

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MARCH 25, 2024

A regular meeting of the City Council of Gering, Nebraska was held in open session on March 25, 2024 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Backus and Cowan. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

Mayor Ewing called the meeting to order at 6:00 p.m. and stated that a quorum of the Council was present and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse Councilmember absence

Motion by Councilmember O'Neal to excuse the absence of Councilmember Bohl from the March 11, 2024 regular City Council meeting. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

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

Mayor Ewing stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Mayor. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Council determines that the matter requires emergency action.

CONSENT AGENDA:

(Items under the Consent Agenda are proposed for adoption by one action for all items unless any member of Council requests that an item be considered separately.)

1. Approve minutes of the March 11, 2024 Regular City Council meeting
2. Approve Claims
3. File for record NPDES (National Pollution Discharge Elimination System) 2023 Annual Report

Claims 3/12/24 - 3/25/24

21ST CENTURY EQUIPMENT \$110.00, 24/7 FITNESS \$286.00, A & A PORTA POTTIES \$150.00, ACE HARDWARE \$1,592.75, ACUSHNET COMPANY \$5,452.59, ADIDAS AMERICA, INC \$823.27, AL'S TOWING, INC \$150.00, AMAZON CAPITAL SERVICES \$691.17, AMERITAS LIFE INSURANCE COPR. \$605.16, AT&T MOBILITY \$1,586.14, B & C STEEL \$590.06, BACKFLOW APPARATUS & VALVLE CO \$159.70, BENZEL PEST CONTROL \$56.71, BLUFFS FACILITY SOLUTIONS \$440.60, BORDER STATES INDUSTRIES, INC \$33,067.51, CALLAWAY GOLF COMPANY \$12,159.09, CITY OF GERING \$16,919.06, CITY OF MITCHELL \$300.00, CLASSTECH, LLC \$73.91, COLUMN SOFTWARE, PBC \$369.56, CRESCENT ELECTRIC SUPPLY CO. \$89.24, CROELL, INC \$3,910.75, CROWNE PLAZA-KEARNEY \$579.80, DOOLEY OIL \$1,065.92, DUTTON-LAINSON COMPANY \$511.17, DYNAMIC BRANDS LLC \$116.15, EAKES INC \$559.84, ELITE TOTAL FITNESS \$162.00, FASTANAL COMPANY \$330.61, FEDEX \$227.13, FIRST NATIONAL BANK OF OMAHA \$13,673.41, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$68,135.60, FRANCISCOS BUMPER TO BUMPER IN \$220.00, FRANK PARTS COMPANY \$1,026.33, GERING VOLUNTEER FIRE DEPT. \$175.30, GRAINGER \$149.48, GREATAMERICA FINANCIAL SERVICE \$100.00, HOLIDAY INN EXPRESS HOTEL \$405.00, HOME DEPOT CREDIT SERVICES \$859.04, IDEAL LAUNDRY AND CLEANERS, INC. \$139.61, INDOFF INCORPORATED \$1,025.66, INFINITY CONSTRUCTION INC. \$20,886.00, INGRAM LIBRARY SERVICES \$412.03, INTERNAL REVENUE SERVICE \$50,015.73, INTERSTATE BATTERY \$160.00, INTRALINKS, INC. \$1,138.00, IRBY TOOL & SAFETY \$220.27, JOHN HANCOCK USA \$17,316.40, JOHN HANCOCK USA FIRE \$761.78, JOHN HANCOCK USA POLICE \$8,745.22, JOHNSON CASHWAY CO. \$80.22, KANSAS GOLF & TURF INC \$1,657.59, KENT EWING \$121.70, LEAGUE OF NE. MUNICIPALITIES \$390.00, LOGOZ LLC \$494.00, LSC ENVIRONMENTAL PRODUCTS \$21,065.00, MASEK DISTRIBUTING INC \$475.00, MATHESON TRI-GAS INC \$374.48, MB KEM ENTERPRISE \$45.00, MUNICIPAL ENERGY AGENCY OF NE \$328,113.73, MUNICIPAL SUPPLY, INC. OF NE. \$1,466.02, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPARTMENT OF REV (PR) \$16,318.94, NEBRASKA DEPARTMENT OF REVENUE \$150.00, NEBRASKA DEPT OF REVENUE \$906.74, NEBRASKA DEPT. OF REVENUE \$69,422.03, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$315.00, NEBRASKA PUBLIC POWER DISTRICT \$1,393.26, NEBRASKA STATE FIRE SCHOOL \$150.00, NEBRASKA TRAVEL ASSOCIATION \$125.00, NORFOLK LODGE & SUITES \$135.00, NORTHWEST PIPE FITTINGS, INC \$314.30, ONE CALL

CONCEPTS, INC \$47.38, OREGON TRAIL COMMUNITY FOUNDAT \$2,500.00, O'REILLY AUTOMOTIVE STORE \$40.78, PANHANDLE CONCRETE PROD. INC. \$240.00, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,468.00, PANHANDLE GOLF ASSOCIATION \$100.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$418.78, PETE'S QUICK LUBE \$49.93, PLATTE RIVER GLASS \$265.00, POWERPLAN OIB \$692.86, PRECISION AIR \$375.00, PRINT BROKER \$496.77, PROTEX CENTRAL, INC. \$5,525.49, PT HOSE AND BEARING \$17.58, PVB VISA \$11,712.85, QUADIANT LEASING USA \$840.00, R & C WELDING & FABRICATION \$265.00, REGIONAL CARE INC. \$40,534.30, RIVERSTONE BANK \$576.32, RON'S TOWING & RECOVERY, LLC \$600.00, SANDBERG IMPLEMENT, INC. \$147.24, SARAH WYNN \$425.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$197.64, SCOTTS BLUFF COUNTY COURT \$34.00, SCOTTSBLUFF-GERING UNITED WAY \$230.67, SENIOR CITIZENS CENTER \$1,000.00, SHAWNA WINCHELL \$690.00, SHERWIN WILLIAMS \$869.01, SIMMONS OLSEN LAW FIRM, P.C. \$1,692.50, SIRCHIE ACQUISITION COMPANY, LLC \$271.18, SUNBELT SOLOMON \$80,573.64, TAYLOR MADE GOLF COMPANY \$4,670.50, TEAM CHEVROLET \$375.00, TERESA TOSH \$5,416.67, TERRY CARPENTER, INC. \$650.00, THE YOGA COLLECTIVE \$65.00, TWIN CITY AUTO, INC \$1,513.92, VALLEY AUTO LOCATORS LLC \$892.12, W & R INC. \$669.50, WESTERN COOPERATIVE COMPANY \$5,945.34, WHOLESALE MOTIVE SERVICE \$176.45, YANDA'S MUSIC INC \$325.00, YMCA OF SCOTTSBLUFF \$994.00, TOTAL \$891,587.84

Motion by Councilmember Gillen to approve the Consent Agenda. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

CURRENT BUSINESS:

1. Consider approval of Occupation Tax Grant Fund Requests:

- Gering Volunteer Fire Department
- Western Nebraska Pioneers Baseball Club

Tourism Director, Karla Niedan-Streeks, stated that this month the CVB Board completed their first round of applications for Occupation Tax Funds. This was the major grants funding cycle which was for \$10,001 or more. The funds can be applied for by City departments and facilities as well as nonprofits and organizations that produce activities to increase heads on beds and revenues for Gering. The first recommendation and application is from the Gering Volunteer Fire Department. They will host the 2024 Nebraska Volunteer Firefighters Association Conference in Gering. The dates will be October 17-20. It will bring over 200 out of town firefighters and families to Gering and will generate over 250 lodging nights in Gering hotels. They will also use multiple Gering facilities. They've asked for funds to use for intercity transportation to and from the facilities for the conference, meals, a welcome event, and facility rental fees. This application meets all of the criteria for top priorities. The Occupation Tax Funding Committee recommends funding the grant for \$11,250.

Motion by Councilmember Gillen to approve an Occupation Tax Grant Fund request by the Gering Volunteer Fire Department in the amount of \$11,250. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

Ms. Niedan-Streeks stated that regarding the Western Nebraska Pioneers Baseball Club, the review committee did verify that as of December 29, 2023, the Pioneers Baseball Club does have a designation as a nonprofit 501(c)(3) entity, which is required for these grant funds. The application was for general operating expenses for the 36-game 2024 season and for four special events. The regular season data provided by the applicant demonstrated heads on beds countywide. The committee feels the information from the applicant presented for the special events has greater potential to put heads on beds for Gering specifically. The special events are all new and show the strongest potential to draw regional and out-of-state participation. The committee recommends that \$25,000 in Occ Tax Funds be granted for the four special events planned for June, July and two in September for facility rental, marketing and promotion, tickets, and staffing. The applicant is requesting 50% of the funds prior to the start of the events, which is at the discretion of the Council. The balance of the grant funds will be awarded at the conclusion of the events after review of the required receipts and documentation of those expenses.

Motion by Councilmember Shields to approve an Occupation Tax Grant Fund request by the Western Nebraska Pioneers Baseball Club in the amount of \$25,000 with \$12,500 to be paid out in advance of their special events and the balance of \$12,500 to be awarded after

the 2024 events have occurred. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": Gillen. Abstaining: None. Absent: Backus and Cowan. Motion carried.

2. Request for Public Safety Committee Meeting – Agenda items: 1. Consider no parking zone on Rundell Road; 2. Discussion of ADA parking in Downtown Gering

Motion by Councilmember Morrison to approve a request for a Public Safety Committee meeting to consider a no parking zone on Rundell Road and for discussion of ADA parking in downtown Gering. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

BIDS/PROPOSALS:

1. Reject all bids received February 6, 2024 for a Current Production Model Solid Waste Two Ram Baler - Sanitation Department

Motion by Councilmember Morrison to reject all bids for a Current Production Model Solid Waste Two Ram baler that were received at a bid opening on February 6, 2024. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

2. Award bid for Current Production Model Solid Waste Narrow Body Two Ram Baler - Sanitation Department

Steve Mount, Environmental Services Director, stated that staff advertised for bids for a narrow body two ram baler and opened bids on March 14. Two bids were received, one from Altitude Recycling and one from Recovery Systems. Staff are recommending Recovery Systems; they came in with the low bid. They have installed our last two balers and also replaced the conveyor system in 2020. The baler at the landfill now is barely functional. The computer parts of it are so outdated that updates cannot be done. Councilmember Bohl asked how Recovery Systems plans to sell the existing baler. Mr. Mount replied that they will take pictures of it and sell it for the City and use that for trade allowance. Mayor Ewing asked about the timeframe for delivery. Mr. Mount replied that it will be delivered and installed in June of 2024. Altitude Recycling was out to January of 2025. This is the same size baler the landfill originally started with. He doesn't see a problem with having the narrow body; they aren't baling as much as they used to.

Motion by Councilmember Bohl to award the bid for a Current Production Model Narrow Body Two Ram Baler to Recovery Systems Company in the amount of \$539,410 from a bid opening that was held on March 14, 2024. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

PUBLIC HEARINGS:

1. Public Hearing to Consider a Zone Change from RM Medium Density to RH High Density for a property located in the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska as described in Instrument #2023-4951, generally located between D Street and K Street and between 5th Street and Pappas Boulevard

Mayor Ewing opened a public hearing to consider a Zone Change from RM Medium Density Residential to RH High Density Residential for a property located in the Southwest quarter of Section 1, Township 21 N, Range 55 W of the 6th PM, City of Gering, Scotts Bluff County, Nebraska, as described in Instrument Number 2023-4951 at 6:14 p.m.

Mayor Ewing stated the following ground rules for the public hearing:

1. Anyone wishing to address Council regarding this public hearing will have five minutes to speak. Timers are provided in the Council Chambers.
2. The Mayor will entertain comments from the public in an orderly fashion. Anyone wishing to address the Council will come to the podium, write their name and address on the pad provided and speak into the microphone.
3. Anyone wishing to speak will have **one** opportunity to come to the mic and may not return to the mic once they are finished, regardless of whether or not there was any time left on the clock.
4. If a speaker finishes in less than five minutes, the clock will still be set at five minutes for all subsequent speakers.
5. All comments must pertain to the public hearing agenda item. If anyone goes off-topic, they will be redirected to the specific agenda item for this public hearing.
6. Council will not enter into a debate with members of the public. Council will listen to all comments given by the public before asking questions or making comments.
7. If more than one person is attempting to speak at one time, the Mayor will pause the discussion and resume with only one person speaking at a time. The meeting is being recorded so it's important that all comments can be heard clearly without disruption.

City Engineer, Annie Folck, presented the Staff Recommendation and Report. She stated that the City has received an application for a rezone. She showed the map on the overhead screen. The application was received by Oikos Development Corporation, a 501(c)(3). They are proposing a rezone from RM medium density to RH high density. She showed on the map exactly where the property is located near D Street and Pappas Blvd. The property is surrounded mainly by RM. The whole property is about 37.35 acres. Of that, about two acres are already zoned RH; the applicant is requesting that the remainder of the property be rezoned as well. Anytime the City looks at a zone change, by state statute we have to determine if it conforms to the City's Comprehensive Plan. In order to make sure that cities are not making decisions that are arbitrary, all cities are required to have a comprehensive plan, and they should be updated regularly. And that should guide decision-making. Staff recommendations are always based on what does the Comp Plan say. The City's Comp Plan was adopted in 2019; it's fairly recent. At that time, the consultant did a lot of surveys throughout the community and a lot of online surveys were turned in. They held a lot of meetings, met with employers, and held focus groups that were made up of different representatives of different demographics in the city. One of the things that came up a lot was housing. Based on all of the feedback, there are some principles in the Comp Plan that talk about a need for different types of housing. Section 3.1 says, *our community will create neighborhoods that offer a variety of housing options tailored to individual cycles in life and income levels*. Policy 3.1.a. goes on to say: *Increase housing choices and diversity for all lifestyles to meet the community's housing needs*.

Engineer Folck stated that people need different types of housing based on the stage of life they are in. Single-family housing does not make sense for everyone; she gave examples. Our community is unique; there is very little multi-family housing and there is very little multi-family zoning. Looking at all of that is where some of these policies came from. Policy 3.1.b. says *Mixed income housing through city policy, regulations, tools and programs*. 3.1.c. states: *Promote the integration of multi-family units into neighborhoods with mixes of housing types or in mixed-use development*.

She stated that Gering needs more high density housing. The question then is where in the community should that go. This is why the Comprehensive Plan is extremely important, because it looks at a community holistically. It looks at what is best for the entire community and what is the best location for each use. She reminded everyone that it is not legal to turn down a use just because someone doesn't like that use. We have to find a location for any use as long as it's a legal use in the State of Nebraska.

The Comprehensive Plan goes on to identify some areas that are appropriate for multi-family housing. The area that is in question tonight is located in the East Gering Neighborhood District. It goes through and talks about future design characteristics. And the plan states: *As new neighborhoods are developed, inclusion of a variety of housing types and densities at various price points should be prioritized. The district has a considerable amount of vacant land providing opportunities for new housing, which should include a compatible mix of single family on different lot sizes, as well as townhomes, condominiums, and apartments that are designed to fit the context of nearby housing and neighborhoods serving a mix of*

incomes. This is the area that the applicant has applied for a rezone; it's pretty clearly marked as being appropriate for high density housing. Based on that, staff recommend approval of the rezone to high density residential.

When the meeting was held at the Planning Commission level, there was a lot of feedback from the public. She then addressed some of the concerns that were brought up. The developer is proposing duplexes and quadplexes. From a Comp Plan perspective, we shouldn't be looking at the individual development because that could change. Some individuals that stated they would be okay with a conditional zone change where the developer is allowed to do four-flexes, but not allowed to do larger developments. Unfortunately, the City does not legally have the ability to do that in the State of Nebraska. However, in discussions with the applicant, they have stated they would be willing to put a covenant on the property, recorded at the Register of Deeds, it would be binding to all subsequent property owners that would limit themselves to no more than a fourplex. She thinks that could be a very good compromise.

She made everyone aware that Council is not voting on this (proposed zone change) at this meeting. One of the reasons for that is because putting together something like that is going to take a little time. Staff wanted to wait on the vote until they see if they can get that in place or not, so Council can make an informed decision. They are going to be sending the City a draft that can be reviewed by legal counsel. Staff is working through that with the applicant.

She went on to say that there were a lot of concerns about traffic. There are a lot of different entrances that are stubbed into that area already. There's I Street, Pappas Boulevard and J Street. There are roughly seven or eight entrances to this area currently. It was asked why there can't be an outlet on D Street. The only area on the property that runs along D Street is separated from D Street by the Gering Valley Drain – The D Street Drain which is part of the Gering valley Drain Project which the City does not have jurisdiction over. Crossing that would definitely be a challenge. The City has started conversations with the neighboring property, West Nebraska Housing Opportunities, and in preliminary conversations they have indicated that they might be open to allow for an entrance that would go through their property to give an outlet onto D Street. That's another thing that staff want to work through before the Council votes. Another concern was about schools. Staff reached out to the Gering Schools and Superintendent Regan is present tonight to address that concern.

Planning Commission recommended approval of the rezone, staff also recommends approval. Council will vote on April 8. She added that the applicant was present at this meeting. She stated that the approval of the recommendation should be based more on what the Comp Plan says, and whether or not that zoning is appropriate in that location.

Michael Snodgrass addressed Council and stated that he is the President and CEO of Oikos Development Corporation. They are a 501(C)(3) based in Kansas City. This project is one that came about over the course of the last year. They've heard from the City that there is a need; they typically go to where there is a need for housing. What they are proposing in Gering is not considered high density in other communities. It's because of the size of the backyard and the way Gering's zoning rules are set that makes it considered high density. For them, this is more of a low to medium density type project, but it gets down to the zoning within the neighborhood. At the Planning Commission meeting there were a lot of discussions that came up. They also held another meeting last week to try to address some of the concerns and got a lot of good feedback – particularly if they can figure out a way to get some entrance off of D Street. Other feedback was trying to find a way to phase in the duplexes next to single family as opposed to putting a two-story right next to single-family. There was a lot of positive feedback that came out of these meetings that they appreciate because he thinks it will only make the project better.

Mr. Snodgrass stated that they're not going to build it all at once. It's a big site, they're not going to overbuild the market. They're going to get market studies each and every time they construct. It's going to be based on different funding sources; they are pretty successful in getting those funding sources. There's a Section 42 Tax Credit Project that is coming available soon as well as Farm Labor Housing. At their meeting last week, they handed out the definition of farm labor; it's four pages and pretty comprehensive. There are a lot of Gering businesses that will benefit and the community will benefit from

that farm labor housing. There was a lot of feedback about the drainage ditch; they will have to build a retention area. They want there to be programming too, like soccer fields or something because 90% of the time it will be dry. It's a way to get additional green space in the area and they will put in a walking trail that leads into the current existing park so they can get people into the park area. One of the more interesting things they have been able to do in other communities is on the farm labor side, they've been able to put in a Head Start. That's what that square box is in the middle. Again, it's all dependent upon funding. Right now, they're just about ready to put a Head Start in Garden City, Kansas; there are 68 units there and 110 units in two different phases. But they're not in the planning right now, they're just looking at the zoning. They still need an engineer, they don't know the size of the storm drainage retention at this point because they need to get this zoning figured out first. After that point, they can start working on the engineering, street layouts, some of the more intricate design elements. They have built a lot of these; they own the plans so they can modify them as needed. He explained the two and three bedroom designs. They also put in storm shelters for communities with tornadoes or other types of storms. He further explained and add that they have FEMA-rated doors that can withstand 160 - 170 mph winds. In addition, the units will have back patios and garages. Everything they do looks like a house and feels like a house; they have every element of a single-family house. When there was feedback about them building apartment buildings... they have, but that would really be out of character for Gering, for this location in particular. That's why they are more than happy to self-restrict for now and for the future to eliminate going over two stories (in that area). They would not have the ability to build apartment buildings and should something happen and the next person decides to sell the balance of the land, future generations could never build on it as an apartment building either. With that, he hopes for Council support, they are excited to be here and anxious to get started. They know this is just the first step of many. They'll have to get through the platting if this goes through and then they'll work on other aspects. He thanked Council.

Mayor Ewing then asked if there was anyone in the Council Chambers wishing to speak to this application. He asked that whoever is interested to come to the mic, state their name and address, and also write it on the pad.

Lori Floth, 210 Pappas Blvd., Gering, stated that she lives on Pappas Boulevard. She asked if this development is to create homeowners or is it strictly rental properties. What it is going to cost because probably 90-95% of the duplexes that were built by the mall are still empty because they are over \$300,000. Who around here is going to spend that kind of money? What is this development geared to? Who's going to take care of the property? She said "You have to have property maintenance." These are questions that not only she would like to know, but other people have asked, too. She also asked about the effect on property taxes.

Engineer Folck stated that staff will take notes and address questions at the end.

Lorrie Wold, 515 M Street, Gering, stated that she is in favor of this. Based on last Tuesday night's meeting, she's probably one of the few that is in favor of it. She's in favor of bringing new development to Gering and the construction materials being furnished in Gering and workers being local. She said that Mr. Snodgrass made that clear, that was his plan. There was a lot of discussion about traffic. She knows that living where she does that M Street is a crapshoot sometimes. She would suggest a stoplight or a four-way stop at Seventh Street because it's hard enough to get out of there. A four-way stop would slow the speeding down on that street. She has one concern - if this is being built for the purpose of bringing in a packing plant. She's not against the people that work in a packing plant or anybody that would live here, the people aren't the issue. It's the infrastructure, the medical systems, the school districts, the systems that would be affected. As far as this particular project, she thinks it's great.

Curt Richter, 495 2nd Street, Gering, stated he appreciates that Mr. Snodgrass is going to come in and help Gering with its housing issues because Gering has that here. As a property owner though, he's looking at protecting his investment. He has a couple of suggestions. He's not really for or necessarily against, but he has done some looking and he thinks there are other options. It would take legal counsel to take a look, but he thinks the City could align with the intent of the comprehensive plan and also allow Oikos to develop their property in a way that would work for them. He'd like Council to at least consider

looking at a Conditional Use Permit which would allow for a higher percentage of lot coverage. If that Conditional Use Permit would be approved, then Council can approve quadplexes and fourplexes on those lots and keep the houses big enough so the rooms are decent. And also keep the lots and the grass area smaller to reduce maintenance. He thinks that would align with the Comprehensive Plan without rezoning it to high density. It's not that he doesn't trust Mr. Snodgrass, he doesn't trust anybody. If they sell this property off, and if it's high density, someone can come in and put in essentially whatever they want as long as they're following the zoning regulations. If that is not an option, the second option would be to rezone the north parcel they are developing first and see how that project goes and if they are holding true to their word, as they promise. Then the City could rezone the southern parcel next and let them continue their development. He thinks that's a fair trade to allow them to come in, develop, give Gering some affordable housing and also protect the property values of some of those folks that live in that neighborhood.

Owen Palm, 2975 Country Club Road, Gering, stated that he is the CEO of 21st Century Equipment. He is in favor of this development. They have 730 employees in 26 locations in northeastern Colorado and western Nebraska. Any one of those towns in which they operate would love to have an opportunity to entertain a housing development like Gering has here. He thinks, most importantly, we talk in great length about retaining our youth in the community. And having affordable housing available to those young people to start their families is an extremely important element of retaining people in our community. Second of all, more affordable housing leads to more people in Gering and the ability to use their additional disposable income because of the low cost of (these units). It would allow these residents to spend more time at some of the great businesses in Gering like Ace Hardware, Fresh Foods and Johnson Cashway. These businesses all rely on people and Gering to support them. It allows them (21st Century), as a larger company, to be able to recruit and retain people from outside the area and again the people that live in the Gering area. For those reasons, he speaks strongly in support of this project.

Jordan Diedrich, 1370 J Street, Gering, stated that he is the Executive Director of Twin Cities Development. They do the economic development for the City of Gering and others in western Nebraska. He said Mr. Palm said it really well, we want to retain our students and retain our youth. Housing is the biggest barrier to economic development. It's the biggest barrier here in Gering, in Nebraska and nationwide. Housing is a huge problem all over the nation and like Mr. Palm said, having an opportunity like this - to have something like this at your doorstep, is huge. It definitely needs to be pushed forward and make something happen with it. In August of 2022, WNED (Western Nebraska Economic Development) did a regional housing study that showed that 500 houses are needed in Scotts Bluff County alone in the next five years. Putting that into perspective, that's 100 houses per year for the next five years. 500 houses in five years is a lot. It's going to take a bigger developer or someone like Mr. Snodgrass to come in to be able to make a difference and to be able to do something that's going to make a dent in those 500 houses that are needed from that study. Like Engineer Folck said, Gering needs different types of housing. These will be low to moderate-income, the City does need to put more lower to moderate-income housing in these kinds of neighborhoods so that people who are living in Gering, the workforce that's here, people who are fresh out of college or high school or young couples, have a chance and have somewhere to live in Gering, Nebraska. Because we want them to live here, we want to grow Gering, we want to make this a place for people to live and thrive.

Mr. Diedrich stated that one thing they do at TCD is business and retention/expansion visits. They meet with businesses constantly. Housing comes up all the time. Owen Palm's business needs housing for their employees. We need housing to retain our employees and to attract new employees. He checked the department of labor today and there are 879 open jobs in Scotts Bluff County. We need people to move here to fill those jobs. The businesses that are here are struggling to find employees. We need to help our current businesses out and be able to provide houses so that they can staff their businesses. On the other side of that, TCD works on business attraction. It's really hard to attract new businesses here if there aren't enough houses to support the 879 open jobs that are currently open. When looking to attract new businesses, we need to have housing and childcare to be able to attract those businesses into the City of Gering. He thinks the City has a big choice here to decide to grow, which he thinks is an important piece to this. Talking with economic developers and cities all over Nebraska, they would love to have an

opportunity like this at their doorstep. He is 100% in favor of this; he thinks it would be great for the City of Gering.

Nicole Regan, 2200 Sentinel Circle, Gering, stated that she is the Superintendent of the Gering Public Schools and present to answer regarding their capacity in the school district. When she started in 2021, the first thing she and the board did was a long-term facility study so they could address any of the facility concerns at their schools and also to look at the future for their students and what capacity they have. They have been working with this long-term facility plan and looking at all their schools and the good news is that they do have capacity right away at their secondary level and at all of their elementary schools as well. It has been a really good experience being in Gering and partnering with the City to look at ways they can enhance the environment for their students as well as the community. One thing they are doing that is very exciting is expanding on the preschool programming. At Northfield Elementary, they are building their first new preschool center. It has four classrooms to anticipate the growing three and four-year-olds that will be in the district and it does address the need for classroom space as well. That is done with the partnership of their construction trades program and it doesn't impact the tax base for the community, which they are very proud about. They have a very stable and productive budget with their schools are also able to look at their facilities and address the needs they have. She feels confident moving forward with that. Also, from just a school perspective, they have had a lot of discussions as they look forward in their future. They have a declining birth rate so they are very cautious and conservative about what they are doing with their facilities and how they maximize their resources to meet the needs of families and students. But also that they are conservative with regards to that growth and what the trend looks like 20, 30, 40 years down the road. She thanked the Council.

Justin Allred, 2265 17th Street, Gering, thanked Council for the work they've put in with City staff, Council Members and the Planning Commission. He's not going to state whether he's a proponent or not because he doesn't know if he has heard enough information. At the Planning Commission meeting there was talk against this project because it seemed like, even though there was a Comprehensive Plan put in place five years ago, it seemed like it was somewhat out of the blue. The question he would like addressed to help those who are making a decision, that will impact people in this room and many others, is regarding this outside company - how many jobs can this create for local contractors, our local labor? His suspicion is that these building materials will not be procured locally, these are probably kits, they're going to be shipped in. Hopefully that is not the case and hopefully folks like Johnson Cashway, Ace Hardware and others can benefit from the 40-some units that are being proposed if things move forward. He thinks there was a concern last time with the widths of the streets, that they would be more narrow than current streets that are in this neighborhood. He stated it was unclear by Superintendent Regan if the schools were at capacity or if they have capacity. He stated that Mr. Diedrich said there are 879 job openings in the area, which is a good problem to have if someone's looking for a job. He's curious how many of those are full-time and how many of those would sustain the ability to rent even a low-income home. He stated he would ask each Council Member to please do a considerable amount of research on this because this could impact... Mr. Richter's comments are good and he thinks there are ways around the 37 acres all at once. He agrees with the options that Mr. Richter had.

Kim Graslie, 985 5th Street, Gering, stated to Mr. Snodgrass that she does not know his lot sizes. She went by the "City thing" and did some math on the minimum lot size. There are 37.35 acres there and she used 31 acres. She converted it to square footage and at the minimum lot size in Residential Medium for a duplex is 10,000 square feet. She divided the number of square feet by 31 acres and that would give you 270 dwellings or 135 lots and there are duplexes on each lot. Then she put two people in each dwelling which would put around 540 people in that area. She then asked for Mr. Snodgrass's slide to be shown on the overhead screens. It was said that there are seven entrances and exits, but one of her major concerns is she doesn't know how many people would really go all the way down and swing back to Pappas and then come into it. Or if these streets go straight across, they're just going to come down 7th, hit H and go in. Or they're going to go down and hit I and go in. She stated in looking at her little neighborhood, which she is trying to protect herself a little bit, the only reason one would go in that neighborhood is if they live there. The way that neighborhood is designed, there are two entrances into it, and the only reason to even be there is if you live there or if you're coming to visit someone. If people start using H, that whole traffic thing is going to be a whole new ball game for that neighborhood. That's a

major concern because of the way the neighborhood she lives in is. She stated that she talked with Engineer Folck about an entrance off of D, but she wishes there could be a second entrance off of D because most of this traffic will probably head down 7th, then go to M, and that's already a horrible intersection at 7th and M early in the morning. But if they came off of two entrances off D, they could go left and hit Rundell Road, they could go right and take a left and hit the highway out there, or they could go straight up and hit 10th Street, or they could come on 7th. There are more outlets that way. The street that she really thinks is going to get nailed is K Street because a lot of traffic will probably come in off of M, hit 7th and go straight down K. K already has all the traffic from all those other apartments because they don't have an outlet to M Street unless they come to K St. The Comprehensive Plan said these high density areas are supposed to be by a major road. Her opinion would be to try to get that traffic not coming through already established neighborhoods, but somewhere else. Right now, D Street does have residents on the south side but it doesn't have any residents on the north side. Where all the rest of them, there are residents on both sides. Her other thing is the number of people that are going to be put in that area, even with just duplexes. She said that's fine, she knows we need development. She asked if other cities are doing anything to help, or is Gering the only city? It's already been determined along D Street to do the container homes. She heard that wasn't a done deal yet, but she went to that Planning Commission meeting and they voted to put container homes in to help Aulick's have places for their employees. Mayor Ewing noted that her time was up. She stated these are some of her concerns; the traffic is the major concern of hers; if somehow the City could reroute that.

Jeff Brown, 25 I St., Gering, stated that it seems like the only way to get into that area (that they're trying to develop) is going to turn I Street and Pappas Boulevard into a thoroughfare. The other roads there like J Street, doesn't get used very much. It's between two houses, but it will turn into that. Those streets aren't built for that. He stated a "50C3" sounds like a tax benefit to him. Who is that going to benefit? The schools? He stated that Ms. Graslie said there's going to be at least 500 people living there if it all gets developed. Will our schools, will Geil School take care of that? He doesn't think so. He asked if Engineer Folck could change the screen to where the homes were. He then stated "cookie-cutter homes; they look like trash." What's that going to do to his property value? And they're going to keep the prices low so lower income; how's the crime rate? 800+ jobs aren't filled? What are they paying, \$12 to \$15 an hour? Sounds good for a highschooler. There's got to be some work done on D Street to get a couple of those put in to go in that way and make the road where he lives a secondary route. You can relocate this property going south to where seventh Street intersects with the 71 bypass, there's plenty of land out there. He knows who he gets to vote for come November. He stated that if it passes "I guess I know who not to vote for." He realizes that the City of Gering does need to increase its tax revenue because the City just bought a 500 and thirty-some thousand dollar trash compactor. Something to think about.

Naomi Morales, 970 5th Street, Gering, stated her house is actually the house right behind the field. She wants to find out where some of the money is being absorbed. On 5th Street, they were given a notice from the City a couple of years ago about getting the pipes changed there because they blow up spontaneously. They've had the City pipes blow up in their area several times. If those pipes are getting more water and things going through them, and they're already in those fields, who is going to be responsible for taking care of the pipes in there? Who is absorbing that cost? Are they, as City taxpayers, having to pay the cost to get those updated and changed because they do need to be updated and changed. Or are the pipes in that field that are running, are they going to be updated and ready to go? As a "503C", that's a nonprofit, since their area is considered a blighted area, will they be getting assistance with adding the green spaces and streets? Again, is that money coming from our city to do that, or where is that money going to be coming from for that? Are they able to apply for those grants, are they funding everything 100% so that the City is not putting any money into it? With Aulick's, how is that going to affect their plan to build their places that they wanted to build and turn that into another green area? Are we taking away from our own businesses in the area that are trying to build? If these are all rentals, at what price are they renting them out because there are families looking at a two-bedroom rental for \$900. Are some of these jobs going to be able to afford the \$900 that they're paying? Are some of these jobs going to be up to \$1200, \$1300, \$1700 per month? What is the price point they are looking at because some of these families can't afford a huge amount. A lot of the people in that area do take care of their lawns; who is going to be taking care of the green space around there, making sure that it's not full of stickers and thickets that will blow into other peoples' yards? The streets that they are running on, the

two that are in the area from D to 7th Street (from 5th all the way up to 7th), the two side streets - those do need to be maintained; there are huge potholes. Who is taking care of that? With the increased traffic (with this development) and the damage to the streets, who will be providing to make sure their streets are being taken care of? There are areas that the water is not draining clearly. Are they staying to just cement bases because there is a problem with the increased water in that area (regarding basement homes).

Brittany Parker, 885 Pappas Blvd., Gering, stated that she lives near the planned park area. She attended the Planning Commission meeting as well as the townhall meeting. She considers herself pretty well-informed. She asked how this development and proposed zone change will benefit the City of Gering? Oikos Development Corporation is a 501(C)(3), nonprofit. Her understanding is they are not required to pay property taxes. How does that benefit everyone locally? This developer is based out of state. These duplexes and fourplexes would remain rentals so all of that rental money goes out of state. How does that help people locally? She echoes the concern about the access to a major road so she read that part of the Comprehensive Plan and she's very concerned about that. She lives on a street that is not a through street; she's concerned about her family's safety by adding increased traffic. She has a young son and right now it's a very safe neighborhood. She is concerned about what this change is going to do to her neighborhood. Her concern with even adding one access point on D Street, by connecting with the other development group that's there, is how is just one access point to D Street going to allow for all this excess traffic onto a main street? She echoes the thought that a secondary entrance to D should be considered to help with the traffic coming out of there. She acknowledges that there should be, and needs to be, some development in Gering to accommodate new families looking to move here for jobs, current residents looking for a change and younger generations looking to start their careers and families. However, adding a few hundred families in their tight-knit, safe community in the span of just a few short years does not seem like the solution to the problem that has been raised regarding affordable housing. By adding a large number of fourplex rentals, we are not encouraging people to invest in our town. There is not a current plan to add more jobs specifically in Gering that she is aware of. What is going to keep these renters here when their one year lease is up? How does this development benefit the City of Gering?

With no further comments, Mayor Ewing turned it over to Administrator Heath. Administrator Heath added additional items to the public record. He stated that the Mayor and City Council received a letter regarding the zoning change; he received this letter from them on March 19, 2024. The City also received two emails from citizens regarding the zone change. He then read the letter and two emails:

Dear (Councilmember by name)

This letter is in reference to the pending plan to re-zone the field area between 5th Street and Pappas Blvd. in Gering so condos or apartments can be built there for rent.

There is great concern that in doing so in that complete open field will cause the value of our surrounding homes to go down.

There is concern for more trash to blow to our end of the town like we are already experiencing from the existing apartments north of K Street. There are not enough dumpsters and are not being kept empty so therefore the garbage blows east with the west winds and no one ever picks it up. It is such an eye sore and should be maintained.

The new gentleman and company wanting to build there say that that will not happen but there is no guarantee. They will come in and build and once done that man will never be back to oversee.

How is this building going to bring money into Gering other than taxes and some shopping here.

Is this building going to employ local people?

Will the supplies be purchased through our local lumber yards?

Will there be upkeep/will the properties be maintained?

Is the cities sewers capable of handling the extra usage?

Will our schools be able to handle the possible influx of children?

If the apartment complexes are built in a timely manner will there even be people to rent them.

What is the pay by your income going to do to the people who have renters now? Have they all been notified that it is a possibility and that they can have a voice?

If these complexes will have solar panels are the people building them aware of our hail we get and that it would be a very expensive replace project. It is not easy to dispose of solar panels ecologically.

It makes us all so nervous that the rezoning was going to at first be pushed without giving it all a lot of thought. Most people were not even aware. We got a letter but not everyone received notice in that area.

Lots of times things like this are a bit questionable, and coming from someone that does not even live in our community or even our state. Someone who wants to do this and take all that money out of our community.

Hopefully the streets would be considered so that they have close access to the other main roads and not through our neighborhoods. There should be an access coming from D. Street or at least directly to K. Street. We don't know what that road plan is but please give it a lot of thought and talk about the pros and cons for our overall good of our community. Will this be adding or taking away? Will it bring into our community we have cherished for so long people that will help build our community. Family and God Fearing people who care. I don't know if it will or not but you all will know more.

So, ask yourself honestly if this project was going to happen next door to you or in your neighborhood would you still vote for the zoning change?

Thanks for Listening!

*A Concerned Fellow Citizen of Gering
Christine Allred
860 Pappas Blvd.
Gering, Ne 69341*

Administrator Heath then read an email dated March 22, 2024 from Leslee Emery:

As tax paying citizens of Gering NE, we completely express our disapproval of Oikos Development building "workforce housing" in our town. Why would a nonprofit company from Kansas City want to build housing here? We know the government needs housing for the 10 million people who have come into our country illegally. We absolutely say NO on changing the zoning!!!!

*Leslee Emery
2885 Applewood Rd
Gering NE 69341*

Administrator Heath then read an email received on March 23, 2024 from Kab Brewer (who also attached a photo of the sign stating the date/time of the public hearing that was posted on the proposed development site):

Hello,

My name is Kab Brewer. My wife and I just bought a home at 985 6th St., Gering and moved in 2 weeks ago. We didn't know about the request to re-zone the land on the east side of our neighborhood (location described in picture below). Had we known there is a possibility there could be small properties / section 8 housing built right next to us we would not have invested in this property. Our home and those around us are newer. Our home is only 4 years old. Our home and those around us are in the \$225,000-\$300,000 range.

If this property east of us is allowed to be re-zoned, our property and our neighbors properties will experience devaluation over time. Please do not vote to allow this property to be re-zoned.

*Sincerely,
Kab Brewer*

Administrator Heath stated that people have questioned why a company from Kansas City is here to build workforce housing in Gering, Nebraska. For over the last three years, City staff, Twin Cities Development

and Western Nebraska Economic Development have been working hard to try to develop workforce housing in Gering. That was one of his priorities when he took this job, to try to increase housing. He felt Gering had lost its advantage to other communities in the area. There was more construction and houses being built in other cities than in Gering. Local business owners have indicated that Gering does not have affordable housing for their employees. As TCD tries to recruit new business and manufacturing businesses to locate here, they are told Gering either doesn't have the workforce or doesn't have the housing.

Most local home builders that used to develop workforce housing in the past, have retired. Other local builders do not want to take that risk. One of the questions that came up was about who pays for the water and sewer lines and streets for subdivisions; it's not the City. It does not come out of the rate payer's and taxpayer's pocket. The developer pays for those water and sewer mains and streets. These local home builders either don't have the finances or will not take the risk to install the utilities and streets. To put in a block of street and utilities probably runs a half a million dollars. Staff had to go outside the City and the area to try to get workforce housing. Mr. Snodgrass reached out to the City Engineer when she was at a conference in Lincoln. That's how Gering ran into Oikos. There are no set plans or set projects or anything like that that Gering has coming up that need additional housing. Gering just needs additional housing.

As Jordan Diedrich stated, WNED completed a housing study. That study showed that Scotts Bluff County will need an additional 500 single and multifamily housing units in the next five years, and Gering alone will need an additional 151 housing units by 2027 - both single family and multi-family. This development will be a step forward in filling that need.

The question has been asked why they are not considering building single family homes. With the current economy, most people cannot afford to buy or build a new home. Local contractors have indicated that it costs approximately \$275 - \$300 per square foot to build a new home. A 1,200 square-foot home at \$275 per square foot would cost \$330,000. With a \$33,000 down payment, the principal and interest on a 30-year mortgage at 7.0% is \$1,975.00 per month. Add insurance and taxes, and the payment is over \$2,500 per month. Most people that make less than \$100,000 per year are not going to be able to afford a \$2500 to \$3000 loan payment. That's why they're looking at rentals and multi-family units.

The Planning Commission heard concerns about increased traffic. There are seven street accesses into this development. On the west, H & I Streets; on the north, 2nd Street; on the east, H, I, J and Pappas Blvd. Staff are also beginning to work with TCD and WNHO to see about at least one access onto D Street.

Gering must grow to maintain its retail business and recruit new businesses and manufacturing. Growth reduces the tax burden on existing tax payers. The City is not trying to grow to get additional taxes. The City is trying to grow so Gering can stay competitive with other cities. Other cities are growing, Gering is staying pretty stagnant. Gering is not immune from inflation. Since Covid, the City's costs have gone up considerably – probably even more than the standard inflation rate that most people have seen. As costs to provide City services increase, that burden falls back to the existing tax and utility rate payers. If Gering isn't growing, that increase is going to be passed on to the customers, rate payers and tax payers. If a city is growing, it's spread out among more people and reduces that burden to everyone. He has heard several economic developers say that if a community is not growing, then it's dying.

Administrator Heath then reviewed population history.

Gering Population History, (U.S. Census Bureau)

- 2000 Census 7,751
- 2010 Census 8,500, (+750), just under 10% growth
- 2020 Census 8,564, (+64), less than .01% growth in 10 years (virtually no growth)

New Home Building Permit History

- 2000 – 2010 – 144 single family homes, preserve, monument View and Westwood, 31 townhomes/duplexes & 7 apartments buildings with 8 units each
- 2010 – 2020 – 64 single family & 5 townhomes, (Buffalo Circle)
- 2021 – 8 single family homes & 1- mobile home
- 2022- 3 single family homes & 14 villas for ages 55+
- 2023 – 1 single family & 7 single family for ages 55+ at Heritage
- 2024 - 0 single family home permits pulled as of today

He reminded Council that in 2019, they adopted the new Comp Plan. A group came in and helped build that Comp Plan. The Comp Plan shows where this type of multi-family housing should be located in the city. He stated to the Council "It is your job to vote based on our Comp Plan and Zoning Regulations that have been adopted. If you choose not to vote according to the Comp Plan and Zoning Regulations, then we should look at changing those regulations and the Comp Plan." He asked if there were any comments or questions.

Councilmember Shields asked about the comment that was made about issues with the pipes. It was stated that the infrastructure was on the contractor. She asked if there is an issue over there with the pipes. Administrator Heath replied, yes. He has met with this citizen before about this issue. 5th Street has been an issue over there. There are some hot soils. The Deerfield Addition that she lives in, which is 5th Street and 6th Street between H and I - that was all installed in the 1970s. There are some hot soils over there, the duct wire and pipe does not do well in hot soils. There have been main brakes over there; that is on the City's infrastructure list as soon as the City is able to start infrastructure projects. Right now, those are delayed due to the fact that costs have more than doubled since the vote. As soon as staff finds some other funding to assist with those projects, especially on the roadside, staff plan to get started on those infrastructure projects.

Mayor Ewing entertained comments and questions from the Council Members. Councilmember Gillen asked if Engineer Folck was going to answer the questions and comments (from the public) as it might stir up additional questions and comments by Council.

Engineer Folck started from the top and stated there were questions about whether these would be rentals or owner-occupied. The plan right now is for these to be rental properties. As far as who cares for the property, that would be the responsibility of the property owner. As far as the zone change goes, it's no different than a single-family neighborhood. If these properties get built, the applicant can rent them out and own it; ultimately it comes down to the property owner being the one who is responsible for caring for that property.

She stated to not get too hung up on the individual development proposed, it's more about what's a good fit for the community. She believes that the applicant does have some strings tied to some of their funding sources and they are going to be committed anywhere from 30 to 50 years to be responsible (for this development). They can't just build these and sell them because of where their main funding sources are coming from.

There was a question about a four-way stoplight on 7th Street. One of the advantages of the current proposal is that it will develop over a period of a few years, so that's something that can be monitored. Whether the City installs a stop sign or a stoplight, that would be determined by MUTCD - the Manual on Uniform Traffic Control Devices. That's what City staff use to determine whether or not those devices are warranted. The City can get some traffic counters out there and see how it's increasing. If staff feel like it's increasing close to the area (especially if it's known that a future phase is coming) and if it's getting close to the numbers that would warrant stop signs or lights, that's certainly something the City could look at installing.

There was a question about a packing plant. Engineer Folck stated that she wants to be very clear and stop any rumors right now that there are no plans for anything like that that anyone at the City has heard

of. The purpose of this is for the existing crisis that Gering has in housing right now; it's not for the purpose of bringing in new businesses whatsoever.

She stated that there was a question about whether or not this could be done through a Conditional Use Permit in the RM Zone. The Conditional Use Permit would allow for fourplexes, but it doesn't change the development standards of the zone. Only 40% of the lot can be covered in the RM Zone. The rest of it has to be open space and would have to be yards. They don't necessarily want really large yards. They are planning on having an open space that would be more of a common space, but they want to be able to cover more than 40% of the lot. In order to do that, it would have to be rezoned to the RH Zone and a Conditional Use Permit would not help with that. There is what's called a Development Plan Review process which would potentially allow for some of that, but it requires in-depth engineering and a lot of detail before they could even apply for it and go that route. That's something the developer didn't want to take on not having any indication from Council whether this would be entertained or not.

There was a question about rezoning a portion of the property instead of the whole thing. In conversations with the applicant, their goal is to make sure it's a cohesive development, they don't want to piecemeal it, they don't want it to be a hodgepodge of different things. They want to make sure that the whole plan makes sense. It's a very holistic plan and that's really hard to do if they don't have the assurance that they're going to be able to do what they want on the entire property.

There was a question about materials and labor being procured locally. The City does not have the ability and it's not appropriate for the City to require people to purchase things locally or hire people locally.

There were questions about the width of the streets; that will come forward during the platting process. Typically, the streets would all be required to meet City and State standards. The only way for them to be able to get around that would be to go through that Development Plan Review process, which would require additional public hearings and the only way the City would even entertain that is if they had a considerable amount of off-street parking incorporated somewhere because the expectation is that most likely they will have some parking on the street.

Administrator Heath asked Engineer Folck to clarify the standard width of a street. She replied 37 feet from back of curb to back of curb. Administrator Heath added that it is equivalent to what one would see on K, 5th, H, I and Pappas right now. People would be able to park on both sides of the street and still have two-way traffic.

Engineer Folck stated there was a question about the schools and do they have capacity. In our conversations with School District personnel, she believes they do. They do have capacity for students.

There were questions about jobs. Ultimately, it's really not the City's responsibility to determine if there's going to be enough demand for this. She can say from her experience that they wouldn't be considering building here if there wasn't a demand for it. This company does this all over the country and her understanding is they are doing a market study right now. They wouldn't be here if they didn't think there was a demand for it. Ultimately, these are not City funds, the City is not their banker and the City is not looking at their business plan. The City's concern truly is whether or not it's appropriate to have higher density housing in this area.

There were concerns about traffic. She reiterated that staff are looking at putting an outlet onto D Street. It's important for everyone to know that regarding 2nd Street (she showed 2nd Street on the map) the City does have right of way that goes all the way through to M Street, so that is something that as this develops, the City will continue working with the property owner to the north because eventually there will be a street that connects directly from 2nd Street to M Street.

There was a question about whether other cities are doing anything about housing. She said she can assure everyone that of all the ones staff have talked to, they would if they could. As administrator Heath talked about, the finances of it are just extremely difficult right now.

There were comments about container homes. The City did change its zoning to allow for container homes, but that specific development has not been approved yet. Again, that will go through an additional hearing process before that is finalized.

There were comments about lower income residents and crime rates. She reiterated to Council that they cannot discriminate against the project due to the kind of people that might live there. It's illegal, "we can't do that." That is not something that should be taken into consideration whatsoever.

There was a comment about there being plenty of land elsewhere in the community. Actually, in looking at properties where there are willing property owners and infrastructure available, there really is not very many other sites. Staff has looked at all those sites and have been working with different developers trying to help locate sites and it simply is not true that there is plenty of land out there (elsewhere).

Regarding the 501(C)(3) - with it being a blighted area, they would be eligible for TIF financing. But again, that would have to come back before Council and would be another discussion. That's not part of what we're doing here tonight.

How would this affect the Aulick development? She thinks it's pretty clear that Gering needs housing regardless of what Aulick's are doing. Also, that development hasn't even been approved yet. She doesn't think that should really be a consideration for this discussion.

There were questions about what price the rentals would be, and whether or not people can afford it. Again, the applicant does this all over the country, they are doing market studies, they wouldn't be here if they didn't think they could do it at a price point that makes sense for our community.

Who would care for the green space? Engineer Folck stated again, it would all be part of the property that, to her knowledge, would all be owned by Oikos Development and they would be responsible for maintaining that green space.

There were concerns about potholes in the streets and more damage to the streets due to the additional traffic. Traffic will not cause additional damage to the streets. Typically, streets get damaged either from freeze-thaw cycle (which is going to be the same, regardless of how many cars are driving on it) or heavy truck traffic. This development is not going to be generating additional truck traffic.

There were some comments about whether or not there would be basements and questions about the groundwater in that area. These would all be slab-on-grade. There would be no basements in the proposed development.

There were questions about as a 501(c)(3) whether or not they would pay property taxes. Just because a corporation is a 501(c)(3) does not mean they are tax exempt necessarily. Her understanding is that they would pay property taxes.

There was another question about existing access to the field (being narrow) and how much traffic that would hold. Obviously, that would have to be expanded. It would have to be developed to City standards for street width. The City would have to make some improvements but staff think there could be a street there which would handle all of the traffic from D Street, which would probably be the majority of the traffic in this neighborhood.

Councilmember Morrison said that somebody asked questions about utilities and what good is this going to do the City of Gering. Engineer Folck replied that they would be paying City of Gering utilities – electric, water, sewer, trash, all of those. As far as what good does this do the City of Gering, it fills a need for housing.

Administrator Heath stated that there was a comment about how does this benefit the City with the rent going out of state. This isn't any different than other rentals that Gering has that are run by people in other

states. The City does not benefit from it other than the utilities and property taxes. It's no different than other landlords who do not live in Gering.

He stated that there was a question about if the City can handle the additional usage through the utilities. He said the answer is yes. Gering's sewer and water systems are more than capable of handling the additional demand on the system.

There was a question about surface water flooding. If it's towards these dead-end streets, there probably is some. With the farm field there, it's hard to drain the water into the farm field. They do their best trying to get it to some drainage area, but that's a possibility. Once this is developed, and they (Oikos) develops their streets, hopefully that will handle that additional drainage and hopefully that would reduce the amount of flooding on the surface water side.

There was a question about what it would cost; Administrator Heath stated that he didn't know if Mr. Snodgrass had an estimate of what it would cost. Councilmember Wiedeman stated that she thinks there was going to be an office there with the property and a property manager hired for on-site. Administrator Heath asked if Mr. Snodgrass would address the estimated rental costs as well.

Mr. Snodgrass addressed the Council and stated that in some states they are now allowing the rental and mortgage cost to be up to 40% and 50% of income. The programs that they typically use are still stuck at 30% of the persons' income. If a person makes \$1000 a month, no more than \$300 for their rent and utilities. They will have a mixed-income development. They want to have pure market rate - anybody can live there. But they also want to have things that are affordable. Even their market rate rents are well below what's truly market. Because again, they are tied to that 30%, that is where they really want to be at all times. They do have an office planned in the middle. They want to have a property manager that will be in there, a site manager, office space for them (Oikos) because he will be there more than just this meeting. He has been here several times the last couple weeks and he plans on coming back many times; people will see him at every meeting he can attend. This is a little unique for him in that it's his home state. He said they get asked to go across the country; they're building in Carson City, Nevada; they asked them (Oikos) specifically. They go to other places that they are specifically asked to be there. "Can you help us with the housing issue, can you develop this?" And typically yes, they can. There are some places they still say no to because they'd be everywhere all at once.

Regarding the cost of the project, Mr. Snodgrass gave an example: they're getting ready to start 110 units in Garden City - that total development cost is about 25 to 26 million. These properties are required to have reserves built in for maintenance. They will have operating and maintenance reserves; the funders require it. The reason they can do it as a nonprofit is because they don't look at it as profit generating for them. There is not a lot of money going back with them anywhere, it's mainly staying with the property. Their goal is to make sure that property is the best-looking property in that area. As far as townhomes go, they will make sure they are maintained for the long-haul. USDA and other people do yearly inspections. Other funders do monthly inspections. They will be on site to address anything. If anybody has anything, if he gets a call that something needs addressed, they will be there. If the property or site manager aren't taking care of it, he will personally come and address it. He has had to do that on sites before. Property management is not a perfect catch all, sometimes trash blows, but if it does and he finds out about it, they will address it.

Councilmember Gillen stated that he sits on the Western Nebraska Economic Development Board. Several communities within the panhandle also sit on that board including Kimball, Scottsbluff, Terrytown, Sidney, Morrill, Mitchell, Lyman, Henry. Aside from the housing study they did, they dedicated an entire meeting to discuss the need for homes in all of the communities. They discussed the concern of councils across the entire region on how to get homes in local communities to make sure they are growing and thriving. Many people, including the people that did their study, told them the problem is that communities have to have people that want to build and a desire to put in a development. That is where communities are lacking currently because most of the contractors that are local are so busy with rehab projects that they're not looking at doing any new developments. They are looking at rehabbing existing homes because there is enough demand for that. He stated that there is not a lot of desire locally from the

contractors, at least from the perspective of everyone who attended their meeting, for big development. Unfortunately, that means Gering needs to look outside of the community and it's really hard to compete with the front range of Colorado. Someone can build the same floor plan in Colorado and get a lot more money than they can in Western Nebraska; that's hard to compete with to get contractors. Gering needs to look long and hard anytime there is an opportunity to have a developer come into our community and do its best to mitigate citizen concerns, because Council is here to represent them. He thanked everyone who attended the meeting and provided feedback. It's not a job that any of the Council takes lightly. Council appreciates when citizens reach out to them to share their thoughts and opinions. But Council has to look at Gering 10, 20, 30 years down the road and what that looks like for our community. That's something that all the Council is going to have to weigh in the decisions they make.

Councilmember Bohl stated he agrees wholeheartedly and thanked the public for taking time tonight to voice their opinions. It's highly important and it's very significant in helping Council go through and weigh these decisions. He doesn't think there's anybody in the chambers tonight that would disagree that if Gering doesn't continue to move forward, it will get passed. That's just the nature of the beast. That's what happens if you stand still, you end up falling to the back of the line. Which is very significant moving forward. However, he would say that more of his concern is on the City-side of things. He stated that Engineer Folck is right that this meeting tonight, and what is being looked at, is to go through and change the zoning. However, he believes one still has to take a sneak peek at the project to be able to go through and make a decision. A lot of the questions at this meeting were surrounding infrastructure. That is his concern as well for a number of different reasons. One being if Mr. Snodgrass is going to make a \$25 million investment in a project, while he will be responsible for the infrastructure in that project, he's still tying to existing City facilities and infrastructure. There are some concerns and issues there. The City is actively trying to come up with solutions and fixes and figure out what the right move is moving forward. Not only for anyone who comes in the future, but also all of the residents that are here now. Everyone is aware of the electrical struggles the City has been dealing with in recent months. There are watermain and sewer issues and a lot of things in that particular neighborhood. His concern is, is the City capable? He knows there is capacity to handle it, but is the infrastructure capable of being tied in to with a project this significant? Not just the streets but electric, water and sewer. He would want to make sure that Gering does its due diligence to be 100% confident that somebody can tie in to the existing infrastructure. And if not, what steps is the City going to need to take to allow that type of connection to happen. The last thing the City wants to do is put our residents in a bad spot with having issues as well as the project, moving forward.

Councilmember O'Neal asked Engineer Folck to clarify (regarding concern raised about changing the zoning) that the developer was willing to do something so that that would be long-term. Engineer Folck replied, yes. For anyone that's concerned that duplexes and fourplexes are okay, but don't want to see any more than that, like large scale apartment buildings, what the developer has agreed to do is they would put a covenant on the property so they could not do more than the fourplexes that are proposed. That would take care of the concern. That would be recorded with the Register of Deeds. It would be something that could not be changed once it's on the property – they discussed for maybe the next 99 years. They would want to have that recorded before Council takes the final vote so they have the assurance that that has been done. But in their conversations, the City probably would make that contingent on the rezone passing. Because if it's not going to be rezoned, there's no reason to tie someone else's hands 50 years down the road with a covenant that really doesn't make sense anymore. That is one of the reasons Council is not voting tonight. She wanted to have time to work out some of the details of that. But she thinks that should address the concerns about this ending up being even more intensive than the fourplexes and duplexes that have been presented with the project as stated tonight.

Mayor Ewing thanked everyone for coming out this evening. With no further comments the public hearing closed at 7:57 p.m.

1a. Council to acknowledge protest submitted by Gering residents pursuant to City of Gering Zoning Regulations Article 2. Regulation Administration, 2.2.1.D

Engineer Folck stated that in the City's Zoning Code there is a provision that for any zone change, if Planning Commission makes a recommendation, whether positive or negative, that if members of the public disagree with that recommendation, and if they can get a petition that is signed by more than 20% of the residents that are within 300 feet of the property to be rezoned, then it raises the threshold of votes needed in order for that rezone to be passed. Instead of having to have a majority vote, they'd have to have three-fourths vote; they would need six votes from Council in order to pass the rezone. Engineer Folck stated that a petition was submitted; this agenda item is to acknowledge that petition, the second is to accept the petition. Staff verified signatures and verified property owners and there is over 20%. What that does, is it will change the number of votes that are necessary in order for this rezone to pass.

Motion by Councilmember Gillen to acknowledge a protest submitted by Gering residents pursuant to City of Gering Zoning Regulations Article 2. Regulation Administration, 2.2.1.D. pertaining to the proposed rezone. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

1b. Council to confirm or deny protest submitted by Gering residents pursuant to City of Gering Zoning Regulations Article 2. Regulation Administration, 2.2.1.D

Motion by Councilmember Gillen to confirm a protest submitted by Gering residents pursuant to City of Gering Zoning Regulations Article 2. Regulation Administration, 2.2.1.D. pertaining to the proposed rezone. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Backus and Cowan. Motion carried.

REPORTS:

1. Annual Clerk's Report

City Clerk, Kathy Welfl, presented the Annual Clerk's Report which included, in part:

- Statistics of Councilmember and Planning Commission attendance at regular meetings
- Six economic development projects in 2022 vs. zero in 2023
- 11 projects funded by Keno in 2022 vs. 15 in 2023
- Building Permit construction value was \$15,926,696.39 in 2022 vs. \$16,164,956.71 in 2023
- Various permits that were issued in 2022 and 2023 (Plumbing, Building, Mechanical, etc.)
- Classes of liquor licenses and how many were issued for each class
- The report showed numerous other duties and responsibilities of the Clerk's Office such as risk management, preparing news releases, RFPs, resolutions and much more.

Clerk Welfl commended her staff, Carol Martin and Jack Hollingsworth, for their excellent customer service skills. She stated that she and her staff are proud to be public servants. The 2023 Annual Clerk's Report is on file at the Office of the City Clerk.

OPEN COMMENT: Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

ADJOURN:


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

The meeting adjourned at 8:05 p.m.

ATTEST


Kathleen J. Welfl, City Clerk




Gene E. Ewing, Mayor