

CITY OF SIDNEY PLANNING COMMISSION MEETING, MONDAY, MARCH 21, 2022, 5:30 P.M.

AGENDA

Call to Order
Pledge of Allegiance
Welcome
Business and Reports:

1. Announcement of Public Meetings Act: The Open Meetings Law poster is posted at the rear of the room, please refer to posted information if you have any questions regarding the open meetings law.
2. Approval of minutes of February 21, 2022 as printed.
3. **PUBLIC HEARING** re: Application of subdivision for Aaron Buettner & Jamie Buettner to subdivide a tract of land Section 26 Township 14 Range 49 S ½ Less Tract, RR Row, State of NE & Parcel in SE ¼, Cheyenne County, NE; and recommendation to Council regarding the same.
4. **PUBLIC HEARING** re: Application of Rezoning for Aaron Buettner & Jamie Buettner to rezone a tract of land located Parcels 1-3 of Buettner Rezoning Part of the South ½ of Section 26 Township 14 North, Range 49 West of the 6th Principal Meridian, Cheyenne County, NE from A (Agricultural) to C3 (Commercial); and recommendation to Council regarding the same.
5. **PUBLIC HEARING** re: Application of subdivision for Keith & Marilyn Rieken to subdivide a tract of land Lots 1 & 2, Block 4 of John Treinen subdivision being a replat of Block 4 of amended plat of John J. Treinen subdivision. Lying in the southeast ¼ of Section 6, Township 13 North, Range 49 West of the 6th Principal Meridian, of the City of Sidney, Cheyenne County, NE; and recommendation to Council regarding the same.
6. **PUBLIC HEARING** re: Application of Rezoning for Alexander & Melissa Ramirez to rezone a tract of land Section 8 Township 13 Range 49 part of NE/4 North of E-W access Road Lands Inside and commonly known as Parcel 170074218, from C3 (Commercial) to A (Agricultural); and recommendation to Council regarding the same.
7. Comments by the public and action concerning other business by the commission.

ADJOURNMENT

NEBRASKA OPEN MEETINGS ACT
NEB REV STAT 84-1407 TO 84-414
(Effective April 22, 2021)

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public. It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. Terms, defined. For purposes of the Open Meetings Act, unless the context otherwise requires: (1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and (b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders; (2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and (3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops. (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as: (a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body; (b) Discussion regarding deployment of security personnel or devices; (c) Investigative proceedings regarding allegations of criminal misconduct; (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting; (e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or (f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body. (2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section. (3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes. (4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act. (5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body. (1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public. (b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site. (ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such

notice shall be published by: (A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or (B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting. (iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body. (c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee. (d) Each public body shall record the methods and dates of such notice in its minutes. (e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting. (2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met: (i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity; (ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act; (iii) The governing body of a public power district having a chartered territory of more than one county in this state; (iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state; (v) An educational service unit; (vi) The Educational Service Unit Coordinating Council; (vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act; (viii) A community college board of governors; (ix) The Nebraska Brand Committee; (x) A local public health department; (xi) A metropolitan utilities district; (xii) A regional metropolitan transit authority; (xiii) A natural resources district; and (xiv) The Judicial Resources Commission. (b) The requirements for holding a meeting by means of virtual conferencing are as follows: (i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference; (ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used; (iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and (iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing. (3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act. (4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing. (7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body. (b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings. (c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

84-1412. Meetings of public body; rights of public; public body; powers and duties. (1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. (2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. (3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security

of the individual. (4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. (5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state. (6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if: (a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction; (b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience; (c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance; (d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state; (e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and (f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation. (7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting. (8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when. (1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. (2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public. (3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours. (5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency. (6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record. (7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public web site the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the web site at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public web site for at least six months.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties. (1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action. (2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act. (3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section. (4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Sec. 15, Legislative Bill 83, One Hundred Seventh Legislature, First Session, 2021. (The Revisor of Statutes will assign a statute number after the Legislature adjourns sine die.) No motion, resolution, rule, regulation, ordinance, or formal action made, adopted, passed, or taken at a meeting as defined in section 84-1409 of a public body as defined in such section shall be invalidated because such motion, resolution, rule, regulation, ordinance, or formal action was made, adopted, passed, or taken at a meeting or meetings on or after March 17, 2020, and on or before April 30, 2021, pursuant to a Governor's Executive Order which waived certain requirements of the Open Meetings Act.

Sidney, Nebraska, February 21, 2022

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 February 21, 2022 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Schmitt and Commissioners: Benzel, Glenn, Long, Smith, Sweetser. Absent: England, Loghry. Others present: City Manager, David Scott, Finance Director, Lane Kizzire and City Clerk, Lori Borchert. 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 Schmitt 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.

Chairman Schmitt called for a motion to approve the January 17, 2022 minutes. Glenn moved, Smith seconded, "That the minutes from January 17, 2022 be approved." Roll call vote: Yeas: Benzel, Glenn, Long, Schmitt, Smith. Nays: None. Abstain: Sweetser. Absent: England, Loghry. Motion passed.

Chairman Schmitt announced, "That the Planning Commission would now hold a public hearing at 5:33 p.m. to consider a Conditional Use Permit Application by David Sanders for two storage containers. David Sanders was present to request the permit. Kizzire stated that the containers are well-hidden and not an eye sore. Kizzire recommended that the current cargo containers be painted to match the color of the neighboring existing building. There were no comments by the public. Schmitt closed the meeting at 5:36 p.m. Schmitt asked for a motion to approve the Conditional Use Permit for Sanders. Glenn moved, Benzel seconded, "That the Conditional Use Permit for Section 31 Township 14 Range 49 East ½ of Lot 12 and all of Lots 13-14-15 Block 10 & 5' x 132' of vacated 12th Avenue Original Town Sidney, commonly known as 640 12th Avenue be approved." Yeas: Benzel, Glenn, Long, Schmitt, Smith, Sweetser. Nays: None Absent: England, Loghry Motion passed.

Chairman Schmitt announced, "That the Planning Commission would now hold a public hearing at 5:37 p.m. to consider a Conditional Use Permit Application by Wamsley Construction. Scott Wamsley was present to request the permit. Kizzire stated that the request for a CUP was an oversight and the Planning Commission and City Council have already approved Wamsley's request. Kizzire recommended that the Planning Commission approve the request. There were no comments by the public. Schmitt closed the meeting at 5:40 p.m. Schmitt asked for a motion to approve the Conditional Use Permit for Wamsley Construction. Smith moved, Sweetser seconded, "That the Conditional Use Permit application by Wamsley Construction for a mini warehouse/storage, Section 33 Township 14 Range 49 Part SW ¼ NW (191' x 258') 1.131 Acres, Lands inside Sidney, commonly known as 1109 and 930 Greenwood be approved." Yeas: Benzel, Glenn, Long, Schmitt, Smith, Sweetser. Nays: None Absent: England, Loghry Motion passed.

Chairman Schmitt announced, "That the Planning Commission would now hold a public hearing at 5:40 p.m. to consider an Application for Waiver for Truck Parking for Michael & Lesli Baker. Lesli Baker was present. Baker stated that her husband needs a place to park his truck and that they currently have two empty lots on their property to park. Glenn said that the other waivers requested were for the truck only, not the truck and trailer. Kizzire stated the letters to notify the surrounding residents were sent out and he had not had any complaints from the residents. There were no comments by the public. Schmitt closed the CUP meeting at 5:46 p.m. Schmitt asked for a motion to approve the Truck Parking Waiver. Glenn moved, Schmitt seconded, "That the application for Waiver for Truck Parking in a residential zone located at 604 16th Avenue be approved." Yeas: Benzel, Glenn, Long, Schmitt, Smith, Sweetser. Nays: None Absent: England, Loghry Motion passed.

Chairman Schmitt announced, "That the Planning Commission would now hold a public hearing at 5:48 p.m. to consider an Application of Subdivision for Aaron Buettner. There was no one present to represent. Kizzire stated that this subdivision is barely inside the city's 2 mile jurisdiction. Glenn stated that he measured it with the odometer and it was further than the 2 miles. Buettner was wanting to subdivide it for an RV park, per Kizzire. Glenn asked for

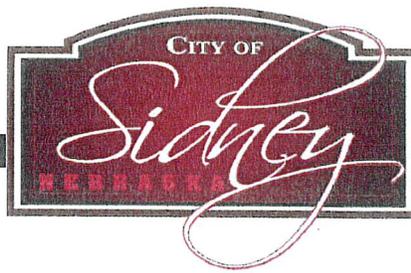
a postponement due to no representation. There were no comments by the public. Schmitt closed the meeting at 5:52 p.m. Schmitt asked for a motion to table the hearing for both public hearings on the Subdivision and the Rezoning until Buettner's can be present. Sweetser moved, Benzel seconded, "That the two Public Hearings for Buettner's Subdivision and the Rezoning be tabled until March 21, 2022 meeting." Yeas: Benzel, Glenn, Long, Schmitt, Smith, Sweetser. Nays: None Absent: England, Loghry Motion passed.

There were no other comments by the public.

Meeting adjourned at 5:53 p.m.

CHAIRMAN

CITY CLERK



SMALL TOWN VALUES

1115 13TH AVENUE PO Box 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

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www.cityofs Sidney.org

MEMORANDUM

DATE: February 21, 2022

MEMO TO: Planning Commission

FROM: Lane Kizzire, Finance Director

RE: Subdivision Application for Aaron and Jamie Buettner

SUMMARY: Aaron and Jamie Buettner have applied for a Subdivision and Rezoning of their parcel of land located on Highway 30, just inside the City's two-mile jurisdiction.

BACKGROUND/DISCUSSION: Arron and Jamie Buettner have had the land subdivided and upon the passing of the subdivision application they are requesting the new parcel be rezoned from A to C-3 in order for them to put an RV campground on the property. If the Planning Commission and the City Council both approve the rezoning, according to City Code 1262.03, a Conditional Use Permit would also be required to have the RV campground.

RECOMMENDATION: This parcel is barely inside the City's two-mile jurisdiction and has a nice location for a campground. With the influx of construction going on in the area and a lack of campground space in the area, I recommend we approve the application for rezoning and the subdivision.



City of Sidney, Nebraska

1115 13th Avenue P.O. Box 79, Sidney, NE 69162, (308-254-5300)

APPLICATION FOR SUBDIVISION

1. Name of Subdivision: Buettner Subdivision

2. Name of applicant(s): Aaron & Jamie Buettner

Address 11723 RD 26 Sidney NE 69162
(Street No. & Name) (City) (State) (Zip)

3. Owner of Record: Aaron & Jamie Buettner

Address 11723 RD 26 Sidney NE 69162
(Street No. & Name) (City) (State) (Zip)

4. Subdivision Location: _____

5. Legal Description and Address of Subdivision: Section 26 Township 14
Range 49 South 1/2 Less Tract RR ROW, State of NE Parcel in SE 1/4

6. Current Zoning A Number of Proposed Lots: 2

7. Purpose of Subdivision of Land: Create RV Park

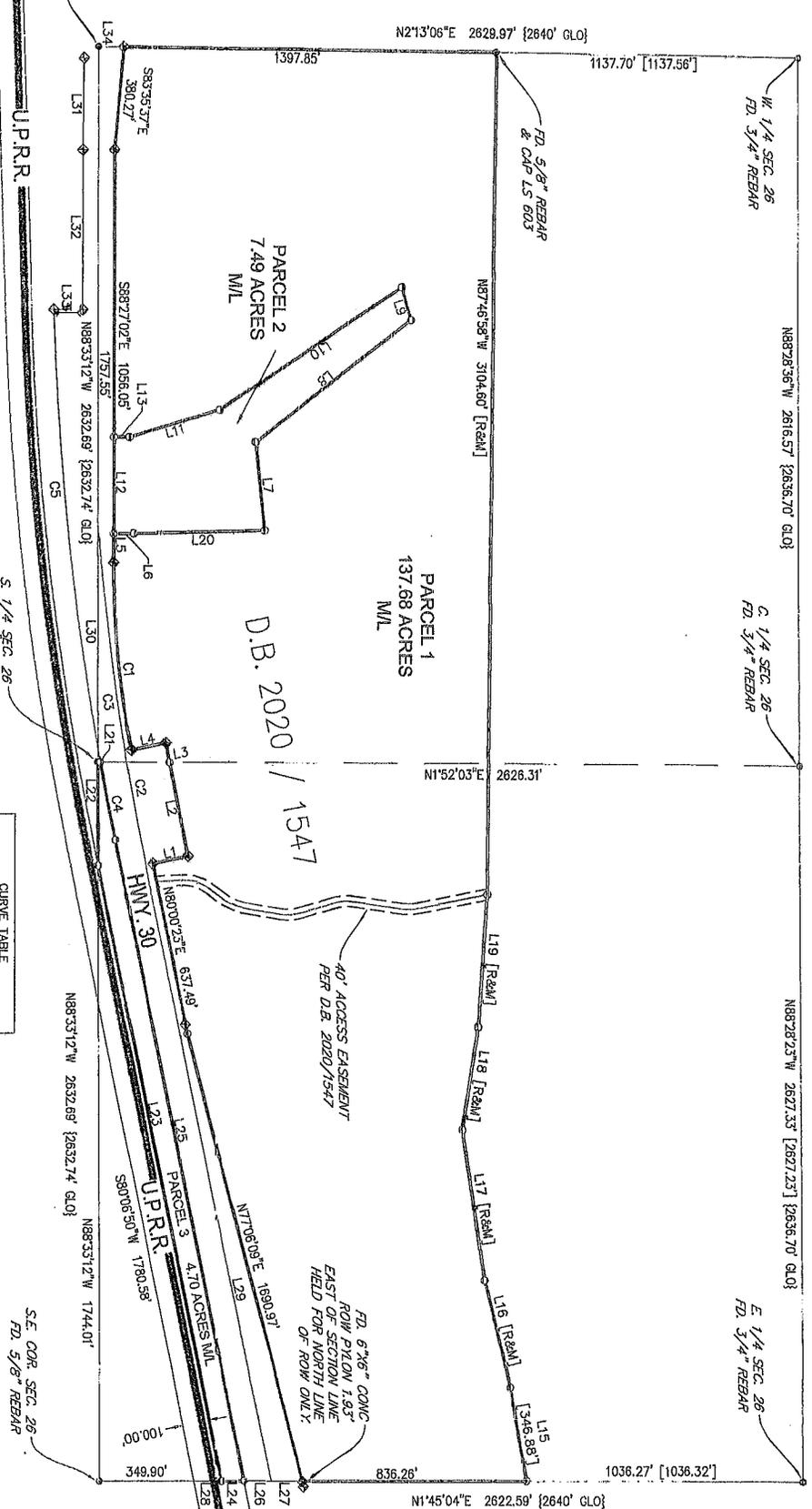
Signature: _____

Received By: [Signature]

Date: 8-2-2022

BUETTNER SUBDIVISION
PARCELS 1 - 3 OF BUETTNER SUBDIVISION
PART OF THE SOUTH 1/2 OF SECTION 26
TOWNSHIP 14 NORTH, RANGE 49 WEST OF THE 6TH PRINCIPAL MERIDIAN
CHEYENNE COUNTY, NEBRASKA

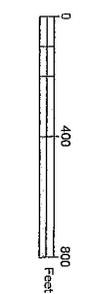
LINE	DISTANCE	BEARING
L1	133.07'	S10°05'48"E
L2	351.90'	N80°05'29"E
L3	71.92'	N81°41'37"E
L4	132.89'	S09°35'18"E
L5	107.03'	S88°27'02"E
L6	72.16'	S01°32'58"W
L7	326.75'	S85°56'47"W
L8	735.35'	N36°07'44"W
L9	125.02'	S75°39'40"W
L10	816.11'	S31°55'21"E
L11	351.30'	S14°58'45"E
L12	354.79'	S88°27'02"E
L13	57.48'	S01°32'58"W
L14	347.85'	S81°39'25"W
L15	402.18'	S77°55'17"W
L16	556.86'	S83°04'36"W
L17	382.22'	N79°07'53"W
L18	488.94'	N84°21'25"W
L19	487.99'	N01°9'29"E
L20	8.82'	S01°52'03"W
L21	379.79'	S88°53'12"E
L22	2300.16'	S80°06'50"W
L23	2396.27'	S80°06'50"W
L24	98.40'	N01°45'04"E
L25	116.30'	N01°45'04"E
L26	102.10'	N01°45'04"E
L27	2471.40'	N80°02'23"E
L28	875.14'	S88°53'12"E
L29	337.25'	S88°05'48"E
L30	587.96'	S88°28'21"E
L31	106.68'	S01°22'46"W
L32	94.40'	N02°13'06"W



CLIENT: **BUETTNER**
 SITE: HWY 30
 COUNTY: CHEYENNE COUNTY, NEBRASKA
 DATE: AUGUST 8TH, 2021
 SHEET: 1 OF 2

● = FOUND MONUMENT AS NOTED.
 ◇ = FOUND 6"X6" CONCRETE ROW PYLON NDOT
 ○ = SET 1/2" REBAR & CAP RLS 796
 (XX) = RECORD DATA PER DESD.
 [XX] = RECORD DATA S.R.R. INDEX 1288 / 440

CURVE	LENGTH	RADIUS	DELTA
C1	695.19'	3759.72'	10°35'39"
C2	216.10'	11299.19'	1°05'59"
C3	882.64'	11299.19'	4°29'30"
C4	1675.60'	11282.76'	8°31'27"
C5	291.26'	11282.76'	1°28'54"





MEMORANDUM

DATE: February 21, 2022

MEMO TO: Planning Commission

FROM: Lane Kizzire, Finance Director

RE: Rezoning Application for Aaron and Jamie Buettner

SUMMARY: Aaron and Jamie Buettner have applied for a Subdivision and Rezoning of their parcel of land located on Highway 30, just inside the City's two-mile jurisdiction.

BACKGROUND/DISCUSSION: Arron and Jamie Buettner have had the land subdivided and upon the passing of the subdivision application they are requesting the new parcel be rezoned from A to C-3 in order for them to put an RV campground on the property. If the Planning Commission and the City Council both approve the rezoning, according to City Code 1262.03, a Conditional Use Permit would also be required to have the RV campground.

RECOMMENDATION: This parcel is barely inside the City's two-mile jurisdiction and has a nice location for a campground. With the influx of construction going on in the area and a lack of campground space in the area, I recommend we approve the application for rezoning and the subdivision.



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

The undersigned owner(s) of the premises, situated within the corporate limits and within the zoning jurisdiction of the City of Sidney, Nebraska, legally described as:

26-14 49 5 1/2 Less Tract RR ROW ST OF NE 1/4 Parcel in SE 1/4

Two sites

and commonly known as _____
(Street address or location)

do hereby petition and request the rezoning of the above described property in accordance with the following:

Petition to rezone from: Agricultural, _____
to: Commercial C3, _____

Name(s), address, and phone number(s) of owners(s):

<u>Aaron Buettnes</u>	<u>11723 Rd 26 Sidney NE</u>	<u>469 559 7967</u>
<u>Jamie Buettnes</u>	<u>11723 Rd 26 Sidney NE</u>	<u>432 294 2432</u>

Names(s) address, and phone number(s) of Developer(s) if different than the owner.

Proposed use of the property: RV

Dated this 27 day of Oct, 2021.

Signature(s): [Signature]

Date Received: 1-10-2022

Received by: [Signature]



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

1. Complete all blanks on the application and return it to the City Inspectors Offices, City of Sidney, 1115 13th Avenue, P.O. Box 79, Sidney, NE 69162 a minimum of two (2) weeks prior to the meeting of the Planning Commission. The Commission meets on the 3rd Monday of each month at 5:30 PM.
2. Applicant(s) must submit with the application the names and addresses of all property owners within 300 ft. of the property being rezoned. These names and addresses must be the current owners as listed at the Cheyenne County Assessor's Office.
3. A non-refundable \$100.00 filing fee must be paid at the time the application is submitted. Make checks payable to "City of Sidney".

IMPORTANT NOTICE TO THE APPLICANT(s): THIS APPLICATION WILL BE TABLED IF THE APPLICANT OR THEIR REPRESENTATIVE IS NOT PRESENT AT THE PUBLIC HEARING. PHONE ATTANDANCE MUST BE ARRANGED 24 HOURS IN ADVANCE OF THE MEETING.

AARON OR JAMIE BUETTNER 76-1381/1041 383
 PH. 469-559-7967 432-294-2432
 11723 ROAD 26
 SIDNEY, NE 69162

Date 27 Oct 21

Pay to the order of City of Sidney \$ 100.00
one hundred dollars 100 Dollars

Security First Bank Member FDIC
 308-254-4625 P.O. Box 137 Sidney, Nebraska 69162-0137

More Rezone App. 

⑆104113819⑆ 109048887⑆ 00383

①



Parcel Information	
Parcel ID:	170215172
Map Number	6061
State Geo Code	2839-26-1-00000-001-0002
Cadastral #	21-64A-6061
Images	Photo #1 Photo #2 Photo #3
Current Owner:	BUETTNER/AARON D & JAMIE L BUETTNER JT 11723 ROAD 26 SIDNEY, NE 69162-3126
Situs Address:	
Tax District:	30
School District:	SIDNEY 1, 17-0001
Account Type:	Agricultural
Legal Description:	26 14 49 S 1/2 LESS TRACT, RR ROW, ST OF NE & PARCEL IN SE 1/4
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	N/A

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$48,465	\$48,465	\$0	\$0
2020	\$48,465	\$48,465	\$0	\$0

Yearly Tax Information		
Year	Amount	Levy
2021	\$831.40	1.84448500
2020	\$833.46	1.84235200
2019	\$826.24	1.83300900
2018	\$829.22	1.81797900
2017	\$813.08	1.78637700
2016	\$817.56	1.77964100
2015	\$724.18	1.80871000

2021 Tax Levy	
Description	Rate
SIDNEY 1	1.05000000
NRD	0.05036000
COUNTY GENERAL	0.40664700
SIDNEY 1 QCPUF	0.02505700
HS SCHOOL BOND	0.16316200
FIRE DIST 1	0.03068800
ED SERVICE UNIT 13	0.01548800
HISTORICAL SOCIETY	0.00143000
WNCC	0.10165300



Agricultural Land Information					
<u>Soil Symbol</u>	<u>Landuse</u>	<u>LVG</u>	<u>Unit Value</u>	<u>Acres</u>	<u>Total Value</u>
1118	GRAS	3G	\$375.00	19.580	\$7,343.00
1301	GRAS	4G1	\$365.00	19.090	\$6,968.00
1327	GRAS	4G1	\$365.00	10.500	\$3,833.00
1502	GRAS	3G	\$375.00	0.600	\$225.00
1506	GRAS	4G1	\$365.00	0.590	\$215.00
1571	GRAS	4G	\$312.00	55.970	\$17,463.00
1572	GRAS	4G	\$312.00	18.930	\$5,906.00
1618	GRAS	4G1	\$365.00	0.302	\$110.00
1727	GRAS	3G	\$375.00	0.550	\$206.00
1736	GRAS	4G1	\$365.00	2.880	\$1,051.00
1839	GRAS	4G	\$312.00	7.580	\$2,365.00
5150	GRAS	4G	\$312.00	8.910	\$2,780.00
Total:				145.482	\$48,465.00

Sales Information				
<u>Sale Date</u>	<u>Sale Price</u>	<u>Book & Page</u>	<u>Grantor</u>	<u>Parcel Ids</u>
09/15/2020	\$115,000.00	2020 / 1547	KIELIAN/CHARLES A	
03/26/2019	\$80,300.00	2019 / 0489	N-C RANCH LLC	

Residential Datasheet			
<u>Zoning:</u>	Agricultural	<u>Quality:</u>	
<u>Year Built:</u>	0	<u>Condition:</u>	N/A
<u>Exterior:</u>	N/A	<u>Style:</u>	N/A
<u>Bedrooms:</u>	0	<u>Bathrooms:</u>	0.00
<u>Plumbing Fixtures:</u>	0	<u>Heating/Cooling:</u>	
<u>Basement Size:</u>	0 sq. ft	<u>Min Finish:</u>	0 sq. ft
<u>Building Size:</u>	0 sq. ft	<u>Part Finish:</u>	0 sq. ft



SMALL TOWN VALUES

1115 13TH AVENUE PO Box 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

PHONE (308) 254-5300 FAX (308) 254-3164
www.cityofsidney.org

MEMORANDUM

DATE: March 21, 2022

MEMO TO: Planning Commission

FROM: Lane Kizzire, Finance Director

RE: Subdivision Application for Rieken Subdivision

SUMMARY: Mr. Rieken is seeking to divide his property into two lots in order to sell one of the lots.

BACKGROUND/DISCUSSION: Mr. Rieken came and spoke to the City about possibly subdividing his current lot into several different lots. After discussion, he decided to subdivide into just two lots so he could sell the half the house was not located on.

RECOMMENDATION: The City has received no complaints about the subdivision. I recommend we approve the subdivision application to allow Mr. Rieken to be able to sell that portion of the land.



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

APPLICATION FOR SUBDIVISION

1. Name of Subdivision: Lots 1 + 2, Block 4 of John J. Treinen Subdivision
2. Name of applicant(s): Keith and Marilyn Rieken
 Address 2921 11th Avenue Sidney NE 69162
(Street No. & Name) (City) (State) (Zip)
3. Owner of Record: Keith and Marilyn Rieken
 Address 16218 Avenida Venusto, Unit B, San Diego, CA 92128
(Street No. & Name) (City) (State) (Zip)
4. Subdivision Location: 2921 11th Avenue, Sidney, NE 69162
5. Legal Description and Address of Subdivision: Lots 1 + 2, Block 4 of John J. Treinen Subdivision
Being a replat of Block 4 of Amended plat of John J. Treinen Subdivision
Lying in the Southeast 1/4 of section 6, Township 13 North, range 49 West of
the 6th principal meridian City of Sidney, Cheyenne County, NE
6. Current Zoning R1A Number of Proposed Lots: 1
7. Purpose of Subdivision of Land: Subdivide to Sell

Signature: Keith S. Rieken & Marilyn S. Rieken

Received By: [Signature] Date: 3-1-22

Chris,
I sent this to Jane today & paid the application fee
[Signature]

697

NEBRASKA DOCUMENTARY
STAMP TAX \$ 21.57A
DATE 11/24/2021
BY Beth E. Augenschuh SK

OFF REC 2021 2293
No. _____
STATE OF NEBRASKA } SS
COUNTY OF CHEYENNE }
Date & Time Filed 11/24/2021 11:59AM

8	1	8	8	8	8
F	EP	N	DI	CP	

Return to:
Keith L. Rieken
16218 Avenida Venusko, Unit B
San Diego, CA 92128

Fee: \$ 16.00
Doc: \$ 21.57A
Beth E. Augenschuh SK
Cheyenne County Clerk

WARRANTY DEED

Keith L. Rieken and Marilyn S. Rieken, husband and wife, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Keith L. Rieken and Marilyn S. Rieken, husband and wife, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Parcel 1: Block Four (4), John J. Treinen Subdivision south of the south line of Block Three (3), John J. Treinen Subdivision, which line is located 399.8 feet north of the southeast corner of Section Six (6), Township Thirteen (13) North, Range Forty-nine (49) West of the 6th P.M., running thence at a deflection angle left 90°14'23", a distance of 836.4 feet, the same as is delineated on the Amended Plat of John J. Treinen Subdivision Blocks Three (3) and Four (4), a subdivision in the City of Sidney, Nebraska, situated in the Southeast Quarter (SE1/4) of Section Six (6), Township Thirteen (13) North, Range Forty-nine (49) West of the 6th P.M., Cheyenne County, Nebraska.

Parcel 2: The Northwest Quarter (NW1/4) of Section Fifteen (15), Township Twelve (12) North, Range Fifty (50) West of the 6th P.M., Cheyenne County, Nebraska.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

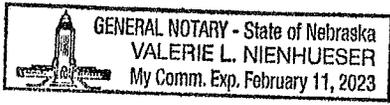
Executed: November 24, 2021.

Keith L. Rieken
Keith L. Rieken

Marilyn S. Rieken
Marilyn S. Rieken

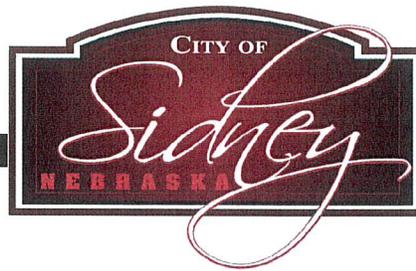
STATE OF NEBRASKA)
)
COUNTY OF CHEYENNE)

The foregoing instrument was acknowledged before me this 24th day of November, 2021 by Keith L. Rieken and Marilyn S. Rieken.



Valerie L. Nienhueser
Notary Public

My Commission Expires: 2-11-2023



SMALL TOWN VALUES

1115 13TH AVENUE PO BOX 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

PHONE (308) 254-5300 FAX (308) 254-3164
www.cityofsidney.org

MEMORANDUM

DATE: March 21, 2022

MEMO TO: Planning Commission

FROM: Lane Kizzire, Finance Director

RE: Rezoning Application for Ramirez

SUMMARY: Mr. and Mrs. Ramirez are requesting to rezone their parcel of land behind the Glover Road businesses from C3 to A

BACKGROUND/DISCUSSION: There is roughly 43 acres in this parcel of land. They purchased the land with the intention of building a house on it, however in order to do so they need to rezone from C3 to A.

RECOMMENDATION: In terms of any future development for businesses in that area, this land isn't well suited for that so making the change from C3 to A does not hinder any development. I recommend making we rezone the land from C3 to A in order for the Ramirez's to build their home.



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

The undersigned owner(s) of the premises, situated within the corporate limits and within the zoning jurisdiction of the City of Sidney, Nebraska, legally described as:

8 13 49 PT OF NE/4 NORTH OF E-W ACCESS ROAD LANDS INSDE and commonly known as PARCEL 170074218

(Street address or location)

do hereby petition and request the rezoning of the above described property in accordance with the following:

Petition to rezone from: C3,
to: A,

Name(s), address, and phone number(s) of owners(s):

Alexander Dominic & Melissa Kristine Ramirez, 135 Moss Ave, Liberty, MO 64068,
307-220-8460 / 8461

Names(s) address, and phone number(s) of Developer(s) if different than the owner.

Proposed use of the property: For Residential and agriculture use. Depending on environmental and economic factors, it is a desired goal of establishing a small Orchard that would hopefully become an additional attraction of Sidney, NE.

Property owners within 300 Ft:

Marvin O Filsinger, 1204 24th Ave, Sidney, NE (308) 250-1562

First National Bank (PWCB), PO Box 157, Sidney, NE/ 420 Glover Rd, Sidney, NE 69162 (308)254-5100

Dated this 1st day of MARCH, 2022.

Signature(s): [Handwritten Signature]

Date Received: 3-3-22

Received by: [Handwritten Signature]