

CITY OF SIDNEY PLANNING COMMISSION MEETING, MONDAY, June 20, 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 May 16, 2022 as printed.
3. Consideration of City of Sidney Redevelopment Area Substandard/Blight Area; recommendation to City Council regarding same
4. 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, May 16, 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 May 16, 2022 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Schmitt and Commissioners: Benzel, Glenn, Smith, Sweetser, England, Loghry, Long. Others present: City Manager, David Scott, Chief Building Official, Marshall Hall, City Attorney, J. Leef 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 March 21, 2022 minutes. Glenn moved, Schmitt seconded, "That the minutes from March 21, 2022 be approved." Roll call vote: Yeas: Benzel, Glenn, Schmitt, Smith, Sweetser. Nays: None. Abstain: England, Loghry, Long. Motion passed.

Chairman Schmitt announced, "That the Planning Commission would be considering an application of a conditional use permit by Darin VanNatter for motor vehicle wrecking yard, vehicle and trailer storage, vehicle service and storage. Section 5 Township 13 Range 49 Part SW/4 (2.72 Acres) Lands Inside Sidney; commonly known as 2555 Fort Sidney Road. Current Zoning M1." Schmitt opened the hearing at 5:32 pm. VanNatter, owner of Darin's Auto and Affordable Towing, came before the Planning Commission stating he has been in business in Sidney for numerous years. VanNatter purchased the property 16 months ago with the understanding that the business use was okay on that property. VanNatter continued that City Manager, David Scott, recently called VanNatter and informed him that he needed a conditional use permit to run that business, which included putting up a fence. Glenn asked if VanNatter had any issues with putting up a fence. VanNatter stated that he did not. VanNatter stated that he had already obtained the building permit from Chief Building Official, Marshall Hall. VanNatter informed the Commission that it would be an eight-foot solid metal fence, with a gate. Schmitt asked if it would be a three-sided fence. VanNatter stated that it would be a four-sided fence, going all the way around the property. VanNatter said the location is easy to access for him as well as for law enforcement for impounds and wreckages. Schmitt inquired about the RV's that are stored at the location. VanNatter stated that two were his personal vehicles and the others were impounds with title issues. England asked if VanNatter scrapped anything on the property. VanNatter responded that he was not dismantling vehicles, not selling parts that the vehicles come in as a whole and leave as a whole. Smith asked if this permit would include inside and outside, licensed and unlicensed vehicles. VanNatter replied with a yes. Smith asked if the application that he first obtained from the previous Chief Building Official, Kevin Kubo, included the towing business. VanNatter stated that before he bought the building, he inquired with Kubo if he was able to run his business there. VanNatter submitted the Application for Use Occupancy, signed by Kubo, which included the description of the proposed business as "towing". Included in detail on a separate paper, other than the application, was inside and outside storage of licensed and unlicensed motor vehicles and impound of non-damaged, damaged, wrecked, inoperative motor vehicles, campers, motor vehicles, trucks, trailers, light duty to heavy duty wreckers, semi-truck and trailers. Also, the storage of heavy equipment used in tow business, wheel loaders, excavators, tractors, skid loader and telehandler. VanNatter stated that Scott told him that he needed a Conditional Use Permit and to get a Wreckers Salvage Permit to be in compliance, 16 months after the building was purchased. VanNatter complied. Benzel asked when the fence would be put up. VanNatter stated that if the Conditional Use Permit was approved, the completion date of the fence would be in September.

Schmitt asked for comments from the public. Doug Zingula, Sidney resident, stated he bought his house in 1988. Zingula stated that he feels that Fort Sidney Road has become the blight within Sidney. Zingula mentioned the fire at Fort Sidney apartments, which the apartment complex is still there – a burnt out building. Bomgaars was full of weeds before it was sold. Zingula stated that he understands that VanNatter is a business owner, but there is half million-dollar homes and it is not a good flow. Zingula stated that putting up a fence will not change the situation. Zingula asked the Planning Commission to take time to review before going further. Laura McHale, Sidney resident, stated that a fence would only partially obscure what is behind the fence. Residents that live on the hill could look directly down on the property. While McHale appreciates VanNatter's position, and doesn't begrudge him, she does not think that this is the right place for this business. McHale stated that Fort Sidney Road is looking like an industrial zone. McHale also suggested that it would affect their property values as it is becoming an unattractive neighborhood. McHale respectively asked that the Conditional Use Permit be denied. Wade Meyer, Sidney resident, stated that his main concern is wondering how much further east will this

go before it begins to obstruct his view. Zingula stated he had full knowledge when he purchased his home as to what was already there, but he asks where it will stop. Schmitt stated that with an M1 classification, storage is allowed. Leef stated that indoor storage is allowed with an M1, outdoor storage is allowed with Conditional Use. It is unknown if the surrounding areas have Conditional Use permits at this time. Police Chief, Joe Aikens, stated that historically an M1 area is usually on the edge of the community and when this was created, it was considered an industrial area as it was on the edge of town. Susan Narjes, Sidney resident, suggested that Fort Sidney Road is a main artery of Sidney. Narjes believes that we need to look at long term plans, what is attracting and enticing to the Sidney economy. Smith asked Leef what the ramifications of Kubo's signature on the Application for Occupancy was, stating it was for towing. Leef stated that this could be problematic. Leef continued, that fact is, the employee acted outside of what your ordinances are, and doesn't have the authority to approve it. There were no further comments from the public. Schmitt closed the hearing at 6:01 p.m. Schmitt asked for a motion. Leef requested that the Planning Commission be given a copy of the ordinance. Leef pointed out **Ordinance 1246.03. CONDITIONS OF ISSUANCE:** *The Planning Commission may issue a special permit for the use of a lot, tract of land, building or structure in circumstances and in a manner authorized by this Zoning Code, if the Commission finds the proposed use:*

- (a) Provides a service required by the neighborhood or community and is consistent with sound principles of land use;*
- (b) Will not be injurious to the use of neighboring lots, tracts of land, buildings or structures;*
- (c) Will not create special hazards or problems for the area in which it is located;*
- (d) Is related to and harmonious with the general plan for the area in which it is located, as indicated by this Zoning Code;*
- (e) Is otherwise in accordance with the intent and purposes of this Zoning Code. The Commission may make the use which is authorized in the special permit subject to reasonable conditions which, in the discretion of the Commission, are necessary to carry out the intent and purposes of this Zoning Code.*

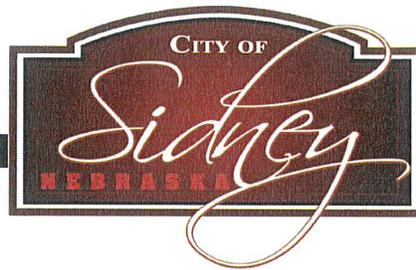
Loghry asked if any of the Commissioners have asked for permission to see inside of the property. Schmitt said he did a drive around and took photographs, but has not been inside the property. Loghry stated that it was an impoundment facility, not a salvage yard, and there was nothing but whole vehicles there, that were ready for disposal, waiting on the legal system for that to happen. Loghry stated that VanNatter provides an invaluable service to the community. Long stated that Fort Sidney Road is no longer the outskirts of Sidney. Long said that this needs to be addressed sometime in the future. England stated that it needs to be looked at in the Comprehensive Plan. Scott stated the last plan was in 2012 and it is looked at every ten years. A plan is being worked on now. Schmitt asked if zoning could be changed. Leef stated properties would be grandfathered in, until the property changed hands. Benzel asked if surrounding properties were in compliance and if they could be looked at. Leef stated they could be reviewed, but she has no information on them at this time. Schmitt stated that he was inclined to deny the application due to the impact of the neighborhood and the community in the surrounding areas. Schmitt also stated that he did appreciate that the business is needed and its intent and finds it unfortunate that he received the occupancy permit for the business. Schmitt stated that it puts both the City and VanNatter in a bad spot and asked for guidance. Leef stated that VanNatter has an occupancy document signed by a City employee. Leef continued, if VanNatter could not use the land as it was signed, Leef could assume that there would be legal recourse. Benzel asked about accountability and now it now falls on the Planning Commission. Benzel stated there were no checks and balances. Leef stated that it is up to the Planning Commission to decide on now, and where it goes after that, there could possibly be legal recourse. Loghry moved, England seconded, "That the Conditional Use Permit by Darin VanNatter be approved with the conditions that an eight-foot, four-sided, solid metal fence be erected no later than September 30, 2022." Roll call vote: Yeas: Benzel, England, Glenn, Loghry, Long, Sweetser Nays: Schmitt, Smith Motion passed.

Schmitt asked for further comments. England suggested that the comprehensive plan be looked at closely. Loghry stated that that area has been an industrial zone longer than the houses. Long stated that trees be planted as a border. Sweetser suggested that surrounding outdoor storage in that area needs to be looked at and that this was a tough lesson. Benzel suggested better checks and balances in the future.

Meeting adjourned at 6:24 p.m.

CHAIRMAN

CITY CLERK



SMALL TOWN VALUES

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MEMORANDUM

DATE: June 20, 2022

MEMO TO: Planning Commission

FROM: David Scott, City Manager

RE: Blight and Substandard Study Final maps

SUMMARY: At the November 23, 2021, City Council meeting the Council approved engaging with Five Rule Rural Planning to complete a blight and substandard study. We are now in the process of that study and have final maps for your review. You do not need to take action on this item. However, I want to get your opinion one last time before we post the formal notices and bring the resolutions to before you.

PREVIOUS ACTION: City Council voted to move forward with the blight study.

BACKGROUND/DISCUSSION: There are multiple reasons to conduct a blight study. The Nebraska Department of Economic Development (DED) requires that a blight study be conducted every ten years. The last blight study the city conducted was in 1994. There have been several spot blight additions over the years, but no new study has been completed. If the city is to move forward with applying for workforce housing funds through DED, NIFA, or HUD we will need to have a complete and up to date blight study.

It is also important to mention that the city has completed a housing study and is now working with Michael Sands of Baird Holm to put together an incentive package for developers and builders. Tax Incentive Financing or TIF is one option that the city has to incentivize builders. In order for us to use this incentive we also need an updated blight study.

FINANCIAL IMPLICATIONS: The city entered into an agreement with Five Rule Rural Planning to complete the blight study for a total cost of \$8,500.

RECOMMENDATION: I recommend that the Planning Commission give the thumbs up of make whatever changes before the final resolution is prepared.

ALTERNATIVES: None.

