

Sidney, Nebraska, October 17, 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 October 17, 2022 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Schmitt and Commissioners: Benzel, Glenn, Loghry, Long, Schmitt, Smith, Sweetser. Others present: City Manager, David Scott, Chief Building Official, Marshall Hall, Finance Director, Lane Kizzire, Chief Joe Aikens 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 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 July 18, 2022 minutes. Smith moved, Schmitt seconded, "That the minutes from July 18, 2022 be approved." Roll call vote: Yeas: Benzel, Loghry, Long, Schmitt, Smith. Nays: None. Abstain: Glenn, Sweetser Absent: England. Motion passed. Schmitt called for a motion to approve the September 6, 2022 special meeting minutes, joint meeting with City Council. Loghry moved, Long seconded, "That the special meeting minutes from September 6, 2022 be approved. Roll call vote: Yeas: Benzel, Loghry, Long, Schmitt, Sweetser Nays: None Abstain: Glenn, Smith Absent: England

Chairman Schmitt announced "That the Planning Commission would be considering the application of *Conditional Use Permit* for Dream Estates, LLC (Travis Arellano), to store used shingles until they can be recycled. A parcel of land located in the Northwest Quarter of Section 32, Township 14 North, Range 49 West of the Sixth P.M., Cheyenne County, Nebraska. Current zoning M1."

Schmitt opened the public hearing at 5:44 p.m.

Travis Arellano, on behalf of Dream Estates LLC, was present to represent. Arellano came before the commission stating that he was seeking out the permit to recycle shingles. Arellano wants to use the ground to store the shingles until he purchases the grinder to allow him to be able to recycle the shingles. Schmitt asked if the recycling would be services Arellano would hire out or if he would perform the service himself. Arellano stated he would purchase the \$600,000 grinder with a \$300,000 grant assistance from the State of Nebraska. Arellano stated that he would need to show the state who he would be selling the shingles to as part of the approval process. Arellano stated that he purchased the land for the recycling of shingles. Smith asked Arellano if he owned the land south of Colton. Arellano responded that he did and is currently storing shingles there as well. Smith asked if Arellano would consider grinding the shingles at that facility. Arellano stated that he was wanting to stock pile the shingles before he purchased the grinder. Smith again asked Arellano if he could move the process to that location instead of inside City limits. Arellano stated that he could but it might be tight, but he would do whatever he needed to do to make it work. Arellano stated that he wants to obtain a scale so he can also take on shingles from other entities. Arellano continued that his intentions are not to clutter up Sidney. Chief Building Official Hall stated that in order for it to be termed a recycling plant, all recycling work would need to be done indoors. Arellano asked when shingles became a rubbish to be forced to be dumped in a landfill. Chief Aikens stated that it is recorded in our City ordinance. Aikens continued, it is not considered building materials because it comes off a building, therefore, is considered building rubbish. City Manager Scott read a portion of the ordinance on "building rubbish", which termed rubbish as unwanted material or waste material from construction, remodeling and repair. Scott asked Arellano how long he has been taking shingles to the Colton area. Arellano responded with four to five years. Schmitt stated that he thought it would be great to redirect the waste from the landfill and asked Arellano if Arellano would be opposed to building a fence, but Arellano would be limited to how high he could stack the shingles. Long, Smith and Scott inquired as to how soon Arellano was willing to start this recycling process and how soon the grinder would be purchased. Arellano responded with three years. Smith reported that he had trouble with Arellano's time schedule, because the shingles out at Colton have been sitting for a long time. Glenn concurred with Smith, stating that since the grinder is portable, that he would rather see the process be done at the Colton facility. Arellano stated that he sought out the land that was inside City limits, after prior Chief Building Official, Kevin Kubo, stated that the land was zoned for recycling. Scott asked if Arellano had any written documentation from Kubo, stating that Kubo instructed Arellano of the land being zoned to recycle shingles.

Arellano said he did not. Hall reiterated that the shingles are not called out as rubbish individually, but they are referred to as rubbish from a demo, which is termed construction rubbish, not recycling materials. Smith voiced his concerns that the shingles were visible to the public, if Arellano's plan does not come together, the shingles will remain sitting there, therefore, he would like to see them removed from the City location. Arellano responded that he does not consider the shingles rubbish but recyclable materials. Hall again, read the term "building rubbish" from the City codes. Loghry and Glenn were in agreement that if Arellano had the grinder, it would change everything. Loghry express concerns of the piles growing even if he had a fence. Arellano stated that it is his property to dump on his land to do what he is doing until the process becomes recyclable. Loghry asked Arellano if the shingles are to be dumped or recycled. Arellano stated he has to have a product before he has a grinder to be able to recycle. Kizzire reiterated Halls earlier statement, that recycling has to be done inside, unless the Planning Commission says otherwise.

Schmitt closed the public hearing at 6:38 pm. Discussion was held by the commission. Schmitt asked for a motion on the conditional use permit. Long moved, Glenn seconded, "That a conditional use permit be issued to Dream Estates, LLC for Travis Arellano, for one year, expiring October 17, 2023 with a stipulation that a fence being constructed around the existing shingle piles, completed within 90 days, with no more shingles being added. If the recycling plan is not in motion within the specified time line, the shingle piles must be removed and Arellano will need to reapply." Roll call vote: Yeas: Benzel, Glenn, Long, Schmitt, Sweetser Nays: Loghry, Smith Absent: England

Victoria Loghry came before the Planning Commission to discuss Quality Control, Planning and Feedback. Loghry shared concerns about where the electrical boxes were being place on the outside of her building. V. Loghry also stated that the placement of garbage cans and the destruction being done to the walls of the buildings due to the rubbing of the cans against the buildings. Loghry stated that she has limited resources and is trying to give back. V. Loghry distributed photographs of electrical panels, which she believes is an eyesore as well as how she improvised to keep the garbage cans from rubbing against her building. V. Loghry doesn't think the City should be able to put meters where ever the City wants to. V. Loghry is asking that the City does better in their planning and decision making. Scott stated that the meter is going to be relocated. Hall reported that there was an easement agreement on the east side of the building. V. Loghry stated she has not seen the easement. V. Loghry reported that she has hired an engineer to make here place a nice place. V. Loghry requests that everyone work together and requested the Planning Commission's feedback.

Schmitt stated that he believes this is good information for the Chief Building Official to hear and to relay the information back to the department heads. Scott stated that the City is in the process of reviewing our Master Comp Plan and so this is good information to have.

There were no further comments.

Meeting adjourned at 7:08 p.m.

CHAIRMAN, BEN SCHMITT

CITY CLERK, LORI BORCHERT