

Planning Commission Meeting Amended 10/20/25 *Note strike outs

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 28, 2025, in the City Council Chambers, located at 1115 13th Avenue. Present were: Vice Chairman Sweetser and Commissioners, Benzel, Beitel, England, Loghry, Spiker. Others present: City Manager Scott, City Clerk Borchert, 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.

Vice Chairman Sweetser announced that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Sweetser opened a public hearing at 5:31 pm for the application for a conditional use permit for Banister Leadership, for a 501C3 after school program. Cari Persino stated that the Masonic Lodge has offered Banister a place for the program to be held. Banister is completely free, non-profit that is an educational based after school program. Chief Building Official Hall asked Persino if she has obtained a state license. Her response was no, that they need to be rezoned to do that, and technically they don't have to be. Hall stated that this is not about rezoning, but for a conditional use permit, and whether or not the Commission will allow the program to happen. Hall stated that the building would need to have some things done in terms of fire safety, per the Fire Marshall, to include a fire alarm system. Persino stated they would implement a pull system, if they got licensed. Persino said they don't have to get licensed as they are not taking a dime for payments. Hall asked if there was a time that they would have the alarm system put in. Persino said that if they don't have to have it, they are thinking about not being licensed. Hall said that even though they may not be required to be state licensed, they would still have to abide by building code for this type of occupancy, which is E type (Educational). Hall said a fire alarm system would be required. Hall asked if they would be putting in an outdoor play area. Persino said that if they put a fence up in back they would have a picnic table and porch swing, but this is after school and they would be doing homework and getting educational help. Hall asked how many square feet this would be. England stated it would include the main lunchroom and a room off to the side. Hall asked how many kids would be there. Persino stated 35. Hall stated that they did have enough bathrooms for the number of children. England stated that it was handicap accessible. Beitel asked if they foresee any traffic issues since it is on Illinois Street. Persino stated that parents don't all come at once and there is a lot of parking area. Spiker suggested an area for a bus stop. England stated that they have had functions in the building forever, Jobs Daughters and DeMolay, and never had an issue. Loghry stated that this location is no different than the theatre (congestion wise). Spiker asked if there was a place for exercise or recreation. England stated that a swing set or a basketball area has been discussed. Persino stated that this program is more educationally based. ~~Perison-~~ Persino stated the hours were from 3:00 pm to 6:00 pm, Monday through Thursday and 2:30 pm to 6:30 pm on Friday, summer hours from 9:00 am to 6:00 pm. Spiker asked how long the licensing would take. Persino stated 30 to 90 days. Spiker asked if they had applied yet. Persino stated that they had not applied. Spiker asked if they had looked at other locations. ~~Perison~~ Persino stated that they had, with no availability. There were no more comments. Sweetser closed the hearing at 5:45 pm. City Manager Scott asked if they were aware of the (sex) offender registry. Scott said that the City Attorney stated that notification would need to be made to the parents of the children about the offenders living in the area. England stated, that is another reason why they would be putting up a fence. Hall asked about the expiration date of the conditional use permit. Clerk Borchert stated the expiration date would run from September 2, 2025 to September 2, 2027, per discussion. Hall stated that there were a few things that needed to be nailed down prior to approval of the permit. A fire escape plan would be needed, the alarm system would need to be in place and the fence would have to be up. England asked why the fence needed to be up. Hall stated that the safety of the children would be at stake. Borchert stated that Tina Taylor had to have a fence for her request for a daycare. Persino stated that Taylor needed to because she was licensed. Beitel asked if this could be a concern with other daycare providers if they weren't licensed. Hall stated that all providers need to come in and talk to us, regardless if they are licensed or not. Spiker stated that the conditions mentioned would have to be met before the Commission could issue a permit. Hall agreed. England asked what kind of fence was needed. Hall stated it could be a chain link fence. Sweetser asked for a motion. Loghry motioned, "That the application be approved and issued for the Conditional Use Permit requested by Banister, with the date of expiration being September 2, 2027, once the requirements are fulfilled as discussed per code:

the alarm system, the fence and an escape plan.” Benzel seconded the motion. Roll call: Yeas: Benzel, Beitel, Loghry, Sweetser. Nays: Spiker. Abstain: England. Absent: Glenn, Jones, Schmitt.

There was question concerning a quorum and the number of votes that were cast, whether this application was approved by vote. Clerk Borchert stated that she would contact Attorney Strommen for legal counsel. Upon contacting legal counsel, it was determined by Robert’s Rules of Order that: *“A Quorum is defined as a majority, more than half, of all the members. There were 6 out 9 members present, so there was a Quorum. A fundamental principle of parliamentary law is that decisions are made only by the members present in a properly called meeting at which a quorum is present. Except when governed by a specific rule to the contrary, a majority vote is the fundamental requirement to pass a motion. A majority, simply stated, is more than half. “*

In this case there was a quorum since 6 out of the 9 members are present. Then 4 out of 6 present members voted in favor of the motion. The motion passes by the majority.

Spiker asked if the Industrial Park could be put on the next agenda. Scott stated that three people have shown interest to the City. One is still interested, paying for Phase I, environmental and subdivide survey, another has paid for the Phase I as well, but maybe be having issues. There is also a third party that is working with Economic Development. Spiker questioned the rezoning process if a party is no longer interested or is doing something different than the original intention. Scott stated that if we were to rezone back to Agriculture, the party would most likely have to be paid back. Spiker stated that if someone rezones and doesn’t do anything with it, someone that you don’t know can come in and take advantage of that rezoning and does something totally different with it. Scott stated that if someone wanted to take advantage of the incentives, they would have to meet the criteria. Hall stated that zoning code would also have to be met. Spiker stated that his questions were answered and did not need to be on the next agenda.

There were no further comments.

Meeting adjourned at 6:02 pm.

Caleb Sweetser, Vice Chairman

Lori Borchert, City Clerk

Approved as amended on 10/20/2025 Persion to Persino