

# Cherry County Planning and Zoning Minutes



## CHERRY COUNTY PLANNING COMMISSION MINUTES

February 6, 2024

### CHERRY COUNTY COURTHOUSE MEETING ROOM

The meeting was called to order at 4:30 PM CT by Vice Chairman Wade Andrews in the advertised location of the Cherry County Courthouse Meeting Room.

Roll call was taken. The following members were present: Marla Shelbourn, Wade Andrews, Sherri Bacon, Gary Swanson, John Lee, and Albert Ericksen. Absent was Dave Rogers, Michael McLeod, and Duane Kime. Also present were Jessica Coyle, Zoning Administrator, and various members of the public.

The Open Meetings Act was noted as was the public notice in the Valentine Midland News pertaining to this meeting.

#### Approval of Minutes

Marla S. made a motion to amend the minutes with addition of discussion and recommend approval from the December 5, 2023 meeting. Motion failed due to lack of a second. John L. made a motion to approve the December 5, 2023 minutes. Gary S. seconded the motion. Roll call vote was taken. Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-Absent. Motion carried 6-0.

#### Public Hearing

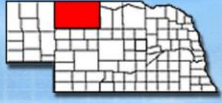
Vice Chairman Andrews opened public hearing on CUP#001/24 Monty Neiffer for Residential Subdivision at 4:34 PM CT. Vice Chairman Andrews asked Monty Neiffer to speak on behalf of the application. Monty spoke to the board about the purchase of the property and felt this was a way to address the housing issue in the community. Zoning Administrator Coyle provided the board with written testimony from Amber Daugherty and Mark Kovar, Nebraska DOT, that was provided prior to the meeting. Monty responded to the written testimony stating that there will be covenants and was in contact with another representative from the Nebraska DOT. No members of the public spoke. Vice Chairman Andrews closed the public hearing at 4:50 pm.

Vice Chairman Andrews asked if the public hearing were properly advertised, and Zoning Administrator Coyle replied yes.

Vice Chairman Andrews asked Zoning Administrator Coyle if CUP#001/24 Monty Neiffer for Residential Subdivision application is complete. The Zoning administrator Coyle stated yes, the application was complete.

Vice Chairman Andrews asked for disclosure of any conflicts of interest on CUP#001/24 Monty Neiffer for Residential Subdivision from the board. No board members disclosed any conflicts.

Vice Chairman Andrews asked for any disclosure of ex-parte communications by any member on CUP#001/24 Monty Neiffer for Residential Subdivision. No members had any communications.



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Discuss/Act on CUP#001/24 Monty Neiffer for Residential Subdivision

Sherri B., Marla S., Gary S., and John L. all brought up concerns they had with the letter from Mark Kovar and the confusion from Mark's statement.

Marla S. made a motion to table a decision on CUP#001/24 Monty Neiffer for Residential Subdivision pending additional information from Mark Kovar, the Nebraska Department of Roads, and applicant. Sherri B. seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, and Marla S.-Yes. Motion carried 6-0.

During public comment a member of the public spoke. Carolyn Semin read and provided a written statement to attach to the minutes.

New Business:

Election of Chairman

Albert E. made a motion to nominate Wade Andrews for Chairman and nominations ceased. Sherri B. seconded the motion. Roll call vote was taken. Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, Marla S.-Yes, and Wade A.-Yes. Motion carried 6-0.

Election of Vice Chairman

John L. made a motion to nominate Duane Kime for Vice Chairman. Gary S. seconded the motion.

Marla S. made a motion to nominate Albert Ericksen for Vice Chairman. Sherri B. seconded the motion.

Roll call vote was taken on motion for Duane Kime for Vice Chairman. Duane K.-Absent, Sherri B.-No, Gary S.-No, John L.-No, Albert E.-Abstain, Dave R.-Absent, Marla S.-No, Wade A.-No, Michael M.-Absent. Motion failed 5-1 with abstention.

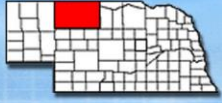
Roll call vote was taken on motion for Albert Ericksen for Vice Chairman. Gary S.-Yes, John L.-Yes, Albert E.-Abstain, Dave R.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, and Sherri B.-Yes. Motion carried 5-1 with abstention.

Election of Secretary

Gary S. made a motion to nominate Sherri Bacon for Secretary and nominations ceased. John L. seconded the motion. Roll call vote was taken. John L.-Yes, Albert E.-Yes, Dave R.-Absent, Marla S.-Yes, Wade A.-Yes, Duane K.-Absent, and Sherri B.-Abstain, and Gary S.-Yes. Motion carried 5-1 with abstention.

Discuss/Act Annual Review of Planning Commission Bylaws and Rules of Procedure

The board discussed some possible changes regarding limiting the number of excused absences. The board feels that if the Commissioners want to remove someone, they have the authority already provided in the document. Marla S. made a motion to make no changes to the Planning Commission Bylaws and Rules of Procedure. Albert E. seconded the



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motion. Roll call vote was taken. Albert E.-Yes, Dave R.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, and John L.-Absent. Motion carried 6-0.

## Set Meeting Date and Time

The board set a date of March 4 at 4:30 PM CT for the next meeting in the Cherry County Courthouse Meeting Room.

## Old Business:

### Discuss/Act on Billie Brockley CUP#005/23 for RV/Tent Camping Park

Zoning Administrator Coyle told the board that they should have all received via email the additional information from the applicant. Board members asked the applicant questions and had discussion as a board. Gary S. made a motion to recommend approval based on it meets the criteria of the current Zoning Regulations. John L. seconded the motion. Additional discussion was had by the board after the motion was made. Roll call vote was taken. Dave R.-Absent, Marla S.-No, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-No, Gary S.-Yes, John L.-Yes, and Albert E.-Yes. Motion carried 4-2.

## Cherry County Comprehensive Plan

Zoning Administrator Coyle advised the board of her conversation with Keith Marvin on the status of the Comprehensive Plan.

## Communications:

Zoning Administrator Coyle asked the board who would like to be registered for the NPZA Conference March 6-8. Sherri B. did and Marla S. was a maybe. Zoning Administrator Coyle will make the arrangements.

## Reports and Recommendations:

None

## Excused Absence:

John L. made a motion to excuse Dave R., Duane K., and Michael M. from the meeting. Gary S. seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, and Marla S.-Yes. Motion carried 6-0.

Chairman Andrews adjourned the meeting at 5:52 PM CT.

Jessica Coyle

Zoning Administrator