



CRETE PLANNING COMMISSION MEETING

June 24th, 2024 at 7:00 PM
Crete City Hall, 243 East 13th Street

MINUTES

Notice of the meeting was given by posting, the appointed method for giving notice as shown by the attached notice, at the following locations:

City Hall, 243 East 13th Street
Post Office, 1242 Linden Avenue
City Bank and Trust, 1135 Main Avenue

Advance notice of the meeting was also given to committee members. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open meetings Act, Laws of the State of Nebraska, in the back of the council chambers. All proceedings shown were taken while the meeting was open to the attendance of the public.

1. Open Meeting

2. Roll Call

Jay Quinn:	Absent
Drew Rische:	Absent
Carely Adame Ortiz:	Present
Ryan Jindra:	Present
Dave Jurena:	Present
Justin Kozisek:	Present
Scott Kunch:	Present
Jennifer Robison:	Present
Jeff Wenz:	Present

Present: 7, Absent: 2.

City Administrator Tom Ourada was present but did not vote.

Also, present for the meeting were City Attorney Anna Burge, City Clerk Nancy Tellez, and Finance Director Wendy Thomas

3. Items of Business

3.A. Approve Planning Commission Minutes

Approved Planning Commission Minutes Carried with a motion by Scott Kuncel and a second by Justin Kozisek.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kuncel: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye
Aye: 7, No: 0

3.B. Public Hearing on Ordinance 2207 Home Occupation

The Public Hearing opened at 7:01 p.m.

Opened Public Hearing on Ordinance 2207 Home Occupation Carried with a motion by Scott Kuncel and a second by Jennifer Robison.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kuncel: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye
Aye: 7, No: 0

City Administrator Tom Ourada explained that this ordinance is to amend and for clarity on garage sales. City Attorney Anna Burge explained that she did research on what other communities do. Burge explained that Omaha and Kearney do have some restrictions on garage sales. Burge explained that changes under Section 1. Two definitions that are added on 11-211 are the following:

Garage Sale. The occasional sale of a variety of personal goods from a residence. This definition shall include garage sales, yard sales, moving sales and any similar form of sale.
Occasional Sale.

In Section 2 is the Home Occupation Ordinance change. (3) Garage sales shall be allowed at residential homes, provided that the frequency of such sales at any one location shall not exceed one, lasting three days in length, during a continuous two-month period or four (4) sales during any twelve (12) month period. Items sold at the garage sale shall not include resale of new merchandise in quantities such that a reasonable person would assume the merchandise was purchased specifically for resale at the garage sale.

Candace Hohlfeld and Vi Preston who live in the neighborhood were present for the Public Hearing. Candace Hohlfeld asked if that was 4 garage sales total per year. Hohlfeld also asked about the regulations and who they would be enforced. Burge stated that with enforcement it is more observation. The City of Crete has an enforcement officer who would help to keep track of these. Burge explained that if that number is exceeded, then its stepping out of the limit and is turning in to a home occupation.

Hohlfeld asked what happens when people have that fifth garage sale. City Administrator Tom Ourada explained that there are a number of things that could happen. There is local ordinance enforcement and then there is also taking them to county court. Then there are fines imposed by the courts. It could be per incident, per day, or whatever the city seeks through the prosecutor and the judge. That's a last resort. It is something that the City has had to use on several occasions in the last few months, not with garage sales but with other ordinance infractions. Ourada stated that garage sale is very loose description of what some of the complaints are.

Planning Commission member Jennifer Robison asked if the City is receiving complaints. Ourada explained that they try to be reactive and not seek out issues.

7:29 p.m. Closed the Public Hearing

Closed Public Hearing on Ordinance 2207 Home Occupation Carried with a motion by Justin Kozisek and a second by Ryan Jindra.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunc: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye
Aye: 7, No: 0

3.C. Consider Ordinance 2207 Adding Garage sale limitations to City Code

Recommend to the City Council Ordinance 2207 Adding Garage sale limitations to City Code to once every 4 months 3 times per year. Carried with a motion by Jeff Wenz and a second by Ryan Jindra.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunc: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye
Aye: 7, No: 0

3.D. Public Hearing on Ordinance 2208 Amending Temporary Signs

Opened the Public Hearing on Ordinance 2208 Amending Temporary Signs at 7:31 p.m.

Opened the Public Hearing on Ordinance 2208 Amending Temporary Signs Carried with a motion by Scott Kunc and a second by Ryan Jindra.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunc: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye
Aye: 7, No: 0

City Administrator Tom Ourada stated this has been contested for years. The most recent is from the Mayor. City Attorney Anna Burge looked at what other communities have done. Ourada stated that this would be billed for at least an hour minimum if someone from the City of Crete goes to remove the temporary sign.

Planning Commission member Jeff Wenz asked if the property was a rental who is responsible.

Ourada stated that the landlord is responsible and there could be a lien on the property.

Ourada explained that Campaign Signs are governed by State Federal Law.

City Attorney Anna Burge explained that (5) All temporary signs advertising a garage sale may be place two (2) days prior to the start of the sale and must be picked up two (2) days after the sale is completed.

~~(5)~~ (6) The City may order the removal of any temporary sign not in compliance with this section. If the owner of the premises on which such sign is located or the owner of the sign fails to remove such sign, the City shall remove the sign at the owner's cost. Such costs may be assessed to the property. Any such removal shall result in the immediate cancellation of any outstanding temporary sign permit.

Closed the public hearing at 7:38 p.m.

Closed the Public Hearing on Ordinance 2208 Amending Temporary Signs Carried with a

motion by Scott Kunch and a second by Justin Kozisek.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunch: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye

Aye: 7, No: 0

3.E. Consider Ordinance 2208 Amending Temporary Signs

Recommend to the City Council Ordinance 2208 Amending Temporary Signs Carried with a motion by Jeff Wenz and a second by Scott Kunch.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunch: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye

Aye: 7, No: 0

3.F. Consider Pine Ridge 3rd Addition Preliminary Plat

Recommend to the City Council the Pine Ridge 3rd Addition Preliminary Plat Carried with a motion by Scott Kunch and a second by Ryan Jindra.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunch: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye

Aye: 7, No: 0

John Zwingman and Tony Fitzgerald were present with the Preliminary and Final Plat for the Pine Ridge 3rd Addition and mentioned that since it was such a minor change, they are bringing both the preliminary and final plat.

3.G. Consider Pine Ridge 3rd Addition Final Plat

Recommend to the City Council the Pine Ridge 3rd Addition Final Plat Carried with a motion by Jennifer Robison and a second by Ryan Jindra.

Carely Adame Ortiz: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunch: Aye, Jennifer Robison: Aye, Jeff Wenz: Aye

Aye: 7, No: 0

4. Officers' Reports

Planning Commission Chairperson Dave Jurena stated that he was in City Administrator Tom Ourada's office talking about zoning and specifically urban ag zoning. City Administrator Tom Ourada stated that they have a draft and they are looking through it with Jeff Ray with JEO and City Inspector Brad Bailey is also going through it. Ourada stated that there are lots of changes they would like to get done before it comes to the Planning Commission.

5. Adjournment

7:50 p.m.