

City of Cambridge
 Regular City Council Meeting
 Amended Minutes
 Monday December 7, 2020
 6:30 P.M.
 722 Patterson St, Cambridge Community Building

Pursuant to notice published in the Cambridge Clarion, Thursday November 26, 2020, the Cambridge City Council met for regular meeting convening at 6:30 P.M. Present were Mayor David Gunderson, City Council Members Mike Harris, Tony Groshong, Vernita Saylor, Kevin Banzhaf, Derek Raburn and Jeff Ommert. City Staff present were City Clerk/Treasurer Kandra Kinne, Utility Supervisor Dave Houghtelling, Director of Economic Development, Administrative Assistant MiKayla Kent, City Attorney Lisa Shifflet, and Virginia Roberts. Visitors present for the meeting were Genny Kubik for The Valley Voice; and by zoom Jessica Fischer CEO of Tri Valley Health Systems; Ashley Rice-Gerlach of Nebraska DED; and Jan tenBensel of Cambridge Economic Development. Mayor Gunderson opened the meeting with the Pledge of Allegiance and announced the Open Meeting Law Poster is on the east wall of the community room and available for public inspection.

Consent Agenda Minutes of November 16, 2020 and claims report. The City Council received the minutes of November 16, 2020 prior to this meeting and the claims report prior to this meeting with additional claims listed at this meeting. Derek Raburn stated the motion, seconded by Tony Groshong, to approve the minutes of November 16, 2020 and the claims report. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf, none voted no. Jeff Ommert abstained from voting on the claim of Ommert Technologies. Motion carried unanimously by City Council Members present for the minutes of November 16, 2020 and the following claims:

<i>City of Cambridge</i>			
<i>Claims Report</i>			
<i>To Mayor and City Council</i>			
<i>7-Dec-20</i>			
<i>Period 11/17/2020 to 12/17/2020</i>			
<i>Check No.</i>	<i>Vendor, For</i>	<i>Amount</i>	<i>Dept. Total</i>
	<u>Combined Utility:</u>		
31781-31787	Payroll	9,206.01	
31788	Employee Flex Spending	500.00	
31789	BIC, Purchased Water	2,689.50	
31790	Cambridge Post Office, Postage	260.50	
31791	Twin Valleys Public Power, Purchased Power	207,128.83	
31792-31804	Payroll	11,111.51	
31805	Ag Valley, Fuel	330.79	
31806	BRICO Pest Control, Spray buildings	67.25	
31807	void	0.00	

31808	Cambridge General Store, Supplies	225.62	
31809	Cambridge Super Market, Supplies	14.07	
31810	Cambridge Telephone, utility	742.01	
31811	Dutton-Lainson, Electrical Supplies	274.31	
31812	Furnas County Treasurer, Property Tax	803.56	
31813	Employee Vision Benefit	25.00	
31814	Gworks, Annual License & Support Fee	7,125.66	
31815	Hometown Leasing, Copier Lease	641.74	
31816	Employee Flex Spending and Vision Benefit	1,500.00	
31817	Employee Dental Benefit	125.00	
31818	Mousel, Brooks, Schneider, Attorney Fees	116.00	
31819	Nebraska Public Health Environmental Lab, Testing	96.00	
31820	Ommert Tech, Computer Lease	333.61	
31821	Schaben Sanitation, Haul Roll Off	408.37	
31822	Verizon Wireless, Cell Phones	162.24	
31823	Western Area Power Administration, Purchased Power	5,048.10	
31824	Employee Flex Spending	601.30	
ACH	ACH Bank Fees	17.00	
ACH	Nebraska Department of Revenue, Sales Tax	11,157.65	
ACH	IRS, Federal With Holdings	3,099.81	
ACH	City of Cambridge, Utility	2,740.02	
ACH	American Family Life, Insurance	299.16	
ACH	IRS, Federal With Holdings	347.90	
ACH	IRS, Federal With Holdings	3,097.38	
ACH	Nebraska Department of Revenue, State With holdings	1,054.60	
Tr	Sewer Improvement Fund, Transfer	1,000.00	
Tr	Water System Extension, Transfer	1,083.37	273,433.87
	<u>Security Deposit Account:</u>		
2025-2026	Security Deposit Refunds	300.00	300.00
	<u>City Account (General Fund):</u>		
48553	Disc Golf Association, Disc Golf Equipment	2,319.81	
48554	Waypoint Bank, Loan Payment	15,000.00	
48555-48556	Payroll	1,065.74	
48557	Ag Valley, Fuel	216.76	
48558	Amazon, Library Supplies	214.73	
48559	Anew Travel Center, Fuel	117.17	
48560	Baker & Taylor, Library Books	852.42	
48561	Better Homes and Gardens, Subscription	10.00	
48562	Broad Reach, Library Books	135.70	
48563	CAMAS Publishing, Publications	370.71	
48564	Cambridge General Store, Supplies	20.09	

48565	Cambridge General Store, Supplies	127.34	
48566	Cambridge Public School, Year Books	120.00	
48567	Cambridge Super Market, Supplies	44.95	
48568	Cambridge Telephone, utility	420.71	
48569	Cornhusker Press, Dog Licenses	76.85	
48570	D & M Security, upgrade Museum Security System	2,685.00	
48571	Employee Deductible	15.07	
48572	Family Handyman, Subscription	19.98	
48573	Frontier, Police Phone	45.37	
48574	Furnas County Treasurer, Property Tax	8,226.63	
48575	Gale, Library Books	100.82	
48576	Harlequin Reader Service, Library Reader Service	29.96	
48577	Health, Library Subscription	29.95	
48578	Hein Construction, LLC, Street Sweeping	4,650.00	
48579	Hometown Agency, City Clerk Bond	100.00	
48580	John MacLeod, Disc Golf Supplies	268.26	
48581	Maria Downer, Library Supplies	316.89	
48582	Matheson Tri Gas, Ambulance Oxygen	352.35	
48583	Michael Todd & Company, Signs	97.64	
48584	Employee Deductible	369.07	
48585	Mindful, Subscription	29.95	
48586	Mousel, Brooks, Schneider, Attorney Fees	618.60	
48587	Ommert Tech, Computer Lease	91.92	
48588	People, Subscription	118.26	
48589	Platte Valley Communications, Radios	1,895.00	
48590	Southwest Farm & Auto, Supplies	280.68	
48591	void		
48592	Sun Life Financial, Insurance	2,275.44	
48593	Total Turf, Library Yard Maintenance	75.00	
48594	Tri Valley Health System, Employee Pre-employment	669.80	
48595	Verizon Wireless, Cell Phones	94.09	
48596-48621	Payroll	7,035.53	
48622	Steve Johnson, Insurance	546.00	
ACH	Payroll	646.45	
ACH	IRS, Federal With Holdings	158.60	
ACH	City of Cambridge, Utility	3,214.63	
ACH	IRS, Federal With Holdings	49.70	
ACH	Eakes Office, Copier Lease	146.84	
ACH	First Central Bank, Library Computer Loan	240.00	
ACH	Nebraska Department of Revenue, State With holdings	90.22	
ACH	IRS, Federal With Holdings	1,492.50	

Tr	City of Cambridge, Monthly Transfers	33,500.00	
Tr	Fire Ambulance Sinking Fund Transfer	1,599.17	93,288.35
	<u>Housing Rehab:</u>		
232	void	0.00	
233	Platte Valley Glass, ADA Power Doors	15,310.00	15,310.00
	<u>Cambridge TIF:</u>		
1102	Furnas County Treasurer, Property Tax	12,275.92	12,275.92
	<u>LB840/ Revolving Loan/ HTC:</u>		
4332	Waypoint Bank, Down Payment Assistance	15,000.00	
4333	Cambridge Chamber, Meeting Lunch	8.00	
43334	Waypoint Bank, Down Payment Assistance	15,000.00	
4335	CAMAS Publishing, Publications	176.50	
4336	Cambridge Telephone, utility	49.11	
4337	Furnas County Clerk, Filing Fees	80.00	
4338	Melissa Jackson, Contract	1,357.50	
4339	MP Design, Business Promotion	87.50	31,758.61
	<u>Ambulance Check Card Account:</u>		
Debit	Target, Lysol	19.27	19.27
	Total:	426,386.02	426,386.02

6:35 p.m. Adjourn City Council Meeting. Vernita Saylor stated the motion, seconded by Derek Raburn, to adjourn the City Council meeting for City Council Reorganization. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to adjourn.

6:43 p.m. Reconvene City Council Meeting. Vernita Saylor stated the motion, seconded by Tony Groshong, to reconvene the City Council meeting. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to reconvene the City Council meeting.

City Council Reorganization.

- a. Oath of Office: City Clerk/Treasurer administered the oath of office to Vernita Saylor, Kevin Banzhaf and Mike Harris elected from the General Election to serve as City Council members.
- b. Kevin Banzhaf stated the motion, seconded by Tony Groshong, to appoint Vernita Saylor as President of the City Council. Voting yes were Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no, and Vernita Saylor abstained. Motion carried to appoint Vernita Saylor as President of City Council.
- c. Vernita Saylor stated the motion, seconded by Tony Groshong to appoint Lisa Shifflet as City Attorney. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to appoint Lisa Shifflet as City Attorney.

- d. Kevin Banzhaf stated the motion, seconded by Derek Raburn, to appoint Kandra Kinne as City Clerk/Treasurer. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to appoint Kandra Kinne as City Clerk/Treasurer.
- e. Vernita Saylor stated the motion, seconded by Jeff Ommert, to appoint Luke Dutcher of Miller & Associates, Consulting Engineers, P.C., as Flood Plain Administrator. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to appoint Luke Dutcher of Miller & Associates, Consulting Engineers, P.C., as Flood Plain Administrator.
- f. Vernita Saylor stated the motion, seconded by Mike Harris, to appoint Christopher Miller #S-1091A of Miller & Associates, Consulting Engineers, P.C., as Street Superintendent. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to appoint Christopher Miller #S-1091A of Miller & Associates, Consulting Engineers, P.C., as Street Superintendent.
- g. Vernita Saylor stated the motion, seconded by Tony Groshong, to appoint Christopher Miller of Miller & Associates, Consulting Engineers, P.C., as City Engineer. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to appoint Christopher Miller of Miller & Associates, Consulting Engineers, P.C., as City Engineer.
- h. Tony Groshong stated the motion, seconded by Vernita Saylor, to appoint Waypoint Bank and First Central Bank as the financial institutions for the City of Cambridge. Voting yes were Vernita Saylor, Tony Groshong, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no, and Jeff Ommert abstained from voting. Motion carried to appoint Waypoint Bank and First Central Bank as the financial institutions for the City of Cambridge.
- i. Derek Raburn stated the motion, seconded by Kevin Banzhaf, to appoint The Valley Voice as the newspaper of record. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to appoint The Valley Voice as the newspaper of record.
- j. Vernita Saylor stated the motion, seconded by Mike Harris, to appoint Derek Raburn and Tony Groshong to serve as Bartley-Indianola-Cambridge (BIC) Board members. Voting yes were Vernita Saylor, Jeff Ommert, Mike Harris, Derek Raburn, and Kevin Banzhaf. None voted no, and Tony Groshong abstained from voting. Motion carried to appoint Derek Raburn and Tony Groshong to serve as BIC Board members.
- k. Jeff Ommert stated the motion, seconded by Tony Groshong, to appoint Mayor David Gunderson, Furnas County Sheriff Doug Brown and Dr. Michael Powell to the Board of Health. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried to appoint Mayor David Gunderson, Furnas County Sheriff Doug Brown and Dr. Michael Powell to the Board of Health.
- l. Tony Groshong stated the motion, seconded by Mike Harris, to appoint Jeff Ommert, Vernita Saylor and Mayor David Gunderson to the Joint Committee. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin

Banzhaf. None voted no. Motion carried unanimously to appoint Jeff Ommert, Vernita Saylor and Mayor David Gunderson to the Joint Committee.

- m. Vernita Saylor stated the motion, seconded by Mike Harris, to approve Resolution No. 2020-12-02 appointing West Central Nebraska Development District as the Nuisance Officer. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to approve Resolution No. 2020-12-02 appointing West Central Nebraska Development District as the Nuisance Officer.

Resolution 2020-12-02

APPOINTMENT OF NUISANCE OFFICER

The Mayor and City Council of the City of Cambridge (hereinafter the City) in regular session assembled at the City Council Chambers in Cambridge, Nebraska on this 7th day of December, 2020, hereby resolve as follows:

WHEREAS, the City desires to appoint a Nuisance Officer pursuant to the City Code of Ordinances (Ordinance No 709) ARTICLE 2(A).

WHEREAS, West Central Nebraska Development (hereinafter WCNDD) is fully willing, able and qualified to act as Nuisance Officer for the City.

NOW THEREFORE BE IT RESOLVED that the City approves the appointment of WCNDD to act as Nuisance Officer for the City for a period of twelve (12) months; from January 1, 2021 to December 31, 2021.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor is authorized to sign this resolution, and that any ordinance or resolution in conflict with the Resolution is hereby revoked to any part in conflict herewith.

Public Hearing: Conditional Use Permit Application of Alan Koerperich for a feed and seed store in Harvest Meadows Third Subdivision: Lot 1, Block 3 Harvest Meadows Third, 41503 Harvest Drive.

6:44 p.m. Mayor Gunderson opened the Public Hearing.

Alan Koerperich, the Applicant, of 5130 Country Hill Road, Lincoln, Nebraska 68516 addressed Council. He stated that he has completed all of the requirements of Economic Development, Planning Commission and of the City including the seven questions in Section 9-105C of the Conditional Use Permit to the satisfaction of the Planning Commission heard on November 11, 2020. Mr. Koerperich addressed several questions from Council members concerning parking/loading and unloading of trucks. When the street and next lot is developed, the parking/loading and unloading issue will be resolved. He added that his lot (Lot 1) was zoned commercial at the same time as the zoning for Anew Truck Stop, the first business in this subdivision.

Morgan Farquhar of 40105 Prairie View Drive, a resident of Harvest Meadows, spoke in opposition. He stated that he represents himself and his neighbors in the interest of safety and residential property values. He believes the responsibility of the Council is to 9-105C of the Conditional Use Permit - not to Economic Development. He addressed each of the seven questions which he stated have not been met. His issues are: unloading semis in the street will

create a safety issue; property values will be negatively affected with a building of this size; the building will dominate the area with its size and height; off-street parking will block traffic; dirt work created a potential drainage problem, was performed before approval and could be a swimming pool and breeding ground for mosquitoes and truck traffic. Mr. Farquhar stated that this large commercial building doesn't fit the site and should be on another location not within 300 feet of residential homes; he believes there is a lack of planning.

Kristi Shoemaker of 40116 Prairie View Drive, a resident of Harvest Meadows, and a signer of the Petition in Opposition, addressed Council. She is a nurse with health and safety as her main concern. She has visited with her children who walk and bike in the area about safety with truck traffic on the street. She stated that her family would not have purchased this home if they had known about the potential for this commercial area.

Paul Dow Newcomb of 40113 Prairie View Drive, a resident of Harvest Meadows, and signer of the Petition in Opposition, addressed Council. He is in favor of Economic Development, and business, but is concerned about the size and magnitude of this project. He stated there is other real estate available and this site is the wrong fit for the neighborhood.

Tom Shoemaker of 40991 Drive 721 and President of Cambridge Economic Development, addressed Council. He stated that he understands all sides of this issue and the economic factors. He added that this 77-acre property was purchased in 2010 by the City with agricultural use in mind. The Anew Truck Stop was the first project in this property – before any residential lots were developed. Truck traffic is not new to this area of Nebraska. He does not believe that Mr. Koeperich's project will have a negative impact and that Mr. Koeperich will take the extra step for safety. It is a positive project and should move forward, he stated.

Sally Farquhar of 40105 Prairie View Drive, a resident of Harvest Meadows, spoke in opposition. Her concerns are health and safety and the procedures involved in this project. She cited numerous concerns including dirt work without approval, the September 23 Planning Commission meeting, ownership of lot, recording of documents, tax valuation differences, document requests, violation of open meetings law; redevelopment contract, comparison with other projects, a drainage plan, public notice, Special Use Permit in conflict with City ordinance, truck traffic, TIF funds, no agreements with other projects, ED grant funds, Mr. Koeperich's meetings with ED, City, etc. Accusations against the City Clerk were made in her statements.

Mayor Gunderson and members of City Council addressed Morgan & Sally Farquhar's concerns.

JoLee Ebbers of 1315 Nasby Street spoke in support of the project as a business owner and a member of the community. She stated that she knows Mr. Koeperich will support the community, and his business will benefit the community.

Shelley Johnson of 619 Meredith Street, Holbrook, a business owner, addressed Council in support of the project. She stated that she has known Mr. Koeperich a number of years, and that he will ensure the business is safe.

Anne McCarville of 40110 Prairie View Drive, spoke in opposition to the Special Use Permit and read a letter from her in-laws, Tom & Sherrie McCarville, of 40106 Prairie View Drive, also in opposition. All are residents of Harvest Meadows. She stated that the McCarville families are 100 percent against this project, and she expressed her concerns about the location, safety, noise, truck backing and property values. She noted that there are no sidewalks in Harvest Meadows. She expressed her regret at buying in Harvest Meadows.

Melissa Jackson of 40602 Road 728, Director of Economic Development, addressed Council. She explained the process of working with Mr. Koeperich. She read from Economic Developments minutes to clarify some issues addressed by Sally Farquhar. She also gave statistics on truck accidents.

Morgan Farquhar spoke again. He stated that he not speaking against Mr. Koeperich and wishes him well, but feels this is not the right location. This is simply about rules and how they should be applied, he stated.

Sally Farquhar spoke again. She advised that Mr. Newcomb was not notified and resides within the 300-foot notice area. Mayor Gunderson explained to her that Mr. Newcomb did not reside within the 300-foot notice area.

7:47 p.m. Mayor Gunderson closed the Public Hearing. He referred Council members to Mr. Koeperich's letter which addresses the seven issues of the Conditional Use Permit. The Council members reviewed and approved the written findings that were produced and submitted by Alan Koeperich attached and incorporated herein as Exhibit "1". Derek Raburn stated the motion to approve the Conditional Use Permit and Site Plan and Land Use Permit Application of Alan Koeperich for a seed and feed store in Harvest Meadows. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris and Derek Raburn. Kevin Banzhaf voted nay. Motion carried to approve the Conditional Use Permit and Site Plan and Land Use Permit Application of Alan Koeperich for a seed and feed store in Harvest Meadows.

Reports of Officers, Boards and Committees:

Economic Development – Director Melissa Jackson reported on the following: there is interest in Lot 6 in Harvest Meadows; the Chamber Cambridgeopoly has been a huge success and may be extended through the holiday season; three Economic Development down payment assistance requests will close this week; Economic Development will advertise in the Colorado Life magazine; and the strategic planning process will resume in January.

Fire Department – Jeff Jackson reported on the following: many fire calls during the last 30 days; department purchased ten new radios; officer election will be this month; and the department is searching for a rescue truck.

Library – Minutes of November 11, 2020 meeting included in Council packets.

Utility Supervisor – Dave Houghtelling reported on the following: street sweeping is complete and had not been done in more than a year; map of the Anew Travel Center for discussion on semi-truck parking problems; holiday lighting tripping a breaker; and the final inspection for the downtown project lighting is soon. Council then discussed the truck parking situation at Cobblestone and Anew.

City Clerk/Treasurer – Kandra Kinne advised that the utility lien on 405 Park Avenue needs to be released as the bill has been satisfied. Tony Groshong stated the motion, seconded by Vernita Saylor to authorize the City Clerk to release the lien. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously to have the lien released for 405 Park Avenue.

Kandra also advised that the fire department is interested in using the abandoned car at the sewer station for training. Attorney Shifflet will check with the Sheriff's Office. Council discussed the line loss report.

New Business:

Employee Handbook – Kandra advised that employees have been meeting to review the handbook.

Twin Valleys Public Power District Proposed Contract - Kandra reported that Councilman Kevin Banzhaf must sign and submit a conflict of interest statement before the contract with Twin Valleys PPD is signed as Banzhaf is an employee of Twin Valleys PPD.

Resolution on street parking at Harvest Meadows – Jeff Ommert stated the motion, seconded by Tony Groshong to approve Resolution No. 2020-12-01 providing for parking restrictions in Harvest Meadows. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously for Resolution No. 2020-12-01 for parking restrictions in Harvest Meadows.

Resolution 2020-12-01

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF CAMBRIDGE, NEBRASKA;
That pursuant to City of Cambridge Municipal Code Section 4-107(2), the City Council may, by resolution, provide for the placing of stop signs or other signs, signal, standards, or mechanical devices in any street or ally under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon.

That "No Parking" signs be placed on the east and west side of Harvest Drive from Highway 6 & 34 to Prairie View for the primary purpose of providing improved access.

That no parking shall be allowed at any time on the east and west side of Harvest Drive from Highway 6 & 34 to Prairie View.

Lighting Rebate – Vernita Saylor stated the motion, seconded by Tony Groshong, to approve a lighting rebate of \$5 for every Cambridge utility customer to be credited on the December utility bills and an additional \$5 for each customer who signs in the City office for holiday lighting. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. None voted no. Motion carried unanimously for a \$5 rebate for every customer and an additional \$5 for each holiday lighting customer who signs in the form in the City office.

Banner Permit – Tony Groshong stated the motion, seconded by Vernita Saylor, to authorize the Mayor to sign the Banner Permit with the State of Nebraska for the year 2021. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. Motion carried unanimously authorizing the Mayor to sign the State of Nebraska Banner Permit.

Amend 12/02/2019 Minutes to include Street Superintendent –Tony Groshong stated the motion, seconded by Mike Harris to amend the City Council minutes of December 2, 2019 to include the Street Superintendent’s Name and License Number, Christopher Miller #S-1091A of Miller & Associates, P.C. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. Motion carried unanimously to amend the Minutes of 12/02/2019 to include the Street Superintendent’s Name and License Number, Christopher Miller #S-1091A.

Citizen’s Comments

Sally Farquhar addressed Council again in opposition to the decision of Council about the Special Use Permit of Alan Koeperich. She reiterated her previous statements.

Morgan Farquhar addressed Council again. He stated that Council failed to address the seven findings of fact.

Councilman Jeff Ommert defended the decision of Council and stated that Council had reviewed the seven conditions of the Conditional Use Permit before a vote was taken. Councilman Mike Harris believes any errors were only in procedure. Councilman Derek Raburn stated that nothing illegal was done.

Adjournment. Jeff Ommert stated the motion, seconded by Tony Groshong, to adjourn at 8:53 P.M. Voting yes were Vernita Saylor, Tony Groshong, Jeff Ommert, Mike Harris, Derek Raburn and Kevin Banzhaf. Motion carried unanimously.

Attest: Kandra J. Kinne
Kandra J. Kinne City Clerk/Treasurer

David Henderson
Mayor

Oath of Office

Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or for purpose of evasion; and that you will faithfully and impartially perform

the duties of the office of City Council Member according to law, and to the best of your ability. And do you further swear that you do not advocate, nor are a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as you are in this position you will not advocate nor become a member of any political party Or organization that advocates the over throw of the government of the United States or of this state by force or violence. So help you God.

Vernita Saylor

Vernita Saylor, City Council Member Ward I

Kevin Banzhaf

Kevin Banzhaf, City Council Member Ward II

Mike Harris

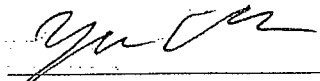
Mike Harris, City Council Member Ward III

EXHIBIT "1"
 PETITION
 IN OPPOSITION OF ZONING
 CHANGES/ CONDITIONAL USE PERMIT

Property Address: 41503 Harvest Drive, Cambridge NE, 69022




Property Owner: City of Cambridge / Alan Koerperich

I, Morgan Farquhar, Do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.



Morgan Farquhar
 PO Box 27
 40105 Prairie View Drive
 Cambridge NE, 69022

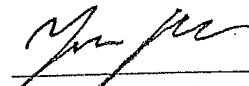
We, the undersigned owners of property within 300 feet of the property that is the subject of this zoning case oppose the requested zoning change because the proposed change would create a nuisance that will interfere with the use and enjoyment of our property and will reduce the value of our property.

Property Owner Signature	Printed Name	Address
1. 	Paul D. Newcomb	40113 Prairie View Drive
2. 	Krish Shoemaker	40116 Prairie View Dr.
3. 	Joel Shoemaker	40116 Prairie View Dr.
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PETITION IN OPPOSITION OF ZONING CHANGES/ CONDITIONAL USE PERMIT

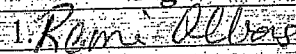
Property Address: 41503 Harvest Drive, Cambridge NE, 69022
 Property Owner: City of Cambridge / Alan Koerperich

I, Morgan Farquhar, Do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.


 Morgan Farquhar

PO Box 27
 40105 Prairie View Drive
 Cambridge NE, 69022

We, the undersigned owners of property within 300 feet of the property that is the subject of this zoning case oppose the requested zoning change because the proposed change would create a nuisance that will interfere with the use and enjoyment of our property and will reduce the value of our property.

Property Owner Signature	Printed Name	Address
1. 	Rami Albers	40117 Prairie View Dr
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14.		
15.		

CITY OF CAMBRIDGE

No. 2020-11-01

Date 10-16-20

Site Plan and Land Use Permit And Improvement Information Statement

USE BLACK INK OR TYPE IN ALL INFORMATION

Owner of Property		Person Making Statement	Contractor for Project
Name <u>ALAN KOEPERICH</u>		Name <u>ALAN KOEPERICH</u>	Name <u>VAP Construction</u>
Address <u>5130 Country Hill Rd Lincoln, NE 68516</u>		Address <u>5130 Country Hill Rd Lincoln, NE 68516</u>	Address <u>605 W. 10th Atwood, KS, 67230</u>
Owner Phone Number: <u>M-970-580-5438</u> <u>O-402-261-8725</u>	Legal Description <u>Lot 1, Block 3, Harvest Meadows 3rd Addition</u>	Street Address of property to be Improved: <u>41503 Harvest Dr, Cambridge, Ne 69022</u>	
Description and intended use of Improvements—including the installation and/or removal of sidewalks, driveways, any flat work.		Cost	(Omit Cents)
		Cost of Improvement <i>To be installed but Not include in the Above price:</i>	\$
Estimated Date of Completion		A. Electrical	\$ <u>15,000</u>
		B. Plumbing	\$ <u>3,000</u>
		C. Heating, air Condition	\$ <u>8,000</u>
		D. Other	\$ <u>15,302</u>
		Total Cost of Improvements	\$ <u>177,302</u>

I hereby certify that the above statement is true and correct.


Signature of Owner of Property

Site Plan and Land Use Permit Approved this _____ Day of _____, 20__ by Mayor
and City Council of Cambridge, Nebraska, subject to existing regulation except:

City of Cambridge Ordinance #573—"This permit shall be effective for one year from the date of approval by the Governing Body."

City of Cambridge
By _____

Return All Copies

After Approval a Signed Copy will be sent to the property owner and a copy to the Furnas County Assessor.

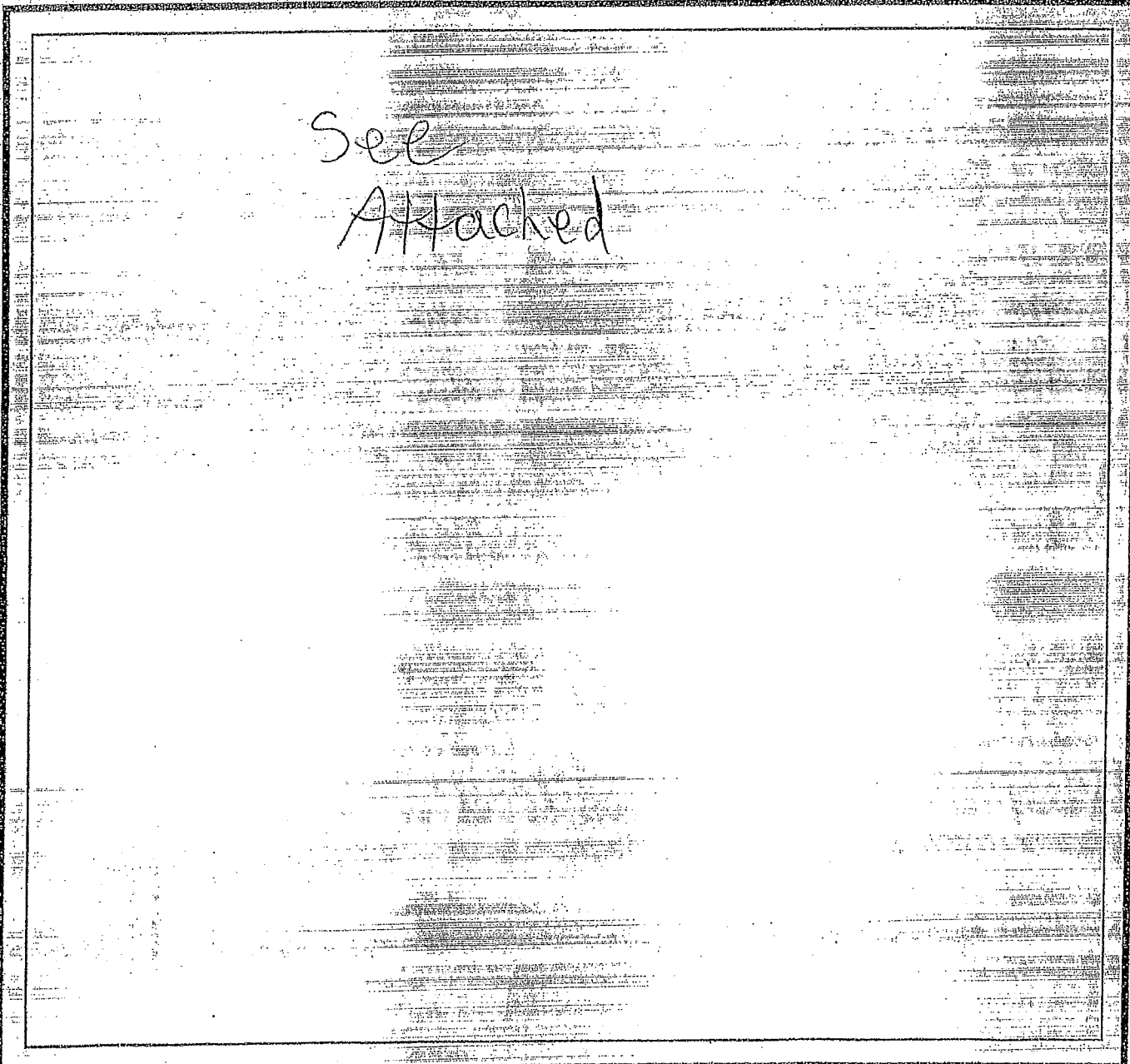
THIS FORM IS TO BE COMPLETED AND ATTACHED TO EACH APPLICATION FOR A SITE PLAN AND LAND USE PERMIT

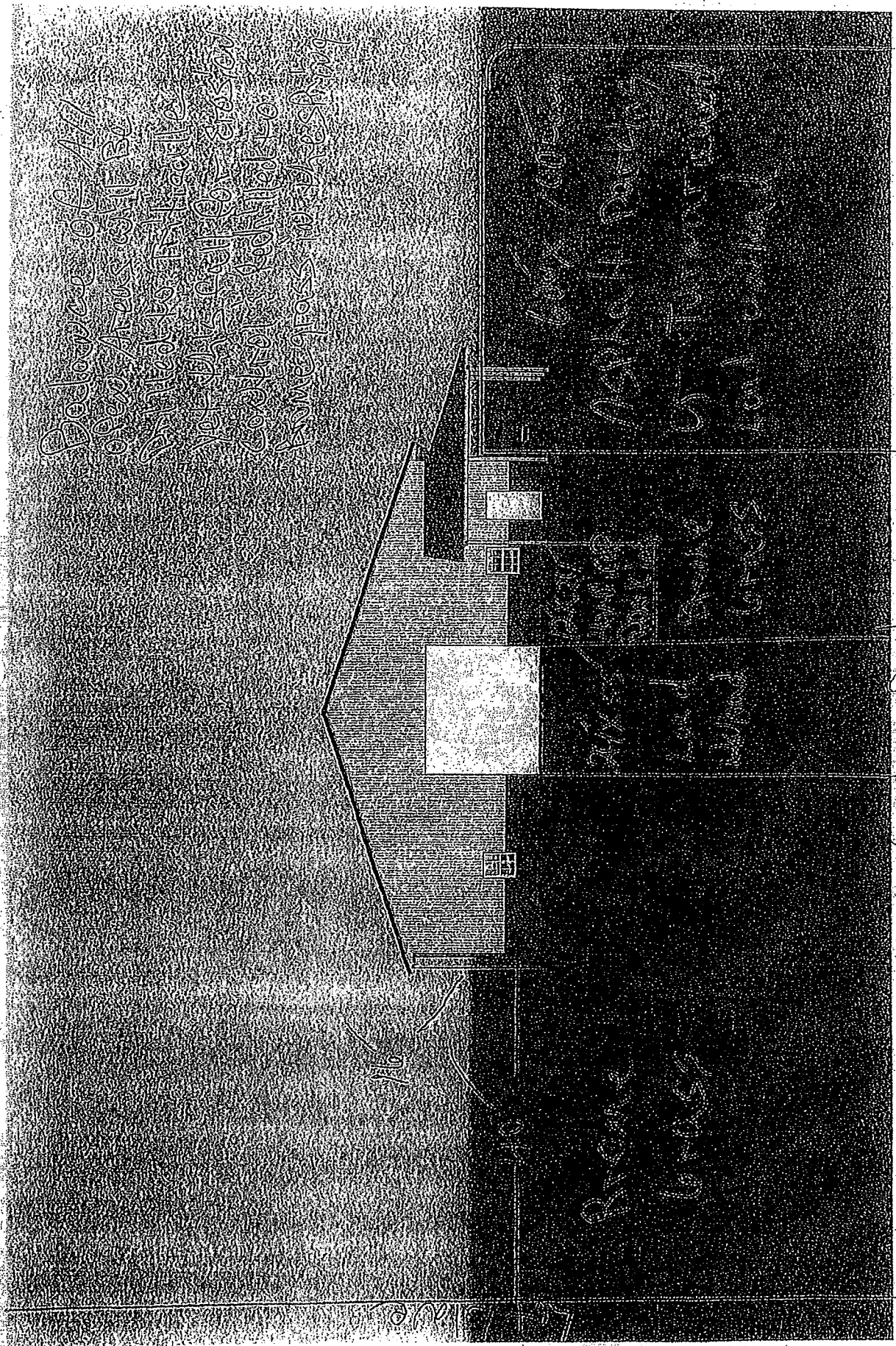
APPLICATION WITH THE CITY OF CAMBRIDGE.

Show on the diagram the location of the present buildings and any new buildings to be placed on the lot or lots and their relationship to the property lines. Indicate North and Front Lot Line, title any abutting streets. It is the responsibility of the property owner to be aware of their own property lines. The City Staff can not provide information about property owner lot lines. Show the distance, size of the proposed improvements from the property lines and distance from other buildings on the property. Also show driveways, sidewalks, any flat work and size of each. Provide a drawing below. Incomplete applications will be tabled and return for more information.

Legal Description:

Lot: 1
Block: 3 Harvest meadows third Addition





Harvest Dr. Ve

APPLICATION

DIRECTIONS:

1. Fill out the form completely. Please print or type.
2. Filing Fee \$150.00. Make check payable to City of Cambridge
3. Contact the Cambridge City Office if you have any questions

Name of Land owner/Applicant: AlaW Koerperich

Address: 5130 Country Hill Rd city: Lincoln

State: Ne zip: 68516

Phone Numbers: Home/Cell: 970-580-5438

Work: 402-261-8725

Present use of subject property: VACANT

Present zoning: C1

Application is hereby made for the following proposed use of property or structure:

60 X 104 Steel Building / seed shed

10 X 20 X 10 W/rap Around Porch

Street address of proposed use of property or structure: 41503 Harvest Dr.

Legal description of proposed property: Lot 1, Block 3, Harvest Meadows 2nd Addition

Area of subject property, square feet and/or acres: 102641 SQ. FT. 2.36 ACRES

How the adjoining properties are used (actual use):

North: Vacant

South: Truck Stop

East: Vacant

West: ~~NO~~ All separated by street

Will this use in all other respects conform to the applicable regulations of the zone in which it is located?

YES NO. If No, please explain: _____

Will this use conform to all other applicable regulations and ordinances of the City of Cambridge?

YES NO. If no, please explain: _____

Will this use have adequate water, sewer and drainage facilities (approved by the City of Cambridge,

City Council and the State of Nebraska Department of Health? YES NO

If no, please explain: _____

Will ingress and egress be so designed to minimize traffic congestion in the public streets/Roads?

YES NO. If no, please explain: _____

Estimated cost of structure:


\$ 175,000

Enclosed:

Site Plan:

THE ZONING OFFICIAL, WHO MAY BE ACCOMPANIED BY OTHERS, IS HEREBY AUTHORIZED TO ENTER UPON THE PROPERTY DURING NORMAL WORKING HOURS FOR THE PURPOSE OF BECOMING FAMILIAR WITH THE PROPOSED SITUATION.

Application fee is non-refundable

 Or _____
 Signature of Owner _____ Signature of Agent _____
10-16-20 _____
 Date _____ Date _____

CITY OF CAMBRIDGE
CONDITIONAL USE PERMIT

DO NOT WRITE IN THIS SPACE

Application to be process for: Alan Kerpovich

Date Submitted: 10-16-20 Date Notice Sent: 10-28-20

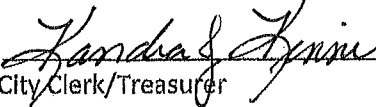

Application No. 2020-11-01 Date of Public Hearing: 11-11-20 PlanCom

Filing Fee \$ 150⁰⁰ Proof of Property Line Submitted: 12-7-20 City Council

Date of Advertisement: 10-27-20 Permit No.: 2020-11-01

Planning Commission Recommendation: Approval Disapproval _____ Date: 11-11-20

City Council Action: Approval Disapproval _____ Date: 12-7-20

ATTEST:  _____
 City Clerk/Treasurer  _____
 Chairman, Planning Commission

Date Final Approval: 12-7-20
Mayor, City of Cambridge

David Dunderon

CONDITIONAL USE PERMIT PROCEDURE

Definition. Conditional uses are those type of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where the product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts, conditional uses that are specifically listed in the district regulations may be permitted only after additional requirements are complied with as established within this section. A proposal for a conditional use permit may be initiated by the City Council, Planning Commission, or the owner of the property affected.

A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the Minimum Requirements.

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.
 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, wall and fences on the site, and,
 - b. The nature and extent of landscaping and screening on the site.
 5. Off-street parking and loading areas will be provided in accordance with the standards set forth, in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
 1. The conditional use application form shall be completely filled out and returned to the office of the City Clerk with the appropriate filling fee, a plot plan drawn to scale, and other required information.
 2. NO APPLICATION SHALL BE SCHEDULED FOR PUBLIC HEARING UNTIL THE APPLICATION FORM HAS BEEN FULLY COMPLETED, THE FEE PAID, AND ALL REQUIRED INFORMATION SUBMITTED.
1. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. The City Clerk shall be responsible for having an official Notice of Public Hearing published in a newspaper of general circulation at least ten (10)

days prior to the hearing. This notice shall state the time and place of the hearing and shall describe the conditional use requested.

2. In addition to the publication of the notice described above, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing.
3. Recommendations: Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the City Council. Said recommendations may be for approval or disapproval, or approval for less land area or a less intense zoning district, and reasons for the recommendation shall be included.

If a written protest against a proposed amendment shall be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the hearing on a proposed amendment by the Planning Commission, which protest is duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lot or lots immediately adjacent on the sides and in the rear thereof extending three hundred (300) feet there from, and of those directly opposite thereto extending three hundred (300) feet there from, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, then such proposed amendment shall not be passed except by a three-fourths (3/4) vote of the City Council.

1. The City Council shall also hold a public hearing but not until a notice as outlined in Paragraph 3 has been published in the newspaper at least ten (10) days prior to the date of the public hearing. The City Council shall consider the application for a conditional use, although not until the fourteen-day protest period has expired, and may approve the recommendation of the Planning Commission or take whatever action it deems necessary. If an adequate number of protest petitions are filed, the conditional use can be approved only by a three-fourths (3/4) vote of all the members of the City Council.
2. The conditional use becomes null and void if the requested use has not commenced within twelve months of the date the original application is approved by the City Council.

APPLICATION FOR A CONDITIONAL USE
INSTRUCTIONS TO APPLICANT

1. All applicants for a conditional use should consult the City Clerk prior to submitting a formal application. The purpose of the consultation is to advise the applicant of his rights and responsibilities in filing the application.
2. The applicant must complete the attached application form. All blanks should be filled in. Any questions not applicable should be completed with N/A.
3. At least ten (10) days prior to the date of the public hearing, the City shall post a notice of the describing proposed conditional use on the property. The notice shall be easily visible from the street and shall be at least 18 inches in height and 24 inches in width either a white or yellow background and black letters not less than one and one-half inches in height.
4. The applicant shall submit a statement in writing justifying the conditional use applied for, and indicate under which section of the Zoning Regulations the application is being made.
5. The applicant shall prepare and submit in duplicate, at the time of filing the application, a detailed plot plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which should be helpful in consideration of the application. Proof of Property Lines must be submitted with application
6. The above listed documents, together with the fee of \$150.00, shall be submitted to the office of the City Clerk.

10/5/2020

Cambridge City Council

722 Patterson Street

Cambridge, Ne. 69022


Members of the City Council:

This letter is being written to answer the questions in section 9-105C under the Conditional Use section.

1. Proposed conditional use complies with all applicable provisions of these regulations, including intensity of use, yard regulations and use limitations. YES, not only have complied with every request and regulation asked by the Planning Commission and Joint Committee, but I have also fixed the drainage problem for most of the commercial lots that join me in the process.
2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public. This facility will not be in use full time as my business is very seasonal. Most of the time there will be nobody around the facility as it will only truly be in use for the spring and early summer months. It will be of no more inconvenience than the other seed sheds in the area.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. This lot has been zoned commercial since the development's inception. I would think that any discount in property value was priced into the residential lots from the beginning also. I would assume that the \$20,000.00 per lot incentive was meant to offset some of this discount. I also believe that my property will be above the average cost of construction in the area and, should raise property values.
4. The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - A. The location, nature and height of buildings, structures, walls, fences on the site. SEE ATTACHED SITE PLAN
 - B. The nature and extent of landscaping and screening on the site. SEE ATTACHED SITE PLAN

5. Off street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses from any injurious effect. The approach to the door is 55 feet long and my door is 14 feet tall enabling a truck to back off of the road and into my building to get off the street and keep my seed out of any weather when loading or unloading. In addition to this there is a handicapped parking spot on the south side of the approach and a 60 X 100-foot asphalt parking/turnaround if a truck driver is unable to back up to the door. A screen or fence is not required as a street is separating my property from any residential lots.
6. Adequate utility, drainage, and other such necessary facilities have been provided. Yes, the drainage and utilities are much of the dirt work that has been done to this point. All of this has been completed per the approved plan set forth to control the drainage from clear back in July.
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. YES, this is the reason that this individual lot was chosen as it is the only lot out there that can provide this type of access.

Thanks,

A handwritten signature in black ink, appearing to read 'Alan Koerperich', with a long horizontal line extending to the right.

ALAN KOERPERICH

Abutting Property Owners List

10/19/2020

City of Cambridge:

Lot 1, Block 2 Harvest Meadows Fourth Addition
40301 Harvest Drive

Lot 2, Block 2 Harvest Meadows Fourth Addition
40303 Harvest Drive

Lot 3, Block 2 Harvest Meadows Fourth Addition
40305 Harvest Drive

Lot 9, Block 1 Harvest Meadows Fourth Addition

Lot 10, Block 1 Harvest Meadows Fourth Addition
40212 Harvest Drive

Lot 9, Block 2 Harvest Meadows Third Addition
40118 Prairie View Drive

Lot 2, Block 1 Harvest Meadows Seventh Subdivision
41506 Harvest Drive

Lot 1, Harvest Meadows Eighth Subdivision
42604 Prairie View Drive

Unplatted Property North of Harvest
Meadows Eighth Subdivision

2TC, LLC (Sale to GTA Insurance Group)

% First Central Bank
Lot 1, Block 1 Harvest Meadows Seventh Subdivision
41504 Harvest Drive
GTA Insurance Group
P O Box 502
Cambridge, NE 69022

Jarod R & Rami L Albers

Lot 9, Block 1 Harvest Meadows Third Addition
40117 Prairie View Drive

tenBensel, Inc. Jan K.

Lot 8, Block 1, Harvest Meadows Third Addition
40115 Prairie View Drive

Joel V & Kristi G Shoemaker

Lot 8, Block 2 Harvest Meadows Third Addition
40116 Prairie View Drive
Cambridge, NE 69022

Benson Properties, LLC

Lot 7, Block 2 Harvest Meadows Third Addition
Benson Properties, LLC
470 2nd Ave
St Libory, NE 68872

Certified

Cambridge Hotel Group, LLC

Lot 11, Block 2 Harvest Meadows Third Addition
41502 Harvest Drive
980 American Dr.
Neenah, WI 54956

Certified

NCP Fuel Services, LLC

Lot 2, Block 3 Harvest Meadows Third Addition
41501 Harvest Drive
NCP Fuel Services, LLC
P O Box 200
Zeeland, MI 49464

Certified

Jeff Springer

Lot 2 Harvest Meadows Eight Addition
42504 Wheat Ridge Drive
721 Parker St
Cambridge, NE 69022

Alan Koerperich

Lot 1, Block Three Harvest Meadows Third Addition
41503 Harvest Drive

Certified

Also send notice to:
Cambridge Public School

10/29/20

PUBLIC HEARING NOTICE
 CITY OF CAMBRIDGE PLANNING COMMISSION
 WILL HOLD A PUBLIC HEARING AT 5:00 PM
 WEDNESDAY NOV. 11, 2020 722 PATTERSON ST. FOR PUBLIC
 COMMENT OF A CONDITIONAL USE PERMIT
 APPLICATION FOR A FEED AND SEED BUSINESS
 IN A COMMERCIAL ZONE
 LOT 1, BLOCK 3, HARVEST MEADOWS
 THIRD ADDITION, CAMBRIDGE, NEBRASKA

PUBLIC HEARING NOTICE
 CAMBRIDGE CITY COUNCIL
 WILL HOLD A PUBLIC HEARING AT 6:30 PM.
 MONDAY DECEMBER 7, 2020 722 PATTERSON ST.
 FOR PUBLIC COMMENT OF A CONDITIONAL USE
 PERMIT APPLICATION FOR A FEED AND SEED
 BUSINESS IN A COMMERCIAL ZONE
 LOT 1, BLOCK 3, HARVEST MEADOWS
 THIRD ADDITION, CAMBRIDGE, NEBRASKA

Public Hearing Notice

Public notice is hereby given by the City Council of the City of Cambridge, Nebraska, that a public hearing will be held at 6:30 P.M. on Monday December 7, 2020, at the City Hall, 722 Patterson Street, Cambridge, Nebraska. The purpose of the hearing is to obtain public comment prior to consideration of a Conditional Use Permit Application for a Feed and Seed Business in a commercial zone. The property which is the subject of this notice and of the public hearing is described as follows:

Lots 1, Block 3, Harvest Meadows Third Addition of Cambridge, Furnas County, Nebraska. 41503 Harvest Drive, Cambridge, Nebraska.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed conditional use permit application. If auxiliary aids of reasonable accommodations are needed for attendance at the meeting, please call the Office of the Municipal Clerk, (308) 697-3711. Advance notice of five days is needed when requesting an interpreter. Kandra J. Kinne City Clerk/ Treasurer

ZNEZ

FORM 2004

Proof of Publication

State of Nebraska }
County of FURNAS } ss.

Cody Gerlach being first duly
(name)

sworn, deposes and says..... he is
the (he or she)

Publisher of Valley Voice
(position) (name of publication)

a... weekly legal newspaper having a bona
(weekly, daily, etc.)

fide circulation of more than 300 copies published in
Cambridge
(name of town)

Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice; that said publication is of general circulation; that attached notice was published time(s) on

October 22, 2020

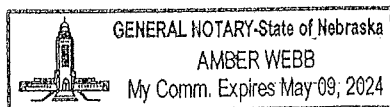
(date)
Cody Gerlach
(signature)

Subscribed to in my presence

and sworn to before me this
22 day of October 20, 20

Amber Webb
Notary Public

Publication Fee \$ 16.18



Public Hearing Notice

Public notice is hereby given by the Planning Commission of the City of Cambridge, Nebraska, that a public hearing will be held at 5:00 P.M. on Wednesday November 11, 2020, at the City Hall, 722 Patterson Street, Cambridge, Nebraska. The purpose of the hearing is to obtain public comment prior to consideration of a Conditional Use Permit Application for a Feed and Seed Business, in a commercial zone. The property which is the subject of this notice and of the public hearing is described as follows:

Lots 1, Block 3, Harvest Meadows Third Addition, Cambridge, Nebraska. 41503 Harvest Drive Cambridge, Nebraska

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed conditional use permit application. If auxiliary aids of reasonable accommodations are needed for attendance at the meeting, please call the Office of the Municipal Clerk, (308) 697-3711. Advance notice of five days is needed when requesting an interpreter. Kandra J. Kinne City Clerk/Treasurer

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Publisher of Valley Voice
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a weekly legal newspaper having a bona
(weekly, daily, etc.)

fide circulation of more than 300 copies published in
Cambridge
(name of town)

Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice; that said publication is of general circulation; that attached notice was published time(s) on

October 22, 2020

(date)
Cody Gerlach
(signature)

Subscribed to in my presence
and sworn to before me this
22 day of October, 2020

Amber Webb
Notary Public

Publication Fee \$ 16.93

