



# Howard Planning and Zoning Minutes



**MINUTES  
HOWARD COUNTY  
VARIANCE BOARD OF ADJUSTMENTS  
January 16, 2019**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 16<sup>th</sup> day of January 2019 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 4 members present: Terry Spilinek, Janet Thomsen, Chad Donscheski and Mile Nelson. Gary Craig was absent. Also present was 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 Terry Spilinek and seconded by Janet Thomsen to approve the minutes of the October 17, 2018 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board that Fred Meyer has resigned and she is in the process of looking for a replacement for the Howard County Commissioners to approve. Chairman Nelson asked Chad Donscheski if he would be willing to become a regular member of the Variance Board instead of the alternate and Chad agreed. Klinginsmith will look for a new member to act as the alternate on the Variance Board of Adjustments.

At 6:35 p.m. the election of officers was discussed. Terry Spilinek made a motion to elect Mike Nelson as Chairman and Janet Thomsen seconded the motion. The motion carried on unanimous voice vote. Terry Spilinek made a motion to elect Janet Thomsen as Vice-Chairman, Chad Donscheski seconded the motion. Janet Thomsen made a motion to elect Terry Spilinek. Motion ceased. Janet Thomsen was elected Vice Chairman with 3-1 voice vote. Terry Spilinek made a motion to elect Gary Craig as Secretary, Janet Thomsen seconded the motion. The motion carried on unanimous voice vote.

Terry Spilinek was appointed for another 3 year term.

With no further business to discuss Janet Thomsen made a motion to adjourn the meeting and Chad Donscheski seconded the motion. Motion carried unanimous voice vote.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



**MINUTES**  
**HOWARD COUNTY PLANNING & ZONING**  
**January 16, 2019**

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16<sup>th</sup> day of January, 2019 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, Jack Reimers, Daryl Anderson, Terry Spilinek, Randy Kauk and Kenneth Kozisek. 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 Tylor Robinson

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 19, 2018 meeting. The motion carried on unanimous voice vote.

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 7-0 voice vote. Daryl Anderson, Ken Kozisek and Jack Reimers were re-appointed for another three year term.

The next item on the agenda was Solar Energy Regulations this discussion is continued from the December 19, 2018 meeting. Klinginsmith stated that she has been in contact with Jeff Berggren with Gen Pro Energy Systems to get some questions answered regarding solar panels. One panel is 350 watts and approximately 3' x 5' or 15 square feet. Nebraska State Law, states anything over 25 kilowatts (kW), must be approved by the utility company prior to installation. Klinginsmith stated that Jeff Berggren is willing to come speak with the board and answer questions but he was not able to make the January meeting. Administrator Klinginsmith reviewed regulations from Hamilton County and the City of Hastings with the board. Hamilton County issues a zoning permit for anything less than 25 kW. Anything over 25 kW would require NPPD approval so Hamilton County would require a Conditional Use Permit. Hamilton County does not have anything in their regulations but they are reviewing them now. The City of Hastings allows solar panels on a roof, but they must have an easement from neighbors approving it. The board would like to visit with Jeff Berggren to answer more questions. Klinginsmith will ask him to attend the February 20, 2019 meeting.

The final discussion was regarding Multi Lot Subdivision Regulations. The Road Department has asked the Zoning Board to look into adding a restriction of only one entrance for Multi Lot Subdivisions. Administrator Klinginsmith asked the board if they felt it was necessary to amend the regulations to say that only one entrance is allowed in a multi lot subdivision. After a short discussion the board stated that they do not see a problem with more than one entrance but only one culvert will be provided by the county and any additional culverts would need to be covered at the owner's expense.

With no further discussion Jeff Christensen made a motion to adjourn the meeting and Jack Reimers seconded the motion. The next meeting is tentatively scheduled for February 20, 2019 at 7:00 p.m.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING February 20, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of March, 2019 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.

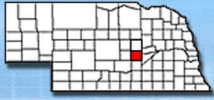
Roll call showed 5 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Ken Kozisek, and Terry Spilinek. Ron Kulwicki, Dave Sack, Chris Kosmicki and Randy Kauk were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Jeffrey Skinner, Bob & Jan Boehle, Joe Boehle, Lee Obermiller, and Tylor and Audrie Robinson.

The agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Ken Kozisek to approve the minutes of the January 16, 2019 meeting. The motion carried on unanimous voice vote.

Other Business: Klinginsmith needs to know by Thursday February 21, 2019, if any board members will be attending the NPZA conference on March 6<sup>th</sup>-8<sup>th</sup>.

Discussion was had on proposed solar energy regulations. Lee Obermiller from Howard Greeley Rural Power District was in attendance to answer questions and give opinions on the proposed regulations. Lee stated that they would like to see the twenty foot setback from power lines and poles. He also stated that customers must contact them and fill out an application to interconnect with the power company. Howard Greeley Rural Power District has 60 days to process the application and approve the interconnection of the generation facility to Howard Greeley Rural Public Power District's distribution lines. Their system. Administrator Klinginsmith stated that on our application we will require the applicant to have a letter of approval from Howard Greeley Rural Power District. Klinginsmith will be attending the NPZA conference in Kearney the first week of March and will bring any new information on Solar Energy to the board in March.

At 7:20 PM a public hearing was opened for Arrowhead Acres Multi-Lot subdivision in the S ½ of SW ¼ Section 30, Township 14, Range 9. Klinginsmith read the notice of public hearing. Tylor and Audrie Robinson were in attendance to represent this request. Tylor stated that he recently purchased 30 foot along the west side of the property to solve the issue he had with easements. The lots will be accessed by 8<sup>th</sup> avenue with no direct highway access. Tylor stated that he has talked to Lee with Howard Greeley Rural Power District and power will be brought in to service the lots. There was no opposing testimony. The public hearing was closed. Discussion was had by the board. Klinginsmith stated that currently the deed is not correct but with this subdivision it will be corrected. Tylor stated that Attorney Julie Gawrych is working on correcting the deed. Before the final public hearing they will need the driveways noted on the plat, covenants with septic plans and



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wells and the commissioners decision on the road whether it is abandoned, vacated or closed noted on the plat. Ken Kozisek made a motion to approve the Arrowhead Acres subdivision multi lot subdivision preliminary plat. Jeff Christensen seconded the motion. Motion carried 5-0 roll call vote. Finding of Fact was completed and is attached.

At 7:35 PM a public hearing was opened for that Verizon Wireless Communication Tower in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  Section 21, Township 13, Range 9. Klinginsmith read the notice of public hearing. Jeffrey Skinner was in attendance to represent this request. Jeff stated that this tower will service the St. Libory area and they plan to build a 135 foot monopole. The FAA has approved the tower and they do not require it to be lit so there will not be any lights on the top of the tower. There was no opposing testimony. The public hearing was closed and discussion was had by the board. Jeffrey Skinner stated that the company building the tower has reached out to US Cellular to see if they would be interested in co-locating their equipment on this tower. A motion was made by Jack Reimers to approve the Condition Use Permit for Horvath communications and Verizon Wireless to install a cell tower in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 21, Township 13, Range 9 and they must allow EMS access. Ken Kozisek seconded the motion. Motion carried 5-0 Roll call vote. Finding of Fact was completed and is attached.

With no further business Jeff Christensen made a motion to adjourn the meeting and Ken Kozisek Seconded the motion. Motion carried 5-0 voice vote. The next meeting is tentatively scheduled by March 20, 2019 at 8:00 PM.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING March 20, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of March, 2019 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, Terry Spilinek, Ron Kulwicki, Dave Sack and Chris Kosmicki. 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: Tylor and Audrie Robinson, Tim & Cindy Aitken, Kraig Beck, Martin & Cindy Petersen, Ellen Hatfield Nicholson and Paul & Marilyn Wilhelm.

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 February 20, 2019 meeting. The motion carried on unanimous voice vote.

At 8:05 PM a final public hearing was opened for Arrowhead Acres Multi-Lot subdivision in the S ½ of SW ¼ Section 30, Township 14N, Range 9W. Klinginsmith read the notice of public hearing. Tylor and Audrie Robinson were in attendance to represent this request. Tylor stated that they have made all of the requested changes to the plat from the preliminary hearing. The portion of Friend Road that neighbors this property will be closed by the Howard County Commissioners at the March 26, 2019 Commissioners meeting and will be maintained by the homeowners association. There was no testimony in favor or in opposition. The Public hearing was closed and discussion was had by the board. The final Plat and covenants were reviewed by the board. A motion was made by Dave Sack and seconded by Ron Kulwicki to approve Arrowhead Acres Multi Lot Subdivision in the SW ½ of the SW ¼ Section 30, Township 14N, Range 9W pending the closing of Friend Road. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:15 PM a Public Hearing was opened for the Administrative Replat of Lots 3, 5, 7, and 8 River Ridge Multi Lot Subdivision. Administrator Klinginsmith read the notice of public hearing. Tim Aitken was in attendance to represent this request. Aitken explained to the board that they are moving some lot lines making lot 3 smaller and lots 5, 7 and 8 a little bit larger. There was no testimony in favor or opposition. The public hearing was closed. Discussion was had by the board. After a short discussion Jeff Christensen made a motion to approve the Administrative Replat of River Ridge Subdivision lot 3, 5, 7, and 8 in Section 21, Township 13N and Range 11W. Chris Kosmicki seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:25 PM a public hearing was opened for a Conditional Use Permit to allow a guest house in the Line Shack Hill Subdivision located in the NE ¼ Section 15 Township 16 Range 12W. Administrator Klinginsmith read the



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notice of public hearing. Martin and Cynthia Petersen were in attendance to represent this request. Martin stated that he was in a couple years ago and spoke to Cherri about the possibility of a guest house on his 10 acre subdivision. At that time Cherri told him since it is a farming residence that would not be a problem. Cherri recommended a Conditional Use Permit so in the future if the land is sold this will stay in compliance with the Howard County Zoning Regulations. Martin stated that originally when they build the home on the property it was intended to be a cabin but since then they have decided to make it their permanent residence. Due to it being small they would like more space for when their children visit therefore they would like to build a guest house. The guest house will be tied into the well and sewer of the original house. Ellen Hatfield Nicholson and Kraig Beck stated that they have no problem with the request. There was no opposing testimony. The public hearing was closed and discussion was had by the board. After much discussion Daryl Anderson made a motion to approve a Conditional Use Permit for a guest house in the Line Shack Hill subdivision located in the NW  $\frac{1}{4}$  Section 15 Township 16N Range 12W. Ron Kulwicki seconded the motion. Motion carried 7-0 Roll Call Vote. Finding of fact was complete and is attached.

The final discussion was on Solar Energy Regulations. Cherri stated that Jeff Berggren with Gen Pro Energy Systems cannot be in attendance to visit with the board due to flooding. She also stated that she was hoping to learn more at the NACO conference but they only talked about Solar Farms. She gave the board a copy of regulations that she put together and asked them to review them and it will be discussed at the next meeting.

With no further business Chris Kosmicki made a motion to adjourn and Jeff Christensen seconded the motion. Motion carried 7-0 unanimous voice vote. The next meeting is tentatively scheduled for April 17, 2019 at 8:00 PM.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING April 17, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17<sup>th</sup> day of April, 2019 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.

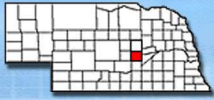
Roll call showed 8 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Terry Spilinek, Ron Kulwicki, Dave Sack, Chris Kosmicki and Ken Kozisek. Randy Kauk arrived at 8:10 p.m. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Jim Pillen and Dave Harrington.

The agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Ron Kulwicki to approve the minutes of March 20, 2019 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith informed the board that she met with the Howard County Commissioners on April 9, 2019 and informed them that Kurt Kroeger was still in noncompliance and has not paid the \$200 fine and applied for an Administrative Conditional Use Permit. The Commissioners instructed Klinginsmith to refer his case to the Howard County Attorney. Klinginsmith sent a certified letter to Kroeger informing that since this matter had not been taken care of she was turning it over to the Howard County Attorney. Kroeger called the office after receiving the letter and stated that he thought Settje Agri-Services was taking care of the fine and fees and since that was not the case he stopped into the office, paid the fine and applied for the proper permits.

Solar Energy was discussed briefly. Klinginsmith stated that Jeff Berggren was not able to make it to the meeting to talk with the board so she would like them to review the regulations she drafted and we will have more discussion at the May meeting.

Discussion regarding confinement operations with pit buildings was discussed. Dave Harrington was in attendance to discuss this with the board. Harrington stated that he would like the board to reconsider the extra setback for confinement operations with pit buildings. The technology has greatly improved over the years reducing odor. The barns Harrington is proposing will be a 100' x 200' total confinement with a deep pit under the building to hold a year's worth of waste. The barns would hold 2450 hogs weighing between 12-275 pounds and would be a class I Feedlot. The manure would then be annually knifed into the ground minimizing harsh odors. Jim Pillen stated that the odor is noticeable for about 48 hours where they turn around at the end of the field. After much discussion the board stated that they will review the regulations and have a public hearing at the May 15, 2019 meeting.



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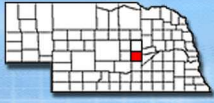


The next discussion was regarding a violation by Wolbach Foods in Howard County. Administrator Klinginsmith stated that back in May of 2018 Rick Fullner called and asked what is needed to run hog manure through an irrigation system. Klinginsmith told him that as long as the land is on their Nutrient Management Plan with Nebraska Department of Environmental Quality (NDEQ) no permit is needed but he will need permission from the Howard County Commissioners to bury pipe under the county roads. In April 2019 a concerned citizen called the Zoning Office inquiring about this procedure and wanted to know if they had a permit and wanted know why they couldn't do it. At that time Klinginsmith realized her error and asked Wolbach Foods to stop pumping until a permit was approved. Jim Pillen was in attendance to discuss this matter with the board. Pillen stated that they have spent about \$100,000 burring lines to pivot points to pump the liquid off their lagoons. Their intention is to be good neighbors and follow the regulations. They started the pumping process last fall and Klinginsmith did not have any complaints. Mr. Pillen confirmed with the board that the irrigation systems have check valves in place to insure that waste does not go back into the ground water and the process is monitored by NDEQ. The board agreed with Klinginsmith that even though she made an error we still need to properly complete the permitting process. Pillen stated that he will have Rick Fullner stop in to apply for the Conditional Use Permit to apply waste from a lagoon through an irrigation system.

With no further discussion Jeff Christensen made a motion to adjourn the meeting and Randy Kauk Seconded the motion. The next meeting is tentatively scheduled for May 15, 2019 at 8:00 p.m.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES

### HOWARD COUNTY PLANNING & ZONING

May 15, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15<sup>th</sup> day of May, 2019 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.

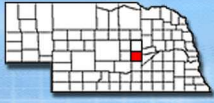
Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Terry Spilinek, Dave Sack, Ken Kozisek and Randy Kauk. Chris Kosmicki and Ron Kulwicki were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Jim Pirnie, Travis Hedman, Shawna Christensen, Tom Kasson, Erma Rasmussen, Dave Harrington, Rick Fullner, Mena & Dave Sprague, Don Jensen and George Jensen.

The agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Ken Kozisek to approve the minutes of April 17, 2019 meeting. The motion carried on unanimous voice vote.

Discussion was had regarding placing a temporary modular home on land that is below the base flood elevation requirements. Administrator Klinginsmith asked for the board's opinion on if they felt it would be ok to allow a temporary Double Wide home that does not meet BFE requirements with a Conditional Use Permit. The board did not see a problem with applicant applying for a Conditional Use Permit as long it is for a set period of time.

At 8:05 PM a Public Hearing was opened for Odell Single Lot Subdivision application by Theodore L. Kohtz. This subdivision is located in the N ½ of the NE ¼ Section 16 Township 13N Range 11W and will consist of 9.81 +/- acres. Administrator Klinginsmith stated that this subdivision is straight forward and will be the only residence in the quarter. There was no testimony in favor or opposition. The public hearing was closed. After a short discussion Jeff Christensen made a motion to approve the Odell single lot subdivision and Dave Sack seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:10 PM a public Hearing was opened for Rye Hill single lot subdivision application by Jeffrey L. and Shawna Christensen. This subdivision is located in the N ½ of the SW ¼ Section 16, Township 14N Range 10W and will consist of 15.56 +/- acres. Shawna Christensen was in attendance to represent this request. Shawna stated this is a pivot corner and they plan to sell it. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. Dave Sack made a motion to approve the Rye Hill Subdivisions and Jeff Christensen seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.



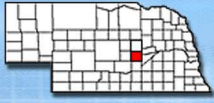
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At 8:15 PM a Public Hearing was opened for Kohtz Single Lot Subdivision application by Gerald L. and Lanell A. Kohtz. This subdivision is located in the NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Section 29, Township 14N, Range 11W and will consist of 4 +/- acres. Administrator Klingensmith stated that this would be the first nonfarm residence in the quarter as the other residence is attached to the farm. Currently there is two residences on the parcel and one of them will be removed. There was no testimony in favor or opposition. The public hearing was closed. The public hearing was closed and discussion was had by the board. Jeff Christensen made a motion to approve the Kohtz Subdivisions and Dave Sack seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:20 PM a Public Hearing was opened for a Conditional Use Permit (CUP) application by James D. Pillen, Partner of GGP, LLC and Edwin Fay Farm, LLC requesting to apply livestock waste from a concentrated pit building through an irrigation system on 460 acres located in the NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of Section 4, Township 16N, Range 10W in Howard County. Rick Fullner representative of Pillen Family Farms was in attendance to represent this request. Rick Stated that they would like to apply the liquid from the lagoons through a pivot to farm ground as fertilizer. Their intention is to follow DEQ regulations and stay in compliance as not to cause issues with the neighboring land owners. Chairman Spilinek asked for testimony in favor or opposition. Erma Rasmussen stated that she is opposed to this request. She feels that it would be spreading toxins into the atmosphere making this area a less desirable place to live. Mena Sprague stated that she is concerned that this will contaminate our drinking water. Dave Sprague questioned the regulations and who will enforce them. Rick stated that they follow strict guidelines from DEQ and they apply 2-3 inches a year and about 30 hundreds with each pass to prevent runoff. The pivot is disconnected from the well and there is no chance of the waste contaminating the drinking water. With no other testimony the public hearing was closed and discussion was had by the board. After much discussion a motion was made by Jeff Christensen to approve the conditional use permit by GGP, LLC and Edwin Kay Farms, LLC to apply liquid hog waste from lagoons through pivots on the NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of Section 4, Township 16N, Range 10W Howard County. Conditions added to application are 1. No corner systems on pivots 2. Will be regulated by NDEQ. Daryl Anderson Seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:30 PM a Public Hearing was opened for a Conditional Use Permit (CUP) application by James D. Pillen, Partner of GGP, LLC and CMNB, LLC requesting to apply livestock waste from a concentrated pit building through an irrigation system on 155 Acres located in the NW  $\frac{1}{4}$  of Section 5, Township 16N, Range 10W in Howard County. Rick Fullner also represented this request and answered questions. Chairman Spilinek asked for testimony in favor or opposition. George Jensen stated that he is not opposed to spreading liquid livestock waste through the pivot but he is concerned that is it right next to his house. He is asking for a  $\frac{1}{4}$  mile setback like what is required with livestock waste that comes from JBS Swift. With no further comments the public hearing was closed and discussion was had by the board. After much discussion Randy Kauk made a motion to approve the conditional use permit for CCP, LLC and CMNB, LLC to apply liquid hog waste from lagoons through pivots on the NW  $\frac{1}{4}$  of Section 5, Township 16N, Range 10W in Howard County. One of the conditions added to the application is: Pivots applying hog waste must stop applying  $\frac{1}{4}$  mile away from the residence



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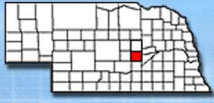
north and northwest of each tract. (Buffer map attached) Jeff Christensen seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:40 PM a Public Hearing was opened for a Conditional Use Permit (CUP) application by James D. Pillen, Partner of GGP, LLC requesting to apply livestock waste from a concentrated pit building through an irrigation system on 160 acres located in the SE  $\frac{1}{4}$  of Section 5, Township 16N, Range 10W and 15-20 acres in the NW  $\frac{1}{4}$  Section 8, Township 16N Range 10W in Howard County. Rick Fullner was present to answer questions. Chairman Spilinek asked for testimony in favor or opposition. With no public comment the public hearing was closed and discussion was had by the board. Jack Reimers made a motion to approve a conditional use permit by GGP, LLC in SE  $\frac{1}{4}$  of Section 5, Township 16N, Range 10W and the NE  $\frac{1}{4}$  Section 8, Township 16N Range 10W in Howard County to allow liquid hog waste to be applied through pivots. Dave Sack seconded the motion. No additional conditions were added to the application. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 8:50 PM a Public Hearing was opened to update the Howard County Zoning Regulations pertaining to Confinement Operations with Pit Buildings A-1, Conditional Uses, #6-A6. "Confinement operations with pit buildings with or without lagoons will multiply the setback distance for each class of open pen setbacks by 1.5." Administrator Klinginsmith stated that she has proposed removing the words "or without" from the second paragraph on page 91 of the Howard County Zoning Regulations. Chairman Spilinek asked for testimony in favor or opposition. Dave Harrington stated that he feels with today's technology the multiplied setback is no longer necessary and he is in favor of updating the regulations. With no further comment the public hearing was closed and discussion was had by the board. After much discussion Jeff Christensen made a motion to approve changing the minimum setback from confinement operations with pit buildings without an outside lagoon, to the same setback as those without pit buildings. To clarify: the only instance where the setback would be multiplied by 1.5 is those operations with pit buildings and lagoons. Dave Sack seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

At 9:00 PM a Public Hearing was opened on a rezone application by the Village of Elba. They are requesting to rezone part of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  Section 10, Township 15N, Range 11W from R-1 Residential District to C-S Highway Service District to allow for a, Ag business to buy and build on the lot. Administrator Klinginsmith stated that this follows our comprehensive plan. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. After a short discussion Dave Sack made a motion to approve the Village of Elba's Rezone Application to rezone part of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  Section 10, Township 15N, Range 11W in Howard County. Jeff Christensen Seconded the motion. Motion carried 7-0 roll call vote. Finding of fact was completed and is attached.

The next discussion was on the Marvin Welty Subdivision located in SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  Section 29, Township 13N, Range 11W. This subdivision was approved on April 18, 2012 and consists of 3.074 acres in the A-3 zoning district. Klinginsmith stated that this does not follow the Howard County Zoning Regulations, where in A-3 zone, a minimum lot area of 80 acres is required to build a residence. However when it was subdivided in 2012 it was clearly stated that he planned to build a residence on the property. After much discussion the board



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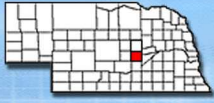
stated that the property is not in the flood plain and they recommend approving a zoning permit based on the approved subdivision and meeting minutes from April 18, 2012.

Discussion on Solar Energy Regulations will be tabled until the next meeting.

With no further business Jeff Christensen made a motion to adjourn the meeting. Daryl Anderson seconded the motion. The next meeting is tentatively scheduled for June 19, 2019 at 8:00 PM.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING June 19, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19<sup>th</sup> day of June, 2019 in the Assembly Room of the Howard County Courthouse, St. Paul NE.

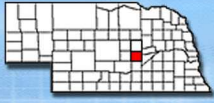
Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 5 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Terry Spilinek and Ken Kozisek. Chris Kosmicki, Randy Kauk, Dave Sack and Ron Kulwicki were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Jim Pirnie, Travis Hedman, Josh Watson and Connie Jacobson.

Old business was discussed. Administrator Klinginsmith informed the board that the Howard County Commissioners approved all three Conditional Use Permits for Wolbach Foods with the same condition the Zoning Board recommended. Klinginsmith stated that she reached out to Brian Varrella, a Certified Flood Plain Manager with Colorado to get advice on what to do with the House in the North Loup River. He did not have any advice on how to handle the situation, as we have more of an access challenge. He also stated to move away from a lateral migration zone. Basically to have more strict setbacks from rivers. Something we as a Zoning Commission can look into in the future.

At 8:05 PM a public hearing was opened for a Conditional Use Permit (CUP) application by Pirnie Farms, LLC. Requesting to place a mobile home in the flood plain and A-3 zone as temporary housing for three years in the SW  $\frac{1}{4}$  section 21 township 14 range 10W with 106 acres. Klinginsmith read the notice of meeting. Jim Pirnie and Travis Hedman were in attendance to represent this request. Jim stated that they have received a grant through Fish and Wildlife and the Nebraska Game and Parks. The agencies came in and removed trees and they are required to maintain the land. They would like to put a temporary double wide up so they have a place to stay when they are working to manage the land. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. The board asked about electricity water and sewer. Jim stated that the quote to get power out there was \$16,000 and they have not decided if they will run power or use a generator. There is currently a well to get water from and they do not plan to install a septic system. With no further discussion Jeff Christensen made a motion to approve the conditional use permit by Pirnie Farms, LLC to place a mobile home in the flood plain as temporary housing in the SW  $\frac{1}{4}$  section 21 township 14 range 10W for 3 years. Jack Reimers seconded the motion. Motion carried 5-0 Roll call vote. Finding of Fact was completed and is attached.

At 8:15 PM a public hearing was opened for a Conditional Use Permit (CUP) application by US Cellular to install a 135' monopole communications tower in the SE  $\frac{1}{4}$  section 3 township 13 range 11W. This Tower is located within the one mile jurisdiction of Dannebrog. Josh Watson was in attendance to represent this request. He stated that he is representing US Cellular on this project and they want to build this tower to improve service and bring 5G to the area. They have provided all the requested documentation for the project. Connie Jacobsen was in attendance and stated that she is in favor of this tower and she is hopeful that other companies will collocate to bring even better service to the area. There was not opposing testimony. The public hearing was closed and discussion was had by the board. Klinginsmith noted that the land owner will need to work with the Farwell Irrigation District to see if there is a place that



# Howard Planning and Zoning Minutes



he can transfer the .30 irrigated acre where the tower will be placed. After a short discussion a motion was made by Jack Reimers and Seconded by Jeff Christensen to approve a CUP allowing US Cellular to install a 135' Monopole Communications Tower in the SE ¼ section 3 township 13 range 11W. A finding of fact was completed and is attached.

Discussion was had on Solar Energy Regulations. Administrator Klinginsmith asked for the board's options on the proposed regulations. After much discussion they have a rough draft of regulations. Solar Energy Regulations will be a public hearing at the next meeting.

Discussion was had on manure application deadlines not met. Klinginsmith informed the board that we have an administrative conditional use permit that expired on June 18, 2019. The crops are planted and the manure has not been spread. After much discussion the board stated that due to weather related events they will allow a one-time extension with the \$50 fee. Before any more permits will be approved for this land owner this permit will need to be complete. If it is not completed before the deadline of December 18, 2019 a fine will be accessed.

Discussion was had on A-1 Regulations, Conditional Uses, Subpart a-2.

*2. No commercial feedlot shall be closer to a separate commercial feedlot than the distance requirements for their class, identified in the following table. (Pg. 90 Howard County Zoning Regulations)*

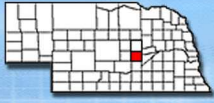
Administrator Klinginsmith wanted to clarify with the board that the regulation was intended to mean from edge of the commercial feedlots not the edge of the odor footprint. The Board agreed that it meant edge of the commercial feedlot to the next closest edge of a commercial feedlot.

The final discussion was regarding a request for a subdivision in A-3 section 36 township 15 range 10W. The land owner came into the office inquiring about subdividing the building site on a 42 acre lot and then the remaining land would be added to the adjoining land. This parcel is currently non-conforming and has been grandfathered in. The board agreed that since the parcel is currently non-conforming, an administrative subdivision could be done to subdivide the house and building site off as long as the remaining land would be combined with the adjacent land, as not to create two non-conforming parcels.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Jack Reimers seconded the motion.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING August 21, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21<sup>st</sup> day of August, 2019 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, Randy Kauk, Jack Reimers, Terry Spilinek and Ken Kozisek, Dave Sack, Chris Kosmicki. Ron Kulwicki and Jeff Christensen were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Jeff Berggren, Craig Dixson, Bill Dixson and Vivian Jensen.

The agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Daryl Anderson to approve the minutes of June 19, 2019 meeting. The motion carried on unanimous voice vote.

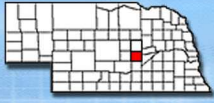
Old business was discussed. Administrator Klinginsmith informed the board that she will be doing a site visit to check on the progress of Kevin Lukasiewicz's feedlot. She informed the board that she has been receiving complaints from a neighbor about runoff and she stated that she explained to the neighbor that Lukasiewicz is not yet feeding cattle in that location and it is just due to excess rain.

At 8:05 PM a public hearing was opened to discuss the adoption of Solar Energy Regulation for Howard County. Klinginsmith read the notice of meeting. Jeff Berggren with Gen Pro Energy was in attendance to discuss why Solar is becoming so popular with the board. Jeff had a Power Point Presentation to share with the board explaining solar projects that have been completed in other towns such as, Central City, Aurora, Lexington, Hastings and Scotts Bluff.

At 8:15 PM a public hearing was opened to vacate Pine Meadows Lot 2 in the SE  $\frac{1}{4}$  of Section 33 Township 14 Range 10W. The Public hearing was put on hold to finish the Solar Energy Regulation Hearing.

Jeff explained that his company will work with cities or individuals to make sure that the Solar Energy System is the correct size for their usage. Administrator Klinginsmith wrote some regulations for the board to review. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and discussion was had by the board. They asked Jeff some questions regarding size and wattage. After much discussion Chris Kosmicki made a motion to approve the preliminary Solar Energy Regulations. Ken Kozisek seconded the motion. Motion Carried 7-0 Roll Call Vote. Finding of Fact was completed and is attached.

At 8:50 PM the public hearing to Vacate Lot 2 Pine Meadows Subdivision was continued. Klinginsmith read the notice of meeting. Vivian Jensen was in attendance to represent this request. She stated that she was misguided by her attorney. She intended to subdivide the property so her son could inherit it in the future. This was intended to be a non-buildable lot consisting of 20 acres. She later realized that she would be taxed as if it is a residential lot and that is not what she intends. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and discussion was had by the board. Administrator Klinginsmith stated, in the future, the plat will show the subdivision



# Howard Planning and Zoning Minutes



acres and list other parcels with 20+ acres as “not a part of subdivision” which would avoid the situation we are in having to vacate the 20+ acre lot. After a short discussion Ken Kozisek made a motion to approve Vacating Pine Meadows Subdivision Lot 2. Dave Sack seconded the motion. Motion Carried 7-0 Roll Call Vote. Finding of Fact was completed and is attached.

Next on the agenda was a discussion on Truck Wash out Material for land application. Bill Dixson and Craig Dixson were in attendance to discuss this with the board. Craig stated that he is building a truck wash out in Grand Island on Hwy 30 in the area of Wilson Trailer, Pump and Pantry and JBS Swift. Craig Stated that he has purchased a machine to press the water out of the waste from truck wash and load it into a side dump trailer and then apply to farm ground as organic matter. There will be little to no nutrients in the product due to the mass amount of water used to filter waste. Bill Dixson would like to stock pile this product until fall when crops are harvested. Craig is estimating about 1 load a day. The fields he plans to stock pile have highway access so it would not tear up county roads. Craig stated that if he is unable to hall a load due to weather the waste can go to the City of Grand Island Water Treatment Plant. After much discussion the board agreed that he needs to apply for a Conditional Use Permit.

A short discussion was had regarding allowing waivers for Administrative Conditional Use Permits so manure could be stock piled closer than  $\frac{1}{4}$  from a residence. After much discussion the board stated that they cannot make regulations for one situation so therefore they were not in favor of the idea.

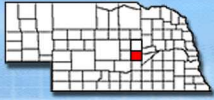
The next discussion was regarding a Compost Site in Hall County. Administrator KlinginSmith asked the board for thoughts on how to handle this if they want to bring the composted product to Howard County. The board agreed that if it is composted correctly it should not be an issue but we will revisit the issue if it comes up in the future.

The final discussion was regarding the Fee’s charged by the Zoning Office. KlinginSmith stated that in reviewing fee’s set by other Counties ours are in line for most of them. She stated that she feels that if we had stricter penalty people would remember to get permits. After much discussion they will recommend changing the fee for Delivery of Product without Proper Permit for Manure and Commercial Biodegradable Waste to \$200 for the first offence, \$400 for the second offence and after the 3<sup>rd</sup> offence they will no longer be allowed to apply on that land.

With no further business Daryl Anderson Made a motion to adjourn and Jack Reimers Seconded the motion. The next meeting will be tentatively scheduled for September 18, 2019 at 8:00 PM

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING September 18, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of September, 2019 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, Jack Reimers, Terry Spilinek, Ken Kozisek, Chris Kosmicki and Jeff Christensen. Ron Kulwicki, Randy Kauk and Dave Sack were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Niki Bader, Shayne Bader, Trev Sharman, Darlene & Ken Kunze, Kathy Hirschman, Jessie & Heather Urbanski, Ryan Hall, Paul Swanson, Chris Bragg, Bert McIntosh, Angie & Brad Cornelius, Larry Burhman, Mike Robinson, Craig Dixon, Bill Dixon and Elizabeth Dixon.

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 August 21, 2019 meeting. The motion carried on unanimous voice vote.

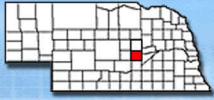
Old business was discussed. Administrator Klinginsmith stated that she has given each board member a copy of the updated fee sheet. She also informed the board that she did a site visit to Kevin Lukasiewicz's feedlot. He is still in the process of building but progress is being made. Kevin does not currently have cattle in the lots but Department of Environmental Energy, (DEE) was out to do an inspection and he has enough work done that he could bring some cattle in at any time.

At 8:05 pm a public hearing was opened for the final public hearing to adopt Solar Energy Regulations. The notice of meeting was read. Administrator Klinginsmith explained that she made the requested updates to the regulations and a copy was sent for their review prior to the meeting. She stated that basically we will not require a zoning permit for any free standing solar system with less than 25 KW. We will require a zoning permit for solar systems on structures if the outside profile of the structure is altered to add the panels. All systems will need to meet setbacks.

A Conditional Use Permit will be required for Solar Energy Systems located within a Multi-lot subdivisions or any system that will be over 25 KW which is Free Standing or attached to a structure.

A zoning permit will be required if located within the villages. Chairman Spilinek asked for testimony in favor or opposition. Bert McIntosh stated that he is in favor of Solar Energy but has a concern about Fire Codes. Klinginsmith stated that the Power District requires anyone installing solar to fill out an application. They also must follow the State of Nebraska Building codes. With no further testimony the public hearing was closed. Brief discussion was had by the board. Jeff Christensen made a motion to approve the Solar Energy Regulations as they are presented. Ken Kozisek seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and a copy is attached.

At 8:15 PM a public hearing was opened for a Conditional Use Permit renewal application by Kirk and Christine Bader to apply Commercial Biodegradable Material to 70 acres in the SE ¼ Section 29 Township 16 Range 9W in Howard County. Administrator Klinginsmith read the notice of meeting. Shayne Bader was in attendance to represent this request. He stated that he applied for the permit and did not get this land finished before it expired, therefore he would like to renew it. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and discussion was had by the board. After much discussion Chris Kosmicki made a motion to approve the Conditional



# Howard Planning and Zoning Minutes



Use Permit for Kirk & Christine Bader to apply Commercial Biodegradable Material to 70 acres in the SE ¼ Section 29 Township 16 Range 9W in Howard County with the condition that 1000 pounds of lime must be added to each load. This permit will expire on September 18, 2020. Jeff Christensen seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and a copy is attached.

At 8:25 pm a public hearing was opened for a Conditional Use Permit renewal application by Gary & Connie Bader to apply Commercial Biodegradable Material to 300 acres in the S ½ of Section 31, Township 15N, Range 9W and 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W in the Howard County, Nebraska. The notice was read by Klinginsmith. Shayne Bader also represented this request. Shayne Stated that this summer with all the rain this was the only location they could get to. They had stockpiled 60 loads at JBS Swift and they had to go somewhere with the product. He also could not get into the coal plant to get lime due to road conditions after all the summer rain. Chairman Spilinek asked for testimony in favor. There was none. Darlene & Ken Kunze, Jessie & Heather Urbanski, Ryan Hall, Paul Swanson and Chris Bragg were in attendance to share opposing testimony. Ryan Hall stated that they have been putting up with the smell for a year now. When he has had problems or concerns he has always called Gary and they fixed them immediately. Lately issues have not been corrected and he is tired of it. His wife is not able to hang laundry out to dry and his cows are covered in flies. They have already hauled around 100 loads of the product and he feels that enough is enough. Ryan stated he thinks the pasture the product has been applied to looks great and is helpful and was considering putting it on own pasture, but last month something changed, and wonders if they hauled a load that should have went to the landfill. Jessie Urbanski stated that the road is constantly being torn up and product is always on the road and getting on vehicles. The others shared concern of odor, damage to the road and increased presence of Coyotes and Vultures. Shayne stated that the lime really controls the odor and he thinks the problems are due to the absence of lime. Jessie Urbanski asked the board to consider denying the renewal of the 300 acres in the S ½ of Section 31, Township 15N, Range 9W and approving the 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W. This would give Shayne a place to go if rain prevents hauling to other locations. With no further testimony the public hearing was closed and discussion was had by the board. After much discussion Daryl Anderson made a motion to approve the Conditional Use Permit allowing Gary and Conning Bader to apply Commercial Biodegradable Material to ~~and~~ 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W in the Howard County, Nebraska with the condition that each load will contain 1000 pounds of lime. The 300 acres in the S ½ of Section 31, Township 15N, Range 9W will be denied. Jeff Christensen seconded the motion. Motion carried 6-0 roll call vote. . Finding of Fact was completed and a copy is attached.

At 8:25 PM a public hearing was opened for a Conditional Use Permit application by William (Bill) Dixson to stockpile and apply waste from the Central Nebraska Truck Wash in Grand Island on farm land located in Section 5 Township 13 Range 9W in Howard County. Administrator Klinginsmith read the notice of meeting. Craig Dixson owner of Central Nebraska Truck Wash was in attendance to represent the request along with Bill Dixon. Craig Dixon stated that this is a new truck wash and he has equipment to separate the solids from the liquid. The liquid would go to the City of Grand Island's sewer and the solids would be loaded into a truck and hopefully applied to farm land. He stated that they chose this location because it has highway access and county roads would not be damaged. Craig presented two samples the product as per the request at last month's meeting. The first came from a dairy in Yankton, South Dakota and the second came from a truck wash near Aurora. He entered the meeting with both samples displaying the product has little to, no odor. Chairman Spilinek asked for testimony in favor or opposition. Angie & Brad Cornelius, Larry Burhman and Mike Robinson all stated that they were against it. Angie Cornelius stated that it will blow right into her house and pool where her children play. Larry Burhman and Mike Robinson also stated that it will blow into their houses and would like him to test this near his feedlot. They all had concerns with odor after a rain and flies. With no further testimony the public



# Howard Planning and Zoning Minutes



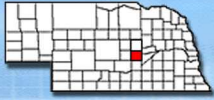
hearing was closed and discussion was had by the board. After much discussion Jeff Christensen made a motion to approve a Conditional Use Permit application for William Dixson to stockpile and apply waste from the Central Nebraska Truck Wash in Grand Island on farm land located in Section 5 Township 13 Range 9W in Howard County. Permit is Valid until May 1, 2020. Jack Reimers seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and a copy is attached.

The final discussion was regarding complaints received by Zoning Office. Klinginsmith stated that she received one complaint last week and reviewed it and the zoning board has copies tonight, and the Howard County Commissioners have also received copies. The rest she received the day before and did not have time to review them yet. The board agreed that Klinginsmith handled the complaint correctly.

With no further discussion the meeting was adjourned. The next meeting is tentatively scheduled for October 16, 2019 at 8:00 PM.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING October 16, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th day of October, 2019 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, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers and Terry Spilinek. Randy Kauk and Dave Sack were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Larry Spilinek, Heath & Sara Hadenfeldt, Bill Hadenfeldt and Tommy & Ashley Safarik.

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 September 18, 2019 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith stated that the Howard County Commissioners tabled Bill Dixon's Conditional Use Permit and asked him to get a product analysis after the truck wash is open for business.

At 8:05 pm a public hearing was opened for a Single Lot Subdivision application by Ellen Spilinek. This subdivision is located in the NE ¼ of Section 12 Township 15N Range 11W and will be named Star Ranch Subdivision. The notice of public hearing was read. Larry Spilinek was in attendance to represent the request. He stated that they would like to subdivide 3 acres for his daughter and son-in-law to build a house. There was no testimony in favor or opposition. The Public hearing was closed and discussion was had by the board. After a short discussion Ken Kozisek made a motion to approve the single lot subdivision application. Jeff Christensen seconded the motion. Motion carried 6-0 roll call vote. Terry Spilinek Abstained. Finding of fact was completed and a copy is attached.

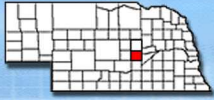
Discussion was had on Farm Feedlots. Heath Hadenfeldt was in attendance to seek clarity on the definition of a farm feedlot. He currently has a cow/calf operation but occasionally has feeder calves. According to the regulations he needs to have the feeder calves more than 6 months out of every year to be classified as a farm feedlot. He is concerned about his current practices with a new residence. The board advised him to get a waiver from his neighbor and he shouldn't have any problems.

The final discussion was regarding complaints the zoning office received against Shayne Bader. Administrator Kilinginsmith stated that the concerns were addressed at the September 18, 2019 meeting when the Conditional Use Permit was denied.

With no further discussion Jack Reimers made a motion to adjourn. Ken Kozisek seconded the motion. Motion carried 7-0 Voice Vote. The next meeting is tentatively scheduled for November 20, 2019 at 7:00 PM

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING November 20, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of November, 2019 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, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Dave Sack and Terry Spilinek. Randy Kauk, Jeff Christensen and Jack Reimers were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Rochelle Stepanek and Mena Sprague.

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 October 16, 2019 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith informed the board that the Howard County Commissioners have not yet approved the Conditional Use Permit for Bill Dixson. They are waiting for the Truck Wash to be up and running to get a product analysis.

Discussion was had on a setback request by Phyllis Stepanek. Rochelle Stepanek was in attendance to represent this request. Administrator Klinginsmith stated that she has denied a Zoning Permit for Phyllis to build an 8' x 22' awning addition on her house. She stated that the house sits 47' from the property line so this will not meet the setback by 6'. After much discussion Dave Sack made a motion to approve the awning addition to Phyllis Stepanek's house. Motion Denied with 0-6 Roll Call Vote. Stepanek will apply for a Variance.

Administrator Klinginsmith informed the board that the Howard County Commissioners approved the Solar Energy Regulations with a few changes. See Below:

### **Pg. 72**

**Solar Energy; small free standing:** a single free standing structure of ~~over 144 square feet~~ **25 KW or less**, no permit needed. ~~and cannot be hooked into local utilities.~~

### **Pg. 266**

#### **Solar Energy Installation.**

##### **1. Free Standing**

In all districts a Conditional Use Permit may be granted to allow solar energy conversion systems ~~of over 144 square feet~~ **larger than 25 KW** that are of freestanding structure; subject to the regulations established in this section.

#### **Types of Solar Energy Systems & Requirements:**

##### **1. Small Freestanding Solar Energy System:**



# Howard Planning and Zoning Minutes



A solar energy system which is built as a freestanding structure and is ~~less than 12 feet x 12 feet or 144 square feet~~ **25KW or less** will not need a conditional use permit.

With no further discussion Dave Sack made a motion to adjourn and Ron Kulwicki seconded the motion. The next meeting is tentatively scheduled for January 15, 2020.

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Nancy Usasz, Secretary