in their driveways; NDEQ doesn't even do that. The ordinance is targeted towards industry or a commercial car wash - they can't send into storm sewer it must go to sanitary sewer. Code is never written to address everything; it comes down to interpretation and

common sense. Pat said the City of Gering will rule on a case by case basis. Good housekeeping is geared toward the City and we have to get into compliance ourselves.

Commissioner Shimic said when an ordinance like this is written, does the date the City has to be in compliance recorded in the ordinance. Pat said the City's' compliance will be determined by the discharge permit for storm water, (for example – how we wash vehicles, how our dirt is stored at the shop, how the job is done on the job site, sediment control, etc.) all of this is in the permit. Pat said the City needs to lead by example and hopefully others will follow. There will be much expense in order to get into compliance.

Chairman Rechsteiner said to Pat, please go over the federal regulations the City is bound to and has so many years to get compliant. Pat said the discharge permit was received July 1, 2018 and have 5 years to get into compliance with the storm water permit. The City prefers to do it in 4 years, there are three years left. That gives us one year to operate under to see if there are any changes that need to be made to the plan. Storm water management plan was approved by the Nebraska Department of Environmental Quality (NDEQ). This is the plan that the City will follow and annual reports will be sent in based on the management plan. The reports will include tonight's meeting comments, comments from public and how the City is proceeding with the plan. A goal in the storm water management plan is to have two ordinances adopted by June 30, 2019. The City is taking the time to make sure it is done it right.

Chairman Rechsteiner said as the plan progresses and, in a year, it can be amended or modified, does it go back to NDEQ for approval if it is amended/modified. Pat said the storm water management plan will have to go back to NDEQ for their approval but the ordinances will not. NDEQ will have spot checks on the City to make sure we are following the ordinance that follows the permit. Pat added this is part of the clean water act of 1974. Urbanized areas threw the City into the NS4 storm water regulations.

Chairman Rechsteiner asked how far does enforcement go, can the state or federal come in & pick on residents (for example: washing cars at home, doing light construction on a home – piling dirt and the rain washes it into the storm sewer). NDEQ & EPA will make note(s) & address the City with these things and the City will have to enforce as needed. Hopefully public education can help these issues. Pat feels common sense is first and work with the citizens. They (NDEQ & EPA) will look at the City plan to make sure we're following the plan.

Commissioner Hauck asked about water runoff when it rains and gutters are full, where does it go – directly to the river or settling ponds. Pat replied it depends where you live in town; he went over several areas in the City and where the water flows from those areas. Storm water retention is a treatment process, it allows the sediment to settle out; there are natural grasses that help with this process. When there is a nuisance rain, the water is slowed down by some of the plant growth, sediment settles out and some of the plants absorb some of the nutrients in the water and by the end it is somewhat cleaned up depending on what is in the water. There is a retention pond on the East of P Street along the railroad tracks; there water has time to settle out, a pipe discharges it out south to the drain along D Street. This is a slow discharge. There are only a couple of areas that drain directly into the river. Most of the areas drain through something to help with reduction in sediment – with plant growth removing some of the nutrients; partial treatment in a majority of the City. The study will determine that and that is why the post construction ordinance was not brought forward, the City wants the storm water study prior to adoption. This is considered regional treatment instead of

individual on their location/site (for example Cobblestone Hotel has an individual treatment process). It will be better to do more regional treatment that the City would maintain than individual.

Commissioner Shimic asked about the permit, will this stem from a building permit, will there be a fee and a watch list. Pat said yes, there will be a storm water permit similar to Scottsbluff's. He would like to have one permit for all three cities (Gering, Scottsbluff and Terrytown), haven't decided on a fee. When plans are submitted for a project an inspection will have to be done by the City to make sure it meets requirements of the ordinance. This will be more involved with post construction projects – water retention & treatment. Annie added the storm water permit is separate from a building permit b/c many building permits will not require a storm water permit, for example, roofing will not or if it is under one acre it will not be required. Construction project(s) should use best management practices. Commissioner Shimic asked how will the inspection process be done. Pat said, large projects will be weekly by staff for inspections, everything will be based on best management practices depending on the contractor(s). Annie said it should be straight forward to implement in Gering since there is a good model to draw from; most of the contractors already have been exposed since they work in the local area. She recommends approval of the ordinance. (Closed 6:26 p.m.)

Motion was made by Commissioner Hauck to make a **POSITIVE RECOMMENDATION** to the City Council to consider *Ordinance number 2079, an ordinance for a stormwater pollution prevention plan and procedures for stormwater with the following conditions:* None. It was seconded by Commissioner Erdman. On roll call vote, the following voted "AYE": Allen, Bowman, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. "NAY": None. Absent: Marietta.

b. Subcommittee appointments for zoning code review. Annie is getting feedback from consultants on the zoning code. Changes are being made to make it clearer, updating, look at zoning districts - condensing/combining, performance standards in zones, permitted uses by right, conditional uses, consistency in zones, easier to read & interpret and predictable for public. Looking for volunteers to review the zoning code, needs to be easy to read for everyone.

Annie said the review would be done by emailing out sections and make written comments to compile. This is hoped to be done by the end of August. Commissioner Rajewich asked if this could be put on a share point site that everyone could access or a google document so everyone can see. The review could also be divided up based on individual interests of the code. The first articles can be sent out beginning Thursday (June 20, 2019), Annie wants responses in a timely fashion. The volunteers are: Jeremy, Cathy, Mary and Jeff. The main things to keep in mind while reviewing: does it make sense for the community and reads well. Chairman Rechsteiner wants to make sure this does not fall under ex parte, things can be discussed openly; Annie said no it doesn't fall under ex parte.

City Planner report: Annie – zoning code update is moving nicely. The consultants hope to come back by the end of the month on the comp plan with a draft that will go through the comp plan steering committee. The draft will also be presented at a possible joint PC & CC meeting. Consultants will give overview of the drafted document, it will be posted on City website and emailed out to PC members. Everyone will be given a written comment form that can be submitted after review of the

document with written comments. The goal is to have the comp plan and zoning regulations adopted by the end of year.

Motion to adjourn was made by Commissioner Hauck and seconded by Commissioner Shimic. On roll call vote, the following voted "AYE": Allen, Bowman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. "NAY": None. Absent: Marietta.

Note: If a member needs to abstain from voting, the member should communicate this prior to a motion being made.

Note: There was dialogue that was not audible for the minutes due to microphones being off, sitting back from the microphones, static in the microphones or individuals not standing at the podium to speak.

Adjourn 6:38 p.m.



Jeremy Rechsteiner, Chairman



Brenda Bruntz, Secretary