



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING February 19, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th of February, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:15 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 5 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, and Lauren Scarborough. Those absent were: Randy Kauk, Jeff Christensen, Ron Kulwicki 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 Jack Reimers and 2nd by Ken Kozisek to approve the minutes of the December 18, 2013 meeting. The motion carried on unanimous voice vote.

Old business: None

The first item on the agenda was the election of officers. Officers elected for the 2014 year are as follows:

Chairman: Terry Spilinek, Vice-Chairman: Jack Reimers, Secretary: Daryl Anderson.

The Chairman of the Planning and Zoning Board will also be the representative to the Variance board.

The Howard County Commissioners have reappointed the following members to the Zoning Board for another term, 2014-2016

Randy Kauk
Ron Kulwicki
Terry Spilinek

At 7:25 P.M. the Public Hearing on a Single Lot Subdivision application by Garry Wells was opened. This subdivision, called the Well's Ranch Subdivision with 3.0+/- acres will be located in the N ½ of the SW ¼ of Section 3-15-11W of the 6th P.M. in Howard County. Justin Wells was present to inform the board about the application, in that he and his brother are buying the ground where the current grain bin is, with the intent to add another grain bin to the property. It's pretty flat and no utility changes should need to be done. Administrator Trumler, mentioned our county surveyor is in charge of finding the pins for this survey and they are having trouble finding one corner pin. Secretary Klingensmith let Justin know, that Garry may have to pay for another notice in the paper if this is not completed by Tuesday. No one was present to oppose/or in favor for the subdivision. A motion was made by Ken Kozisek and 2nd by Jack Reimers to approve the



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application. A roll call vote was taken. The motion carried 5-0. A Finding of Fact was completed. (See Attached)

At 7:35 P.M. the Public Hearing on Rezoning application by Jerry Svoboda to change current zoning of A-3 to A-1 was opened. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Jerry Svoboda was present for discussion. Administrator Trumler explained last month when we rezoned South of HWY 92 from A-3 to A-1, it was due to the Floodplain changes, this here also drew back the floodplain and could also be changed from A-3 to A-1, and not A-2 due to it is not within a ½ mile of HWY 281. This land would then follow guidelines for A-1 regulations. Jerry is wanting to sell off the residence there, and current A-3 guidelines would not allow to sell off anything less than 80 acres.

No one was present to oppose/or in favor for the rezoning. Some discussion was had by the board and a motion was made by Daryl Anderson and 2nd by Ken Kozisek to approve the application. A roll call vote was taken. The motion carried 5-0. A Finding of Fact was completed. (See Attached)

Some discussion was held about the LB 550 and Franz Trumler explained that everything he has heard about it is negative. If something doesn't fit our regulations they say we don't have to change, but they will have a 3rd party look at them. An Annual report will ask for changes to our zoning if any, and tell us what we need to change in our regulations. As you look through this material, they tell us we don't have to change our regulations, but they will have an outsider come and look through them. Franz continued that if you are interested in more information, I have some packets and the Commissioners will be discussing this in March. The Zoning Board came to the conclusion that if we become livestock friendly, we may as well throw out our zoning laws. Franz felt that we are currently livestock friendly without adopting the livestock friendly designation.

Franz announced the Zoning Convention will be March 19, 20, & 21st in Kearney. If any of the board members interested in going to let Cherri know by March 6th.

At 8:20 P.M. a motion was made by Daryl Anderson and 2nd by Jack Reimers to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for March 19, 2014

Cherri Klinginsmith, Acting Secretary



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**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
February, 19, 2014**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 19th day of February, 2014 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: Fred Meyer, Clare Kurz, Mike Nelson, Gary Craig, and Terry Spilinek. Those absent were Janet Thomsen. 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 5th day of February 2014 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 minutes from the October 16, 2013 meeting were approved, by a unanimous voice vote.

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

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

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

The Board of Adjustment officers will be the following for 2014 year:

Chairman – Mike Nelson	Reappointed for 2014-2016
Vice Chairman – Fred Meyer	Mike Nelson
Secretary – Gary Craig	

Chairman Nelson asked if there was any other business. Administrator Trumler informed the board of his retirement and welcomed Cherri Klinginsmith as his replacement. He thanked the board for all their years of service.

Administrator Trumler also mentioned to the board the recommendation of the County Attorney on our most recent meeting regarding Mr. Jeff Mueller. He suggested next time the proper process is that an applicant should be denied by the Zoning Board, and Commissioners before coming to Variance Board. The Variance Board discussed the issue, and felt this situation was handled correctly. They agreed there are some cases where the Zoning Board & Commissioners will deny and the applicant will request a Variance meeting. However, in this situation, the request was against the Zoning Regulations and the Zoning Board would have had no choice but to deny the application. The County Attorney was not present and discussion ended.

Next Administrator Trumler informed the board of the NRD newsletter “In the Loup” regarding Commercial Animal Feeding Operations with pits to be allowed to pump out of their pits onto non-irrigated acres of up to 3



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inches per year. We confirmed with Leon “Butch” Koehlmoos from the NRD office that this would only be allowed on account of too much rainfall.

Administrator Trumler also informed the board of the Commissioners meeting March 11th 2014, where they will be discussing LB 550, Livestock Friendly. Administrator Trumler informed the Variance Board that our current regulations are farm friendly. We protect the resident and farmer as best we can. By becoming a livestock friendly designation county, most of our regulations would be overruled by the state. The bill proposes to give grants for roads and bridges for communities that adopt livestock friendly designation, however it does not apply to the current feeding operations that are in place.

A motion was made by Fred Meyer and 2nd by Gary Craig to adjourn. The motion carried on a unanimous voice vote.

The meeting was adjourned at 6:55 P.M.

Cherri Klinginsmith, Acting Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING April 16, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of April, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:02 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith 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, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk and Jeff Christensen. Those absent were: Dave Sack and Lauren Scarborough. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, Willow Holoubek, A-FAN, Steve Martin, Nebraska Department of Agriculture (NDA), Dave Boehle and Tim Scheer.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Daryl Anderson and seconded by Jack Reimers to approve the minutes of the February 19, 2014 meeting. The motion carried on unanimous voice vote.

Old business: None

At 7:05 P.M. Willow Holoubek, Executive Director, Alliance for the Future of Agriculture in Nebraska (A-FAN) introduced herself and provided information regarding A-FAN and the Livestock Friendly Program. The two main missions of A-FAN is to connect the farmer and rancher with the consumer to eat their food and livestock development. Ms. Holoubek focused her discussion on the importance of animal agriculture in Nebraska. For every \$1.00 of livestock sales, it creates \$.62 in additional final sales for businesses outside of the agricultural industry. Ms. Holoubek stated there are significant opportunities for hog, dairy and poultry expansion and major economic development implications from livestock based value-added activity in Nebraska.

At 7:20 P.M. Steve Martin from the Nebraska Department of Agriculture (NDA), led a discussion on the Livestock Friendly County (LFC) program. The program was created in 2003 by the legislature as a way to generate interest in livestock production and show new (potential) farmers and ranchers that Nebraska is a good place to do business. LB 550 was created to provide a loan fund or grant fund for LFCs to make improvements in an operation; however, there is currently no money available for being a LFC. To apply for the program, the county board passes a resolution stating they want to apply, then the zoning regulations, comprehensive plan and copies of past conditional use permits are sent, along with the application, to the NDA. No changes need to be made to a county's zoning regulations; each county is evaluated as an individual on its own merits.

At 7:32 P.M. Willow Holoubek led the discussion on LB 550. The Bill was re-introduced last year as a way to help communities by providing funds to help counties put in new



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structures and also as an incentive to people to expand or relocate to Nebraska with a 10% tax credit up to \$1.5 million (\$100,000 worth of tax credit). Unfortunately, there wasn't an appropriate amount of funding found so the bill essentially died. They are hopeful there will be enough support for the bill to introduce it again in the next legislative session.

Randy Kauk asked the question if Howard County become a LFC, would the farmer/rancher still have to meet the requirements already established by the Planning & Zoning Commission. The answer was yes.

Ken Kozisek asked if there was a "penalty" for applying and being designated and then deciding at a later time to opt out of the program. The answer was no. There is no fee to apply for the program and there is no fee to opt out of the program. If a county decides to remove themselves from the program, the county board has a public hearing and votes to remove themselves and then sends notification (with a copy of the minutes) to the NDA.

Jack Reimers asked a question regarding Section 008.05 of the LFC program regulations. If the county's setback requirements are different than the NDA's setback requirements, which one has preference? The answer was the county's setback requirements would be followed. A waiver could be requested on the county requirements if both parties (neighbors) agreed. Jack also asked if the waiver process has ever been tested in court and the answer was no. Currently Howard County does not use the waiver in their regulations.

Daryl Anderson asked Mr. Martin how big the annual report is. The report should include copies of conditional use permits (both approved and denied), any changes to the zoning regulations, and any contact information.

Additional discussion on the LFC program was held after Ms. Holoubek and Mr. Martin left the meeting. Cherri will send additional questions to Mr. Martin regarding the program. This item was tabled until the next meeting.

Administrator Klinginsmith led a discussion regarding the Howard County Comprehensive Plan update. The Plan needs to be updated to include the solar and any other energy component by January 15, 2015. Hanna-Keelan developed the last Plan in 2004. Cherri asked the board members if the Comprehensive Plan and the Zoning & Subdivision Regulations need to be updated or just the Comprehensive Plan. The cost to update the entire plan would be \$18,000 (\$12,000 to update the Comprehensive Plan and \$6,000 to update the Zoning & Subdivision Regulations). The Zoning & Subdivision Regulations are kept current and reviewed by the Zoning Board on a regular basis. Cherri also asked the board if they should ask the villages if they want to be included in the Plan. The cost to include the villages would be an extra \$12,500 and the villages would have to pay for their portion of the Plan. The decision was made to not include the villages in the Plan at this time. Cherri also received a quote from Miller & Associates from Kearney, NE. Their quote was \$25,000 to develop the entire plan. The Zoning Board preferred to use Hanna-Keelan. Cherri will be presenting the two options to the Commissioners at their next meeting.

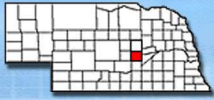


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At 9:02 P.M. a motion was made by Daryl Anderson and seconded by Jack Reimers to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for May 21, 2014.

Molly Tebo, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING May 21, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of May, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:02 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith 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, Ken Kozisek, Dave Sack, Terry Spilinek, Randy Kauk, Ron Kulwicki and Jeff Christensen. Those absent were: Jack Reimers and Lauren Scarborough. Also present were Cherri Klingensmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, Myron Perrel, Lesley Dugan, Julia Wright, Jim Ryan, Randy Faaborg, Linda Polski and Jerry Polski.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Ken Kozisek to approve the minutes of the April 16, 2014 meeting. The motion carried on unanimous voice vote.

Old business: Cherri Klingensmith informed the Board that 5 of the 6 Villages want to be included in the Comprehensive Plan. Cherri is still waiting to hear from Farwell. The deadline to be included in the Plan is May 30.

At 8:07 P.M. the Public Hearing for a Conditional Use Permit (CUP) application by Midland Telecom updating the existing communication tower in the SE ¼ of Section 17-15-11, located on 1644 Page Road, Elba, NE, was opened. Cherri read the Notice of Public Hearing. Randy Faaborg from Midland Telecom stated they have had a tower at that location since 1992. A cell phone company that rents the tower wants to take 3 antennas off and put 2 new ones on. They contacted the Planning & Zoning Office and Cherri informed them there was never a CUP filed. She recommended that Midland Telecom file for one. Jerry and Linda Polski were present and provided testimony opposing the request. The Polskis own the land the tower is located on. Linda Polski stated they have a contract with Midland Telecom but did not receive a copy of it until 2013. The contract states the land shall be used for construction and location of a radio transmission tower and related equipment. It does not say anything about cell phones or internet. Linda stated the company absolutely does not have a permit and never did. The Polskis would like time to contact their attorney to discuss this matter so they are **not** in favor of the request. Jerry Polski stated he had a company from California (AP Wireless) who was interested in the land around the tower. Jerry informed AP Wireless that another company owned the tower. AP Wireless reviewed the contract and stated there was nothing in the contract that said the tower was for cell phones. Cherri stated there is a Building Permit dated 2004 for an un-manned communication facility 400' guyed tower which was approved. One question on the permit asks "Is a conditional use required for the proposed site" and it is marked "No-Replacement". The next question asks "Has a CUP been issued for this proposed use" and it



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is marked "Yes"; however Cherri cannot find any record of a public meeting. Ken Kozisek asked Jerry Polski if his goal was to ultimately have the tower removed and Jerry stated he wouldn't mind.

A building permit dated 4-14-92 was found but there was no CUP attached to it. Daryl Anderson asked if CUPs were required in 1991; Cherri looked through the regulations at that time and there was nothing documented. Since there were no regulations in 1991, it's possible the tower that was replaced in 2004 was grandfathered in. A motion was made by Dave Sack to table the CUP for Midland Telecom until the next meeting. Ron Kulwicki seconded the motion and the motion carried.

The next item for discussion was the Loup Central Landfill addition of a Leachate Cleanout that was not included on the original Conditional Use Permit (CUP) as a phase. Jim Ryan, Loup Central Landfill, stated they need to add a phase onto the landfill. They have a lift station that pumps the water up to the Leachate pond. They are proposing to gravity flow it down and do away with the lift station. The landfill contacted the DEQ to inform them of the modification and DEQ stated they are going to have a 30 day public notice period on the modification. Mr. Ryan contacted Cherri to find out if the Zoning Board needed to have a hearing on the modification as well. Terry Spilinek stated the landfill needs to let DEQ go through the 30 day period and once they have approved the plan then the landfill can contact our office to apply for a CUP.

The next item for discussion was a farmer wanting to build within an odor footprint. Myron Perrel lives at 545 Eagle Road in St. Libory and wants to build another residence on his place. He visited with Cherri and she informed him that the location of where he wants to build the house is within an odor footprint. Mr. Perrel wanted to know if there were any efforts he could go through to get a variance change. He stated that south of St. Libory there is a housing area where some of the houses are within an odor footprint. Cherri stated the houses Mr. Perrel are questioning are outside the odor footprint. Cherri also stated that the setback requirements have changed several times throughout the years. Randy Kauk asked Cherri if the footprint that Mr. Perrel wants to build in is active. Cherri stated it is but there is currently no livestock on the property. The owner (Julia Wright) has until June 30 to acquire livestock otherwise she will not be able to keep her Class I odor footprint. If her odor footprint lapses, then Mr. Perrel will be able to apply for a building permit. If Ms. Wright acquires livestock before June 30, Mr. Perrel will have to go to the Variance Board for his request because the Planning & Zoning Board cannot approve his request.

The next item for discussion was TLC Livestock Conditional Use Permit (CUP) for an odor footprint. Lesley Dugan and Julia Wright, TLC LLC, would like to request a meeting with the Variance Board. In November 2013, they shipped out hogs. On January 31, 2014, Julie had shoulder surgery and was not able to acquire hogs. She recently found out she needs to have foot surgery which will require 12 weeks of recuperation. Ms. Wright is approaching the 6 month period of not having any livestock and is in jeopardy of losing her Class I odor footprint. For health reasons, Ms. Wright is requesting a meeting with the Variance Board to ask for a reprieve for the remainder of 2014 to not have to meet the requirement. The Board suggested Ms. Wright meet with the Variance Board at their next meeting.



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The next item for discussion was updating Zoning regulations regarding cell towers. Cherri stated Howard County currently does not have any regulations regarding cell towers. She reviewed a few regulations from other counties in Nebraska. Some counties have a distance requirement between every tower (5 miles), and some have a height requirement. Jeff Christensen asked Randy Faaborg if there is any technical reason why there would be a 5 mile distance requirement and Randy stated that would be a major contradiction because you want a tower as close to a population for penetration purposes. Cherri also stated they all require a Conditional Use Permit. Cherri asked Randy to e-mail her additional information on cell phone towers. Cherri will write some suggested regulations and present them to the board at the next meeting.

The last item for discussion was regarding LB 550. Cherri reviewed the answers that were provided by Steve Martin from the Department of Agriculture on the Livestock Friendly County (LFC) program. The Commissioners want the board's recommendation because they would have to apply for the program. After further discussion, a motion was made by Jeff Christensen and seconded by Dave Sack that the board has some concerns about future possible implications/regulations that may come from the Department of Agriculture if Howard County applied for the program. Jeff Christensen asked to see the application and Cherri will provide the members a copy.

At 9:45 P.M. a motion was made by Dave Sack and seconded by Randy Kauk to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for June 18, 2014.

Molly Tebo, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING June 18, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of June, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:03 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith 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, Ken Kozisek, Terry Spilinek, Ron Kulwicki, Jack Reimers and Jeff Christensen. Those absent were: Randy Kauk, Dave Sack, and Lauren Scarborough. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Randy Faaborg, Doris Wells, Bill Loseke, Rose Dixson, Pete Berthelsen, Laura Berthelsen, Gerald Craig, Harold Luebke, Jared Rasmussen, Sarah Rasmussen, Lee Klein, Steve Klein, Lon Leshar, Qian Wang, Rod Wetovick, Jeremy Wetovick, and Janet Gercke.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Jeff Christensen to approve the minutes of the May 21, 2014 meeting. The motion carried on unanimous voice vote.

Cherri Klinginsmith informed the Board that Loup Central Landfill contacted the office and informed her that Olson and Associates contacted the State regarding the addition of a Leachate Cleanout that was not included on the original Conditional Use Permit as a phase. The State will hold a public notice regarding the change. Once that is finalized, Loup Central Landfill will contact our office.

At 8:05 p.m., the Public Hearing for a single lot subdivision by Harold Luebke consisting of 3.01 +/- acres, located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11-13-9 was opened. The subdivision will be named the Weaver Subdivision. Cherri Klinginsmith read the Notice of Public Hearing. Harold Luebke stated that his son and daughter-in-law want to build a home on said acres. Terry Spilinek asked Cherri if all the requirements have been met and Cherri stated they have. No one from the public spoke in favor or opposition of the request; however Rose Dixson stated she felt there are too many subdivisions in the rural area. Ken Kozisek made a motion to approve the single lot subdivision and Jack Reimers seconded it. The motion carried on unanimous voice vote. A Finding of Fact was completed (copy attached).

At 8:15 p.m., the Public Hearing for a Conditional Use Permit Application by Steven Klein and Lee Klein for the application of Soilbuilder II located in the W $\frac{1}{2}$ of Section 32-16-10 and SE $\frac{1}{4}$ of Section 31-16-010 was opened. Cherri Klinginsmith read the Notice of Public Hearing. Steve Klein stated they want to add Soilbuilder II to the land to build up the fertility of the soil.

Qian Wang from Chamness Technology spoke in favor of the request. Mr. Wang stated the material is an organic matter and when it's added to the field it increases the nitrogen in the soil. The product comes from JBS and is a material from the waste (solids) of an animal after rendering that is mixed with water. They call it grit. Rod Wetovick and Jeremy Wetovick are producers in Nance County and have used the product several times. Rod stated it is a tremendous product for the soil.



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Laura Berthelsen spoke in opposition of the request. She stated it's difficult, if not impossible, to incorporate the product into the soil and may contain animal bi-products. She also stated that each load will be 20 tons and they estimate 160 loads delivered to the field over a 40 day period which will have an effect on county roads. She is concerned with the odor and does not want it reserved or stored on the property for any length of time. She is also concerned about run-off and water contamination. She asked that the entire application be denied. Pete Berthelsen, Cindy Rasmussen, Jared Rasmussen, Sarah Rasmussen, Janet Gercke, Gerald Craig, and Bill Loseke also agreed with her reasons to deny the application. Cindy Rasmussen asked if the product is applied to the ground, who will monitor it to make sure it's done correctly. Terry Spilinek stated if it is granted there will be conditions on how it will be applied and the Planning and Zoning Office will monitor the project.

Jack Reimers asked Steve Klein if the creek on the property runs all the time and Steve said yes. However, he stated $\frac{1}{4}$ of the creek is dry and they have a buffer in place so the water would not be affected if the product was applied. Steve stated he didn't want to cause any problems with his neighbors.

Jeff Christensen stated the board needs more clarification and specifications on where exactly on the property the Soilbuilder II is going to be applied. He stated they would like to see maps that show the elevation and slopes. The board will then set up guidelines and conditions regarding the application. A motion was made by Ron Kulwicki to table this item until an updated application is received from Steve Klein and Lee Klein. Jack Reimers seconded the motion. The motion carried on unanimous voice vote.

At 9:40 p.m., the Public Hearing for a Conditional Use Permit (CUP) application by Midland Telecom to update the existing communications tower in the SE $\frac{1}{4}$ of Section 17-15-11, located on 1644 Page Road, Elba, NE was opened. Cherri Klinginsmith read the Notice of Hearing. Randy Faaborg from Midland Telecom was present. Cherri stated she could not find any records from the Planning and Zoning office. She did find minutes from a Commissioners Meeting but could not find an approval. A building permit dated 4-14-92 was found but there was no CUP attached to it. Cherri looked through the regulations at that time and there was nothing documented. Since there were no regulations in 1991 and no written approval can be found, the tower will be grandfathered in. Jeff Christensen made a motion to approve the Conditional Use Permit and Ron Kulwicki seconded the motion. The motion carried on unanimous voice vote. A Finding of Fact was completed (copy attached).

A discussion was held regarding cell towers in Howard County. Cherri wrote up new regulations for radio, television, and wireless communications to go into the Supplementary part of the Planning and Zoning regulations. There will be a Public Hearing on this at next month's meeting.

Cherri stated the Commissioners have approved the update for the Comprehensive Plan. She received the contract from Hanna-Keelan. All six Villages want to be included in the Plan. Cherri will be the Administrator for both the county and Villages which include Boelus, Cotesfield, Farwell, Elba, Cushing, and Dannebrog. Representatives for each Village will be Jack Reimers (Boelus), Terry Spilinek (Elba and Cotesfield), Ron Kulwicki (Cushing), Jeff Christensen (Dannebrog) and Randy Kauk (Farwell). Cherri would like a member from each of the Villages to be included in the monthly meetings while the Plan is being updated.

The last item for discussion was regarding a review of the Livestock Friendly County application. The Commissioners asked Cherri at their last meeting how the Board felt about the program. She told them the concerns about future possible implications/regulations that may come from the Department of Agriculture if Howard County applied for the program. Cherri will ask the Commissioners if they want her to send the application in.



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At 10:02 p.m., a motion was made by Ken Kozisek and seconded by Jeff Christensen to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for July 16, 2014.

Molly Tebo, Secretary



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**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
June 18, 2014**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 18th day of June, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 7:17 p.m. Roll call showed 4 members present: Mike Nelson, Janet Thomsen, Gary Craig, and Terry Spilinek. Those absent were Fred Meyer and alternate Clare Kurz. Chairman Nelson stated there was a quorum of members present and the meeting would commence. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, Molly Tebo, Secretary, Julia Wright, Lesley Dugan, Rose Dixon, and Myron Perrel.

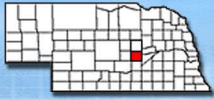
Zoning Administrator, Klinginsmith read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 4th day of June 2014 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerk's office.

The agenda and minutes were e-mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Gary Craig and seconded by Janet Thomsen to approve the minutes of the February 19, 2014 meeting. The motion carried on unanimous voice vote.

At 7:25 p.m. the public hearing on TLC Livestock, LLC Variance Application to allow for a six (6) months reprieve of the Class I Feedlot regulations to maintain 501 AU or 752 hogs in the SW ¼ of Section 8, Township 13N, Range 9W of the 6th P.M. in Howard County was open. Lesley Dugan, TLC Livestock, LLC, stated that in November 2013, Julia Wright shipped out hogs. On January 31, 2014, Ms. Wright had shoulder surgery and was not able to acquire hogs. She recently found out she needs to have foot surgery which will require 12 weeks of recuperation. Ms. Wright is approaching the 6 month period of not having any livestock and is in jeopardy of losing her Class I odor footprint. For health reasons, Ms. Wright is requesting a reprieve for the remainder of 2014 to not have to meet the requirement. Mike Nelson asked if someone else could operate the business while Ms. Wright was incapacitated and she stated they did not have the cash flow to hire someone else. Janet Thomsen asked Ms. Wright when she would receive hogs and Julia stated it would probably be April 2015. Myron Perrel spoke during the hearing. He is a neighbor and wants to build a house; however he is within Ms. Wright's odor footprint. He asked how many extensions TLC Livestock would be granted as that will determine what action he will have to take next in order to build.

Gary Craig made a motion that the application for a variance be approved to allow for a reprieve of the Class I regulations for calendar year 2014. This will be allowed as a one-time variance. Terry Spilinek seconded the motion and the motion carried 4-0. A Finding of Fact was completed (copy attached).

At 7:50 p.m. Gary Craig made a motion to adjourn the meeting and Terry Spilinek seconded the motion. The motion carried by unanimous voice vote.



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING July 23, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 23rd of July, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:04 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith 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, Jack Reimers, Dave Sack and Terry Spilinek. Those absent were: Randy Kauk and Ron Kulwicki. Lauren Scarborough has resigned and Cherri will provide a new person (name) to the Commissioners. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Fred Hilmer, Leo Haggerty, Terry Webb, Alan Lewandowski, Lee Klein, Todd Anderson, Cindy Rasmussen, Peter Berthelsen, Ron Dvorak, Aaron Rubesh, Dave Rubesh, and Lonnie Dickson.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Dave Sack to approve the minutes of the June 18, 2014 meeting. The motion carried on unanimous voice vote.

At 8:10 p.m., the Public Hearing regarding the update of the Zoning Regulations pertaining to adding radio, TV, wireless communication tower regulations was opened. Cherri Klinginsmith read the Notice of Public Hearing. The new regulations are intended to regulate towers, telecommunication facilities and antennas in the county to conform with the Communications Act of 1934. There was no testimony in favor or opposing the new regulations. Jeff Christensen commented on the antenna regulation. Antennas already in place would be grandfathered in and private antennas on houses would not apply. A motion was made by Jeff Christensen to approve the change in zoning regulations **adding the word commercial** in front of the word antenna to the second paragraph. Ken Kozisek seconded the motion and the motion carried on unanimous voice vote. A Finding of Fact was completed (copy attached)

At 8:20 p.m., the Public Hearing for a Conditional Use Permit Application by Steven Klein and Lee Klein for the application of Soilbuilder II located in the W ½ of Section 32-16-10 and SE ¼ of Section 31-16-10 was opened. Cherri Klinginsmith read the Notice of Public Hearing. This item was discussed at the June 18 meeting. Lee Klein stated they want to add Soilbuilder II to the land to build up the fertility of the soil.

Pete Berthelsen spoke in opposition of the request and asked that the application be denied. He stated that most of the land is enrolled in the Sodbuster program through the USDA Farm Service Agency. Under the sodbuster regulations the land cannot be tilled; therefore the Soilbuilder II would not be able to be incorporated into the ground. He asked that if the CUP is approved, the product be incorporated within 48 hours of delivery. Cindy Rasmussen agreed with his reasons to deny the application. Cindy also asked if the product is applied to the ground, who will monitor it to make sure it's done correctly. Cherri Klinginsmith stated if it is granted there will be conditions on how it will be applied and the Planning and Zoning Office will monitor the project.

Dave Sack stated if Soilbuilder II is classified as a fertilizer, the Board does not need to act on the request according to the regulations. Cherri stated that according to the Nebraska Department of Agriculture it is



Howard Planning and Zoning Minutes



classified as a soil conditioner. After much discussion, Daryl Anderson made a motion to approve the CUP to apply Soilbuilder II on parts of Sections 31 and 32-16-10. Product cannot be stockpiled for more than 90 days. Jack Reimers seconded the motion. A roll call vote was taken. Voting Aye: Anderson and Spilinek. Voting Nay: Christensen, Kozisek, Reimers and Sack. The motion failed. A Finding of Fact was completed (copy attached).

After the motion failed a discussion among the Board followed to push the application back until after harvest. The Board asked for additional clarification (legal interpretation) on the classification of Soilbuilder II. This item will be presented to the Commissioners at the August 12, 2014 meeting.

At 9:18 p.m. a discussion was held regarding a request from Aaron Rubesh to keep an existing house on the property after a new house is built. Aaron stated the family wants to use the existing house as a storage shed; no one will live in it. Dave Sack suggested they put tin on the old house to make it look like a shed. Dave Rubesh stated they would do that. Ron Dvorak also suggested that for this request (and future requests from other landowners) some sort of contract be drawn up that states an existing house will never be used as a residence. This item will be presented to the Commissioners at the August 12, 2014 meeting.

At 9:34 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Lonnie Dickson from Hanna:Keelan provided a handout of the Comprehensive Plan scope of work and time line. Representatives from the Villages of Cotesfield, Cushing, Dannebrog and Farwell were in attendance. The Interlocal Cooperation Agreement has been signed by all the Villages. The agreement between Hanna:Keelan and the Villages for the Comprehensive Plan has been signed by all the Villages except Boelus. The next meeting to discuss the Comprehensive Plan will be September 17, 2014.

At 10:25 p.m. a discussion was held regarding a second house on a quarter of ground. Cherri stated in the NE $\frac{1}{4}$ of Section 15-13-9, the family farm has one (1) residence in that quarter and would like to have their son put a house in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$. Cherri asked for verification that this was okay as long as they are farming residences. The Board agreed. Only one of the residences can be separated off as a non-farming residence in the future.

At 10:32 p.m., a motion was made by Ken Kozisek and seconded by Jack Reimers to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for August 20, 2014.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING August 20, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th of August, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:02 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith 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, Jack Reimers, Dave Sack and Terry Spilinek. Those absent were: Randy Kauk and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Gerald Craig, Joe Young, Peter Berthelsen, Laura Berthelsen, Gerald Rasmussen, Cindy Rasmussen, Justin Tollman, Steve Klein, and Margie Townsend.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jeff Christensen to approve the minutes of the July 23, 2014 meeting. The motion carried on unanimous voice vote.

At 8:05 p.m. the Public Hearing regarding the Middle Loup Subdivision, a single lot subdivision in the SE ¼ of Section 29-13-12, was opened. Cherri Klinginsmith read the Notice of Public Hearing. Joe Young stated he wants to build a house and outbuilding. There is a substation close to where he wants to build. Cherri stated she talked with the Howard-Greeley Public Power District and they are okay with the plans. Larry Smith spoke with Cherri by telephone and stated he was in favor of the subdivision. There was no testimony in opposition. A motion was made by Jeff Christensen and seconded by Ken Kozisek. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 8:15 p.m. the Public Hearing regarding updating the Howard County Zoning Regulations pertaining to A-1 Agricultural District Conditional Uses was opened. Cherri Klinginsmith read the Notice of Public Hearing. The purpose of the update is to 1. Change the word "waste" in the regulations to "material" 2. Add the option to set conditions on whether to incorporate or not incorporate a product under Land Application of Commercial Biodegradable Material, and 3: Changing the percent from 10% to 11% when applying Commercial Biodegradable Material on land with a slope. Gary Craig asked what the purpose of the changes were for and the Board stated there are new products that can be applied to the soil that are not classified as a waste and they are looking for a broad definition so they don't have to update the regulations all the time. A motion was made by Dave Sack to approve the changes to the regulations and seconded by Jack Reimers. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 8:35 p.m., the Public Hearing for a Conditional Use Permit Application by Steven Klein and Lee Klein for the application of Soilbuilder II located in the W ½ of Section 32-16-10 was opened. Cherri Klinginsmith read the Notice of Public Hearing. This item was discussed at the June 18 and July 23 meetings. Steve Klein stated UNL requested a soil sample and he obtained one from Ray Ward Laboratory (copy provided to Cherri and the Board). Mr. Klein stated there is enough nitrates in the soil so he would only need one application of Soilbuilder II.



Howard Planning and Zoning Minutes



Margie Townsend stated she is in favor of building up soil, but she has feedlots all around her and she does not want the product stockpiled because of the odor. Cindy Rasmussen and Gary Craig stated if the application is approved they want the product incorporated immediately and not stockpiled. Pete Berthelsen had a couple concerns and the board addressed them. Ken Kozisek asked Steve Klein if he could put a berm around the product after it's delivered to avoid any run-off if it rains and Mr. Klein stated he would do that.

Daryl Anderson made a motion to approve the Conditional Use Permit to apply Soilbuilder II in Section 32-16-10W. The application of the product will comply with the application rate worksheets and must be delivered and applied in a 15 working day period. A berm must be built around the pile. Jeff Christensen seconded the motion. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 9:30 p.m. a discussion was held on "Waiver of Distance" forms. The board discussed having a procedure for new and expanding Livestock Feeding Operations to get a waiver from a neighboring residence that would be within a new/expanding odor footprint, to sign a waiver form to consent to the expansion of the odor footprint over the residences property. After additional consideration the board decided to address this topic in the future after they have had time to consider the implications of the procedure.

Cherri held a discussion on acreages that are over 20 acres.

At 10:00 p.m., a motion was made by Jeff Christensen and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for September 17, 2014.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
August 20, 2014**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 20th day of August, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Vice-Chairman Fred Meyer called the meeting to order at 7:30 p.m. Roll call showed 4 members present: Fred Meyer, Gary Craig, Terry Spilinek, and alternate Clare Kurz. Those absent were Mike Nelson and Janet Thomsen. Vice-Chairman Meyer stated there was a quorum of members present and the meeting would commence. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, Molly Tebo, Secretary, Ryan Jerabek, and Joe Young.

Zoning Administrator, Klinginsmith read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 6th day of August 2014 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerk's office.

The agenda and minutes were e-mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Gary Craig and seconded by Clare Kurz to approve the minutes of the June 18, 2014 meeting. The motion carried on unanimous voice vote.

At 7:33 p.m. the public hearing on Ryan Jerabek's Variance Application to allow replacement of an existing shed, but not meeting the setbacks in the SW $\frac{1}{4}$ of Section 4-14-12, Lot 1, A.T.A. Acres Subdivision, was open. Mr. Jerabek stated the existing shed is in need of a lot of repair and he wants to replace it with a 60' x 50' pole building. The west side of the building will be in the same place as the existing shed but the new shed will be wider to the north and east. Gary Craig asked if the shed could be moved in order to meet the setback and Mr. Jerabek stated he would be unable to because cattle yards have been added to the property. Cherri Klinginsmith indicated there are three other buildings that do not meet the setback requirements because the farmstead was established prior to zoning regulations. It was also stated there isn't a lot of traffic on the road and the next closest residence is a mile from his house. Gary Craig made a motion to approve the variance application because the characteristics of the landscape would create a hardship to re-site the building. Terry Spilinek seconded the motion and the motion carried 4-0. A Finding of Fact was completed (copy attached).

Cherri informed the Variance Board members that the next Planning & Zoning Meeting is September 17, 2014 and the new Comprehensive Plan will be discussed with the Villages. The board members are invited to attend the meeting.

At 7:50 p.m. Fred Meyer made a motion to adjourn the meeting and Clare Kurz seconded the motion. The motion carried by unanimous voice vote.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING September 17, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th of September, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:02 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith 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, Jack Reimers, Ron Kulwicki, and Terry Spilinek. Those absent were: Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Russell Jensen, Lonnie Dickson, John Jensen, Dan Rasmussen, and Michele Rasmussen.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Ken Kozisek to approve the minutes of the August 20, 2014 meeting. The motion carried on unanimous voice vote.

At 8:07 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Lonnie Dickson from Hanna:Keelan provided a handout of the preliminary future land use maps for rural Howard County and the communities. Russell Jensen from the Village of Boelus was in attendance. Mr. Dickson explained that in 2010, the State Legislature mandated that all counties and municipalities (except Villages) include an energy element in their Comprehensive Plan. He discussed Net Metering which is a process whereby if a consumer uses an alternative energy source and there is "left over" the utility district is mandated to buy the extra from the consumer. Mr. Dixon asked Administrator Klinginsmith if there was anything in the zoning regulations that needs to be changed or added. Klinginsmith stated the rules and regulations are working well in the county. She based that on the fact that the Variance Board of Adjustment has met nine times in the last five years. The next meeting to discuss the Comprehensive Plan will be November 19, 2014.

At 9:20 p.m. the Public Hearing regarding the single lot subdivision application by Marlene K. Kosmicki was opened. This single lot subdivision of 8/62 +/- acres will be named D.R.M.R. Subdivision and is located in the Government Lot 10 and W ½ SW ¼ of Section 1-16-12. Cherri Klinginsmith read the Notice of Public Hearing. John Jensen, Attorney for Dan and Michele Rasmussen, stated that his clients want to purchase the land and put it into a wetland reserve program. Dan Rasmussen stated there would be no buildings put on the land. There was no testimony in opposition. A motion was made by Jeff Christensen and seconded by Ken Kozisek. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 9:35 p.m., a motion was made by Ron Kulwicki and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for October 15, 2014.



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING October 15, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th of October, 2014 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 Klingensmith 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, Jack Reimers, Dave Sack, and Terry Spilinek. Those absent were: Randy Kauk and Ron Kulwicki. Also present were Cherri Klingensmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Dan Rasmussen, Michele Rasmussen, and Jay Petersen.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Ken Kozisek to approve the minutes of the September 17, 2014 meeting. The motion carried on unanimous voice vote.

At 8:05 p.m. the public hearing regarding the Conditional Use Permit application by Jay and Tyler Petersen for developing a Class I Feedlot located in the NW $\frac{1}{4}$ of Section 27, Township 16N, Range 10W was open. Chairman Spilinek stated that since the Petersen's did not have all their documentation available to present to the board members, they would not be able to act on it so the hearing will need to be rescheduled.

At 8:10 p.m. a discussion was held regarding new farm feedlots. Our office received an application for two new farm feedlots (Dixson Feedlot 3-D Lot and Dixson Feedlot-Brian's Lot). The commissioners asked Cherri to call the Department of Environmental Quality (DEQ) to verify that the new farm feedlots are not an expansion of the other existing lots. DEQ's definition of a farm feedlot (in terms of number of animals) is different than our office. If DEQ considers them one feedlot then we would need to do a new odor footprint and have these lots reclassified as a Class I Feedlot with a public hearing. It was determined that since the feedlots are owned by two separate entities, they cannot be combined.

At 8:25 p.m. a discussion was held regarding odor footprint waivers. This waiver would be for residences and feedlot owners to sign stating they are okay with their residence being within an Odor Footprint. Cherri states she knows of only one county that has a Waiver of Distance. The board members want to know if there are any other counties that have a waiver and if so, has the waiver ever been challenged in court. Cherri will contact the Nebraska Department of Agriculture to see if they are aware of any other counties besides Colfax that have waivers included in their zoning regulations.

At 8:40 p.m. a discussion was held regarding a Conservation Easement for Government Lot 10, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 1, Township 16, Range 12W. Dan and Michele Rasmussen want to put approximately 65 acres into a Wetland Reserve Conservation Easement. Regulations state that this request needs to be brought before the Zoning Board because assessment values will change. Even though this request does not require a public hearing, a motion was made by Jack Reimers to recommend that said request be approved by the commissioners. Jeff Christensen seconded the motion and the motion carried by unanimous voice vote 6-0.



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At 8:50 p.m., a motion was made by Jeff Christensen and seconded by Dave Sack to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for November 12, 2014.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
October 15, 2014**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 15th day of October, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 7:30 p.m. Roll call showed 6 members present: Gary Craig, Clare Kurz, Fred Meyer, Mike Nelson, Terry Spilinek and Janet Thomsen. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, Molly Tebo, Secretary, Kerin Smydra and Dianna Kuszak.

Zoning Administrator, Klinginsmith read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 1st day of October 2014 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerk's office.

The agenda and minutes were mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Gary Craig and seconded by Fred Meyer to approve the minutes of the August 20, 2014 meeting. The motion carried on unanimous voice vote.

At 7:35 p.m. the public hearing on Kerin Smydra's Variance Application to allow a structure to be built on an existing subdivision lot line in the SW ¼ of Section 2-15-10, was open. Kerin stated that because of the setback regulations a corner portion of the new building will extend over the lot line. Her mother, Dianna Kuszak, owns the adjoining property and Kerin will eventually inherit that land. Ms. Kuszak was present at the meeting and stated she is okay with the placement of the new building. Fred Meyer made a motion to approve the variance application contingent on the Planning & Zoning Administrator witnessing Dianna Kuszak's Will that states her daughter will inherit the land. Terry Spilinek seconded the motion and the motion carried by unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 7:52 p.m. Gary Craig made a motion to adjourn the meeting and Clare Kurz seconded the motion. The motion carried by unanimous voice vote.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING December 3, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 3rd of December, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:03 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 5 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Randy Kauk, and Terry Spilinek. Those absent were: Ron Kulwicki, Jack Reimers, and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Lonnie Dickson, Russell Jensen, Alan Lewandowski, Arlene Johnson, Jeffrey Skinner, and Bob Boehle.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Randy Kauk to approve the minutes of the October 15, 2014 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith discussed the odor footprint of Jay Petersen's feedlot with the board members. Mr. Petersen wants to put in a feedlot that would cause his odor footprint to overlap with an existing commercial feedlot odor footprint. The regulations pertaining to A-1 Agricultural District Conditional Uses states that no commercial feedlot shall be closer to a separate commercial feedlot than the distance requirements for their classes. After further discussion, the board members stated the odor footprints should not overlap. Cherri will update the wording to the regulations to make it clearer.

At 7:13 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Representatives from the Villages of Boelus, Farwell and Elba were in attendance. Lonnie Dickson from Hanna-Keelan provided a handout which provided updates of the planning goals and action steps and a review of the zoning and subdivision regulations for the Villages. Maps for the Villages of Cotesfield, Farwell, and Elba were provided to Mr. Dickson. Cherri will provide the other Village maps to him as soon as they are updated. The next meeting to discuss the Comprehensive Plan will be in February 2015.

At 8:10 p.m. the public hearing for D.R.M.R. Vacating of Subdivision in the W ½ of the SW ¼ of Section 1-16-12 was open. Cherri Klinginsmith read the Notice of Public Hearing and presented the case to the board. The subdivision is being vacated due to a misunderstanding between Dan and Michele Rasmussen's Attorney and Administrator Klinginsmith. The land should not have been subdivided to begin with, as a separate parcel is not being created. A motion was made by Jeff Christensen to approve the vacated subdivision and seconded by Ken Kozisek. The motion carried on unanimous voice vote 5-0. A Finding of Fact was completed (copy attached).

At 8:15 p.m. the public hearing for Phyllis Stepanek for a Conditional Use Permit for a Verizon Communication Tower located in the NE ¼ of Section 11-15-10 was open. Cherri Klinginsmith read the Notice of Public Hearing. Jeffrey Skinner, representative for Verizon, presented the proposal.



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Mr. Skinner stated Verizon wants to build a 358 foot self-supporting tower to provide coverage to the town of Cushing and Highway 92 heading east. Bob Boehle stated he was in favor of the tower. There was no testimony opposing the proposal. A motion was made by Randy Kauk to approve the Conditional Use Permit and seconded by Jeff Christensen. The motion carried on unanimous voice vote 5-0. A Finding of Fact was completed (copy attached).

A discussion was held regarding odor footprint waivers. This waiver would be for residences and feedlot owners to sign stating they are okay with their residence being within an Odor Footprint. Cherri provided the board with information received from other counties that have a waiver and her contact with the Nebraska Department of Agriculture. After further discussion, the board stated they want to present their recommendation to develop a waiver process to the Commissioners. If the Commissioners approve the recommendation, Cherri will develop regulations and a form and present them to the Planning & Zoning Board at their next meeting.

Cherri provided an update on the Loup Central Landfill regarding the addition of a Leachate Cleanout. The Department of Environmental Quality will meet with the landfill on December 10 for a comprehensive permit review. The board determined that they will discuss the issue after DEQ has approved the permit.

Randy Kauk made a comment regarding existing/new vineyards. Farwell Irrigation received a letter stating they had to spray a certain distance from grape crops because the pesticides can harm the grapes. Randy wanted to know if we should have setbacks on fruit and vegetable crops in Howard County.

At 9:12 p.m., a motion was made by Jeff Christensen and seconded by Kenneth Kosizek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for January 21, 2015.

Molly Tebo, Secretary