

CITY OF SIDNEY PLANNING COMMISSION MEETING, MONDAY, July 18, 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 June 20, 2022 as printed.
3. Consideration of the application of *Conditional Use Permit* for New Freedom Yurt Structures, LLC, to display a temporary Yurt Cabin. Lot 3 Block 1 Sidney Business Park Addition, Lands Inside Sidney; commonly known as 100 Commerce Court. Current zoning C3.
4. Approval of City of Sidney Redevelopment Area Substandard/Blight Area; and recommendation to City Council regarding same, Resolution 20220702
5. 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, June 20, 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 June 20, 2022 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Schmitt and Commissioners: Glenn, Loghry, Long, Smith, Sweetser. Others present: City Manager, David Scott, Chief Building Official, Marshall Hall, 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 May 16, 2022 minutes. Glenn moved, Loghry seconded, "That the minutes from May 16, 2022 be approved." Roll call vote: Yeas: Glenn, Loghry, Long, Smith, Schmitt, Sweetser. Nays: None. Absent: Benzel, England. Motion passed.

City Manager Scott brought before the Planning Commission the Redevelopment Area Substandard/Blight Area Study and Maps. Scott stated at the November 23, 2022, City Council meeting, the Council approved engaging with Five Rule Rural Planning to complete a blight and substandard study. The last blight study the city conducted was in 1994. Scott reported that the City is now in the process of that study and have final maps for review. Scott asked to get the Planning Commission's opinion before formal notices are posted. Scott also said 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. Scott continued, that with Tax Incentive Financing (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. The city entered into an agreement with Five Rule Rural Planning to complete the blight study for a total cost of \$8,500.

Smith asked if this study is mostly for TIF. Scott said it includes TIF but includes granting funds. Glenn asked for confirmation if the blight area was 27% of the city's area. Scott stated it was and that you can't have more than 35% blight in substandard. Loghry asked if TIF only applies to real-estate. Scott said the TIF mostly applies to infrastructure. Loghry asked if infrastructure would include bike paths. Scott said it possibly could be included, if it was part of a neighborhood being built. Scott said that if Loghry had a bike path mapped out, it would be good to include it in the Master Plan. Loghry stated that he would like to see the Northside infrastructure with some connection with the rest of the town. Schmitt inquired about an application north of Love's that previously wanted to start a towing business. Schmitt continued, inquiring about the property on the south side of the interstate. Scott stated that the blight area was taken up to where private land takes over. Sweetser asked about Forrest Street that goes to the north park. Scott stated that this street was included in the 1&6 plan that the city recently presented to Council. Scott reported that this would also be on the upcoming .05 proposed tax renewal that will be on the ballot in November.

There were no further comments.

Meeting adjourned at 5:54 p.m.

CHAIRMAN

CITY CLERK



City of Sidney, Nebraska

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

APPLICATION FOR CONDITIONAL USE PERMIT

DATE: 6-22-22

Filing Fee: \$200.00

Receipt No.: _____

NAME OF OWNER(s): New Freedom Yurt Structures, LLC

ADDRESS OF OWNER(s): 3200 RD 101, Building 10 Sidney NE

ADDRESS OF CONDITIONAL USE PERMIT: 100 Commerce Court

LOT: 3 BLOCK: 1 ADDITION: Sidney Business Park

CURRENT ZONING: C3 ZONE THE USE IS PERMITTED: 1262.03 ord.

DESCRIPTION OF USE: Display of Yurt Cabin

STATE REASON OR REASONS WHY THE PERMIT SHOULD ISSUED:

to display local business product. Temporary structure. yurt will have no utilities. Off grid power only. Open to public by appointment only.

Phone number of Applicant/Owner: 308-249-1356

[Signature]
Signature of Owner/Owners

Official Use Only _____

APPROVED: _____ DISAPPROVED: _____ DATE: _____

_____ CHAIRPERSON, PLANNING COMMISSION

_____ SECRETARY, PLANNING COMMISSION

PERMIT No. ISSUED: _____

DATE PERMIT EXPIRES: _____



City of Sidney, Nebraska

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

APPLICATION FOR CONDITIONAL USE PERMIT

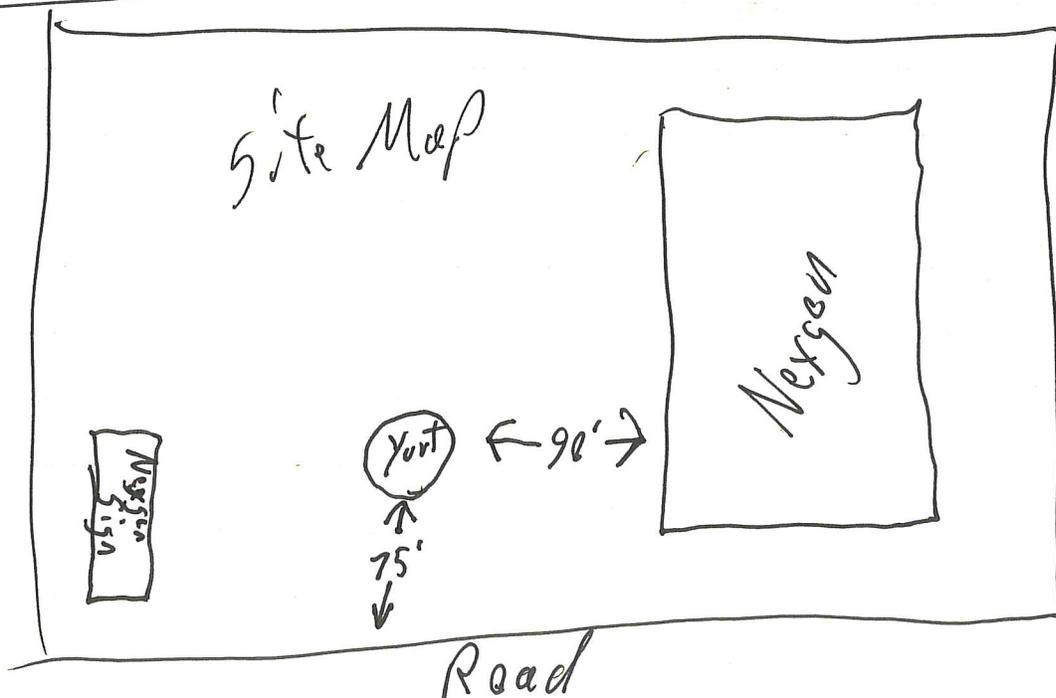
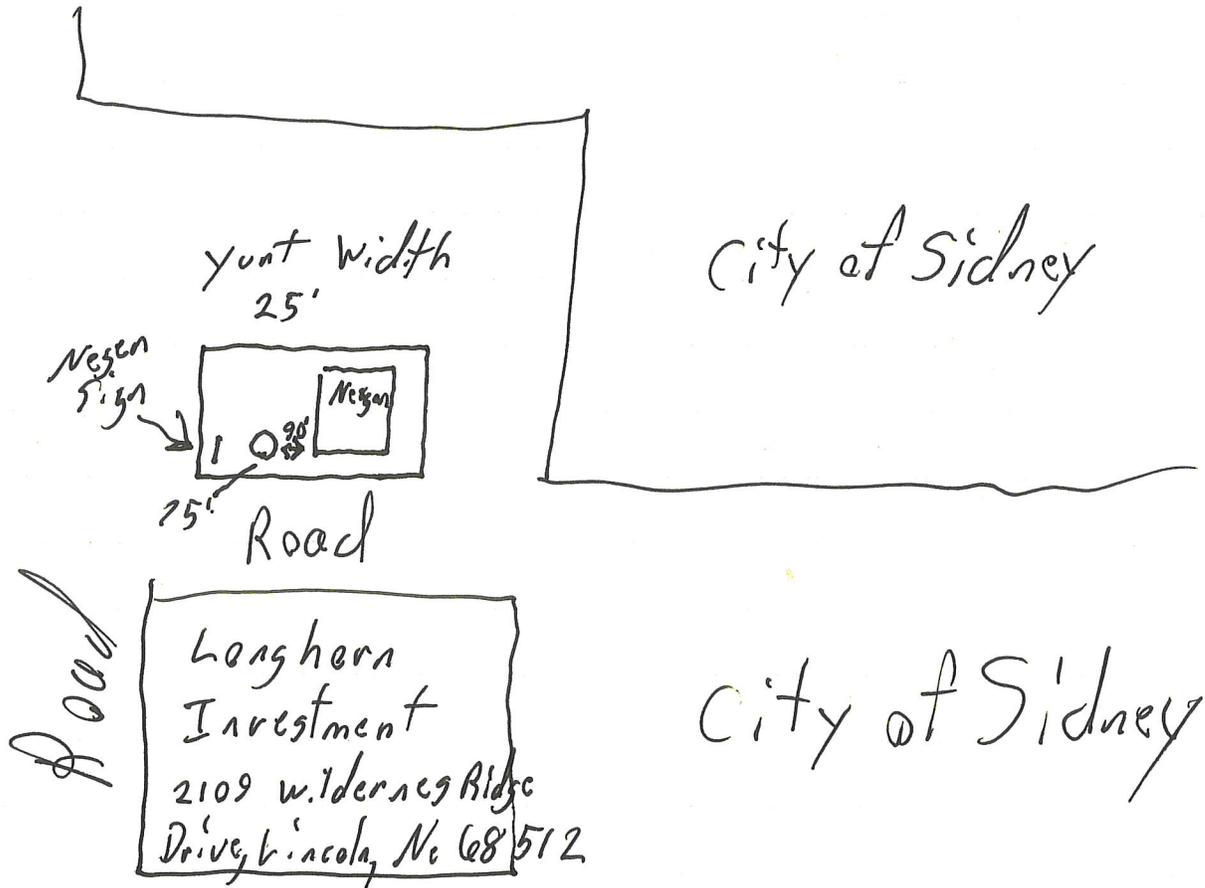
Complete all blanks on the application and return to the City offices, City of Sidney, 1115 13th Avenue, P.O. Box 79, Sidney, NE 69162 a minimum of 2 WEEKS prior to the meeting of the Planning Commission. The Board meets on the 3rd. Monday of each month at 5:30 PM in the Council meeting room.

- Applicant(s) must submit with the application the names and addresses of all property owners within 300 feet of the proposed Conditional Use location. These names and addresses must be the current owners as listed with the Cheyenne County Assessor's Office.
- A non-refundable \$200.00 filing fee must be paid at the time the application is submitted. Make checks payable to "City of Sidney".
- A minimum of 10 days before the date of the public hearing, the City is required to:
 - Publish a legal notice in the Sidney Sun-Telegraph regarding this request
 - Post a sign on the property for the Conditional Use permit.
 - Mail a letter to all property owners regarding the application for Conditional Use permit.

IMPORTANT NOTICE TO THE APPLICANT(S): THIS APPLICATION WILL BE AUTOMATICALLY TABLED IF THE APPLICANT OR THEIR REPRESENTATIVE IS NOT PRESENT AT THE PLANNING COMMISSIONS PUBLIC HEARING. PHONE ATTANDANCE MUST BE ARRANGED 24 HOURS IN ADVANCE OF THE MEETING. APPLICANTS OR THEIR REPERSENTATIVE MUST ALSO BE PRESENT AT THE COUNCILS PUBLIC HEARING.

The City of Sidney claims jurisdiction 2 miles outside the City Limits. Under certain Conditional Uses as specified in Ordinance 1607, to defray the costs associated with the repair and maintenance of roads, particularly on the perimeter areas within the City, or in the zoning jurisdiction outside of the City corporate limits when truck or heavy equipment traffic is expected to be established or expanded due to a conditional use permit use, an annual road maintenance fee as determined by the Planning Commission in an amount of up to Twelve Thousand and No/100 Dollars (\$12,000.00) shall be required as a condition for issuance within specific section of the Ordinance. The fee will be paid proportionately on a monthly basis with the first payment due at the time the conditional use permit is granted. Any permit for which such a fee is set will be issued for a specific time period up to one year. A permit holder who wishes to continue the use must reapply to the Planning Commission.

Nexgen / Freedom Yurt
300' Owners



RESOLUTION NO. 20220702

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIDNEY, NEBRASKA, RECOMMENDING THE DESIGNATION OF CERTAIN AREAS OF THE CITY AS BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT, AND THAT SUCH DESIGNATION SHALL SUPERSEDE AND REPLACE THE PRIOR DESIGNATION OF CERTAIN AREAS IN THE CITY AS BLIGHTED AND SUBSTANDARD, PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, it is desirable and in the public interest that the City of Sidney, Nebraska (the "City"), undertake and carry out urban redevelopment projects in areas that the City determines to be blighted, substandard and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"), prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by section 18-2110 of the Act; and

WHEREAS, section 18-2109 of the Act requires that, prior to the City preparing a redevelopment plan for a redevelopment project, the Planning Commission must find and determine that the area in which the redevelopment plan would operate is a blighted and substandard area and in need of redevelopment as the Act defines; and

WHEREAS, previously, the Mayor and City Council of the City designated certain portions of the City as blighted and substandard pursuant to the Act; and

WHEREAS, the City wishes to update its prior designations to reflect the current conditions of the City; and

WHEREAS, the City contracted with FIVE RULE Rural Planning to prepare a study of the conditions of the proposed updated blighted and substandard areas in accordance with the Act (the "Blight Study"); and

WHEREAS, a copy of the Blight Study is attached hereto as Exhibit 2 and incorporated herein; and

WHEREAS, the Blight Study analyzed certain areas of the City, referred to therein as "Redevelopment Area A", "Redevelopment Area B", and "Redevelopment Area C", respectively, as shown and described in Exhibit 1, attached hereto and incorporated herein (collectively referred to herein as the "Updated Redevelopment Areas"); and concluded that the Updated Redevelopment Areas qualify for designation by the City as blighted and substandard areas in need of redevelopment as defined in the Act, and further recommends such designation to the Mayor and City Council of the City; and

WHEREAS, designation of the Updated Redevelopment Areas as blighted and substandard would replace and supersede the areas of the City previously designated as blighted and substandard, as shown in pink on the map attached hereto in Exhibit 1 (the "Existing Blight Areas"); and

WHEREAS, the City has submitted the question of whether the Updated Redevelopment Areas are blighted and substandard and in need of redevelopment to the Planning Commission for its review and

recommendation, and the Planning Commission held a duly noticed public hearing on the question on July 18, 2022; and

WHEREAS, the Planning Commission conducted the public hearing pursuant to the Act and the Nebraska Open Meetings Act and afforded all interested parties a reasonable opportunity to express their views respecting the declaration of the Updated Redevelopment Areas as blighted and substandard and in need of redevelopment, and the Planning Commission reviewed and discussed the Blight Study.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SIDNEY, NEBRASKA:

Section 1. The Planning Commission finds, based on substantial evidence in the Blight Study and in the record of this proceeding, that the Updated Redevelopment Areas qualify as blighted, substandard and in need of redevelopment due to, among other things, the presence of conditions in the Updated Redevelopment Areas meeting the criteria in sections 18-2103(3) and 18-2103(31) of the Act.

Section 2. Based on the foregoing, the Blight Study and substantial evidence in the record of this proceeding, the Planning Commission hereby recommends that the City Council determine that the Updated Redevelopment Areas is blighted and substandard and in need of redevelopment pursuant to the Act.

Section 3. Based on the foregoing, the Planning Commission recommends that the Mayor and Council of the City adopt the Blight Study and designate the Updated Redevelopment Areas as blighted and substandard and in need of redevelopment, which shall supersede and replace the Existing Blight Areas.

INTRODUCED BY _____

PASSED AND ADOPTED THIS 18TH DAY OF JULY, 2022.

CHAIRPERSON

ATTEST:

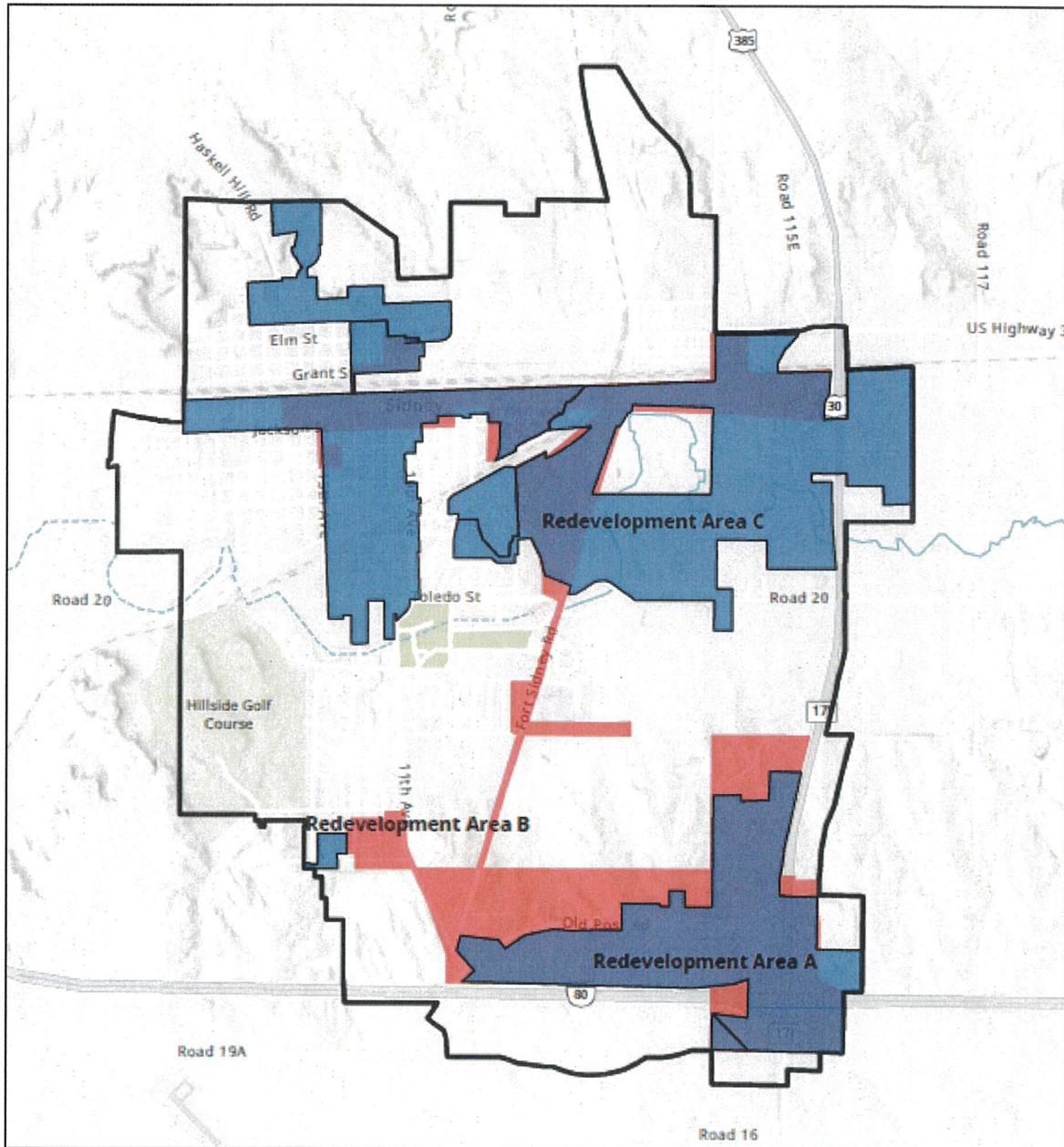
SECRETARY

APPROVED AS TO FORM:

SPECIAL CITY ATTORNEY

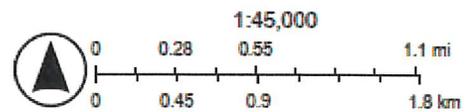
EXHIBIT 1
Updated Redevelopment Areas and Existing Blight Areas

Depiction:



7/6/2022

-  2022 New Proposed Redev. Area
-  Sidney City Boundary
-  Existing Blight Area



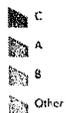
Redevelopment Area A:

An area encompassing 379 acres and described as follows:

Beginning at the northwest corner of Parcel ID Number (PID #) 170182967 then moving east along that parcel's north property line until reaching the north Right-Of-Way line of Old Post Rd, then moving southeast in a straight line until reaching the northwest corner of PID #170220088, then moving northeast until reaching the south ROW line of Old Post Rd., then moving northeast along the south ROW line of Old Post Rd until reaching a point directly south of the southwest corner of PID #170183151, then moving north in a straight line until reaching the northwest corner of PID# 170183151, then moving east along that parcel's north boundary line and continuing east until reaching the northeast corner of PID #170183149, then moving south along that parcel's east boundary line until reaching the north boundary line of PID #170177564 then moving east in a straight line until reaching the west boundary line of PID #170177238, then moving north and then east and then south along that parcel's west and north and east property line until reaching the northwest corner of PID # 170171418, then moving east along that parcel's north property line and continuing east in a straight line until reaching the west boundary line of PID #170179737, then moving north along that parcel's west boundary line until reaching the northwest corner of PID #170071464, then moving east then south then east then north then east along that parcel's west and north boundary lines until reaching the west ROW line of State Highway 17 (Link), then moving south along the west ROW line of State Highway 17J (Link) until reaching the south ROW line of Jennifer Ln, then moving east along the south ROW line of Jennifer Ln. until reaching the west ROW line of Silverberg Dr., then moving south along the west ROW line of Silverberg Dr. until reaching a point directly west of the northwest corner of PID #170181731, then moving east and then south and then west along that parcel's north, east, and south boundary line until the southern-most point of that parcel and the corporate limits boundary, then continuing south and then west along the corporate limits boundary and continuing west along the south ROW line of Hoffies Dr. and Chase Blvd. until reaching the southwest corner of PID#170074110, then continuing north and then east along that parcel's west and north boundary line until reaching the northeast corner of that parcel, then moving north in a straight line until reaching the south property line of Parcel ID #170136469, then continuing southwest and then west along the I-80 north ROW until reaching the east ROW line of Old Post Rd., then moving northeast along the east ROW line of Old Post Rd. until reaching the north ROW line of 11th Ave., then continuing northwest along the north ROW line of 11th Ave. until reaching the east ROW line of Fort Sidney Rd., then continuing northeast along the east ROW line of Fort Sidney Rd until reaching the beginning point located at the northwest corner of Parcel ID Number (PID #) 170182967.

Proposed Redevelopment Areas

Redevelopment Area



City Boundary



Sidney Parcels



Sidney Roads



Redevelopment Area B:

An area encompassing 9 acres and described as follows:

From a point beginning at the intersection of the south ROW of Ridge Top Dr. and the city corporate at the intersection of the south ROW of Ridge Top Dr. and the city corporate boundary, then moving south and then east along the city corporate boundary and continuing east in a straight line until reaching the southeast corner of PID #170000877, then moving north and then east and then north and then west and then south along that parcel's east and north and west boundary line until reaching the southeast corner of PID #170167003 and then moving west along that parcel's south boundary line and continuing west until reaching the point of beginning located at the intersection of the south ROW of Ridge Top Dr. and the city corporate boundary.

Proposed Redevelopment Areas

RedevArea



C



A



B



Other

City Boundary



Sidney Parcels



Sidney Roads



Redevelopment Area C:

An area encompassing 1,076 acres and described as follows:

Beginning at the northwest corner of Parcel ID Number (PID #) 170079082, then moving south in a straight line until reaching the southeast corner of PID #170078590, then moving northeast along that parcel's south boundary line and continuing northeast until reaching the northwest corner of PID #170073882, then moving southwest in a straight line until reaching the northeast corner of PID #170169707, then moving west and then south and then east along that parcel's property line until reaching the southwest property line of PID #170078418, then moving southeast in a straight line until reaching the north Right-Of-Way (ROW) line of Manor Road, then moving southwest along the north ROW line of Manor Road until reaching a point directly east of PID #170082164, then moving west in a straight line until reaching the northwest corner of PID #170082199, then moving south along that parcel's west property line for a distance of fifty-three (53) feet, then moving directly west in a straight line until reaching the southeast corner of the intersection of 19th Ave. and Ash St., then moving south in a straight line along the east ROW line of 19th Ave. until reaching the northeast corner of the intersection of 19th Ave. and Dodge St., then moving east in a straight line along the north ROW line of Dodge St. until reaching the northwest corner of the intersection of Dodge St. and 13th Ave., then moving south in a straight line along the west ROW line of 13th Ave. until reaching the north ROW line of Hickory St., then moving west along the north ROW line of Hickory St. until reaching the east ROW line of 23rd Ave., then moving south along the east ROW line of 23rd Ave., then moving south along the east ROW line of 23rd Ave., until reaching the north ROW line of Jackson St., then moving east along the north ROW line of Jackson St. until reaching the east ROW line of 15th Ave., then moving south along the east ROW line of 15th Ave. until reaching the southwest corner of PID #170070573, then moving east and then north along that parcel's south and east property line until reaching the southwest corner of PID #170060985, then moving east in a straight line until reaching the northwest corner of PID # 170067297, then moving south in a straight line until reaching the southwest corner of PID #170067513, then moving east in a straight line until reaching the west property line of PID #170067556, then moving north until reaching the southwest corner of PID #3170067548 then moving east and then north along that parcel's south and east property line, then continuing north in a straight line until reaching the south ROW line of Toledo St., then moving east along the south ROW line of Toledo St. until reaching the east ROW line of 12th Ave., then moving south along the west ROW line of 12th Ave. until reaching the southwest corner of PID #170065030 then moving east along that parcel's south property line and continuing east until reaching the west ROW line of 11th Ave., then moving north along the west ROW line of 11th Ave. until reaching the northeast corner of PID #170064905, then moving east in a straight line until reaching the east ROW of 11th Ave., then moving south along the east ROW of 11th Ave., until reaching the northeast corner of the intersection of 11th Ave. and 10th Ave., then moving northeast along the north ROW line of 10th Ave. until reaching the northwest corner of the intersection of 10th Ave. and Toledo St., then moving east along the north ROW line of Toledo St. until reaching the southeast corner of PID #170077519, then moving north along that parcel's east property line and continuing north in a straight line until reaching the south property line of PID #170069400, then moving east and then north along that parcel's south and east property line and continuing north in a straight line until reaching the south property line of PID #170176304, then moving east and then north along that parcel's south and east property line until reaching the south property line of PID # 170183424, then moving east and then north along that parcel's south and east property line until reaching the south ROW line of Newton St., then moving west along the

south ROW line of Newton St. for 70 feet then moving north until reaching the southeast corner of PID #170060608, then moving north along that parcel's east property line and continuing in a straight line until reaching the south ROW line of Maple St., then moving west along the south ROW line of Maple St. until reaching the southwest corner of the intersection of Maple St. and 10th Ave., then moving north along the west ROW line of 10th Ave. until reaching the southeast corner of PID #170059111, then moving east in a straight line until reaching the southeast corner of PID #170059200, then moving north in a straight line until reaching the north ROW line of King St., then moving east along the north ROW of King St. until reaching the northwest corner of the intersection of King St. and 9th Ave., then moving north along the west ROW line of 9th Ave. until reaching the north ROW line of Jackson St., then moving east along the north ROW line of Jackson St. until reaching the west ROW line of 8th Ave., then moving north along the west ROW line of 8th Ave. until reaching the northeast corner of PID #170055906, then moving east in a straight line until reaching the east property line of PID #170074870, then moving south and then east along that parcel's west and south property lines until reaching the west ROW line of 6th Ave., then moving north along the west ROW line of 6th Ave. for seventy-five (75) feet, then moving east in a straight line until reaching the east ROW line of 5th Ave., then moving south along the east ROW line of 5th Ave. until reaching the southwest corner of PID # 170073319, then moving east in a straight line until reaching west property boundary line of PID #170108201, then moving south and then southwest until reaching the southwest corner of PID #170220014, then moving northeast along that parcel's south boundary line until reaching the southeast corner of PID #17001520, then moving north and then northeast until reaching the southeast corner of PID #170001547, then moving east in a straight line until reaching the west property boundary line of PID #170074137, then moving southwest and then north and then southwest along that parcel's northwest property boundary line until reaching the northeast corner of PID #170081060, then moving east until reaching the northeast corner of PID #170079961 then moving southwest until reaching the northeast corner of PID #170059766, then moving south along that parcel's east property line and continuing south until reaching the north ROW line of Osage St., then moving east along the north ROW line of Osage St. until reaching the east ROW line of Dorwart Dr., then moving southwest and then south along the east ROW line of Dorwart Dr. until reaching the southwest corner of PID #170127664, then moving east in a straight line until reaching the property line of PID #170086747, then moving southwest along that parcel's southwest property line and continuing in a straight line until reaching the southwest corner of PID # 170076911, then moving east along that parcel's south property line and continuing east in a straight line until reaching the west ROW line of Keller Dr., then moving north along the west ROW line of Keller Dr. until reaching the south property line of PID #170076873, then moving east and then north along that parcel's south and then east property line, then continuing north until reaching the southeast corner of PID #170079619, then moving east in a straight line until reaching the northwest corner of PID #170197920, then moving southeast along that parcel's west property line and continuing to move southeast and then south until reaching the southwest corner of PID #17019729 then moving southeast along that parcel's property line and continuing to move southeast until reaching the east ROW line of Fort Sidney Rd., then moving southwest along the east ROW line of Fort Sidney Rd., until reaching the northeast corner of the intersection of Toledo St. and Fort Sidney Rd., then moving northeast, southeast, and then east along the north ROW line of Toledo St. until reaching the southeast corner of PID #170180786, then moving north and then west along that parcel's east and north boundary line and continuing to move west until reaching the east ROW line of Greenwood Rd, then moving north along the east ROW line of Greenwood Rd until reaching the south boundary line of PID # 170176754, then moving west along that parcel's

property line until reaching the east boundary line of PID #170001946, then moving south and then east along that parcel's west and south boundary line until reaching the east ROW line of State Highway 17J (Link), then moving north along the east ROW line until reaching the southeast corner of PID #170180328, then moving west and then north along that parcel's south and west property line until reaching the south ROW line of Daily Dr., then moving east along the south ROW line of Daily Dr. until reaching the east ROW line of State Highway 17J (Link), then moving south along the east ROW line of State Highway 17J (Link) for two-hundred fifty five feet (255), then moving east in a straight line until reaching the west property line of PID #170175022, then moving south and then east and then north and then west and then south along that parcel's west and south and east and north and west boundary line until reaching the southeast corner of the intersection of Illinois St. and US Highway 385, then moving west in a straight line for four hundred sixty five (465) feet and then moving north in a straight line until reaching the southeast corner of PID # 170086909, then moving northeast and then north and then west along that parcel's southeast, east, and north boundary line until reaching a point directly south of PID #17001741, then moving north and continuing northeast along that parcels' east boundary line until reaching the south ROW line of E Elm St., then moving west along the south ROW line of E Elm St. until reaching the east ROW line of Greenwood Rd., then moving south along the east ROW line of Greenwood Rd. until reaching a point directly east from the northeast corner of PID #170118606, then moving west and continuing west along that parcel's north boundary line and continuing west in a straight line until reaching the east ROW line of 13th Ave., then moving north along the east ROW line of 13th Ave. until reaching the north ROW line of Grant St., then moving east along the north ROW line of Grant St. until reaching the southeast corner of PID #170054578, then moving north along that parcel's east property boundary line until reaching the southwest corner of PID # 17010943, then moving east and then north along that parcel's south and east boundary line until reaching the north ROW line of Elm St., then moving east and then northeast along the north ROW line of Elm St. until reaching the southeast corner of PID #170069788, then moving north along that parcel's east boundary line and continuing north in a straight line until reaching south ROW line of Lawrence St., then moving west in a straight line along the south ROW line of Lawrence St. until reaching the west ROW line of 11th Ave., then moving north along the west ROW line of 11th Ave. until reaching the northeast corner of PID # 170059456, then moving west along that parcel's north boundary line and continuing west in a straight line until reaching the northwest corner of PID # 170059502, then moving south along that parcel's west boundary line until reaching the northeast corner of PID #170075788, then moving west along that parcel's north boundary line and continuing west in a straight line until reaching the east boundary line of PID # 170081486, then moving north in a straight line until reaching the south boundary line of PID # 170181896, then moving east and then north and then west along that parcel's south and east and north boundary line until reaching the east boundary line of PID #170080161, then moving north along that parcel's east boundary line until reaching the south ROW line of Manor Rd., then continuing east and north along the south ROW line of Manor Rd. until reaching the south boundary line of PID #170078329, then moving east and then north along that parcel's south and east property line and then continuing north in a straight line until reaching the city corporate boundary line, then moving west in a straight line until reaching the point of beginning located at the northwest corner of PID #170079082.

BUT EXCLUDING:

Beginning at the northeast corner of the intersection of US Highway 30 and Greenwood Rd., then continuing south along the west ROW line of Greenwood Rd for a distance of one thousand seven hundred twenty-five (1,725) feet then continuing west in a straight line until reaching the west ROW line of Fort Sidney Rd., then continuing northwest along the west ROW line of Fort Sidney Rd. until reaching the north ROW line of US Highway 30, then continuing east along the north ROW line of US Highway 30 until reaching the point of beginning at the northeast corner of the intersection of US Highway 30 and Greenwood Rd.

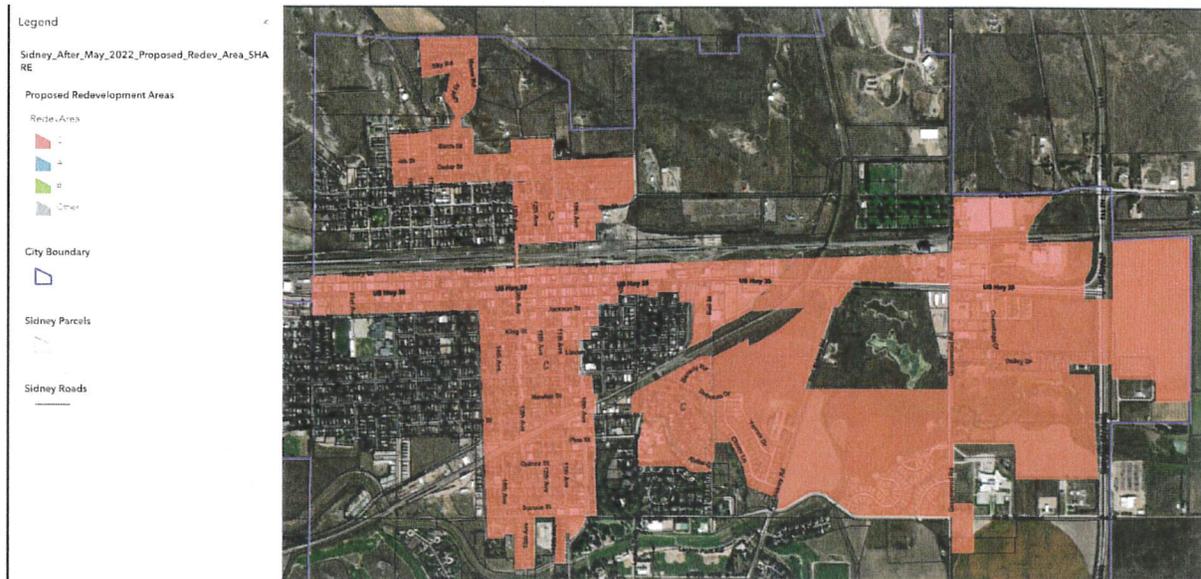


EXHIBIT 2
Blight Study

(See attached)

There will be a Blight Study plan presentation at the meeting