

**THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING
PLANNING COMMISSION MEETING
February 15, 2022**

A regular meeting of the City of Gering Planning Commission was held in open session at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE, on February 15, 2022. Present were Commissioners Bowman, Kautz, Hauck, Kaufman and Shimic, Keener. Absent: Holliday and Miles. Also present were Engineering Technician Sergio Rodriguez and Planning Commission 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.

Chairwoman Bowman called the meeting to order at 6:00 p.m.

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14, 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 Chairman. 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 Planning Commission determines that the matter requires emergency action.**

4. Oath of Office

Chairwoman Bowman administered the Oath of Office to new Planning Commissioner Member, Levi Keener.

5. Approval of Minutes of the January 18, 2022 regular Planning Commission meeting.

Motion by Commissioner Hauck to approve the minutes of the January 18, 2022 regular Planning Commission meeting. Seconded by Commissioner Kautz. There was no discussion. The Clerk called the roll. "AYES": Bowman, Kautz, Hauck, and Kaufman. "NAYS": None. Abstaining: Shimic, Keener. Absent: Holliday and Miles. Motion failed.

Chairwoman Bowman stated that Commissioner Shimic was absent from the previous meeting and Commissioner Keener wasn't a Planning Commissioner at that time, so they cannot vote to approve the minutes. She stated that approval of the minutes would be tabled until the next meeting.

6. Current Business

a. Planning Commission Organizational Meeting Per City Code 32.02 (E)

i. Elect Liaison for Board of Adjustment

Commissioner Hauck asked for clarification of the Liaison to Board of Adjustment requirements. Engineering Technician Rodriguez explained it is a requirement that one person from Planning Commission needs to be a liaison to the Board of Adjustment. The Board of Adjustment does not meet very often and they typically vote on variances and set back lines.

Chairwoman Bowman entertained nominations for Liaison to the Board of Adjustment. Commissioner Bowman nominated Commissioner Hauck. Seconded by Commissioner Shimic. With no other nominations, ballots were distributed to the Planning Commissioners. Chairwoman Bowman read the ballots aloud. The ballots were unanimous that Commissioner Hauck be appointed as Liaison to the Board of Adjustment.

ii. Appointment of Planning Commission Secretary

Motion by Commissioner Hauck to appoint Carol Martin as Planning Commission Secretary. Seconded by Commissioner Kaufman. The Clerk called the roll. "AYES": Bowman, Kautz, Hauck, Kaufman, Shimic and Keener. "NAYS": None. Absent: Holliday and Miles. Abstaining: None. Motion carried.

b. The Planning Commission to consider a Final Plat on Lots 5A and 6A, Block 6, Lot 8A, Block 5, In the First Addition to North Gering, Being a Replat of Lots 7 and 8, Block 5, Lots 5-7, Block 6 and Lots 5 and 6 Block 7, In the First Addition to North Gering, Situated in Northwest Quarter of Section 1, Township 21 North, Range 55 West, Scotts Bluff County, Nebraska.

Engineering Technician, Sergio Rodriquez, presented the recommendation and report.

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

To:	Planning Commission	Date:	2/15/2022
From:	Planning & Community Development	Zoning:	RM
Subject:	Recommendation & Report – Final Plat	Property Size:	1.65 acres
Location:	NW ¼ Section 1, T21N, R55 W 3 rd Street, south of U Street	#Lots/Parcels:	3
Owner:	Lois Tower	City Council Public Hearing:	2/28/2022

Agenda Item Summary

The City has received an application for a Final Plat of re-platted Lots 5A and 6A, Block 6, Lot 8A, Block 5, In the First Addition to North Gering, City of Gering, Scotts Bluff County, Nebraska situated in the Northwest Quarter of Section 1, Township 21 North, Range 55 West, of the 6th P.M. Scotts Bluff County, Nebraska. This plat depicts re-platting sections of Blocks 6 and 7, In the First Addition to North Gering, and will also consist of vacating 'R' Street and a section of 3rd Street.

All the proposed lots meet City standards for minimum street frontage and lot size. Water, sewer, and electrical utilities are located on the west and east alleys and on the 3rd Street right-of-way, these utilities are available to all the properties. Natural gas is also accessible on the west and east alleyways this utility is also available to all the properties. With the proposed lot layouts, a 50' radius cul-de-sac has been placed at the south end of 3rd Street which will provide adequate street frontage access to both Lot 6A, Block 6 and Lot 8A, Block 5, as well as providing emergency vehicles with the turnaround distance necessary. Improvements on the cul-de-sac would not be required unless it is necessary for future development. The lot lines for Lots 5A and 6A, Block 6 have been moved to ensure that all existing buildings meet our current setback requirements. The final plat conforms to all City codes, and staff recommends approval.

Recommendation:

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Final Plat for Lots 5A and 6A, Block 6, Lot 8A, Block 5, In the First Addition to North Gering, with the following conditions:

Deny

FAIL TO RECOMMEND to City Council the Final Plat for Lots 5A and 6A, Block 6, Lot 8A, Block 5, In the First Addition to North Gering, for the following reasons:

Table

Table making a recommendation for City Council to approve the Preliminary Plat for Lots 5A and 6A, Block 6, Lot 8A, Block 5, In the First Addition to North Gering, for the following reasons:

Commissioner Shimic asked if all the lots are owned by the same person since it involved a cul-de-sac. Engineering Technician Rodriquez stated that all three lots are owned by the same person. Commissioner Shimic asked if there will be curb and gutter all the way across or if it will just be platted. Engineering Technician Rodriquez stated it is just going to be platted and if at one point they do develop it, they will be required to make improvements to the cul-de-sac.

Commissioner Hauck asked for clarification if they are going to vacate R Street and sections of 3rd Street. Engineering Technician Rodriquez stated currently 3rd Street goes to the north UPRR right of way and we will vacate a section of that and the R Street right of way will also be vacated. Adding a cul-de-sac is a big improvement because we will add a turnaround area for emergency vehicles.

Commissioner Kaufman asked if the City owns the portion of 3rd Street or does the owners of the lots own that portion. Engineering Technician Rodriquez stated the same person owns the lots and the City owns that portion of 3rd Street, even though it was not made a street. The taxes will be incorporated into the new lots.

Motion by Commissioner Shimic to make a positive recommendation regarding a Final Plat on Lots 5A and 6A, Block 6, Lot 8A, Block 5, In the First Addition to North Gering, Being a Replat of Lots 7 and 8, Block 5, Lots 5-7, Block 6 and Lots 5 and 6 Block 7, In the First Addition to North Gering, Situated in Northwest Quarter of Section 1, Township 21 North, Range 55 West, Scotts Bluff County, Nebraska with the condition that emergency vehicles can turn around.

Engineering Technician Rodriquez stated that the turning radius does meet the requirement for emergency vehicles.

Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Bowman, Kautz, Hauck, Kaufman, Shimic and Keener. "NAYS": None. Absent: Holliday and Miles. Abstaining: None. Motion carried

c. Discuss and determination on time limits allowed for public comment.

Chairperson Bowman stated in the last three or four public hearings the Planning Commission has had, public comment has been limited to three minutes per person. At the last meeting Commissioner Hauck stated that three minutes may not be adequate time. She asked if they need to make a change to that or leave it at three minutes per person?

Commissioner Hauck stated that according to the rules of the Planning Commission, number 9 states that it is up to the Chairperson to determine how long the public gets to comment. Commissioner Hauck stated he believes that the Commissioners should have a say in how long the public gets to speak. The problem he sees is that when Paul Reed spoke at a Planning Commission meeting, and was only given three minutes, they did not hear all the comments, but he saw the reasons in the paper because of a law suit. As long as he has been on Planning Commission, there has not been a time limit and he does not see a problem with speaking longer. If the Chairperson feels the person speaking is taking too long, then it needs to be addressed at that time to allow others time to speak.

Chairwoman Bowman addressed the first point and stated that the comments Mr. Reed was making had been discussed at a previous meeting regarding an annexation; he spent 15 minutes saying the same thing. One of the reasons that she implemented the three-minute rule is because there was a full house; it is hard to be arbitrary and say that one person can speak longer than another person and to cut someone else off is unfair. We need to give people ample opportunity to voice their points but sometimes people get off-topic and are repetitive, so setting a time limit helps people focus on the main points they

want to make. If three minutes is too short, maybe we could discuss five minutes, as an example. She did ask at the Planning Commission workshop, there were several from the workshop that did allow three minutes.

Commissioner Kaufman stated that there needs to be a time limit and based on the number of people at the meeting can it be structured for everyone so they know how long they get to speak? Chairperson Bowman replied that it would be hard to tell people in advance what the time limit would be, but we could look at the number of people that want to speak. It was suggested that in the letters that are sent out prior to the meeting that we could add if they have concerns or comments, they need to send a letter to the Commissioners prior to the meeting, otherwise they will be limited to three minutes.

Engineering Technician Rodriguez stated the state statute is referenced in the letters. Chairperson Bowman inquired if that should be added to the public notice in the paper and maybe adding the time limit to speak. Commissioner Hauck stated that freedom of speech is a big deal these days and he's concerned that people will stop coming to the meetings because they do not have enough time. City Council also has a time limit of three minutes to speak. Chairperson Bowman stated she would speak with the City Engineer about some of these ideas and will check with legal on the public notices and letters that are sent out and report it at the next meeting.

7. Engineering Report.

Engineering Technician Rodriguez stated there is potential meeting regarding a conditional use permit in March. We will have more information once we receive that application.

8. Adjourn

Motion to adjourn by Commissioner Kaufman. Seconded by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Bowman, Kautz, Hauck, Kaufman, Shimic and Keener. "NAYS": None. Absent: Holliday and Miles. Abstaining: None. Motion carried

The meeting adjourned at 6:37 p.m.



Mary Bowman, Chairwoman

ATTEST:



Carol Martin, Secretary