

## Planning Commission Meeting

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 July 21, 2025, in the City Council Chambers, located at 1115 13<sup>th</sup> Avenue. Present were: Chairman Loghry and Commissioners, Benzel, Beitel, Jones, Schmitt, Sweetser. Others present: City Manager Scott, City Clerk Borchert, City Attorney Strommen, Chief Building Official Hall. 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 Loghry announced that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Loghry asked for approval of the June 16, 2025, minutes. Schmitt moved, Jones seconded, "That the June 16, 2025, minutes be approved." Roll call: Yeas: Beitel, Jones, Loghry, Schmitt, Sweetser. Absent: England, Glenn, Spiker. Abstain: Benzel. Motion approved.

Attorney Strommen asked if there were any nominations for Chairman. Schmitt nominated himself. There were no other nominations. Jones seconded, "That Schmitt serve as the Chairman." Roll call: Yeas: Beitel, Jones, Loghry, Schmitt, Sweetser, Benzel. Absent: England, Glenn, Spiker. Motion approved.

Chairman Schmitt asked for nominations for Vice Chair. Sweetser nominated himself. There were no other nominations. Schmitt seconded, "That Sweetser serve as the Vice Chairman." Roll call: Yeas: Jones, Loghry, Schmitt, Sweetser, Benzel. Beitel. Absent: England, Glenn, Spiker. Motion approved.

Schmitt stated that it is customary that the Chairman serve on the Board of Adjustment. There were no other nominees. Schmitt moved, Jones seconded, "That Schmitt serve on the Board of Adjustment." Roll call: Yeas: Loghry, Schmitt, Sweetser, Benzel. Beitel, Jones. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened a public hearing at 5:34 pm for the subdivision of 6 13 49 LOT 2 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY DARREN J & CHELSIE L SPARKS JT 1275 CLARK DRIVE SIDNEY, NE 69162-2488. Attorney Strommen excused herself as she was representing the landowner and asked for Chief Building Inspector to address the Commission. Darren Sparks came before the Commission stating that the Saddle Club had sold. Sparks spoke with the neighbors to see if there was any interest in expanding their backyards by purchasing ground from the new owner, Wade Hill. Wade Hill confirmed that he agreed sell a portion of the surveyed property. Strommen stated that there were purchase agreements as well as the survey drafted. All parties have signed. CBO Hall stated that there are 6 lots and 5 owners which have opted to subdivide and rezone 25 feet of the Saddle Club area. There are two residents that have property line issues. Hall cautioned the potential purchasers that the easement lines would not allow for anything permanent to be placed on it. Schmitt stated that the easement is from the south of the current lot line to the new lot line which is 10 feet north. City Manager Scott stated that the city cannot take action to get between a survey debate and residential property owners. Scott continued that the only action that can be taken is to accept the survey or to give the two residents that have issues with the subdivision and rezoning, time to get an additional survey done on their own. Another option would be to table the items. Schmitt said that with the concerns that the Sintlers and the Smith have, it would give them opportunity to get a survey and to seek out legal counsel. Julie Smith had concerns that they may be responsible to have a fence line moved that currently sits on the Saddle Club property, which was there before they moved in. Scott suggested that the Sintlers and Smiths work with the property owner to resolve this issue by means of an easement. Wade Hill, current property owner, stated that he was trying to be a good neighbor and wouldn't require anyone to move anything. Benzel stated that Sintlers asked him to come look at the property, southwest corner of lot 7, which there was a tree line. Sintlers thought when they purchased the property that the tree line/ground belonged to them. Benzel stated that Sintlers had concerns of the tree line needing to be removed at the Sintler's expense. Strommen reiterated that Mr. Hill is not looking to do anything regarding the tree line, and feels they could come to agreement with the two private landowners. Strommen stated that tabling this could lead to another 30-day delay. In addition to having to approve the ordinances, could lead to postponing approval to the end of the year. Beitel stated that the survey was done by a certified land surveyor and being a little bit could be a possibility, but any disputes from here is between the landowners. Tom Dorwart, resident and potential purchaser of the property, stated that regardless of the decision of the Commissioners, the landowners would have to get a survey done if they were to dispute it. If the Commissioners approve the purchase, it would still have to be approved by Council, which would give the people an opportunity to come forth again. Strommen stated that the private landowners are welcome to come to her office and write an agreement to settle the land dispute, which has nothing to do with the city. Loghry confirmed by Strommen, that the zoning does not have anything to do with the property lines, just rezoning from agricultural to residential. There were no further comments. Schmitt closed the meeting at 5:52 pm. Beitel moved, Loghry seconded, "That that the subdivision of 6 13 49 LOT 2 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, be approved." Roll call: Yeas: Loghry, Schmitt, Sweetser, Benzel. Beitel, Jones. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:53 pm for the rezoning of the 6 13 49 LOT 2 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, DARREN J & CHELSIE L SPARKS JT 1275 CLARK DRIVE SIDNEY, NE 69162-2488. Strommen stated that this was a rezone from agricultural to residential. There were no comments. Schmitt closed the hearing at 5:54 pm. Sweetser moved, Schmitt seconded, "That the rezoning of the 6 13 49 LOT 2 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, DARREN J & CHELSIE L SPARKS JT 1275 CLARK DRIVE SIDNEY from agricultural to residential be approved." Roll call: Yeas: Schmitt, Sweetser, Benzel. Beitel, Jones, Loghry. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:54 for the subdivision of 6 13 49 LOT 3 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, THOMAS YULE & COLLEEN ROSE DORWART CO-TRES 1291 CLARK DRIVE SIDNEY, NE 69162-2488. There were no comments. Schmitt closed the hearing at 5:55 pm. Loghry moved, Benzel seconded, "That the subdivision of 6 13 49 LOT 3 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, THOMAS YULE & COLLEEN ROSE DORWART (CO-TRES 1291 CLARK DRIVE SIDNEY,

NE be approved.” Roll call: Yeas: Sweetser, Benzel, Beitel, Jones, Loghry, Schmitt. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:55 pm for the rezoning of 6 13 49 LOT 3 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, THOMAS YULE & COLLEEN ROSE DORWART (CO-TRES 1291 CLARK DRIVE SIDNEY, NE 69162-2488. There were no comments. Schmitt closed the hearing at 5:55 pm. Beitel moved, Jones seconded, “That the rezoning of 6 13 49 LOT 3 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, THOMAS YULE & COLLEEN ROSE DORWART CO-TRES 1291 CLARK DRIVE SIDNEY, NE from agricultural to residential be approved.” Roll call: Yeas: Benzel, Beitel, Jones, Loghry, Schmitt, Sweetser. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:57 pm for the subdivision of 6 13 49 LOT 4-5 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, JOSHUA & CHRISTY DILLEY JTWROS 1315 CLARK DRIVE SIDNEY, NE 69162-2487. There were no comments. Schmitt closed the hearing at 5:57 pm. Benzel moved, Schmitt seconded, “That the subdivision of 6 13 49 LOT 4-5 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, JOSHUA & CHRISTY DILLEY JTWROS 1315 CLARK DRIVE SIDNEY, NE be approved.” Roll call: Yeas: Beitel, Jones, Loghry, Schmitt, Sweetser, Benzel. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:58 pm for the rezoning of 6 13 49 LOT 4-5 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, JOSHUA & CHRISTY DILLEY JTWROS 1315 CLARK DRIVE SIDNEY, NE 69162-2487. There were no comments. Schmitt closed the hearing at 5:58 pm. Schmitt moved, Sweetser seconded, “That the rezoning of 6 13 49 LOT 4-5 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, JOSHUA & CHRISTY DILLEY JTWROS 1315 CLARK DRIVE SIDNEY, NE from agricultural to residential be approved.” Roll call: Yeas: Jones, Loghry, Schmitt, Sweetser, Benzel, Beitel. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:58 pm for the subdivision of 6 13 49 LOT 6 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, MYRON G & KATHY S JT PO BOX 95 SIDNEY, NE 69162-0095. There were no comments. Schmitt closed the hearing at 5:58 pm. Jones moved, Beitel seconded, “That the subdivision of 6 13 49 LOT 6 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, MYRON G & KATHY S JT PO BOX 95 SIDNEY, NE be approved.” Roll call: Yeas: Loghry, Schmitt, Sweetser, Benzel, Beitel, Jones. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 5:59 pm for the rezoning of 6 13 49 LOT 6 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, MYRON G & KATHY S JT PO BOX 95 SIDNEY, NE 69162-0095. There were no comments. Schmitt closed the hearing at 5:59 pm. Jones moved, Schmitt seconded, “That the rezoning of 6 13 49 LOT 6 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, MYRON G & KATHY S JT PO BOX 95 SIDNEY, NE from agricultural to residential be approved.” Roll call: Yeas: Schmitt, Sweetser, Benzel, Beitel, Jones, Loghry. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 6:00 pm for the subdivision of 6 13 49 LOT 7 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, HASE/AMBER & DEVIN HASE JT 1363 CLARK DRIVE SIDNEY, NE 69162-2487. There were no comments. Schmitt closed the hearing at 6:00 pm. Sweetser moved, Benzel seconded, “That the subdivision of 6 13 49 LOT 7 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, HASE/AMBER & DEVIN HASE JT 1363 CLARK DRIVE SIDNEY, NE be approved.” Roll call: Yeas: Sweetser, Benzel, Beitel, Jones, Loghry, Schmitt. Absent: England, Glenn, Spiker. Motion approved.

Schmitt opened the public hearing at 6:01 pm for the rezoning of 6 13 49 LOT 7 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, CHASE/AMBER & DEVIN HASE JT 1363 CLARK DRIVE SIDNEY, NE 69162-2487. There were no comments. Schmitt closed the hearing at 6:01 pm. Benzel moved, Jones seconded, “That the rezoning of 6 13 49 LOT 7 BLOCK 2 CLARK SECOND SUBDIVISION SIDNEY, CHASE/AMBER & DEVIN HASE JT 1363 CLARK DRIVE SIDNEY, NE be approved from agricultural to residential.” Roll call: Yeas: Benzel, Beitel, Jones, Loghry, Schmitt. Absent: England, Glenn, Spiker, Sweetser. Motion approved.

City Manager Scott stated that in May of 2025, he reached out to the Panhandle Area Development District (PADD) to show related costs, processes and expenses the city would incur if the city began a nuisance abatement service. The city would have to pass an updated nuisance property ordinances, taking time to get the current ordinances up to state standards. PADD also requires 100% commitment by the Planning Commission and the City Council by resolution. The process would need to be very public to the residents of Sidney. The initial inspection would be done by PADD. Violators would be sent a certified letter. A second letter would be sent if residents did not comply. Any further abatement expenses and legal cost would be the responsibility of the city. The cost could be extensive. The cost for PADD is \$35,000, for 140 properties for an initial year, not including legal actions, such as placing leans on properties. Once the process has started, Scott would caution against going part way and not completing the process city wide. Not pursuing the ones that didn't fix the issue after the first letter could cause legal issues from the ones that did. Strommen stated the Chappell has started this process and it has proven to be very costly. Hall also stated that many of the nuisance ordinances need to be updated and that could cost up to \$50,000.00 in itself. Beitel stated it could cost the City millions. After further discussion, it was decided by the Planning Commission to take it to Council as an informational process, to possibly pursue as funds permit at a later date. Schmitt stated that he would be fine with taking it to Council.

There were no further comments.

Meeting adjourned at 6:28 pm.

---

Ben Schmitt, Chairman

---

Lori Borchert, City Clerk