



Howard Planning and Zoning Minutes



MINUTES

HOWARD COUNTY PLANNING & ZONING

January 18, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of January, 2017 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 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: Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, Randy Kauk, Daryl Anderson & Terry Spilinek. Absent were Dave Sack and Ron Kulwicki. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Shayne Bader and Ron Woitasczewski.

The Agenda and Minutes were emailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Chris Kosmicki to approve the minutes of the November 16, 2016 meeting. The motion carried on unanimous voice vote.

The zoning board was given a copy of the agenda for the 2016 Annual Planning & Zoning Conference to be held in Kearney, March 8-10, 2017. If any members are interested in attending the sessions, they need to let Cherri know.

At 7:05 p.m. the election of officers was discussed. Jeff Christensen made a motion to elect Terry Spilinek as Chairman. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Jeff Christensen made a motion to elect Jack Reimers as Vice-Chairman. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Chris Kosmicki made a motion to elect Daryl Anderson as Secretary. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Terry Spilinek, Ron Kulwicki & Randy Kauk were reappointed for another term.

Next on the Agenda was Discussion on Seasonal Dwellings. Administrator Klinginsmith was asking for clarification on whether or not we needed to change our regulations. Currently in A-1, A-2 and A-3 Zoning district the regulations state that a maximum of two seasonal dwellings are permitted per quarter section. (A-3, Section 9: Supplementary Regulations). Ron Woitasczewski would like to build a cabin on his property by Dannebrog. About 3 acres of the property is located in section 14-13-11W and the rest is in section 15-13-11W. He would like to build the cabin on the three acre piece of Section 14-13-11W which already has 2 cabins located in the quarter. Ron would like to build in this location due to the view of the river. Randy Kauk stated that he thought the original reason they put two seasonal dwellings per quarter in the regulations was to protect the view of the North Loup River in Howard County. After much discussion the board decided that it would be best if this was brought before the Variance Board of Adjustments.

Next on the agenda was discussion on a Composting site for Commercial Biodegradable Material. Shayne Bader was in attendance to present his idea. He would like to use paunch and manure to make compost. It will be rolled weekly until it reaches 150 degrees for compost. The length of the process depends on the weather. It can take two weeks to one month. The board asked if this process has been proven. Shayne stated JBS has a test site at the Ordnance Plant in Grand Island and he took a sample and found it is high in Nitrogen. The sample is a combination of 3 products: Paunch, Grit & Belt. The DEQ does not require a permit for this



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unless you store more than 1000 cubic yards in one spot which would be approximately 50 loads. There was some concern with odor, Shayne stated that he did not feel the test site had an odor any worse than manure. The board would like administrator Klinginsmith to research this further and discuss it at a later time. Shayne stated that he would like to wait until his current Conditional Use Permit expires to pursue this.

Next on the agenda was discussion on large storage containers and tiny homes. Administrator Klinginsmith was asking for thoughts from the board on whether or not large storage containers need a Zoning Permit. The Board agreed that they do not need a permit to place a large storage container on their property unless they plan to use it as a dwelling, however it does need to meet proper setbacks. Administrator Klinginsmith informed the board that in our regulations we do not allow tiny homes (less than 900 square feet) in villages, and wanted to clarify if we could allow them in rural areas. The board agreed that as long as they are on a permanent foundation with proper sewer it does not matter the size.

With there being no further business a motion was made by Jeff Christensen and seconded by Daryl Anderson to Adjourn. The next meeting is tentatively scheduled for February 15, 2017 at 7:00 p.m.

Nancy Usasz, Secretary



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**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
January 18, 2017**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 18th day of January, 2017 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. 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 in the Howard County Clerk's office.

Roll call showed 6 members present: Mike Nelson, Terry Spilinek, Chad Donscheski, Fred Meyer, Gary Craig and Janet Thomsen. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, and Nancy Usasz, Secretary.

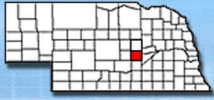
The agenda and minutes were emailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Fred Meyer and seconded by Janet Thomsen to approve the minutes of the April 20, 2016 meeting. The motion carried on unanimous voice vote.

At 6:35 p.m. the election of officers was discussed. Gary Craig made a motion to elect Mike Nelson as Chairman. Janet Thomsen seconded the motion and the motion carried by unanimous voice vote. Terry Spilinek made a motion to elect Fred Meyer as Vice-Chairman. Chad Donscheski seconded the motion and the motion carried by unanimous voice vote. Fred Meyer made a motion to elect Gary Craig as Secretary. Terry Spilinek seconded the motion and the motion carried by unanimous voice vote.

Mike Nelson reappointed for another term. Mike Nelson advised the board that he looked for someone to take his place on the board and was unsuccessful but he will still look. If he finds someone, he would like to step down and Fred Meyer will become chairman.

With there being no further business the meeting adjourned at 6:40 PM.

Nancy Usasz, Secretary



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**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
February 15, 2017**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 15th day of February, 2017 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. 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 in the Howard County Clerk's office.

Roll call showed 5 members present: Mike Nelson, Terry Spilinek, Fred Meyer, Gary Craig and Janet Thomsen. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, and Nancy Usasz, Secretary and Dave Schroeder, Howard County Attorney. Members of the public present were Ron Woitaszewski.

The agenda and minutes were mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Fred Meyer and seconded by Terry Spilinek to approve the minutes of the January 18, 2017 meeting. The motion carried on unanimous voice vote.

At 6:35 p.m. the public hearing was opened to allow a seasonal dwelling to be built in section 14 Township 13 Range 11W where there are already two seasonal dwellings in the quarter section. Ron Woitaszewski was in attendance to present his request. Ron stated that he is asking for a Variance to build a seasonal cabin. The property is located in sections 14 and 15. This piece of property was sold to the previous land owner due to a deep creek making it impossible to cross. The only access is through section 15. If he were to build the cabin 100 feet west it would be allowed. He is asking for the variance because building the cabin in Section 14 would give him a better view of the river. Administrator Klinginsmith spoke with Ron Vonderohe, neighboring land owner and he does not have a problem with Mr. Woitaszewski building another cabin in the quarter section. There was no opposing testimony. The public hearing was closed. Fred Meyer stated that he does not have a problem with granting this variance due to the fact that the property is land locked and it has been part of the parcel for many years. Fred Meyer made a motion to grant the Variance and allow Ron Woitaszewski to build a cabin in section 14. The motion was seconded by Janet Thomsen and was carried by 5-0 vote. Finding of Fact attached.

At 6:50 Janet Thomsen made a motion to adjourn the meeting and Fred Meyer Seconded the motion.

Nancy Usasz, Secretary



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MINUTES

HOWARD COUNTY PLANNING & ZONING

February 15, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of February, 2017 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 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: Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, Daryl Anderson & Terry Spilinek and Dave Sack. Absent were Randy Kauk and Ron Kulwicki. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes of the January 18, 2016 meeting. The motion carried on unanimous voice vote.

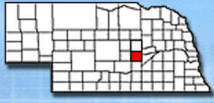
Old business was discussed. Administrator Klinginsmith informed the board that Shane Bader is still waiting for delivery of the commercial biodegradable waste and he is hoping to have it started in March.

Next of the agenda was a discussion with Tom & Leigh Busch on Elderly Housing. Tom and Leigh Busch were not in attendance to visit with the board. The Board stated that they feel the best option for them would be to apply for a Variance because their request for elderly housing is not allowed per the current Zoning Regulations due to the property being less than 20 acres and it is located within an odor footprint.

Next discussion was regarding Truck wash outs. Janet Thomsen with the road department discovered that Shayne Bader's trucking company was washing out their side dump trailer on the County Road, causing it to get torn up and making a mess of it. Administrator Klinginsmith stated that she called Shayne and if his trucks are caught washing out where run off of manure is running into the ditch, she will have to shut him down. Our regulations state that you cannot put manure in a road ditch or road right away. You also cannot have runoff to a stream. Administrator Klinginsmith will do some research regarding Truck wash outs in the Hall County minutes and review the DEQ regulations and inform the board at the next meeting.

Dave Sack made a motion to adjourn and Jeff Christensen seconded the motion. The next meeting is tentatively scheduled for March 15, 2017 at 8:00 p.m.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING March 15, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of March, 2017 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 Klinginsmith read the notice of meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 8 members present: Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, Daryl Anderson, Ron Kulwicki, Terry Spilinek and Dave Sack. Randy Kauk was absent. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Theresa Nealon, Taylor Nealon, Lu Wroblewski, Don (Dominic) Wroblewski and Fred Meyer.

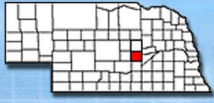
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Ken Kozisek to approve the minutes of the February 15, 2016 meeting. The motion carried on unanimous voice vote.

Old Business was discussed. Administrator Klinginsmith informed the board that Shayne Bader will begin hauling the waste on the 15th of March and he plans to spread it as it is delivered instead of stockpiling since it is so close to planting season. Mr. Bader also stated that his dad is interested in doing the same thing on his land in Howard County. Administrator Klinginsmith stated that she emailed him a Conditional Use Permit Application.

At 8:05 pm a Public Hearing was opened regarding Parker Acres Subdivision. This is a single lot subdivision located in the N ½ of the NE ¼ of Section 20 Township 15 Range 10. Administrator Klinginsmith stated that the public hearing will be postponed until April because letters were not sent out to adjoining land owners. The public hearing was closed.

A discussion was had on a second residence in Section 19, township 14, Range 9. This is a piece of land near the Sherman Howard County Line, off of Yutan Road and south at Highway 92 along 10th Ave. Don Wroblewski owns 266 acres in the section. Taylor Nealon would like to purchase five acres from her grandparents to subdivide and build a house. Administrator Klinginsmith asked for the board's opinion. Currently there is one other residence in the quarter which is Tim Duester. The concern is what will happen down the road if Tim Duester wants to sell his building site as a non-farming residence. The board agreed with Administrator Klinginsmith that this subdivision would be the non-farming residence in the quarter and in the future if she purchased more land it could become a farming residence. Before she could get a building permit to build a house she will need to meet with the Howard County commissioners and get approval because the requested drive way would be located on a minimum maintenance road.

At 8:15 pm a public hearing was opened regarding updating the Howard County Zoning Regulations pertaining to Livestock Washouts. Administrator Klinginsmith stated that this was brought up due to someone washing



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out livestock waste on the County Road. Administrator Klinginsmith wrote up regulations for the board to review. Fred Meyer was present and stated that he is in opposition to adding regulations pertaining to Livestock Truck Washouts. Our regulations currently state that you cannot have livestock waste running onto the road right of way, road ditch, in a stream or the flood plain. The board discussed the regulations and decided that it would be best to not change our current regulations. If a public request comes in for a commercial Truck Wash-out in Howard County, Administrator Klinginsmith would advise them to speak to the Zoning board for a possible Conditional Use Permit. At 8:37 the public hearing was closed. A motion was made by Dave Sack and seconded by Ron Kulwicki to not change rules regarding manure in road ditches, right of ways or on roads. The motion was carried by unanimous roll call vote.

At 8:40 pm a motion was made by Ron Kulwicki and seconded by Ken Kozisek to adjourn. The next meeting is tentatively scheduled for April 19, 2017.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING APRIL 19, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of April, 2017 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 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: Jeff Christensen, Chris Kosmicki, Jack Reimers, Daryl Anderson, Ron Kulwicki, Terry Spilinek and Dave Sack. Randy Kauk and Kenneth Kozisek were absent. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Bob Smith, Jodi Kaslon, Shayne Bader and Niki Bader.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Dave Sack to approve the minutes of the March 15, 2017 meeting. The motion carried on unanimous voice vote.

Old Business was discussed. Administrator Klinginsmith informed the board that Shayne Bader has been hauling commercial biodegradable waste out of swift to fulfill his conditional use permit. She has done two site visits and does not smell anything and he is doing everything correctly. Terry Spilinek also stated that he went out to the site and he did not notice a harsh smell. Administrator Klinginsmith informed the board that Shayne has let her know when he will be hauling and also called the road department. There was no further discussion at this time. Shayne will be present later in the meeting to discuss composting further.

At 8:05 p.m. a Public Hearing was opened regarding Parker Acres Subdivision. This is a single lot subdivision located in the N ½ of the NE ¼ of Section 20 Township 15 Range 10. Scott and Cherri Klinginsmith bought the pasture about a year ago. They would like to subdivide 5 acres off from the pasture. As of now this is a non-buildable lot and would need to be rezoned to build a residence and meet flood plain regulations. There was no opposing testimony. The Public hearing was closed. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the Parker Acres Subdivision. Motion passed with 7-0 roll call vote. Finding of Fact attached.

At 8:15 p.m. a public hearing was opened regarding updating the A-1 Zoning Regulations on Single Family Dwellings. Administrator Klinginsmith stated that there has been several cases lately where people want to build homes in quarters where there are already 1 non farming residence or want to sell the house and keep the land but it is not allowed because there is already 1 non farming residence in the quarter. Administrator Klinginsmith is proposing changing our regulations to state two single family dwellings per quarter. It has become more popular recently as more people want to move out of the city to the country. This would also prevent a quarter from being subdivided into several 20 acre lots. After much discussion the board would like more time to research this. Dave Sack made a motion to table the discussion on changes to single family dwellings in A-1 and Ron Kulwicki seconded the motion. Motion passed with 7-0 roll call vote. Finding of Fact attached.

At 8:30 p.m. a Public Hearing was opened to update the wording for the legal description of the Leanin' Tree Ranch Subdivision. Administrator Klinginsmith stated that the surveyor Paul Grabowski has sent an affidavit to correct the legal description so there will be not discussion, as it have been resolved. The Public Hearing was closed with no action taken.



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Shayne Bader was present to discuss a composting site for commercial biodegradable waste. He would like to have a composting sites to compost the commercial biodegradable waste that comes from JBS Swift. Currently the Paunch and LYCO product is going to the landfill in David City. NDEQ will allow him to compost 100 cubic feet at a time, which would be enough to do about 100 acres. Mr. Bader would like to compost the Paunch without the LYCO. Bader gave to board definitions of each product coming out of JBS Swift. He also asked the board about an extension to his Conditional Use Permit. The composting site will be discussed further at our May 17, 2017 meeting. Administrator Klinginsmith felt an extension could be made until May 18th and the board agreed. At that time we will discuss this further. Definitions attached.

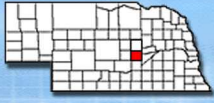
Next on the agenda, two complaints that have been filed by Bernard Danczyk against Fred Meyer were discussed. The first complaint, Bernard was complaining of the manure smell that Fred was spreading. Administrator Klinginsmith visited the site and informed the board that the land where manure is applied is on the Nutrient Management Plan for Meyer Cattle LLC. Also the land is zoned I-1 and the manure is applied approximately 350' away from the residence. 300' is the required distance for county regulation. DEQ is in charge of enforcing any violations. The Howard County Commissioners herd the complaint and agreed that he is in compliance and there will be no further action. The second complaint was regarding noise from a grain bin fan of Fred Meyer's. The Howard County Commissioners herd the complaint and also agreed with Administrator Klinginsmith's statement that it is a general farming operation and it is not any louder than any other farm equipment. No action was taken.

St. Libory zoning was discussed. Administrator Klinginsmith discussed with the board what steps need to be taken for St. Libory to become a Village. Ron Dvorak is interested in Subdividing 16 acres and would like to have lots smaller than 3 acres. This is only possible if St. Libory has public water and sewer. If they were to become a village they could qualify for government assistance. Administrator Klinginsmith will discuss this with the commissioners.

Bob Smith with Chamness asked the board if he could ask a few questions. He previously had the contract with JBS Swift to haul their Commercial Biodegradable Waste. He was concerned with whether or not Shayne Bader will have the proper permits from DEQ. Jodi Kaslon was also present and stated that he was a doing this in Sherman County and DEQ shut him down because they found traces of the Paunch in the Grit. He stated that DEQ does not give permits to compost paunch. Bob asked Administrator Klinginsmith if Bader has a permit to compost paunch. Administrator Klinginsmith stated that at this time, no he does not but it will be discussed at the May meeting.

At 9:00 p.m. Jeff Christensen made a motion to adjourn the meeting and Jack Reimers seconded the motion. The Motion was passed with unanimous voice vote. The next meeting is tentative scheduled for May 17, 2017.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING May 17, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of May, 2017 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 Klinginsmith read the notice of meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed five members present Jack Reimers, Daryl Anderson, Terry Spilinek, Randy Kauk and Kenneth Kozisek. Dave Sack, Jeff Christensen, Chris Kosmicki and Ron Kulwicki were absent. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Jim Kasson, Marlene Niemoth, Sue & Roland Trentman, Carrie Thomas, Dan & Ann Purdy, Connie Thompson, Tom & Pat Knutson, Shayne & Niki Bader, Ben Rivera, Laura & Pete Berthelsen, Lavern Wolf, Kris Schmidt, Mark Oakley, Gerald & Charlene Craig, Lowel & Cheryl Larson, Robert & Linda Kanter, Craig Kuszak, Jim Zimbelman and Jim Thompson.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Randy Kauk to approve the minutes of the April 19, 2017 meeting. The motion carried on unanimous voice vote.

At 8:05 p.m. a Public Hearing was opened regarding the Purdy Subdivision. Administrator Klinginsmith read the notice of meeting. This is a single lot subdivision in the NE $\frac{1}{4}$ of Section of 33-13-12W. Dan and Ann Purdy were in attendance to represent their request. Administrator Klinginsmith stated that this subdivision is for banking purposes only and can never be sold separate from the remaining land. There was no opposing testimony. The public hearing was closed and discussion was had by the board. Administrator Klinginsmith stated that the land is split between A-1 and A-3 Zone and she used A-1 due to the fact that the site is above the base flood elevation. There was no further discussion. Ken Kozisek made a motion to approve the Purdy Single Lot Subdivision application and Jack Reimers Seconded it. Motion Carried 5-0 roll call vote. Finding of fact attached.

At 8:15 a public hearing was opened to Vacate Peterson Acres Subdivision. Administrator Klinginsmith read the notice of meeting. This is a 3 acre subdivision located in the NW $\frac{1}{4}$ of Section 25 Township 14 Range 10. Tom & Pat Knutson were in attendance to represent their request. Tom stated that they purchased 21.45 acres with 3.0 acres subdivided off. They would like to have a multi lot subdivision and they are vacating so that the multi lot subdivision will all be under one subdivision name. There was no public comment. The public hearing was closed. Daryl Anderson made a motion to approve the application to vacate the Peterson Acres Subdivision and Randy Kauk seconded it. Motion Carried 5-0 roll call vote Finding of fact attached.

At 8:20 p.m. a preliminary public hearing was opened for a Multi Lot Subdivision application by Pat and Tom Knutson in the NW $\frac{1}{4}$ of Section 25 Township 14 Range 10. This will be a 4 lot subdivision. Current access routes are on 9th avenue and Old Hwy 281. There was no opposing testimony. The Public Hearing was closed. Randy Kauk made a motion to approve the Preliminary Straw Boss Addition multi lot subdivision application and Ken Kozisek seconded the motion. Motion Carried 5-0 roll call vote. Finding of fact attached.

At 8:30 p.m. a public hearing was opened for a Conditional Use Permit for a Nuisance Easement by Carrie Thomas. She was in attendance to represent her request. Thomas would like to build a home on the farm stead where she grew up located in the SW $\frac{1}{4}$ of section 29-13-9 with 100 + acres, which is within Dale Barbander's odor footprint. She grew up on the farm and has no problem with feedlot odors. Both parties have signed the Commercial Feedlot Nuisance Easement form to be filed with the deed. There was no opposing testimony. The public hearing was closed. A motion was made by Ken Kozisek and seconded by Jack Reimers to approve the condition use permit application to build a residence within Dale Brabander's odor footprint. Motion Carried 5-0 roll call vote. Finding of fact attached.

At 8:40 p.m. we started a series of eight (8) public hearings on Condition Use Permits to spread commercial biodegradable waste on land. Shayne Bader was in attendance to represent all eight (8) requests. The first public hearing was opened regarding a permit application by **Gary & Tanya Meyer**. The notice was read by administrator Klinginsmith. The board asked Mr. Bader to explain the products and what he is wanting to do. He stated that he has taken over the contract with JBS Swift to haul the waste material out of the plant. JBS Swift has a machine to separate the different products. GRIT, BELT, PAUNCH & LYCO. Bader stated that the LYCO



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which is the tankage or bad parts of the cow and the PAUNCH which is the undigested GRIT from the first stomach. Both products are currently being taken to the landfill in David City. The GRIT is Manure out of the washed out pens at JBS Swift along with the back 3 stomachs and intestines that are also washed out put into slurry, dried and pressed. BELT is Waste from the water treatment plant. It's washed out, put through a belt press. All the oil and fat are separated from it. GRIT, BELT and Paunch is what he is wanting to land apply. There is 50 pounds of organic nitrogen per ton of the product and it is released over a two to three year period therefore acting as an inexpensive fertilizer. Several neighboring land owners were present to ask questions and state their concerns about the product. Chairman Spilinek asked for opposing testimony. Administrator Klinginsmith stated that she received calls from Frank Vopat and Mike Stenson asking questions about the product but they were not in attendance. Charlie Wagner came into the Zoning office and stated that he is against the application due to smell and increased number of flies. The Public Hearing was closed. It will be okay to apply in the ¼ mile area of the land owner's land where they live. A motion was made by Daryl Anderson to approve the conditional use permit application to apply commercial Biodegradable waste on the following tracks of land and seconded by Kenneth Kozisek.

- 45 acres in the W ½ of SE ¼ of Section 2, Township 16N, Range 9W
- 30 acres in the SW ¼ of Section 7, Township 16N Range 9W
- 15-20 acres in the NE ¼ of Section 12, Township 16N, Range 10W

Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application by **Kirk & Crissy Bader** to spread commercial biodegradable waste on land. The notice was read by administrator Klinginsmith. There was no opposing testimony of this permit. The public hearing was closed. A motion was made by Randy Kauk and seconded by Jack Reimers to approve the condition use permit application by kirk and Crissy Bader to apply commercial biodegradable waste on their land. In the following locations:

- 35 acres in the E ½ of NE ¼ & NE ¼ of SE ¼ of Section 13, Township 14N, Range 9W
- 100 acres in the W ½ of Section 1, Township 16N Range 9W
- 30 acres in the NE ¼ of Section 2, Township 16N Range 9W
- 16 acres in the E ½ of SE ¼ Section 2, Township 16N Range 9W
- 34 acres in the SW ¼ of Section 28, Township 16N Range 9W
- 70 acres in the SE ¼ of Section 29, Township 16N Range 9W

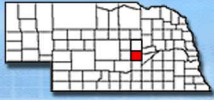
Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application by **Gary Bader & Sons LP I** to spread commercial biodegradable waste on land. The notice was read by administrator Klinginsmith. Chairman Spilinek asked for opposing testimony. Holly Miller and Craig Kuszak were present with concerns. Holly Miller stated that she has concerns with run off and had a lot of questions about the material and the process of land application. Craig Kuszak stated that he was concerned with run off and contamination of his farm pond that his cattle drink from and also asked if this permit follows the regulations. Administrator Klinginsmith stated that they are only allowed to spread on land with less than 11 percent slope and it does meet all of the Howard County Zoning regulations and DEQ Regulations. The board asked Mr. Bader if it would be possible to aerate the land after application to prevent run off and he agreed that it could be done. Holly Miller asked what happens if he does not comply with the conditions of the permit. Chairman Spilinek stated that if he is in noncompliance the permit will be revoked immediately. Norma Mahrt called Administrator Klinginsmith with questions about the permit and also asked Holly Miller to ask questions for her as she was not able to attend. She is concerned with odor and flies. With no further public comment the public hearing was closed. A motion was made by Jack Reimers and seconded by Kenneth Kozisek to approve the Condition Use permit application by Gary Bader & Sons LP I requesting to apply commercial biodegradable waste on their land with the condition that they must aerate a 50 foot border next to the neighbors. The following tracks of land have been approved:

- 8 acres in the SW ¼ of NE ¼ Section 12, Township 16N, Range 11W
- 150 acres in the W ½ & W ½ SE ¼ & SE ¼ of SE ¼ of Section 12, Township 16N Range 11W
- 142 acres in the N ½ & SE ¼ of Section 11, Township 16N Range 11W

Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application by **Gary Bader & Sons LP II** to spread commercial biodegradable waste on land. The notice was read by administrator Klinginsmith. Chairman Spilinek asked for opposing testimony. Frank Vopat was not in attendance but requested maps of eligible acres. His residence is next to the 30 acres eligible in the W ½ & SE ¼ of Section 1, Township 16N Range 10W. Mike Stenson was also not in attendance but called Administrator Klinginsmith with questions. There was no further public testimony. The public hearing was closed. Randy Kauk made a motion to approve 47 acres in the NW ¼ of Section 12, Township 16N, Range 10W only for the conditional use permit application by Gary Bader & Sons LP II, denying the 30



Howard Planning and Zoning Minutes



acres in the W ½ & SE ¼ of Section 1, Township 16N Range 10W. The motion was seconded by Kenneth Kozisek. Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application by **Gary and Connie Bader** to spread commercial biodegradable waste on land. The notice was read by administrator Klinginsmith. Chairman Spilinek asked for opposing testimony. Administrator Klinginsmith stated the Charlie Wagner came into the office and was against the permit due to odor and increased flies. Elinor Cool called Administrator Klinginsmith and stated it is within a mile of her house and does not want this applied. Lowell Larson stated that the land slopes downhill and will run into ponds and get into the drinking water and eventually get into the Loup River. Kris Schmidt is very concerned with runoff that could possibly get into in ponds harming his livestock and asked Mr. Bader not to apply next to his land. Mark Oakley has questions about where he would be putting a stockpile and how long it would be there. Administrator Klinginsmith stated that she will visit the farm site and decide what the best location for a stock pile would be. With no further public comment the public hearing was closed. A motion was made by Jack Reimers to approve the conditional use permit application by Gary and Connie Bader, requesting to apply commercial biodegradable waste on their land with the condition that they must aerate any areas they feel may run off into the water shed. The motion was seconded by Kenneth Kozisek. The following tracks of land will be approved:

- 75 acres in the SE ¼ of Section 9, Township 16N Range 9W
- 38 acres in the N ½ of NE ¼ of Section 16, Township 16N, Range 9W
- 50 acres in the SW ¼ of Section 3, Township 16N, Range 9W
- 74 acres in the S ½ NE ¼ & N ½ of SE ¼ of Section 16, Township 16N Range 9W.
- 35 acres in S ½ SE ¼ of Section 16, Township 16N, Range 9W
- 135 acres in S ½ of Section 22, Township 16N, Range 9W
- 100 acres in the N ½ of Section 11, Township 16N, Range 9W
- 43 acres in the SW ¼ of Section 2, Township 16N, Range 9W
- 300 acres in the S ½ of Section 31, Township 15N, Range 9W
- 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W in the 6th P.M. in Howard County, Nebraska.

The 135 acres in the W ½ of Section 10, Township 16N, Range 9W was not approved. Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application **by Brad and Lana Bushhousen** to spread commercial biodegradable waste on land. The notice was read by administrator Klinginsmith. Chairman Spilinek asked for opposing testimony. Robert Kanter stated that he is not in favor of the application due to the odor and the flies this is going to attract and had questions about whether DEQ or NRCS puts stipulations on it. Administrator Klinginsmith stated that DEQ has rules that Bader must follow or they will shut him down. Jim Zimbelman had questions about the product and asked if it was a dry or liquid. Shayne Bader stated that it is a solid product and the liquid goes to the landfill is David City. There was no further public comment and the public hearing was closed. Shayne Bader stated there will not be any stockpiling on these sites until crop (corn/soybean) is removed. Daryl Anderson made a motion to approve the application by Brad and Lana Bushhousen, requesting to apply commercial biodegradable waste on the following tracts of land:

- 92 acres in the SW ¼ of Section 13, Township 14N Range 9W
- 124 acres in the SE ¼ of Section 26, Township 15N, Range 9W

The motion was seconded by Randy Kauk. Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application by **Will Meyer** to spread commercial biodegradable waste on land. The notice was read by administrator Klinginsmith. Chairman Spilinek asked for opposing testimony. Robert Kanter stated that he lives west of this land and again he is concerned with flies and odor. Zoning board noticed that Will Meyer's residence is next to one of the tracts of land he is applying on. Shayne Bader asked if it is acceptable to spread closer than ¼ mile to his residence. The Board stated that if Will Meyer was ok with it would be fine, this will add 5-10 additional acres. Randy Kauk made a motion to approve the application by Will Meyer, requesting to apply commercial biodegradable waste on the following tracts of land:

- 115 acres in the SW ¼ of Section 15, Township 14N Range 9W
- 50 acres in the S ½ SE ¼ of Section 15, Township 14N, Range 9W

The motion was seconded by Jack Reimers. Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

The next public hearing was on a conditional use permit application by **Shayne Bader** to compost PAUNCH. The notice was read by administrator Klinginsmith. Chairman Spilinek asked Shayne Bader to describe what he is wanting to do. Bader Stated that he would like to haul in PAUNCH mixed with manure and lime to compost it and use it as fertilizer that his high in Phosphate. According to



Howard Planning and Zoning Minutes

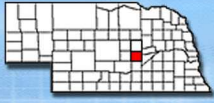


Bader the process will take anywhere from a week to 40 days depending on the weather. Chairman Spilinek asked for opposing testimony. Pete Berthelsen stated that his office is about a ¼ mile from this location and there is a terrible odor from his last conditional use permit to apply GRIT and BELT to his land. He asked how often the pile will be opened up and worked. Bader stated that it would be turned once or twice a week until it is composted. Laura Berthelsen stated that she spoke with John Ditter with JBS Swift and they did a 90 day study at the ammunition plant by Grand Island. It was turned every 4-8 days until it reaches 140 degrees. They did not turn as often as they should. They added lime to help reduce odor and there was still a horrible odor and they could not come up with anything that reduce or control smell. Bader stated that he has been the first one ever to add lime to reduce odor and claims that John Ditter told him the exact opposite that he told Laura Berthelsen. Bader talked to the Hall county Commissioner Dune and he said they did not receive any results good or bad from JBS Swift on the study. Bader wants to do a test on composting this product. Administrator Klinginsmith stated that she spoke to Jared & Sarah Rasmussen several times because he is the closes neighbor and he said that there was an odor the day it was spread with a south wind but other that it was not a problem. Bader also explained that the DEQ guidelines state that he can compost 1000 square yards at each site without a permit. Which would equal about 40 to 50 of his side dump loads. With no other public comment the public hearing was closed. The Board asked Bader, what happens when this does not work or has a harsh odor and he stated that he will load it up and haul it to David City. Kenneth Kozisek made a motion to approve the conditional use permit application by Shayne Bader requesting to have a compost site on his land with the condition of only having a one time, one 1,000 yard pile of paunch for composting, the motion was seconded by Randy Kauk. Motion carried 5-0 roll call vote. Finding of fact attached along with maps.

Mr. Bader also asked to renew his previous permit for another year to haul and stock pile BELT & GRIT to that same site? The board felt that this was okay, as no complaints had been received during his first application to that site.

At 11:15 p.m. Daryl Anderson made motion to adjourn the meeting and Randy Kauk seconded the motion. The next meeting is tentatively scheduled for June 21, 2017.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING June 21, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st day of June, 2017 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 Klinginsmith read the notice of meeting. A proof of publication is filed at the Howard County Clerk's office.

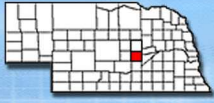
Roll call showed five members present Jack Reimers, Daryl Anderson, Terry Spilinek, Jeff Christensen and Kenneth Kozisek. Dave Sack, Chris Kosmicki and Ron Kulwicki were absent. Randy Kauk arrived at 8:25 p.m. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Shayne Bader, Tom & Pat Knutson, Chris Riha with Viaero Wireless, Kenley Reimers, Leonard Reimers and Dave Boehle Howard County Commissioner.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the May 17, 2017 meeting. The motion carried on unanimous voice vote.

Old business was discussed. The only complaint the Zoning office has received in regards to the Conditional Use Permits for Commercial Biodegradable Waste was some spillage on the corner of Eagle Road and Highway 92. It was reported by the Howard County Roads Department. Administrator Klinginsmith called Shayne Bader and informed him of the spillage and he was willing to clean it up immediately but the road department had already taken care of it. Klinginsmith informed Bader to not fill the trucks as full to prevent the spillage, he will not be shut down as this is just a warning.

At 8:05 p.m. a final public hearing was opened for a Multi Lot Subdivision application by Pat and Tom Knutson in the NW $\frac{1}{4}$ of Section 25 Township 14 Range 10. This will be a 4 lot subdivision. Administrator Klinginsmith read the notice of hearing. Current access routes are on 9th avenue and Old Hwy 281. Administrator Klinginsmith stated that the State is requiring Knutson's to pave the right of way off of Old Hwy 281 to meet the state requirements of Multi-Lot Subdivisions. Administrator Klinginsmith emailed Frank Stepanek with the State of Nebraska Department of Roads asking if they would provide snow removal since this is state property and the county does not clear snow from state property. They responded and stated it is the NDOR policy that the state will only plow snow on a designated highway. The old highway right-of-way is not part of the snow route. This takes away plows from where they are needed. Administrator Klinginsmith then emailed them back requesting a letter of approval for Knutson to maintain the old Hwy 281 to the drive himself. She has not heard back from them yet. Tom Knutson stated that he will do whatever the state requires to make this subdivision work even if that means paving the right-of-way. He met with the state officials at the site last week and they are coming up with an agreement to appease everyone. Knutson stated that there seems to be some gray area in this matter since the state still owns the road but it is no longer the main highway. There was no opposing testimony. The Public Hearing was closed. Jack Reimers asked about utilities and Knutson stated that Lee from Howard Greeley RPPD came out to the site and they will reroute power in from Old Highway 281. A motion was made by Daryl Anderson and seconded by Ken Kozisek to approve the Straw Boss Addition Multi Lot Subdivision. Motion carried 5-0 roll call vote. Finding of fact attached.

At 8:15 p.m. a public hearing was opened regarding a conditional use permit for a Viaero Wireless tower on .59 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ 20-13-12. Administrator Klinginsmith read to notice of meeting. The hearing was postponed while we waited for a quorum.



Howard Planning and Zoning Minutes



At 8:20 a public hearing was opened regarding a condition use Permit to apply Commercial Biodegradable Waste to farm land by Russel Svitak. Administrator Klinginsmith read the notice of meeting. Shayne Bader was in attendance to represent this request. Bader stated that he plans to follow the same procedures as the previous permits discussed at the May 17, 2017 meeting. The public hearing was closed. The board stated that Bader needs to use paved roads as much as possible and that was added as a condition on the permit. A motion was made by Jeff Christensen and seconded by Kenneth Kozisek to approve the conditional use permit for commercial biodegradable waste by Russel Svitak located at SE ¼ 28-13-10, 160 acres. Trucks must use paved highways as much as possible, use 3rd avenue from Highway 281 to Inman then south to site. Motion carried 6-0 roll call vote. Finding of fact attached.

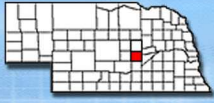
At 8:30 the public hearing was re-opened regarding a conditional use permit for a Viaero Wireless tower on .59 acres in the W ½ SE ¼ 20-13-12 owned by Leonard & Mary Reimers. Chris Riha representing Viaero Wireless was in attendance to represent this request. Viaero Wireless is requesting to build a 120 foot lattice telecommunications tower. They have negotiated a contract with Leonard and Mary Reimers for a permanent easement on this property. There was no opposing testimony. Administrator Klinginsmith stated that the FAA has approved this and all the proper permits have been obtained. The Public hearing was closed. Daryl Anderson asked about how a storm would affect this tower. Chris Riha stated that the lattice tower is stacked on 20 foot sections and in the case of a F4 or F5 storm the top section would break off. In the event of an F2 or F3 storm the tower would twist much like a center pivot. A motion was made by Jeff Christensen and seconded by Randy Kauk to approve the Viaero Wireless tower conditional use permit. Motion carried 5-0 roll call vote. Jack Reimers Abstained. Finding of fact attached.

The next discussion was on the possibility of Applications to apply Commercial Biodegradable Waste from JBS Swift to be done administratively. The board reviewed a sample application and made suggestions on what they would like to be edited. After much discussion Administrator Klinginsmith will design an application to fit all the regulations needed and it will be reviewed with a public hearing to adopt this regulation at the next meeting.

The next discussion was on two residences in the A-1 Zoning district. Much discussion was had on farming versus non farming residences. Administrator Klinginsmith stated that right now many people can prove that they have farm income on 20 acre lots but in the future if a house is sold the new owner may not have any desire to have a farm. It has been suggested to change the regulations to state two (2) residences per quarter weather they are farming or not. The A-1 Zoning district was created to control density and preserve farm land. After much discussion it was decided that Administrator Klinginsmith will review the comprehensive plan to see if this regulation change will agree with our future growth.

A motion was made by Daryl Anderson and seconded by Jeff Christensen to adjourn the meeting. The next meeting is tentatively scheduled for July 19, 2017 at 8:00 p.m.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING July 19, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th of July, 2017 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 Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

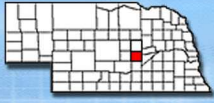
Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Terry Spilinek, and Chris Kosmicki. Those absent were: Jack Reimers, Dave Sack and Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, and members of the public including: Steve Wissing, Andy Wissing, Amber Wissing, Ron Glause, Marie Glause and Paul Glause.

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 Ron Kulwicki to approve the minutes of the June 21, 2017 meeting. The motion carried on unanimous voice vote.

Cherri Klinginsmith informed the board that the Conditional Use Permit 2017-11 by Russel Svitak last month to haul commercial biodegradable waste has been given a warning, the truck drivers are to use the routes allowed in the permit that was approved. Shayne Bader responded by letting his truck drivers know they must use the highway route entering Howard County to 3rd avenue.

At 8:05 p.m. the Public Hearing regarding the Isabel Acres Subdivision, a single lot subdivision in the SE ¼ of Section 13-13-9, was opened. Cherri Klinginsmith read the Notice of Public Hearing. Steve Wissing stated his son Andy would like to build a house on the property. Steve stated Jerry Schenck his neighbor to the west of them, just had questions about what was happening, but had no complaints or issues. Marie Glause was concerned that a 5 lot subdivision with 5 residences was being placed at the site and where the access would be into the subdivision along with traffic issues. The zoning board let Mary know this is a single lot non-farming residence with 5 acres. Currently the old house in center of quarter was Isabel Beyersdorf and is now abandon. So there could be a possibility of 1 farming residence in the future. Steve Wissing added that the drive will be off of Merrick Road on the northern end of property. Marie was satisfied with the explanation. Paul Glause asked if a house is place here, will they complain about the odor of my cow/calf operation to the north. Amber Wissing stated she expects those smells when moving to the country. There was no other testimony in favor or opposition. A motion was made by Ken Kozisek and seconded by Chris Kosmicki to approve the Isabel Acres Subdivision. 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 the adoption of new regulations on commercial biodegradable waste from animal packing plants in the A-1, Agricultural District Uses was opened. Cherri Klinginsmith read the Notice of Public Hearing. The purpose of the update is to allow for the spreading of animal by-products not intended for human consumption to be approved administratively by the zoning Administrator. The zoning board reviewed the designated application to be used and reviewed A-1 regulations that needed updated. After much discussion, there was a motion made by Chris Kosmicki to approve the changes to the regulations and



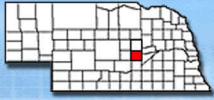
Howard Planning and Zoning Minutes



seconded by Jeff Christensen. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

A motion was made Ron Kulwicki and 2nd by Jeff Christensen to adjourn the meeting. The next meeting is tentatively scheduled for August 16, 2017 at 8:00 p.m.

Cherri Klinginsmith



Howard Planning and Zoning Minutes



Minutes Howard County Planning & Zoning August 16, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th day of August, 2017 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, Ron Kulwicki, Terry Spilinek, Chris Kosmicki and Jack Reimers. Those absent were Ken Kozisek, Dave Sack and Randy Kauk. Also present were Cherri Klingensmith Planning & Zoning Administrator and Nancy Usasz Planning & Zoning Secretary. Members of the public including: Jim & Jane Kasson, Tom Kasson, Mena & Dave Sprague, Kevin Lukasiewicz, Joe Coufal, Dane Berggren and Don Berggren.

The Agenda and Minutes were email to the Board Members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Chris Kosmicki to approve the minutes of the July 19, 2017 minutes. Motion carried 6-0 roll call vote.

Cherri Klingensmith informed the board that the Lewis Barth applied for a Zoning Permit in August of 2016 and she has received phone calls about the possibility of moving his business to the Hochstetler Subdivision, which would be against the Covenants. Klingensmith will send a Mr. Barth a letter reminding them they need to renew the Zoning Permit and visit with him at that time about the possibility of moving his business.

At 8:05 p.m. a public hearing was opened for a Class I Feedlot application by Kevin Lukasiewicz, located in the SE ¼ of Section 15-16-10. Chairman Spilinek asked Kevin to present his request. Kevin stated that he would like to begin backgrounding cattle. The Department of Environment Quality (DEQ) visited the site on August 3, 2017. He plans to have 950 head or less to avoid DEQ permits and he will need to build a Berm to hold run off. Terry Spilinek asked for testimony if opposition. Jim Kasson stated that he is concerned with Kevin staying in compliance with the County and DEQ regulations and asked about run off. Mena and Dave Sprague stated that they are concerned that another feedlot will decrease their property value and quality of life. Tom Kason asked if Kevin will need a lined lagoon and also stated that if the pond fills up, it will run off onto Lyle Thomsen's property especially with large amounts of rainfall like we have had recently. Kevin stated that DEQ will not require a lined lagoon as long as he stays under 999 head. Jim Kasson asked if Kevin had enough land to apply the manure this feedlot will produce. Kevin stated, yes he does. Cherri Klingensmith stated that he will need to apply for an Administrative Conditional Use Permit to spread on land that he does not own and that there are not any residences within the Class I Odor Footprint. With no further testimony the Public Hearing was closed. After much discussion Jeff Christensen made a motion to approve the Class I Feedlot application by Kevin Lukasiewicz in the SE ¼ 15-16-10 with maxim capacity of 950 head of cattle. Daryl Anderson Seconded the motion. Motion carried 6-0 roll call vote. A Finding of Fact was completed. (copy attached)



Howard Planning and Zoning Minutes

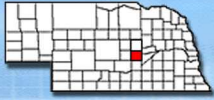


Next a discussion was had on buildings that do not require a permit. Cherri Klinginsmith informed the board that the County Assessor brought in some pictures of buildings that were put up without a permit therefore they are not being taxed until the Assessor discovers them. After some discussion the board does not feel it is necessary for the Zoning office to have a form filled out for a building that does not require a Zoning Permit.

Cherri Klinginsmith informed the board that Kevin Miller of St. Libory is planning to put a pond on his property. Lot 2 Mathis Second Subdivision in the NE $\frac{1}{4}$ 21-13-9W. He brought a copy of a letter from the Department of Natural Resources stating that he does not need any permits but the Central Platte Natural Resources District has jurisdiction over the ground water so he will need to contact them.

A motion was made by Ron Kulwicki and seconded by Jack Reimers to adjourn the meeting. Motion carried 6-0 roll call vote. The next meeting is tentatively scheduled for September 20, 2017.

Nancy Usasz



Howard Planning and Zoning Minutes



Minutes Howard County Planning & Zoning November 15, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of November, 2017 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 Klingensmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

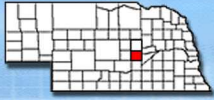
Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Ron Kulwicki, Terry Spilinek, Chris Kosmicki, Ken Kozisek and Jack Reimers. Those absent were Dave Sack and Randy Kauk. Also present were Cherri Klingensmith Planning & Zoning Administrator and Nancy Usasz Planning & Zoning Secretary. Members of the public including: Taylor Nealon Theresa Nealon, Michele Usasz and Erik Schwager.

The Agenda and Minutes were email to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Ron Kulwicki to approve the minutes of the August 16, 2017 minutes. Motion carried 7-0 voice vote.

Administrator Klingensmith informed the board that she has approved three Administrative Commercial Biodegradable Waste permits. The roads being used were approved by the Road Department and Nebraska Extension Educator Troy Ingram also approved the application with the condition that after these applications are made, no additional phosphorous be applied for 6-7 years. Troy would also like to see a P-index to find the runoff and erosion P values after application. The Sherriff's Department also got a copy of the letter stating what routes will be used and they will help monitor the use of the correct routes and spillage.

At 7:05 pm a public hearing was opened regarding a Single Lot Subdivision application by Dominic & Luanna Wroblewski in the NE ¼ Section 19 Township 14 Range 12W named Twisted T Acres. Taylor Nealon was in attendance to represent this request. Taylor stated that she would like to purchase some land from her grandparents to build a house. This will be the first non-farming residence in the quarter. Dominic Wroblewski and Taylor Nealon met with the Howard County Commissioners on March 28, 2017 to get approval for a drive way currently located on a minimum maintenance road. The Howard County Commissioners agreed to continue placing gravel 387 more feet to her driveway and it has since been graveled. There was no opposing testimony. The Public Hearing was closed and discussion was had by the board. A motion to approve the application for Twisted T Acres Subdivision in the NE ¼ 19-14-12 was made by Chris Kosmicki and seconded by Ron Kulwicki. A Finding of Fact was completed. (Copy Attached)

Next a discussion was had regarding 100 +/- acres in Section 2 Township 16 Range 12 on the Greeley County line. The Property is split between A-1 and A-3 Zoning Districts. Michele Usasz with Cabin Realty & Auction was in attendance to discuss subdividing the property with the board. In 2011 a survey was done to subdivide the 80 acres of farm land from the 20 acre building site and CRP ground. After much discussion the board stated that since the house and building site are located mostly in A-1 zoning district a less than 20 acre tract that includes the residence could be divided of administratively, with 80 acres remaining of farm ground or



Howard Planning and Zoning Minutes



option 2 would be to divide off a 5 acre and a 15 acre subdivision. Having the 5 acre be the location of the residence and the 15 acre would be a non-buildable lot, with remaining 80 acres being farm ground. This would follow the Howard County Zoning Regulations.

Next a discussion was had regarding Anton Oeltjen's river front land. The Howard County Accessor's office recently informed Administrator Klinginsmith about a new structure being built on this property without a permit. Klinginsmith asked for the board's opinion on how to handle this situation as it is not following the 2 cabin per quarter regulation, and not really a camp site. After much discussion Administrator Klinginsmith will talk to the owner and inform them that no more permanent structures can be placed in the area unless they would like to apply for a condition use permit following the regulations in A-3, #16 Conditional uses.

The next discussion was on rezoning land within a half mile of highways in Howard County to A-2 district allowing more places to build a new home in the county. After discussion the board decided that it would be best to wait until a request arises before rezoning.

The final discussion was regarding a single lot subdivision in S ½ of NE ¼ & N ½ of SE ¼ Section 20 Township 13 Range 9W. Administrator Klinginsmith stated that Leonard Dush is applying for a single lot subdivision which will be heard at the December meeting, but they would like to get started with the basement before it gets any colder. A Zoning permit is not required to dig a basement but the board agreed with Klinginsmith that a house cannot be placed until the subdivision is finalized.

A motion was made by Ron Kulwicki and seconded by Jeff Christensen to adjourn the meeting. Motion carried 7-0 roll call vote. The next meeting is tentatively scheduled for December 20, 2017.

Nancy Usasz



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
NOVEMBER 15, 2017**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 15th day of November, 2017 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. 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 in the Howard County Clerk's office.

Roll call showed 6 members present: Mike Nelson, Terry Spilinek, Fred Meyer, Gary Craig, Janet Thomsen & Chad Donscheski. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, and Nancy Usasz, Secretary Members of the public present were Rodney Pokorski.

The agenda and minutes were mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Fred Meyer and seconded by Garry Craig to approve the minutes of the February 15, 2017 meeting. The motion carried on unanimous voice vote.

At 6:35 p.m. the public hearing was opened to allow a building to be moved into the SW $\frac{1}{4}$ of section 7 township 15 N range 12 W that does not meet the setback on the south side property line at the intersection of Sherman Road and 17th Ave on Virginia Pokorski's property. Rodney Pokorski was in attendance to represent the request. He stated that the current building site in the middle of the quarter will be turned into farmland. The house will be burned and they would like to move the existing 48' X 120' steel building to the pivot corner. The area has limited amount of space due to Turkey Creek being on the east side of the location where he would like to put the building. The west property line along Sherman Road setback will be 65 feet which is 20 feet for than required. The south property line along 17th Avenue will be 35 feet which will be 10 feet less than required. The site triangle for the intersection will be 73 feet which is 3 feet more than the required 70 feet. There was no opposing testimony. The public hearing was closed and the request was discussed by the board. The board felt that the line of sight triangle is the biggest concern and it will be over 70 feet so it will not a safety issue. Fred Meyer made a motion to wave the side setback on 17th avenue on the Virginia Pokorski Application and Janet Thomsen second the motion. Motion Carried 5-0 roll call vote. A Finding of Fact was completed and is attached.

A motion to adjourn the meeting was made by Terry Spilinek and seconded by Janet Thomsen.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



Minutes

Howard County Planning & Zoning December 20, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of December, 2017 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 Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

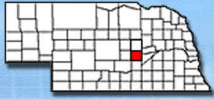
Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Terry Spilinek, Dave Sack, Ken Kozisek and Jack Reimers. Those absent were Ron Kulwicki and Chris Kosmicki. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz Planning & Zoning Secretary. Members of the public including: Lyle & Dianne Hunkins, Steve & Jessica Schenck, Larry Behensky, Niki & Shayne Bader, Robert & Linda Kanter and Jim & Jan Christensen.

The Agenda and Minutes were email 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 November 15, 2017 minutes. Motion carried 7-0 voice vote.

At 7:05 p.m. a public hearing was opened regarding Lake of the Woods Third Subdivision application by Steven & Jessica Schenck. This subdivision is a Replat of Lot 44 Lake of the Woods Subdivision. Administrator Klinginsmith read the notice of meeting. Klinginsmith informed the board the notice was published with an incorrect legal description. County Attorney Dave Schroeder advised that if there is no public opposition on this matter we can still hold the public hearing. There was no opposition. Steven Schenck informed the board that this subdivision is mostly for banking purposes so they can get financing to build a home. They are unsure at this time if they will sell the other lot. Jim Christensen wanted to verify that if the second lot was sold the new owner would not have access to the Deer Meadows Lake. Mr. Schenck confirmed that they would not have access. Larry Behensky asked about livestock on the property and the board stated that would be controlled by the Lake of the Woods Covenants. There was no other opposing testimony. Discussion was had by the board. Jeff Christensen made a motion to approve the Lake of the Woods Third Subdivision. The motion was seconded by Dave Sack. Motion was approved 6-0 Roll call vote. Randy Kauk Abstained. Finding of Fact was completed and is attached.

Next a discussion was had regarding a letter from the Village of Boelus stating that they are prepared to take legal action regarding the Zoning Regulations and the GIS Maps. Administrator Klinginsmith stated that we are working to get GIS Maps corrected and we will discuss the Zoning Regulations in a moment. Letter attached.

A public Hearing was opened to review the Howard County Zoning Regulations and Comprehensive Plan. Administrator Klinginsmith stated that she spoke with Chuck Chase, Flood Plain Insurance Program Specialist regarding the letter from the Village of Boelus and he recommended updating our zoning regulation to state that these regulations apply to all of Howard County, excluding the incorporated Village limits of Boelus. The Board reviewed the recommended changes presented by Klinginsmith. (See Attached) After much discussion the board decided it would be best to leave the Comprehensive Plan the same and just updated the Zoning Regulations. Jeff Christensen made a motion to approve the changes to the Flood Plain regulations and the



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open space/recreation regulations as presented by the Zoning Administrator. Dave Sack seconded the motion. Motion passed with 7-0 roll call vote. Finding of Fact was completed and attached.

The next discussion was regarding a possible third cabin in the NE ¼ 14-13-11. Administrator Klinginsmith stated that we have received a request to build a cabin. Currently there are 2 cabins and a third cabin would go against our regulations. After much discussion the board stated that it would not be allowed.

The Final discussion was regarding Commercial Biodegradable Waste permits in Howard County. Robert Kanter was in attendance and stated that there has been an extremely offensive odor at his home. Howard County Commissioner Dave Boele was out to his place on Tuesday December 19 and said the odor was “stout.” Shayne Bader was also in attendance and stated that they have not had many complaints of odor and when they do they add more lime. The Plant where they get their lime was shut down this week and he feels that spreading lime will eliminate the odor. After much discussion the board asked Shayne if it was possible to avoid spreading if he is out of lime. Shayne agreed and stated that he is trying to be a good neighbor and please let him know if there is a problem. The board requested that Administrator Klinginsmith add this condition to future permits. If lime is unavailable no hauling of product is to continue, until lime is available.

Jeff Christensen made a motion to adjourn the meeting and Dave Sack seconded. The next meeting is tentatively scheduled for January 17, 2018 at 7:00 p.m.

Nancy Usasz