

**CITY OF GERING PLANNING COMMISSION MEETING
December 5, 2023**

A regular meeting of the City of Gering Planning Commission was held in open session on December 5, 2023 at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Chairman Miles and Commissioners Taylor, Crews, Shimic, Palm, Hauck and Alvizar. Absent were Commissioner Kaufman and Keener. Also present were City Engineer Annie Folck, and Secretary Carol Martin.

Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Call to Order and Roll Call

Chairman Miles called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14

Chairman Miles stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the September 19, 2023, regular Planning Commission meeting.

Motion by Commissioner Taylor to approve the minutes of the September 19, 2023, regular Planning Commission meeting. Second by Commissioner Alvizar. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Miles, Hauck, Alvizar. "NAYS": None. Abstaining: Palm. Absent: Kaufman & Keener. Motion carried.

4. Current Business:

A. Consider a Final Plat for Lot 10A, Block 1, Monument Heights, a Replat of Lot 10, Block 1, Monument Heights and a Vacated Portion of Pinewood Road in the City of Gering, Scotts Bluff County, Nebraska

**CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT**

To:	Planning Commission	Date:	12/5/23
From:	Planning & Community Development	Zoning:	RL
Subject:	Recommendation & Report – Final Plat of Lot 10A, Block 1, Monument Heights, a Replat of Lot 10, Block 1, Monument Heights and a Vacated Portion of Pinewood Road in the City of Gering, Scotts Bluff County, Nebraska	Property Size:	.93 Acres
Location:	2835 Applewood Road	#Lots/Parcels:	1
Owner:	Mark and Karen Schlothauer	City Council Public Hearing:	N/A

The City has received an application for a final plat for Lot 10A, Block 1, Monument Heights, a Replat of Lot 10, Block 1, Monument Heights and a Vacated Portion of Pinewood Road in the City of Gering, Scotts Bluff County, Nebraska

The City's garbage trucks have been having issues when trying to drive through the alley behind the properties on Applewood Road, in particular when they turn back north onto Pinewood Road. When staff marked out the City's right-of-way in order to reestablish the property boundaries along the alleyway, it became evident that while the property at this location had encroached into the alleyway on the east side, the City's garbage trucks have encroached into private property on the southeast corner of the property. After working with the property owners, we have negotiated new boundaries wherein the City allows them to extend their property 5' to the east in return for the City receiving additional right-of-way on the southeast corner in order to make it easier for trucks to turn the corner. The property owners and City staff are all in agreement. The replat is to ensure that what is shown on the plat reflects this agreement to provide assurances for future property owners and future City staff.

Engineer Folck stated this came about because there were some issues with the garbage trucks because it is adjacent to the golf course. When the garbage trucks come around the corner and try to make this turn, they slide into the ditch. It happened last year and it got expensive because they had to get a wrecker in there. Staff started looking at what the options were and potentially putting in a pipe line where the water runs so they would have more room there but then decided to first mark the property line boundaries. It looked like there was a little more space there than what was showing on the aerial. The aerial wasn't precise but when the property boundaries were marked, it looked like the edge of their yard actually is about 10 feet into the City Right-of-Way. The easy option would be to get the alley way back and reclaim what is the cities. The issue is when staff marked it, it also showed that it would be cutting it off, when they turn, cutting a huge corner of their property. When staff marked that corner, the property lines actually passed the area where we had been turning.

Staff decided to sit down with the property owners to figure out what could be done. They were in agreement to move the property lines, so basically in return the City ended up giving them five feet. There was a little bit of work to clear that alley, trim some trees and widen the alley a little bit but we did give them an additional five feet which saved some of the trees that they were wanting to save and in return they gave us a corner. Staff will cut that corner in order to make it easier for the trucks to turn. Basically, the point of this replat is memorize that to make sure that

for future property owners, for future staff members that there was an assurance of where that property line is and where they actually have the right to be, and the same thing for them so they can make investments on their property and know that there will not be any issues with that in the future. Basically, this is just trying to get the property lines to match where they have been driving and will be driving in the future.

Annie said that staff's recommendation is that Planning Commission will recommend approval to City Council. Annie said this is not a final decision on this plat. It will go to the City Council and they will consider that as well and that may not happen until January.

Chairman Miles wanted to confirm that it is adjacent to the golf course. Annie said it is. Annie explained it and showed it on the map where the location of the replat is.

Commissioner Hauck inquired about Pinewood, instead of getting 40 feet now it will be 35 feet? Annie said yes. Commissioner Hauck asked if that would be wide enough for the garbage truck. Annie said it is more than enough and alley ways are typically 20 feet. Pinewood, Annie was assuming it was 40 feet wide in case it ever develops to the south, but in order to do that, they would have to go through the golf course or go over a very large irrigation lateral here. Annie thinks that if it ever develops, they will access it from the south and not from the north, it would make a lot more sense to her.

Commissioner Hauck asked if the garbage truck driver happy with this new deal. Annie replied yes, they are much happier with the changes.

Commissioner Crews asked about the remaining trees and if it will be an issue with the garbage truck. Annie said they had to do a little trimming.

Commissioner Palm said their alley has become overgrown with trees over the last 35 years and is it the city or property owners' responsibility. Annie said, technically it should be the property owners' responsibility to take care of weeds and other things on or adjacent to their property. Annie said, that being said, its not just your neighborhood. Staff has been going through systematically through the city and clearing alleys and trying to get the alley back, trimming trees and that sort of thing. Staff will get to your neighborhood eventually but it is a process. Commissioner Palm said she just knew that they were there and didn't affect her.

Chairman Miles asked if there was any further discussion.

Commissioner Palm moved to recommend approving the final plat of Lot 10A, Block, 1, Monument Heights, a Replat of Lot 10, Block 1, Monument Heights and a Vacated Portion of Pinewood Road in the City of Gering, Scotts Bluff County, Nebraska to City Council. Seconded by Councilmember Shimic. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Palm, Miles, Hauck, and Alvizar. "NAYS": None. Abstaining: None. Absent: Kaufman and Keener. Motion carried.

5. Report

Engineer Folck stated there will not be another meeting until most likely until the third Tuesday in January. That will be our organizational meeting when we elect our chair, vice chair. At that time, we should also go through the By-Laws. It has been a while for everyone and she thinks it is just a good idea for everyone to review those periodically. There is nothing for an agenda item, other than that yet. She has had a few people pick up some applications, so we will see if they get back to us or not. Annie said as of right now it will just be an organizational meeting and go through

the By-Laws. If it is third Tuesday in January, they have time to get those in for the 30-day time frame.

7. Adjourn

Chairman Miles moved to adjourn the meeting. Commissioner Palm seconded the motion. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Palm, Miles, Hauck, and Alvizar. Absent were Commissioner Kaufman, and Keener. "NAYS": None. Abstaining: None. Absent: Kaufman and Keener. Motion carried.

The meeting adjourned at 6:11 p.m.



Jody Miles, Chairman

ATTEST:



Carol Martin, Secretary