

# CITY OF GERING

## PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON TUESDAY **AUGUST 20, 2024** IN THE GERING CITY HALL COUNCIL CHAMBERS, 1025 P STREET, GERING, NEBRASKA.

All agenda items are for discussion and action will be taken as deemed appropriate.

### Call to Order and Roll Call

1. Pledge of Allegiance
2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14, 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 Chairperson or Vice-Chairperson. 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 Planning Commission determines that the matter requires emergency action.
3. Approval of Minutes of the August 8, 2024 regular Planning Commission meeting
4. Current Business:
  - a. Consider Resolution PC 8-24-2 granting a Conditional Use Permit Extension for a Racetrack and Casino located at 140777 Highway 71
5. City Engineer report
6. **OPEN COMMENT:** Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.
7. Adjourn

**CITY OF GERING PLANNING COMMISSION MEETING  
August 6, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on August 6, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Shimic, Miles, Kaufman, Hauck and Alvizar. Absent were Commissioners Palm and Keener. Also present were TIF Attorney John Selzer, Engineering Technician Sergio Rodriguez, and Secretary Carol Martin. 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.

**Call to Order and Roll Call:**

Chairman Miles called the meeting to order at 6:00 p.m. and noted that a quorum of the Planning Commission was present and business could be conducted.

**1. Pledge of Allegiance**

**2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14**

**Chairman Miles 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 Chairperson. 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 Planning Commission determines that the matter requires emergency action.**

**3. Approval of Minutes of the July 16, 2024, regular Planning Commission meeting**

**Motion by Commissioner Taylor to approve the minutes of the July 16 2024 regular Planning Commission meeting. Second by Commissioner Shimic. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Miles, Kaufman, Hauck and Alvizar. "NAYS": None. Abstaining: None. Absent: Palm and Keener. Motion carried.**

**4. Current Business:**

- A. Public hearing for the purpose of reviewing and obtaining comments on a Redevelopment Plan submitted by Integrity Developments LLC for the Integrity Developments Housing Project**

Chairman Miles opened a public hearing for the purpose of reviewing and obtaining comments on a Redevelopment Plan submitted by Integrity Developments LLC for the Integrity Developments Housing Project at 6:03 P.M.

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

---

---

<b>To:</b>	Planning Commission	<b>Date:</b>	7/26/24
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	RM

<b>Subject:</b>	Public Hearing to consider Redevelopment Plan for Integrity Developments Housing Project	<b>Property Size:</b>	2.67 Acres
<b>Location:</b>	Along 13 St, North of K St, and South of M St	<b>#Lots/Parcels:</b>	7
<b>Owner:</b>	Integrity Developments, LLC	<b>City Council Public Hearing:</b>	

**Public Notice:** This Public Hearing was noticed according to Nebraska State Statutes.

**Public Hearing**

The City has received a TIF application and has had a redevelopment plan drafted for the development of twenty-two residential duplex units. The project is approximately 2.67 acres and is located on 13<sup>th</sup> Street, North of K Street, and South of M Street. A map of the project area is included in Attachment 1 of the Redevelopment Plan.

In order to develop the properties, the project will require significant investment with the cost estimate at around \$3,660,000.00. To make the project economically feasible, the redeveloper is seeking tax increment financing to be used for eligible expenses, which include land acquisition, site development, utility infrastructure, and engineering. The proposed project is in an area that has been designated by the City Council as blighted and substandard and in need of redevelopment.

The attached memo describes the Planning Commission’s standard of review. By statute, the Planning Commission is to determine whether or not the project as proposed conforms to the general plan for development of the City as a whole. This includes ensuring that zoning is appropriate and that the project is in line with the stated goals and policies of the City’s Comprehensive Plan. This is outlined on Section 4 of the Redevelopment Plan. The Project Site is in the Southwest Gering Neighborhood District, which the Comprehensive Plan recommends should be developed to include a variety of housing types and densities, including duplexes, tri-plexes, and multifamily housing. It goes on to state that new development should maintain a gridded pattern with alleys to shift garage and parking access away from the street.

Staff recommends that the project meets the stated goals of the district. Additionally, there are numerous principles and policies in the Comprehensive Plan that address this type of development. Policy 3.1.A is to increase housing choices and diversity for all lifestyles, Policy 3.1.C is to promote the integration on multifamily units into neighborhoods with mixes of housing types, Policy 3.2.D is to encourage infill development on vacant and underutilized sites, and Policy 3.2.E is to promote compatible infill and redevelopment that fits Gering’s neighborhoods and is consistent with the desired future character of the area. This project meets all of those objectives.

Staff recommends that the project and the plan conform to the City’s general plan for development.

**Recommendation**  
***Approve***

Approve Resolution PC8-24-1 stating that the Redevelopment Plan conforms to the Comprehensive Plan and recommending approval to the Gering Community Development Agency

**Deny**

Deny Resolution PC8-24-1 stating that the Redevelopment Plan conforms to the Comprehensive Plan and recommending approval to the Gering Community Development Agency.

**Table**

Table Resolution PC8-24-1 stating that the Redevelopment Plan conforms to the Comprehensive Plan and recommending approval to the Gering Community Development Agency

TIF Attorney, John Selzer with Simmons Olsen Law Firm, gave an overview of the TIF process. The applicant makes an application for the project, the Council then reviews it preliminarily and gives staff the okay to move forward with preparing a Redevelopment Plan (in the packet). The first stop for the Redevelopment Plan is the Planning Commission for a public hearing to determine whether the plan conforms to the City's Comprehensive Plan and then forward a recommendation to Council. Then it will go back to the Council. The Council will then make several other assessments of the project and decide whether they will approve it. Today, Planning Commission is reviewing the plan to determine whether it conforms to the City's Comprehensive Plan and make a recommendation to Council on that basis.

Mr. Selzer showed on the overhead screens the area where this project is. It is approximately 2.67 acres and is located at 13<sup>th</sup> Street, north of K Street and south of M Street. The general plan is for the developer to build duplexes on that property. TIF is being applied for in this case for land acquisition, site preparation and the main items are utilities, water, sewer, storm retention, sidewalk curb and gutter and alley on the east side of the project and also for civil engineering, survey and plat. He said this area of town is zoned as RM, Residential Medium Density District, which includes two family dwellings or duplexes as a permitted use. It does comply with the zoning and according to the City's Comprehensive Plan, the project sited is in the Southwest Gering Neighborhood District; it is a future design characteristic for the Southwest Gering Neighborhood District. The Comprehensive Plan states that an important goal within the district will be to develop a variety of housing types and densities, including duplexes, triplexes, and multi-family housing and new development should maintain a gridded pattern with alleys to shift garage and parking access away from the street, which this project does.

He stated other policies in the comprehensive plan are to *increase housing choices and diversity for all lifestyles and to promote integration of multi-family units into neighborhoods in mixes of housing types, to encourage infill development on vacant and underutilized sites, to promote compatible infill and redevelopment that fits Gering's neighborhoods and is consistent with the desired future character of the area.* Which in this case, all of this complies with that. Staff and his firm recommend that this does comply with the City's Comprehensive Plan. The developers were present to answer questions about the project.

Commissioner Taylor stated that he would like to learn more about how TIF funding works and what the future process is. Attorney Selzer replied that after the recommendation is made today from the Planning Commission, it will go to the City Council. The City Council has different

standards of review than the Planning Commission. Once a project is approved, then the City and the redeveloper enter into a Redevelopment Agreement, and essentially the City agrees to provide tax increment financing to the developer. The developer then completes the project. The increased taxes from their development (it doesn't affect anybody else's taxes), from their development only, the amount that the project increases, they pay those taxes (the increased amount), but then the increased amount comes back to the City. The City then pays a bond holder or note holder that amount and that goes to reimburse the developer's eligible expenses for the project. There is a way to monetize that by selling it to a third party so they can get the money up front, otherwise they get paid back over 15 years through the increased taxes.

Chairman Miles stated that usually this is a guesstimate of the value, that can change, and it does change with the final project and the final assessed value. The amount to them could be altered based on the value. Attorney Selzer replied, that is right. The numbers in this plan are all for purposes of analysis. The numbers that are used are the actual numbers that come in. If the tax increment financing is approved, the developer does the project then they have to bring proof of their actual costs to the City. That's how they create the value of the note, that's what they can be paid back for. The value of the increase in the property, that's all a guesstimate at this point as well. The County Assessor decides that and estimates are based on that. They ask the developer to make those estimates - if it will be more or less. They can't ever get more than what they actually spend on the project. A lot of times they'll actually get less. The ceiling of what they can get is their actual expenses.

Commissioner Hauck asked of the proposed financing, it has a total TIF available multiplied by 15; what is 15? Attorney Selzer replied the taxes are shifted for a maximum of 15 years. He said that property is valued at \$118,505.00 and the taxes off that is called the base value, and they don't receive the taxes off that value. The increased amount is predicted to increase by \$3.4 million with all the houses on there. The levy on that, based on the current levy (and that will change), right now that is \$2.215%. On the increased amount of taxes created by their project, by their improvements, is going to be about \$75,000.00 per year. Take that times 15 years, by statute that is the longest that the taxes can be divided for TIF purposes for this type of project. That is \$75,000.00 times 15 years to get the estimated amount of TIF that will be available for this project. Again, it's an estimate. Time will tell what is really available.

Commissioner Hauck asked if that's tax payer money. Attorney Selzer replied no, that is the money that they pay for real estate taxes on this property only; nobody else's taxes. Right now, the owner of this property is paying \$2,600.00 per year for taxes. Once it's improved, taxes will jump up to about \$75,000.00 per year, it's that money - just in taxes paid on this project, nobody else's taxes. It's not the City's money either, the mechanism is that the taxes get paid by the landowner, the developer, to the County. The County actually does pay that to the City, but the City then looks to see who's holding that TIF bond (and it's usually the developer) to pay that amount. The City is a conduit; it's money in and money out for the City. Commissioner Hauck clarified that it doesn't affect his property taxes. Attorney Selzer replied, no. Commissioner Hauck said according to the paper, he doesn't think they'll go down. Attorney Selzer said if taxes decrease, that is a risk to the developer; it's not the City's risk.

Commissioner Crews asked if there are two garage units for each unit and is that the only parking designated off-street for that unit. Byron Heddal, owner of Integrity Developments, replied yes. There is a two-car garage per unit. He said there will be a total of 22 units and each one will have a two-car garage. If someone comes over, they can park on the street; as John stated, they are trying to move the driveways to the back. Commissioner Crews said he understood that, but there is no driveway, basically it is just the garage, so if the tenants fill the garage and don't use it for

parking, there would potentially be parking on the street. Mr. Hedal said they do have an HOA going into place to make sure the alleys stay clear and people can park; they will have snow removal for that. They have a common area lawn maintenance. When someone purchases the house, every unit will be fenced and they will have their own backyard that they can do whatever they want with. The common areas will all be upkept by the HOA, that way they will always stay green and always stay nice. He said in the HOA, there will be a clause that they can't park on the street. They can have guest parking, but that's why they have a garage. Commissioner Crews stated he just wanted to clarify that because it is pretty common for people that have a garage to not park in the garage. He said in terms of making sure that they (the Planning Commission) are addressing that, he just wanted to clarify that was taken care of.

Commissioner Taylor asked if these units are planned to be sold at some point or all rentals. Mr. Hedal said they would be sold individually. Commissioner Taylor asked if there was an idea how long they might be sitting because there are a lot of newer houses that are currently sitting all over the place, in Scottsbluff. Mr. Hedal replied that the realtor was present and could address that more appropriately.

Cinda Munoz, with Nebraska Realty, stated that she has been working with these developers for several months and has listings in Scottsbluff. The price points will be a little bit lower in Gering. The location will be a lot more favorable and these will all be sold as owner-occupied, not rentals. The design is a lot better and they have a lot of character with them. She has some interest in them already and they are anxious to see the full plan of it. They are very affordable for that second home or downsizing. They have had some singles and couples looking at the other townhomes, and one of their biggest concerns was the traffic on Circle Drive across from a commercial location; it's possible they're not showing because they're not family friendly. These feel like they will fit more into the neighborhood. These (in Gering) will be a lot more inviting.

Commissioner Taylor asked if there was any idea of the estimated cost right now. Mr. Hedal replied it's on page 16 of the plan.

Commissioner Shimic asked if there were basements in these houses. Mr. Hedal said there would be one basement area for a tornado/shelter but it will not be a full basement. Commissioner Shimic asked if each individual unit would have a shelter. Mr. Hedal replied, yes. It will be in the back under the master bedroom (on the back area). That whole area will be down for a basement shelter and there will be access to that in case of an emergency.

Chairman Miles reminded the Planning Commission they are here to look at the recommendation for TIF financing and that it meets all of the support for that, and to keep their minds on what they're actually looking at for approval today.

Chairman Miles asked if there was anyone in the Council Chambers wishing to speak regarding this application and noted the five-minute time limit. With no further comments, the public hearing closed at 6:22 p.m.

Commissioner Kaufman said all of this TIF stuff they're talking about, which really is not their purview, Annie is not here to have said that this is all according to our Comprehensive Plan. She asked if everyone had made sure that this all meets the Comprehensive Plan. Chairman Miles replied he believes there were comments from the administration that it met all of their requirements. Attorney Selzer said one of the things he does when he creates a plan is he goes through the Comprehensive Plan and pulls out all of the relevant portions and again, this is the

Southwest Gering Neighborhood and it meets that, which one of the future design characteristics is multi-family housing. He sent it to Annie and she did an assessment of it as well and he believes her assessment is the same as theirs, and that was in the packet in the staff recommendation; basically, the same thing, that it does comply to the Comprehensive Plan. Commissioner Kaufman said she did read that, it's just nice to have somebody assure them that that is their purview of what they're supposed to be making sure is addressed. She said all this TIF stuff is not their thing and she wanted to make sure what they are supposed to be looking at, that all of that is correct. Commissioner Crews said on page 2, item number 4 of the plan lists the compatibility with the general plan. There are three main items addressing specifically to the plan. That's why he asked about the parking specifically, because it is listed as one of the items.

Chairman Miles asked if there was anyone in the Council Chambers wishing to speak regarding the public hearing and noted the five-minute time limit. With no further comments, the public hearing was closed (again) at 6:25 p.m.

**i. Review and take action on Resolution PC8-24-1 regarding a recommendation on the Redevelopment Plan for the Integrity Developments Housing Project**

**RESOLUTION PC8-24-1**

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GERING, NEBRASKA:**

**Recitals:**

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *Integrity Developments Housing Project* (the "Redevelopment Plan") has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the City's Comprehensive Plan (the "Comprehensive Plan").

**Resolved:**

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Gering Community Development Agency and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

3. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on August \_\_\_\_, 2024.

**PLANNING COMMISSION OF THE CITY OF GERING, NEBRASKA**

ATTEST:

By: \_\_\_\_\_

Chair

By: \_\_\_\_\_

Recording Secretary

**Motion by Commissioner Shimic to approve Resolution PC8-24-1 regarding a recommendation on the Redevelopment Plan for the Integrity Developments Housing Project. Seconded by Commissioner Crews. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Miles, Kaufman, Hauck**

and Alvizar. **“NAYS”:** None. **Abstaining:** None. **Absent:** Palm and Keener. **Motion carried.**

## 5. City Engineer Report

Engineering Technician Rodriguez stated there will be another meeting on August 20; it is for a CUP, Conditional Use Permit, that will need to be considered. So far, that is all staff has and Annie should be back for that one.

6. **OPEN COMMENT:** Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only. None.

## 7. Adjourn

**Commissioner Alvizar moved to adjourn. Commissioner Kaufman seconded the motion.**

**Discussion:** Commissioner Crews asked if there was a vote on the recommendation for Council, or was that combined or was this just a vote to close the public. Chairman Miles said they voted on Resolution PC8-24-1 pertaining to the Redevelopment Plan. Commissioner Crews said he just misunderstood that and thought they had to back up and then go forward.

**The Clerk called the roll. “AYES”:** Taylor, Crews, Shimic, Miles, Kaufman, Hauck and Alvizar. **“NAYS”:** None. **Abstaining:** None. **Absent:** Palm and Keener. **Motion carried.**

The meeting adjourned at 6:28 p.m.

---

Jody Miles, Chairman

ATTEST:

---

Carol Martin, Secretary



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

<b>To:</b>	Planning Commission	<b>Date:</b>	8/20/24
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	AG
<b>Subject:</b>	Recommendation & Report – Resolution Granting an Extension of a Conditional Use Permit, Horse Racetrack and Casino	<b>Property Size:</b>	104.67 Acres
<b>Location:</b>	PT SW ¼ (N of ROW) Section 11 Township 21 Range 55 W of 6 <sup>th</sup> P.M., AKA 140777 Hwy 71	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Prairie Thunder Gering, LLC	<b>City Council Public Hearing:</b>	N/A

Three years ago, the City of Gering received an application for a conditional use permit (CUP) for the Scotts Bluff Exposition and Racing, Inc. (“SBER”) to construct and operate a 5/8 mile horse racetrack and a casino. This CUP was originally approved on September 21, 2021. The City of Gering Zoning Code Section 2.2.2.H requires a project to have commenced within one year of approval, or the approval is void, unless the applicant requests an extension. A one year extension was requested and granted at the Planning Commission meeting on July 19, 2022. That CUP expired on September 21, 2023, as due to a delay in obtaining a license from the State of Nebraska Racing and Gaming Commission, the applicants had still not begun construction. The City’s zoning code only allows for a one-time extension of up to one year; thus, the applicant applied for a new Conditional Use Permit for the same project, which was granted on September 19, 2023. However, the Nebraska Racing and Gaming Commission has still not acted on their application, so construction on the project has not begun. Therefore, the applicant is once again requesting a one-year extension to the CUP that was granted in September of 2023, which would extend the deadline for construction to begin until September . The following is all of the information from the CUP that was granted at that time.

The project site is located at 140777 Highway 71, within the City’s Extraterritorial Zoning Jurisdiction. The property is currently zoned Ag and is being actively farmed. The application proposes developing the property into a 5/8 mile horse racetrack, along with a testing and receiving barn, initially two stall barns with capacity for 200 stalls with expansion capability for four additional barns as needed, a paddock viewing area, winner’s circle, grandstand, separate horsemen lounge area, and rooftop terrace. There will be over 1,133 parking spaces. While in the initial year after construction there may only be one race day held, over the first four years the plan is to hold five race days a year, increasing to fifteen race days starting in 2031. Races would likely occur during June and July with multiple races per day. For each single race, it is estimated that there would be 500 visitors. Once there are three race days, they estimate 2,000 people, and for concerts and other event days, they estimate upwards of 3,500 people. On race days, operations would begin at 7 am with training time until 10 am. The first post time would be 2 pm.

A casino would be constructed as a second phase of the project. The casino would operate 24 hours a day year-round. The casino would consist of a 50,000 square foot gaming facility complete with 650 electronic games, 20 table games, Draft Day Sports Lounge for sports wagering and simulcasting, show lounge with live entertainment, a hotel, restaurants, and potentially a Convention Center. The applicants have indicated that they are in the process of doing a market study to determine the size of the hotel and

whether or not there would be enough demand to include the Convention Center. The proposal also includes three restaurants, a travel center with semi-parking, and an RV Park. Approximately 300 full-time and part-time employees are expected to be hired to staff the facilities that are part of this project.

The Planning Commission is to consider whether or not to approve the use of the property as a horse racetrack and casino, and if there should be any conditions required for approval. Staff would classify this use as Indoor and Outdoor Recreation/Entertainment Facilities, both of which are allowed as conditional uses in the Agricultural zone. They are only allowed as a permitted use in the Heavy Commercial zone, and are allowed as conditional uses in all other zones. The reason for this is that these types of facilities do not easily fit into any zones, so by making them a conditional use, the Planning Commission has the ability to provide an additional level of oversight to ensure that the facility will not become a nuisance to the surrounding properties.

There are several policies in the Comprehensive Plan that are relevant to this application. Policy 2.1.A states, "Support the development of outdoor recreation and experiential tourism." The development of a horse racetrack would be a unique recreational opportunity for the Panhandle. Policy 3.2.B states, "Focus commercial development in areas that have good transportation access and support the development of multiple uses." In general, this development would have good access from Five Rocks Road, Kimball Avenue, and 14<sup>th</sup> Street. However, the site plan shows the main entrance to the facility accessing the exit from Five Rocks Road to Kimball Avenue (see attached picture). Staff recommends that one of the conditions of approval should be the relocation of this entrance, as well as a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any identified traffic improvements should be installed at the cost of the applicant.

Policy 3.2.F states, "Enhance Gering's gateways and create a common vision for these areas." Because of its location along two of the main entryways in to Gering, appearance of the facility will be extremely important in determining whether or not this proposal is acceptable. Building materials, design, and landscaping should all be considered, as this will be the first thing that visitors will see as they enter the community from the south. Policy 3.2.H states, "Improve the appearance of the community". There are some areas of the property that have old irrigation structures and steep slopes that have not been well maintained. These areas should be improved as part of this proposal. See attached site plan and pictures of existing property for more information.

Currently, the properties to the east, south, and west of the proposed facility are undeveloped. There is an existing residential neighborhood to the north of the proposed facility. According to the Comprehensive Plan, this property is located in the Southwest Gering Neighborhood District. While this district is envisioned to be primarily residential in nature, it does state that "mixed-use along arterial/collector streets as well as important intersections may be appropriate... Transitions from the commercial activity node to nearby residential will be an important consideration." Planning Commission should consider carefully how the additional traffic, lighting, noise, runoff, and other effects of the facility will impact the existing neighborhoods in the area.

The Comprehensive Plan does show that the City would eventually grow to and through the area that is proposed for development. Care should be taken to ensure that all necessary utility and transportation improvements for future growth are installed as part of this proposal. If these improvements are not

made immediately, a development agreement should be enacted that would ensure that the applicant would be responsible for utility and transportation improvements that are necessary to provide properties beyond their equal opportunity to access the City's services.

The property is currently outside of City limits. In order to provide more efficient emergency management services, staff recommends that when utility services are provided to the facility, the property should be annexed. This will also ensure that the City receives property taxes to help offset the costs of providing police and fire protection to the facility.

There are also some staff concerns with regard to security and police protection. Staff recommends that the applicant be required to provide the City with a digital security and surveillance camera system plan that would ensure that the property has adequate surveillance and that the Gering police department is allowed access to all surveillance videos and provided training on operating digital surveillance software. Another staff concern is whether there is sufficient housing for an influx of 300 full-time and part-time employees. While some of those employees will undoubtedly be hired from local residents, there will be a significant number who will have to be brought in from outside the area. Currently there is not sufficient housing for that large of an influx of people. Staff is recommending that the applicants be required to do a housing study, and based on the results of that study, either build their own housing or contract to have housing built elsewhere in the community to ensure that there is housing for their employees.

In recognition of the cost involved in having a detailed, engineered site plan prepared prior to approval of the CUP, staff is recommending one of the conditions of approval to be that the applicant will go through the Development Plan Review Process described in Section 2.2.4 of the City's zoning code. This process outlines all of the details that must be included in the development plan and will require the finalized development plan to go before Planning Commission and City Council for final approval before construction of the facility may begin. This allows for the approval of the CUP at this meeting, while also allowing for additional oversight of the development once the facility design is completed.

When the CUP application was approved, it was conditional on the following requirements:

1. A development agreement will be executed whereby SBER agrees to the following:
  - a. SBER will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City's system in two locations: Five Rocks Road and 14<sup>th</sup> Street. All water lines installed will be a minimum pipe size of 8" and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7<sup>th</sup> Street and Highway 71. The sewer line must be a minimum of 8". The City will be responsible for any oversizing costs above 8".
  - b. SBER shall pay to extend utilities to the southwest and southeast corners of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
  - c. SBER will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City's zoning

code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.

- d. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
  - e. Stormwater retention will be provided in accordance with Ordinance 2040.
  - f. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow
  - g. Amplified sound shall not create a nuisance and be directed away from nearby residential development
  - h. Building materials and facades shall conform to the renderings that are included as part of the application.
  - i. The property shall be annexed after utilities are extended to the property.
  - j. SBER will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by SBER.
  - k. The main entryway on the west side of the facility will be located a minimum of 300 feet to the south of the existing drive on Five Rocks Road or 1400 feet to the north of the existing drive on Kimball Avenue.
  - l. SBER will pave 14<sup>th</sup> Street from Highway 71 to the northern boundary of their property. At the time the facility is built, it shall be paved to a minimum of 26 feet wide. If the City deems it necessary in the future to widen the roadway and install a storm sewer along with curb and gutter, SBER will be responsible for the cost of those improvements to the roadway on their side of the street. If additional paving or roadway improvements are recommended on 14<sup>th</sup> Street by the traffic study referenced in Condition 1.j., those improvements shall be made at the expense of SBER.
2. SBER must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.
  3. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.
  4. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.
  5. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.
  6. SBER will provide traffic control as requested by the City on race days and for other special events.
  7. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).

8. SBER must conduct a housing study to determine how much additional housing will be needed to accommodate their employees. Based on the results of the housing study, SBER must provide additional housing on site or contact with others to build additional housing somewhere in the community.
9. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.

### **Recommendation**

#### **Approve**

Approve Resolution 8-24-2 granting a 12-month extension to the Conditional Use Permit to Scotts Bluff Exposition and Racing, Inc. granted on September 19<sup>th</sup>, 2023 to operate a Horse Racing Track and Casino at 140777 Highway 71 with the following conditions:

#### **Deny**

Deny Resolution 8-24-2 granting a 12-month extension to the Conditional Use Permit granted on September 19<sup>th</sup>, 2023 to Scotts Bluff Exposition and Racing, Inc. to operate a Horse Racing Track and Casino at 140777 Highway 71 for the following reasons:

#### **Table**

Table Resolution 8-24-2 granting a 12-month extension to the Conditional Use Permit granted on September 19<sup>th</sup> of 2023 for Scotts Bluff Exposition and Racing, Inc. to operate a Horse Racing Track and Casino at 140777 Highway 71 for the following reasons:

**RESOLUTION PC 8-24-2**

**SCOTTSBLUFF EXPOSITION & RACING, INC. CONDITIONAL USE PERMIT  
FOR HORSE TRACK AND CASINO**

**RECITALS:**

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for a casino and race track submitted by Scottsbluff Exposition & Racing, Inc for a tract of land known as PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71 was approved by the City of Gering Planning Commission at its meeting on September 19, 2023.
2. The City of Gering Zoning Code Section 2.2.2.H requires a proposed project to have commenced within one year of approval, or the approval of the Conditional Use Permit is void. However, the applicant may file a letter requesting an extension prior to the expiration of the approval. The extension may be approved for a specified period of up to 12 months.
3. Scottsbluff Exposition and Racing, Inc. has requested an extension of their Conditional Use Permit until September 19, 2025.

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GERING NEBRASKA:**

1. The Planning Commission finds the Conditional Use Permit application for PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71, conforms to the 2020 City of Gering Comprehensive Plan.
2. The Planning Commission finds the Conditional Use Permit application conforms to the City of Gering 2020 Zoning Regulations.
3. The Planning Commission approves the extension of the required project commencement to September 19, 2025 with the following conditions:
  1. A development agreement will be executed whereby SBER agrees to the following:
    - a. SBER will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City's system in two locations: Five Rocks Road and 14<sup>th</sup> Street. All water lines installed will be a minimum pipe size of 8" and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7<sup>th</sup> Street and Highway 71. The sewer line must be a minimum of 8". The City will be responsible for any oversizing costs above 8".
    - b. SBER shall pay to extend utilities to the southwest corner of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
    - c. SBER will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City's zoning code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.

- d. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
  - e. Stormwater retention will be provided in accordance with Ordinance 2040.
  - f. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow
  - g. Amplified sound shall not create a nuisance and be directed away from nearby residential development
  - h. Building materials and facades shall conform to the renderings that are included as part of the application.
  - i. The property shall be annexed after utilities are extended to the property.
  - j. SBER will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by SBER.
  - k. The main entryway on the west side of the facility will be located a minimum of 300 feet to the south of the existing drive on Five Rocks Road or 1400 feet to the north of the existing drive on Kimball Avenue.
  - l. SBER will pave 14<sup>th</sup> Street from Highway 71 to the northern boundary of their property. At the time the facility is built, it shall be paved to a minimum of 26 feet wide. If the City deems it necessary in the future to widen the roadway and install a storm sewer along with curb and gutter, SBER will be responsible for the cost of those improvements to the roadway on their side of the street. If additional paving or roadway improvements are recommended on 14<sup>th</sup> Street by the traffic study referenced in Condition 1.j., those improvements shall be made at the expense of SBER.
2. SBER must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.
  3. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.
  4. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.
  5. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.
  6. SBER will provide traffic control as requested by the City on race days and for other special events.
  7. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).
  8. SBER must conduct a housing study to determine how much additional housing will be needed to accommodate their employees. Based on the results of the housing study, SBER must provide

additional housing on site or contact with others to build additional housing somewhere in the community.

9. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.
4. Such use shall be reviewed as to its status one year after the date this Resolution becomes effective.
5. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution shall be repealed to the extent of such conflicts.
6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2024.

---

Jody Miles, Chairman

ATTEST:

---

Carol Martin, Secretary



July 9, 2024

City of Gering  
Planning Commission  
c/o Annie Flock, City Engineer  
1025 P Street  
PO Box 687  
Gering, NE 69341  
Via email: [afolck@gering.org](mailto:afolck@gering.org)  
[srodriguez@gering.org](mailto:srodriguez@gering.org)

RE: Scottsbluff Exposition and Racing, Inc. CUP

Planning Commission:

1. On September 19, 2023, you approved Scottsbluff Exposition and Racing, Inc. (SBER) for a Conditional Use Permit (CUP) for a horse racing track and casino to be located at 140777 Highway 71, Gering, Nebraska.
2. We want to both update you here as to the status of the project and request your approval of a one-year extension of our CUP.
3. The Nebraska Racing and Gaming Commission (NRGC) announced last month, June 2024, that in approximately three months it will have updated application forms and requirements for new Race License applications. This affects us in a positive way. As you know we have had an application for a Gering Race License on file with the NRGC for three years. We believe we were the first to file. In any event, it has taken the NRGC time to get to where we are now and we will soon be able to file and Application that will require NRGC action.
4. Part of the time taken was due to a series of Market studies and other legal requirements the NRGC had to satisfy. These are now completed, and they show that Gering would be an excellent location for a racetrack and casino. If the current timeframe holds, we will plan to comply with the updated forms when they become available this September. We remain hopeful that we will finally get this project approved!

5. Therefore, we respectfully request the Gering Planning Commission authorize a twelve (12) month extension from our September 19, 2023, initial one year period from approval of our CUP.
6. Gering City Code Section 2.2.2.H. provides that construction of the proposed project must begin within one year of approval or the approval is void, however, there is an option for an extension:

Within one (1) year of the approval, the proposed project shall have commenced, or the approval is void. However, the applicant may file a letter requesting an extension prior to the expiration of the approval. The Planning Commission shall review the extension request and approve for a specified period up to twelve (12) months or disapprove, indicating their reasons for such action. The Planning Commission's determination shall be forwarded to the applicant.
7. SBER remains fully committed and excited to see this project across the finish line. We have a significant amount of time and resources invested in this project, not the least of which purchasing the land last year, and will do everything we can to make this a reality for Gering and western Nebraska.
8. Our request here is that the Planning Commission vote to extend our CUP twelve (12) months from our current September 19, 2024, deadline, so that it instead expires on September 19, 2025. This should be ample time for the NRGCC to act on our Gering Racing License Application.
9. As always, if you have any questions at all or would like to hear more from us, I am happy to speak or video conference or meet with you as needed. Please email or call me at 402-493-4100.

Respectfully,



Brian E. Jorde  
bjorde@dominalaw.com

BEJ/nlc



City of Gering  
1025 P Street  
P.O. Box 687  
Gering, NE 69341  
Phone (308) 436-6800  
Fax (308) 436-2184

## Application for Conditional Use Permit

Date Filed: August 15, 2023 Hearing Date: September 19, 2023

Applicant's Name: Scottsbluff Exposition & Racing, Inc.  
Prairie Thunder Gering, LLC Phone: 402-493-4100

Address: P.O. Box 1446, Hastings, NE 68901

Present Owner: Prairie Thunder Gering, LLC Present Zoning: AG

Property Description or Location: Subdivision 140777 HWY 71 Gering, NE

Other Description: \_\_\_\_\_ Block No.: \_\_\_\_\_ Lot No.:

PT SW (N OF ROW) 11-21-55 (104.67 AC) also known as Parcel Number 010008543.

Present Use of Property: Agricultural - farming

Desired Use of Property: Outdoor Entertainment - Commercial

Reasons for request: Applicants seek to develop the property as a quarter horse race track with all accompanying facilities as required by law as well as a Casino, and Hotel resort. Plans also include an area for multi-family residential and a truck stop/convenience mart

Additional data or comments submitted: (site plan required) \_\_\_\_\_

Please Site Plan attached and additional narrative.

Brian E. Jorde  
Applicant's Signature

\*\*\*\*\*PLEASE FILL OUT FOLLOWING PAGE AND TURN IN WITH APPLICATION\*\*\*\*\*

ARTICLE 2 REGULATION ADMINISTRATION

SECTION 2.2: PLANNING COMMISSION

2.2.2.D 1. ACCESS: Ingress and egress to 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.

Applicant proposal: The attached Site Plan is a product of nearly 2 years of collaboration with City personnel and understanding design preferences with consideration of current utility locations.

2.2.2.D 2. Off-street parking and loading areas where required, with particular attention to the noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.

Applicant proposal: Our Site Plan proposes several hundred parking spaces sufficient for the development as planned such that no off-street parking is needed.

2.2.2.D 3. Refuse and service areas.

Applicant proposal: Please see Site Plan

2.2.2.D 4. Utilities, with reference to locations, availability, and incompatibility.

Applicant proposal: All utilities will be brought on site at our expense. All utilities necessary to meet all applicable codes will be looped to provide adequate pressures and fire flows. The sewer will be extended from the east per discussion with the City.

2.2.2.D 5. Screening and buffering with reference to type, dimensions, and character.

Applicant proposal: We believe the Site Plan provides for adequate buffering with room to add additional screening features as desired by the City.

2.2.2.D. 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

Applicant proposal: As shown on the Site Plan, our main signage will be facing the Expressway and additional signage will be located

2.2.2.D 7. Required yards and other open spaces.

Applicant proposal: As shown on the Site Plan there will be significant amounts of green and open space.

2.2.2.D 8. General compatibility with adjacent properties and other property in the district.

Applicant proposal: The Site Plan considers the surrounding land uses particularly the residential areas north and northwest of the property to minimize potential conflicts.

## **SITE PLAN**

See Attached Site Plan

# LEGEND

- CASINO**  
CASINO FLOOR, SUPPORT FACILITIES,  
RACE OFFICIALS BOX, & MULTI-USE  
TRACK VIEWING ROOM  
40,000 SF AREA  
35' BUILDING HEIGHT
- TRACK**  
5/8 MILE TRACK
- Paddock & Office**  
SADDLING PADDOCKS, JOCKEY'S  
FACILITIES, & RACING OFFICIAL OFFICES  
16,000 SF AREA  
35' BUILDING HEIGHT
- RACING BARN**  
100 HORSES PER BARN  
19,500 SF AREA  
28' BUILDING HEIGHT
- RECEIVING BARN**  
40 DAY STALLS FOR HAUL-IN HORSES  
8,200 SF AREA  
28' BUILDING HEIGHT
- TESTING BARN**  
VETERINARIAN OFFICE & HORSE STALLS  
3,600 SF AREA  
28' BUILDING HEIGHT
- STORAGE BARN**  
MAINTENANCE OFFICE  
& EQUIPMENT STORAGE  
3,600 SF AREA  
28' BUILDING HEIGHT
- SECURITY OFFICE**  
SECURITY CHECKPOINT  
FOR HOSEMEN'S ENTRY  
200 SF AREA  
15' BUILDING HEIGHT
- CAMERA TOWER**  
USED BY RACE OFFICIALS FOR  
JUDGING OF RACING EVENTS  
100 SF AREA  
50' BUILDING HEIGHT
- PARKING**  
34 TRAILER STALLS  
20 HORSEMAN STALLS  
90 SECURE STALLS  
128 EMPLOYEE STALLS  
22 ADA VAN STALLS  
798 REGULAR STALLS

FIVE ROCKS ROAD

KIMBALL AVENUE

S 14TH STREET

S 14TH STREET

JOHN MCLELLAN JR EXPRESSWAY

ROBIDOUX ROAD





Staff Use Only:

Adjoining Property Use:

North: \_\_\_\_\_ South: \_\_\_\_\_  
East: \_\_\_\_\_ West: \_\_\_\_\_

Schedule Application Meeting

Date: \_\_\_\_\_ Time: \_\_\_\_\_

*Fee \$150.00*

<i>For Office Use Only</i> <i>Receipt no. _____</i>
--

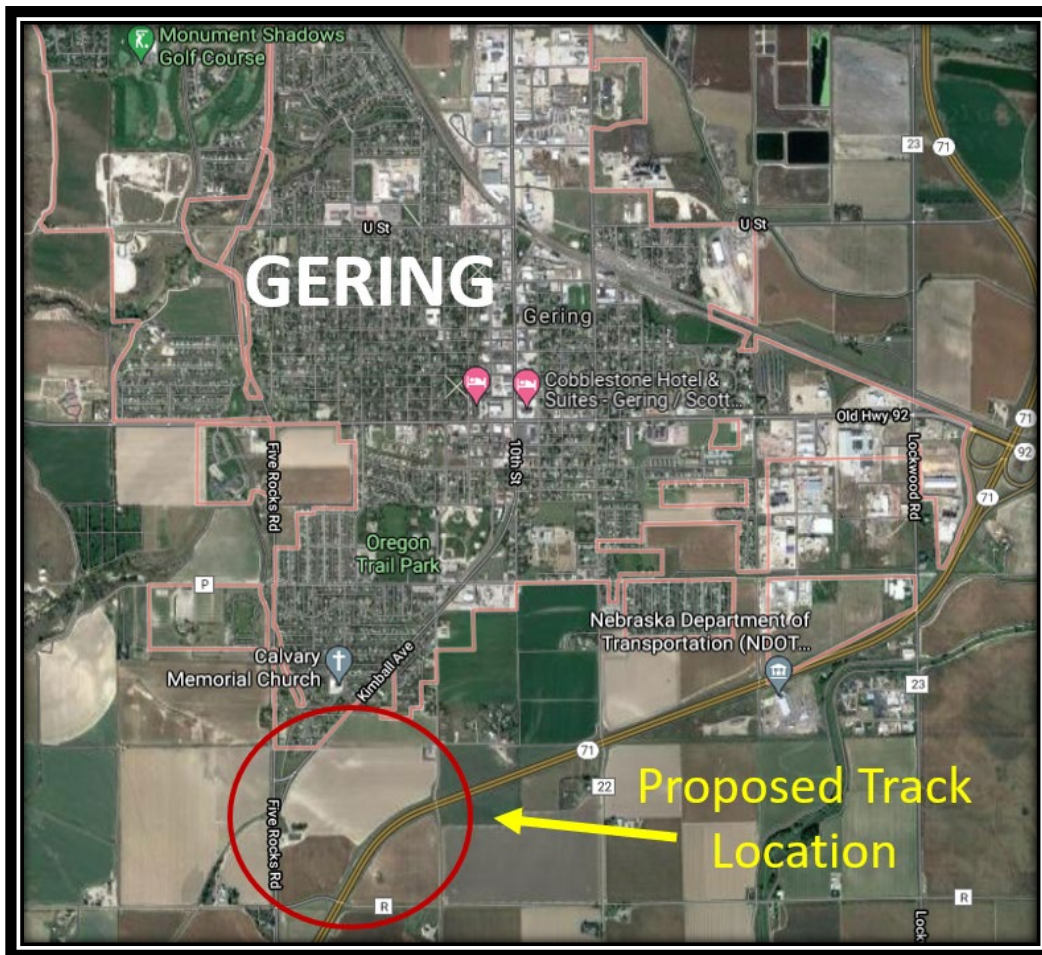


SCOTTS BLUFF EXPOSITION AND RACING, INC.  
PRAIRIE THUNDER GERING, LLC  
1501 S. Burlington  
Hastings, NE 68901

Planning Commission – City of Gering  
c/o Annie Folck, Director – [afolck@gering.org](mailto:afolck@gering.org)

Commissioners:

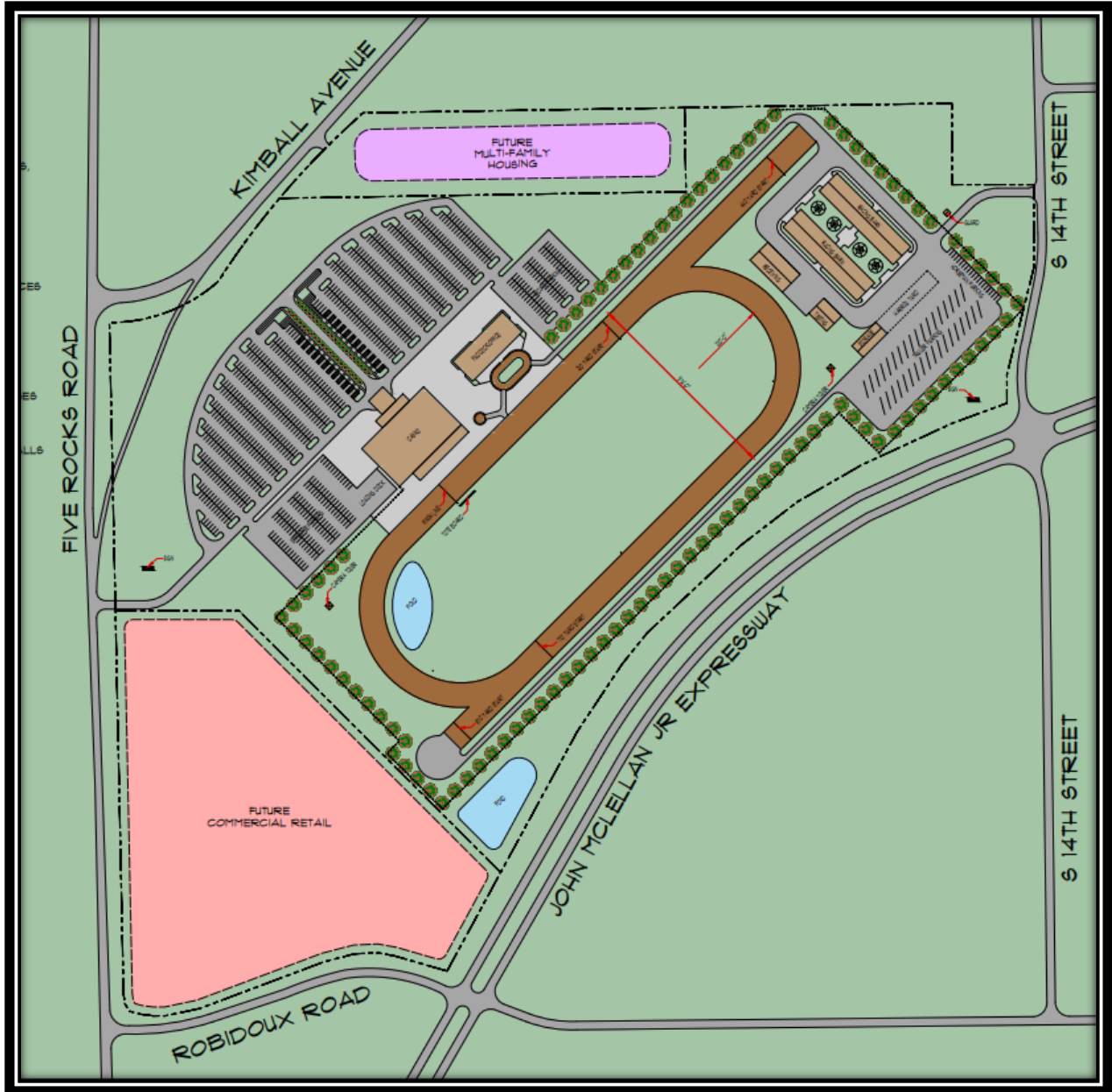
Scotts Bluff Exposition and Racing, Inc., (“SBER”), a Nebraska non-profit corporation dedicated to the promotion and growth of horse racing in Scotts Bluff County, and Prairie Thunder Gering, LLC (“PTG”), respectfully submit this Application for a Casino Resort & Racetrack Conditional Use Permit in Gering, Nebraska on a 104-acre site abutting the Heartland Expressway (a/k/a HWY 71) for this project:



Casino Resort and Racetrack land detail: 104 acres +/-



Our site plan concept:



We have had ongoing discussions with City of Gering staff and other representatives and are committed to including multi-family residential housing on the site and are willing to work with the City to find the best location on site for housing.



### **CASINO RESORT & RACETRACK PLANS**

The Casino hotel resort portion of the facility will consist of an approximately 50,000 square foot gaming facility complete with 650+ electronic games, 20 table games, Draft Day Sports lounge for sports wagering and simulcasting, show lounge with live entertainment, a 160 room Hotel, indoor/outdoor pools, 15,000 square foot Convention Center, 3 restaurants including a Ruthie's Steak & Seafood, travel center with semi-parking, RV Park, and additional acres for future development. Our current concept for the Gering gaming facility is below:





We plan to hold one race day our first year and like five days for the next 4 years and then fifteen race days startign in 2031. There will be multiple races per day. Races would likely occur during June and July. The Nebraska Racing and Gaming Commission will approve the number of race days and the race day schedule in advance and SBER is committed to and will seek approval for multiple race days as discussed above following construction completion.

An additional important legal requirement is that in order to run any races at all at any licensed Nebraska racetrack, you must run at least one race with exclusively Nebraska bred and raised horses. To qualify, these horses must be pre-registered with the Nebraska

Quarter Racing association. Therefore, to get up to multiple race days and to comply with this law, there must be a sufficient number of qualifying quarter horses available to run the Nebraska bred races.

For each single race we conservatively expect 500 visitors, once we are at 3 race days we expect 2,000 people and for concerts and other event days we expect upwards of 3,500 people. Hours of operation for race days commence at 7am with training time until 10am. For race days the first post time will be 2pm. Each race lasts about 14 seconds.

### **OPERATIONS & PARKING**

Once constructed, the Casino would operate 24/7/365. We will provide our own security personnel but also look forward to working with local law enforcement as needed. On non-race days we will have more than 1,133 parking spaces on-site to accommodate Casino visitors. Approximate Fire Code Occupancy is 1,500. We expect approximately 3,000 daily visitors. Daily approximate parking utilization is 2,300 calculated at an average of 1.3 occupants per vehicle. Fridays and Saturdays will generally run 30% higher in daily traffic versus Sunday through Thursday.

Exact lighting and signage details are not included at this time as we understand those will be formulated in our development agreement with the City and further discussions with the City on code requirements, in particular relation to an appropriate pylon sign on the property facing the expressway.

Lighting in the parking lot will be LED lighting with surveillance built into the light poles. Track lighting for evening races will typically end by no later than 10 P.M. versus non-race days to be dictated by a mutual agreement with the City for proper lighting of the track facility for surveillance.



**RACETRACK FEATURES**

Beyond the Track itself supporting features shall include but not be limited to a testing and receiving barn, initially two (2) stall barns with capacity for 200 stalls with expansion capability for four (4) additional barns as needed, a paddock viewing area, winner’s circle, separate horsemen lounge area, rooftop terrace and other state-of-the-art facilities to support the racing activities. We also plan for an RV park. On race days we estimate between approximately 100 trucks with horse trailers accessing the facility.

**SERVICE AREA**

The Scottsbluff/Gering/Terry Town Micropolitan Statistical Area population is 39,512 and expected to grow by 22% over the next 10 years. This region carries much of the remainder of Nebraska’s population base in closing out the western boundary. The area is rich in agriculture and the hub for much of the west though its near routes to major highway corridors. The site selection along HWY 71 provides for easy access for those involved in the racing industry and spectators alike.

**OUR CASINO RESORT DEVELOPMENT PARTNERS**

To further ensure Scottsbluff/Gering Casino Resort and quarter horse race track and overall success, SBER has partnered with a company that has over sixty years’ experience in hospitality and over thirty years’ experience in the gaming industry; Elite Casino Resorts (“ECR”) owned and operated by the Kehl Family who presently operate the Grand Island Casino Resort.

## **The Kehl Family beginning**

Robert and Ruth Kehl got into business buying a café in downtown Dubuque, Iowa. By the 1970s, their business had expanded to catering and by 1973 they purchased a 150-passenger sternwheeler, River Rogue for dinner cruises. In 1977, they commissioned a 377-passenger boat, the Spirit of Dubuque. In 1982, The Mississippi Belle, a 600-passenger boat, was launched and in 1984 the Mississippi Belle II, an 800-passenger boat. By 1988, the business expanded to West Virginia with the West Virginia Belle, a 1,000-passenger boat. Their children all grew up in the riverboat business working various positions.

In 1986, Robert and Ruth Kehl received the National Small Business of the Year Award from President Reagan.

Ironically, the Kehls were opposed to the idea of riverboat gambling when the idea was first floated in the Iowa Legislature in the late 1980s. They initially believed riverboat gambling would threaten their dinner cruise business. The Kehls soon figured out that gambling would pass to help increase tourism in the economically struggling river cities. The Kehls knew the river better than most, and knew how to build and operate boats, and were great at marketing the tourism industry in the communities in which they operated. Consequently, the Kehls decided to throw their hat in the ring for a gaming license.

On March 8, 1990, Dubuque Casino Belle, Inc., a corporation owned and operated by Robert and Ruth Kehl, was granted the first riverboat gaming operator's license in Iowa. The license was issued by the Iowa Racing and Gaming Commission, on April 1, 1990. The Dubuque Casino Belle became the first vessel licensed in the United States to offer gambling cruises.

The Kehls received their second license in 1991 for Mississippi Belle II, Inc. The Mississippi Belle II started riverboat gaming operations on June 1, 1991, in Clinton, IA.

Less than three years later only a few boats survived, and most were facing bankruptcy due to increased competition from Illinois, which did not have the same restrictive gaming laws that Iowa had (no max bet limits, dockside gaming, 24-hour gaming, more than 30% of the boat could be used for gaming). Some of those operators left their communities and sailed to another state, leaving their employees without a job, without notice and their host communities holding substantial debt. In the Fort Madison and Burlington, Iowa area, their riverboat literally sailed away without notice. In January 1994, the Kehls partnered with community leaders to bring back riverboat gaming, tourism, and jobs to their community. In this partnership, the Kehls created a business



model that allowed local residents to purchase shares in the new riverboat casino while maintaining majority ownership.

The Kehls also advocated for new gaming legislation in Iowa in 1994, which led to a cautious and stable rebuilding of the Iowa gaming industry, bringing it back slowly and steadily.

The Kehls had an interest in and operated a total of four riverboat casinos in the Midwest; Dubuque Casino Belle, the Mississippi Belle II, Catfish Bend Casino, Fort Madison/Burlington, Iowa; and Saint Joe Frontier Casino, St. Joe, Missouri.

The fruits of Robert and Ruth's labors have always been generously shared with others. As philanthropists, they have helped open the Kehl Diabetes Center of UnityPoint Health-Finley, as well as the Robert and Ruth Kehl Center at Clarke University.

### **ELITE CASINO RESORTS, LLC Today**

The Kehl family and trusts have majority ownership in Elite Casino Resorts, LLC, which 100% owns and operates the Riverside Casino & Golf Resort in Washington County, Iowa which opened in 2006; Grand Falls Casino & Golf Resort in Lyon County, Iowa, which opened in 2011; Rhythm City Casino Resort, in Scott County, Iowa which reopened in 2016; 80% ownership in Grand Island Casino Resort, Grand Island, NE which opened in 2022 and 80% ownership in Walker's Bluff Casino Resort, in Carterville, IL and own 100% the Elite Sportsbooks in Iowa and Colorado.

In 2005, Riverside Casino & Golf Resort received one of only four new Iowa gaming licenses awarded by the Iowa Racing and Gaming Commission out of ten applications. In 2010, Grand Falls Casino & Golf Resort was the only license awarded by the Iowa Racing and Gaming Commission out of four applications. In 2014, the Kehls became owners of the existing riverboat casino license in Davenport, Iowa and constructed the land-based Rhythm City Casino Resort to replace the aging riverboat in June 2016.

As of 2015, the Kehls, the boards and the shareholders of each resort mentioned above, consolidated gaming operations to form Elite Casino Resorts, LLC. The consolidation further strengthened operations and put the company in a position for better buying power with vendors, efficient management within operational departments and utilized resources better between the three resorts.

In May of 2019, sports wagering became legal in Iowa. Elite Casino Resorts, LLC decided to create their own sportsbook, ELITE Sportsbook. In August 2019, ELITE Sportsbook was one of two sportsbooks in the state ready to launch on opening day. In

2020, ELITE Sportsbook received approval from the Colorado Division of Gaming to begin retail and online sports betting in the State of Colorado.

Grand Island Casino Resort temporary facility in Grand Island, NE opened in December 2022 licensed by the Nebraska Racing and Gaming Commission. Grand Island Casino Resort is a partnership between Elite Casino Resorts and Fonner Park. Elite

Elite Casino Resorts currently has an application before the Illinois Gaming Board for a new casino resort development in Southern Illinois. Walker's Bluff Casino Resort is a partnership between Elite Casino Resorts and the Walker's Bluff Winery, a locally owned Southern Illinois business partner, and it is expected to be open in summer 2023.

### **KEHL MANAGEMENT**

Kehl Management is owned by Dan Kehl, Bobby Kehl and Karlyn Ollendick. They are the management company for all Elite Casino Resorts providing the day-to-day management and are responsible for the officers of the company. Their expertise focuses on providing the highest possible level of guest satisfaction and providing the highest quality facilities and amenities. Operating with a conservative management style, Kehl Management strives to increase revenues and maximum returns for all the stakeholders, the counties, cities, states where they operate, and for the investors.

This type of additional expertise confidently allows SBER to state its races will be planned and ran with the utmost attention to detail and responsiveness to the needs of all involved who we welcome to Gering from the Exercise Rider and Valet to the Stable Foreman and Jockey and everyone in between.

In addition to those directly involved in our race days, we are excited for the economic expansion that will benefit the local economy with the increased activity and utilization of existing hotel rooms, restaurants, and other local businesses.

### **FAMILY FRIENDLY**

Beyond racing and gaming activities we plan to have tours of the facility for those interested in learning more about horse racing. We also plan to have concerts and other outdoor activities the entire community can enjoy.



## Concerts/Community Events

### **SBER MISSION**

While the above are conceptual previews of our long-term plan, first and foremost, we are horse people. Our immediate focus is bringing quarter horseracing to Scotts Bluff County and revitalizing this dying industry. This is not just something convenient to say – it is in fact how the Beckers have lived their lives. For over 22 years the Becker family have

been supporting and participating in horse breeding, training, and racing – it is in their blood. SBER will be laser focused on the development and successful management of the Scotts Bluff County Racetrack and fostering the rebirth of Nebraska’s horsemen and women.

Not only will SBER contribute meaningfully to this revitalization, but our economic analysis also suggests that the first ten-year (10) contributions to the State of Nebraska from new tax generation will be approximately \$80,000,000, with over \$12,500,000 to Scotts Bluff County and \$12,500,000 to the City of Gering.

The total Project Investment is estimated at \$100,000,000. SBER team members that will be hired to support the racing and gaming operation will number approximately 300 full-time and part-time employees with total annual compensation with benefits projected from \$14.25 million to \$15.0 million.

The value the Gering facility will bring to the local economy through added tax revenue generated through visiting horsemen, Jockey’s, horse players and tourism will help satisfy our commitment to local agriculture. By creating a collaboration with both the local and agricultural communities we will stimulate awareness for strengthening horse racing through programs designed to promulgate growth throughout Nebraska horse racing and breeding.

### **SBER RACETRACK MANAGEMENT TEAM**

- Cynthia Smith

Cynthia brings over 16 years in both quarter horse and thoroughbred racing regulation and racetrack operations from east to west coast. More recently, Smith was specifically selected by the Iowa Racing and Gaming Commission and the Iowa Quarter Horse Racing Association to serve as a steward at Prairie Meadows.

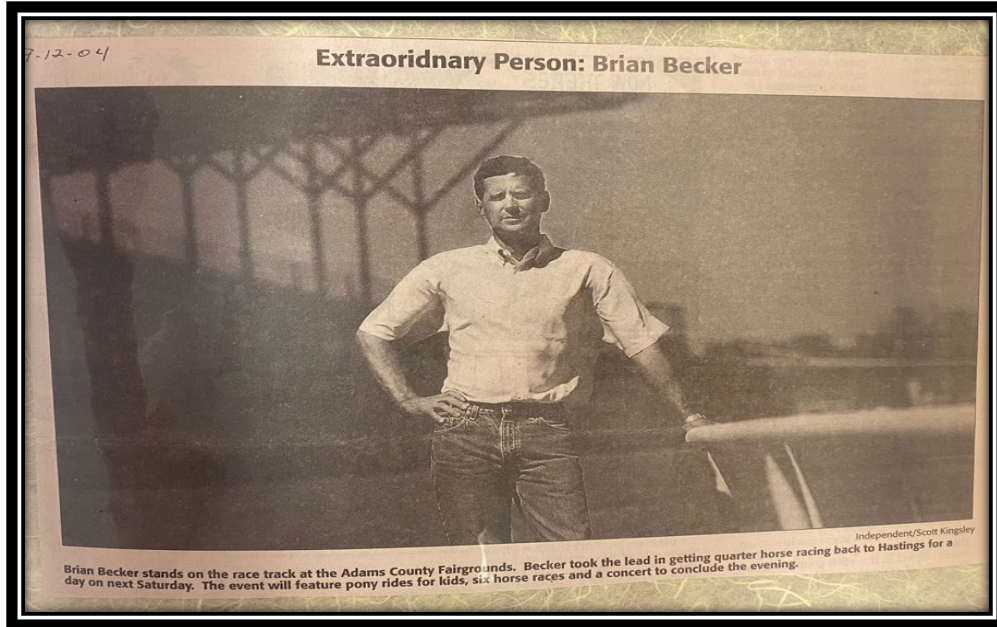


Smith has also been involved in the Association of Racing Commissioners International serving on the continuing education committee, numerous benevolent programs, including the Racetrack Chaplaincy of America and teaching English as a Second language. Smith also attended the inaugural ARCI Race Investigators Certificate program at the University of Louisville Equine Industry Program. Her role as a racing official and steward gives her an advantage in the unique relationship between racetrack management and commission regulation to ensure the integrity of our sport. As President of Racing, Smith is an asset to the strategic plans for Nebraska quarter horse racing.

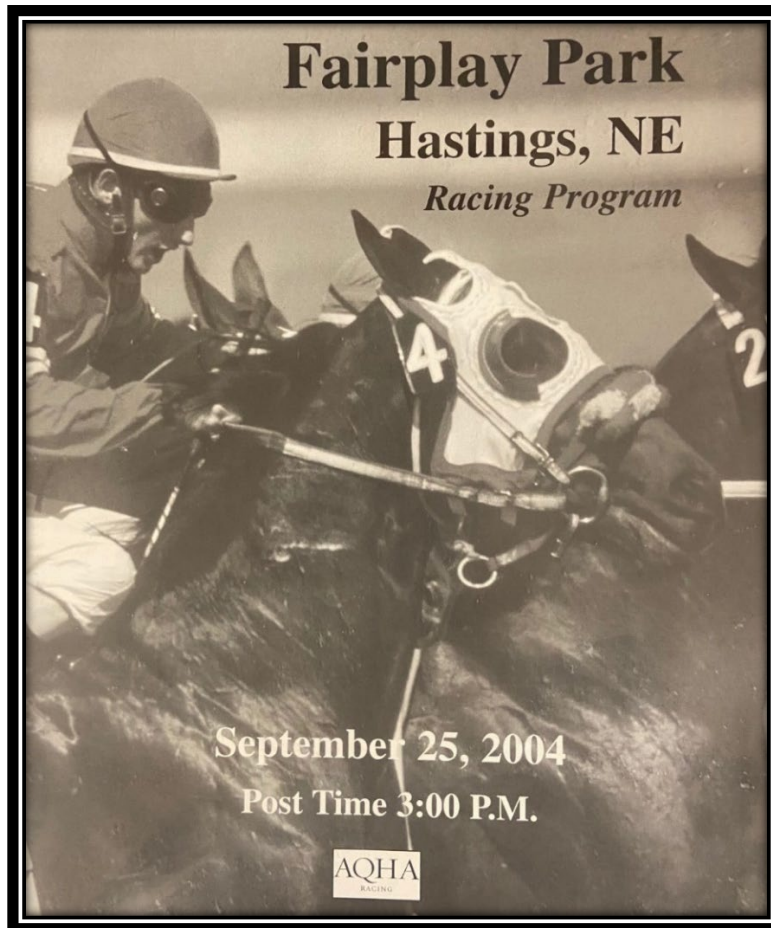
- Brian Becker

Brian Becker has been active in horse racing for the past 40 years. Brian Becker flew Moore's Flat from California for the \$100,000 Bossleman/Gus Fonner Handicap in 2001. In 2002, he began hearings for a mixed-meet license in Hastings, and in 2004 got approval for a Quarter Horse License which is now known as FairPlay Park (a/k/a Hastings Exposition and Racing, Inc.). One of his favorite memories was in 2004 when he hosted a 6-card race as well as mule races which filled the grandstands. Since 2004, and against all odds and naysayers from far and near, Becker has continued to personally run and operate, along with his children, races for the past 17 years. Becker's passion and commitment to Horse breeding and racing within Nebraska cannot be denied.

He has always had a love for both thoroughbreds and quarter horses, especially when his daughters began to rodeo. He sat on the Nebraska Thoroughbred Breeders board for three terms prior to starting FairPlay Park, and currently raises horses on his family farm. Brian has had a goal to give back to the horsemen since he began this journey, and that will always be his goal.



Since 2004:



- Breann Becker

Breann Becker has grown up in the horse business her entire life and spent 5 years as President of Hastings Exposition and Racing. At the age of 7 she began to show in 4-H, at 9 went to over 80 rodeos per year for the Little Britches Rodeo Association, at 12 was competing in amateur rodeos across Nebraska, and by 18 had won over 100 buckles and 8 saddles. She has been very active in the American Quarter Horse Association.

Breann went to the University of Nebraska at Kearney for Accounting. Breann has worked at Lincoln Racecourse in each department as well as worked the teller line, bartended, and cleaned kiosks at the end of each shift. Recently, spring attended the AQHA Heritage banquet where they introduced her and informed the horsemen about the possible growth of Quarter Horse racing in Nebraska.



## CONCLUSION

SBER is humbled by the opportunity to present this vision for a Casino Resort and Racetrack and importantly to expand quarter horse breeding, training, and racing in Nebraska and particularly western Nebraska. Development of our Scotts Bluff County racetrack will further ensure western Nebraska can finally and fully participate in developing the horse racing industry for years to come. We welcome any questions, feedback, and suggestions you have and view you also as our partners in making this operation a success for all.

Respectfully submitted,

Scotts Bluff Exposition and Racing, Inc.  
Prairie Thunder Gering, LLC