

Planning Commission Special Meeting
Tuesday, February 21, 2023 6:00 PM

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

1. Call to Order
 - 1.A. Participant Sign-In Sheet Available & Disclosure of Meeting Recording Process Notice Posted.
 - 1.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.
 - 1.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.
 - 1.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 Minutes
 - 3.A. Approval of January 26, 2023, Special Meeting Minutes
4. Presentations & Introductions
 - 4.A. Presentation of Mayor Goering's Annual Appointments
5. Nomination and Elections of Planning Commission 2023 Chairperson and Vice Chairperson per Hickman Municipal Code, Chapter 2 Commissions and Boards and

Planning Commission Bylaws

6. Staff Report - None
7. Public Hearings - None
8. Unfinished Business - None
9. New Business - None
10. Planning Commission Comments & Correspondence
 - 10.A. Discussion of the Draft Update to the Zoning Regulations for the City of Hickman and its Zoning Authority
11. Meeting Adjournment

**MINUTES OF THE HICKMAN PLANNING COMMISSION
SPECIAL WORKSHOP MEETING
JANUARY 26, 2023**

1. Call to Order

Planning Commission Chair Josh Maurer called the Hickman Planning Commission Meeting to order at 6:02 PM on Thursday, January 26, 2023. Notices of the meeting were distributed and posted at the Hickman City Hall, U.S. Post Office-Hickman, and U-Stop Market. The Open Meeting Laws Act, 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.

2. Roll Call

Planning Commission Members present for Roll Call included: Dave Kulwicki, Chair Josh Maurer, Erik Nore, Nancy Brandt, Vice Chair Troy Pomajzl, and Andrew Seuferer. Planning Commission Members Cory Ostrander, ETJ representative Colby Huenink, and Eldren Echternkamp were recorded as absent and excused.

3. Presentations & Introductions

3. A. Presentation and Discussion of the Draft Hickman Zoning Regulations

Mr. Keith A Marvin AICP, Marvin Planning Consultants, Inc. presented a draft version of the Zoning Regulations for the City of Hickman. Mr. Marvin and Planning Commission members discussed Article 4 General Provisions and Article 10 Supplemental Regulations making adjustments as needed. Two work sessions were recommended by Mr. Marvin, tentatively to be held on Feb 21, 2023 and March 23, 2023, at 6 pm at the community center. Mr. Marvin is to have a revised draft copy to the Planning Commission members by February 15, 2023 to review. City Staff will continue to zoom/communicate with Mr. Marvin on the document. No action was taken.

4. Unfinished Business – None

5. New Business – None

6. Meeting Adjournment

Motion by PC Member Nore and a second by Brandt to adjourn at 8:21 PM. The following PC Members voted “Yes,” Kulwicki, Maurer, Nore, Brandt, Pomajzl, and Sueferer. The following PC Members voted “No,” none. Motion passed 6-0.

Josh Maurer, Chair

Date

Jaala Johnson, City Clerk

Date

**CITY OF HICKMAN NEBRASKA
APPOINTMENT OF OFFICIALS, BOARDS, COMMITTEES,
AND SERVICE PROVIDERS DECEMBER 2022 TO DECEMBER 2023**

APPOINTED OFFICIALS – 2022/2023

City Administrator	Kelly Oelke
City Clerk	Jaala Johnson
City Treasurer	Cydnee Golden
City Attorney	Kelly R. Hoffschneider
City Engineer	Justin Stark, P.E. (Olsson)
City Street Superintendent	Justin Stark, P.E. (Olsson)
City Electrical Engineer	Eric Eihusen, P.E. (Olsson)
City Building Inspector	Dale Stertz
Alternate	Tod Stertz
City Zoning Enforcement Officer	Heidi Hoglund
Commercial Plan Review	Gary Spier
City Electrical Inspector	Ray Paulson
City Plumbing Inspector	Jeffrey Kreifels
Alternate	Patrick Westlund
City HVAC Inspector	Dave Hochstetler, Sr.
Alternate	Dave Hochstetler, Jr.
City Police Chief	Terry Wagner, Lancaster County Sheriff's Office
City Emergency Management Director	Kelly Oelke
Alternate	Wade Luther

CITY SERVICES PROVIDERS

Official Publication of Record	The Voice News, Hickman, NE
Alternate	Lincoln Journal Star, Lincoln, NE
Primary Financial Depository	First State Bank Nebraska, Hickman, NE
City Auditor/Public Accountant	HBE CPA's & Consultants, Lincoln NE

COMMISSIONS & BOARDS & COUNCILS

PLANNING COMMISSION

Term Ending: December 2023

Dave Kulwicki

Eldren Echterkamp

Paul Tran – Alternate (Updated 02.14.2023)

Colby Huenink – ETJ Representative

Term Ending: December 2024

Josh Maurer

Cory Ostrander

Erik Nore (Updates 01.24.2023)

Term Ending: December 2025

Andrew Seuferer

Nancy Brandt

Troy Pomajzl

BOARD OF ADJUSTMENTS

Term Ending: December 2023

Terry Ewing
Jo Farabee

Term Ending: December 2024

Scott Parker
Neil Lunzmann

Term Ending: December 2025

Dave Kulwicki – Planning Commission Representative
Matt Barber – Alternate

HICKMAN ARTS COUNCIL

Term Ending: December 2023

Jane Stutheit
Bruce Becher

Term Ending: December 2024

Josh Brokering
Jennifer Folkerts

Term Ending: December 2025

Ben Lueders
Open Position

City Representative (Non-Voting), City Clerk or their designee

HICKMAN AREA ECONOMIC DEVELOPMENT ASSOCIATION ADVISORY COMMITTEE

Kelly Oelke, City Administrator
Mayor Phil Goering
Hickman Area Chamber of Commerce President
Hickman Area Community Foundation President
Dan Kubr, Developer Sector
Norris School District 160, Dr. Brian Maschmann
First State Bank Nebraska, Jerry Lentfer
Jim Craig, Wellness & Recreation Representative

BOARD OF HEALTH

Mayor Phil Goering
Kelly Oelke, City Administrator
Deputy Sheriff John Brady
City Council President
Terrie Spohn, DNP, APRN-NP, FNP-BC

SAFETY COMMITTEE

Kelly Oelke, City Administrator
Wade Luther, Public Works Director
Jaala Johnson, City Clerk
Trent Georgiana, Public Works Staff
Luke Mattson, Public Works Staff

HICKMAN AREA COMMUNITY FOUNDATION BOARD REPRESENTATIVE

John Meese Jr. (Updated 02.14.2023)

HICKMAN BUILDING FOUNDATION, BOARD OF DIRECTORS

President, Kelly Oelke
Secretary, Jack Scott
Treasurer, Tina Carpenter

GOVERNING BODY COMMITTEE APPOINTMENTS

CITY PERSONNEL COMMITTEE

Tina Ziemann
Steve Noren
Doug Wagner

CAPITAL IMPROVEMENT PLAN COMMITTEE

Chad Parker
Doug Wagner
Travis Borchardt

PARKS & TRAILS COMMITTEE

Steve Noren
Tina Ziemann
John Meese Jr. (Updated 02.14.2023)

These Mayoral appointments were approved by the majority of Hickman City Council on this 13th day of February 14, 2023.



Mayor Phil Goering

ATTEST:



Jaala Johnson - City Clerk



(Seal)

**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

