

# **City of Scottsbluff, Nebraska**

**Monday, October 20, 2014**

**Regular Meeting**

## **Item Subdiv.1**

**Council to consider an Ordinance to Vacate Lot 12, Block 2, Northern Heights Addition to the City of Scottsbluff, as well as vacating a part of a 20' alley in Block 2, of Northern Heights Addition all in the City of Scottsbluff, South of 35th St. and East of Ave. B.**

**Staff Contact: Annie Folck, City Planner**

# Agenda Statement

Item No.

For meeting of: October 20, 2014

**AGENDA TITLE:** Ordinance to Vacate – Lot 12, Block 2, Northern Heights Addition to the City of Scottsbluff, as well as vacating a part of a 20' alley in Block 2, of Northern Heights Addition all in the City Scotts Bluff County, Nebraska.

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Development Services

**PRESENTATION BY:** Rick Kuckkahn

**SUMMARY EXPLANATION:**

Property Owner(s) Steve Herron (Torrington Town Homes, LLC) requested an ordinance to vacate lot 12, Block 2, Northern Heights Addition, and part of a 20' alley in Block 2, Northern Heights Addition. This ordinance to vacate is done along with a final plat of a replat for lot 12. The change will realign the new lot 12A with lots to the west.

**BOARD/COMMISSION RECOMMENDATION:** The Planning Commission approved the ordinance to vacate at their regular meeting of October 13, 2014.

**STAFF RECOMMENDATION:** Staff recommends City Council approve the ordinance to vacate.

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**EXHIBITS**

Resolution      Ordinance x      Contract      Minutes x      Plan/Map ☐

Other (specify) ☐ \_\_\_\_\_

**NOTIFICATION LIST:** Yes x No ☐ Further Instructions ☐

M.C. Schaff & Associates, 818 South Beltline Hwy East 16<sup>th</sup> Street, Scottsbluff, NE 69361  
Steve Herron, 2019 Avenue A, Scottsbluff, NE 69361

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

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**Planning Commission Minutes  
Regular Scheduled Meeting  
October 13, 2014  
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, October 13, 2014, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on October 3, 2014. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

**ITEM 1:** Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Callan Wayman, Angie Aguallo, Jim Zitterkopf, David Gompert, and Becky Estrada. Absent: Dana Weber, Mark Westphal, and Henry Huber. City officials present: Annie Folck, City Planner, and Gary Batt, Code Administrator II.

**ITEM 2:** Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bulletin board in the back area of the City Council Chamber, for those interested parties.

**ITEM 3:** Acknowledgment of any changes in the agenda: None.

**ITEM 4:** Business not on agenda: None

**ITEM 5:** Citizens with items not scheduled on regular agenda: None

**ITEM 6:** The minutes of September 8<sup>th</sup>, 2014 were reviewed and approved. A motion was made to accept the minutes by Wayman, and seconded by Chadwick. "YEAS": Wayman, Aguallo, Gompert, Chadwick, and Estrada. "NAYS": None. ABSTAIN: Zitterkopf. ABSENT: Huber, Westphal, and Weber. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing to review a request for a special permit submitted by Nevco Wireless representing Verizon. The request is for a 198' monopole type tower and supporting equipment, to be located on City property north of Highway 92 and east of County Road 19. Verizon has signed an agreement with the City of Scottsbluff, which owns the land on which they are placing the tower. This is located in our two mile extra territorial jurisdiction and is zoned A-Agricultural. The tower will be a 198' monopole structure with no guy wires. It will look like a light standard at a ball field. The tower will be fenced with 6' chain link fence with two strand barbed wire. There will be a prefab concrete building adjacent to the tower that will house the radio equipment and the compound will have a stoop light for added security.

Representative Jeffrey Skinner for Nevco Wireless was present to answer questions. He stated that they had checked with the FAA and the Nebraska Department of Aeronautics to make sure that the height of the tower was within compliance with regulations. Commissioner Gompert asked what color the pole was, because there have been some issues with cell towers not being visible to crop dusters. Skinner stated that the pole would be stainless steel, and there are no requirements to paint the pole. These towers are only required to be lit at a height of 200' or more, so at a height of 198', it is not required to be lit. Gompert asked if it would be possible to put a light on it, and Skinner stated that to do so would cost \$30,000.

**Conclusion:** A motion was made by Zitterkopf and seconded by Wayman to approve the special use permit to allow a Wireless Communication Facility - 198' cell tower to Nevco Wireless, d/b/a Verizon Wireless to be located at

100175 County Road 19. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguillo, and Estrada. **"NAYS"**: Gompert. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

**ITEM 7B:** The Planning Commission opened a public hearing for a request from property owner(s) Steve Herron, represented by M.C. Schaff and Associates for a final plat of Lot 12A, Block 2, Northern Heights Addition and a replat of vacated Lot 12, Block 2, Northern Heights Addition, and part of vacated 20' alley, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska. The final plat will re-align lot 12A with lots to the west by lining up the south property line and will straighten property line behind the lot.

Troy Dondelinger and Dennis Sullivan from M.C. Schaff and Associates were in attendance to answer questions. They stated that this would eliminate the alley behind the property, leaving an easement which would then line up with the easement behind the property to the west. The parcels to the south are preliminary platted and will be revised when the lots are final platted. This plat includes an ordinance to vacate lot 12 and part of the 20' alley which will also be submitted to City Council for approval.

**Conclusion:** A motion was made by Aguillo and seconded by Gompert to approve the final plat of Lot 12A, Block 2, Northern Heights Addition, a replat of vacated Lot 12, Block 2, Northern Heights Addition, and part of vacated 20' alley, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the SE ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., City of Scottsbluff, Scotts Bluff County, Nebraska. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguillo, Gompert, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

**ITEM 7C:** The Planning Commission opened a public hearing for a request from property owner(s) City of Scottsbluff, represented by M.C. Schaff and Associates for a replat of Section F of Fairview Cemetery, to allow for the addition of a columbarium for human remains. This plat will be done with an ordinance to vacate Blocks 263 and 264.

Troy Dondelinger and Dennis Sullivan from M.C. Schaff and Associates were in attendance to answer questions. Dondelinger stated that each shelf in the columbarium would be considered its own lot for recording purposes. Commissioner Gompert asked how many shelves were in each columbarium. Dondelinger stated that there would be 80 in each, with two of them being installed immediately. There may be one more installed in the future that would be identical to the two currently being installed.

**Conclusion:** A motion was made by Chadwick and seconded by Zitterkopf to approve the final plat of Lots A-1 through J-8, Blocks 1 & 2, and Blocks 3 & 4, Columbarium Addition to Fairview Cemetery, a replat of vacated Lots 1-8, Block 263 & Lots 108, Block 264, replat # Three of Section F, replat # Two of Section E & F, and part of Section D, all part of Third Addition to Fairview Cemetery, City of Scottsbluff, Scotts Bluff County, Nebraska. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguillo, Gompert, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

**ITEM 8. Unfinished Business:** Annie Folck stated that it is time for the annual election of officers. The term lengths for each office are one year, and in the past it has been customary for each officer to serve for three consecutive one-year terms.

**Conclusion:** A nomination was made by Wayman and seconded by Zitterkopf for Estrada to continue serving as chair. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguillo, Gompert, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

A nomination was made by Wayman and seconded by Chadwick for Aguillo to continue serving as vice-char. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguillo, Gompert, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

A nomination was made by Estrada and seconded by Wayman for Annie Urdiales to continue serving as secretary. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguallo, Gompert, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

Annie Folck also stated that the Panhandle Planning Workshop was held on October 10<sup>th</sup>, and there was a good turnout. Gompert, Estrada, and Chadwick were all able to attend, and all felt that it was very beneficial to them. Gompert stated that next year it might be helpful if some of the sessions were a little longer. Folck stated that they are hoping to make this an annual event.

There being no further business, a motion to adjourn was made by Gompert and seconded by Aguallo. The meeting was adjourned at 6:30 p.m. **"YEAS"**: Wayman, Chadwick, Zitterkopf, Aguallo, Gompert, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber, Weber, and Westphal. Motion carried.

\_\_\_\_\_  
Becky Estrada, Chairperson

Attest: \_\_\_\_\_  
Annie Folck

ORDINANCE RECORD

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING LOT 12, BLOCK 2, NORTHERN HEIGHTS ADDITION TO THE CITY OF SCOTTSBLUFF AS WELL AS VACATING A PART OF A 20' ALLEY IN BLOCK 2 OF NORTHERN HEIGHTS ADDITION, ALL IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. The owner of the property involved, Steve Herron, has requested that the City of Scottsbluff vacate the following property to allow for a replat:

Lot 12, Block 2, Northern Heights Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the southeast quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, including property described:

Commencing at the southwest corner of Lot 12, Block 2, Northern Heights Addition, as monumented by a 5/8" Rebar with cap, thence bearing S88°14'07"E, a distance of 24.46 feet, thence bearing S60°14'07"E, a distance of 21.30 feet, to the Point of Beginning, thence continuing on said bearing S60°14'07"E, a distance of 25.00 feet, thence bearing N60°56'48"E, a distance of 20.71 feet, thence bearing N02°07'44"E, a distance of 1.13 feet, thence bearing N88°14'07"W, a distance of 39.86 feet, to the Point of Beginning, containing an area of 244 square feet, more or less; and

Part of a 20' alley in Block 2, Northern Heights Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the southeast quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, including property described:

Beginning at the southwest corner of Lot 12, Block 2, Northern Heights Addition, as monumented by a 5/8" Rebar with cap, thence bearing S02°07'44"W, a distance of 10.00 feet, thence bearing S88°14'07"E, a distance of 43.33 feet, thence bearing N60°14'07"W, a distance of 21.30 feet, thence bearing N88°14'07"W, a distance of 24.46 feet, to the Point of Beginning, containing an area of 339 square feet, more or less; and

Beginning at the southwest corner of Lot 12, Block 2, Northern Heights Addition, as monumented by a 5/8" Rebar with cap, thence bearing S02°07'44"W, a distance of 10.00 feet, thence bearing S16°24'27"W, a distance of 10.34 feet, thence bearing S88°14'07"E, a distance of 22.15 feet, thence bearing S60°14'07"E, a distance of 71.78 feet, thence bearing N02°07'44"E, a distance of 42.58 feet, thence bearing S60°56'48"W, a distance of 20.71 feet, thence bearing N60°14'07"W, a distance of 46.30 feet, thence bearing N88°14'07"W, a distance of 24.46 feet, to the Point of Beginning, containing an area of 2,011 square feet, more or less;

as more fully set forth on the attached map, marked as Exhibit A and incorporated by this reference.

Section 2. The City Council finds that the requesting party is the owner and that it is in the best interest of the City that the property be vacated as requested.

Section 3. Lot 12, Block 2, Northern Heights Addition to the City of Scottsbluff, along with portions of the alley as set forth above, are hereby vacated to allow for a replat of the property.

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2014.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## ORDINANCE RECORD

