

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
June 8, 2020**

A regular meeting of the City Council of Gering, Nebraska was held on June 8, 2020 at 6:00 p.m. Due to on-going COVID-19 precautions and pursuant to a Limited Waiver Executive Order by Governor Ricketts, the Gering City Council held this meeting in person at 1025 P Street, Gering, NE, and also by video/teleconference. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Abel, Wiedeman, O'Neal and Morrison. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl, Finance Director Renae Jimenez, City Engineer Annie Folck and City Attorney Jim Ellison. Absent was Councilmember Cowan. 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 via teleconference to the public and media.

CALL TO ORDER:

Mayor Kaufman called the meeting to order at 6:00 p.m. The Mayor stated that there was a quorum of the Council present by video/teleconference and City business could be conducted.

1. Roll Call
2. Excuse councilmember absence

Motion by Councilmember Gillen to excuse the absence of Councilmember O'Neal from the May 26, 2020 regular meeting. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, Morrison, O'Neal. "NAYS": None. Abstaining: None. Absent: Cowan. 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 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 May 26, 2020 regular City Council meeting
2. Approve Claims

Claims 5-23-2020 to 6-5-2020

A & A PORTA POTTIES \$135.00; AC ELECTRIC MOTOR SERVICE \$184.35; AMAZON CAPITAL SERVICES, INC \$66.99; BAKER & ASSOCIATES, INC. \$2,302.50; BENZEL PEST CONTROL \$56.71; BLACK HILLS ENERGY \$164.17; BLUFFS FACILITY SOLUTIONS \$213.45; BORDER STATES INDUSTRIES, INC \$4,348.85; CALLAWAY GOLF COMPANY \$1,541.11; CATTLE BANK & TRUST \$55,786.38; CENTURYLINK \$5,672.97; CHARTER COMMUNICATIONS \$668.80; CITY OF GERING \$113.40; CITY PAYROLL TRUST \$4,840.09; CORE & MAIN LP \$1,040.00; CUTTER & BUCK \$857.48; DALE'S TIRE \$254.51; DAS STATE ACCOUNTING-CENTRAL \$177.41; DEARBORN LIFE INSURANCE COMPAN \$120.40; DOCU-SHRED LLC \$26.00; DOOLEY OIL \$42.42; DOUGLAS WADE HOVET \$750.00; DUTTON-LAINSON COMPANY \$1,435.68; ECOLAB \$62.10; ELECTRIC PUMP, INC. \$34,074.94; ELLISON, KOVARIK & TURMAN LAW \$1,031.25; EMERALD TRANSFORMER \$23,585.00; ENVIRONMENTAL RESOURCE ASSOCIA \$368.95; FASTENAL COMPANY \$450.11; FIRST STATE BANK \$295.33; FRANK PARTS COMPANY \$563.45; FRASER STRYKER PC LLO \$885.50; FREMONT MOTOR SCOTTSBLUFF, LLC \$22.36; GERING VALLEY PLUMBING & HTG. \$1,161.00; HEARTLAND BANK \$69,524.83; HOME DEPOT CREDIT SERVICES \$694.64; HYDROTEX \$309.54; ICMA ELECTRONIC RETIREMENT \$709.74; IDEAL LAUNDRY AND CLEANERS, IN \$71.60; INDEPENDENT PLUMBING & HEATING \$17.50; INDOFF INCORPORATED \$183.63; INFINITY CONSTRUCTION INC. \$7,100.00; INGRAM LIBRARY SERVICES \$559.65; INTERNAL REVENUE SERVICE \$43,248.03; INTRALINKS, INC. \$300.49; IRBY TOOL & SAFETY \$949.73; JANA RICHARD \$75.99; JASPER ENGINEERING & EQU \$1,357.00; JOHN HANCOCK USA \$13,231.96; JOHN HANCOCK USA POLICE \$5,879.46; JOHNSON CASHWAY CO. \$200.73; MATHESON TRI-GAS INC \$45.41; MATRIX TRUST COMPANY \$566.97; MEAT SHOPPE \$3,933.04; MENARDS \$555.75; MIDWEST AUTO SUPPLY, INC. \$6,617.00; MIDWEST ELECTRIC TRANSFORMER \$30,575.00; MIZUNO USA, INC. \$714.61; NDEQ - FISCAL SERVICES \$7,928.23; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPT OF REVENUE \$111.51; NE. SAFETY/FIRE EQUIPMENT, INC \$398.00; NEB DEPT OF ENVIRONMENT AND EN \$150.00; NEOFUNDS BY NEOPOST \$800.00; NEWMAN SIGNS, INC. \$2,048.55; NORTHWEST PIPE FITTINGS, INC \$230.25; OREGON TRAIL PLBG. & HEATING \$450.00; PAGE TURNER ADVENTURES \$480.00; PANHANDLE COOP ASSOCIATION \$3,872.30; PANHANDLE ENVIRONMENTAL SERVIC \$685.00; PAUL REED CONSTRUCTION & SUPP \$94,010.84; Payroll Checks \$148,033.55; PHILLIP E MITCHELL \$180.00; PING INC \$175.82; POWERPLAN OIB \$1,510.25; PROFESSIONAL GOLFERS'ASSOC/AM. \$521.00; RECOVERY SYSTEMS COMPANY, INC \$52,345.00; ROSA ESPARZA \$390.00; RWPC MULTISPECIALTY \$93.75; RYAN'S WELDING LLC \$240.00; SANDBERG IMPLEMENT, INC. \$314.30; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCB. COUNTY REGISTER OF DEEDS \$10.00; SCOTTSBLUFF-GERING UNITED WAY \$126.25; SIMON CONTRACTORS \$421.01; SOUTHWESTERN EQUIPMENT COMPANY \$6,340.00; STATE OF NEBRASKA

\$29.29; SUGAR VALLEY FEDERAL CREDIT \$528.37; THE ROCK PILE \$274.60; THE TORO COMPANY \$155.00; TRIHYDRO CORPORATION \$2,219.25; VERIZON WIRELESS SERVICES, LLC \$218.84; WESTERN COOPERATIVE COMPANY \$4,046.32; WESTERN PATHOLOGY CONSULTANTS \$63.00; WESTERN STATES BANK \$25,912.84; WESTERN STATES BANK - POLICE \$516.00; WYOMING BEARING & SUPPLY \$323.59

Motion by Councilmember Gillen to approve the consent agenda. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

BIDS: None

PUBLIC HEARINGS:

1. Continue and close a public hearing concerning an amendment to the City of Gering's Community Development Block Grant (CDBG) Revolving Loan Fund (RLF). The RLF Program Guidelines and Re-Use Plan will be amended and the RLF will be discontinued, ceasing any business development funding activities

Mayor Kaufman stated that this public hearing concerning an amendment to the City of Gering's Community Development Block Grant (CDBG) Revolving Loan Fund (RLF) will now continue and be closed. In the time since this public hearing was opened on April 27, 2020, and subsequently continued, a new public hearing notice was published replacing this public hearing. He then closed the public hearing at 6:05 p.m.

2. Public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant ("CDBG"). This grant is available to local governments for community/economic development activities

Mayor Kaufman opened a public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant ("CDBG") at 6:05 p.m.

Jeff Kelley, Executive Director of the Panhandle Area Development District, addressed Council. As it relates to Prime Metal Products, Inc., Mr. Kelley stated that the project involves a Community Development Block Grant (CDBG) award of seven hundred ninety-six thousand dollars (\$796,000) with seven thousand dollars (\$7,000) of that for grant administration.

The City will contribute an estimated two hundred eleven thousand dollars (\$211,000) in existing CDBG Program Income funds which will allow for a total of one million dollars (\$1,000,000) for the purchase of equipment. The City will conditionally grant the \$1,000,000 to Panhandle Regional Development, Inc., a non-profit development organization ("NDO"). The NDO will then utilize such conditionally granted CDBG funds to make a performance-based loan of \$1,000,000 to the business for the purchase of equipment associated with the expansion of the business at its Gering, Nebraska facility (the "Project"). Six hundred fifty thousand dollars (\$650,000) of the one million-dollar (\$1,000,000) performance-based loan will be forgiven after the business satisfies a CDBG national objective and completes all of the lending requirements. The project's approximate cost of equipment is \$2,000,000, which will be funded with \$1,000,000 of CDBG loan and \$1,000,000 from a local financial institution.

The Company is a yellow label commercial sheet metal manufacturing business that will specialize in the production of spiral pipe, square duct and their associated fittings, as well as roof curbs and adaptors for new and replacement rooftops. No chemical bi-products will be emitted in the manufacturing process. This funding will permit the Company to create 33 new full-time equivalent positions, with at least 51% of them to be held by or made available to Low to Moderate Income ("LMI") persons. No displacement of businesses or individuals is expected to occur as result of this project.

Mayor Kaufman clarified that Yellow Label is a union-designated paying job. These would be really good jobs for our community. He said we appreciate the project and the opportunity. Councilmember Backus asked for someone to expand on where that \$200,000 came from. Mayor Kaufman stated that the \$211,000 that was discussed is from an existing revolving loan fund that the City of Gering has recouped from past projects, and it's maintained in a revolving loan fund for future use. In the process of sunseting

those funds, and in conjunction with the time of this project, the City is able to allocate those funds to this project that Council is considering tonight, which allows the City to utilize those dollars within the community. In partnership with the State of Nebraska, we're looking at a total package of a million dollars for that piece. There is some liability to the community on those funds, on the backside, but it is forgivable over a period of time. We wish the applicant success in their venture. It will be good for the community and surrounding communities as well.

Mayor Kaufman asked if anyone 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, Mayor Kaufman closed the administrative record and the public hearing closed at 6:10 p.m.

Motion by Councilmember Wiedeman to enter the administrative record for this public hearing into the public record. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2a. Remove from table - Authorize the Mayor to sign Letter of Receipt Acknowledgement from the Nebraska Department of Economic Development regarding CDBG Program Income Account

Motion by Councilmember Wiedeman to remove from table authorizing the Mayor to sign Letter of Receipt Acknowledgement from the Nebraska Department of Economic Development regarding CDBG Program Income Account. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2b. Authorize the Mayor to sign Letter of Receipt Acknowledgement from the Nebraska Department of Economic Development regarding CDBG Program Income Account

Motion by Councilmember Gillen to authorize the Mayor to sign Letter of Receipt Acknowledgement from the Nebraska Department of Economic Development regarding CDBG Program Income Account. Second by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2c. Remove from table and remove from agenda Resolution 4-20-1 – A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, ACCEPTING THE AMENDMENT OF ITS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT (ED) REVOLVING LOAN FUND (RLF) PROGRAM. THE ED RLF WILL BE DISCONTINUED, CEASING ANY ECONOMIC DEVELOPMENT TYPE ACTIVITIES. THE RLF'S CURRENT PROGRAM GUIDELINES STILL APPLY TO EXISTING PROJECTS AND LOANS

Motion by Councilmember Gillen to remove from table and remove from agenda Resolution 4-20-1 – A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, ACCEPTING THE AMENDMENT OF ITS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT (ED) REVOLVING LOAN FUND (RLF) PROGRAM. THE ED RLF WILL BE DISCONTINUED, CEASING ANY ECONOMIC DEVELOPMENT TYPE ACTIVITIES. THE RLF'S CURRENT PROGRAM GUIDELINES STILL APPLY TO EXISTING PROJECTS AND LOANS. Since this resolution was tabled on April 27, 2020, the verbiage has been modified. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2d. Adopt Resolution 6-20-1 - A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, ACCEPTING THE AMENDMENT OF ITS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT (ED) REVOLVING LOAN FUND (RLF) PROGRAM. THE ED RLF WILL BE DISCONTINUED, CEASING ANY ECONOMIC DEVELOPMENT

TYPE ACTIVITIES. THE RLF'S CURRENT PROGRAM GUIDELINES STILL APPLY TO EXISTING PROJECTS AND LOANS

RESOLUTION 6-20-1

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, ACCEPTING THE AMENDMENT OF ITS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT (ED) REVOLVING LOAN FUND (RLF) PROGRAM. THE ED RLF WILL BE DISCONTINUED, CEASING ANY ECONOMIC DEVELOPMENT TYPE ACTIVITIES. THE RLF'S CURRENT PROGRAM GUIDELINES STILL APPLY TO EXISTING PROJECTS AND LOANS.

WHEREAS, the City of Gering (Scotts Bluff County, Nebraska) will make an amendment to the City of Gering's Community Development Block Grant (CDBG) Revolving Loan Fund (RLF).

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, that the City of Gering approves acceptance of the amendment and will adhere to the CDBG reuse plan as approved by Nebraska Department of Economic Development. It is expressly understood that program income and recaptured funds will be returned to Panhandle Regional Development, Inc., and be repurposed for a new Gering economic development project. In this case, the recaptured funds will be repurposed by the City of Gering for the Prime Metal Products, Inc. development project. The RLF Program Guidelines and Re-Use Plan will be amended and the RLF will be discontinued, ceasing any business development funding activities. The ED RLF's current program guidelines will still apply to existing projects and loans.

PASSED AND ADOPTED this ____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

(SEAL)

Motion by Councilmember Wiedeman to adopt Resolution 6-20-1 - A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, ACCEPTING THE AMENDMENT OF ITS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT (ED) REVOLVING LOAN FUND (RLF) PROGRAM. THE ED RLF WILL BE DISCONTINUED, CEASING ANY ECONOMIC DEVELOPMENT TYPE ACTIVITIES. THE RLF'S CURRENT PROGRAM GUIDELINES STILL APPLY TO EXISTING PROJECTS AND LOANS. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2e. Adopt Resolution 6-20-2 - A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION AND ALL SUPPORTING DOCUMENTS INCLUDING AN MOU FOR CDBG FUNDS AND FOR REPURPOSING TO THE PRIME METAL PRODUCTS INC. PROJECT

RESOLUTION 6-20-2

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION AND ALL SUPPORTING DOCUMENTS INCLUDING AN MOU FOR CDBG FUNDS AND FOR REPURPOSING TO THE PRIME METAL PRODUCTS INC. PROJECT

Whereas, the City of Gering, Nebraska is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program; and,

Whereas, the City of Gering, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$1,007,000 to assist Prime Metal Products, Inc. with the purchase of equipment to be placed at their business location at 220797 East Highway 92 in Gering Nebraska. Of the \$1,007,000.00 of CDBG funds, \$1,000,000.00 will be for the purchase of equipment by Prime Metal Products, Inc. Of that amount, a total of \$789,000.00 will come from new CDBG funds. The additional \$211,000 will come from re-purposed funds from the City of Gering's dissolved CDBG Revolving Loan Fund. There is an additional \$7,000 for general grant administration.

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of Gering, Nebraska, that the Mayor be authorized and directed to proceed with the formulation and execution of any and all contracts, documents or other memoranda between the City of Gering, Nebraska, and the Nebraska Department of Economic Development so as to effect acceptance of

the grant application. This includes execution of the Memorandum of Understanding (M.O.U.). The Resolution is subject, however, to the total funding of the Prime Metal Products, Inc. project according to its Business Plan of approximately \$6,400,000.00. The City of Gering reserves the right to withdraw this CDBG commitment in the event that all funding sources comprising the Business Plan do not complete their respective commitments to that Business Plan.

PASSED AND ADOPTED this ____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

(SEAL)

Motion by Councilmember Wiedeman to Adopt Resolution 6-20-2 - A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION AND ALL SUPPORTING DOCUMENTS INCLUDING AN MOU FOR CDBG FUNDS AND FOR REPURPOSING TO THE PRIME METAL PRODUCTS INC. PROJECT. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

CURRENT BUSINESS:

5. Approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust related to an LB840 loan for 16th Empire, LLC

Mayor Kaufman moved item number 5, under Current Business, up on the agenda.

LB840 Committee Member, Ladd Harrison, 680 I Street, Gering, addressed Council and stated that the LB840 Committee reviewed the application they received from 16th Empire. The Committee was made aware of the fact that the applicant was ineligible under Scottsbluff rules under their LB840 to apply for the application with the City of Scottsbluff. The Committee did a little research on the number of jobs that they were suppling; out of a total of nine jobs that they have, four of those full-time equivalents are residents of the City of Gering. Based upon the need and the retention of those jobs within our community, the Committee felt that the reduced request, from the previous request, was for bare essentials in order to keep the business open. And due to the job retention for Gering positions, the Committee felt that this would certainly be a good project for Gering to fund.

Councilmember Abel stated, related to job retention, they're not asking for employees' salaries, they're asking for a hood and sprinkler system. Mr. Harrison replied, they are. Based on the Committee's understanding, the situation is that the Fire Marshall is giving them a limited amount of time to get this into place or the business will need to be shut down until that can be funded. If that is the case, they believe that those jobs would not be retained based upon those factors.

Mayor Kaufman stated, on his behalf and the Council's, that the LB840 Committee is really valued. There are great community individuals that participate in our community committees and commissions to provide stewardship and guidance to our community and our Council. Council values the inputs of our LB840 Committee Members. We've made strides over the last several years, as we can see in the project just before, where Scottsbluff allocated 1.5 million of their LB840 funds to a project that's going to be located in the City of Gering. It is only suiting that Gering should be considering an application in our sister city. We've talked politically for years how deep and wide the river is, and we're starting to finally wear down some of those barriers. We appreciate the applicant trying to come back and leverage the funds that are available and ask the Committee for help. Council has a recommendation before them.

Councilmember O'Neal made a motion to approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust related to an LB840 loan for 16th Empire, LLC. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Wiedeman, O'Neal, Morrison. "NAYS": Backus, Abel. Abstaining: None. Absent: Cowan. Motion Carried.

3. Public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a parcel of land known as Parcel 1, containing 4.83 Acres, more or less, in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 55 West of the 6th Principal Meridian, in Scotts Bluff County, Nebraska

Mayor Kaufman opened a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a parcel of land known as Parcel 1, containing 4.83 Acres, more or less, in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 55 West of the 6th Principal Meridian, in Scotts Bluff County, Nebraska at 6:23 p.m. City Engineer, Annie Folck, presented the Administrative Record.

**CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT**

To:	City Council	Date:	June 8, 2020
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	4.83 Acres
Location:	210028 Sandberg Rd	#Lots/Parcels:	1
Owner:	Donna Hessler Trust	City Council Public Hearing:	June 8, 2020

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is an existing farmstead located at 210028 Sandberg Rd, and consists of 4.83 acres, more or less, in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 5 West of the 6th Principle Meridian in Scotts Bluff County. The property is outside of Gering City limits, but within the City's extraterritorial zoning jurisdiction. The surrounding property is zoned AGG as well.

According to the City's zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land, or less than 80 acres of reserved land in the event that the intention of the code is maintained. When the 4.83 acres is divided off, there will be 69.57 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn't strictly meet the 80 acre requirement, staff recommends that it still meets the stated intent of the AEDS subsection of code, which is "not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow 'subdivision' or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes."

The AEDS meets all of the other code requirements for minimum lot size and minimum street frontage. Planning Commission gave a positive recommendation. Staff recommends approval of the AEDS.

Recommendation:

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 210028 Sandberg Rd, situated in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, with the following conditions:

Deny

FAIL TO RECOMMEND to City Council for the Ag Estate Dwelling Site located at 210028 Sandberg Rd, situated in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, for the following reasons:

Table

Councilmember Backus said this seems to be a trend; are there more people moving out to the country that aren't farming? Ms. Folck replied that she's not sure what the reason is. Councilmember Wiedeman clarified that this is just a farmstead that's being subdivided from the rest of the farm. Ms. Folck replied that that is correct. Ms. Folck stated that farms are getting bigger, as they get bigger there is less need for these farmsteads. The AEDS is a good use for them rather than sitting empty.

Mayor Kaufman asked if anyone 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, Mayor Kaufman closed the administrative record and the public hearing closed at 6:27 p.m.

Motion by Councilmember Gillen to enter the administrative record for this public hearing into the public record. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

3a. Approve or deny an AEDS (Ag Estate Dwelling Survey) application on a parcel of land known as Parcel 1, containing 4.83 Acres, more or less, in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 55 West of the 6th Principal Meridian, in Scotts Bluff County, Nebraska

Motion by Councilmember Gillen to approve an AEDS (Ag Estate Dwelling Survey) application on a parcel of land known as Parcel 1, containing 4.83 Acres, more or less, in the West ½ of the Southwest ¼ of Section 14, Township 21 North, Range 55 West of the 6th Principal Meridian, in Scotts Bluff County, Nebraska. Second by Councilmember Smith. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign a new Interlocal Agreement with Region 22 Emergency Management Agency

Region 22 Emergency Management Director, Tim Newman residing at 2212 Hwy. 71, Harrisburg, addressed Council. Councilmember Wiedeman asked questions regarding the percentage and the term of the agreement. Mr. Newman replied that the change in the percentage is due to the 2010 census. There will probably be a slight increase due to the amount that the County pays for insurance verses what the City of Scottsbluff pays for insurance; they are working to get that leveled out and are playing with the budget trying to keep that as low as possible. He said that the agreement is perpetual but the fee schedule will change after every census. It will change next year off of the 2020 census – but may or may not have any changes. The next change after that would be with the 2030 census.

Motion by Councilmember Abel to Approve and authorize the Mayor to sign a new Interlocal Agreement with Region 22 Emergency Management Agency. Second by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2. Adopt Resolution 6-20-3 related to a new fee schedule for Region 22 Emergency Management

CITY COUNCIL
GERING, NEBRASKA

RESOLUTION NO. 6-20-3

WHEREAS, the City of Gering has the power to do all acts in relation to the concerns of the City necessary to the exercise of its corporate powers pursuant to Neb.Rev.Stat. § 16-201(4), and said corporate powers are exercised by the City Council pursuant to Neb.Rev.Stat. § 16-246

WHEREAS, the City of Gering has approved and adopted the Interlocal Agreement dated the _____ day of _____, 2020, establishing the Region 22 Emergency Management Agency;

BE IT RESOLVED by the City Council of the City of Gering, Nebraska, that the following Addendum and Fee Schedule for the Region 22 Emergency Management Agency is hereby adopted:

2020 Addendum to the Region 22 Interlocal

Pursuant to Paragraph 12 of the Region 22 Interlocal Agreement in effect as of July 1, 2020, the following percentages are assessed to each Region 22 participating entity.

Banner County will be assessed at eight percent (8%) of the net expenses after any state or federal reimbursement. The remaining 92% shall be assessed to the remaining parties based on percentages of the total population within their county. These assessment percentages will be reevaluated every ten years upon new US Census Data.

City of Scottsbluff, Nebraska	40.8%
City of Gering, Nebraska	23.0%
City of Terrytown, Nebraska	03.3%
Scotts Bluff County, Nebraska	21.9%
City of Minatare, Nebraska	02.2%
Village of McGrew, Nebraska	00.3%
Village of Lyman, Nebraska	00.9%
Village of Henry, Nebraska	00.3%
City of Mitchell, Nebraska	04.7%
Village of Morrill, Nebraska	02.6%
Total remaining assessment	100%

Approved and adopted this ____ day of _____, 2020.

CITY COUNCIL
GERING, NEBRASKA

Mayor

ATTEST:

City Clerk

(SEAL)

Motion by Councilmember Gillen to adopt Resolution 6-20-3 related to a new fee schedule for Region 22 Emergency Management. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

3. Request for Public Works Committee meeting – Agenda items: 1.) FY 20/21 Water rate considerations 2.) Water and Sewer Service line insurance by the National League of Cities

Motion by Councilmember Wiedeman to approve a request for a Public Works Committee meeting – Agenda items: 1.) FY 20/21 Water rate considerations 2. Water and Sewer Service line insurance by the National League of Cities. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

4. Approve and authorize the Mayor to sign a Right-of-Entry Agreement with Crossroads Cooperative and Aulick Farms

City Engineer, Annie Folck, stated that Shane and Annette Aulick have offered to make some donations to the City in the form of some earthwork. It would be an in-kind donation; they're looking at doing some earthwork out at the industrial site. It would allow us to get the rail spur installed and extend it to the edge of the property that is yet to be developed (as we're working with Crossroads on that). Since the property is currently owned by the City, and we close on it in a few weeks, as approved by Council at the last meeting, the agreement needs to be between the City, Crossroads and Aulicks. This agreement takes care of all the liability issues and ensures we're covered, both before and after the closing of the property, is why all three entities are involved. It's for a public benefit and we're very excited and grateful for their donation to the City. Mayor Kaufman added that it's a great example of a public/private partnership.

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Right-of-Entry Agreement with Crossroads Cooperative and Aulick Farms. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

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

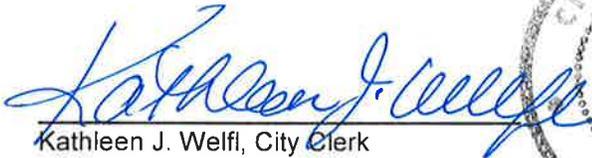
Motion by Councilmember Gillen to adjourn. Second by Councilmember Smith. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

Meeting adjourned at 6:35 p.m.



Mark A. Kaufman, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk



