

**THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION**  
**MEETING MAY 21, 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, Erdman, Hauck, Kaufman, Marietta, Rechsteiner and Shimic. Commissioner absent Bowman and Rajewich. Also, present was a member of the public, Public Works Director Pat Heath 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 6:23 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 April 16, 2019 meeting. Commissioner Hauck made the motion to approve the minutes and Commissioner Marietta seconded. On roll call vote, the following voted "AYE": Allen, Erdman, Hauck, Kaufman, Marietta, Rechsteiner and Shimic. "NAY": None. Absent: Bowman and Rajewich.

a.  
 The City of Gering Planning Commission will conduct a public hearing to consider a Final Plat on Lot 2A, Block 1, Schleicher Subdivision, a Replat of Lot 2, Block 2, Schleicher Subdivision and Unplatted Lands situated in the Southwest Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 55 West of the 6<sup>th</sup> P.M., in the City of Gering, Scotts Bluff County, Nebraska. This property is otherwise known as 190596 Carter Canyon Rd. (Open 6:26 pm)

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

<b>To:</b>	Planning Commission	<b>Date:</b>	5/21/19
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	AGG
<b>Subject:</b>	Recommendation & Report – Final Plat, Lot 2A, Block 1, Schleicher Subdivision, a Replat of Lot 2, Block 1, Schleicher Subdivision and Unplatted Lands	<b>Property Size:</b>	2.66 Acres
<b>Location:</b>	190596 Carter Canyon Rd.	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Scotts Bluff County	<b>City Council Public Hearing:</b>	June 10, 2019

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

## **Public Hearing**

Mr. Chairman and Commission Members,

This is a recommendation and report to consider an application for a Final Plat in the AGG zone. The plat is a replat of an existing, nonconforming lot. The lot currently is nonconforming because it is only two acres, whereas the minimum lot area for residences in the AGG zone is 25 acres. The property owner is proposing that they expand the lot to the west, bringing the lot size to 2.66 acres. While this is still nonconforming, it is closer to our requirements than the existing conditions.

Staff recommends approval of the replat, as it brings the existing lot closer to conformance than it currently is.

Mr. Chairman and Commission Members, this completes my entry regarding this recommendation and report to consider this application for a Final Plat, Lot 2A, Block 1, Schleicher Subdivision, a Replat of Lot 2, Block 1, Schleicher Subdivision and Unplatted Lands. I would ask this Commission to recommend approval or denial of the Final Plat to the City Council.

## **Recommendation**

### **Approve**

Make a POSITIVE RECOMMENDATION for City Council to approve the Replat of Lot 2, Block 1, Schleicher Subdivision and Unplatted Lands, with the following conditions:

### **Deny**

Make a NEGATIVE RECOMMENDATION to City Council for the Replat of Lot 2, Block 1, Schleicher Subdivision and Unplatted Lands, for the following reasons:

### **Table**

Table making a recommendation on the Conditional Use Permit for a Replat of Lot 2, Block 1, Schleicher Subdivision and Unplatted Lands, for the following reasons:

## **Discussion:**

Pat told the Commission that the lot is on the extreme west of the City's 2-mile jurisdiction on Carter Canyon Rd.

Commissioner Hauck said our regulations required 25 acres and this in only 2.66 acres. Pat explained the AGG District is 25 acres and the property probably entered into the zoning as non-conforming. This could have happened back in the 70's/80's with the expansion of the City & the 2-mile jurisdiction. Staff feels that lot size is being improved on & moving towards conformance and recommends approval of this 2.66 acres. Pat said this area is AGG and surrounding this property it is AGG; owner wants to keep in AGG. Commissioner Hauck asked if the City has any benefit from this, Pat said there are none and no utilities related to the City or street maintenance. The property has a well and septic existing. There will be no residential building on this site.

Doug Schleicher spoke at the podium. Just want to add to existing 2 acres. Way back before the City was involved it was 5 acres and then it was changed back to 2 acres. He and his neighbor changed

their lots back to 2 acres. That left a 100-foot-wide strip x 290.4 long between the two properties that he would like to add to his 2 acres; he currently mows the ground & this will clean the land up. He would like to build a machine shed when he retires for his tractor. His home is on the existing 2 acres. This will also clean up the legal description.

Commissioner Shimic Made a POSITIVE RECOMMENDATION for City Council to approve the Replat of Lot 2, Block 1, Schleicher Subdivision and Unplatted Lands, with the following conditions: None. Motion was seconded by Commissioner Kaufman. On roll call vote, the following voted "AYE": Allen, Erdman, Hauck, Kaufman, Marietta, Rechsteiner and Shimic. "NAY": None. Absent: Bowman and Rajewich. (Closed 6:41 pm)

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b.  
The City of Gering Planning Commission will hold a public hearing to consider an application for a Conditional Use Permit (CUP) on Block 16 Gardners Add Replat; Per Zoning and Sub-Division Regulations Section 7.2: BCB (C-2) Central Business District, Sub-Section 7.204 Exceptions, (11) Communication Towers. The property is otherwise known as 1718 11<sup>th</sup> Street in the City of Gering, Scotts Bluff County, Nebraska. (Open 6:42 pm)

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

<b>To:</b>	Planning Commission	<b>Date:</b>	5/21/19
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	BCB
<b>Subject:</b>	Recommendation & Report – Conditional Use Permit, Scotts Bluff County Communications Tower	<b>Property Size:</b>	2.06 Acres
<b>Location:</b>	Block 16, Gardner’s Addition Replat, aka 1718 11 <sup>th</sup> Street	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Scotts Bluff County	<b>City Council Public Hearing:</b>	June 10, 2019

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

**Public Hearing**

Mr. Chairman and Commission Members,

This is a recommendation and report to consider an application for a Conditional Use Permit for a Communications Tower in the BCB zone. Section 7.204 of the City’s zoning code lists Communications Towers not exceeding 150 feet in height as a conditional use in the BCB zone. Because the applicant is proposing a tower that exceeds what is allowable by code, they have applied for a variance from the Board of Adjustment. Both the variance and the CUP will have to be approved in order for the project to move forward. If either are denied, they will not be able to proceed.

**NOTE:** The Board of Adjustment did approve the variance - additional height of the tower.

The tower is proposed to be located west of the old jail, along 11<sup>th</sup> Street (see attached site map). The tower is to be 160 feet in height. There is to be a six-foot chain link fence around the site, with two feet of barb wire on top of that. This is necessary to keep the site secure. The tower will be designed and engineered by a structural engineer to ensure that it meets all safety requirements.

The Board of Adjustment will be addressing whether or not they should be allowed to build to 160 feet in height. The Planning Commission is asked to make a recommendation on whether or not a communications tower is appropriate for the proposed location and if there are any conditions that should be made incumbent on the applicant in order to receive the permit. See Section 13.3 of our zoning code (attached) which describes the criteria that the Planning Commission is to consider when determining whether to grant a Conditional Use Permit.

Staff advises that because the communications tower will be accessed from the County's parking lot and not the street, that access will not be an issue. Additionally, parking will not be an issue as there will very rarely be any parking needed, and when there is, the County has adequate parking on site. Service areas will not be necessary for this use. Utilities are available at this site and will not be affected by this use. No signs are proposed for the project. There are no required yard or other open spaces in the BCB zoning district.

Staff advises that the two criteria that need to be considered for the purposes of this permit are Screening and Compatibility. There is currently no screening or buffering proposed as part of this project. Planning Commission should determine whether or not any screening, landscaping, or other softening of the appearance of the communications tower should be required, and whether the project as proposed is generally compatible with adjacent properties and other property in the district.

Mr. Chairman and Commission Members, this completes my entry regarding this recommendation and report to consider this application for a Conditional Use Permit for a Communications Tower located on Block 16, Gardner's Addition Replat. I would ask this Commission to recommend approval or denial of the Conditional Use Permit to the City Council.

## **Recommendation**

### **Approve**

Make a POSITIVE RECOMMENDATION for City Council to approve the Conditional Use Permit for a Communications Tower at Block 16, Gardner's Addition Replat, aka 1718 11<sup>th</sup> Street, with the following conditions:

### **Deny**

Make a NEGATIVE RECOMMENDATION to City Council for the Conditional Use Permit for a Communications Tower at Block 16, Gardner's Addition Replat, aka 1718 11<sup>th</sup> Street, for the following reasons:

### **Table**

Table making a recommendation on the Conditional Use Permit for a Communications Tower at Block 16, Gardner's Addition Replat, aka 1718 11<sup>th</sup> Street, for the following reasons:

## **Discussion:**

Commission Hauck asked if there was an existing tower.

Ray Richards (Director of the 911 Center) stated the existing tower is on top of the Court House (approximately 100 feet tall); the tower is 60 foot which makes the total height 160 feet. Height is a key factor for radio transmission. The existing tower on the court house is fed by the communication center located in the basement of the County Administration building. Gering Fire & Police, Court House security are fed directly by the tower. Communications for other agencies that are supported by this tower, are sent through Mitchell Pass to the Ken Hubbs ranch southwest of Mitchell (county's South Mitchell Tower is a 300-foot tower). This tower goes 6 miles into Wyoming and covers Scotts Bluff County, Sioux County and Banner County. They support 62 agencies with the tower (13 communities). The tower on top of the court house is very old, it has had lightning strikes, ice storms and wind; antennas need to be replaced. Whomever is award the contract for the new tower will remove the old tower from the roof of the court house. The state historical society is pleased that the tower is going to come down; the court house is an historic icon. Commissioner Hauck asked if the tower is regulated by the FCC, Ray said yes. The waves will not interfere with phones, cable, etc. Commissioner Allen asked how the tower will support the community, replacing an old tower or are there newer advantages. Ray said this will replace the existing tower on top of the court house.

Commissioner Shimic asked what the replacement cost will be to the existing tower. Ray said the state historical society wants the tower off of the court house which would cause issues at the state level, also have to consider the weight on the roof. Funding for grants has been taken back b/c of technology. Commissioner Shimic asked how much space will be needed in the proposed area; Ray said it fits in the grassy area to the south (3-legged tower). Commissioner Marietta asked how far apart the legs were on the proposed tower. Ray referred this to Rick Derr.

Rick Derr, President of Action Communications was asked by Ray to speak. The legs of the proposed tower are 15 feet apart. The tower tapers in and with every 20 feet in height, the taper is 2 foot inward, when it reaches 100 feet it will be 60 feet straight up of tower.

Commissioner Marietta asked if this is the only location for this tower to be used. A lot of money is being spent by the City to beautify 9<sup>th</sup>, 10<sup>th</sup> & 11<sup>th</sup> Streets. Ray said to give the best signal, it is from this site. It could be moved and the price will go up. The main obstacle is the Monument. Currently, signals go through Mitchell Pass and that is a small window.

Jim Ellison, property owner (along with his wife Gail) of an office just across the street from where the tower is proposed. The proposed would hit their building if it came down. There are other alternative locations not looked at; that was admitted tonight and is said it would add more cost to the project. This tower is 16 stories tall located in downtown area (BCB District). The tower is not pretty, it is just functional and not the right location. It may cost more to look for alternative locations and feel those locations have not been properly looked at. Two of the locations that have been looked at are: detention center that does not align with Mitchell pass – alternate signals would be made with relay boxes to get signal to where it should go and the county building on Rundell Rd won't work. Jim would like the county to look for other alternative locations; a full analysis has not been done. They are trying to do it easiest & cheapest way, which he understands b/c it is for the tax payers – that is good. Beautifying downtown area is being done by the City which goes along with tourism. Jim said Commissioner Marietta brought up this good point. For the record Jim Ellison handed out two comment letters – one from James & Gail Ellison and the other from Ellison, Kovarik & Turman Law Firm, P.C.

Commissioner Allen said wanted Ray to tell why this is the best spot, what is the science. Beautification is not a concern for Commissioner Allen. Ray said he could show the studies with graphs regarding signal strength going through Mitchell Pass and what happens when one moves a block in any direction what the signal strength would show. One can stand on the court house roof and look through Mitchell Pass and see the tower lighted at the Hubbs ranch. The signal is gone when at Fresh Foods or Lincoln School. Mike Tracey (KMOR) was the first to build a tower in that location/area, which is the highest point in the county; the county's tower is ½ mile away from this tower.

Commissioner Marietta asked if one would move closer to the west, would the target still be hit. Ray said if they can find a place, perhaps permission from Legacy of the Plains, Gering Cemetery or church, anywhere along that area. Then they would have to negotiate and pay more money. Commissioner Allen said the location proposed is the best based on studies that have been done – correct; Ray said yes. Commissioner Allen asked to see the studies.

Rick Derr said they have done propagation studies (not all in the packet he is going to hand out), it is the path analysis of microwave & interaction with the Monument. The other important thing to consider is the use of a portable radio by Gering Police or Gering Fire. The court house is in approximately the center of town. If location is moved west/east, the ring follows. Currently there is adequate coverage (Police & Fire); moving to the east or west would affect signals. To build a tower in downtown Gering is not the easy way. Commissioner Shimic asked, is tower height of 160 feet maximum. If moved to the east, can it be higher for coverage; or west (there will be some obstacles) go higher to cover more. Rick said a tower can be built very high, should stay less than 200 feet and when 4 miles of an airport they don't have to be lighted. The City Ordinance is for a 2-mile radius. Rich talked to the Commission about the study results he was showing them. Commissioner Allen asked who conducted the survey; Rick said he personally did.

Commissioner Allen asked what & who would be lost if the tower wasn't in the proper location; Ray said all of the 62 agencies except for the Tri-City Roadrunner. Commissioner Allen said this is people's lives; Ray said yes. Commissioner Allen added "this is very serious business". Ray said this is not cheap (quality), inexpensive (price); he has never gone cheap in his 11 years as director. Commissioner Allen asked what agencies are affected. Ray responded that it goes 6 miles into Wyoming, Lyman, Morrill, Mitchell, Banner County, Harrisburg, Kimball County, Morrill County, Bayard, Minatare, Melbeta, McGrew, Goshen County Sheriff's office, Wyoming Highway Patrol, Parks Service, Game & Fish, City of Gering's lights-water-sewer (all calls on night, weekends & holidays) and disconnections (from City). Commissioner Allen said if the tower is not in the place it should be, it can cause communication mistakes in the entire area, effect people's lives and the possibilities of law suits; Ray said yes.

Commissioner Shimic asked if the tower could be put anywhere on the line (looking at pictures). Rick said it can be moved on the line to the west or east but will have to consider the Monument when going west. When the City of Gering's Police Departments portable coverage is moved, it moves with it. Moving just 3 blocks to the east will be giving up coverage 3 blocks on the west. There are current coverage issues now in basements. Commissioner Shimic, with technology as it is (jumper boxes) and as Cities grow, they don't have the same towers (they are expanded). It could be put on landfill property since it is on the line and have a jumper on the court house; this would keep everything functional and still be able to serve all of the 62 agencies. Rick said this will not be as reliable; he can back with engineering studies. The current location is home base, it is where dispatchers are; when

adding links to a chain, it also adds unreliability. In order to serve Gering Police a repeater has to be in the center of town at the 160-foot height; if it is moved, more repeaters will be needed to do the job of one in the center of town. Technically, Rick doesn't feel this is the solution. Commissioner Shimic asked if communications could be moved to another facility like the landfill; cities grow/expand but not uniformly, in that case a new plan will have to be developed; Rick replied this is true. If the tower is put at the landfill; the City won't grow that direction (west) making a waste in resources. Rick said they may have to consider going to the east. Commissioner Marietta said if the tower was moved east ¼ mile, by the map that looks like more of the center of town; then it would have to get back to the court house. Rick said fiber would have to be trenched underground to the tower. Commissioner Marietta stated that you could move east or west ¼ mile (depending on grade of land & have a straight shot) for the same results or near to the same results (there would be additional cost for the fiber trenching) and it would not reduce function, speed and no endangerment to lives. Rick agrees "that could be a possibility, if that site you are suggesting exists". In the documents that Rick handed out, it shows where foundation work has been done, soil analysis done by MC Schaff that has been given to an architect for design. If the location is closer to the river, foundation will be critical for a self-supporting tower.

Chairman Rechsteiner interjected to the Commissioners to keep in mind Zoning Regulations Section 13.3:

#### SECTION RULES GOVERNING INDIVIDUAL EXCEPTIONS

The Planning Commission shall put its findings in writing which state the extent of compliance with the specific rules governing individual exceptions and the extent that satisfactory provisions and arrangements have been made concerning the following where applicable, and submit them to City Council:

- 13.301 ACCESS: Ingress and egress of property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- 13.302 PARKING: Off-street parking and loading areas where required, with particular attention to the items in (1) above and the noise, glare, odor or economic effects of the exception on adjoining properties generally in the district;
- 13.303 SERVICE: Refuse and service areas, with particular reference to the items in (1) and (2) above;
- 13.304 UTILITIES: Utilities, with references to location, availability, and compatibility;
- 13.305 SCREENING: Screening and buffering with reference to type, dimensions, and character;
- 13.306 SIGNS: Signs, if any, and proposed exterior lights with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- 13.307 YARDS: Required yard and other open space;
- 13.308 COMPATIBILITY: General compatibility with adjacent properties and other property in the district.

Commissioner Shimic feels that there is no true cost analysis on that particular location or on another location (pros/cons), need more information, cost analysis on soil in a few more locations, what are the options, getting further away might reduce height of the tower; lacking details. Commissioner Allen said we have two experts with a study that has been done and there is no opposing study; how is that proposed to be done. Commissioner Shimic said we need options, there is only one option; she wants to know cost. Chairman Rechsteiner said he doesn't think that can be considered in the Planning Commissions' compacity, we (PC) look at zoning for screening/buffering regarding the character of the tower and compatibility with adjacent properties. Commissioner Allen said communications are essential for everyone in the Gering and people's lives.

Amy Seiler, resident of Gering. She agrees public safety is important. If this tower is allowed, please consider what has been going on in the City. The Commission has the ability to put conditions/specifications on how the surroundings look around the tower (chain link fence w/barb wire). This is not the appearance for the district in downtown. You can require enhancement to that area to make it look attractive. The downtown/business district should not look industrial; this is not our image to send to visitors. Tourism is a large economic engine in this area.

Karla Nieren-Streeks – resident/visitors bureau and downtown revitalization committee. She spoke at the Board of Adjustment meeting asking if the tower could be re-constructed back on-top of court house; Ray told her not without considerable amount of roofing. There are also circumstances with the state historical society. A walk audit was conducted in this area with school kids; there is a large amount of school kid traffic from Lincoln Elementary and Jr High School. Concerns about ice on the tower with the kids walking in the area, will the ice fall on vehicles and the curiosity of kids passing by. There has been much money spent in the City for creating our destination, this tower doesn't fit into the downtown area. Hopefully every option is explored for the tower location. If approved, the aesthetics should be pleasing & safe for the residents, children, community and visitors. Commissioner Allen asked if Karla is concerned that research done is incorrect. Karla responded by saying she is not in a position to judge, she feels that not all of the options have been explored. (Closed 7:28 pm)

Chairman Rechsteiner asked the Commissioner if there is any more discussion. Commissioner Marietta said he recognizes the importance of the tower and in having one. The last cell tower brought to the PC was south of town and there also was concerns on appearance; now he drives past it a couple of times a week and don't notice it; but the tower is a single pole not like this big one. He doesn't feel good about the location for that size of tower, in his opinion it will be an eye sore. We do need the tower. Possibly if it can be moved ¼ mile, there maybe 10 different locations available for a tower. In his mind it is the right thing just the wrong location. Chairman Rechsteiner said Commissioner Marietta is concerned about compatibility with adjacent properties. Commissioner Marietta said the City is putting forth a huge effort on the downtown area to make it look better; the old jail is not so hot.

Commissioner Erdman said he is kind of with Commissioner Marietta; what if we put conditions and when it goes to Council, they do it their way. This has happened many times; Commissioner Marietta replied "they probably will, that's okay, that's their job". Chairman Rechsteiner says this has to be looked at objectively as per the regulations. Commissioner Erdman said if the money was spent downtown, what was the money spent for; he understands where everyone is coming from but compatibility is where he is at now.



Chairman Rechsteiner asked for a recommendation from the Commissioners. Commissioner Allen made a POSITIVE RECOMMENDATION for City Council to approve the Conditional Use Permit for a Communications Tower at Block 16, Gardner's Addition Replat, aka 1718 11<sup>th</sup> Street, with the following conditions: Commissioner Allen liked what Amy Seiler said and wants her ideas brought forward, it is important for this to be attractive. Everything to him comes back to public safety. Foliage/screening asked Chairman Rechsteiner, Commissioner Allen said beautification, it is important, it's safety – people's lives; landscaping to make it the best as possible.

Chairman Rechsteiner said there is a motion to make a positive recommendation to approve the Conditional Use Permit for a Communications Tower at Block 16, Gardner's Addition Replat, aka 1718 11<sup>th</sup> Street, with the following conditions: install screening or landscaping around the fence to blend in with adjacent properties. Commissioner Shimic said the fence or tower. Chairman Rechsteiner wasn't sure about the tower, Commissioner Shimic is talking about ice issues for a buffer thereafter. Chairman Rechsteiner didn't think something like that existed – there is a motion on the table; the talk is about landscaping. Commissioner Rechsteiner asked for a second. Commissioner Hauck seconded the motion. On roll call vote, the following voted "AYE": Allen & Hauck. "NAY": Erdman, Kaufman, Marietta, Rechsteiner and Shimic. Absent: Bowman, and Rajewich.

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C.  
The City of Gering Planning Commission will hold a public hearing to consider Storm Water regulations & ordinance and preliminary discussion on how this will affect excavators, contractors and developers. (Open 7:35 pm)

**CITY OF GERING  
PLANNING COMMISSION ADMINISTRATIVE RECORD**

<b>To:</b>	Planning Commission	<b>Date:</b>	5-21-2019
<b>From:</b>	Pat Heath, Director of Public Works	<b>Zoning:</b>	N/A
<b>Subject:</b>	Public Hearing – Stormwater Ordinance	<b>Property Size:</b>	N/A
<b>Location:</b>	N/A	<b>#Lots/Parcels:</b>	N/A
<b>Owner:</b>	N/A	<b>City Council Public Hearing:</b>	6-10-2019

**Procedure**

1. Open Public Hearing
2. Ordinance Number 2079 for a Stormwater Pollution Prevention Plan and Procedures for Stormwater
3. City staff overview of the Clean Water Act, NDEQ notifications, NPDES Permit Requirements, Tri-City Stormwater, effects on contractors, developers and utilities
4. Solicitation of Public Comments
5. Questions from the Planning Commission
6. Close the Public Hearing

7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determines final approval after a public hearing

**Public Notice:** Notice of this public hearing was publicized per state statute requirements.

### **Public Hearing**

Mr. Chairman and Commission Members,

This is a Public Hearing for City Staff to give an overview of an Ordinance Number 2079 for a Stormwater Pollution Prevention Plan, Procedures for Stormwater. And an overview of the Clean Water Act, NDEQ notifications, NPDES Permit Requirements, Tri-City Stormwater, effects on contractors, developers and utilities.

Pat said he has a PowerPoint slide to show history on the clean water act and the City requirements. Clean water act came about in 1974, passed by Congress and was to protect the nations rivers, streams and coastal waters.

### ***Administrative Record:***

***Mr. Chairman and Commission Members, you have been provided with the administrative record in your packets and I would ask for this Commission's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing.***

- Ordinance Number 2079
- An ordinance for a stormwater pollution prevention plan and procedures for stormwater.
- Director of Public Works Administrative Record as shown herein.

Mr. Chairman and Commission Members, this completes my entry regarding this Public Hearing to consider this ordinance for a stormwater pollution prevention plan and procedures for stormwater. And an overview of the Clean Water Act, NDEQ notifications, NPDES Permit Requirements, Tri-City Stormwater, effects on contractors, developers and utilities

### **Recommendation**

*City Staff is requesting approval of ordinance number 2079, an ordinance for a Stormwater Pollution Prevention Plan and Procedures for Stormwater*

### **Approve**

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:*

### **Deny**

Make a NEGATIVE RECOMMENDATION to the City Council to consider ordinance number 2079, an ordinance for a stormwater pollution prevention plan and procedures for stormwater.

### **Continue**

Make a motion to CONTINUE the Public Hearing to consider ordinance number 2079, an ordinance for a stormwater pollution prevention plan and procedures for stormwater for the following reason(s):

Wes Robinson (Robinson Electric) businessman & developer spoke after the presentation by Pat. He would like to know why they just don't say no. The cost of construction will go up and it will be hard to enforce. He just put up a building and complied with the ordinance. There is a containment pond that has overflowed three times, still full of water since November. With the rain, it breaches over the sidewalk and gets into the gutter. The City garbage truck don't clean its wheels off when they drive out of a muddy alley onto the pavement. He is all for protection waters, but there should be common sense. This will be very hard to enforce. The water will become a mosquito problem by July. Commissioner Erdman asked how he is treated by the City of Scottsbluff with this, Wes said he don't build in Scottsbluff. He builds in Gering b/c they are friendly. Commissioner Erdman asked Pat what are the consequences if the City don't comply. There will be a fine for everyday of non-compliance. Pat said it is an unfunded mandate and its not perfect. AGG is exempt from the regulations and a big problem is silt. There is irrigation water that flows thru the storm sewers. (Closed 8:20 pm)

Commissioner Erdman made a motion to CONTINUE the Public Hearing to consider ordinance number 2079, an ordinance for a stormwater pollution prevention plan and procedures for stormwater for the following reason(s): The Commission did not have a copy of the Ordinance to review. Motion was seconded by Commissioner Kaufman. On roll call vote, the following voted "AYE": Allen, Erdman, Hauck, Kaufman, Marietta, Rechsteiner and Shimic. "NAY": None. Absent: Bowman and Rajewich.

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d.  
Subcommittee appointments for zoning code review.

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

<b>To:</b>	Planning Commission	<b>Date:</b>	5/21/19
<b>From:</b>	Planning & Community Development	<b>City Council Public Hearing:</b>	N/A
<b>Subject:</b>	Recommendation & Report – Planning Commission Committee		

Staff is continuing to work on the Comprehensive Plan and Zoning Code Update. We would like to put together a committee of Planning Commissioners to help with the Zoning Code Update. This will involve some meetings and conference calls to discuss the new zoning code as well as time spent reading through the proposed new zoning code to make recommendations to the consultants and staff.

Motion was made Commissioner Erdman to table this agenda item until the next meeting June 18, 2019 and was seconded by Commissioner Kaufman. On roll call vote, the following voted "AYE": Allen, Erdman, Hauck, Kaufman, Marietta, Rechsteiner and Shimic. "NAY": None. Absent: Bowman and Rajewich.

Planner report by Annie will be updated next month.

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

**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 8:23 p.m.

  
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Jeremy Rechsteiner, Chairman

  
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Brenda Bruntz, Secretary