

PLANNING COMMISSION MEETING
February 21, 2023

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 21, 2023. Present were Chairwoman Bowman and Commissioners Miles, Shimic, Keener, Hauck, Alvizar and alternate Commissioner Taylor. Absent were Commissioners Kautz, Palm and Kaufman. Also present were City Engineer Folck, 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 here after were taken while the meeting was open to the attendance of the public.

Call to Order and Roll Call

Chairwoman Bowman called the meeting to order at 6:01 p.m.

1. Pledge of Allegiance

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

Chairwoman Bowman 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 Chairwoman. 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. Oath of Office – Allen Taylor

Chairwoman Bowman administered the oath of office to Allen Taylor, after which he joined the seated Planning Commission.

4. Approval of Minutes of the December 6, 2022, regular Planning Commission meeting.

Motion by Commissioner Miles to approve the minutes of the December 6, 2022, regular Planning Commission meeting. Second by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Miles, Bowman, Hauck, & Alvizar. "NAYS": None. Abstaining: Shimic, Keener. Absent: Kautz, Palm & Kaufman. Motion carried.

5. Current Business:

- a. Planning Commission Organizational Meeting per City Code 32.02 (E)**
 - i. Election of Chairman**

Chairwoman Bowman entertained nominations for Chairperson: Commissioner Shimic nominated Commissioner Miles. With no other nominations, Chairwoman Bowman entertained a motion to cease nominations. Commissioner Alvizar asked for clarification of what everyone is voting on. Engineer Folck explained every year we have an organizational meeting when we nominate a Chairperson, Vice-Chairperson and appoint a Planning Commission Secretary. The Secretary will be a staff member, the Chair is one that runs the meeting and the Vice-Chair will run the meeting in the absence of the Chairperson.

Chairwoman Bowman asked if there were any other nominations for chairman. With no further nominations, she entertained a motion to cease the nominations.

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

The Commissioners voted by ballot. Secretary Martin read the ballots aloud; seven votes for Commissioner Miles.

ii. Election of Vice-Chair

Chairwoman Bowman entertained nominations for Vice-Chair. Commissioner Bowman nominated Commissioner Alvizar. Commissioner Miles nominated Commissioner Shimic.

With no other nominations, Chairwoman Bowman entertained a motion to cease nominations.

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

The Commissioners voted by ballot. Secretary Martin read the ballots aloud; four votes for Commissioner Shimic and three votes for Commissioner Alvizar.

iii. Appointment of Planning Commission Secretary

Motion by Commissioner Miles to appoint Carol Martin as Planning Commission Secretary. Seconded by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Taylor, Miles, Shimic, Bowman, Keener, Hauck, Alvizar and Taylor. "NAYS": None. Absent: Kautz, Palm and Kaufman. Abstaining: None. Motion carried.

b. Consider annexation of a tract of land situated in the NW¼ of Section 12, Township 21, Range 55 W of the 6th P.M., Scotts Bluff County Nebraska

Engineer Folck said this is a property that Aulick's recently purchased and they are looking at building container homes and developing commercial property along the highway. They are looking at Tax Increment Financing for this project. In order to do Tax Increment Financing the property must be within the City limits. Aulick's would like to get this annexed as soon as possible because they want to get started on the TIF process which is an additional extended period of time due to requirements the City must follow according to State Statute. In order to annex, we have to have either all city services to that property or be able to provide that within a given period of time. This property already has a water and sewer line that will service this whole parcel. There is already access off 7th Street to the Expressway. Any additional improvements, will be addressed through the subdivision process and any additional expense will be the property owner's responsibility., They can use TIF and some other tools to help, but ultimately will be their responsibility.

The reason that this is was not originally annexed with the rest of the property was because there was a concern about maintenance of the roadway. The property just to the east of this property has been annexed up to the Expressway and the Department of Roads maintains the portion of the Expressway adjacent to that property. Engineer Folck has talked with the Department of Roads regarding the maintenance of the Expressway adjacent to this property. The City will probably pay a nominal fee to cover snow removal and mowing costs; that is something we will work through with them. The agreements regarding this will be finalized before this annexation is brought to City Council for the final vote. Engineer Folck said staff feels this request meets the requirements for annexation and the fact that the property owner is requesting it makes it easier than other annexations that have been done. Staff recommends the annexation. Planning Commission must make a recommendation before Council's final vote on the annexation of this property.

Commissioner Miles asked if the City has to pay a fee. Engineer Folck replied that once the City annexes up to a roadway, the roadway becomes the City's. The roadway itself will become within the city limits. Engineer Folck also said that the City cannot just annex the property, we have to annex the right-of-way next to it. In years past, the City would have to take the center line of the roadway and that became a mess. Now when we annex up to a roadway, we have the whole thing to the other side of the roadway.

Commissioner Taylor asked how that will affect maintenance. Engineer Folck said those are things that staff is working on with the Department of Roads and we will have more details later. They didn't think we would be responsible for the capital improvement part of it but those are things that will need to be discussed. The staff at the Department of Roads is researching it and will get us more information before it goes to City Council for a final vote.

Chairwoman Bowman asked if any of the costs get passed onto the property owners. Engineer Folck stated it can and just like any City street, there can be an improvement district. As far as the day-to-day maintenance of it, no. Engineer Folck said the snow removal and maintenance would be the City's responsibility.

Commissioner Shimic asked if this was where the applicant will be building the container homes. Engineer Folck replied that the container homes are planned in the area closer to D Street. This whole parcel is all one parcel out to D Street. The portion of the property we are annexing will be divided into commercial lots and the applicants are actually looking at installing a frontage road along the Expressway. This portion of the property is already zoned Commercial.

Commissioner Shimic asked for pictures of the container houses. Engineer Folck said she will email those pictures out. Engineer Folck said they are required to do landscaping as well. Engineer Folck also stated Aulick's plat or planned development will have to come back to Planning Commission and Council for approval.

Commissioner Keener asked if their access from the highway is going to be County Road 22. Engineer Folck explained that the State would not approve an additional access off the highway. As far as staff is concerned, they are really excited to get some commercial development along the Expressway because this is something we have really been hoping for. We wondered why there hasn't been more development along the Expressway. Commercial development in that area is going to be a benefit to the city. It will be an additional tax base and catch people before they go on to Scottsbluff.

Commissioner Hauck said if we get the racetrack there, this could provide additional benefits there.

Engineer Folck said the ultimate goal would be to put the residential closer to the Pathfinder Addition where there are existing residential. The frontage road should be more commercial and that is an ideal place to catch more traffic coming into town.

Engineer Folck said when we talk about maintenance, it is about the roadway. We will have to work with the Department of Roads who will mow the shoulders and do snow removal.

Commissioner Hauck asked if it would be a benefit to have the City Park department mow. Engineer Folck said no and that the Park Department has enough to do. Engineer Folck said the State will take care of that because they have bigger mowers.

Commissioner Alvizar asked, if the commercial area is developed in the future, would the State allow there to be an exit to the highway? Engineer Folck replied, no. This is a controlled access highway and by design standards they cannot have additional entrances. That is why they are looking at a frontage road.

- a. Chairperson Bowman entertained a motion to Consider annexation of a tract of land situated in the NW¼ of Section 12, Township 21, Range 55 W of the 6th P.M., Scotts Bluff County Nebraska
- b. Motion by Commissioner Shimic to Consider annexation of a tract of land situated in the NW¼ of Section 12, Township 21, Range 55 W of the 6th P.M., Scotts Bluff County Nebraska. Seconded by Commissioner Miles. Commissioner Hauck asked if the motion could be amended to be conditional on acceptable terms being agreed upon with the Department of Transportation for maintenance of the Expressway. Shimic and Miles both agreed to amend the motion. The Clerk called the roll. "AYES": Taylor, Miles, Shimic, Bowman, Keener, Hauck,**

Alvizar and Taylor. "NAYS": None. Absent: Kautz, Palm and Kaufman. Abstaining: None. Motion carried.

City Engineer Report

Engineer Folck stated because of the weather, the Planning Commission workshop that was going to be held on February 22, 2023 has been postponed to March 15, 2023.

Engineer Folck also welcomed Allen Taylor to Planning Commission. Allen was originally appointed as an alternate. Now that Mary Bowman is leaving, he will be coming to all the meetings and if anyone knows of someone else that would be an alternate to get in contact with the city.

Engineer Folck presented Mary Bowman with a plaque for her years of service on the Planning Commission.

Commissioner Shimic asked if a person had to be from a specific zone to fill the vacancy. Engineer Folck said it could be anywhere in the city limits and we can have two members from our extra territorial zoning jurisdiction. It is outside the city limits but still within the city jurisdiction. We have those two members so the next one filling the vacancy would need to be in the city limits.

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

The meeting adjourned at 6:31 p.m.



Mary Bowman, Chairwoman

ATTEST:



Carol Martin, Secretary