



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENTS
January 15, 2020**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 15th day of January 2020 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 6:30 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office.

Roll call showed 5 members present: Terry Spilinek, Janet Thomsen, Chad Donscheski, Mile Nelson and Gary Craig. Glen Killion was absent. Also present was Cherri Klinginsmith, Howard County Zoning Administrator and Nancy Usasz, Secretary. Members of the Public included Rochelle Stepanek and Phyllis Stepanek.

The agenda and minutes were emailed and mailed 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 January 16, 2019 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board that Glen Killion has agreed to be the alternate on the Variance Board of Adjustments. Due to a scheduling conflict meetings will start at 7:00 PM from November through February and 7:30 PM from March through October during Daylight Savings Time. Klinginsmith also informed the board of the NPZA conference March 4-6, 2020 in Kearney.

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

Mike Nelson was appointed for another three year term. Glen Killion was accepted on to the board for a three year term.

At 6:40 PM a Public Hearing was opened for a setback request in the NE ¼ Section 35, Township 16 Range 10W. Phyllis and Rochelle Stepanek were in attendance to represent this request. Stepanek stated that they would like to build an awning in the front of the house but it does not meet the setback by 6 feet. Currently there is a concrete slab that is 8' x 22' and the awning would be no larger than the current concrete. Chairman Mike Nelson asked for testimony in favor or opposition. Ron Kulwicky stated that he did not see any problem with it. The road is not well traveled and it is flat. So there would be no sight issues. With no further testimony the public hearing was closed. Discussion was had by the board. After a short discussion Janet Thomsen made a motion to approve this setback request and Chad Donscheski seconded the motion. Motion carried 5-0 Roll Call Vote. Finding of Fact was completed and is attached.

With no further business the meeting was adjourned.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING AND ZONING JANUARY 15, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 15th day of January, 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 7:00 PM. Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 9 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Carl Dugan, Travis Hedman, Gerald Reimers, Debra Reimers and Tim Eriksen.

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 November 21, 2019 meeting. Motion carried 9-0 Roll Call vote.

At 7:05 PM Election of officers was discussed. Ken Kozisek made a motion to keep the officers the same as last year. Dave Sack seconded the motion. Motion carried with Unanimous voice vote. The Officers are: Terry Spilinek-Chairman, Jack Reimers- Vice Chairman and Daryl Anderson- Secretary. Randy Kauk, Ron Kulwicki and Terry Spilinek were appointed for another 3 year term.

Klinginsmith informed the board of the NPZA conference March 4-6, 2020 in Kearney.

At 7:10 PM a public hearing was opened for a Conditional Use Permit Application by Branch Communications and Eriksen Family Revocable Trust, in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 20, Township 13, Range 12. Administrator Klinginsmith read the published notice of meeting. Carl Dugan was in attendance to represent Branch Communications on this request. Dugan stated that US Cellular would like to provide better Coverage to the Boelus and Highway 58 area with the installation of a 190' monopole tower. He has provided the required information for the board to review. Chairman Spilinek asked for testimony in favor or opposition. Gerald Reimers stated that he is not opposed to the tower because he would like to see better cell coverage in the area but he is concerned the tower would produce noise or interfere with the radio in his shop. Mr. Dugan stated that the tower would be operating on different frequencies so that should not be an issue. Klinginsmith stated that she recently drove to three different towers in the county and she did not notice any noise. With no further testimony the public hearing was closed. Discussion was had by the board. Chris Kosmicki made a motion to approve the Condition Use Permit for Eriksen Family Revocable trust and Branch Communications to erect a cell tower in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 20, Township 13, Range 12. Contingent on approval of the FAA. Ken Kozisek seconded the motion. Motion carried 9-0 Roll Call Vote. Finding of Fact was completed and is attached.

Discussion was had on a 2.05 acre lot in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 7 Township 14 Range 9. This tract is split off from the rest of the quarter by 12th Avenue. Lauren Scarborough recently purchased the property and inquired about selling it as a buildable lot in the future. After much discussion the board stated that Mr. Scarborough would need to request a variance and have approval from the Department of Environmental Equality (DEE) for a septic system and well on a 2 acre lot. With an approved Variance and approval of the DEE and a Conditional Use Permit for the Nuisance Easement Waiver to build within an odor footprint Administrator Klinginsmith would be able to approve a zoning permit for a residence on this property.

Administrator Klinginsmith discussed adding a Decommissioning statement to the Solar Energy Regulations with the board. She stated that she has been to more meetings where they have discussed Solar Energy Regulations and it is



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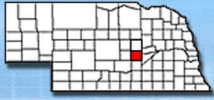


recommended that a Decommissioning statement be in the regulations. In the event that a solar company would go out of business they would be required to clean up the land and return it to its original state. After a short discussion the board agreed and it will be held as a Public Hearing at the next meeting.

Travis Headman was in attendance to discuss property access with the board. He recently purchased a quarter in Section 20, Township 14, Range 10 and would like to build a residence in the North East Corner outside of the Floodplain but access is an issue. He has contacted the neighboring land owners to discuss an access easement. He would like to start building in March and he would not be able to get the easement finalized until May. The board stated that Klingensmith can issue a zoning permit because he has access to the property he just needs to keep in mind that he should be happy with his access before spending the money to build a residence.

With no further business the meeting was adjourned.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING AND ZONING February 19, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 19th day of February, 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 7:09 PM when quorum was met. Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 5 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Jack Reimers, and Terry Spilinek. Randy Kauk, Chris Kosmicki, Ron Kulwicki and Dave Sack were absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Marcia Ward, Bob Bogus and Niki & Shayne Bader.

The Agenda and Minutes were mailed to the board members prior to the meeting. A motion was made by Jeff Christensen and seconded by Jack Reimers to approve the minutes of the January 15, 2020 meeting. Motion carried 5-0 voice vote.

Other Business: Klinginsmith asked the board if they would like her to pursue changing the zoning district within a half a mile of all highways in Howard County. This would include Highway 281 North of St. Paul and Highway 92 East & West. The board will think about it and we will discuss it again in the future. Klinginsmith informed the board of a survey they can complete regarding "Manure: Waste or resource" at <https://cropwatch.unl.edu/2020/manure-waste-or-valuable-agricultural-resource>. NPZA conference is being held in Kearney on March 4-6. We will have 2 members attending. Janet Thomsen and Ron Kulwicki for one day only. If you plan to attend let Cherri know by next week.

At 7:14 PM a Preliminary Public Hearing was opened to discuss an update to the Solar Energy Regulations. Klinginsmith read the notice of meeting. Hearing was put on hold to open the next public hearing.

At 7:15 PM a public Hearing was opened for a single lot subdivision application by Suzanne K. Kuszak in the SW ¼ of Section 7, Township 13N, Range 10W in Howard County.

Discussion continued for the Preliminary Public Hearing on the Solar Energy Regulations Update. Administrator Klinginsmith presented a Decommissioning statement to the board that she would like to add to the regulations. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed. Discussion was had by the board. After a short discussion to correct some wording in the Decommissioning Statement, a motion was made by Ken Kozisek to approve moving forward to a final hearing. Jeff Christensen seconded the motion. Motion carried 5-0 roll call vote. A finding of fact was completed and it is attached.

Discussion continued for the Single Lot Subdivision application. Marcia Ward was in attendance to represent the request. Klinginsmith stated that this is a 3 acre lot with a building. It is in the flood plain so therefore a residence would not be allowed to be built. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. After a short discussion Jeff Christensen made a motion to approve the Single Lot Subdivision application by Susanne K. Kuszak in the SW ¼ of Section 7, Township 13N, Range 10W in Howard County and to be named JK's Hideout.

Jack Reimers seconded the motion. Motion Carried 5-0 roll call vote. A finding of fact was completed and is attached.

Discussion was had on a violation of Conditional Use Permit 2017-6. The Zoning Office received a verbal complaint of activity in the S ½ of Section 31, Township 15N, Range 9W. Mr. Bader was given until October 24, 2019 to clean up and spread the existing stock pile of Commercial Biodegradable Waste. He did not meet that deadline so he was charged \$400 for being out of compliance and Klinginsmith will allow them to finish spreading the existing stockpile. They are not



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hauling it on any County Roads. It is being hauled through their pasture to be spread in the SE ¼ Section 32, Township 15N, Range 9W. They were 75% completed at the time of the visit. They will complete it as soon as weather will allow. The board agreed with Klinginsmith that the existing pile needs to be cleaned up and spread as soon as weather will allow.

The final discussion was regarding a second renewal of Administrative Commercial Biodegradable Waste Permit 2018-11. Shayne stated that with the weather in 2019 they were not able to get as much waste hauled as they planned and they applied for too much land at one time. They would like to renew this permit so they can stay in compliance. There is an existing stock pile that will need to be spread and if weather allows they will haul more in. After much discussion the board agreed that the permit can be renewed for another 6 months. There are no residences within ¼ mile of the site. Note: Shayne Bader's contract with JBS expires March 15, 2020.

With no further business to discuss Daryl Anderson made a motion to adjourn the meeting. Ken Kozisek seconded the motion. Motion carried 5-0 voice vote.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING March 18, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of March, 2020 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, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk, and Jeff Christensen. Those absent were: Dave Sack, Ron Kulwicki and Chris Kosmicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Judy Nesiba, Rose Kowalski, Cheri Kowalski, Jesse Hurt, Jaden Hurt, Niki & Shayne Bader, Ashley Ambrose, Brad Kool, Eric & Kimberly Hostetler. Public entered individually as their agenda item started due to the COVID-19 Virus.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Daryl Anderson and seconded by Jack Reimers to approve the minutes of the February 19, 2020 meeting. The motion carried on unanimous voice vote.

Old business: Administrator Klinginsmith congratulated the Zoning Board on receiving the 2020 NPZA Appointed Officials Award and informed them that she also received the 2020 NPZA Professional Officials Award at this year's annual conference.

Administrator Klinginsmith led the discussion on residences in a quarter section and our regulations to allow additional residences. Confirmation given that if purchasing land with over 20 acres, they are considered a farming residence and would be allowed to build. We will be discussing this issue again in the future.

At 8:05 P.M. The Public Hearing on a review of a previously approved Conditional Use Permit application by Milton Nesiba was opened. At 8:25 p.m. Judy Nesiba introduced herself and stated she is living in the travel trailer as her husband is still in Saudi Arabia, their intentions are to build on the farm, but at this point they are not sure of the timeframe of when they can move to the farm and build. She requested the CUP to be extended for another 5 years. They have bought the property from Milton Nesiba, so that is one change that has taken place. Rose & Cheri Kowalski spoke in approval of the request. There was no testimony in opposition. The public hearing was closed and discussion by the zoning board, included that the property which the trailer sits on could not be rented out and would be made void if the Nesiba's move. Randy Kauk made a motion to approve the renewal of 2018-1 CUP by Milton Nesiba lots 10 & 11 Block 1 Village of Farwell to park a camper trailer on the premises. Permit will be good for 5 years, and cannot be rented out as well as will be void if the present owners move off the property. Kenneth Kozisek 2nd the motion. Motion carried 6-0 roll call vote. A finding of fact was completed (copy attached).



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At 8:15 P.M. The Public Hearing on an update to the Howard County Zoning Regulations regarding a Decommissioning Plan was opened. At 8:35 P.M. Administrator Klinginsmith led the discussion with the decommissioning statement to be added to the Solar Energy Regulations. Rose Kowalski spoke in approval of the change in regulation. There was no testimony in opposition. The Public Hearing was closed. A motion was made by Jeff Christensen and seconded by Jack Reimers to approve amending the regulations with the following Solar Energy Decommissioning statement.

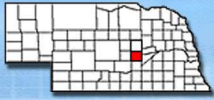
A decommissioning plan shall be required to ensure the facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available for fully decommissioning the site. Howard County reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

The Motion carried 6-0 roll call vote. A finding of fact was completed (copy attached).

At 8:40 P.M. Administrator Klinginsmith led a discussion on the Friends of Paplin, a 501c3 charitable group looking to restore the Paplin Church, Hall and parking area. Rose Kowalski, Cheri Kowalski, Jesse Hurt, and Jaden Hurt shared some insight as to what they are wanting to do. Currently the land is owned by the Grand Island Diocese and they would like to purchase the west half of approximately 8 acres so the fundraising they are doing will be their own and not shared with Grand Island. They are also asking for the County Commissioners to authorize the 1 acre piece owned by county to be quick claimed to them also. After much discussion, a motion was made by Jeff Christensen and seconded by Jack Reimers to allow the zoning administrator to approve the subdivision for the Friends of Paplin administratively and waive the fees. The Motion carried 6-0 with a roll call vote.

At 8:50 P.M. A discussion regarding a Conditional Use Permit, 2018-3 for a compost site in the E ½ of SE ¼ of Section 4-15-10 is soon to expire on June 1, 2020. Niki & Shayne Bader were present to answer any questions. They explained that JBS's contract with them expired last Friday, March 13th, however JBS is asking that they continue to haul waste out through July 1st or possibly September 1, 2020 until JBS can get started with the Grand Island Compost site. They are asking for an extension to continue to haul to this site weather permitting. They are also requesting to continue with the Administrative Commercial Biodegradable waste applications. After discussions, a motion was made by Jeff Christensen and seconded by Kenneth Kozisek to allow Conditional Use Permit 2018-3 A Compost site an extension thru December 31, 2020 with following all the guidelines currently in place. The Motion carried 6-0, with a roll call vote.

At 9:00 P.M. A discussion with Ashly Ambrose was held regarding her requesting to purchase an additional 11 acre parcel which borders her land. She is unable to vacate her B & G Subdivision and connect the two parcels due to the mortgage company will not allow her to refinance with the same rates as she has now. She has no plans of building on the new land. After discussion by the zoning board, a motion was made by Jeff Christensen



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and seconded by Jack Reimers to approve B & G Subdivision, Ashley Ambrose to add 11 acre subdivision to the existing subdivision. The added acres will be non-buildable for a residence on the 11 acres. The motion carried 6-0, with a roll call vote.

At 9:20 P.M. Administrator Klinginsmith led the discussion on Eric Hostetler requesting to subdivide in A-3. In the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 22-13-11, Eric has 13 acres with a seasonal cabin built in 2000, prior to our A-3 zone and floodplain regulations being adopted. He is wondering if he can sell the seasonal cabin in the SE $\frac{1}{4}$ along with the NE corner of Section 27-13-11 for a total of maybe 6 acres and be able to tell the new owners they can build a house there. After discussion it was confirmed that if he owns the subdivision with adjacent land of 80 acres a house could be built with meeting floodplain regulations. However, if he sells the 3-6 acres to a new owner, then it must remain a seasonal cabin. An option is available for a variance to be requested, but the zoning board did not give a recommendation that a variance would pass.

At 9:35 P.M. Administrator Klinginsmith informed the board that Ben Adams, located at N $\frac{1}{2}$ Lot 5 & 6, Block 10 Seehusen's Addition in Dannebrog wanted to build a garage on his property in Dannebrog but is not meeting the village setbacks. He was given a zoning permit application and took it to the Dannebrog village meeting of March 9, 2020. The village of Dannebrog made a motion to allow a variance on setbacks for the garage. Therefore I will be approving his zoning application if floodplain permit is approved by Terry Webb, Dannebrog Floodplain manager.

At 9:50 P.M. Administrator Klinginsmith reviewed the By-Laws of the Howard County Planning Commission, the following updates were reviewed.

Article III, Section 1. Last sentence. The Commission shall hold at least one regular meeting each month was changed to The Commission shall hold at least one regular meeting each calendar quarter. And

Article VI. Employees, changed to Staff

Section 1. The Commission may employ a Clerk to assist the secretary in the performance of his/her duties, changed to The Commission may employ a zoning administrator to assist the secretary in the performance of his/her duties. A Motion was made by Jeff Christensen and seconded by Jack Reimers to approve the By-Laws updates as presented. The Motion carried 6-0, with a roll call vote.

At 10:10 P.M. a motion was made by Jeff Christensen and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be tentatively scheduled for April 15, 2020.

Cherri Klinginsmith



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MINUTES

HOWARD COUNTY PLANNING & ZONING

May 20, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th of May, 2020. Due to COVID-19 this meeting was held virtually by Zoom.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act was recognized. 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: Jeff Christensen, Chris Kosmicki, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Daryl Anderson was having technical issues and arrived late. Those absent were: Randy Kauk and Ken Kozisek. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Nancy Usasz Planning & Zoning Secretary. Members of the public included: Kimberly Hostetler, Ashley Ambrose, Brad Kool and Tim Puscher.

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 the March 18, 2020 meeting. The motion carried on unanimous voice vote

At 8:05 P.M. a Public Hearing was opened for Naper Estate Subdivision. This is a non-residential single-lot subdivision located in the SE ¼ Section 22, Township 13N, Range 11W and the NE ¼ Section 27, Township 13N, Range 11W. Kimberly Hostetler was on the phone to represent this request. Chairman Spilinek asked for Testimony in favor or in opposition. There was none. The Public hearing was closed and a short discussion was had by the board. Administrator Klinginsmith stated that in order for the Subdivision to be buildable they would need to ask the Road Department and the Howard County Commissioners to improve the road. With no further discussion a motion was made by Jack Reimers and seconded by Dave Sack to approve the Naper Estates Subdivision, a non-residential single-lot subdivision located in the SE ¼ Section 22, Township 13N, Range 11W and the NE ¼ Section 27, Township 13N, Range 11W. Motion carried 6-0 Roll Call Vote. A Finding of Fact was completed and is attached.

At 8:15 P.M. a Public Hearing was opened for B & G 2nd Subdivision. This is a non-buildable Single-lot Subdivision located in the E ½ of the NE ¼ of Section 24 Township 13N, Range 12W. Ashley Ambrose and Ben Kool were on the Zoom meeting to represent the request. Ashley stated that she would like to purchase 11.36 +/- acres from Panowicz Family Farms LLC and that there is a canal that separates the property and the Panowicz Family does not have access unless they go through her property. She intends to use the property for pasture and does not have any intentions of building a residence. 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 a short discussion Ron Kulwicki made a motion to approve B & G 2nd Subdivision. A non-residential single lot subdivision consisting of 11.36 +/- acres located in the E ½ of the NE ¼ of Section 24 Township 13N, Range 12W. Dave Sack Seconded the motion. Motion Carried 6-0 roll call vote. A Finding of Fact was completed and is attached.



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Next a discussion was had regarding BMW Estates Multi-Lot Subdivision. Administrator Klinginsmith stated that she has received a request to build a house on Out Lot A. This lot was not part of the engineering study submitted with the Subdivision. Administrator Klinginsmith stated that she received a study to include this lot and bringing in fill dirt will not cause more than a one (1) foot of rise. She has given them a Flood Plain Development Permit to bring in fill dirt and after they fill in dirt they will need to apply for a LOMR-F. If that is approved then she will be able to issue a Zoning Permit.

Administrator explained that as floodplain manager, she will now require anyone building in the floodplain to apply for a LOMR-F if their site is below the 1' above the BFE (base flood elevation). This will ensure the site is reasonably safe from flooding and a LOMR-F removes the site from the floodplain.

Daryl Anderson Joined the Meeting at 8:40 P.M.

The next discussion was regarding a Conditional Use Permit application by Tim Puscher for a guest house in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 13, Range 9. Tim was on the phone to answer any questions the board had. After much discussion Ron Kulwicki made a motion to approve the Conditional Use Permit to be approved administratively with the following conditions: it will be seasonal, not rented out, water will be connected with the main house. Septic will be separate and installed by a licensed plumber. Dave Sack seconded the motion. Motion Carried 7-0 Roll Call Vote. Finding of Fact was completed and is attached.

The final discussion was regarding a request for an Auto Dealership License on A-1 Zone Land not meeting a home occupation business definition. Administrator Klinginsmith stated that two neighbors would like to have an Auto Dealership and they have formed a LLC. After much discussion the board stated that it would be best for them to apply for a Conditional Use Permit and then proceed. There was no action taken by the board.

With no further business Chris Kosmicki made a motion to adjourn and Dave Sack seconded the motion.

Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING AND ZONING June 17, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 17th day of June, 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:00 PM. Administrator Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 6 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk and Chris Kosmicki. Ron Kulwicki, Jeff Christensen and Dave Sack were absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Josh Dalland, Lynette Marshall, Jack McMillon and Tim & Penny Putscher.

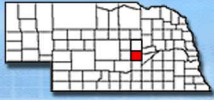
The Agenda and Minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes of the May 20, 2020 meeting. Motion carried 6-0 voice vote.

Administrator Klinginsmith informed the board that she will be adding an agenda line for Administrator/Board Comments. This way if there is any other discussion they can discuss it although no decision would be made.

At 8:05 pm a public hearing was opened for a Condition Use Permit Application by Timothy and Penny Putscher for a guest house in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 21, Township 13N, Range 9W. The notice was read. Tim and Penny were in attendance to represent the request. This Conditional Use Permit has been previously approved but Tim and Penny would like to add that they may care for their elderly parents even if it will be occupied more than 6 months of the calendar year to the conditions. Tim stated that they have no intentions of renting or selling this new building. They would like to utilize it for family gatherings and social events. The living space would be used by out of town guests that come to their gatherings. Tim also stated that in the future if their parents needed to be cared for they would like to have them stay there but it might be for more than 6 months. Chairman Spilinek asked for testimony in favor or opposition. Jack McMillon stated that there is already 2 residences on the property. Tim stated that the other one is his office. With no further testimony the public hearing was closed and discussion was had by the board. After a short discussion a motion was made by Jack Reimers and seconded by Daryl Anderson to approve a Conditional use Permit for a seasonal guest house in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 21, Township 13N, Range 9W. This house will be also used as living quarters for their elderly parents, should they require additional care. Motion carried 6-0 roll call vote. Finding of fact was completed and is attached.

The next discussion was regarding a third residence in a quarter section. In the NW $\frac{1}{4}$ of Section 35, Township 14N, Range 10W there are currently two residences with 20 or more acres each. Lynette Marshal stated that she would like to sell 5 acres to her nephew to build a house. After much discussion and review of the Howard County Zoning Regulations the board stated that is she applies for a Single Lot Subdivision with no more than 5 acres it would be allowed to build a residence. It was also discussed that the residence might be within Allan Lessig's Farm Odor Footprint depending where they place the structure. Administrator Klinginsmith stated that if they choose to build within the odor footprint they will need to complete a Conditional Use Permit for a Nuisance Easement Waiver.

With no further business to discuss a motion was made by Jack Reimers and seconded by Daryl Anderson to adjourn the meeting. The next meeting is tentatively scheduled for July 15, 2020 at 8:00 p.m.



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Nancy Usasz, Secretary



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MINUTES HOWARD COUNTY PLANNING AND ZONING July 15, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 15th day of July, 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:00 PM. Administrator Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 8 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk and Chris Kosmicki, Ron Kulwicki and Jeff Christensen. Dave Sack was absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Lesley Dugan, Alan Griebel, Dean Thede, Jay Petersen, Steve Glen, Annette Glen, Jackie Marks, Nathan Timmons, Chris Kreikemeier, Madeline Roth, Gregory Roach, Tamara Roth and Tanya Meyer.

The Agenda and Minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes of the June 17, 2020 meeting. Motion carried 8-0 voice vote.

There was no old business.

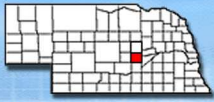
Administrator/Board Comments: Klinginsmith stated that she is working on updating the Flood Plain regulations and Setbacks for Landfills. This will be discussed at a future meeting.

At 8:05 PM a Public Hearing was opened for a single lot subdivision by Dustin and Leslie Dugan located in the SE $\frac{1}{4}$ Section 21, Township 16, Range 10W. This subdivision will be named Dugan Acres. Lesley was in attendance to represent this request. She stated that this subdivision is strictly for finance purposes and they have no intention of selling either properties. 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 a single lot subdivision for Dustin and Lesley Dugan located in the SE $\frac{1}{4}$ Section 21, Township 16, Range 10W. Jeff Christensen seconded the motion. Motion carried 8-0 roll call vote. A finding of fact was completed and is attached.

At 8:15 PM a public hearing was opened for a Condition Use Permit Application by Dustin and Lesley Dugan, requesting a Nuisance Easement in the SE $\frac{1}{4}$ Section 21, Township 16, Range 10W. Lesley represented the request. She stated that this is just a formality and they have no intension of selling either the feedlot or the subdivision. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. Jack Reimers made a motion to approve the Conditional Use Permit Application for a Nuisance Easement in the SE $\frac{1}{4}$ Section 21, Township 16, Range 10W. Chris Kosmicki Seconded the Motion. Motion carried with 8-0 roll call vote. Finding of Fact was completed and is attached.

Discussion was had on Feedlot numbers in Howard County. Administrator Klinginsmith stated that she had a complaint against Bunker Hill Cattle and in reviewing the file she noticed that the last report they filed with the Department of Environmental Energy (DEE) they were above allowed capacity. Klinginsmith asked the board if she should set a time limit on how long they are allowed to be over. The overage was caused by the pandemic and they are now within the allowed capacity. After much discussion the board stated that they don't feel they can set a time limit because we do not know how long it will take for the packing plants to get caught up after shutting down. The board suggested that Administrator Klinginsmith should just keep reviewing them and if one seems suspicious we can review it at that time.

At 8:25 PM a public hearing was opened for a Condition Use Permit Application for a Class II Feedlot by Eagle Heart Ranch in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ & SE $\frac{1}{4}$ of Section 27 Township 16 Range 9W. Chris Kreikemeier



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represented this request. Chris stated that they would like to expand from Class I to Class II to allow the next generation to be part of the feedlot operation. There is only one residence within the new odor footprint, Gregory Roach. Both Gregory and his wife signed the Nuisance Easement Waiver. Chairman Spilinek asked for testimony in Favor. Dean Thede stated that they are excellent neighbors, never any runoff and he is very happy with how they handle their feedlot. Jay Petersen stated that he feels they are doing a great job and he does not see any reason to deny the request. Tanya Meyer stated that she fully supports this request, young people are essential for the future. Gregory Roach stated that he has had no problems with winds, the pens are clean and rarely has any odor. A Letter was sent from the Alliance for the Future of Agriculture in Nebraska (AFAN). Administrator Klinginsmith read the letter stating:

“Nebraska is a top producer of both corn and soybeans, both essential livestock feeds. From an economic standpoint, it makes sense for producers to expand livestock operations close to where these inputs are grown. As a result, livestock expansion is a critical part of sustaining and growing Nebraska’s rural communities. This proposed feedlot expansion will create additional jobs, further diversify the local agriculture economy and provide another market for grain as feed. This expansion will ensure a local family is able to provide for themselves and potentially make plans for a future generation that may want to return to Howard County and work in agriculture.” Chairman Spilinek asked for testimony in opposition. Steven Glen stated that he is not necessarily opposed to the expansion but he had some questions that he would like to have clarification on. He stated that he rents the property but the land owner is concerned with property value and the long term plan. Steven stated that he is not sure how they have that many cattle and manage to keep the odor down so well. With no further discussion the public hearing was closed and discussion was had by the board. Chairman Spilinek commented that he was happy that so many neighbors came out to support this request because this is the first time they have had a feedlot request with no negative comments. Typically only the opposition comes to the hearings. The board answered all of Steven Glen’s questions. A motion was made by Daryl Anderson to approve a Conditional Use Permit for a class II Feedlot for Eagle Heart Ranch located in the E ½ of the SW ¼ & SE ¼ of Section 27 Township 16 Range 9W. Ron Kulwicki seconded the motion. Motion Carried 8-0 roll call vote. A finding of fact was completed and is attached.

The next discussion was on a request for a Tiny House in the Village of Dannebrog. Klinginsmith asked for the board’s opinion on how to handle “Tiny Houses.” After much discussion it was decided that if it is on a permanent foundation it should be handled like any other house and must meet all of the regulations. If it is mobile it will require a Condition Use Permit.

The final discussion was on a site visit that Terry and Cherri went on to Bunker Hill Cattle. Pictures of the road were included in the packets mailed to the board. Administrator Klinginsmith received a verbal complaint that 9th avenue along the feedlot was destroyed, and there is runoff onto the neighbor’s field. Terry stated that he did not see any problem with the road. The ditch had rain water in it and the field is naturally low lying, so it is hard to prevent runoff with a large amount of rainfall. Klinginsmith also stated that a complaint came in about Nathan Timmons’ end gun hitting a neighbors building, grain bin and hay bales. Cherri has talked to both parties and they are supposed to contact her when the pivot is running and causing a problem. Administrator Klinginsmith also informed the board that Nathan now has a farm feedlot and after checking with DEE since the land is in Nathan’s name the farm feedlot does not need to be part of the Bunker Hill Odor Footprint. After much discussion about corporations, the board stated that a corporation should be separate even if the land owner is part of the corporation.

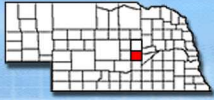
With no further discussion a motion was made by Jeff Christensen and Seconded by Randy Kauk to adjourn the meeting. The next meeting is tentatively scheduled for August 19, 2020 at 8:00 PM.



Howard Planning and Zoning Minutes



Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING AND ZONING August 19, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 19th day of August 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:00 PM. Administrator Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 7 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, Chris Kosmicki, Dave Sack and Jeff Christensen. Ron Kulwicki and Randy Kauk were absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Rance Lierman, Fritz Fredrick, Jeff Selden, Paul Janulewicz, Rick Vlach & Roger Lukasiewicz.

The Agenda and Minutes were mailed 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 July 15, 2020 meeting. Motion carried 7-0 voice vote.

No old business.

Administrator/Board Comments: The Commissioners have approved both feedlot permits that were discussed at the July Meeting. Eagle Heart Ranch is waiting for final approval from NDEE (Nebraska Department of Environmental Energy) to proceed.

At 8:05 PM a Public Hearing was opened to add setbacks from residences to Landfills and/or Transfer Stations in Howard County. Administrator Klinginsmith read the notice of meeting. She stated that the Howard County Commissioners asked her to review setbacks for landfills. Klinginsmith researched surrounding counties regulations for Landfill regulations noting that they have anything from ¼ mile to ¾ mile setback. She made maps with buffers for the 3 setback options for the board to review. Chairman Spilinek asked for testimony in favor. Several Members of the Landfill board were in attendance to discuss this setback with all of them being in favor. Jeff Selden manager of the Loup Central Landfill stated that when he gets complaints almost always they are regarding odor, traffic and dust. With this added setback it would give them some protection from someone building a new home and then complaining about the landfill. After much discussion about setback distance Chairman Spilinek asked for testimony in opposition. Being none the public hearing was closed.

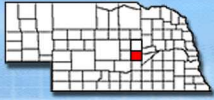
A Public Hearing was opened at 8:15 PM to update the Howard County Floodplain regulations. Klinginsmith read the notice of meeting. The Hearing was put on hold to finish the previous discussion.

Discussion was had by the board. After a short discussion, Dave Sack made a motion to approve a ¾ mile setback from the property line of the facility for Landfills and Transfer stations. Klinginsmith will update page 103 of the Howard County Planning & Zoning Regulations to read:

15. Solid waste transfer stations/Landfills: Must meet all Nebraska Department of Environmental Energy guidelines and ¾ mile set back from all residences.

The Motion was seconded by Chris Kosmicki. Motion carried 7-0 roll call vote. A Finding of Fact was completed and is attached.

The Public Hearing regarding an update to the Howard County Floodplain Regulations continued. Administrator Klinginsmith asked the board to consider revising the Howard County Floodplain Regulations to require a LOMR-F (Letter of Map Revision Based on Fill) for any new construction or substantial improvements of residential structures that is not



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meeting the 1 foot above base flood elevation requirement. Chairman Spilinek asked for testimony in favor or opposition. Being none the public hearing was closed. Discussion was had by the board. Klinginsmith stated that she is also updating the Flood Plain Permit Application to match the form FEMA uses. After a short discussion Dave Sack made a motion to approve the update to the Howard County Flood Plain Regulations to read:

- a. A LOMR-F (Letter of Map Revision Based on Fill) is required for any new construction or substantial improvements of residential structures that is not meeting the one (1) foot above the base flood elevation prior to construction. This requirement is excluding the City of St. Paul, Villages of Boelus, Dannebrog and Elba.

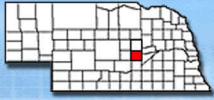
The Motion was seconded by Jeff Christensen. Motion carried 7-0 roll call vote. A Finding of Fact was completed and is attached.

The next discussion was regarding a question that was sent out to the district Zoning Administrators regarding the RTK Cellular Network towers for Farm Equipment. Klinginsmith just wanted to verify with the board that this would require a Conditional Use Permit (CUP) like all other towers. The Board agreed that a CUP would be necessary as well.

The final discussion was regarding the County Setback Sheet. Klinginsmith is updating some of the wording to match the Howard County Zoning Regulations as well as the state electrical code. She has also added a statement about needing an engineer and or architect plan when construction of a commercial building. It has recently come to her attention that Concrete in a Storage Unit facility should have been stamped by an engineer and it was not so the property owner now has to pay extra fees. She plans to hand out a brochure with this information to anyone constructing a commercial building.

With no further business to discuss Jeff Christensen made a motion to adjourn, Dave Sack seconded the motion. The next meeting is tentatively scheduled for September 16, 2020 at 8:00 PM.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING AND ZONING September 16, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 16th day of September 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:00 PM. Administrator Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 6 members present: Ken Kozisek, Terry Spilinek, Chris Kosmicki, Jeff Christensen and Ron Kulwicki. Jack Reimers arrived at 8:05 PM. Daryl Anderson, Dave Sack and Randy Kauk were absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Jesse Rudolf, Mike Kezor, Brian Sack, Marianne Raitt, and Jake & Lacey Hellwege.

The Agenda and Minutes were mailed to the board members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Ken Kozisek to approve the minutes of the August 19, 2020 meeting. Motion carried 6-0 voice vote.

Old Business: Administrator Klinginsmith stated that after visiting with the State Flood Plain Manager she will need to file the updated Floodplain Regulations to FEMA. She is currently working on that paperwork.

Administrator/Board Comments: Klinginsmith informed the board that the NPZA fall workshop will be virtual this year. The Cost is \$20 per person with a maximum of \$100 per board. If the entire board wants to register it will only cost \$100 and that would be covered by the Planning & Zoning Budget. They will let Cherri know if they are interested in attending.

At 8:05 PM a public hearing was opened for the Back Nine Acres Administrative Multi Lot Subdivision Re-Plat formally known as BMW Estates located in the N ½ of the NW ¼ of Section 15 Township 14 Range 10 in Howard County. Administrator Klinginsmith read the notice. Jesse Rudolf, Mike Kezor and Brian Sack were in attendance to represent the request. Brian Sack stated that they wish to change the name of the subdivision along with the road and also out lot A is now listed as Lot 9 on the new plat. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed. After a short discussion by the board Jeff Christensen made a motion to approve the name change of the BMW Estates to Back Nine Acres and the road name change. Ron Kulwicki seconded the motion. Motion Carried 6-0 roll call vote. Finding of Fact was completed and is attached.

At 8:15 PM a Public Hearing was opened to Vacate Hellwege Ranch Single Lot Administrative Subdivision in the NE ¼ of Section 20 Township 13 Range 12 in Howard County. Administrator Klinginsmith read the notice of meeting. Jake and Lacey Hellwege were in attendance to represent this request. Jake stated that they would like to change the property lines so they are vacating the current subdivision and creating a new one. Chainman Spilinek asked for testimony in favor or opposition. Being none the public hearing was closed. A motion was made by Chris Kosmicki to approve vacating Hellwege Ranch Single Lot Administrative Subdivision in the NE ¼ of Section 20 Township 13 Range 12 in Howard County. Jeff Christensen seconded the motion. Motion Carried Motion Carried 6-0 roll call vote.

Discussion was had regarding setbacks on lot 77 Lake of the Woods Subdivision. Marianne Raitt was present for the discussion. Administrator Klinginsmith informed the board that she approved a zoning permit for Marianne to build an addition to her residence with setbacks following the regulations. After the foundation was poured the Lake of the Woods Housing Authority contacted Klinginsmith stating that she is not meeting the setbacks. Klinginsmith then contacted Marianne and the contractor, and asked them to stop construction. Marianne stated that she had a survey done and everything was approved by the Lake of the Woods Housing Authority Board. After construction began the



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Surveyor stated that he made a mistake in measuring and she is now only three foot from the property line. She also had a survey done in 2018 when she purchased the property and the new survey does not match the previous one.

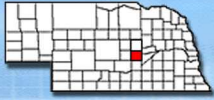
The discussion was put on hold to open the next Public Hearing.

At 8:25 PM a Public Hearing was opened for Hellwege Ranch Subdivision in the NE $\frac{1}{4}$ of Section 20 Township 13 Range 12 in Howard County. Jake and Lacey Hellwege were in attendance to represent this request. Jake again stated that this subdivision is necessary to change property lines. Chairman Spilinek asked for testimony in favor or opposition. Being none the public hearing was closed and discussion was had by the board. Jack Reimers made a motion to approve the Hellwege Ranch Subdivision in the NE $\frac{1}{4}$ of Section 20 Township 13 Range 12 in Howard County. Ron Kulwicki seconded the motion. Motion Carried 6-0 roll call vote. Finding of Fact was completed and is attached.

Discussion continued regarding setbacks on Marianne Raitt's Addition. She stated that she contacted the neighboring land owner about purchasing a small piece of his property so her addition will meet setbacks and was not successful in making an agreement. After much discussion the board advised her to apply for a Variance. Also Administrator Klinginsmith will talk to County Surveyor Tim Aitken and see if he can measure and locate the property pins.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Chris Kosmicki seconded the motion. The next meeting is tentatively scheduled for October 21, 2020 at 8:00 PM.

Nancy Usasz, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING October 21, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of October, 2020. Due to COVID-19 some members of the zoning board and public were present virtually by Zoom.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act was recognized. 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, Ken Kozisek, Dave Sack and Terry Spilinek. Virtually in attendance were Jeff Christensen, Chris Kosmicki, Ron Kulwicki and Jack Reimers. Those absent were: Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and members of the public included: Tyler Wichmann, Paul & Jen Hagen, and Mark & Marla Mason. Present virtually were Rose Dixson and Matt Miller.

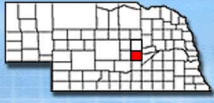
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Ken Kozisek to approve the minutes of the September 16, 2020 meeting. The motion carried on unanimous voice vote.

At 8:05 P.M. a Public Hearing was opened for a Conditional Use Permit renewal for William & Rose Dixson to apply and stock pile truck wash out waste from the Central Nebraska Truck Wash in Grand Island NE. This is located on the east side of HWY 281 between 6th and 7th Avenue in Section 5-13-9. Rose Dixson and Matt Miller, the Dixson's agronomist was on zoom to represent this request. Administrator Klinginsmith stated she has not received any comments or complaints about the product with it being stock piled along HWY 281 since the stock piling has started last year. She also stated she spoke to Troy Ingram, Howard County Extension Educator and he reviewed the soil analysis and stated the Phosphorus is high and needs lime. He was unsure if the Phosphorus was high due to waste, or manure.

Matt Miller, spoke stating the land has low PH and it's effecting the phosphorus availability to the corn there. The land has been grid sampled and the Lime has been added to help with the Phosphorus availability. However the lime has not been incorporated yet due to last years planting. The land has low organic matter soil, so doesn't yield well to deep tillage, so they will try to use reduced tillage, with a vertical tillage machine, which will incorporate the lime deep enough to have significant impact on the land for this next growing season and will help reduce the amount of phosphorus levels. The truck wash sample has very low phosphorus levels, so he doesn't have any concerns with the truck wash waste causing Phosphorus to increase in the future.

Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and discussion was had by the board. Comments included the pile looks good, doesn't look bad along the hwy and if the waste was going to be harmful to their soil, the Dixson's wouldn't want to apply any more on their land. With no further discussion a motion was made by Dave Sack and seconded by Ken Kozisek to approve this CUP for another year, expiring as December 1, 2021. Motion carried 8-0 Roll Call Vote. A Finding of Fact was completed and is attached.

At 8:20 P.M. a Public Hearing was opened for Wichmann Acres Single Lot Subdivision, located in the SE ¼ of Section 28-15-9 along 14th avenue and Cody Road. Tyler Wichmann was present to represent the request. Tyler stated he is buying the land from his parents to build a house on it and will keep farming the land. The old farm house to the north is currently being rented out, but will not be updated in the future, it will be there until Mother Nature takes it. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and



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discussion was had by the board. Administrator Klinginsmith stated this will be the 2nd house in the quarter, but both will be farming residences. The board asked if the old farm house could be updated or built new. Administrator Klinginsmith stated yes, as it is a part of the farming operation and under same ownership as the remaining farm ground. Ken Kozisek made a motion to approve the Wichmann Acres Subdivision and Dave Sack seconded the motion. Motion carried by 8-0 roll call vote. A Finding of Fact was completed and is attached.

Next a discussion and action taken on Floodplain Resolution #2020-23. Administrator Klinginsmith stated after Katie Ringland, Chief State Floodplain Coordinator reviewed our changes, she feels they are very confusing and proposed we rescind the resolution, so our county is not in violation of National Floodplain Insurance Program in any way. Katie will be working with Klinginsmith on updating the regulations to meet Federal Codes and wording of our regulations to still promote our intent of keeping residences reasonable safe from flooding. Daryl Anderson made a motion to rescind the floodplain resolution 2020-23 and seconded by Dave Sack. Motion carried by 8-0 roll call vote. A Finding of fact was completed and it attached.

Next discussion was held on Village of Elba R-1 setbacks. Mark and Marla Mason were present to represent the discussion. Marla stated they are requesting to build a garage on the south side of their property, north of the Elba Fire Station. She needed a village signature for the zoning application and found out they are too close to the front property line. Administrator Klinginsmith had told Marla, if the Elba Village Board is okay with this distance and it is in line with other buildings in the area, that the village could allow a variance, but she would need their minutes stating they were approving this request by variance. Mark stated their new garage will be placed where the one side of the old garage is and other end will be toward the east, toward the park. Marla stated the Elba Village tabled it until they received more info from Howard Greeley RPPD and where our property line is. The Mason's stated they are 15 – 20 feet from the ROW of where the new shed will be located. A surveyor came out and found our lines and the power company has said they are okay with where we are requesting to build. Terry Spilinek stated that other buildings are closer to the roads than this one, and Elba needs to approve the Variance since they have final say. The board suggested that Klinginsmith write to the Elba Village Board stating the zoning board would be in approval of this structure being closer than the 25 foot front line setback due to other structures nearby are closer as well by granting a variance and Terry Spilinek will go to the villages next meeting with the letter.

Final discussion was regarding allowing Outdoor / Wedding venue in A-1 district. Paul and Jen Hagen were present to represent their requests. Administrator Klinginsmith stated she informed the Hagen's that a CUP would be required, however they were wondering if the board would have any other information to help them start this endeavor. She will have restroom structures and an outdoor covering structures without sides for an open outdoors feeling. The board suggested she speak to the State Fire Marshall before coming to us with the CUP Application, at that time we would review other regulations required that would be included in the permit, such as parking and road traffic. Klinginsmith, stated she will review other CUP, such as Helgoth's Pumpkin Patch to help in the process. Jen Hagen thanked us for our time.

After discussions, board suggest Klinginsmith look into getting a microphone/speaker for these zoom meetings. If everyone is on zoom it all works well, but when some members in person and some on-line it is hard to hear the members on zoom and vice versa. Klinginsmith said she would look into it. With no further business Dave Sack made a motion to adjourn and Ken Kozisek seconded the motion. The next meeting will be tentatively scheduled for 7:00 p.m. on November 18. 2020

Cherri Klinginsmith, Administrator
Acting Secretary



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MINUTES HOWARD COUNTY PLANNING & ZONING December 16, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of December, 2020. Due to COVID-19 some members of the zoning board and public were present virtually by Zoom.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. The Open Meeting Act was recognized. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office. Roll call showed 2 members present in person: Terry Spilinek and Randy Kauk. 5 members virtually in attendance were: Jeff Christensen, Chris Kosmicki, Ron Kulwicki, Jack Reimers and Ken Kozisek. Those absent were: Daryl Anderson & Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Nancy Usasz Planning & Zoning Secretary. Members of the public present virtually included: Monica Williams.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Ken Kozisek to approve the minutes of the October 21, 2020 meeting. The motion carried on unanimous voice vote.

Administrator/Board Comments: Administrator Klinginsmith informed the board that she has received a letter from Nebraska Department of Environment and Energy (DEE) that Eagle Heart Ranch as completed phase one of the expansion process and they now can hold up to 3500 head of cattle which is an increase of 1000 head from the 2500 head previously permitted.

Klinginsmith stated that she has done some research on the area South East of Boelus due to a verbal complaint. After looking into the complaint it looks like all of the homes in the areas are legal. They were either built before Howard County had Zoning Regulations or Subdivided when the regulations allowed 10 acres subdivisions. The board would like her to review two parcels in the SE ¼, for when they were split off. No other action was taken.

The first discussion was regarding Noise Levels at Feed Yards. Klinginsmith informed the board that she had received a verbal complaint from a Neighboring Land Owner of Eagle Heart Ranch Feed Yard stating that the cattle are bawling from 6:00 a.m. to 11:00 a.m. every day. After a short discussion the board stated that calves bawling is part of a normal farming operation and we are a livestock friendly county. No action was taken.

The next discussion was regarding a home based business in the E ½ of the NE ¼ Section 12, Township 14 Range 10 in Howard County. Monica Williams was present virtually to discuss this with the board. Klinginsmith read a letter from Williams stating that they are wanting to turn their farm shed into a commercial building to make plastic bottles. This business will not cause any more traffic to the area as they will not have any employees. After a short discussion the board agreed that this is a home based business and if they would hire employees in the future then they would need to apply for a Conditional Use Permit.

Klinginsmith also mention to the board that she has done some research regarding the Pumpkin Patches in Howard County, per the request from the board at the October 21, 2020 meeting. Nancy has looked through



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all the past Zoning Minutes and there was no discussion and no permits were issued for the pumpkin patches as far as we can tell. Discussion was had regarding a wedding venue in the A-1 Zoning District. Klinginsmith stated that she will require a Conditional Use Permit for the wedding venue if it is pursued in the future.

With no other business to discuss Jeff Christensen made a motion to adjourn and Ron Kulwicki seconded the motion. Motion carried on unanimous voice vote. The Next meeting is scheduled for January 20, 2021 at 7:00 p.m.

Nancy Usasz
Planning & Zoning Secretary