**Duncan Planning and Zoning Commission**

**Minutes**

**and**

**Public Hearing**

**August 20, 2018**

The meeting of the Village of Duncan Planning and Zoning Commission was called to order at 7:30 PM, August 20, 2018 by Chairman Jamie Frey. The Chairman publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. Commission members present were Frey, Travis Stempek, Gary Schlesinger, Betty Kropatsch and alternate, Matt Bates. Absent: Abbey Wright. Also in attendance were Don Reves-Zoning Administrator. Motion was made by Stempek and seconded by Bates to approve the agenda. Vote was as follows to approve the agenda: voting aye- Frey, Stempek, Schlesinger, Kropatsch and alternate, Bates. Voting nay-none. Absent: Wright.  The Chairman declared the motion carried. Motion to approve the meeting minutes from the July16, 2018 meeting was made by Stempek and seconded by alternate-Bates to approve the July 2018 minutes. Vote was as follows to approve the minutes: voting aye- Frey, Stempek, Schlesinger, Kropatsch and alternate, Bates. Voting nay-none. Absent: Wright.  The Chairman declared the motion carried.

**COMMUNICATIONS**:

Zoning Administrator-Reves has had questions arise about the activity taking place west of the west park. Kendall Perry purchased the property and removed the existing home to Shelby. A lot split was completed and two new homes will be built on the properties.

Comments from the floor - Guests requesting to address the Planning and Zoning Commission-none

**New Business**:

**PUBLIC HEARING** for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for: proposed Conditional Use Permit of the Duncan Zoning Ordinance to allow for use of storage units at the address of 28398 158th Street, Duncan, NE. 68634 under section C-2 General Commercial District 4.09 of the Planning & Zoning Regulations, subsection 4.09.03. Frey stated there was no representative for the application was in attendance. Frey stated that no action can be taken until representation is made. Kropatsch stated that the application can be placed at the bottom of the agenda in case a representative should later appear. The chairman can make a decision when to have another public hearing on this matter. Stempek asked if there could be discussion despite lack of representation and Kropatsch replied that discussion can only be made when the representative is present. Frey said we can discuss, but cannot make any judgments. It was decided to have the public hearing on Tuesday, September 4th to coincide with the village board’s meeting, September 10th. Frey moved it to the bottom of the agenda.

**OLD BUSINESS**: Appointment of Secretary to the Planning and Zoning Commission. Frey asked if anyone on the Commission was interested in the position or if they had any recommendations. Kropatsch said the secretary does not have to be a member of the Commission. It can be anyone outside the Commission and it is an unpaid position unless the village board chooses to make it a paid position. Frey asked any members know of someone, please forward their names to Frey, otherwise Frey will speak with Wright to see if she is interested. Stempek suggested a job posting. Everyone was in agreement.

**Commission Member Comments**: Schlesinger had a question to Reves about a dedicated road on the west line of the Stock property (aka Shaky’s). Reves said there is not a dedicated road. Schlesinger thought there was one because of the street light located on the property. Schlesinger continued asking Reves about the entrance to the property built to accommodate the road. Schlesinger thought there was a road designated from 5th avenue north to the Highway 30 and that is the reason for such a wide entrance. Reves said there is no plotting of such road. Reves continued that the suggested road would not be in city limits. The city limits run right along the Boys Town School gym. Reves stated there is no paper work in the courthouse saying there is a road. Reves believes if the village would annex the Boys Town property to run along the east line of the Stock property it would square it off. Kropatsch asked if the state may have some documentation that is a street? Reves would like to see the village maps updated because they were mapped in the 80’s.

**Commission Chair Comments**: Frey made clarification to the meaning of the Ex Parte. Frey felt it was misleading where *“you cannot discuss with them, by law, you can say, ‘ talk with Don Reves’, or you can tell them to look through the planning and zoning books, but as far as actual discussion, it is a violation of the open meetings act.”* Frey felt you can have discussion with anyone in the community, but you cannot make a judgement. The other part of that is that it has to be disclosed that a discussion was made before the time of the public hearing. Kropatsch said if the declaration is not made that is where the violation of the open meetings act comes in.

Frey will have a Public Hearing on the Merrill request along with the Stock Public Hearing on September 4th at 7:30 p.m.

Scheduling of next meeting on October 15th and Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT WITH THE DUNCAN VILLAGE CLERK AND DISTRIBUTED TO THE PLANNING COMMISSION PRIOR TO SCHEDULED MEETING. COPIES AVAILABLE AT THE OFFICE OF THE VILLAGE CLERK.

Minutes recorded and submitted by:

Betty Kropatsch, Commission Secretary