



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
January 17, 2018**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 17th day of January 2018 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 and Chad Donscheski. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, and Nancy Usasz, Secretary.

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 November 15, 2017 meeting. The motion carried on unanimous voice vote.

Chairman Mike Nelson asked if there were any issues that may involve the Variance Board in the near future. Administrator Klinginsmith stated that a chicken laying barn may be coming and would require a variance to waive setbacks from another commercial feedlot.

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

Gary Craig, Chad Donscheski and Janet Thomsen were appointed for another 3 year term.

A motion was made by Fred Meyer and Seconded by Gary Craig to adjourn the meeting. The motion carried on unanimous voice vote.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING January 17, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of January, 2018 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 5 members present: Jeff Christensen, Chris Kosmicki, Jack Reimers, Daryl Anderson & Terry Spilinek. Absent were Randy Kauk, Kenneth Kozisek, 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 Linda Virene, Ron Synowski, Dominick Helgoth and Broderick Helgoth.

The Agenda and Minutes were emailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes of the December 20, 2017 meeting. The motion carried on unanimous voice vote.

Old Business was discussed. Administrator Klinginsmith informed the board that we have submitted our annual Livestock Friendly report to the State Department of Agriculture. We had several Conditional Permits in 2017 mostly for Commercial Biodegradable Waste.

At 7:05 p.m. the election of officers was discussed. Chris Kosmicki made a motion to keep the officers the same: Chairman Terry Spilinek, Vice Chairman Jack Reimers and Secretary Daryl Anderson. The motion was seconded by Jeff Christensen. Motion carried 5-0 voice vote. Jeff Christensen, Chris Kosmicki and Dave Sack were reappointed for another three year term.

At 7:15 p.m. a public hearing was opened regarding Aurora Coop Rezone Application to rezone land from A-2 and R-1 to I-2. Klinginsmith read the notice of public hearing. A portion of the acres lie within the village limits of Dannebrog. The Village of Dannebrog discussed this at their November 13, 2017 meeting and they voted to let the county handle the rezoning of this area. Ron Synowski was in attendance to represent the request. He explained that Aurora Coop recently purchased land and they would like to construct a building for Seed and Chemical Storage. Currently they are storing Chemicals outside and it does not meet EPA standards. The Village of Dannebrog is also doing dirt work to re-rout water away from the Village when it rains. There was no opposing testimony. The public hearing was closed and discussion was had by the board. Chris Kosmicki made a motion to approve the Aurora Coop rezone application and Jack Reimers seconded the motion. The motion carried 5-0 roll call vote. Finding of fact attached.

At 7:25 p.m. a public hearing was opened regarding Deer Run Third Subdivision application by Betty Mae Wegner. Klinginsmith read the notice of public hearing. Administrator Klinginsmith stated that this property is zoned A-3 but the Variance board approved the parcel to be changed A-2 on January 9, 2002 and it follows all of our regulations. There was no opposing testimony. The public hearing was closed and it was discussed by the board. A motion was made to approve the Deer Run Third Subdivision in NE ¼ 16-14-10W by Jeff Christensen and seconded by Chris Kosmicki. Motion Carried 5-0 roll call vote. Finding of fact attached.



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Next on the agenda was a discussion on putting a multi-lot subdivision in A-3 zoned area. Linda Virene was in attendance to discuss doing a multi-lot subdivision the N ½ of NW ¼ Section 15 Township 14 North Range 10 West. Linda presented her request to the board, stating that her mother Betty Mae Wegner would like to do a multi-lot subdivision containing 8 lots. The entire parcel is located in the flood plain. The surveyor told her that all 8 lots would have an elevation of 1 foot above the Base Flood Elevation (BFE). This property adjoins the 1 mile jurisdiction of the city of St. Paul. After much discussion the board stated that a Variance Hearing would be required to pursue this subdivision since our current regulations do not allow it. They are concerned with restricting water drainage especially if dirt is hauled in to allow for basements. It was also addressed that the property taxes would increase if this subdivision was completed.

The final discussion was regarding a Chicken Barn located on the edge of A-2 district located in the NE ¼ of SW ¼ Section 9 Township 13 Range 9. Dominick Helgoth and Broderick Helgoth were in attendance to discuss this with the board. They are wanting to build a 660 x 67 feet Chicken Barn to house 41,000 laying hens. This would require a Class 1 odor footprint. This location has several residences nearby. And according to our current regulations new feeding operations are not allowed in A-2 zoned areas requiring a Variance Hearing. The board discussed different options with them. The second option would be to relocate to the N ½ NE ¼ Section 31 Township 13 Range 9. At this location there would only be one residence but it would be closer to a separate commercial feedlot than the distance requirements, therefore requiring a Variance Hearing. Dominick and Broderick will review their options and let know the Zoning office know if they would like to proceed.

At 8:20 p.m. Jeff Christensen made a motion to adjourn the meeting and Chris Kosmicki Seconded. The next meeting is tentatively scheduled for February 21, 2018.

Nancy Usasz



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MINUTES HOWARD COUNTY PLANNING & ZONING February 21, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of February, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:10 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, Ken Kozisek, Jack Reimers, Dave Sack, Chris Kosmicki and Terry Spilinek. Those absent were: Randy Kauk and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Zoning Secretary, and members of the public including: Leonard Dush, Stanley Schmidt, Kathryn Schmidt, Diane Zwink, Jack McMillon and Dave & Dorothy Bogus.

The Agenda and Minutes were e-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 January 17, 2018 meeting. The motion carried on unanimous voice vote.

Old Business: Cherri Klinginsmith, read the procedures for removal of trees along the county ditches and intersections adjoining county ROW.

Cherri informed the board members of 2 more Administrative Conditional Biodegradable Waste permits being issued to Shayne Bader on Don Jensen's property, 2018-1 & 2018-2. She also spoke to Shayne Bader and he may be taking the paunch from JBS to David City's landfill along with the LYCO product and would then just be applying Belt and Grit to land approved, however he hasn't starting doing that yet.

At 7:15 p.m. the Public Hearing regarding the single lot subdivision application by Leonard J. and Esther F. Dush was opened. This single lot subdivision of 3.7 +/- acres will be named Dush Acres Subdivision and is located in the S ½ NE ¼ & part of the N ½ N ½ SE ¼ of Section 20-13-9. Cherri Klinginsmith read the Notice of Public Hearing. Leonard Dush, the son of Leonard and Esther Dush, stated that he wants to build a home on this lot, which would be located on top of the hill. He has purchased a 30' access easement for use of driveway access. The state has a 40' wide controlled access easement and will only allow 1 driveway there. He has talked to Howard Greeley RPPD and they will allow for power off of that line along highway 281. Question from public were answered by Leonard Dush. There was no other testimony in favor or opposition. The zoning board questioned the exact location of lot, Leonard mapped out the site on GIS map. A motion was made by Dave Sack and seconded by Chris Kosmicki. The motion carried on a unanimous roll call vote of 7-0. A Finding of Fact was completed. (Copy attached).

At 7:25 p.m. the Public Hearing regarding the single lot subdivision application by Randy & Marci Kauk was opened. This is a single lot subdivision of 8.78+/- acres and will be named Spring Creek Meadows Subdivision and is located in the NW ¼ of the NW ¼ Section 5-14-11. Cherri Klinginsmith read the Notice of Public Hearing. Administrator Klinginsmith stated that they are subdividing to create a residential lot which they plan to sell. There was no other testimony in favor or opposition. The public hearing was closed. Cherri stated that this subdivision meets all of the regulations. Jeff Christensen made a motion to approve the Spring Creek Meadows Subdivision in the NW ¼ of Section 5-14-11. Dave Sack Seconded the motion. The motion carried on a unanimous roll call vote of 7-0. A Finding of Fact was completed. (Copy attached).



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At 7:40 p.m. the Public Hearing regarding the single lot subdivision application by Brad & Lana Bushhousen was opened. This is a single lot subdivision of 12.33 +/- acres and will be named Green Acres Subdivision. Cherri Klinginsmith read the Notice of Public Hearing. Administrator Klinginsmith stated that they are subdividing to create a residential lot which they plan to sell. There was no other testimony in favor or opposition. The public hearing was closed. Cherri stated that this subdivision meets all of the regulations. Daryl Anderson made a motion to approve the Green Acres Subdivision in the SE ¼ of Section 26-15-9. Jeff Christensen seconded the motion. The motion carried on a unanimous roll call vote of 7-0. A Finding of Fact was completed. (Copy Attached)

Discussion was had by the board regarding the possibility of a boat repair business without a residence in the A-2 Zoning District. After discussion the board stated no, this would not follow our regulations and therefore not be allowed.

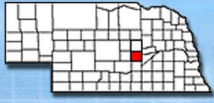
Discussion was had by the board regarding the Covenants for River Ridge Subdivision. Tim Aitken asked if it would be allowed to create a lot 1B to be sold with lot 3, therefore allowing livestock on the property. Currently the Covenants state that there is no livestock allowed on lots 2-10. After discussion the board suggested that Tim have the Covenants redone to allow livestock on lot 3.

Continued Old Business: Trees, Cherri read to the members the state statutes 39-1811 thru 39-1813, the process (39-1813) and asked if there is anything we can do. After discussion the board felt that this issue is between the county commissioners and road department, as all the state statutes pertaining to this are under state statutes 39, and zoning regulations are not listed in Chapter 39.

Administrator Klinginsmith also mentioned, she has received a complaint on Shayne Bader's permit on William Meyer's land. She will send them a copy when review is complete.

Daryl Anderson made a motion to adjourn the meeting and Dave Sack seconded. The motion carried unanimous voice vote. The next meeting is tentatively scheduled for March 21, 2018 at 8:00 p.m.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING March 21, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st day of March, 2018 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.

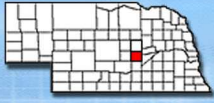
Roll call showed 8 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Dave Sack, Chris Kosmicki, Randy Kauk and Terry Spilinek. Those absent were: Ron Kulwicki. Ken Kozisek arrived at 8:10 p.m. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Linda Virene, Annie Bollmsizr, Mike Kezeor, Adam Svoboda, Todd Svoboda, Pat Conley and Bill & Cherie Morgan.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Dave Sack to approve the minutes of the February 21, 2018 meeting. The motion carried on unanimous voice vote.

Old Business Administrator Klinginsmith informed the members of a fine issued to Don Jensen for applying Waste without a permit being approved first. Also she stated that trees located in TOW will be discussed at commissioners meeting on March 27, 2018. If they have sites, they feel would be an issue to let Cherri know before the meeting.

At 8:05 p.m. the Preliminary Public Hearing regarding the BMW Estates Multi Lot Subdivision in the N ½ of the NW ¼ Section 15 Township 14 Range 10W consisting of 8 lots was opened. Cherri read the notice. Linda Virene was in attendance to represent this request. Linda stated that she would like to develop her mother's land to provide more options for housing near St. Paul. Linda Stated that she contacted an Engineer to have an engineering study done but it is not necessary because it has been previously done. Administrator Klinginsmith stated that she would like to see all of the lots raised to 1 foot above Base Flood Elevation (BFE) before approval of the Subdivision. The Board recommended mapping out where each house will sit along with well and septic systems due to the elevation issues. The Roads will also need to be named. After much discussion a motion was made by Jeff Christensen to Approve the BMW Estates Preliminary Subdivision, which is to be in line with conditions outline in the Finding of Fact. Chris Kosmicki seconded the motion. Motion Carried 7-1 Roll Call Vote. Finding of Fact was completed and is attached. Before the final hearing can be scheduled, the following must be completed: 1. a detailed plat of where houses, well and septic are to be located. 2. The building sites needs to be built up to at least 1 foot above the BFE. 3. Maintain current drainage without obstruction.

At 8:20 p.m. the Preliminary Public Hearing regarding the Diamond Ridge Estates Multi Lot Subdivision consisting of 24.33 +/- acres on the SW ¼ of Section 21 Township 15 Range 10W was opened. Cherri read the notice. Nobody was in attendance to represent the request. Administrator Klinginsmith stated that Ron Stock is wanting a multi lot subdivision consisting of 8 lots. He has requested two entrances and has received approval form Howard County Commissioners and the Howard County Road Department. There was no opposing testimony regarding the Subdivision but concerns were expressed regarding traffic on Twin Forks Lane. Chairman Terry Spilinek stated, that issue is something that needs to be brought to the attention of the Howard County Commissioners. The public hearing was closed. Discussion was had by the board. This subdivision meets all of the regulations and utilities are available. Before the final hearing can be



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scheduled the following must be completed: 1. Road needs to be named. 2. The Owner's name on the Platt needs to match the deed. A motion was made by Ken Kozisek and seconded by Jack Reimers to approve the Diamond Ridge Estates preliminary subdivision application. Finding of Fact was completed and is attached.

The board has requested that an applicant be in attendance for the final hearing to answer questions, and if they are not in attendance there will be no action taken. In the future any with multi lot subdivision applications presented a reprehensive must be present at the hearing or the Zoning Board will not review the application. Klinginsmith will add this procedure to our multi lot subdivision check list.

At 8:40 p.m. a public hearing was opened regarding the Mathis Third Subdivision. This is a multi-lot subdivision of Lot 3 Mathis Second Subdivision. Consisting of 16.07 acres in Section 21 Township 13 Range 9W. Nobody was in attendance to represent the request. Administrator Klinginsmith stated that Jon Kuck has applied for a Multi-Lot Subdivision consisting of 5 lots. This application meets all of the regulations. Bill & Cherie Morgan were in attendance and stated that they are not opposed to the Subdivision but are concerned with a through street into St. Libory off the Highway 281 due to the fact there is a Quonset on their property that was built on the road easement before they purchased the property. A and B streets have 80 feet easements. Bill and Cherie stated that if the road is opened up they feel like it will be a safety issue so they would like for there to be a cul-de-sac. The Public Hearing was closed. Discussion was had by the board. A motion was made by Dave Sack to approve the Preliminary Mathis Third Subdivision application. This is approved with the requirement that the street have access from Hwy 281 only and the east end must be a cul-de-sac. A road through from Highway 281 to A Street would be a safety hazard with it in line of the elevator. Ken Kozisek seconded the motion. Motion was carried by 8-0 Roll Call vote. Finding of fact was completed and is attached.

Klinginsmith informed the board that she has approved a Zoning Permit for a residence to be built on a 25 acre parcel locat3ed in the NW ¼ of Section 11 Township 19 Range 9W. They do not have any farm income so this will be noted as a nonfarm residence.

Discussion was had regarding Administrative Commercial Biodegradable Waste Permits. Shayne Bader has submitted more applications which are being reviewed. Klinginsmith stated that Shayne is no longer hauling Paunch to be applied, only Grit and Belt to help with small. The Lyco and Paunch are being hauled to David City Landfill.

Shayne Bader has asked for an extension on Conditional Use Permits 2017-2, 2017-3, 2017-4, 2017-5, 2017-6 and 2017-7. After discussion the board unanimously agreed to allow a one year extension. The permits will now expire on May 17, 2019. The only changes in the application is Paunch is no longer being spread, only Grit and Belt.

Pat Conley was in attendance to discuss purchasing about ½ acre of property that connects to his property by the corner. After much discussion by the board this will be allowed because he is basically purchasing his easement to enter his property. It will be non-buildable and will be part of his current parcel.

Kelly Stevens from Stevens Land Surveying contacted Cherri about property in the NE ¼ of Section 36 Township 13 Range 10. Siblings have inherited the property and would like to subdivide the second residence. There is an existing nonfarm residence in the quarter. The board stated that this would require a Variance if they would like to proceed.

With no further business Jeff Christensen made a motion to adjourn and Chris Kosmicki Seconded the motion. The next meeting is tentatively scheduled for April 18' 2018 at 8:00 p.m.



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MINUTES HOWARD COUNTY PLANNING & ZONING April 18, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of April, 2018 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: Daryl Anderson, Jeff Christensen, Jack Reimers, Chris Kosmicki, Ken Kozisek, Ron Kulwicki and Terry Spilinek. Those absent were: Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Howard & Janice Jacobsen, Nick Bush, Gaylord & Jean Jensen, John & Amber Kuck, Randy Christensen, Michele Usasz and Ron Synowski.

The Agenda and Minutes were mailed 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 March 21, 2018 meeting. The motion carried on unanimous voice vote.

Old Business was discussed: Administrator Klinginsmith stated that Roger Paulsen's ground north of St. Paul along Highway 281 is on Auction at the end of the month. Currently it is in the I-2 Heavy Industrial. There have been inquiries about subdividing the property. The board agreed, that the building site could be subdivided off but the property would need to be rezoned for anyone to build on the remaining piece. Klinginsmith also informed the Board that four Administrative Commercial Biodegradable Waste Permits were denied do to the Phosphorus levels being high and University of Nebraska Lincoln Extension did not sign off.

At 8:05 p.m. a public hearing was opened regarding a subdivision Application by Robert & Eleanor Ita. Administrator Klinginsmith read the notice of public hearing. This subdivision will be named North Loup River Acres Subdivision and consist of 19.02 +/- acres separated into 2 lots and is located in part of Government Lots 4 & 5 in part of the N ½ NW ¼ of Section 2, Township 16N, Range 12. Michele Usasz with Cabin Realty & Auction was in attendance to represent this request. Lot 1 consisting of 10.118 acres is the building site. Lot 2 consisting of 8.909 acres and it will be a non-buildable lot. The Zoning Board previously discussed the possibility of a Single Lot Subdivision at their November 15, 2017 meeting. This tract is split between A-1 and A-3 Zoning District. The building site is in A-1 so the board stated that it would be allowed. Michelle informed the board that lot 1 is being marketed as a buildable lot if someone wants to replace the old farm house and lot 2 is being marketed as recreational hunting ground. There was no opposing testimony. The public hearing was closed. Jeff Christensen made a motion to approve the North Loup River Acres Subdivision and Ron Kulwicki seconded the motion. The motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

At 8:20 p.m. a Final Public hearing was opened regarding the Mathis Third Subdivision consisting of 16.07 +/- acres located in the NW ¼ of SW ¼ of 21-13-9. Administrator Klinginsmith read the notice of public hearing. This is a multi-lot subdivision consisting of 5 lots. Jon Kuck was in attendance to represent this request. Administrator Klinginsmith stated that Jon met with the Howard County Commissioners on March 27, 2018 to discuss the road entrance. The entrance of the subdivision will be off of Highway 281 and there will be a dead end at the East end of the subdivision so the road will not go through to A Street. Jon stated that Lee from Howard Greeley RPPD was out and it will not be a problem to get utilities to the lots. There was no opposing testimony. The Public Hearing was closed. A motion was made by Chris



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Kosmicki and seconded by Ken Kozisek to approve the Mathis Third Subdivision. Finding of Fact was completed and is attached.

Administrator Klinginsmith informed the board that Viaero Wireless has plans to build a tower in Dannebrog on a tract of land located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 11, Township 13, Range 11. This tract is in the I-1 Light Industrial district where cell towers are a permitted use therefore a Conditional Use Permit is not needed.

Merlin Nesiba contacted the Planning & Zoning office inquiring about putting a travel trailer in the Village of Farwell and connecting to Water, Sewer and Electricity and will be moved 2-3 months out of the year. Administrator Klinginsmith called Allen Lewandowski regarding this request. The Farwell Village Board will discuss this at their May 1, 2018 meeting and if approved he will need to apply for a Conditional Use Permit.

At 8:40 p.m. a final public hearing was opened regarding the Diamond Ridge Multi Lot Subdivision application by Ron and Kristin Stock consisting of 24.33 +/- acres in the SW $\frac{1}{4}$ of Section 21, Township 15, Range 10. This multi lot subdivision is made up of 8 lots. Randy Christensen was in attendance to represent this request. Randy stated that Lee with Howard Greeley RPPD was out to discuss utilities. They will have to bring electricity across the railroad track so it will be 30 foot poles but it can be done. Ron Synowski was in attendance to represent Aurora Cooperative. He stated that Aurora Cooperative has a fertilizer plant about $\frac{1}{2}$ mile away. He just wanted to verify there was not regulation against Ammonia tanks that close to a subdivision. The Board stated that there are not regulations preventing it but the land owners should be aware of it. There was no opposing testimony. The public hearing was closed. Discussion was had by the board. There are a couple errors with the Covenants. It state lots 1-18 and it should be 1-8, and under number 8 it states there will be public water system and this is not the Landowners intention. There is also a correction to the signature lines on my Mylar. Jack Reimers made a motion to table a decision of the Diamond Ridge Subdivision to the May 16, 2018 meeting. Kenneth Kozisek second the motion. Motion Carried 7-0 roll call vote.

The final discussion was regarding a tract of land in the SE $\frac{1}{4}$ of Section 17, Township 15, Range 9. LaVern Wulf would like to Subdivide off the old building site and also the access road to access the property to the North of his. Administrator verified with the board that this would need to be a subdivision but would be a non-buildable lot. The Board agreed.

At 9:20 p.m. Ron Kulwicki made a motion to adjourn the meeting and Jeff Christensen seconded the motion. The next meeting is tentatively scheduled for May 16, 2018 at 8:00 p.m.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING May 16, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th day of May, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

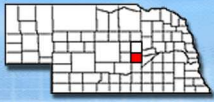
Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Chris Kosmicki, Ken Kozisek, Ron Kulwicki and Terry Spilinek. Those absent were: Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Heath Hadenfeldt, Shari Hadenfeldt, Arlene Hadenfeldt, Dick Hadenfeldt, Ruby Harders, Marvin Welty, Bob Harders, Bill Hadenfeldt, Dick Busboom, Kenny Kohlhof, Spencer Elenstine, Will Taukiuven, Jordan Harders, Eric Pollock, Steve Clark, Leo Goodwin, Kris Schmidt, LaVern Wulf and Tony Papst.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Ron Kulwicki to approve the minutes of the April 18, 2018 meeting. The motion carried on unanimous voice vote.

Old Business was discussed: Administrator Klinginsmith stated that she received a complaint against Mark Oakley and a feed lot. After review Cherri discovered Mark was feeding cow calf pairs. Klinginsmith stated that she sent them a letter back explaining that Mark is following the regulations and they can file a formal complaint and visit with the Howard County Commissioners about their concerns.

At 8:05 PM a public hearing was opened for a Conditional Use Permit application by Kenny Kohlhof. The notice was read by Administrator Klinginsmith. Kenny was in attendance to represent this request. He stated that DEQ is requiring him to have a lagoon by September 15, 2018 for his feedlot located just across the county line in Hall County. He would like to pipe the water under the county road to the SW $\frac{1}{4}$ of Section 34, Township 13, Range 11. The lagoon would be located in the North West Pivot Corner. Chairman Terry Spilinek asked for testimony in favor. Dick Hadenfeldt stated that he does not see a problem with having a lagoon in this location. Chairman Spilinek asked for testimony in opposition. Shari Hadenfeldt stated that she is not in favor of this lagoon due to smell and flies. She also stated that according to DEQ records Mr. Kohlhof has been out of compliance with DEQ on multiple occasions. In 2015 he had too many cattle and in 2017 he has issues with run off. She also stated that she does not feel like Howard County needs to take on Hall County problems. Eric Pollock stated that he lives about $\frac{1}{2}$ mile North of the lagoon location and he is very worried with the set back from his house and water contamination. Ruby Hadenfeldt stated that she feels that the lagoon should be in Hall County with the feed lot and she is also concerned with run off. Leo Goodwin stated that this feedlot is located right out his back door and he is concerned with water contamination and who is responsible if the water does get contaminated. Kenny Kohlhof was given time for a short rebuttal. He stated that DEQ regulations have changed in the last two years and they are stricter. They are requiring him to build a lagoon and it will be engineered by them. He feels that more water is contaminated due to commercial fertilizers than livestock waste. He is trying to keep in compliance with DEQ and not break any laws while bringing revenue to the area. The public hearing was closed and discussion was had by the board. After much discussion Ken Kozisek made a motion to table the Conditional Use Permit request for a lagoon on Ken Kohlof's property in the SW $\frac{1}{4}$ of Section 34, Township 13, Range 11 for up to 120 days or until he can get signed waivers from all neighbors who live within the odor footprint. This is a secondary lagoon for feedlot runoff. Jack Reimers



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Seconded the motion. . The motion carried 7-0 roll call vote. Administrator Klinginsmith will send out Nuisance Easement waivers to Kenny Kohlhof. Klingsmith will also meet with the Howard County Commissioners to find out what size of odor footprint is needed. Finding of Fact was completed and is attached.

The next public hearing was opened for Diamond Ridge Multi-Lot Subdivision in the SW ¼ Section 21, Township 15, Range 10. This is a final public hearing that was tabled at the April 18' 2018 meeting due to errors in the covenants and the survey. Administrator Klinginsmith read the notice of meeting. The corrections to the survey have been completed. Klinginsmith stated that we have not received corrected covenants yet but our regulations do not require them to approve the Subdivision, however they will need to complete before the Subdivision can be filed. Jeff Christensen made a motion to approve the Diamond Ridge Subdivision in the SW ¼ Section 21, Township 15, Range 10 and Jack Reimers seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

The public hearing regarding a subdivision application by LaVern Wulf in the SE ¼ of Section 17, Township 15, Range 9. Administrator Klinginsmith read the notice of meeting. This subdivision will be named Lakehouse Subdivision and consist of 3.097 +/- acres. LaVern Wulf was in attendance to represent the request. He stated that he is subdividing the old building site and plans to sell as a residential lot. There was no testimony in favor or in opposition. The public hearing was closed. Administrator Klinginsmith stated it follows the regulations. Utilities will need to be brought in but it is not a problem. Kenneth Kozisek made a motion to approve the Lakehouse subdivision in the SE ¼ and part of government lots 1 and 2 in SE ¼ of Section 17, Township 15, Range 9. Ron Kulwicki seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

The next public hearing was opened regarding a Condition Use Permit to allow a travel trailer on Milton Nesiba's property in the Village of Farwell at the corner of Oakley Street and Nesbitt Avenue Administrator Klinginsmith read the notice of meeting. Administrator Klinginsmith stated that Milton would like to place a travel trailer on his lot in Farwell and connect to village utilities. This request was discussed at the Village board Meeting on May 1, 2018 and passed. They would like to review this permit every two years and hope that Nesiba's will build a home at some point. Chairman Spilinek asked for testimony in favor or opposition. Tony Papst stated that he is not in opposition. He just wanted to know what was going on. The public hearing was closed. Discussion was had by the board. Jeff Christensen made a motion to approve the condition use permit for Milton Nesiba to park a travel trailer on his property in Farwell. The Permit will be reviewed every two years. Chris Kosmicki seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

Green Acres Single Lot Subdivision was approved at the February 21, 2018 meeting but the Mylar was not available to sign at that time. The board reviewed the application and signed the Mylar.

Discussion was had on Rod Diehl's property in the NE ¼ Section 33, Township 13, Range 12. His son would like to build a home on the property. Currently there is already 2 houses in the quarter. After much discussion the board stated that if he can show \$1000 of farm income on his taxes, and his son can prove he helps with the family farm a home could be built as an accessory to the farming operation.

Discussion was had regarding a possible feedlot in Section 2, Township 16, Range 9. As Cherri was doing site visits she noticed a large number of cattle in a pen on the Bader site. She is doing more research to verify they are just holding cows until they can go to pasture and she has been in contact with DEQ.

Administrator Klingsmith asked the board how she should handle a situation when a subdivision is split between two quarters. The board stated that in this case a decision will need to be made on which quarter it will be assigned to.



Howard Planning and Zoning Minutes



A motion was made by Ron Kulwicki and seconded by Jack Reimers to adjourn the meeting. Motion passed with unanimous voice vote. The next meeting is tentatively scheduled for June 20, 2018 at 8:00 PM

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING June 20, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of June, 2018 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, Jack Reimers, Ken Kozisek, Ron Kulwicki and Terry Spilinek. Those absent were: Chris Kosmicki and Dave Sack. Randy Kauk arrived at 8:10 p.m. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Mark & Delores Edwards, Dick Hadenfeldt, Eric Pollock, Barb Wroblewski, Julie Gawrych, Shari Hadenfeldt, Bill Hadenfeldt, Jeff Turek, Sheila Turek, Judith Puncochar, Rebecca Puncochar, Kenny Kohlhof, Carla Gruber, Tim Gruber, Rod Diehl, Shayne & Niki Bader, Rose Dixson, Elizabeth Dixson, and Aimee Dixson.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Daryl Anderson to approve the minutes of the May 16, 2018 meeting. The motion carried on unanimous voice vote.

At 8:05 PM a public hearing was opened for a single lot subdivision by Fredrick and Kathleen Koziol. The subdivision will be named Prairie Oaks Subdivision and is located in the SW $\frac{1}{4}$ Section 10, Township 15, Range 10. . The notice was read by Administrator Klinginsmith. Mark & Delores Edwards were in attendance to represent the request. Delores stated they would like to purchase some land to build a home. Chairman Spilinek asked for testimony in favor and opposition. Attorney Julie Gawrych was in attendance to represent Tim & Carla Gruber, who were in opposition. Julie stated that it is noted in the deed and the purchase agreement that there would not be a home built on the lot during the life of Tim & Carla Gruber. Mrs. Edwards stated that she understood it to state that the Koziol family agreed not to build on the land but it does not state future buyers of the land. Gawrych stated that was the intent of the Gruber's and they are ready to file a case if a zoning permit is issued. With no further testimony the public hearing was closed. The board did not feel that the clause in the deed referring to residential construction should have any affect in the decision to approve or deny the subdivision. Administrator confirmed with the board, she would confirm with county attorney prior to any zoning permit approval. After much discussion Jeff Christensen made a motion to approve the Prairie Oaks Subdivision located. Jack Reimers Seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and is attached.

8:15 p.m. Final Public Hearing was opened for BMW Estates Multi Lot Subdivision located in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ Section 15, Township 14, Range 10. . The notice was read by Administrator Klinginsmith. Attorney Barb Wroblewski was in attendance to represent this request for Linda Virene, Power of Attorney for the Betty Mae Wagner Estate. Wroblewski presented the request. She stated that the Engineering Study had been completed and each lot will need to be build up at least (1) one foot or more and the dirt will be available on the property since they will be building a drainage system on the property lines. This property is located in the A-3 Zoning District but a Variance was approved in February 2018 to allow a multi lot subdivision and consider the property as A-2 zoned land.

A Public Hearing was opened at 8:25 p.m. regarding the renewal of a Conditional Use Permit for a compost site for Shayne Bader located in the E $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 4, Township 15, Range 10.



Howard Planning and Zoning Minutes

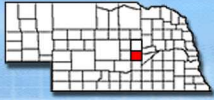


Chairman Spilinek asked for testimony in favor or opposition. Judith Puncocar stated that she is not in opposition of the subdivision but would like them to be aware that she plans to file a Quiet Title Action Suit against the property. Before the flood of 1983 they had 53 acres. Due to avulsion they lost 13 acres, and in the flood of 2011 they lost another 14 acres. They plan to reclaim about 27 +/- acres which would include the river. This land now lies on the west side of the river due to the floods and is currently assessed as Bettie Mae Wagner's property. With no further opposition the public hearing was closed. Discussion was had by the board. Lot 1 has a drain that runs through the middle of the lot allowing the water from the west side of Inman road to drain properly. The board was concerned that there is not enough information on maintaining drainage from the west through this property. Administrator Klinginsmith explained the engineering study only applies to floodplain and it is for the local authorities to examine the drainage issues. A Motion was made by Jeff Christensen and Seconded by Randy Kauk to approve the BMW Estates Multi Lot Subdivision in the N ½ of the NW ¼ of Section 15, Township 14 Range 10 in Howard County. Motion Denied with 0-7 Roll Call vote. Finding of Fact was completed and is attached.

Administrator Klinginsmith read the notice of public hearing previously opened. Shayne Bader was in attendance to represent this request. Shayne stated that he hauls about 5 loads of Commercial Biodegradable Waste out of JBS Swift per day and when it rains or snows and they are not able to get into fields he needs a place to stockpile the waste. He was approved to hold 1000 cubic yards at this location. Shayne stated that he piles it and then when conditions warrant they haul it to a field for application. Administrator Klinginsmith stated that she has not received any written complaints on this permit. Chairman Spilinek asked for testimony in favor or opposition. Kerry Townsend was concerned with spillage on the county road. He stated that after driving through it his garage had a foul odor for about a week. He stated that he is not against the permit but does not appreciate driving through it. Shayne stated that before they were hauling Paunch which is what was causing the terrible odor. They have discontinued hauling Paunch and they will only be stockpiling Grit and Belt. Kerry was also concerned with the length of time the permit will be issued for. With no other public comment the public hearing was closed. The board discussed the duration of the permit. Shayne stated that his contract with JBS Swift was for 3 years and he has about 22 months remaining. After much discussion Jeff Christensen and Randy Kauk seconded the motion to approve the renewal of a Condition Use Permit for a composting site located in the E ½ of SE ¼ Section 4, Township 15, Range 10. The Site will compost Grit, Belt Lime and Manure from JBS Swift. This Permit will expire on June 1, 2020. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

The next discussion was regarding an accessory dwelling in the NE ¼ Section 33, Township 13, Range 12. This property is located within the A-1 and A-3 Zoning District. Rod Diehl was in attendance to discuss this with the board. Rod stated that his son would like to build a home in this location. Currently there are two houses in the quarter. The Purdy Subdivision was done for loan purposes only and is not allowed to be sold from the other property. Rod owns 120 acres adjoining his subdivision which was done for loan purposes only. After review and much discussion the board stated that this would be the first nonfarm residence in the quarter section and if Rod proves \$1,000.00 Ag income, it is allowed.

The next discussion was on Ken Kohlhof's request for a Conditional Use Permit for a holding pond in Howard County for his Hall County 3,000 head feedlot. This is a public hearing that was tabled at the May 16, 2018 meeting. Administrator Klinginsmith checked with other counties where there is a feedlot on the county line and a lagoon in another county. After much research Administrator Klinginsmith stated that the other counties treat the lagoon as part of the main feedlot, therefore we would use a Class II odor footprint. Kohlhof explained that the solids would remain in the lagoon at the feedlot in Hall County. When it rains runoff water needs to be pumped off the lagoon within 84 hours. Kohlhof stated that the holding pond in Howard County would not have any slurry or solids. Chairman Spilinek asked for public testimony. Shari Hadenfeldt asked if slurry has a smell. Ken stated that it would not smell any worse than the feedlot does already. Eric Pollock stated that he feels to approve this permit would be a bad decision and Howard County should not bring Hall



Howard Planning and Zoning Minutes



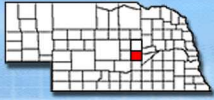
county problems into Howard County. The Public hearing was closed. After much discussion the board agreed with using a class II odor footprint and stated that Kohlhof will need to get waivers signed by land owners who live within the Odor Footprint. Kohlhof will have until September 9, 2018 to come back to the zoning board for final decision on the Conditional Use Application. A motion was made by Ron Kulwicki and seconded by Kenneth Kozisek to table the Conditional Use Permit for a holding pond located in the SE corner of SW $\frac{1}{4}$ of Section 34, Township 13, Range 11 in Howard County. Motion Carried 7-0 Roll Call Vote.

Dusty Dugan's feedlot was the next item of discussion. NDEQ has required Dugan's to move their pens. The neighboring land owners to the north are not happy with the change due to the feedlot moving closer to their home. Klinginsmith gave the board a timeline of events, as follows. The Feedlot has been permitted with NDEQ since 1972. The house was built in 2005. The odor footprint maps were developed in 2008 and the house was inside the odor footprint. In January 2016 Administrator Klinginsmith discussed the expansion of Dugan's Feedlot with zoning board and since the house was within the odor footprint already, zoning board felt this was not an encroachment (1-20-2016 minutes). After discussion, the Board stated that it is the land owner responsibility to meet setbacks. In 2005 when the house was built the land owner did not meet the ($\frac{1}{2}$) half mile setback nor did they meet the ($\frac{3}{4}$) three quarter mile setback that was listed on the zoning application. The board stated that they feel that Administrator Klinginsmith has handled the situation correctly.

The final discussion was regarding Common Ownership of Dixon's Feedlots. Klinginsmith confirmed with the board that multiple feedlots that are close in proximity are not considered one feedlot unless there is an alleyway connecting the two. Our regulations state that if two commercial feedlots are near in proximity they could be deemed to be a single livestock operation if they are adjacent to each other or if they utilize a common area or system for the disposal of livestock wastes. The board stated that at this time we do not have 2 common ownership commercial feedlots close in proximity, so the regulations are being met at this time.

Jeff Christensen made a motion to adjourn the meeting and Ron Kulwicki second the motion. The next meeting is tentatively scheduled for August 15, 2018 at 8:00 p.m.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING August 15, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of August, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul NE.

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: Daryl Anderson, Jeff Christensen, Jack Reimers, Ron Kulwicki, Chris Kosmicki, Randy Kauk and Terry Spilinek. Dave Sack was absent. Ken Kozisek arrived at 8:10 p.m. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Chris Riha, Fern Place, Kenny Kohlhof, Mike Kezor, Jesse Rudolf, Marlene Rowley, Mike Rowley, Heath Hadenfeldt, Bill Hadenfeldt, Rebecca Puncuchar, Linda Virene, Jan Thede, Judy Jacobs, Jamie Blodgett, Barbara Wroblewski, Scott Reynolds, Doug Pedersen, Carl Christensen, Rod Placke, Kim Placke, Rance Lierman, Kathy Crum and Janita Stegner.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Randy Kauk to approve the minutes of the June 20, 2018 meeting. The motion carried on unanimous voice vote.

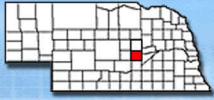
Old business was discussed. Administrator Klinginsmith informed the board that the file regarding Dusty Dugan's Feedlot and Turek's residence has been sent to County Attorney, Dave Schroeder. Klinginsmith also stated that the file regarding Dan Burman's property on 12th Ave has also been sent to County Attorney, Dave Schroeder. His renter has trash all over destroying the neighbor's fence.

At 8:05 PM a public hearing was opened for a Condition Use Permit to allow a Viaero Wireless tower to be placed on lot 1 Mathis Second Subdivision in the N ½ of Section 21-13-9. Administrator Klinginsmith read the notice of public hearing. Chris Riha representative for Viaero Wireless was in attendance to represent the request. Chris prepared a short Power Point presentation for the board explaining the request. He stated that they plan to place a 100 foot Monopole equipped with antennas and microwave dishes. The FAA has approved the tower and they do not require it to be lighted or marked.

At 8:15 p.m. Final Public Hearing was opened for BMW Estates Multi Lot Subdivision located in the N ½ of the NW ¼ Section 15 Township 14 Range 10.

Discussion continued on the Viaero Wireless Tower. Chairman Spilinek asked for testimony in favor or in opposition. Administrator Klinginsmith stated that we received a fax from Nita Wright stating that she is not in favor of the tower, and a phone call from Pat Schafer also stating that she is not in favor of the tower. There was no other opposing testimony. The public hearing was closed and discussion was had by the board. Chris Kosmicki made a motion to approve the Conditional Use Permit for a Viaero Wireless Tower in Lot 1 Mathis Second Subdivision in Section 21, Township 13 Range 9. Ron Kulwicki Seconded the motion. Motion Carried 8-0 Roll Call Vote. Finding of Fact was completed and it attached.

The notice was read for the Final Public Hearing for BMW Estates Multi Lot Subdivision by Administrator Klinginsmith. Linda Virene, Power of Attorney for Betty Mae Wagner Estate and Attorney Barb Wroblewski were in attendance to represent this request. Barb stated that with the death of Betty Mae some information that the board asked for at the



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last meeting was missed. They have worked with the surveyor, Jamie Blodgett of N-Line Surveying and Scott Reynolds of Reynolds Construction to create new plat showing the draining easements and building locations. Barb also stated that she met with neighboring land owners to address their concerns. Chairman Spilinek asked for testimony in favor or opposition. There was none. The Public Hearing was closed and discussion was had by the board. Ken Kozisek asked who will be responsible for maintain the draining system. Barb stated that they will create a Home Owners Association to maintain the drainage and the road. Jack Reimers asked if they have met with a plumber regarding leach fields and percolation tests. Barb stated that they have not but it should not be an issue since the wells and septic systems will be at least 200 feet apart. They will just need to make sure the first one is done correctly so the rest will be fine. Randy Kauk asked if it is possible to put the setback requirement in the covenants. Barb agreed that they would add setbacks to the covenants. Daryl Anderson made a motion to approve the BMW Estates Multi-Lot Subdivision in the N ½ of Section 15 Township 14 Range 10. Jack Reimers seconded the motion. Motion Carried 8-0 Roll Call Vote. Finding of Fact was completed and is attached.

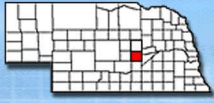
Next on the agenda was a tabled public hearing from the May 16, 2018 meeting regarding a Conditional Use Permit for a Lagoon in the SE pivot corner of SW ¼ of Section 34 Township 13 Range 11. This public hearing was tabled for 120 days. Ken Kohlhof was in attendance to represent the request. Ken stated that he has one nuisance easement waiver signed by David and Barbara Rasmussen and he is working on getting the other one. He asked the board for an extension so he can work to get signatures before the September 19, 2018 meeting. After much discussion the board agreed they would give Ken a onetime 45 day extension. If he is not able to obtain the proper signatures in this time the permit will be denied and he will need to reapply. Randy Kauk made a motion to table the conditional use permit application by Ken Kohlhof for a holding pond for his Hall County Feedlot, Ken will be allowed 45 days beginning on the anniversary of the original application, September 8, 2018. This 45 day extension will expire on October 23, 2018. Ken Kozisek seconded the motion. Motion carried 8-0 roll call vote. Finding of Fact was completed and is attached.

Discussion was had regarding a request for a subdivision in the NE ¼ Section 36 Township 13 Range 10. Currently there is one subdivision in South half of the quarter which was done illegally in 1992, when minimum lot sizes were 10 acres. After reviewing the request the board stated that the illegal subdivision of 1.88 acres is currently a farming residence since the land owner owns the south half of the quarter and he currently farms the land, therefore a subdivision in the north half of the quarter would be allowed and it would be the first non-farm residence in the quarter. The board asked that they complete the Nuisance Easement waiver since this subdivision will be within the Odor Footprint for Mamot's feed lot.

The final discussion was regarding a third residence in the E ½ of SW ¼ Section 35 Township 14 Range 10. Administrator Klinginsmith told that board that situations like this are complicated since there are already 2 residences in the quarter with more than 20 acres. The board agreed that a new residence would be allowed with either a single lot subdivision with 3+ acres or a farming residence since there is 116 acres.

Jeff Christensen made a motion to adjourn the meeting and Jack Reimers seconded the motion. Motion Carried unanimous voice vote. The next meeting is tentatively scheduled for September 19, 2018 at 8:00 PM

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING September 19, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of September, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul NE.

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, Jack Reimers, Chris Kosmicki, Ken Kozisek and Terry Spilinek. Dave Sack, Randy Kauk and Ron Kulwicki were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Tim & Cindy Aitken, Mike Nelson, Barbara Wroblewski, Kathy Crum, Janita Stegner, Tim & Carla Gruber, Delores Edwards and Fred & Kathy Koziol.

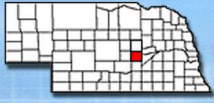
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes of the August 15, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith informed the board that she has issued another Administrative CBW Permit 2018-8. Klinginsmith also stated that she spoke with Kenny Kohlhof and at this time he does not plan to pursue a permit to put a lagoon in Howard County. As of now he plans to keep everything in Hall County.

At 8:05 p.m. a public hearing was opened regarding an application for a Conditional Use Permit (CUP) Commercial Feeding Nuisance Easement Waiver from Mamot Feedlot for a residence in the N ½ of the NE ¼ Section 36 Township 13 Range 10. Administrator Klinginsmith read to the notice of public hearing. Janita Stegner was in attendance to represent this request. Administrator Klinginsmith stated that Janita is the executor of her mother's estate and she has inherited the residence and they are working on a single lot subdivision. Due to the residence being in Mamot's odor footprint a CUP Nuisance Easement is being done. There was no testimony in favor or in opposition. The public hearing was closed. Discussion was had by the board. After a short discussion Jeff Christensen made a motion to approve the application for a CUP Commercial Feeding Nuisance Easement for Janita Stegner. Ken Kozisek seconded the motion. Motion Carried 6-0 roll call vote. Finding of Fact was completed and is attached.

Next a discussion was had regarding building a home on a 53 acre tract of land in the A-3 district in Government lot 6, in the NW ¼ of Section 15 Township 14 Range 10. Barb Wroblewski was in attendance to discuss this with the board. She stated that this land is part of the Betty Mae Wegner Estate and they have an interested buyer but they want to build a house. After much discussion the board stated that the regulations state that to have a residence in A-3 you must own 80 acres therefor they recommend applying for a variance if they would like to pursue this request.

At 8:25 p.m. a public hearing was opened regarding a single lot subdivision application by Fredrick Koziol named Prairie Winds Subdivision. This subdivision will consist of 3.01 +/- acres in the SW ¼ of SE ¼ Section 3 Township 15 Range 10. Administrator Klinginsmith read the notice of public hearing. Fred Koziol was in attendance to represent the request. Fred stated that he met with Rich McKinney to get approval for a driveway off Highway 281. Currently there is access to the property and he did not see an issue. He will send a letter of approval to Cherri. Chairman Spilinek asked for testimony in favor and opposition. Tim Gruber stated that they have a clause in the purchase agreement and the deed



Howard Planning and Zoning Minutes



that states Koziol cannot have any residential improvements to the property and he feels that this includes the driveway. Spilinek stated that they are only approving the subdivision and they do not handle legal disputes. With no other testimony the public hearing was closed. Discussion was had by the board. Jeff Christensen made a motion to approve the Prairie Winds Subdivision in the SW ¼ of the SE ¼ Section 3 Township 15 Range 10. Chris Kosmicki seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and is attached.

The next discussion was regarding a cell tower that is being built with a height of 25 feet. Currently there is not a CUP for this tower. Mike Nelson was in attendance to discuss this with the board. Mike Nelson stated that Prairie Hills Internet Company is constructing an internet tower on his Dad's ground. They did not realize a permit was needed. After much discussion the board advised that he apply for a CUP for this tower, as no person shall develop or construct a wireless communication tower without approval from the Zoning Board and the Howard County Commissioners. See Supplemental Regulations Section 11.

Discussion was had on River Ridge Multi Lot Subdivision. Tim Aitken was in attendance to discuss this with the board. Tim stated that he has an interested buyer for either lot 1 or lot 3. If they purchase lot 3 they would like to change the lot lines to better flow with the land. The board agreed that if they are only changing lot lines this could be done administratively. If the buyer is to purchase lot 1 they would like to subdivide it further. The board agreed that this would require a new subdivision.

Administrator Klinginsmith reviewed the renewal of Commercial Biodegradable Waste Permits (CBW) with the board. She stated that Shayne Bader would like to renew Permit 2018-1 due to not getting it completed. He has spread half the product and would like to renew the permit to finish. After much discussion, Klinginsmith will verify with Shayne that he only spread half of the field not half rate over the entire field. If he only spread half the field the board recommend, an extension on the current permit but if he spread half rate over the entire field the board agreed that he would need to wait a few years until soils test show more product is needed. Administrator Klinginsmith will take this recommendation to the Howard County Commissioners for their review.

Jeff Christensen made a motion to adjourn the meeting and Jack Reimers seconded the motion. Motion Carried unanimous voice vote. The next meeting is tentatively scheduled for October 17, 2018 at 8:00 PM

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES

HOWARD COUNTY PLANNING & ZONING

October 17, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of October, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:15 p.m. due to the Variance Board of Adjustment Meeting running long. 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, Jack Reimers, Chris Kosmicki, Ken Kozisek, Ron Kulwicki and Terry Spilinek. Dave Sack and Randy Kauk were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Sara Urwiller, Dale Rubesh and Aaron Rubesh

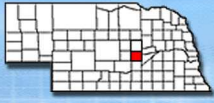
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes of the September 19, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith reminded the board that the November meeting will be moved up one week to November 14, 2018 at 7:00 p.m. due to the Thanksgiving Holiday.

At 8:20 p.m. a public hearing was opened to vacated Rubesh Administrative Subdivision consisting of 13.76 +/- acres and is located in the SE ¼ Section 15, Township 14, Range 10. Administrator Klinginsmith stated that this is her request to fix an error from when the Rubesh Corrective Administrative Subdivision consisting of 5.44 +/- acres was created. Klinginsmith stated that the 8 +/- acres remaining will be combined with the land surrounding to the North Parcel #470861151. There was no testimony in favor or opposition. The public hearing was closed. After a short discussion Ken Kozisek made a motion to approve the vacating of the Rubesh Administrative Subdivision in the SE ¼ Section 15, Township 14, Range 10. Chris Kosmicki seconded the motion. Motion carried 7-0 Roll Call Vote. Finding of Fact was completed and is attached.

At 8:30 p.m. a public hearing was opened for a Condition Use Permit (CUP) Application for the installation of a Prairie Hills Wireless Internet Tower by Kent and Sara Urwiller, tower owners and James C. Nelson & Marilyn Nelson, Mike Nelson, POA, landowners. This CUP will be for the SW ¼ of SW ¼ of Section 20, Township 13, Range 11. Sara Urwiller was in attendance to represent this request. She stated that they are hoping to provide Internet Service to the area with a 30 foot monopole surrounded by a barbwire fence. There was no testimony in favor or opposition. The Public hearing was closed. Discussion was had by the board. Administrator Klinginsmith stated that they have met all the regulations. After a short discussion Ken Kozisek made a motion to approve the Condition Use Permit Application for the installation of a Prairie Hills Wireless Internet Tower located in the SW ¼ of SW ¼ of Section 20, Township 13, Range 11. Chris Kosmicki seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

The next item on the agenda was a discussion on Solar Energy Systems in the Howard County Zoning Regulations. Administrator Klinginsmith stated that she went to a Zoning meeting regarding Solar Energy. She asked the board if they felt that we should have regulations regarding this. Klinginsmith stated that state law requires anyone who has solar panels to follow the regulations of their local power company. After much discussion the board stated that having



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regulations on free standing solar panels that would be on a net metering system would be a good idea before it becomes a problem. Administrator Klinginsmith will work on putting together regulations regarding Solar Energy Systems.

Jack Reimers made a motion to adjourn the meeting and Jeff Christensen Seconded the motion. Motion carried 7-0 voice vote. The next meeting is tentatively scheduled for November 14, 2018 at 7:00 p.m.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENTS
October 17, 2018**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 18th day of October 2018 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

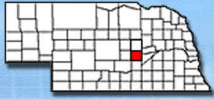
Vice Chairman Fred Meyer called the meeting to order at 7:30 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office.

Roll call showed 5 members present: Terry Spilinek, Fred Meyer, Gary Craig and Janet Thomsen, Chad Donscheski, alternate. Mike Nelson was absent. Also present was Cherri Klingensmith, Howard County Zoning Administrator and Nancy Usasz, Secretary. Members of the Public present include: Barb Wroblewski, Julie Gawrych, Aaron Rubesh and Dale Rubesh.

At 7:35 p.m. a public hearing was opened to allow a residential home to be placed in A-3 (Agricultural Conservation District) zoned land with less than 80 acres in the SE ¼ of NW ¼ Section 15, Township 14, Range 10W(Parcel # 47086157). Barb Wroblewski Attorney representing Linda Virene, personal representative of Bettie Mae Wegner Estate was in attendance to represent this request. Wroblewski stated that her client has applied for a Variance because they have an interested buyer in the property and they would like to build one house on it. Wroblewski stated that she feels that it will not adversely affect the area since the lot is large. She also stated that they are working on an agreement with a potential buyer of Government Lot 7 to the North and there will be an agreement filed with the deed stating that no further development will take place. Fred asked for testimony in favor and Opposition. Aaron Rubesh stated that he is opposed to developing this river front property. The A-3 regulations were designed to keep land owners from developing in the flood plain and if this is approved eventually every lot in Howard County along the river will be developed. He has seen this area flood many times due to ice jams and the elevation is low and he does not feel it would be wise to build a home on this parcel. With no further testimony the public hearing was closed. Discussion was had by the board. Terry Spilinek stated as a member of both the Variance Board and The Zoning Board he had the understanding that after BMW Estates Multi Lot Subdivision there would be no further development in this area. After much discussion by the board Terry Spilinek made a motion to approve the variance to build a home on a tract of land in the A-3 Zone with less than 80 acres. Fred Meyer seconded the motion. Motion denied with 3-2 Roll Call Vote. Gary Craig, Chad Donscheski and Fred Meyer voting Aye. Terry Spilinek and Janet Thomsen Voting Nay. Finding of Fact was completed and is attached.

A motion to Adjourn was made by Fred Meyer and seconded by Janet Thomsen.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING December 19, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of December, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul, NE.

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 6 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Chris Kosmicki, Dave Sack and Terry Spilinek. Ron Kulwicki, Ken Kozisek and Randy Kauk were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Preston Peterson, Jeff Turek, Lesley Dugan, Matt Geiser, and Nathan Timmons.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Daryl Anderson to approve the minutes of the October 17, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith stated that Prairie Hill Wireless has put their equipment on two existing towers. (1) is located on the cell tower along the Hall and Howard County line along Liberty road, since this is an existing tower, no permit is needed. (2) is a commercial antenna attached to the Village of Dannebrog's water tower which is located in the I-1 zoning district and it is a permitted use.

The first item on the agenda was to review regulations suggestions for Solar Energy. Administrator Klinginsmith stated that she has been to two zoning meetings with other Administrators and got suggestions from them. Nebraska state law requires Auto Shut off in the event of a power outage for alternative energy systems. Klinginsmith proposed requiring a permit if more than 25 kilowatts of Solar Energy would be produced. After much discussion the board asked Klinginsmith to do more research on how big of any area of solar panels would produce 25 kilowatts of solar energy and over what time frame. Discussion will be continued at our next meeting.

The next item on the agenda was condition Suggestions on Dugan's Feedlot in the SE ¼ Section 21, Township 16, Range 10. Attorney Preston Peterson was in attendance to represent Jeff and Shelia Turek neighboring land owners. Peterson addressed concerns of Turek's with the board. He stated that the feedlot was a ½ mile away from Turek's residence and now it is a ¼ mile away creating more dust, flies and odor causing a decrease in land value, and harming their health and wellbeing. He also stated that he was surprised that no additional permitting was required by the county for Dugan's to relocate and expand the feeding operation. Due to Howard County not requiring additional permitting Turek's did not have an opportunity to voice their opinions against Dugan's expansion. Peterson also asked the board what minimum standards the county has and what do they do to enforce them. After much discussion by the board they stated that they had a discussion regarding the relocation of Dugan's feedlot on January 20, 2016. At that meeting the board felt the update would be more environmentally friendly and Dugan's can continue with the process to become compliant with NDEQ. The boards reasoning for this was In 2008 when the Odor Footprint Maps were developed, Turek's house was inside the odor footprint as when the house was built in 2005, the zoning application stated the house was ¾ mile away, however it was less than a ½ mile away when construction was completed. Therefore the zoning board agreed that Dugan's can continue the expansion as it didn't bring any new homes into the odor footprint and Turek's was already within the odor footprint. The feedlot was classified as Class I and they are allowed to have 501-2,500 head of cattle.



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There will not be any additional permitting needed unless they wish to feed more than 2,500 head of cattle and change into the next class size of 2501-5000 head (class II), which would then require a Conditional Use Permit. They also stated that they do not feel there is any way to measure how much dust and odor is too much and they will not put any additional conditions on Dugan's feedlot because no other feedlots in Howard County have such conditions. They also feel that doing so would not be livestock friendly.

The next item on the agenda was manure application for land listed on NDEQ Nutrient Management Plans was discussed to clarify the regulations. Matt Geiser, with Settje Agri-Services was in attendance to discuss with the board.

Klinginsmith stated that Kurt Kroger was fined for not having an Administrative Conditional Use Permit to spread manure from Bunker Hill Feedlot and after speaking with Matt Geiser, he stated that he understood the regulations to say that your land had to be on a Commercial feedlot's nutrient management plan, not a specific one. Klinginsmith, also discussed with Travis Caspersen from Settje Agri-Services, and Travis also felt that our regulations state that all commercial feedlots are required to supply us their Nutrient Management Plan. Klinginsmith explained, for those commercial feedlots that do not have a NMP, we have the administrative conditional use permit in place. After much discussion the board stated that you can have your land listed on multiple nutrient management plans. If your land is not on the plan for the commercial feedlot you are getting manure from, then you are required to get an Administrative Conditional Use Permit. The zoning board agreed that Mr. Kroger is still required to pay the \$200 fine.

The final discussion was on the January reorganizational meeting. Administrator Klinginsmith informed the board that we are needing a new member for the Variance Board as of January 1, 2019. It would be nice if the new member has zoning knowledge, therefore Klinginsmith asked Dave Sack to think about possibly moving to the Variance Board or if anyone had other suggestions about who they might ask and to bring them to the January meeting.

At 8:15 p.m. Dave Sack made a motion to adjourn the meeting. Jeff Christensen seconded the motion. The next meeting is tentatively scheduled for January 16, 2019 at 7:00 p.m.

Nancy Usasz, Secretary