

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JUNE 27, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 27, 2022, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Smith. 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 Kaufman 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 Councilmember absence.

**Motion by Councilmember Morrison to approve the absence of Councilmembers Backus and O'Neal from the June 13 regular City Council meeting. Second by Councilmember Bohl. There was no discussion. Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

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

Mayor Kaufman 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 June 13, 2022 regular City Council meeting
2. Approve Claims
3. Approve May, 2022 Financial Report

### Claims 6-14-22 to 6-27-22

A & A PORTA POTTIES \$450.00, AC ELECTRIC MOTOR SERVICE \$374.72, ACE HARDWARE \$173.62, ACUSHNET COMPANY \$643.40, ADIDAS AMERICA, INC \$32.50, ADVANCE SERVICES, INC. \$154.16, AL'S TOWING, INC \$95.00, AMAZON CAPITAL SERVICES \$268.76, ANTOINETTE GARCIA \$75.00, AT&T MOBILITY \$489.86, AULICK INDUSTRIES \$600.00, BACKFLOW APPARATUS & VALVLE CO \$102.30, BARBARA MARTINSON \$500.00, BEACON ATHLETICS, LLC \$1,260.00, BENZEL PEST CONTROL \$56.71, BH MEDIA GROUP HOLDING, INC. \$872.77, BLACK HILLS ENERGY \$831.46, BLUFFS FACILITY SOLUTIONS \$1,380.48, BORDER STATES INDUSTRIES, INC \$1,021.07, BRENING, KC \$390.00, BRETHOURS HONEYWAGON EXPRESS \$200.00, BRYAN KRANTZ \$214.00, C & C MANUFACTURING LLC \$91.97, CALLAWAY GOLF COMPANY \$987.08, CENTURYLINK \$450.83, CERTIFIED LABORATORIES \$696.54, CITY OF GERING \$1,064.75, CONTRACTORS MATERIALS, INC. \$867.30, DAS STATE ACCOUNTING-CENTRAL \$86.89, DEARBORN LIFE INSURANCE CO \$130.72, DUTTON-LAINSON COMPANY \$2,181.88, EAKES INC \$39.96, ECOLAB \$230.07, ELLISON, KOVARIK & TURMAN LAW \$8,045.45, FASTENAL COMPANY \$476.13, FAT BOYS TIRE & AUTO \$639.55, FLOYD'S TRUCK CENTER, INC. \$1,056.60, FOREUP \$6,502.80, FRANCISCOS BUMPER TO BUMPER IN \$660.00, FRANK PARTS COMPANY \$146.78, FYR-TEK, INC. \$4,059.45, GERING VALLEY PLUMBING & HTG. \$158.00, GREATAMERICA FINANCIAL SERVICE \$252.00, HIGH PLAINS AUTO CLUB \$500.00, HOME DEPOT CREDIT SERVICES \$369.35, HYDRO OPTIMIZATION & AUTOMATIO \$54,910.00, IDEAL LAUNDRY AND CLEANERS, IN \$258.09, INDEPENDENT PLUMBING & HEATING \$640.40, INDOFF INCORPORATED \$680.26, INFINITE MEDICAL SPA \$70,000.00, INGRAM LIBRARY SERVICES \$261.12, INTERSTATE PRODUCTS INC \$4,693.20, INTRALINKS, INC. \$119.00, J & A TRAFFIC PRODUCTS \$632.70, JIRDON AGRI CHEMICALS, INC \$5,726.35, KENT EWING \$645.35, MASEK DISTRIBUTING INC \$4,190.00, MATHESON TRI-GAS INC \$119.48, MEAT SHOPPE \$17,255.35, MENARDS \$350.58, MIDWEST THEATER \$100.00, MONUMENT INN & SUITES \$96.00, MUNICIPAL SUPPLY, INC. OF NE. \$1,316.11, NE SAFETY/FIRE EQUIPMENT, INC \$428.00, NE STATE FIRE MARSHAL \$81.00, NEBRASKA LAND \$458.85, NEBRASKA PUBLIC POWER DISTRICT \$3,458.17, NORTHWEST PIPE FITTINGS, INC \$232.23, PANHANDLE COOP ASSOCIATION \$6,503.00, PANHANDLE ENVIRONMENTAL SERVIC \$913.00, PANHANDLE HUMANE SOCIETY \$43,168.50, PATTLEN ENTERPRISES, INC \$324.47, PAUL REED CONSTRUCTION & SUPP \$425.13, POWERPLAN OIB \$793.72, PRAISE WINDOWS \$600.00, PRINT BROKER \$1,041.00, PVB VISA \$15,993.26, QUADIENT LEASING USA, INC \$988.03, RON MOORE \$190.00, SANDBERG IMPLEMENT,

INC. \$17.50, SB/GERING LIONS CLUB \$669.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$69.78, SCB/GERING UNITED CHAMBER OF \$1,300.00, SCI SALES, LLC \$75.00, SCOTTS BLUFF AREA VISITORS BUREAU \$581.62, SCOTTS BLUFF COUNTY TREASURER \$19,817.29, SENIOR CITIZENS CENTER \$525.00, SHAWNA WINCHELL \$730.00, SHERWIN WILLIAMS \$2,192.50, SIMMONS OLSEN LAW FIRM, P.C. \$2,917.50, SIMON CONTRACTORS \$5,180.47, TAYLOR MADE GOLF COMPANY \$507.75, TEAM CHEVROLET \$375.00, TERRY CARPENTER, INC. \$650.00, THE CIT GROUP \$2,004.22, TOUR EDGE MFG INC \$387.00, TROY & LISA WEBORG \$59,923.72, VALLEY AUTO LOCATORS LLC \$1,359.85, VERIZON CONNECT \$38.38, W & R INC. \$131.29, WALTER FIELD REPAIR \$3,319.41, WESCO RECEIVABLES CORP. \$22,363.00, WESTERN COOPERATIVE COMPANY \$15,212.31, WESTERN STATES BANK \$2,963.95, WYOMING BEARING & SUPPLY \$507.55, Total \$376,807.58

**Motion by Councilmember Wiedeman to approve the Consent Agenda. Second by Councilmember Gillen.**

Discussion: Mayor Kaufman noted the new reports in the Council packet from the new software conversion; reports are much easier to understand.

**Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

#### **CURRENT BUSINESS:**

**1. Consider approving an application for Ag Estate Dwelling Site located in the SE ¼ of the NE ¼ of Section 6, Township 21, Range 54 W of the 6<sup>th</sup> P.M.**

City Engineer, Annie Folck, stated that the City received an application for an Ag Estate Dwelling. It is located in the City's Extraterritorial Zoning Jurisdiction east of the Expressway along Crow Road. It's actually an existing farmstead that was subdivided prior to our Zoning and Subdivision Regulations being put into place. The existing farmstead is about an acre; the applicant would like to move the boundary over and add a couple more acres to that. They own both the home and the surrounding farm; we're still dealing with just one property owner. They are going to hold in reserve, as per our regulations, the rest of the farm. The 95 acres will be reserved which meets all of our zoning regulations. The lot frontage and everything else meets the City's Zoning and Subdivision Regulations as well. Staff recommends approval and the Planning Commission also recommends approval.

**Motion by Councilmember Gillen to approve an application for an Ag Estate Dwelling Site located in the SE ¼ of the NE ¼ of Section 6, Township 21, Range 54 W of the 6<sup>th</sup> P.M. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

**2. Consider Conditional Use Permit for meat packing, located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE ¼ of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6<sup>th</sup> P.M.**

Engineer Folck stated that the City received an application for a Conditional Use Permit for a meat packing facility to be located at 2605 N. 7th Street. The map (provided in the packet and on the overhead screen) shows the surrounding zoning in the area. The City changed its zoning code so that CUPs are typically approved by Planning Commission except for the instance of meat packing, in which case it must come to the Council for review and approval. The site is located in the MH Zone, it is a conditional use in the MH zone. The area to the west of the site is Light Industrial, everything to the south is Heavy Industrial, and there is a little bit that is still zoned Ag to the east. The facility is going to be sized to process a maximum of 40 head of cattle per day, five days per week, for a total of approximately 800 per month. The applicant is looking at bringing in cattle typically by pickup and stock trailer, not by a semi. They are not planning on building any loading docks to bring them in by semi. They are planning to have about 15 to 20 employees at the facility; it will be USDA inspected.

Typically, one of the concerns the City has about meat processing types of uses is the wastewater. This site is the former Packerland facility where they processed a lot more cattle than the applicant is currently planning on. They have access to our industrial line. Our wastewater treatment plant has two sides; one to treat residential wastewater and another treats the industrial wastewater. The waste from this facility will go into the industrial side of the plant which is far less concerning to staff from a city utilities perspective.

The Planning Commission reviewed the following criteria in detail: Access, parking, refuse and service areas, utilities, screening, signs, yards and open spaces and general compatibility with adjacent properties and other properties in the district. Because of the size of the plant, and the impact that it was on a previous meat packing site, staff think all of those criteria have been addressed. In reviewing the current site plan, the applicant is planning on having pretty extensive landscaping to help screen it and to help make it more attractive for the area. It is also important to them for marketing as well - to be able to differentiate themselves from some of the large-scale packers (to make the appearance of it better). Ms. Folck stated, when the City was working on the Comp Plan, this was an area we really struggled with because it is an industrial area, but we are seeing some transitions to more commercial uses like the conference center and the hotel. It is specifically stated in the Comprehensive Plan that industrial uses are appropriate, but landscaping should be used to buffer from some of the other uses in the area. That is exactly what they are doing here. It's going to be a very heavy industrial use but they are planning on softening the appearance and helping to mitigate that. It will be a big improvement over the appearance of what is currently there. They are planning on leaving the fence in place only during construction to secure the site, but then that would come down as well. Ms. Folck stated that the applicant was present and their designer/engineer was available by video conference as well if Council had any questions. Planning Commission recommended approval of this proposal and staff recommends approval as well.

Councilmember Morrison asked if there will be holding pens on this property. Ms. Folck replied, there will be; they will not hold any cattle overnight. They will need to have them in for a minimum of two hours to give them time to calm down and have a better quality product when they are ready to harvest them. Every night, when they are done, they'll get it cleaned up and ready for the next day.

Councilmember Gillen asked for clarification regarding if the applicant would decide in the future to expand production beyond what is currently being proposed, would that entail them coming back to Council for additional approval for a change? Ms. Folck then reviewed the recommended conditions noting that staff does recommend conditions that are shown on the resolution. One of the recommendations is that they have no more than 1000 cattle per month that would be processed at this facility. If they decide they want to expand beyond that, they would have to come back to Planning Commission and Council to get that changed. At that point, hopefully we would be able to look at their operating record and be able to make a better-informed decision as to whether or not we want to allow a larger scale facility at that site. The other conditions are mainly to do with wastewater; making sure everything meets the requirements the City has for metering, a safe sampling station, etc. There are recommendations to make improvements to the existing water service to make sure City personnel can turn it off efficiently. It's also states that landscaping areas would conform to those submitted on the site map. Recommended approvals are shown in the resolution; Council has the ability to either approve the resolution as written or if Council would like to change any of the recommended conditions, Council is welcome to make a motion to that effect as well.

Councilmember Morrison clarified with Administrator Heath that nothing different has to be done at the Wastewater Treatment Plant. Administrator Heath replied, everything is ready. The plant was upgraded in 2004. About half way through construction, Packerland closed their doors. The plant was designed for a large facility – probably four or five times larger than what the applicant is proposing. Mayor Kaufman added, for historical purposes, Packerland was processing about 300 head a day. The system can easily handle this.

**3. Consider approving Resolution 6-22-5 regarding a Conditional Use Permit for meat packing, located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6<sup>th</sup> P.M.**

#### RESOLUTION 6-22-5

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, GRANTING A CONDITIONAL USE PERMIT FOR A MEAT PACKING FACILITY TO BE LOCATED AT 2605 N 7<sup>TH</sup> STREET**

#### RECITALS

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for a Meat Packing

Facility has been submitted by Pumpkin Creek Meat Co, LLC, to be located at Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6<sup>th</sup> P.M., aka 2605 N 7<sup>th</sup> Street.

2. The City Council has reviewed the application as to its conformity with the 2020 City of Gering Comprehensive Plan.
3. The City Council has reviewed the application as to its conformity with the City of Gering Zoning Regulations.

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING NEBRASKA:**

1. The City Council finds the Conditional Use Permit application for a Meat Packing Facility to be located at 2605 N 7<sup>th</sup> Street conforms to the City of Gering 2020 Comprehensive Plan and the City of Gering Zoning.
2. The City Council imposes the following conditions for approval:
  - a. No more than 1000 cattle per month may be processed at this facility
  - b. All wastewater discharges will meet all requirements of Nebraska Department of Environment and Energy Title 119, Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System
  - c. Wastewater discharges will be metered. The flow meter will be maintained by the applicant.
  - d. Wastewater sampling will be conducted as required by the City. The applicant will work with City personnel to design a sampling station that is safe for City employees.
  - e. The applicant shall work with the City to make improvements to the existing water service from the City's main line. Costs shall be the responsibility of the developer.
  - f. Landscaping areas will conform generally to those shown on the submitted site map. Landscaping plan, including plant selection, must be approved by City staff prior to installation.
3. This resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED on June 27, 2022**

**CITY OF GERING  
SCOTT BLUFF COUNTY, NEBRASKA**

By: \_\_\_\_\_  
Mark A. Kaufman, Mayor

ATTEST:

By: \_\_\_\_\_  
Kathy Welfl, City Clerk

Mayor Kaufman entertained a motion regarding Resolution 6-22-5 pertaining to a Conditional Use Permit for meat packing, located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6<sup>th</sup> P.M.

**Motion by Councilmember Gillen to approve Resolution 6-22-5 with the conditions set forth by City staff regarding a Conditional Use Permit for meat packing, located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6<sup>th</sup> P.M. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": Cowan. Abstaining: None. Absent: Smith. Motion carried.**

**PUBLIC HEARINGS:**

**1. Public hearing to consider the issuance or denial of a Class C liquor license with catering endorsement (K) for Schluter Eats, Inc. d/b/a Emporium Express located at 1650 10<sup>th</sup> Street, Gering, NE**

Mayor Kaufman opened a public hearing to consider the issuance or denial of a Class C liquor license with catering endorsement (K) for Schluter Eats, Inc. d/b/a Emporium Express located at 1650 10<sup>th</sup> Street, Gering, NE at 6:14 p.m.

City Clerk Welfl stated that the application was provided to the Council. Captain Rogers provided a memo stating that he found no reason not to issue a liquor license for Schluter Eats, Inc. at this time.

Mayor Kaufman asked if anyone in the Council Chambers wished to speak in favor of the application. Alexandria Schluter, 514 W. 33<sup>rd</sup> Street, Scottsbluff, addressed the Council. She stated that she wanted to address that there is a grandfather clause for the single bathroom which was originally a concern when they first purchased the building. They don't want this to be a packed area; it was cost and space-prohibitive to have a second bathroom. Adding a whole other ADA accessible bathroom would have taken out half their seating and they're maxing out at 25. They don't want people to feel rushed; they want them to feel relaxed. She wanted to address that if there was an issue, but if falls under a grandfather clause. She added that it does meet all ADA requirements.

Ron Schluter, 3022 Ave. E, Scottsbluff, NE addressed the Council and stated he is the President and CEO of the Corporation doing business as the Emporium Express. This is an after thought for them, quite honestly. In talking to a number of people in the community, this is something that's not offered currently in Gering. The community, that they have talked to, has expressed some excitement about this; they think it will be a really nice addition to Gering. They haven't seen anything around that is like this. He's really looking forward to being a part of the Gering community. He's hopeful Council will accept their application and they look forward to being in business for a long time in this community as well. He thanked the Mayor and Council.

Mayor Kaufman asked if anyone else wished to speak in favor of the application. Seeing none, he asked if anyone wished to speak in opposition of the application. With no further comments, the public hearing closed at 6:19 p.m.

**1a. Consider approving or denying the issuance of a Class C liquor license with catering endorsement (K) for Schluter Eats, Inc. d/b/a Emporium Express located at 1650 10<sup>th</sup> Street, Gering, NE**

**Motion by Councilmember Gillen to recommend approving the issuance of a Class C liquor license with catering endorsement (K) for Schluter Eats, Inc. d/b/a Emporium Express located at 1650 10<sup>th</sup> Street, Gering, NE. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

**BIDS/PROPOSALS:** None.

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

## **REPORTS:**

### **1. Liaison Report – Councilmember Bohl, Airport Authority**

Councilmember Bohl stated:

- There has been a lot of construction at the airport this last year including runway work, new insulation and door work on some of the hangars, fuel and water tank projects.
- The Essential Air Service contract is up in January of 2023. The company on the current air contract has to give a 90-day notice of termination and find a suitable replacement in order for that contract to come to an end.
- A couple bids have come out for essential air service; both bids were denied by the Board for not meeting some of the specs for providing air service.
- Sky West Charters is trying to put a plan together and approach the Board to see if they can put a contract together.
- Another project happening right now is a new state of the art baggage scan system. TSA purchased the equipment; it didn't cost the airport anything for the equipment purchase, they just have to pay for the upgrades and construction costs to install. This should be done by July 10<sup>th</sup>.
- Through May, the Airport was at 5297 for boardings. Down from pre-Covid numbers, but up from last year. They feel confident they'll make their 10,000 boarding number for the year.

Mayor Kaufman thanked Council for their participation on numerous Boards and Commissions in the community.

**OPEN COMMENT:** Mayor Kaufman stated that discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

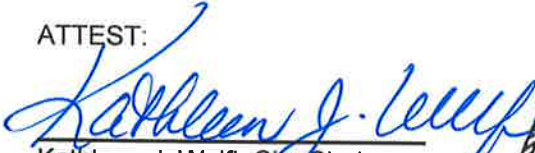
**ADJOURN:**

**Motion by Councilmember Gillen to adjourn. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

Meeting adjourned at 6:26 p.m.

  
\_\_\_\_\_  
Mark A. Kaufman, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

