

Sidney, Nebraska, August 18, 2014

A meeting of the Planning Commission of the City of Sidney, Nebraska, was convened in open and public session at 5:30 P.M. on August 18, 2014 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Spiker and Commissioners: Cortney, Egging, England, Phillips, Smith, and Volkmer. Absent: McCarville and Mueller. Others present: City Manager Person, Zoning Administrator Dayton, City Attorney Leef, and Deputy Clerk Heilbrun. Notice of the meeting was given in advance thereof by publication in The Sidney Sun Telegraph, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Chairman and all members of the Commission, and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Planning Commission of this meeting. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Chairman Spiker announced to all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Volkmer moved, Phillips seconded, "That the minutes of the July 21, 2014 meeting be approved." Roll call vote: Yeas: Cortney, Egging, Phillips, Smith, Spiker and Volkmer. Abstain: England. Absent: McCarville and Mueller.

Chairman Spiker announced that the Planning Commission would now hold a public hearing
re: the Subdivision application of Cabela's Inc. For a Replat of Lot 3, Block 1, Cabela's First Addition
into two new lots, Lots 3A and 3B; that the Board of Education of School District No. 1, Cheyenne County, Nebraska, and the Board of Education of Western Nebraska Community College have been properly notified in the time and manner prescribed by law and have not filed objections to the proposed request.

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Charles Landa of Cabelas.

Charles Landa, Site Development Manager and Architect for Cabela's Building Department, explained the reason for the replat, stating that Cabela's is in the process of selling the property to a restaurant chain. The water well that serves the Cabela's pond is on this property. In order to retain the water rights to the well and avoid being landlocked, a 15-25' "arm" will need to be subdivided off from the remainder of the lot and be retained by Cabela's.

Zoning Administrator Dayton explained that the proposed Cabela's lot size meets the requirements for commercial property under City ordinances. He further noted that the NRD governs wells in the City limits.

City Manager Person explained that City Ordinances do not allow for the drilling of new wells within the City limits, but if an existing well has continuance use it can still be utilized.

There being no further questions or comments, Chairman Spiker closed the public hearing and asked for a motion on the request.

Volkmer moved, England seconded "That the Subdivision application of Cabela's Inc. for a Replat of Lot 3, Block 1, Cabela's First Addition into two new lots, Lots 3A and 3B be approved."

Roll call vote: Yeas: All commissioners present. Absent: McCarville and Mueller.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Revisions to Chapter 1274 of the Planning and Zoning Code re: Home Occupations; that the Board of Education of School District No. 1, Cheyenne County, Nebraska, and the Board of Education of Western Nebraska Community College have been properly notified in the time and manner prescribed by law and have not filed objections to the proposed request.

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: None.

Zoning Administrator Dayton presented the proposed changes which were compiled based on comments from the last meeting.

Suggested revisions by the Commission and staff (in bold) included:

1274.02 Sec. C (1) No more than **two persons who are not residents** of the dwelling can participate in the business. (previously listed as one)

1274.04 Commercial Vehicles. **Remove one (1) ambulance** from the definition.

1274.06 **Prohibited Uses** (previously Uses Not Allowed)

1274.07 (A) Conditions. Change in line two **by** the City Manager (previously in the City Manager).

1274.07 (B) Appeal. In line 5, change 7 to a , **(comma)**.

Zoning Administrator Dayton was instructed to make the necessary changes and place the item on the September meeting agenda.

Chairman Spiker announced that the Commission would now consider rescinding the Road Maintenance Fees for Croell Redi Mix as specified in the Conditional Use Permit granted April 21, 2014, for the operation of a gravel pit southeast of County Rd 117.

Commissioner England excused himself from the Planning Commission bench to speak on behalf of Croell Redi Mix.

Mr. England, manager of Croell Redi Mix, presented an invoice for mag-chloride treatment of the portion of county road leading into the gravel pit in the amount of \$4,504.32, stating that an additional \$2,000 was spent to maintain the road. He noted that the residents who had voiced concerns about dust and the speed of the trucks in the past have had their concerns met and are now in support of the Croell operation. He referred to a letter which was presented to the Planning Commission by Jay Portenier attesting to this.

City Manager Person explained that he had attended the County Commissioners meeting where it was determined that there had been no cost incurred by the County for taking care of this road since Croell had taken over the pit. It was the opinion of the County Commissioners and their legal representative that they could not accept money that was not needed for this specific site and purpose. He referenced an article covering the County Commissioners meeting that had been printed in the Sidney Sun Telegraph.

Following discussion by the Planning Commission it was determined that because Croell had shown due diligence in maintaining the road and controlling the truck traffic, and because the County did not require reimbursement for road maintenance in this area, the money should be refunded back to Croell.

City Manager Person explained that no money had been exchanged yet, so the Commission could vote to not accept payment from Croell at this time, but continue to review the issue for compliance.

Phillips moved, Smith seconded "That the Planning Commission decline to accept payment from Croell Redi Mix in the amount of \$3,000 for road maintenance fees." Roll call vote: Yeas: All commissioners present. Absent: McCarville and Mueller.

City Manager Person and City Attorney Leef presented information on Section 1252.025 Lot Standards, with specific reference to mobile homes. The question as to where mobile homes can be located within the city limits was discussed. Further research as to compliance with building and electrical codes will be presented at the September meeting.

City Attorney Leef presented examples of Cease and Desist Order language from several neighboring cities. She stated that State Statutes allow for a 10 day notice by certified mail, rather than a 30 day notice. She will review the City's ordinances for consistency with State Statutes and recommend any necessary changes at the September meeting.

The meeting adjourned at 6:42 P.M.

CHAIRMAN

DEPUTY CLERK

