



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING December 20, 2012

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th of December, 2012 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska. Which meeting was postponed from December 19, 2012.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Ron Kulwicki, Dave Sack, Jack Reimers, Terry Spilinek, Jeff Christensen, Lauren Scarborough and Ken Kozisek. Those absent were: Daryl Anderson and Randy Kauk. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klinginsmith, Acting Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and 2nd By Ken Kozisek to approve the minutes of the November 14, 2012 meeting. The motion carried on unanimous voice vote.

Old business: None

At 7:05 P.M. the first item on the Agenda was a Single Lot Subdivision Application by Milton Nesiba, named the **Nesiba Subdivision** in the SE $\frac{1}{4}$ of Section 3-14-12W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Barbara Wroblewski was present for the board to answer any questions. Barbara explained the owner is selling off the rest of the Quarter but reserving the building site. There is an easement to access 12th Avenue. They currently have utility easement for this parcel of 9.09 acres, and Barbara may want to add that to the Deed. No one was present to oppose the subdivision. A motion was made by Dave Sack and 2nd by Ron Kulwicki to approve the application. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached.)

At 7:15 P.M. Terry opened the Public Hearing for the **Brian Poland application to change zoning from A-2 to C-S** located on the part of the SE $\frac{1}{4}$ of Section 6-13-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Brian Poland was present for hearing. Brian explained he currently owns a business called B.P. Oil where he has cased goods on pallet brought in by semi's about 5-7 times a week; they unload and sometimes reload and ship back out. I purchased the Mr. Bolton property and since the large building was already there, I wanted to enlarge the building and have my warehouse there so I would be able to walk to work and spend more time with my family. I know there are concerns with bulk oil; however I will not have any large bulk containers on my property. I checked with DEQ and it doesn't apply to my situation. I have checked with the State Fire Marshall and I meet their criteria and their standards. Don Nealon was present to oppose the application and asked if he has talked to EPA, Fire Department, Road Department, and asked what are his plans if truck tips over, as well as our water table is low in that area.



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Also felt not everyone was informed. Administrator Trumler explained all adjoining neighbors were informed with a notification of Public Hearing. Nebraska state law requires 300 feet/or adjoining land owners to be notified. Brian Poland's rebuttal said he understands the concerns of neighbors and it is more likely that only 1 truck a day max would be traveling along that gravel road. The Public Hearing was closed. The board members had discussions and clarified this is not spot zoning, due to this is in A-2, and looking at the regulations discussed tabling this hearing. The Zoning Board member Dave Sack left the meeting. A motion was made by Lauren Scarborough and 2nd by Jeff Christensen to table this application until our next meeting. A roll call vote was taken. The motion carried 6-0.

At 8:10 P.M. Terry Spilinek opened the Public Hearing for **B.P. Oil Subdivision** in the SE $\frac{1}{4}$ of Section 6-13-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. A motion was made by Lauren Scarborough and 2nd by Ron Kulwicki to table this application until our next meeting. A roll call vote was taken. The motion carried 6-0.

At 8:15 P.M. the Chairman opened the Public Hearing for **Kay Meyer application to change Zoning from I-2 to A-2** located on the SW $\frac{1}{4}$ of Section 27-15-10W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. The Meyers were not present for the hearing. No one was present in favor or to oppose the application. A motion was made by Ron Kulwicki and 2nd by Ken Kozisek to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 8:20 P.M. the Public Hearing for the **Fred & Kay Meyer Subdivision** Application was opened. This Single Lot Subdivision is located in the SW $\frac{1}{4}$ of Section 27-15-10 W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. The Meyers were not present for the hearing. Administrator Trumler stated this is a legal subdivision and meets all the criteria. A motion was made by Jeff Christensen and 2nd by Jack Reimers to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 8:25 the next item on the agenda was a Single Lot Subdivision Application by Michael Toukan, named the **Ray of Sunshine Estates Subdivision** in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36-14-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Darcy Ray was present for the board to answer any questions. Administrator Trumler explained this subdivision is on the Merrick County line, it is a legal subdivision. We have received a letter from Merrick County Road Superintendent that they will take care of the low maintenance road, however until we receive a letter from their commission board agreeing with this, the Howard County Zoning office will not issue a Zoning/Building Permit. Darcy let the board know this is an 80 acre parcel, no building site there currently. A motion was



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made by Ken Kozisek and 2nd by Jeff Christensen to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 8:30 P.M. the chairman opened the Public Hearing for **Zoning Regulations** was opened. Items discussed were Administrative Conditional Use Permits for Stock Piling and Fines as well as Road dedications. A motion was made by Jack Reimers and 2nd by Ken Kozisek to approve the road dedication changes on page 214 Section 6 and page 224 #3 a, as proposed. A roll call vote was taken. The motion carried 6-0. A motion by Jeff Christensen and 2nd by Ron Kulwicki to adopt the proposed changes on pages 89, 93, 111, & 114 of limiting 30 days of stockpiling to our regulations, and suggested a \$100.00 fine per day for the commissioners to review. A roll call vote was taken. The motion carried 6-0.

At 8:55 P.M. the final item on the agenda was a Single Lot Subdivision Application by Ken & Nancy Christensen, named the **Aarons Subdivision** in the E ½ SE ¼ of Section 2-13-12W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. No one was present for discussion. Administrator Trumler explained the residence is already there and meets zoning requirements. A motion was made by Jeff Christensen and 2nd by Jack Reimers to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 9:05 a motion was made by Jeff Christensen and 2nd by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for January 16, 2013.

Cherri Klinginsmith, Acting Secretary



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**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
January 16, 2013**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 16th day of January, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 6:30 P.M. Roll call showed 5 members present: Terry Spilinek, Fred Meyer, Mike Nelson, Gary Craig and Janet Thomsen. Absent: Alternate Clare Kurz. Chairman Nelson stated there was a quorum of members present and the meeting would commence. Also present were Franz Trumler, Howard County Zoning Administrator and Cherri Klinginsmith, Acting Secretary.

Zoning Administrator, Trumler read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 2nd day of January, 2013 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerks office. Meeting notices and the agenda were mailed to each of the board members prior to the meeting.

The purpose of this meeting was reorganization. A motion was made by Fred Meyer and 2nd by Gary Craig to nominate Mike Nelson as Chairman. The motion carried on a majority voice vote.

A motion was made by Terry Spilinek and 2nd by Gary Craig to nominate Fred Meyer as Vice Chairman. The motion carried on a majority voice vote.

A motion was made by Terry Spilinek and 2nd by Fred Meyer to nominate Gary Craig as Secretary. The motion carried on a majority voice vote.

The Chairman, Mike Nelson welcomed their newest member to the board: Janet Thomsen.

Acting Secretary, Cherri Klinginsmith handed each board member the new updated manual pages for them to replace in their books and went over each change.

The Board of Adjustment officers will be the following for 2013 year:

Mike Nelsen – Chairman	Reappointed for 2013:
Fred Meyer - Vice Chairman	Terry Spilinek 2013 -2015
Gary Craig - Secretary.	Fred Meyer 2013-2015

A motion was made by Mike Nelson and 2nd by Fred Meyer to adjourn at 6:50 P.M.

Cherri Klinginsmith, Acting Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING January 16, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of January, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Jack Reimers, Terry Spilinek, and Lauren Scarborough. Those absent were: Randy Kauk and Dave Sack. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klingensmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Lauren S. and 2nd By Jack R. to approve the minutes of the December 20, 2012 meeting. The motion carried on unanimous voice vote.

Old business: None

At 7:05 P.M. the reorganizational public hearing opened with a motion by Ron Kulwicki and 2nd by Jack Reimers to nominate Terry Spilinek as Chairman. The Chairman of the Zoning Board will also be the representative to the Variance Board. The motion carried on a majority voice vote. A motion was made by Jeff Christensen and 2nd by Ron Kulwicki to nominate Jack Reimers as Vice Chairman. The motion carried on a majority voice vote. A motion was made by Jeff Christensen and 2nd by Ron Kulwicki to nominate Daryl Anderson as Secretary. The motion carried on a majority voice vote.

The Planning & Zoning Officers are as follows for 2013 year:

Chairman – Terry Spilinek	Reappointments for 2013
Vice-Chairman – Jack Reimers	Daryl Anderson – 2013-2015
Secretary – Daryl Anderson	Ken Kozisek – 2013-2015
	Jack Reimers – 2013-2015

At 7:15 P.M. the first item on the Agenda was a Single Lot Subdivision Application by Deward McIntosh, named the **CHS Subdivision** in the SW ¼ of Section 32-14-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Cory & Heather were not present for discussion; Administrator Trumler explained this is an existing building site in A2. It meets all the criteria. No one was present to oppose/in favor for the subdivision. A motion was made by Lauren Scarborough and 2nd by Ken Kozisek to approve the application. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached.) The surveyor has not brought in Mylar yet, once we have it; we will call Chairman & Vice-Chairman to sign before commissioners meeting on Tuesday, January 22nd.

At 7:25 P.M. Terry opened the Public Hearing for the **Zoning Regulations pertaining to the update of Matrix**. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Administrator Trumler stated after



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discussion at our last meeting in December, we see we need to update the Matrix concerning “Warehousing & Storage of Nonhazardous products” currently only listed as permitted in Industrial areas. Need to consider adding this as a Conditional Use in A-2 and C-S. After discussion by zoning board a motion by Ken Kozisek and 2nd by Jack Reimers to approve adding a conditional Use to Warehousing and storage of nonhazardous products in Columns A-2 on page 30. A roll call vote was taken. The motion carried 7-0. Next a motion was made by Lauren Scarborough and 2nd by Ron Kulwicki to approve adding a conditional Use to Warehousing and storage of nonhazardous products in Columns C-S on page 30. A roll call vote was taken. The motion carried 7-0.

At 7:30 P.M. Terry opened the Public Hearing for the Perpetual **Conditional Use Permit application by Brian Poland for Warehousing & Storage of nonhazardous products in A-2 district in the SE ¼ of Section 6-13-9W. P.M. in Howard County.** Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk’s office. Brian Poland was present for hearing. Brian explained after his last meeting with the board he has spoken to State Fire marshal, NDEQ, and EPA. He handed out a pamphlet to board members showing the approval by the above inspectors, with their names and titles that shows he is in compliance with Nebraska laws. He has completed the 21 page certification form for the NDEQ. Testimony Opposed was from Don Nealon asking if Brian P. had spoken to the road department. Administrator Trumler stated he had spoken to Janet Thomsen and she has reviewed. After much discussion, Brian verified that the building holding the oil and antifreeze products will not be heated, will have sprinklers on the outside yard, and does carry Liability Insurance. The board members discussed and put in place the following conditions:

- Maintain compliance with the NE State Fire Marshall Act.
- No containers larger than 350 gallons stored
- Maintain compliance with the SPCC (Spill, Prevention, Control & Countermeasure) program administered by the EPA.

A motion was made by Daryl Anderson and 2nd by Jeff Christensen to approve the conditional use permit application for Brian and Winnifred Poland for warehousing and storage of nonhazardous products in the A-2 district in SE ¼ of section 6-13-9W. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed (See Attached)

At 8:15 P.M. Terry Spilinek opened the Public Hearing for **B.P. Oil Subdivision** in the SE ¼ of Section 6-13-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk’s office. Brian Poland was present for questions from the zoning board. Brian explained he wants to subdivide 3 acres off the 88 he has purchased. Administrator Trumler stated the Subdivision meets all our guidelines. A motion was made by Jeff Christensen and 2nd by Jack Reimers to approve the B.P. Oil Subdivision in the SE ¼ of Section 6-13-9W. A roll call vote was taken. The motion carried 7-0. A Finding of fact was completed. (See Attached)

Administrator Trumler said we will meet on another night to review all of our Matrix guidelines and discuss at our next meeting if not much else is scheduled.

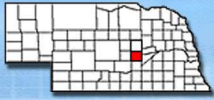


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At 8:45 P.M. a motion was made by Daryl Anderson and 2nd by Ron Kulwicki to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for February 20, 2013.

Cherri Klinginsmith, Acting Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING March 20, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th of March, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Jack Reimers, Terry Spilinek, and Lauren Scarborough. Those absent were: Randy Kauk and Dave Sack. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klinginsmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff C. and 2nd by Jack R. to approve the minutes of the January 16, 2013 meeting. The motion carried on unanimous voice vote.

Old business: None

Administrator Trumler discussed with the board Subdivisions being allowed in A-3 zoning, more details and discussion will be held at the April meeting.

At 8:05 P.M. the **public hearing on Zoning Regulations pertaining to the update of Matrix and the addition of Administrative Subdivisions** was opened. Franz Trumler read the notice. Discussion was had by board members reviewing the matrix, A through M Matrix for Land use categories were reviewed and it was decided to finish the review at our next meeting in April.

The adoption of adding Administrative Single Lot Subdivisions was discussed, and agreed that a \$100.00 fee was appropriate. A motion was made by Ken K. and 2nd by Ron K. to approve the adoption of Administrative Subdivisions to our Zoning Regulations. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached)

At 9:45 P.M. a motion was made by Jeff C. and 2nd by Jack R. to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for April 17, 2013.

Cherri Klinginsmith, Acting Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING April 17, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th of April, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Dave Sack and Terry Spilinek. Those absent were: Randy Kauk, Jack Reimers, and Lauren Scarborough. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klinginsmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. The minutes of the March 20, 2013 meeting were approved by unanimous voice vote.

Old business: None

At 8:05 P.M. the **public hearing on the Diehl Subdivision** in the NE ¼ of Section 33-13-12 was opened. Franz Trumler read the notice. Rodney & Susan Diehl were present to share their plans with the board. Rod Diehl explained the fact that the existing structures were in the floodplain and the house being on a knob would not be therefore would be exempt from having to buy flood insurance since they were not on this plat. Franz explained how government lots are considered lots of record and could have a home built on them in A-3 Zoned land without being 80 acres. A motion was made by Dave Sack and 2nd by Ron Kulwicki to approve the Diehl Subdivision, due to it being a lot of record. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached)

At 8:20P.M. A discussion was had regarding the Harold and Marilyn Luebke farm. They want to build a new residence however; there is already one (1) non-farming residence in the quarter, a 10 acre lot owned by Dennis Jacobson. Dennis is in the process of obtaining the remaining 110 acres to add to his 10 acres. If this was to happen and the 10 acres were vacated as a separate parcel and changed to a 120 total acres. Then it would be possible for Luebke's to add a new residence, acknowledging that the residencies can never be sold off separately with less than 20 acres of ground. The Luebkes will talk to Dennis and Accessor's office and get back to the zoning administrator.

At 8:40 P.M. the **public hearing on Zoning Regulations to update the Matrix** was opened. Franz Trumler read the notice. The board members reviewed the Matrix from A to Z and revised some of the land use categories. A motion was made by Jeff Christensen and 2nd by Ken Kozisek to approve the Matrix changes. A roll call vote was taken. The motion carried 5-0. (Dave Sack left before the vote)

At 9:50 P.M. a motion was made by Ron Kulwicki and 2nd by Jeff Christensen to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for May 15, 2013.



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Cherri Klinginsmith, Acting Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING July 17, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th of July, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Dave Sack, Randy Kauk and Terry Spilinek. Those absent were: Jack Reimers, and Lauren Scarborough. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klingensmith, Zoning Secretary. The Agenda and Minutes of April 17, 2013 were reviewed at the meeting and approved by unanimous voice vote. Old business: Administrator Trumler stated the Commissioners approved our revisions to the Matrix.

At 8:05 P.M. the **public hearing on the Kuck Subdivision** in the NW $\frac{1}{4}$ of Section 21-13-9W was opened. Franz Trumler read the notice. Doug Wissing presented the plat to the board, stating the buyer wants to build a new house outside of St. Libory because where he lives now he is unable to put a basement in. Testimony from the public asked if the drainage would be changing. Doug stated only to level where the house is to be built but no changing in the water flow. A motion was made by Dave Sack and 2nd by Randy Kauk to approve the Kuck Subdivision. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached)

At 8:15 P.M. the **public hearing on Zoning Regulations pertaining to Administrative Conditional Use Permits for Manure storage procedures** was opened. Franz Trumler read the notice. Franz explained we, in the past, have not allowed manure storage on site, except at the feedlots. After hauling we allow storage for 30 days in which they have time to apply it to their fields. We have a couple independent haulers storing on property pivot corners without a permit. Our regulations state land owners have to apply for an Administrative CUP if their land is not on the feedlots DEQ plan. On our form it states they have 6 months to apply, but only 30 days to store. The commissioners feel strongly that the land owner be able to apply and store manure for up to 6 months from the time of paper work is completed, which would get into another crop cycle but not skipping a cycle. And really we like to have it hauled now so it doesn't ruin the roads, but not able to apply due to crop in the field. The board asked if it doesn't get applied within the 6 month time period due to weather, what the penalty is. Currently there isn't one, if not completed, just the fine for not filing out the application form to apply the manure. The board suggests that we keep track of expiration date and if not completed within 6 months the applicant come and explain the situation and the date to expect to have it applied to their fields. If applicant goes beyond a crop season, then state statue says we can charge \$100.00 a day for each day in noncompliance and being unresolved. Usually this is enough said. Administrator Trumler stated he would take the board's comments to the commissioners to finalize what we will do. A motion was made by Randy Kauk and 2nd by



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Ron Kulwicky to recommend to the commissioners a 6 month manure application period to receive and apply manure; storage must be $\frac{1}{4}$ mile away from any residence, with a administrative conditional use permit. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached).

At 8:40 the discussion regarding Rich Loeffelbein requesting to have a 2nd non-farming residence on a quarter was opened, with Rich present to state his case. Rich explained he has 8.6 acres with a farm house and would like to build a new house for his family to move into, and keep the old house to allow for a rental. "I was told I would have to tear down, or use the old house for storage. The farm house is not bad enough to just tear down and not good enough to sell and move off the property.

I have talked to Nick Wissing a neighbor and he was okay with it." Franz Trumler explained our current regulations that state only 1 non-farming residence per $\frac{1}{4}$ section in A1 Zoned property. You may continue to talk to the board, or even take it to Variance board, but just so you are aware of regulations. Rich stated he understands the regulations; just his house is over 60 years old and wants something better. After much discussion it was decided that the regulations would stand, he can build but must leave the old house vacant, or if he would buy 20 acres more, he could keep the tracts of land separate, have 1 house on 3 acres and your new house on the 20 acre farm ground.

Last item on the agenda is to discuss the wording of multi-lot subdivisions and adding Utility easements to our plats, so that these are defined before the subdivision is finalized. Nothing the board needs to do; we just wanted you to be aware that we will be adding this to our guidelines for multi-lot subdivisions.

At 9:20 P.M. a motion was made by Jeff Christensen and 2nd by Dave Sack to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for August 21, 2013, however nothing currently on the agenda.

Cherri Klinginsmith, Acting Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING September 18, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of September, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 6 members present: Jeff Christensen, Ken Kozisek, Dave Sack, Terry Spilinek, Jack Reimers, and Lauren Scarborough. Those absent were: Daryl Anderson, Randy Kauk, and Ron Kulwicki. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klingensmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and 2nd by Dave sack to approve the minutes. Motion approved by unanimous voice vote.

Old business: None.

At 8:05 P.M. **the discussion with Jeff Mueller** regarding non-farming residences in NE ¼ of Section 23-13-9 was opened, with Jeff Mueller and his father-in-law Milt Stoppkotte present. Franz Trumler explained that Jeff came to our office to apply for a zoning permit to build a residence on the pivot corner, approximately 7 acres; however there is currently already one non-farming residence in the quarter. Jeff has a different situation, so we asked that he come to the zoning board to explain and help us interpret the regulations. Jeff introduced his father-in-law and stated his wife has been getting payments off the farming operation from Milt, for compensation off the farm income they receive. His wife will more than likely be inheriting the farm land and once she does we do intend on farming the ground. However, since it has not happened yet, Franz suggested I come to you and see if this would qualify as a farming operation. Milt Stoppkotte expressed that currently we have a trust that states the children would inherit the land that we have and we designated that specific piece of land to her and she will have the first opportunity to purchase the ground. Board members asked if the acreage would be sold and put into Jeff & Theresa's name. Milt stated yes, I don't know how to legally give this land to her, I want to help them out in building their house there, and my intentions are for them to have this land. Franz stated "the reason I had you talk to the board is I thought there might be something there I was missing, but we cannot change the regulations. You have the option of meeting with the Variance Board." The board members discussed with them that they want them to build there due to someday this land will be theirs and then it would qualify, but as it is now it doesn't and we cannot change the regulations. Milt Stoppkotte asked if there is no mortgage, can he build. Franz explained if there is no loan on it and don't need to subdivide due to mortgage reasons, you can build there, as it is part of the farming operation if it is not subdivided. The Zoning board suggested 3 options: 1) Build on land as it is now, if you could do it without a mortgage. 2) Buy 20+ acres to build on. 3) Apply to the Variance Board. Jeff M. asked the zoning board what he would need to bring to a variance board meeting. The board members suggested; proof that Jeff's wife is getting



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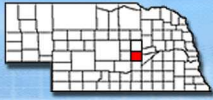
paid, prove that she is getting compensated more than other siblings due to her helping more and providing a list of what she does for the farming operation. Franz stated it is an unusual circumstance, that doesn't come up very often. Once variance application received we will set up a time for the Variance Board to meet.

Next on the agenda was the discussion with the board advising them of the County Commissioners decision on Administrative Conditional use permits and the consequences of not following the zoning regulations and timelines.

Also discussed was the issue of adding wording into our regulations for CAFO Waste Setbacks. Franz stated it is listed in A1 & A2 zoned land, but not in A3; and in our definitions, and the intent was for it to be in all zoned land, so this would be just a correctional change, not a change to our regulations.

At 8:50 P.M. a motion was made by Jeff Christensen and 2nd by Jack Reimers to adjourn. The motion carried by unanimous voice vote. The next meeting, is tentatively scheduled for October 16, 2013 at 8:00p.m.

Cherri Klinginsmith, Acting Secretary



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**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
October 16, 2013**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 16th day of October, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 7:00 P.M. Roll call showed 5 members present: Terry Spilinek, Janet Thomsen, Mike Nelson, Fred Meyer and Gary Craig. Absent was: Alternate Clare Kurz. Chairman Nelson stated there was a quorum of members present and the meeting would commence. Also present were Franz Trumler, Howard County Zoning Administrator and Cherri Klinginsmith, Acting Secretary.

Zoning Administrator, Trumler read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 2nd day of October, 2013 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerks office. Meeting notices and the agenda were mailed to each of the board members prior to the meeting.

At 7:05 P.M. Mike Nelson opened the public hearing for Jeff L. Mueller variance application to allow a second non-farming residence in the West ½ of the NE ¼ of Section 23-13-10W of the 6th P.M. in Howard County. Jeff Mueller and his father-in-law Milton Stoppkotte presented their application to the board and Jeff explained he and his wife, Theresa will be inheriting the ground, and would like to build a house and in the future farm and own the ground themselves. Jeff presented to the board copies of checks, that Theresa is receiving as compensation for her duties on the farm from the last two years, along with a list of duties, as well as a copy of the Milton's trust stating Theresa will be inheriting the farm ground. Fred Meyer of the variance board stated he didn't see a problem with granting this variance as Jeff has provided proof of Theresa being a part of the farming operation, and a copy of the revocable trust which the wife is a part of. There was no one present to oppose the hearing. A motion was made by Fred Meyer to grant the variance for a 2nd non-farming residence in the West ½ of the NE ¼ of Section 23-13-10W and 2nd by Terry Spilinek. A vote was taken and the motion carried 5-0. A Finding of Fact was completed. (See Attached)

The minutes from the January 16, 2013 were reviewed. A motion was made by Fred Meyer and 2nd by Terry Spilinek to approve the minutes. The motion passed on a unanimous voice vote.

The meeting was adjourned at 7:30 P.M.

Cherri Klinginsmith, Acting Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING October 16, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of October, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Jeff Christensen, Ken Kozisek, Terry Spilinek, Jack Reimers, Randy Kauk, Daryl Anderson and Ron Kulwicki. Those absent were: Dave Sack and Lauren Scarborough. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klingensmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and 2nd by Jack Reimers to approve the minutes of the September 18th meeting. Motion approved by unanimous voice vote.

Old business: Franz Trumler informed the Zoning board that the Variance board did approve the variance for Jeff Mueller to have a 2nd non-farming residence. All agreed that was a good decision.

At 8:05 P.M. Terry opened the public hearing to update the Zoning Regulations pertaining to the CAFO waste setbacks. Franz explained we discussed this at our last meeting and the Howard County Commissioners stated this needed to be approved at a public hearing. Pages 37, 40, 88, 111, and 123 have been updated to include the word "waste" after ¼ mile, and to include the CAFO Waste Setback in our definitions., and also to add the CAFO Waste Setback guidelines to A-2 & A-3 Zoned land in our regulations. A motion was made by Ken Kozisek and 2nd by Jeff Christensen to recommend to the Howard County Commissioners to approve the new wording in our Zoning Regulations. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached)

Next on the agenda was the discussion regarding flood plain removal of the part of Section 14-14-10W, East of Hwy 281 in Howard County. A land owner has come to the Zoning Administrator to request to subdivide off the home place of 5 acres and sell off the rest. Previously this ground was in the flood plain and zoned A-3 and the land owner was not able to subdivide but now has been removed. The decision we need to make is should we rezone this land now to A-2 from A-3 and A-1 from A-3 in that area that is no longer in the flood plain. After discussion the board thought, if the land owner comes in to request this we could do the zone change at that time. We will do these as they arise as the NDNR has removed and changed maps in Howard County.

At 8:50 P.M. a motion was made by Jeff Christensen and 2nd by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting, is tentatively scheduled for November 20, 2013 at 7:00p.m.



Howard Planning and Zoning Minutes



Cherri Klinginsmith, Acting Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING December 18, 2013

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of December, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 8 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Those absent were: Lauren Scarborough. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klinginsmith, Zoning Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and 2nd by Jack Reimers to approve the minutes of the October 16, meeting. The motion was approved by unanimous voice vote.

Old business: None

At 7:05 P.M. Terry opened the public hearing on a Single Lot Subdivision application by Kenneth and Deanna Hirschman. Kenneth and Deanna were present at the meeting and let the board members know they are doing this only to fulfill the requirements of the loan. The board verified that it is out of any odor footprints and house that is currently there is not occupied. A motion was made by Dave Sack and 2nd by Ken Kozisek to approve the subdivision. A roll call vote was taken. The motion carried 8-0. A Finding of Fact was completed. (See Attached)

AT 7:20 P.M. Terry opened the public hearing on rezoning property along the East side of HWY 281 and South Side of HWY 92 due to Floodplain changes in the NE $\frac{1}{4}$ 14-14-10W from A-3 to A-2, and property in NW $\frac{1}{4}$ 13-14-10W from A-3 to A-1. Franz Trumler read the notice. Present for this meeting was a neighbor, Kathy Schultz asking how this would affect her property. It was explained that the property was in the floodplain and now FEMA has taken this specific area out of the floodplain. Our decision today is to decide whether we want to extend the A-2 zoned property up to the new floodplain boundary. Board members discussed several items of concern. Some of their concerns were if FEMA were to put the area back into the floodplain; If changed to A-2 zone, the land could be divided up into 3 acre parcels in an area that is no longer in floodplain but is known to be a wet area. There was no opposition present at the hearing. Administrator Trumler mentioned a land owner does want to split off his residence and sell his remaining acres as farm ground, and in current zone A-3, our regulations do not allow this. After much discussion a motion was made by Dave Sack and 2nd by Jack Reimers to approve the change of zoning in sections 14-14-10W from A-3 to A2 and sections 13-14-10W from A-3 to A1. A roll call vote was taken. Voting Aye: Anderson, Spilinek, Kauk, Kozisek, Kulwicki, Reimers, and Sack.



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Voting Nay: Christensen. Motion carried 7-1. Noting 2 of the yes votes were with some reservations. A Finding of Fact was completed. (See attached)

At 8:15 P.M. a motion was made by Jeff Christensen and 2nd by Dave Sack to adjourn. The motion carried by unanimous voice vote. The next meeting, is tentatively scheduled for January 15, 2014 at 7:00p.m.

Cherri Klinginsmith, Acting Secretary