

Planning Commission Regular Meeting
Tuesday, February 2, 2021 7:00 PM

Hickman Community Center/City Hall 115
Locust Street, Room 128 Hickman, Nebraska

1. Call to Order
 - A. Participant Sign-In Sheet Available & Disclosure of Meeting Recording Process Notice Posted.
 - B. This is an Open Meeting of the Hickman Nebraska Planning Commission. The Hickman Nebraska Planning Commission abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is on display in this meeting room as required by Nebraska State Law. Notice of meeting and copies of this agenda have been publically posted prior to the meeting at the Hickman City Hall, Hickman U.S. Post Office and U-Stop Market.
 - C. The Hickman Nebraska Planning Commission may vote to go into Executive Closed Session on any agenda item as allowed by Nebraska State Law. The Planning Commission Members may be excused and re-enter the meeting room at any time after reconvening open session.
 - D. Registered Agenda Speakers: All individuals requesting to be Registered Agenda Speakers must fill out a Registered Speaker Card & submit to Recording Clerk. The Planning Commission Chairperson or Presiding Meeting Officer reserves the right to deny this request, or will call you to the podium when your agenda Item is ready to be heard. Presentations, if allowed, may be limited to five (5) minutes per person, with a limit of three (3) individuals speaking per topic position. Please come to the podium, and clearly state your name and address for the record and the agenda topic you wish to speak upon in a professional manner.
2. Roll Call
3. Approval of December 1, 2020 Meeting Minutes
4. Communications, Presentations & Introductions
5. Staff Report
6. Annual appointments/reappointments by the Mayor and approved by the City Council for Planning Commission Members Term Ending: December 2023 Dave Kulwicki and Eldren Echernkamp. The Mayor appointed Andrew Seuferer as the Alternate Member at the January 12, 2021 City Council Meeting with the term ending December 2023.

- 7.
8. Nomination and Elections of Planning Commission 2021 Chairperson and Vice Chairperson per Hickman Municipal Code, Chapter 2 Commissions and Boards and Planning Commission Bylaws.
- 9.
10. Public Hearings
 - A. The purpose of the hearing is to provide an opportunity for Public Comment on a request from Mr. Matt Miller, to vacate the Administrative Final Plat for Buel Highlands Estates 1st Addition, lots 6A and 6B and revert the property back to Buel Highlands Estates Block 1, Lot 6. Property is located in the SE ¼ of Section 22, T8N, R7E, 6th Principal Meridian, Lancaster County Nebraska. Said tract is commonly known as 17270 S. 75th Street Court, Hickman, NE 68372.
 - B.
11. Unfinished Business - None
12. New Business
 - A. Recommendation to City Council on a request from Mr. Matt Miller, to vacate the Administrative Final Plat for Buel Highlands Estates 1st Addition, lots 6A and 6B and revert the property back to Buel Highlands Estates Block 1, Lot 6. Property is located in the SE ¼ of Section 22, T8N, R7E, 6th Principal Meridian, Lancaster County Nebraska. Said tract is commonly known as 17270 S. 75th Street Court, Hickman, NE 68372.
 - B.
13. Planning Commission Comments & Correspondence
14. Meeting Adjournment

MINUTES OF THE HICKMAN PLANNING COMMISSION

December 1, 2020

Call to Order

Planning Commission Chair Josh Maurer called the Hickman Planning Commission Regular Meeting to order at 7:00 pm on Tuesday, December 1, 2020. Notice of the meeting was distributed and posted at the Hickman City Hall, U.S. Post Office-Hickman, and U-Stop Market. Open Meeting Laws Act and document placement in the meeting room and Executive Closed Session allowances were acknowledged and referenced. The participant sign-in sheet, registered agenda topic speaker cards and the meeting recording process were referenced.

Roll Call

Planning Commission Members present for Roll Call included: Dave Kulwicki, John Meese, Chair Josh Maurer, Eldren Echternkamp, Will Volzke, Cory Ostrander, Vice Chair Troy Pomajzl, Marna Cochell. Alternate Arnold Mendenhall and Nancy Brandt were absent and excused. Member Brandt participated in discussions via Zoom.

Minutes

Minutes of the October 1, 2019 regular Planning Commission meeting were presented. Motion by Cochell and a second by Pomajzl to approve the September 1, 2020 minutes. The following PC Members voted "Yes", Kulwicki, Meese, Maurer, Echternkamp, Volzke, Ostrander, Pomajzl, Cochell. The following PC Members voted "No", none. Motion passed 8-0.

Planning Commission Presentations & Introductions – None

Staff Report

City Zoning and Floodplain Administrator reported on the request from Mr. Travis Buel on a Final Plat for Salt Creek Reserve 1st Addition. Property legally described as Salt Creek Reserve, Outlot B, Lancaster County, Hickman, NE 68372. The final plat contains 14 low density, single family acreages and one outlot in this second phase. The proposed subdivision name is Salt Creek Reserve 1st Addition. The Future Land Use Map was updated in 2018 and shows the 44 acre parcel to be LDR or Low Density Residential. The zone change to R-1 Residential Estates District was consistent with LDR in intent for development of the parcel into a residential subdivision of single family acreages. Waivers and conditions of City Council Resolution 2019-20 – Salt Creek Reserve Preliminary Plat, continue to be in effect. City Engineer, Mr. Justin Stark and Mr. Brian Shuele of Olsson, have reviewed the plans. City Engineer is requiring the Conservation easement, drainage easement, tower easement terms will need to be provided, in addition to existing tower easement release formal documents, executed copies of all easements and easement releases prior to approval of the final plat, and recorded copies of all easements and easement releases upon recording of the final plat, provide a block for the Mayor and City Clerk to sign and attest per Section 12.04 and to provide Final Construction Plans. Lancaster County Surveyor, Mr. John Berry, has reviewed the plans. Lancaster County is requiring that all improvements to be installed, completed and approved in accordance with Lancaster County design standards prior to final plat approval and recording in compliance with Nebraska Revised Statutes 81-8,122.01. Lancaster County GIS Department review noted and requested corrections of missing lines on Plat with its corresponding distance and distances to add up to total shown on Plat. Motion by Cochell and a second by Echternkamp to approve the Staff Report. The following PC Members voted "Yes", Kulwicki, Meese, Maurer, Echternkamp, Volzke, Ostrander, Pomajzl, Cochell. The following PC Members voted "No", none. Motion passed 8-0.

Public Hearings

Chair Maurer opened the Public Hearing at 7:16 pm. The purpose of the hearing is to provide an opportunity for Public Comment on a request from Buel Land Development Corp., authorized agent Mr. Travis Buel, on a Final Plat for Salt Creek Reserve 1st Addition. Property legally described as Salt Creek Reserve, Outlot B, Lancaster County, Hickman, NE 68372. Mr. Travis Buel of 18400 S 54th Street spoke in

favor of the final plat. Mr. Buel spoke about the final plat and addressed City Engineer report requirements, Lancaster County Surveyor report requirements, and stated that the full construction plans were submitted to the county but not the city. He would be submitting the construction plans to the city early next week. No other public comments were received. Motion by Pomajzl and a second by Echternkamp to close the Public Hearing at 7:18 pm. The following PC Members voted "Yes", Kulwicki, Meese, Maurer, Echternkamp, Volzke, Ostrander, Pomajzl, Cochell. The following PC Members voted "No", none. Motion passed 8-0.

Unfinished Business - None

New Business

Discussion included missing or incomplete documents and information for the application of Final Plat for Salt Creek Reserve 1st Addition and requested that all necessary documents be complete and received prior to scheduling public hearings and new business for future Planning Commission meetings to avoid multiple contingencies with the motion of recommendation to City Council. Home Owner Association creation for both Salt Creek Reserve and Salt Creek Reserve 1st Addition and responsibilities were discussed and Mr. Buel confirmed that he has new buyers sign and notarize the neighborhood covenants that state water hookup through Lancaster County Rural Water, easements on lots, and building envelopes according to the Preliminary Plat and Ghost Plat. Discussion of Subdivision Agreement, details of trail maintenance and snow removal responsibilities by the Home Owners Association and the City. Clarification of outlots, easements, 30 foot public access and green space easements, and trail placement and maintenance of the trail were also discussed. Discussion of Outlot A tower lease area and access as an additional exhibit to the subdivision agreement. City Zoning and Floodplain Administrator noted that building permits would not be issued by the city without review of building envelopes and a water source. Motion by Cochell and a second by Ostrander to recommend approval to City Council on a request from Buel Land Development Corp., authorized agent Mr. Travis Buel, on a Final Plat for Salt Creek Reserve 1st Addition. Property legally described as Salt Creek Reserve, Outlot B, Lancaster County, Hickman, NE 68372 with the following conditions:

1. Provide potential buyers information regarding delays in water hookup to Lancaster Rural Water of two years (November 2022);
2. Provide executed copies of all easements and easement releases prior to approval of the final plat, and recorded copies of all easements and easement releases upon recording of the final plat;
3. Correct Final Plat including missing lines and dimensions, correct incorrect distances, and add signature blocks for Mayor, City Clerk and Lancaster County Register of Deeds;
4. Have the Development Engineer provide a certification report to the County, certifying all improvements have been installed per County Design Standards;
5. Allow for Requests and Waivers outlined in Resolution 2019-20 as applied to Salt Creek Reserve 1st Addition Final Plat; and
6. Develop an acceptable Subdivision Agreement prior to Final Plat approval that includes terms and clarification of public access and green space easements, conservation easements, outlots and Home Owner Association responsibilities.

The following PC Members voted "Yes", Kulwicki, Meese, Maurer, Echternkamp, Volzke, Ostrander, Pomajzl, Cochell. The following PC Members voted "No", none. Motion passed 8-0.

Planning Commission Comments/Correspondence/Sub-Committee Updates

Interim City Administrator updated Planning Commission Members on contractual agreement with JEO Consulting Group Inc. for \$7,500.00 on the final preparations of Zoning and Subdivision updates. Chair Maurer announced that Mr. Arnold Mendenhall has verbally stated his intentions to resign from Planning Commission. Interim City Administrator briefed the Planning Commission on the current status of job opening for a City Administrator. City Zoning and Floodplain Administrator reported on record number of building permits that have been issued by the city this year. No action taken.

Meeting Adjournment

Motion by Pomajzl and a second by Volzke to adjourn at 7:55 pm. The following PC Members voted "Yes", Kulwicki, Meese, Maurer, Echternkamp, Volzke, Ostrander, Pomajzl, Cochell. The following PC Members voted "No", none. Motion passed 8-0.

Josh Maurer, Chair

Date

Kelly Oelke, City Clerk

Date

DRAFT

CITY OF HICKMAN
STAFF REPORT FOR PLANNING COMMISSION
FEBRUARY 2, 2021 MEETING

APPLICATION/FACTS

PROJECT: #2021-05 Vacate Plat Buel Highlands Estates 1st Addition

OWNER: Matt Miller
9540 Cotswold Lane
Lincoln, NE 68526

PROJECT ADDRESS: 17270 S. 75th St Court, Hickman NE 68372

LEGAL DESCRIPTION: Buel Highlands Estates 1st Addition, Lots 6A and 6B

PROPERTY LOCATION: SE ¼ of Section 22, T8N, R7E, 6th Principal Meridian, Lancaster County
Nebraska, Hickman NE 68372

LAND AREA: 3.09 Acres

EXISTING ZONING: R-1 Residential Estates District

SURROUNDING ZONING:

SOUTH: R-1 NORTH: TA (Transitional Agriculture)
EAST: R-1 WEST: R-1

EXISTING LAND USE: Undeveloped Residential Property

UTILITIES: Property outside of City Limits and not provided by the City of Hickman

2007 Hickman Subdivision Regulations Section 3.07 Vacation of Plat of Record.

- 3.07.01 A subdivider may make application to the City to vacate any plat of record under the following conditions:
- 1 The Plat to be vacated is a legal plat of record.
 - 2 Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
 - 3 Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.
- 3.07.02. The owner or owners shall present a proposal to the City, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall after public hearing and consideration, send recommendations to the City Council. The City Council, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Lancaster County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

History:

On December 22, 2020, Buel Highlands Estates 1st Addition Administrative Final Plat was approved by the Zoning and Interim City Administrators. This administrative plat was a Ghost Plat Adjustment as it moved the ghost plat line from an E-W orientation to shown on page 2 of 6 of Buel Highland Estates Preliminary Plat to a diagonal NW-SE orientation. Unfortunately the County recognized the ghost plat line as a parcel line. The Lancaster County Register of Deeds, Treasurer and GIS Department emailed their concerns to the City of Hickman. They were as follows:

1. The Assessor's office does not refer to plats as "ghost" plats, parcels or lines. The legal lot is either replatted or not.
2. The parent parcel legal description is now recognized as the new plat that was filed.
3. New tax parcels have NOT yet been created, as we would need the plat corrected from its current version and the taxes paid to process the filed plat. The plat configuration shown on the final plat map would create two new parcels.
4. The parcel is divided into two lots, the lot numbers should be 1 & 2.
5. The perimeter closure ratio does not fall within 1/25,000 and should be corrected to do so.
6. The current year taxes (2021) would need to be paid in full to process the plat.
7. Buel Highlands Estates 1st Addition name cannot be used again in the future after being repealed.

After being made aware of the issues created with the Administrative Plat, Mr. Miller and his surveyor began correcting the items that could be corrected i.e. paying the 2021 taxes and closing the perimeter boundary. The next step is to vacate the plat to revert the lot to its original state as Buel Highlands Estates Block 1, Lot 6.

Findings of Fact:

1. The Plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.
4. An Ordinance, with proper notification and public hearings by both Planning Commission and City Council shall be held prior to the approval, by the City Council to vacate the plat.
5. Proper Notification includes publication of a newspaper of general circulation and posting in three places within the community.

Conclusions:

1. The property owner is the sole owner of the two lots.
2. Vacation of the plat will revert the property to its original state allowing the building of a single family residence.
3. This request meets the requirements of vacating a plat in Section 3.07 of the 2007 Subdivision Regulations.
4. Planning Commission notification was published in the Voice Newspaper on Thursday, January 21, 2021, and was posted at the U.S. Post Office, U-Stop Market and Hickman City Hall. The City Council Public Hearing notification was published January 28, 2021, and posted in the above three places.
5. Public hearings to be held by both City Council and Planning Commission.
6. The Ordinance to vacate the plat must be passed and approved by City Council.

Staff Recommended Motion:

Recommend approval on the ordinance, from the Planning Commission to the City Council, to vacate Buel Highlands Estates 1st Addition Final Plat and revert the property back to Buel Highlands Estates Block 1, Lot 6.

NOMINATE AND ELECT CHAIRPERSON, VICE CHAIRPERSON

1. Current Chairperson opens the floor for nominations of a Planning Commission **Chairperson**.

- ✓ Any board member can make a nomination at this time.
“I nominate _____ for **Chairperson**.”

2. Motion to close the nominations and nominate _____ for Planning Commission **Chairperson**.

- ✓ Member _____ Second the motion.
- ✓ Roll Call

3. Motion to approve nomination of _____ as Planning Commission **Chairperson**.

- ✓ Member _____ Second the motion.
- ✓ Roll Call

4. NEWLY nominated Chairperson then opens the floor for nominations of a Planning Commission **Vice Chairperson**.

- ✓ Any board member can make a nomination at this time.
“I nominate _____ for **Vice Chairperson**.”

5. Motion to close the nominations and nominate _____ for Planning Commission **Vice Chairperson**.

- ✓ Member _____ Second the motion.
- ✓ Roll Call

6. Motion to approve nomination of _____ as Planning Commission **Vice Chairperson**.

- ✓ Member _____ Second the motion.
- ✓ Roll Call

**RESOLUTION PC2019-01
CITY OF HICKMAN
AMENDED PLANNING COMMISSION BYLAWS**

**ARTICLE I
Objectives**

The objectives and purposes of the Planning Commission of the City of Hickman (Commission) are set forth in NEB. REV. STAT. §19-901 and §19-924 through §19-929, as amended, as well as those powers and duties delegated to the Commission by the City Council of Hickman, Nebraska.

**ARTICLE II
Officers and Their Duties**

SECTION 1. The officers of the Planning Commission shall consist of a Chair and Vice Chair and are subject to the provisions pursuant to NEB. REV. STAT. §19-927, as amended.

SECTION 2. All officers shall be regular members of the Commission. All officers are elected for terms of one year. There is no limit to the number of terms that a regular member may serve as an officer.

SECTION 3. The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage of such officers. The Chair shall have the privilege of discussing all matters before the Commission and voting thereon.

SECTION 4. The Vice Chair shall assume the duties of the Chair in the Chair's absence. If the Chair and Vice Chair are both absent from the meeting, the member present with the most consecutive years of membership shall preside over the meeting.

SECTION 5. The City Clerk or designee shall keep the minutes and records of the Commission, prepare the agendas for regular and special meetings, provide notice of meetings to Commission members, arrange proper and legal notice of meetings, attend to correspondence of the Commission and attend to such other duties as normally carried out by a Secretary.

**ARTICLE III
Election of Officers**

SECTION 1. Nomination of officers shall be made from the floor at the annual organizational meeting and the elections shall follow immediately thereafter. During the election of officers, when more than one candidate is nominated, the Chair may conduct the election by roll call vote or anonymous paper ballot. If election is conducted by anonymous paper ballot, the total number of votes for each candidate shall be recorded in the minutes.

SECTION 2. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one year or until the successor shall take office.

SECTION 3. Vacancies in offices shall be filled immediately by regular election procedure.

**ARTICLE IV
Membership**

SECTION 1. Membership of the Commission shall consist of nine total members, all of whom shall reside within the planning and zoning jurisdiction of the City of Hickman. Up to two members may reside outside the corporate limits and within the extraterritorial jurisdiction. Pursuant to NEB. REV. STAT. §19-926

(R.R.S.1943), when the population within the extraterritorial jurisdiction equals 500 or more residents, there shall be a minimum of one Commission member that resides within the extraterritorial jurisdiction.

SECTION 2. In addition to the nine regular members, the Commission shall include one alternate member. When less than nine (9) regular commission members are present and capable of voting, the alternate member may serve as a voting and participating member of the Commission.

SECTION 3. Membership shall be for a length of three years, with the possibility for reappointment.

SECTION 4. Members are expected to attend all meetings. Whenever a member cannot attend a meeting, that member shall notify the Chair or City Clerk prior to the scheduled meeting.

SECTION 5. Whenever a member of the Commission accumulates four (4) unexcused absences or six (6) total absences in any twelve month period, notice shall be given to the City Council requesting the member be replaced.

SECTION 6. Members shall not indicate their voting intentions with applicants until the Public Hearing is closed. Any ex-parte communication shall be disclosed during the next regularly scheduled Commission meeting wherein the issue involved in the ex-parte communication is on the agenda.

SECTION 7. Members of the Commission shall not hold any other municipal public office.

SECTION 8. Members shall avoid any conflict of interest (See Article V).

ARTICLE V Conflict of Interest

SECTION 1. A Conflict of Interest is believed to be present when a member of the Commission:

- A. Has a property interest in any real property affected by a rezoning action upon which that member is authorized to vote;
- B. Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action upon which that member is authorized to vote; or,
- C. Has a relative of their family having any interest described in paragraphs (A) or (B) of this Article.

SECTION 2. If a Conflict of Interest exists, or may exist, the member shall disclose in writing to the Chair and City Clerk at least five (5) days prior to any action by the Commission the nature and extent of such interest. The member shall not participate in the discussion, questions, or voting on that particular matter, nor shall said member take any action which may influence the voting of any other member (See Article X).

ARTICLE VI Meetings

SECTION 1. The Nebraska Open Meetings Act guarantees that every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies. NEB. REV. STAT. §84-1407 through §84-1414.

SECTION 2. Regular meetings will be held on the first Tuesday of each month at 7:00 pm, unless there is a lack of business for discussion or voting purposes. The Commission shall hold at least one regular meeting in each calendar quarter per NEB. REV. STAT. §19-927.

SECTION 3. All meetings shall utilize Robert's Rules of Order for meeting procedures.

SECTION 4. Regular and Special meeting notification procedures shall meet Nebraska State Statutes.

- SECTION 5. The Chair of the Planning Commission may call special meetings. It shall be the duty of the Chair to call such a meeting when requested to do so in writing by a majority of the members of the Commission. The notice of such meeting shall be posted in accordance with Nebraska State Statutes. The special meeting notice shall specify the purpose of such a meeting and no other business may be added to the meeting agenda and notice. The Chair shall notify all members of the Commission in writing, per Nebraska State Statutes, in advance of such special meetings.
- SECTION 6. A copy of the agenda shall be kept current in the City Office and made available for review by the public.
- SECTION 7. A quorum shall refer to the number of votes necessary to transact business. A quorum of the Commission shall be a majority of the membership (i.e. five (5) votes).
- SECTION 8. All voting, except for officer elections (See Article II), shall be conducted by roll call.
- SECTION 9. In the event of inclement weather, the Chair shall have the authority to cancel regular and special meetings.
- SECTION 10. In the event there is a lack of business to discuss and/or vote upon at a regular scheduled meeting or if the regular scheduled meeting is during a holiday, the Chair or a majority of the Planning Commission may cancel said meeting. The City Clerk or Designee shall provide notice to the public and members of the Commission of the cancelled meeting in a similar fashion as notice is provided for regularly scheduled meetings. If a meeting is cancelled due to inclement weather, the notification process may be waived.

ARTICLE VII

Meeting Agenda and Order of Business

- SECTION 1. Meeting agenda and order of business shall be as follows:
- A. Call to Order.
 - B. Roll Call.
 - C. Approval of the minutes of the previous meetings.
 - D. Presentations & Introductions.
 - E. Agenda Item Reports. To ensure proper business order, when multiple topics are on the Commission's agenda the Chair may move to open the associated Public Hearings after the pertinent reports of each topic are provided. The Chair may then refer back to the associated Agenda Item Reports prior to the next topic's Public Hearing.
 1. City Staff and City Consultant Reports.
 2. Applicant Reports.
 - F. Public Hearings for Unfinished and New Business (See Article VIII & IX).
 - G. Unfinished Business. All individuals from the public requesting to speak on an Unfinished Business agenda item must fill out a Registered Agenda Topic Speaker Card and submit it to the City Clerk or designee. The Chair reserves the right to deny the request or call the individual to the podium when the agenda item is being heard. Presentations, if allowed by the Chair, may be limited to five (5) minutes per person, with a limit of three (3) individual speakers per topic position.
 - H. New Business. All individuals from the public requesting to speak on a New Business agenda item must fill out a Registered Agenda Topic Speaker Card and submit it to the City Clerk or Designee. The Chair reserves the right to deny the request or call the individual to the podium when the agenda item is being heard. Presentations, if allowed by the Chair, may be limited to five (5) minutes per person, with a limit of three (3) individual speakers per topic position.
 - I. Planning Commissioner Comments, Correspondence, and Administrative Reports.
 - J. Adjournment.

ARTICLE VIII
Hearings

- SECTION 1. Hearings are defined as public discussion taking place within public meetings for the purpose of taking testimony from applicants, proponents and opponents of specific items.
- SECTION 2. In addition to those required by Law, the Commission may, at its discretion, hold Public Hearings when it decides that such hearings will be in the public interest.
- SECTION 3. Notice of such hearings shall be provided with advance notice to the public and in the manner set forth in Nebraska State Statutes.
- SECTION 4. All cases before the Commission shall be presented in summary by the City staff and/or City Consultant, in verbal or written format.
- SECTION 5. The parties in interest shall have privileges of the floor.
- SECTION 6. A record shall be kept by the City Clerk or Designee of those speaking before the Commission.

ARTICLE IX
Public Hearing Testimony and Procedure

- SECTION 1. The role and function of the Planning Commission is to advise the City Council concerning planning matters and in accordance, the general policies of Public Hearings are as follows:
- A. Written statement supporting or opposing an agenda item may be submitted to the Commission as a part of the Public Hearing and the City Clerk or Designee shall include the written statement by reference in the meeting record.
 - B. Official written comments from a public body or agency may be read into the record of the Public Hearing if appropriate, or otherwise cited for the record by the Chair at the beginning of the Public Hearing on the agenda item.
 - C. Each speaker shall state their name, address, and affiliation with any business or organization that is relevant to the matter being considered for the record prior to stating the reasons why they support or oppose the Public Hearing topic.
 - D. Commissioner's questions should be limited, however shall not be restricted, during Public Hearings to ensure adequate time for the public to provide their opinions. The Commissioners shall be provided the opportunity by the Chair during the old or new business agenda items to ask all germane questions and may be authorized, at the discretion of the Chair, to call parties to the podium to answer their questions.
 - E. All questions and public testimony shall be directed through the Chair and cross-examination or direct questioning in front of the Commission between proponents and opponents shall not be allowed.
 - F. All items on an advertised agenda for a Public Hearing shall be heard on the scheduled date except, in the event of one of the following circumstances:
 1. As voted on by a majority of the Planning Commissioners via a roll call vote, specific circumstances surrounding the matter warrant the continuance or deferral of the hearing on the matter to a specific future date and time;
 2. The applicant submits a written letter to the City Clerk at least thirty-six (36) hours prior to the scheduled Public Hearing requesting withdrawal or deferral of the Public Hearing agenda item; or,
 3. Cancellation of meeting due to inclement weather (See Article VI).
 - G. The Commission shall attempt to provide a proportionally equal length of time for presenting testimony for both proponents and opponents of an issue during a Public Hearing. The preferred maximum time allotted to each speaker is five (5) minutes. The Chair shall have the power to restrict or expand the period of time for testimony, with a maximum of 30 minutes being provided to each topic position. If circumstances

- surrounding the matter warrant additional time and is in the best public interest, additional time may be allocated to the Public Hearing by a majority vote of the Commissioners.
- H. The Chair of the Commission shall reserve the right to discontinue speakers at any time due to repetitious or irrelevant testimony.
 - I. The Chair may ask opponents and proponents to be recognized as groups to provide the Commission an idea of the number of persons sharing similar viewpoints.
 - J. Upon closing of the Public Hearing no further comment or presentation shall be made by parties in interest unless:
 - 1. A Planning Commissioner has a specific question for a party in interest;
 - 2. The Chair deems further comment to be appropriate and germane to the issues surrounding the matter before the Planning Commission; or,
 - 3. The Chair recognizes individuals from the public requesting to speak via a Register Speaker Card (See Article VII).

SECTION 2. Order of Testimony during Public Hearings:

- A. Chair calls the matter before the Planning Commission and opens the Public Hearing.
- B. Chair requests testimony from proponents of the application.
- C. Chair requests testimony from opponents of the application.
- D. Chair may allow time for rebuttal by the applicant.
- E. Upon completion of all testimony or time allotment, the Chair shall request a motion and second by the Commissioners to close the Public Hearing and said Public Hearing shall be considered closed upon majority vote via roll call of the Commissioners.

ARTICLE X
Voting

SECTION 1. A majority vote of a quorum of the Planning Commission is required for approval of all motions. A motion, which fails by a majority vote, shall not be deemed as approval of the opposite position. A new motion shall be made to approve the opposite position, with any amendments and conditions, for submission of the Commission's recommendation to the City Council.

SECTION 2. If a motion on an issue results in a tie vote of those present, the Planning Commission may forward a report of "no recommendation" to the City Council.

SECTION 3. The Planning Commission may add conditions to their recommendation of any application or matter it deems necessary so the public health, safety and welfare of the residents of the City as a whole is protected and/or enhanced.

SECTION 4. The recommendation of the Planning Commission, along with any explanation or commentary related to conditions on a particular agenda item shall be provided to the City Council.

SECTION 5. Voting of every Commission member present is mandatory and each member shall vote unless one of the following exceptions apply:

- A. Conflict of Interest. If such member has a conflict of interest on the pending question, they shall vote to abstain thereon.
- B. Right of Abstention. If such member believes they have an appearance of partiality on the pending question, such member may abstain from voting thereon unless such vote is necessary to obtain the required five (5) affirmative votes for action.
- C. Right to Abstain on Approval of the Minutes. If such member did not attend a meeting, such member may abstain from voting on the question of whether the minutes of said meeting should be approved unless their vote is needed to obtain the required five (5) affirmative votes for action.

ARTICLE XI

Employees and Expenditures

SECTION 1. The Commission may employ or be assisted by the City Administrator’s designee and/or experts to perform such duties as may be assigned by the Chair of the Planning Commission. The Commission may employ such staff and/or experts as it sees fit to aid the Commission in the fulfilment of its duties.

SECTION 2. Any funds needed by the Commission, for employment or otherwise, must be appropriated to the Commission by the City Council, and may only be expended in the amount and for the purpose for which the funds were appropriated.

SECTION 3. The Commission may, with the consent of the City Council, in its own name exercise any powers or authorities provided by NEB. REV. STAT. §19-929, as amended.

**ARTICLE XII
Amendments**

These Bylaws may be amended by an affirmative vote of at least two-thirds of the entire membership of the Planning Commission (i.e. six (6) votes).

**ARTICLE XIII
Separability**

If any section, clause, provision, or portion of these Bylaws shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these Bylaws.

**ARTICLE XIV
Certificate of Adoption**

The foregoing Bylaws of the City of Hickman Planning Commission are hereby adopted by at least a two-thirds affirmative vote of the Commission on this 2 day of April 2019.

[Signature]
Chair, Planning Commission

[Signature]
Vice Chair, Planning Commission

ATTEST

[Signature]
City Clerk



TAB 4

PUBLIC NOTICE
City of Hickman, Nebraska
Planning Commission Meeting

Notice is hereby given the Hickman Planning Commission will be holding a public hearing on Tuesday, February 2, 2021 during the regular meeting beginning at 7:00 pm at the Hickman Community Center/City Hall, 115 Locust Street, Room 128, Hickman, Nebraska.

The purpose of the hearing is to provide an opportunity for Public Comment on a request from Mr. Matt Miller, to vacate the Administrative Final Plat for Buel Highlands Estates 1st Addition, lots 6A and 6B and revert the property back to Buel Highlands Estates Block 1, Lot 6. Property is located in the SE ¼ of Section 22, T8N, R7E, 6th Principal Meridian, Lancaster County Nebraska. Said tract is commonly known as 17270 S. 75th Street Court, Hickman, NE 68372.



Karen Sayer
Deputy Clerk

The Voice News

P.O. Box 148
Hickman, NE 68372-0148

INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	3000433	DUE DATE	2/13/2021
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BILL TO
City of Hickman ATTN: Clerk 115 Locust Street Hickman, NE 68372

THE STATE OF NEBRASKA }
County of Lancaster } ss. Darren P. Ivy, being duly sworn,
says that he is the publisher of

VOICE NEWS

News of Otoe, Johnson, Gage, Cass, Lancaster,
& Scotts Bluff Counties,

a legal newspaper which is published and is in general circulation in Lancaster, Gage, Johnson, Otoe, Cass, and Scotts Bluff Counties, Nebraska, and is printed in the English Language weekly at its offices in Hickman and Mitchell, Nebraska; that said newspaper has been so published for more than fifty-two successive weeks prior to the publication of the annexed notice, and has a bona fide circulation of more than three hundred copies each issue. That to affiant's personal knowledge, the annexed notice was published in said newspaper:

1	Successive Week(s)
Beginning with the issue of:	1/14/2021
and ending with the issue of:	1/14/2021
Publisher's fee at Legal Rate is:	\$10.10

PUBLIC NOTICE CITY OF HICKMAN, NEBRASKA CITY COUNCIL MEETING

Notice is hereby given that the Hickman City Council will be holding a public hearing on Tuesday, January 26, 2021 during the regular meeting beginning at 7:00 pm at the Hickman Community Center/City Hall 115 Locust Street,

Room 128 Hickman, Nebraska.

The purpose of the hearing is to provide an opportunity for Public Comment on a request from Buel Land Development Corp., authorized agent Mr. Travis Buel, on a Final Plat for Salt Creek Reserve 1st Addition. Property legally described as Salt Creek Reserve, Outlot B, Lancaster County, Hickman, NE 68372.

Kelly Oelke, CMC
City Clerk

Jan 14 - 24 In

Darren P. Ivy

Darren P. Ivy, Publisher

Summary Information	Weekly Cost
Notice of Jan. 26 Meeting - Jan. 14	10.10

Subscribed and sworn before me, this 14th day
of

January, 20 21

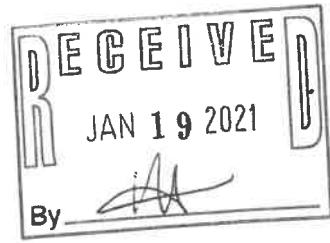
Sharon L Gray
Notary Public

COPY

State of Nebraska - General Notary
SHARON L GRAY
My Commission Expires
August 18, 2023

This document is your Affidavit of Publication and amount that will be on your Invoice.

1435



January 18, 2021

Dear City of Hickman,

I am submitting a request to vacate the Administrative Final Plat for Buel Highlands Estates 1st Addition, lots 6A and 6B. Property located in the SE ¼ of Section 22, T8N, R7E, 6th Principal Meridian, Lancaster County Nebraska. Said tract is commonly known as 17270 S. 75th Street Court, Hickman, NE 68372.

The property is undeveloped at this time. I purchased the property to build a house for my family. I made a request to the City to move, or adjust, the ghost plat line to fit the proposed layout of my house. I was instructed to have a surveyor prepare an Administrative Final Plat showing the location of the new ghost line. The appropriate signatures on the plat were collected and, as instructed by the City, I filed the plat with the Register of Deeds. This filing created two separate parcels on my property. It is in the best interest of the City and the Millers, to vacate the plat and return the property to its original plat as one parcel.

Thank you for your consideration in this matter.

Sincerely,

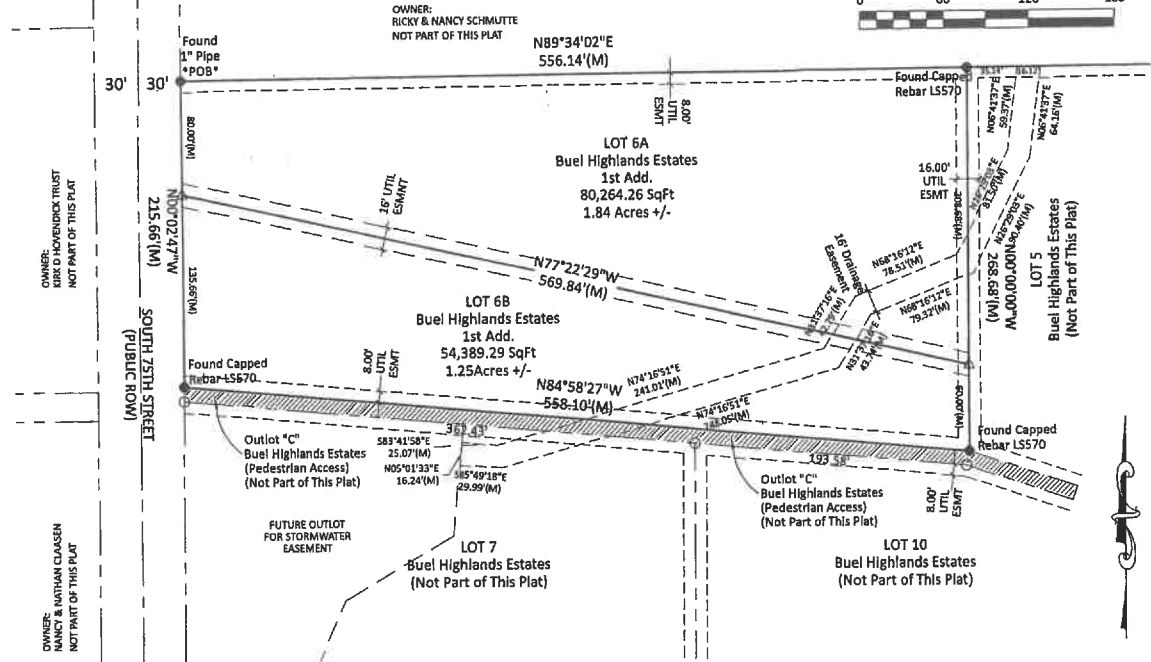
A handwritten signature in black ink, appearing to read "Matt Miller".

Matt Miller

BUESI #5902

**BUEL HIGHLANDS ESTATES
 1ST ADDITION
 ADMINISTRATIVE FINAL PLAT
 (GHOST PLAT ADJUSTMENT)**

TO
 VACATE



SURVEYOR'S CERTIFICATE

THE FOREGOING PLAT TO BE KNOWN AS "BUEL HIGHLANDS ESTATES 1ST ADDITION", AN ADMINISTRATIVE REPLAT OF LOT 6 OF BUEL HIGHLANDS ESTATES, LOCATED IN THE SE 1/4 OF SECTION 22 T8N R7E OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY NEBRASKA, SAID TRACT OF LAND SHALL BE MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING AT THE NW CORNER OF SAID LOT 6, THENCE ON THE NORTH LINE OF SAID LOT 6, N89°34'02"E A DISTANCE OF 556.14 FEET TO THE NE CORNER OF SAID LOT 6; THENCE ON THE EAST LINE OF SAID LOT 6, S00°00'00"E A DISTANCE OF 268.58 FEET TO THE SE CORNER OF SAID LOT 6; THENCE ON THE SOUTH LINE OF SAID LOT 6, N84°58'27"W A DISTANCE OF 558.10 FEET TO THE SW CORNER OF SAID LOT 6; THENCE ON THE WEST LINE OF SAID LOT 6, N00°02'47"W A DISTANCE OF 215.66 TO THE NW CORNER OF SAID LOT 6, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 134,653.55 SQUARE FEET OR 3.09 ACRES MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED THE SUBDIVISION, PERMANENT MONUMENTS HAVE BEEN PLACED AT EACH OF THE FINAL PLAT CORNERS OR THE PERIPHERY OF THE SUBDIVISION, ON THE CENTERLINE AT EACH STREET INTERSECTION, AND AT THE POINT OF TANGENCY AND CURVATURE AND THAT 5/8" X 24" CAPPED REBARS HAVE BEEN PLACED AT EACH LOT CORNER, AND BLOCK CORNER UNLESS OTHERWISE SHOWN.

ALL DIMENSIONS ARE CHORD MEASUREMENTS UNLESS OTHERWISE SHOWN, AND ARE IN FEET AND DECIMALS OF A FOOT.

THOMAS B. CALLETT LS 502 DATE 09/21/2020
 CATLETT SURVEYING
 1365D S. 150TH COURT
 BENNETT, NE 68317
 (402) 217-5816



COUNTY TREASURER CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

LANCASTER COUNTY TREASURER *[Signature]* DATE NOV 18 2020
 COUNTY TREASURER

REVIEW OF THE LANCASTER COUNTY SURVEYOR

THIS FINAL PLAT OF "BUEL HIGHLANDS ESTATES 1ST ADDITION" WAS REVIEWED BY THE OFFICE OF THE LANCASTER COUNTY SURVEYOR ON THIS 20 DAY OF December 20 20.

LANCASTER COUNTY SURVEYOR *[Signature]*

ACCEPTANCE BY CITY OF HICKMAN

THIS FINAL PLAT OF "BUEL HIGHLANDS ESTATES 1ST ADDITION" WAS REVIEWED AND APPROVED BY THE CITY OF HICKMAN ON THIS 20 DAY OF December 2020.

Hickman Zoning Administrator *[Signature]*
 CITY ADMINISTRATOR



ACCEPTANCE BY HICKMAN CITY ENGINEER

THIS FINAL PLAT OF "BUEL HIGHLANDS ESTATES 1ST ADDITION" WAS REVIEWED AND APPROVED BY THE HICKMAN CITY ENGINEER ON THIS 21 DAY OF December 20 20.

Hickman City Engineer *[Signature]*
 HICKMAN CITY ENGINEER

DEDICATION

WE THE UNDERSIGNED, MATT AND ASHLEY MILLER, SAID OWNER(S) OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT PLAT, AND SUBDIVIDE REAL ESTATE IN ACCORDANCE WITH THIS PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "BUEL HIGHLANDS ESTATES 1ST ADDITION", AN ADDITION TO THE CITY OF HICKMAN. THIS SUBDIVISION "BUEL HIGHLANDS ESTATES 1ST ADDITION" IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS OF RECORD, AND TERMS AND CONDITIONS, CONTAINED IN THE ORIGINAL "BUEL HIGHLANDS ESTATES" SUBDIVISION AGREEMENT. THERE ARE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT UTILITY OR CITY TO INSTALL, REPAIR, REPLACE, AND MAINTAIN ITS INSTALLATIONS.

WITNESS MY OWN HAND

BY: *[Signature]*
 MATT MILLER
 BY: *[Signature]*
 ASHLEY MILLER

ACKNOWLEDGMENT OF NOTARY

STATE OF Nebraska, ss.
 COUNTY OF Lancaster

ON THIS 20 DAY OF October, 20 20, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME MATT AND ASHLEY MILLER TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED THE SAME TO BE HIS/HER VOLUNTARY ACT AND DEED.

NOTARY PUBLIC *[Signature]*
 MY COMMISSION EXPIRES THE 1 DAY OF June 20 21.



LEGEND

- △ - SET SURVEY POINT AS INDICATED
- - FOUND SURVEY POINT AS INDICATED
- - CALCULATED SURVEY POINT
- CTP - CRIMPED TOP PIPE
- OTF - OPEN TOP PIPE
- M - MEASURED DISTANCE
- C - CALCULATED DISTANCE
- P - PLAT DISTANCE
- R - RECORDED DISTANCE
- BOUNDARY LINE

BUEL HIGHLANDS ESTATES
PRELIMINARY PLAT



Line Showing Plot for Trivia

Buel Highlands Estates Preliminary Plat
Lincoln, NE
TCEP No.: 209-001-1-B
May 21, 2018



Ghost Plat
2 of 6

- GENERAL NOTES**
1. THE PLAT IS SUBJECT TO ALL APPLICABLE LAWS, ORDINANCES, REGULATIONS AND RULES OF THE STATE OF NEBRASKA AND THE COUNTY OF SARNEY.
 2. THE PLAT IS SUBJECT TO ALL APPLICABLE LAWS, ORDINANCES, REGULATIONS AND RULES OF THE STATE OF NEBRASKA AND THE COUNTY OF SARNEY.
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 10. THE PLAT IS SUBJECT TO ALL APPLICABLE LAWS, ORDINANCES, REGULATIONS AND RULES OF THE STATE OF NEBRASKA AND THE COUNTY OF SARNEY.

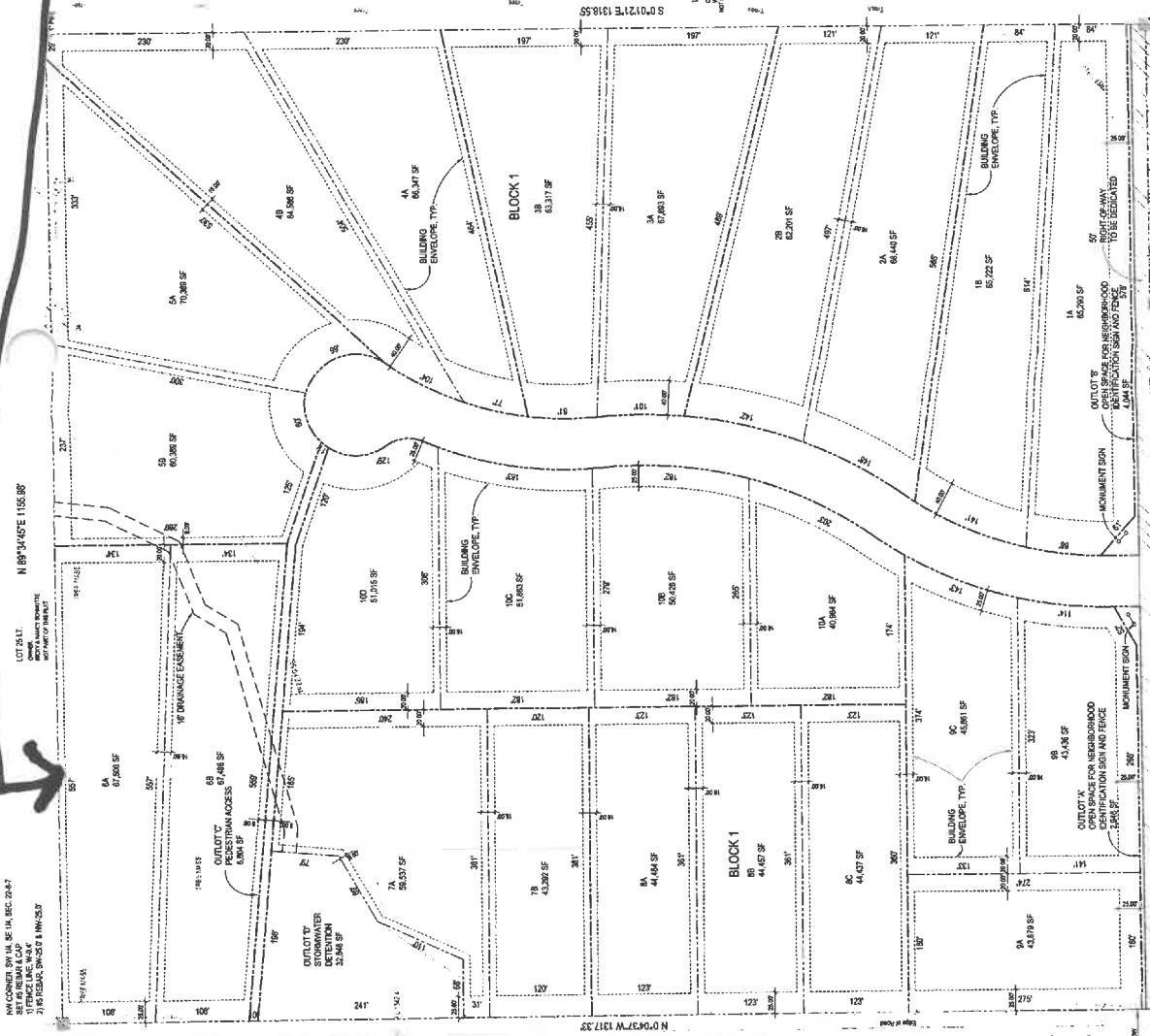
- LEGEND**
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BE CORNER, 1/4" IN PLACE OF TEMPORARY POINT

S 89°35'22"W 1319.70'

SE CORNER SEC. 23 & 7
SET L&A CO. SURVEY MARKER
CORNER OF SEC. 23 & 7
CORNER OF SEC. 23 & 7



TEMPORARY POINT
S 89°35'22"W 238.40'

EXISTING
DRIVEWAY
CORNER OF SEC. 23 & 7
CORNER OF SEC. 23 & 7

S 89°35'22"W 1154.77'

EXISTING
DRIVEWAY
CORNER OF SEC. 23 & 7
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S 89°35'22"W 1154.77'

EXISTING
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