



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING AND ZONING JANUARY 20, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 20<sup>th</sup> day of January, 2021, 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 7 members present: Daryl Anderson, Randy Kauk, Dave Sack and Terry Spilinek. Chris Kosmicki, Jack Reimers, Jeff Christensen joined by Zoom. Ken Kozisek and Ron Kulwicki were absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Rose Dixson via Zoom.

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 December 16, 2020 meeting. Motion carried unanimous voice vote.

**Administrator/Board Comments:** Klinginsmith informed the board that she received a complaint from someone that their neighboring land owner has put cows in stocks next to his house and they are pooping too much to close to his property. Klinginsmith stated that this is normal part of a farming operation. He is welcome to file an official complaint and she would research the matter. No complaint has been filed.

**Election of officers was discussed.** Dave Sack made a motion to keep the officers the same as last year. Chris Kosmicki seconded the motion. Motion carried with Unanimous voice vote. The Officers are: Terry Spilinek: Chairman, Jack Reimers: Vice Chairman and Daryl Anderson: Secretary. Jeff Christensen, Chris Kosmicki and Dave Sack were appointed for another 3 year term.

Discussion was had on a third residence in a quarter Section 35 Township 14 Range 10. Administrator Klinginsmith questioned the board about how they interpreted the regulations. 116 acres of this quarter is for sale and advertised as a buildable lot. The board reviewed the wording on A-1, Single Family Dwellings and farming versus non farming residences. After much discussion the board decided that the regulations were confusing, and they do not want to limit or prevent livestock operations in the county. Klinginsmith will do some research and review regulations of other counties and rewrite the regulations stating that two houses per quarter will be allowed. This will be reviewed again at the February meeting.

Klinginsmith informed to board that she has added a checklist to the Multi-Lot Subdivision Application to include items added to the survey such as; easements listed, drainage issues and all access roads within subdivision need to be named and will not be maintained by Howard County.

With no further business the meeting was adjourned.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



**MINUTES  
HOWARD COUNTY  
VARIANCE BOARD OF ADJUSTMENTS  
January 20, 2021**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 20<sup>th</sup> day of January 2021 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

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

Roll call showed 6 members present: Terry Spilinek, Janet Thomsen, Chad Donscheski, Mile Nelson and Glen Killion. Rose Dixson joined by Zoom. Also present was Cherri Klinginsmith, Howard County Zoning Administrator and Nancy Usasz, Secretary.

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 Chad Donscheski to approve the minutes of the October 7, 2020 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board that Rose Dixson has agreed to be on the Variance Board of Adjustments and Gary Craig has decided to retire from his position.

Election of officers was discussed. Terry Spilinek made a motion to elect **Janet Thomsen as chairman** and Chad Donscheski seconded the motion. The motion carried on unanimous voice vote. Janet took over as chairman. Terry Spilinek made a motion to elect **Glen Killion as Vice-Chairman**, Mike Nelson seconded the motion. Motion carried unanimous voice vote. Chad Donscheski made a motion to elect **Mike Nelson as Secretary**, Terry Spilinek seconded the motion. The motion carried unanimous voice vote. Mike Nelson made a motion to appoint Chad Donscheski as the alternate, Terry Spilinek seconded the motion.

Chad Donscheski and Janet Thomsen were appointed for another three year term. Rose Dixson was accepted on to the board for a three year term. The motion carried on unanimous voice vote.

With no further business Glen Killion made a motion to adjourn the meeting. Mike Nelson seconded the motion. Motion carried on unanimous voice vote.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING February 17, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17<sup>th</sup> of February, 2021. Due to COVID-19 some members of the zoning board attended 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 8 members present: Daryl Anderson, Ken Kozisek, Terry Spilinek, Randy Kauk, and Jack Reimers. Virtually in attendance were Jeff Christensen, Chris Kosmicki, and Ron Kulwicki. Those absent were: Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and members of the public included: Josh & Lindsey Dzingle.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the January 20, 2021 meeting. The motion carried on unanimous voice vote.

Administrator's comments: Klinginsmith stated that her secretary has resigned and her last day was February 11, 2021. A search committee of the Zoning Administrator, one County Commissioner and three UNL Extension Educators will be interviewing this week for the position replacement.

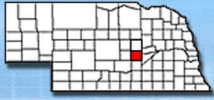
**A discussion was held with Josh and Lindsey Dzingle:** Josh Dzingle was present to clarify that he would like to build a home on the SW  $\frac{1}{4}$  of section 26-16-12 on his grandma's land, which he plans on purchasing. The land of 160 acres would then have 2 dwellings under the same ownership. Klinginsmith wanted to verify that if Josh proves that he is an Ag operation and is the owner of the 160 acres that he can build a 2<sup>nd</sup> home on the same parcel per A-1 zoning regulations Section 3.0 1a. 2. The zoning board agreed that it would meet the requirements and be allowed.

**Floodplain Discussion:** Klinginsmith informed the board that FEMA has approved Howard County's Floodplain Ordinance. There isn't any additional changes that can be made after FEMA's approval, so she will be sending this to the County Commissioners for them to review and approve. Once approved, Klinginsmith will send the signed copy to Nebraska Department of Natural Resources and it will be filed in their State/Federal records. She will then have the zoning regulation manual updated.

**A-1 (Agricultural district) Intensity of use regulations discussion:** Administrator Klinginsmith emailed a copy of sample wording changes for limiting the number of residences per quarter section in A-1 as discussed at the January 20<sup>th</sup> meeting. Items reviewed were

- Section 2 -Permitted Principal Uses: allowing only 2 dwellings per quarter section wording.
- Conditional Uses #1, possibly allowing three dwellings in a quarter section within one (1) mile of a state highway with a conditional use permit.
- Section 3- Intensity of use regulations, rewording for allowing 2 houses per quarter section, and removing the wording of allowing additional dwellings for agricultural operations.
- Also possibly removing wording for additional dwellings on an agricultural operation in A-2 and A-3

After some discussion the board wanted to change the third dwelling distance from a highway from one (1) mile to half (1/2) mile. More discussion will be had at the March meeting before making any major decisions. See attached suggested regulation changes.



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**Acreage sold with less than 3 acres discussion:** Administrator Klinginsmith stated it was brought to her attention that in the SW  $\frac{1}{4}$  of section 18-13-10 that an adjoining land owner gave the owner of 1 acre of land, one more acre for a total of 2 acres without being subdivided. The original 1 acre tract was prior to zoning regulations, so by adding another acre, it is still a non-conforming tract. Klinginsmith wanted to know are there any penalties or consequences? After discussion it was agreed to not do anything, however if the land owner wants to build a structure they will need to purchase 1 more acre to meet current regulations prior to any future building.

**Additional dwelling in an Ag Operation discussion:** Klinginsmith stated in the NW  $\frac{1}{4}$  section 35-13-9 there is 120 acres with 1 non-farming residence of 3 acres and a home on the 117 acres. The landowner of the 117 acres wants to build a 2<sup>nd</sup> home. There are no other residences in the remaining quarter section. Klinginsmith verified that as long as the landowner keeps ownership of the 2<sup>nd</sup> home it will be allowed. Once the permit is issued, it will be attached to the deed, that the two homes must stay under the same ownership to meet the current zoning regulations of Section 3.0 1a. 2. The zoning board agreed.

**Discussion of a possible home based business in the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  section 15-14-11.** Klinginsmith stated that a notice of organization was listed in the paper for an auto body repair and paint shop. Klinginsmith stated this is only allowed if this is a home based business, once employees are hired, the landowner will need a conditional use permit. The board agreed that if it is the secondary use to the land and no outside employees working there, it would be allowed without a C.U.P. Klinginsmith stated she would give the land owner a call to verify.

With no further business Randy Kauk made a motion to adjourn and Jack Reimers seconded the motion. The next meeting will be tentatively scheduled for 8:00 p.m. on March 17, 2021

Cherri Klinginsmith, Administrator  
Acting Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING February 17, 2021

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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 8 members present: Daryl Anderson, Ken Kozisek, Terry Spilinek, Randy Kauk, and Jack Reimers. Virtually in attendance were Jeff Christensen, Chris Kosmicki, and Ron Kulwicki. Those absent were: Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and members of the public included: Josh & Lindsey Dzingle.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the January 20, 2021 meeting. The motion carried on unanimous voice vote.

Administrator's comments: Klinginsmith stated that her secretary has resigned and her last day was February 11, 2021. A search committee of the Zoning Administrator, one County Commissioner and three UNL Extension Educators will be interviewing this week for the position replacement.

**A discussion was held with Josh and Lindsey Dzingle:** Josh Dzingle was present to clarify that he would like to build a home on the SW  $\frac{1}{4}$  of section 26-16-12 on his grandma's land, which he plans on purchasing. The land of 160 acres would then have 2 dwellings under the same ownership. Klinginsmith wanted to verify that if Josh proves that he is an Ag operation and is the owner of the 160 acres that he can build a 2<sup>nd</sup> home on the same parcel per A-1 zoning regulations Section 3.0 1a. 2. The zoning board agreed that it would meet the requirements and be allowed.

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**Discussion of a possible home based business in the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  section 15-14-11.** Klinginsmith stated that a notice of organization was listed in the paper for an auto body repair and paint shop. Klinginsmith stated this is only allowed if this is a home based business, once employees are hired, the landowner will need a conditional use permit. The board agreed that if it is the secondary use to the land and no outside employees working there, it would be allowed without a C.U.P. Klinginsmith stated she would give the land owner a call to verify.

With no further business Randy Kauk made a motion to adjourn and Jack Reimers seconded the motion. The next meeting will be tentatively scheduled for 8:00 p.m. on March 17, 2021

Cherri Klinginsmith, Administrator  
Acting Secretary



# Howard Planning and Zoning Minutes



## MINUTES

### HOWARD COUNTY PLANNING & ZONING

March 17, 2021

A meeting of the Howard County Planning and Zoning Commission was convened in Open and Public session on the 17<sup>th</sup> of March, 2021. 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 8:00P.M. The Open Meetings 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 in person: Daryl Anderson, Randy Kauk, Kenneth Kozisek, Jack Reimers, Dave Sack, and Terry Spilinek. 3 members virtually: Jeff Christensen, Chris Kosmicki, and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning and Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Members of the public present were: Janet Thomsen, Shelly Wolinski, Thomas Backus, Jack Steffes, Vance Hansen, Tony Johansen, Mark Maybon, David Stephens, G.H. Woodgate, Adam Svoboda, Ruth Kosmicki, Robert Rawley, Dominic Rawley, Larry Bahensky, Teresa Weller, Steve Weller, Jessica Schenck, Carmen Christensen, and Linda Vargason. The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Jack Reimers to approve the minutes of the February 17, meeting. The motion was carried on unanimous voice vote.

**Old Business:** Administrator Klinginsmith informed the board that the Floodplain Plan was approved by County Commissioners on March 9, 2021. The regulations on-line have been updated with the new floodplain rules and new manual pages will be printed later in May. The Back Nine subdivision was the first LOMR-F application we received and has been approved by FEMA. Administrator Klinginsmith has approved the zoning permit to build the house as they are officially out of the floodplain.

**At 8:05 P.M. a Public Hearing was opened for a Conditional Use Permit for extracting raw materials by starting a gravel pit by Edwin Kay Farms LLC, Ronald E and Kristin K. Stock, landowners and Tri-County Sand and Gravel, mining applicant:** This is located SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and part of NE  $\frac{1}{4}$  of Section 28-15-10 and part of the S  $\frac{1}{2}$  of Section 21-15-10W. Shelly Wolinski was present to represent the request.

Shelly Wolinski, spoke about the expectations from Nebraska Department of Environment & Energy (NDEE). She provided a packet to the board and she went over the information with the board. The packet included the Grading Map showing the existing contours, map showing the map of the proposed excavation contours, map of proposed final grade contours, location of proposed vehicle and equipment storage areas, proving character of runoff from and onto adjacent land should it not be changed, where topsoil shall be placed along with future plans or expansion, and a list of erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff to adjacent land. She is working on getting a statement identifying the effect on the groundwater table of adjoining properties. She has spoken with NDEE and NRD and they didn't know how she could get this information. The NDEE suggested that she go to NRD. When she spoke with the NRD they told her they didn't have that information and to speak with NDEE. Wolinski is still working on this and will get the information to the board as she gets it. Randy Kauk mentioned to Shelly to talk to a Tylr Naprstek in the Ord NRD office on the ground water issue. Wolinski stated she has not spoken with the Howard County Roads Department, and states she will address this issue with them soon. Wolinski states she is sure there will probably be issues that need to be addressed with residents being worried about extra traffic and wear on the roads.

She also had included a picture to the board showing them approximately where the site would be and look like. Chairman Spilinek asked for testimony in favor being none he asked if there was opposition and discussion as followed:



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Larry Bahensky – Has the area been tested for gravel? Wolinski responded saying yes it has and it tested very well surprisingly.

Thomas Backus – What road will the trucks take? Road department can't maintain roads now and this will only make it worse. Wolinski responded with it would depend on which way the load needs to be delivered. Chairman Spilinek testified that he lives by Tri County Pits now and the roads are no worse now than they were before. Janet Thomsen, Howard Co. Roads Supt. said she understands that the roads north of river, compared to the south side are completely different due to the north side has more clay. She said that the last 2 years weather hasn't allowed them to fix the issues properly, but it is in their plans to fix the issues on all the roads.

Robert Rawley – States that if the roads can't be fix now they don't want the Sand Pit because it is going to add for traffic and only going to make the roads worse.

Jack Steffes – There is a line of trees on the west end of where they want to start digging. There is a Bald Eagle nest in there and she has babies every spring, he doesn't want her nest to be disturbed.

Mark Maybon- Can you explain to us about how the special use permit works? Wolinski responded stating that she has to meet all the expectations that she went over with the board. Also she is working with the NDEE to make sure she is meeting all the requirements.

Adam Svoboda – Since the gravel is not very deep what is the plan for hitting ground water, just dig a big hole until you find water? Wolinski responded by saying yes. They will push the dirt in front of them and then once they hit the water and can start mining they will pull that dirt back in hole to extract the gravel. Svoboda also asked will the dredge be about 20 feet and if so, we won't be able to see the water? Wolinski states yes it could be around 20 feet, so likely won't see water, and there will also be a berm all around. This may help with noise concerns.

Ryan Camden – Do you have a proposed entrance? What are running hours? Wolinski responded with yes around the curve (not on the curve for safety reasons) on the North side coming in, this will be approved by road department. She said it doesn't have to be there, that is just what they proposed. Running hours are usually Monday thru Friday 8-5. Right now she has a guy running until 7P.M. because they are trying to get some stockpiled for the spring, but that won't last very long. Machines are shut off when they leave so there is no noise at night for neighboring residents.

Jessica Schenck – I'm representing the Lake of the Woods and our concern is the roads.

Chairman Spilinek informed the public that the County Commissioners will be the ones who deal with the road issues. The public is allowed to voice concerns of road issues to them at their public hearing. The Public hearing was closed at 8:34 P.M. Discussion was had by the board. Questions were: Where is the closest house? Wolinski states there is one to the south. What is elevation of River and where is ground water? Wolinski states she wasn't sure what it is but said it could be looked up online. Ron (landowner) doesn't have any intention of developing around the pit in the future. Will Ron want to renew pit after 7 year lease is up? The lease will be for 7 years. Wolinski states that right now Ron has no plans to extend the lease. How deep will you be going? Wolinski said they tested 35-40 feet only because that's how long their probe was. When would you like to start? Wolinski states as soon as possible. Wolinski stated there will be berms in place and activity will be hard to see from gravel road.

With no further discussion a motion was made by Dave Sack and seconded by Kenneth Kozisek to approve a Conditional Use Permit for Edwin Kay Farms LLC- Ron Stock to allow Tri County Sand and Gravel Inc. to mine gravel in sections 21&28 15-10W. This will be a seven year permit ending April 1, 2028. Motion carried 9-0 Roll Call Vote. A Finding of Fact was completed and is attached.

## **Next Discussion and action taken was on:**

**A-1 (Agricultural District) Regulation, Intensity of use regulations:** Administrator Klinginsmith had provided a copy of the proposed changes to board members for their review.



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The current regulations are confusing, and after discussing in February's meeting the board felt to keep A-1 zoned land agricultural, the best practice would be to remove the wording for non-farm and farming residences. Which would then allow 2 residences per quarter section. Changes discussed and see attached manual changes.

**A-1, Section 2, Permitted Uses: page 88**

Insert wording for a #2

**A-1, Section 2, Conditional Uses: page 89**

Eliminate wording for #1

**A-1, Section 3, Intensity of Use Regulations: page 103**

Changed wording for 1. a. #1. and eliminate #2.

**A-2, Section 3, Intensity of Use Regulations: page 118 (A-2: Agricultural –Transitional District)**

Eliminate 1. a. #2

**A-3, Section 3, Intensity of Use Regulations: page 126 (A-3: Agricultural Conservation District)**

Eliminate 1. a. #1

Sections A-2 and A-3 wording for additional dwellings was not needed and should not have been in the regulations to begin with. A-3 needs to be kept to one (1) residence per 80 acres, for many safety reasons and to keep with the conservation zoned areas.

After discussions, it was agreed to go ahead and have a public hearing on these changes at our April zoning meeting.

With no further discussion Randy Kauk moved to adjourn the meeting and Dave Sack seconded the motion. Motion was passed by voice Vote. Next meeting is tentatively scheduled for April 21, 2021

Jennifer Ostendorf  
Secretary



# Howard Planning and Zoning Minutes



## MINUTES

### HOWARD COUNTY PLANNING & ZONING

April 21, 2021

A meeting of the Howard County Planning and Zoning Commission was convened in Open and Public session on the 21<sup>st</sup> of April, 2021. 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 Meetings 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 7 members in person: Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, Terry Spilinek. 1 member virtually: Ron Kulwicki. Absent was Dave Sack. Also present were Cherri Klinginsmith, Planning and Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Members of the public present were: Richard Reed, Jerry Dush, Alan Griebel, Ben Placke and Nate Timmons.

The agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the March 17, 2021 meeting. The motion was carried on unanimous voice vote.

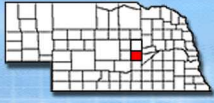
**Old Business:** Administrator Klinginsmith informed the board that the Howard County Commissioners approved the Conditional Use Permit for Ron & Kristen Stock, Landowners and Tri- County Sand and Gravel INC, mining applicant, 2-1.

**At 8:05 P.M a Public Hearing was opened for a Single Lot Subdivision for Richard & Diane Reed. This Subdivision name is Nicholas and Tess Subdivision:** This is located in the NE ¼ of Section 29 Township 15N, Range 11W. Richard Reed was present to represent and presented the Plat as shown. He states that Nicholas and Tess plan to build a house on this subdivision. He clarified that he is in approval of what Nicholas and Tess Jerabek have planned. Chairman Spilinek asked for testimony in favor or opposition. There was none. With No further discussion Jeff Christensen moved and Chis Kosmicki 2<sup>nd</sup> motion to approve the Nicholas and Tess Jerabek single lot subdivision owned by Richard and Diane Reed located in NE ¼ 29-15-11. Motion carried with a 8-0 roll call vote. A finding of fact was completed and attached.

**At 8:15 P.M. a Public hearing was opened for a Single Lot Subdivision application by Leonard and Esther Dush. This subdivision will be named Bear Subdivision:** This is located in SE ¼ of Section 20 Township 13N, Range 9W. Jerry Dush was present to represent and presented the Plat as shown. Jerry plans on moving in a Modular home and place it in between the two existing homes. Chairman Spilinek asked for testimony in favor or opposition. There was none. With no further discussion Randy Kauk moved and Ken Kozisek 2<sup>nd</sup> to approve the Bear Subdivision owned by Leonard and Esther Dush, for Jerome Dush located in SE ¼ 20-13-9. Motion carried with an 8-0 roll call vote. A finding of fact was completed and attached.

**At 8:20 P.M. board members discussed a tract of land less than 3 acres located on the SW ¼ of NW ¼ Section 5-14-12.** Administrator Klinginsmith received a call from Jesse Hurt with Olson Associates in regards to a truck washout site that Smoke Glinsmann has. Smoke is wanting to sell the rest of his land but wants to keep the truck wash out area which is less than a ½ acre. Administrator Klinginsmith informed the board that she told Jesse that the zoning board will need to review as ½ an acre is not an allowable lot size, and the board will need to decide whether or not to send applicant to variance board for review. After much discussion it was decided that the issue needs to go before the Variance Board for approval. Administrator Klinginsmith will call NDEE on regulations and inform Jesse of zoning board's recommendation.

**At 8:25 P.M. a Public hearing was opened for a rezone request from R-1 to C-S by owner Ben Placke.** This is located on Lot 1 Mathis Second Subdivision in the SW ¼ of Section 21, Township 13, Range 9W. Ben Placke was present to



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represent the request. Ben told the board that he would like to have this property to park his farm trucks on. He plans on putting up a building for an office space and truck parking. He also plans to put up a fence around the property. He has spoken with all of the neighbors and they all voiced to him that they are fine with a fence being put up. One resident did ask him to leave a certain area for kids to ride bikes and Ben agreed to this. Ben states that he plans to keep the area well maintained to add appeal to the community. Randy Kauk asked Ben what type of trailers he had as he was wondering about clean out and smell if animals hauled. Ben told the board that they are hopper bottom trailers and he uses them on the farm. Chairman Spilinek asked for testimony in favor or opposition. There was none. With no further discussion Ken Kozisek moved and Jack Reimers 2<sup>nd</sup> motion to approve the rezone request changing from R-1 to C-S. Motion carried 8-0 with roll call vote. A Zone Change finding of fact was completed and attached.

**At 8:35 P.M. a Public hearing was opened for Zoning Regulation, amendments to A-1, A-2, A-3 regarding residential dwelling and intensity of use regulations.** Administrator Klinginsmith presented the changes that were made to the regulations. She gave each board member a copy of regulation pages that she made changes on. As they were going over them Jack Reimers noticed that there was a typo on Conditional Uses, Kennels Breeder and Boarding, item a. listed as “two (3)” this will be corrected with next manual page updates to “three (3). Chairman Spilinek asked for testimony in favor or opposition. There was none. With no further discussion Jeff Christensen moved and Jack Reimers 2<sup>nd</sup> motion to approve the changes to regulations for Residential dwelling density within A-1, A-2, and A-3 agricultural districts. Motion carried with an 8-0 roll call vote. Regulation changes are attached. Finding of fact was completed and is attached.

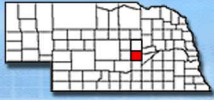
Note: Discussion was brought up about single family dwellings wording under the Intensity of Use Regulations for A-1, A-2, and A-3 in the sentence “The lot or tract is not within a designated one hundred (100) year flood plain. See the Howard County Flood Insurance Rate map (F.I.R.M.)” This will be discussed further at the next meeting on May 19<sup>th</sup>.

**At 8:45 P.M. Administrator Klinginsmith notified the board members that April 30<sup>th</sup> the State Legislature will vote on if they will allow meetings to continue via zoom.** If they vote against it that means that we can still offer virtual meetings but board members that are not at meeting in person will not be able to vote on issues at hand. Administrator Klinginsmith will let all board members know the out come of this vote prior to the May Meeting.

**At 8:50 Administrator Klinginsmith brought up discussion to the board to define farm/commercial feedlots and timeframes.** Administrator Klinginsmith asked the board if they could clarify the definition of farm and commercial feedlots. She read the definitions from the current regulations. Jeff Christensen asked Administrator Klinginsmith what kind of complaints she has been having? Nate Timmons was present and asked if he could speak on issue. Nate has called and spoke with Cherri in regards to a neighbor being able to have several hundred head of feeder cattle in a field for greater then 6 months without having to get a new odor footprint. Nate states that he was turned in for this issue when he fenced a pivot corner for 200 head of feeder cattle and in turn, he had to get an odor foot print and pay \$50. Nate states that he thinks this is a double standard. After much discussion Administrator Klinginsmith states she felt that in this instance the cattle on 80 acres were not confined, she will contact NDEE to clarify what is considered confinement or grazing. This discussion will be continued at the May meeting.

With no further discussion Jeff Christensen moved and Ken Kozisek 2<sup>nd</sup> to adjourn the meeting. Motion was passed by voice vote. Next meeting is tentatively scheduled for May 19, 2021,

Jennifer Ostendorf  
Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## MINUTES

### HOWARD COUNTY PLANNING & ZONING

May 19, 2021

A meeting of the Howard County Planning and Zoning Commission was convened in Open and Public Session on the 19<sup>th</sup> of May, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00 PM and the Open Meetings 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: Daryl Anderson, Jeff Christensen, Kenneth Kozisek, Jack Reimers, Dave Sack, and Terry Spilinek. Absent: Randy Kauk, Ron Kulwicki and Chris Kosmicki. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Jennifer Ostendorf Planning Zoning Secretary. Members of the public present were: Wendy Johnson, Steve Hornady and George Jensen.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Jack Reimers and seconded by Jeff Christensen to approve the minutes of the April 21, 2021 meeting. The motion was carried on a unanimous voice vote.

**Old Business:** Administrator Klinginsmith informed the board that the updated open meetings act is posted. LB83 was passed stating that we can still have virtual meetings, however if a board member is not present in person for meeting, they cannot vote. The only exception is extenuating circumstances.

**At 8:05 PM a Public Hearing was opened for a single lot subdivision located N ½ NW ¼ Section 11-15-11 owned by Todd & Wendy Johnson.** Wendy Johnson was present to represent the request. Wendy states that the property has always had 2 houses on it. The Johnson's had obtained a building permit when they moved back to renovate the house they are living in now and now are wanting to renovate the other existing home on the property. There was no testimony in favor or in opposition. With no further discussion a motion was made by Jeff Christensen and seconded by Dave Sack to approve the Lou-Jean Acres single lot subdivision located on N ½ NW ¼ Section 11-15-10. Motion carried 6-0 Roll Call Vote. A Finding of Fact was completed and is attached.

**At 8:15 PM a Public Hearing was opened for a Conditional Use Permit for George Jensen located on NW ¼ Section 5-16-10 in Howard County.** George Jensen was present to represent the request. George states that he already has the C.U.P from 2019 that excludes the manure being applied in the buffer zone. George would like to take out the buffer zone and apply the manure on the entire field. There was no testimony in favor or in opposition. With no further discussion a motion was made by Dave Sack and seconded by Ken Kozisek to approve the C.U.P for George Jensen on the NW ¼ Section 5-16-10 in Howard County for liquid manure through a pivot. Motion carried 6-0 Roll Call Vote. A Finding of Fact was completed and is attached.

#### **Next discussion item was:**

**Feedlot confinements and timeframes:** Administrator Klinginsmith reported that after the last meeting she called Brad Edeal with the NDEE. He stated that all animals are confined in some way. He stated that anywhere that animals are confined, if the area is de-vegetated to the point you cannot tell if it is a pasture or crop ground then they would be in violation. Basically, if you can look and see corn stalks standing in some parts of the field they are confined in, this is okay. Of course, it will be de-vegetated near water and feeding areas. NDEE also states they need to be de-vegetating in area for 45 days in a 12-month period and manure can not be draining directly into waters of the state. The Zoning Board decided to keep our definition as-is for farm & commercial feedlots



# Howard Planning and Zoning Minutes



**Discussion of Hornady Testing and Training Location:** Steve Hornady was present to represent for the proposed testing and training location S ½ Section 30-15-9 in Howard County. After discussion the board did approve that it was ok to move forward with applying for a Conditional use Permit.

**Discussion on Multi-Lot Subdivision approved with less than 3 acres in 1979 located in the NE ¼ Section 16-14-10:** Administrator Kliningsmith informed the board that Arvilla Jacobs called and said that she thought that there was a subdivision on the land. Her Grandson is possibly wanting to do something with the land. After some research Administrator Kliningsmith found that there was a subdivision passed for this property in 1979. This was approved prior to subdivision regulations. Administrator Kliningsmith mentioned to the board that there would be stipulations if family moved forward with application. Daryl Anderson asked Administrator Kliningsmith to see if the subdivision was ever vacated. Administrator Kliningsmith will do the research and report back to the board.

With no further discussion Jeff Christensen moved to adjourn the meeting and Dave Sack seconded the motion. Motion was passed with a voice vote. The next meeting is tentatively set for June 16, 2021 at 8PM.

Jennifer Ostendorf  
Planning and Zoning Secretary

MINUTES

**HOWARD COUNTY  
BOARD OF ADJUSTMENTS  
June 16, 2021**

A meeting for the Howard County Variance Board of Adjustments was scheduled for June 16, 2021. At 7:00PM the meeting was cancelled due to lack of quorum and illness. The meeting will be rescheduled to a later date.

Jennifer Ostendorf  
Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING June 16, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16<sup>th</sup> day of June, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00PM and the Open Meeting Act was recognized. Administrator Cherri 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: Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Absent members: Daryl Anderson, Jeff Christensen, Randy Kauk, and Dave Sack. Also, present were Cherri Klinginsmith Planning & Zoning Administrator and Jennifer Ostendorf Planning & Zoning Secretary. Members of the public present were: Larry and Darlene Bahensky, Brent Kunze, Ken Kunze, Lawrence and Angeline Klein, Michael Mathews, Cris Bragg, Keith and Jodi Espeland, Bill Peters, Jeff McCellen, Ann Canna, Deanna Kuszak, Lavern Wulf, Kris Schmitz, Craig Kuszak, Steve Hornady, Scott Javins, and Gale Larsen.

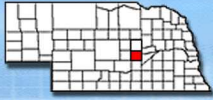
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Ron Kulwicki to approve the minutes of the May 19, 2021 meeting. The motion was carried on a unanimous voice vote.

**Administrator Report:** Administrator Klinginsmith reminded the board of the Livestock tour on June 17<sup>th</sup> in Polk County if anyone would like to join her in going. Administrator Klinginsmith and Board member Kenneth Kozisek are planning on attending.

**At 8:05PM a Public Hearing was opened for vacating Subdivision (Lynch Acres SW ¼ 15-14-11) in Howard County.** Administrator Klinginsmith represented the parties with the request. Mike and Ashley Lynch currently live here on 3 acres. They would like to vacate this lot with intent to add more land to their lot and make a Single Lot Subdivision with more land. There was no testimony in favor or in opposition. With no further discussion a motion was made by Kenneth Kozisek and seconded by Ron Kulwicki to approve vacating Subdivision Lynch Acres SW ¼ 15-14-11. Motion carried by 5-0 Roll Call Vote.

**At 8:10PM a Public Hearing was opened for Single Lot Subdivision (Lynch Acres Second Subdivision, SW ¼ 15-14-11 in Howard County.** Administrator Klinginsmith represented the parties with this request. Mike and Ashley Lynch are wanting to subdivide off 18.15 +/- acres where their house is located. There was no testimony in favor or in opposition. With no further discussion a motion was made by Chris Kosmicki and seconded by Jack Reimers to approve Single Lot Subdivision Lynch Acres Second Subdivision SW ¼ 15-14-11. Motion carried by 5-0 Roll Call Vote.

**At 8:20 a Public Hearing for a C.U.P. Hornady Testing and Training Shooting Range by Hornady Manufacturing Inc., Steve Hornady s ½ of S ½ Section 30-15-9.** Steve Hornady and Scott Javins were present to present and answer any questions that arose. When asked how often this facility would be used it was said 3-4 days per month during day time hours. There will be no night shooting. This facility will be for private use only. No public allowed. There were many other discussion areas such as would property be rezoned, if so, what would the tax base be? Would this facility have any increase in revenue for the county? What will the noise level be? Will lead from the ammunition cause problems? What will that clean up look like to prevent problems? After much discussion Chris Kosmicki moved and Ron Kulwicki seconded the motion to table the C.U.P. Hornady Testing and Training Shooting Range by Hornady Manufacturing Inc., Steve Hornady s ½ of S ½ Section 30-15-9 to a future date. Motion carried 5-0 Roll Call Vote.



# Howard Planning and Zoning Minutes



**At 8:35 PM a Public Hearing was opened for a Single Lot Subdivision by Fred & Kay Meyer (Bar S Bar Subdivision) S ¼ NW ¼ excluding 1 acre, 2 acre, and .29-acre tracts is Section 5-14-10.** Administrator Klinginsmith represented the parties with the request. Fred and Kay Meyer are requesting to subdivide off 9.07+/- acres. They plan on selling this parcel. There was no testimony in favor or in opposition. With no further discussion a motion was made by Jack Reimers and seconded by Kenneth Kozisek to approve a Single Lot Subdivision by Fred & Kay Meyer (Bar S Bar Subdivision) S ¼ NW ¼ excluding 1 acre, 2 acre, and .29-acre tracts is Section 5-14-10. Motion carried 5-0 by a Roll Call Vote. A Finding Of was completed and is attached.

**At 8:45 PM a Public Hearing for a Single Lot Subdivision by Larry and Darlene Bahensky (Jansen Shores Subdivision) W ½ NW ¼ Section 21-15-10.** Larry and Darlene Bahensky were present to represent their request. They would like to subdivide 14.23+/- acres. There was no testimony in favor or in opposition. With no further discussion a motion was made by Chris Kosmicki and seconded by Ron Kulwicki to approve a Single Lot Subdivision by Larry and Darlene Bahensky (Jansen Shores Subdivision) W ½ NW ¼ Section 21-15-10. Motion carried 5-0 by a Roll Call Vote. A Finding of Fact was completed and attached.

**The last item of business: Request to build a personal garage in I-2 (Heavy Industrial District) SW ¼ NW ¼ Section 27-15-10.** Administrator Klinginsmith asked the board to confirm that if building a personal garage in I-2 is permitted and if something happened to the house that is currently there if resident would be able to rebuild? After reviewing the regulations together, they decided that it is not allowed unless the garage is used for commercial or business purposes. If the house is destroyed and damaged by less than 50%, then the house could be rebuilt to the same size, cannot be enlarged.

Zoning Board commented that they would like to have the County Attorney present at the zoning meetings, there were times during the zoning meeting they had legal questions to be answered, however without legal counsel present they could not answer the questions. It was asked that Administrator Klinginsmith put this item on the County Commissioners next meeting for the zoning board to discuss with them.

Jack Reimers moved to adjourn the meeting and Ron Kulwicki seconded the motion. Motion passed by a unanimous voice vote.

Jennifer Ostendorf  
Planning & Zoning Secretary

**MINUTES**  
**HOWARD COUNTY**  
**BOARD OF ADJUSTMENT**  
**July 21, 2021**

A meeting for the Howard County Variance Board of Adjustment was convened in open and public session on the 21<sup>st</sup> day of July 2021 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 7:00p.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: Janet Thomsen, Glen Killion, Mike Nelson, Rose Dixson and Terry Spilinek. Also present was Cherri Klinginsmith Howard County Zoning Administrator, David Schroeder Howard County Attorney. Members of the public included Steven & Rachael Kuszak, Mike Wetzel, Bill Schleicher, Bob Bogus and Nancy Glinsmann.

The agenda and minutes of last meeting were emailed and mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Mike Nelson and seconded by Terry Spilinek to approve the January 20, 2021 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board that the Zoning Board updated the Intensity of Use Regulations to allow 2 residences per quarter section in A-1 district and removed the wording for Agricultural residences and non-farm residences. You will receive new pages soon and the website is up to date with on-line regulations.

**At 7:05PM a Public Hearing was opened for Steven Kuszak requesting to sell his single lot subdivision in the SW ¼ SW ¼ of Section 7-13-10 to someone other than family.** Steve Kuszak was present to represent his request. He handed an Elevation Certificate, and pictures of the house to the board to review. The house is not livable and in bad shape and has not been lived in for 12 years. Steven stated he is established in Central City and doesn't have the finances to improve the place and it looks like an eyesore on HWY 58. A gentleman here Mike Wetzel, had interest to purchase the ground. He received the land as an estate inheritance instead of cash. There are no other residences in the quarter. Klinginsmith informed the board that the property was subdivided initially for inheritance purposes and if they wanted to sell in the future, it needed to have 80 acres with it or be bought by a family member with adjoining land to make it 80 acres. Members of the public testified that they think it should be denied as the county has regulations for a reason and this should not be allowed. They also don't want it to become a junk yard. The board asked Mike Wetzel the potential buyer what his intentions are for the lot. Mike stated he wanted to build a shed for his horses. A motion was made by Mike Nelson and seconded by Terry Spilinek to close the public hearing. Motion carried by unanimous voice vote. Terry Spilinek stated it is no fault of his own he received this land as inheritance and Steve has given us letters from the sisters that they are not interested in owning the land. Klinginsmith stated the subdivision was approved with the intentions of keeping the house with 80 acres of the family's adjoining land. If sold to someone other than family an approved variance would be required. The board discussed that there is to be no residences or living quarters allowed and the existing residence should be removed within 1 year. A motion was made by Mike Nelson and seconded by Terry Spilinek to approve the sale of property with stipulations of existing residence be removed within 1 year and a new residence cannot be rebuilt or any living quarters for the 12.9 acres in SW ¼ of Section 7-13-10. Motion carried by 5-0 Roll Call Vote. Finding of Fact Attached.

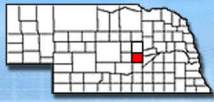
**At 7:30 PM a Public Hearing was opened for Warren Glinsmann to subdivide off ½ acre from the SW ¼ NW ¼ Section 5-14-12 to use a private truck washout.** Nancy Glinsmann was present to represent their request. The board asked Klinginsmith if Nebraska Department of Environment & Energy (NDEE) has visited the site or approved the truck washout, Klinginsmith informed the board that it is not a legal washout and would need to meet several requirements to be a legal truck washout. NDEE has sent a letter to Mr. Glinsmann informing him that a truck wash operating without required permitting or documented exclusion is in potential violation of State statute §81-1506. The board asked Nancy what the reason was for not dividing off a little more to stay within the counties 3 acre requirements. Nancy didn't

know. The board discussed that if Glinsmann's comply with NDEE they may need more than ½ acre for a truck washout. A motion was made by Glen and seconded by Rose to close the public hearing. Motion carried by unanimous voice vote. The board feels the Glinsmann's should meet with NDEE and discuss what all the truck washout entails to become legal, and if they will need more ground area than ½ acre. They agreed that the property sits in a flood zone and NDEE requirements are unknown at this point. A motion was made by Glen Killion and seconded by Rose Dixson to deny the ½ acre subdivision of SW ¼ NW ¼ Section 5-14-12, due to the land is in the floodplain, and unknown what NDEE requirements may be. Motion carried by 5-0 Roll Call Vote. Finding of Fact Attached.

A Motion was made by Glen Killion and seconded by Terry Spilinek to adjourn the meeting. Motion carried by 5-0 roll call vote.

Cherri Klinginsmith  
Howard County Zoning Administrator

Mike Nelson  
Board of Adjustment Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING July 21, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21<sup>st</sup> day of July, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00PM and the Open Meeting Act was recognized. Administrator Cherri 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: Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Daryl Anderson, Jeff Christensen, Dave Sack, and Terry Spilinek. Absent members: Jack Reimers and Randy Kauk. Also, present were Cherri Klinginsmith Planning & Zoning Administrator and Dave Schroeder Howard County Attorney. Members of the public present were: Marty Petersen and Wyatt Olson.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Chris Kosmicki to approve the minutes of the June 16, 2021 meeting. The motion was carried on a unanimous voice vote.

**Administrator Report:** Administrator Klinginsmith reported that Mylar's for vacated subdivisions will not be required, but instead will be on legal size paper. Subdivisions will still be required to have a Mylar submitted.

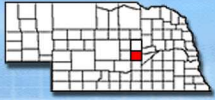
Klinginsmith also gave them a copy of a letter from Nebraska Department of Agriculture reminding counties of the Livestock Siting Assessment Matrix.

In reviewing the regulations after we changed the wording in Intensity to Use for residences in A-1, the sentence in A-3, under conditional uses needs to be removed for Ag operation. This will be a PH at our next business meeting in August. Klinginsmith and Ken Kozisek also reported on the Modern Livestock Facility Tour they attended on June 17, 2021. They visited a Swine and Poultry Production facilities in Osceola, and a Dairy Production at Rising City. They were impressed by the cleanliness of the facilities, no flies and no smell unless you came within 15 feet of the buildings.

**At 8:05PM a Public Hearing was to open for a Single Lot Subdivision for Warren & Nancy Glinsmann, however the BOA denied their request, so no discussion was had.**

**At 8:10PM a Public Hearing was opened to Vacate Line Shack Hill Subdivision with 10 acres by Petersen's located in NE ¼ Section 15-16-12.** Martin Petersen was present to represent his request. Martin stated they originally subdivided off the 10 acres in the N ½ of section and used a perpetual easement for their driveway on the S ½ section, now they are getting estate planning in order and they would like to include the driveway in their subdivision, so they need to vacate this one to make the new subdivision include the driveway and removing the easement. Administrator Klinginsmith stated if approved the new subdivision will be administratively handled since there is a residence on the acreage. With no testimony in favor or opposed. A motion was made by Dave Sack and seconded by Chris Kosmicki to approve the vacation of Line Shack Hill Subdivision located in the NE ¼ of Section 15-16-12. Motion carried by 7-0 Roll Call Vote.

**At 8:20PM a Public Hearing was opened to vacate Diehl Subdivision with 10 acres by Rodney & Susan Diehl, located in the NE ¼ of Section 33-13-12.** Wyatt Olson, relator was present to represent the Diehl's. The land is under contract and they would like the house and structures to be together on 20 acres and the remaining land on the 32 acres, with everything to be sold together and will not be split up. Currently the house and outbuildings are not together in the 10 acres. Administrator stated originally the house was divided for loan purposes and was on 55 acres. With no testimony



# Howard Planning and Zoning Minutes

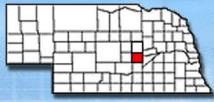


in favor or opposed. A motion was made by Jeff Christensen and seconded by Ron Kulwicki to approve the vacation of Diehl Subdivision located in the NE ¼ of Section 33-13-12. Motion carried by 7-0 Roll Call Vote.

Next on the agenda is a discussion regarding Hornady Training Facility with Howard County Attorney. Terry Spilinek mentioned that last month Steve Hornady brought the Hornady Training Facility Conditional Use Permit (CUP) to our zoning meeting for discussion because our zoning regulations included Trap & Skeet shooting. If you look up trap and skeet that is for shotgun games. Hornady's CUP doesn't fit shotgun games, they want to develop and test ammunition to train law enforcement, military and possibly FBI with high powered rifles. The other issue is this is a non ag-business going out into agricultural land, the location should be zoned differently to support that business and we do not allow spot zoning. Terry asked the County Attorney if he is accurate on stating that this doesn't fit the CUP of skeet & trap shooting. The County Attorney Schroeder agreed that the regulations don't allow a CUP for that type of activity, only trap and skeet, which doesn't fit Hornady's activity. Administrator Klinginsmith asked if she can call Steve Hornady and let him know that after the zoning board reviewed the CUP with the County Attorney, this activity is not allowed in Howard County by a CUP. The board agreed, but it should be in writing to Steve Hornady that this CUP activity is not an allowable in Howard County, per the zoning regulations.

Ron Kulwicki moved to adjourn the meeting and Dave Sack seconded the motion. Motion passed by a unanimous voice vote.

Cherri Klinginsmith,  
Howard County Planning & Zoning Administrator



# Howard Planning and Zoning Minutes



## Minutes

### Howard County Planning & Zoning

August 18, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18<sup>th</sup> day of August, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00PM and 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: Chris Kosmicki, Jeff Christensen, Daryl Anderson, Terry Spilinek, Ken Kozisek, and Dave Sack. Absent members: Ron Kulwicki, Jack Reimers and Randy Kauk. Also present were Cherri Klinginsmith, Planning and Zoning Administrator, Dave Schroeder, Howard County Attorney, and Jennifer Ostendorf, Planning and Zoning Secretary. Members of the public present were: Ron Kunze, Brent Kunze, Craig Kuszak, Doug Liveringhouse and Michael Happ.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes of the July 21, 2021 meeting. The motion was carried on unanimous voice vote.

**Administrator Report:** Administrator Klinginsmith updated the board that there is someone that had asked about feeding approximately 1200 head of cattle on crop land this fall thru spring. Previously feeding 500 head last year. He is aware of the 6-month time limit and said since he is increasing the number of cattle, he is willing to get a C.U.P. if that is what he needs to do. There is corn planted in field now so he will start to feed the cattle after harvest. Administrator Klinginsmith let the board know that she told the gentleman that as long as he doesn't go over the 6-month time frame that there isn't a need for a C.U.P. Administrator Klinginsmith will watch the cattle numbers during this time frame and if he goes over 6-months this year, then if he asks to feed cattle on the field again next year, she will require a C.U.P.. The zoning board felt it would be in the land owner's best interest to file for a conditional use permit in the future if this continues. The board was okay with the administrator's decision thus far.

Administrator Klinginsmith also shared with the board that the 2021 Nebraska Planning and Zoning Conference is in Kearney, September 15<sup>th</sup>-17<sup>th</sup> at the Younes Conference Center. If any board member would like to attend, registration is due September 1<sup>st</sup>.

**At 8:05 a Public Hearing for Multi-Lot Subdivision Ole Suzanna Replat by Doug Liveringhouse – NW ¼ SE ¼ Section 27-13-12 in Howard County.** Doug Liveringhouse was present to represent the request. Doug explained to the board that he recently bought all this land that he represents. It is currently 4 lots in the subdivision and he would like to change it to 3 lots. In Lot 1 he would like to add 30 feet to his east property line, (Lot A). Lot 2 and 3 he would like to combine to make one lot, (Lot B) and leave lot 4 as is. There was no testimony in favor or opposition. With no further discussion a motion was made by Dave Sack and seconded by Jeff Christensen to approve the multi-lot subdivision Ole Suzanna Replat Located in NW ¼ SE ¼ Section 27-13-12 in Howard County. Motion carried 6-0 Roll Call Vote. Finding of Fact attached.

**At 8:15 a Public Hearing for Amending Zoning Regulations, regarding A-3 Agricultural Conservation District under Conditional Uses.** Administrator Klinginsmith explained to the board that when discussion was had in April/May for zoning regulations this was missed. Administrator Klinginsmith brought to attention on page 122 of A-3 Zoning Regulations that under Conditional Uses #2, should be removed. With discussion from prior meeting in A-3 it doesn't matter if it is a farm or non-farm operation, as long as it is 80 acres. With no further discussion a motion was made by Chris Kosmicki and seconded by Ken Kozisek to amend zoning regulations regarding A-3 Agricultural Conservation District under Conditional Uses. This eliminates #2 under Conditional Uses. Motion passed with a 6-0 roll call vote.



# Howard Planning and Zoning Minutes



**At 8:20 a Public Hearing for C.U.P. Hornady Testing and Training Shooting Range by Hornady Manufacturing INC, Steve Hornady S ½ S ½ Section 30-15-9.** Chairman Spilinek informed the public that Administrator Klinginsmith informed him that a Hornady's Attorney had called to let the board know that Hornady Manufacturing INC is going to withdraw their current application at this time. The board had tabled this subject in June so Chairman Spilinek told the board they had to act on the motion that was tabled. Dave Sack moved and Ken Kozisek seconded a motion to deny a Conditional Use Permit for Hornady Testing and Training Shooting Range located S ½ of S ½ Section 30-15-9 in Howard County. Motion carried with a 6-0 Roll Call Vote.

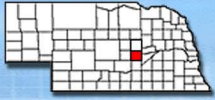
**Discussion/Action – Dub's Acres Subdivision approval or Denial Statement**

Administrator

Klinginsmith said that she received a call from someone stating that they couldn't find Dub's Subdivision on file. After some research, Administrator Klinginsmith found that the subdivision was not ever filed. Since the subdivision wasn't ever filed Davis Surveying filed the survey only. Regulations in 1999 when this was started were that there wasn't a time limit to file. In 2012 the regulations changed that states you have 90 days to file or it becomes null and void. Administrator Klinginsmith shared with the board that if they allowed the subdivision to be filed as is now that the current landowners of adjoining land would lose land as some of the property lines are crossed with this subdivision. After much discussion Ken Kozisek moved and Dave Sack seconded motion to void the Dub's Subdivision and require a new survey in parts of section 1 & 12 Township 13 Range 11 and parts of Sections 6 & 7 Township 13 Range 10 in Howard County. Motion was carried with 6-0 roll call vote. Finding of Fact attached.

Jeff Christensen moved to adjourn the meeting and Dave Sack seconded the motion. Motion was carried with a unanimous voice vote.

Jennifer Ostendorf  
Planning and Zoning Secretary



# Howard Planning and Zoning Minutes



## Minutes

### Howard County Planning & Zoning

September 15, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15<sup>th</sup> day of September, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00PM and 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: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, and Terry Spilinek. Absent members: Ron Kulwicki, Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Planning and Zoning Administrator, and Jennifer Ostendorf Planning and Zoning Secretary. Members of the public present were: Janet Thomson, Rose Dixson, Lynnette Marshall, Tylor Robinson, Jordan Robinson, Brandt Botttolfson, Bryan Robinson, Michael Happ, Bob Hirschman and Robert Pearson.

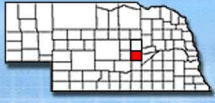
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ken Kozisek and seconded by Chris Kosmicki to approve the minutes of the August 18, 2021 meeting. The motion was carried on unanimous voice vote.

**Administrator Report:** Administrator Klinginsmith updated the board letting them know that she met with commissioners and let them know that Hornady Manufacturing withdrew their application for the training and shooting range. She also updated the board letting them know that the commissioners approved both Ole Suzanna Replat and A-3 wording change.

Administrator Klinginsmith also let the board know that she had attended the first day of planning and zoning conference in Kearney and will complete the conference this week. She said that thus far it has been an informative conference.

**At 8:05 PM a Preliminary Public hearing on a multi-lot subdivision application by Jerald E Hirschman, current land owner and Dirt Road Development LLC, proposed buyer. (E ½ of NE ¼ 5-13-9)** Tylor Robinson with Dirt Road Development was present to present the request. Tylor explained to the board their plan is to subdivide the land into 24-3 acre lots and 2-4 ½ acre lots. Tylor explained that he thought this was a good location as it is several houses within a ½ mile from Highway 281 and about a mile from the Scarecrow Patch. He also explained to board that his plan would add approximately \$78,000 in tax income for the county. There was no testimony in favor. Rose Dixson and Bob Hirschman were present and opposed the application. Asking about water rights for this many wells, when we cannot get water rights to irrigate crop land. She states she always has concerns about housing in ag area. Worried about the state of the road with this much traffic. Concerned about run off from water runoff from housing to ag land. Bob Hirschman also voiced concern about extra housing in Ag area. The public hearing was closed and after much discussion Daryl Anderson moved and Jeff Christensen 2<sup>nd</sup> motion to approve the Preliminary Dirt Road Development Multi Lot Subdivision application by Jerald Hirschman located in section 5-13-9, 80 acres in Howard County. The board also would like Dirt Road Development to research and present their findings at the next meeting – what REA says about the electrical out there, talk to NRD to ok 26 wells in this area, they would like to see a copy of the covenants, present the grading, drainage, elevations, topographical map and ground water level. The board did confirm this is in A-2 District. Motion passed carried with a 5-1 Roll Call Vote. Finding of Fact attached.

**At 8:15 PM a public hearing on a Single Lot Subdivision application by Marilyn A. Placke - Placke Fifth Subdivision (SW ¼ 11-13-10)** Administrator Klinginsmith presented request to the board. Dalton Placke is requesting to subdivide off +/- 3 acres of his grandmother's land. There was no testimony in favor or against. With no further discussion a motion was



# Howard Planning and Zoning Minutes



made by Jeff Christensen and 2<sup>nd</sup> by Jack Reimers to approve the Placke Fifth subdivision a single lot by Dalton Placke located in section SW ¼ 11-13-10 in Howard County. Motion carried 5-1 by Roll Call Vote. Finding of Fact Attached.

**Discussion/Action** Lynnette Marshall presented to the board to ask for a 3<sup>rd</sup> residence in quarter section SW ¼ 35-14-10. She had come to the board in June of 2020 with this same request. In June of 2020 the zoning board approved her request to build a 3<sup>rd</sup> house in their quarter section. Lynnette asked the board if they would consider grandfathering her request in since it was approved once already in 2020. The regulations for A-1 changed in May of 2021 stating only 2 houses per quarter section. The zoning board told Lynnette that her case would have to go to the variance board since the regulations have changed since her initial request.

**Discussion/Action** New odor footprint NW ¼ Section 4-13-9 a neighbor came in to ask if the board would consider making it 2 separate odor footprints? Administrator Klinginsmith doesn't feel like the odor footprint that G-Works came up with is correct. Bob Hirschman is the applicant of the odor foot print in question. One of the neighbors that lives close to the odor footprint but not within the footprint brought up the fact that the middle of the "feedlot" is not in the middle of the pivot it is really in the middle of each pivot corner.

This application for the farm feedlot odor footprint was received the same day as the multi-lot subdivision discussed above. The way that the odor foot print is now it would affect several of the lots in the multi-lot subdivision. If the board would decide to make this into 2 separate odor foot prints, the south odor foot print would include an existing property and therefore would not be allowed according to current regulations. The North West corner in question would be the only odor foot print allowed since it wouldn't interfere with any existing houses. After much discussion the board decided to table the discussion to next month as they had some questions for the County Attorney who was not present.

**Discussion/Action** Traylor homes placed without approved zoning permits and not meeting Title 123 State Codes. Administrator Klinginsmith informed the board that the neighbor contacted her that there was another trailer house out there. Administrator Klinginsmith drove out to take pictures on August 17<sup>th</sup> and there were 2 trailer houses on the property and drove by again on September 2<sup>nd</sup> and there were 3 trailer houses on the property. Pictures were taken both times and presented to the board. The roads depart has notified Administrator Klinginsmith that there is insulation and trash blowing around on the road. Also, the County Commissioners have also asked Administrator Klinginsmith to look into this issue. Administrator Klinginsmith has sent out a letter to the land owner and informed the board that first letter gives land owner 30 days to clean up. If no action a second letter will be sent and that will allow 15 days to clean up and again if no action the last letter will go out and notify the land owner that the case was turned over to the County Attorney.

This was just something that Administrator Klinginsmith wanted to make the board aware of so no action was needed by the zoning board at this time.

Jack Reimers moved to adjourn the meeting and Jeff Christensen seconded the motion. Motion was carried with a unanimous voice vote.

Jennifer Ostendorf

Planning & Zoning Secretary

**MINUTES  
HOWARD COUNTY  
BOARD OF ADJUSTMENT  
October 20, 2021**

A meeting for the Howard County Variance Board of Adjustment was convened in open and public session on the 20<sup>th</sup> day of October 2021 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 7:30p.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: Janet Thomsen, Glen Killion, Mike Nelson, Rose Dixson and Terry Spilinek. Also present was Cherri Klinginsmith Howard County Zoning Administrator. Members of the public included Lynette Marshall.

The agenda and minutes of last meeting were emailed and mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Mike Nelson and seconded by Terry Spilinek to approve the July 20, 2021 meeting. The motion carried on unanimous voice vote. Administrator Klinginsmith informed the board that the Zoning Board updated the Intensity of Use Regulations to allow 2 residences per quarter section in A-1 district and removed the wording for Agricultural residences and non-farm residences.

**At 7:35PM a Public Hearing was opened for a request to have property grandfathered in prior to the Intensity of use regulations changed.** Located in the SW ¼ of 35-14N-10W. Lynette Marshall was present to represent her request. Lynette said she started in June of 2020 and went to the planning and zoning and they said they would approved my request to build the first non-farm residence, but she needed to get it surveyed. She asked her nephew to find a surveyor and a couple months went by and she hadn't heard anything, so she checked on-line and had left a message with the county surveyor, Tim Aitken and she never heard anything back, so she assumed because of the covid thing they were busy and didn't pursue. After all that, Lynette met with administrator Klinginsmith in June of 2021 and Klinginsmith informed Lynette that the regulations had changed to only allow two houses per quarter section. So she dropped it and then a few weeks later she went back to the zoning administrator and asked if there was anything she could do. The administrator referred her to apply for a variance. Lynette also mentioned as a single person she would like to remain on her farm. If she had family there but not under her roof that would help her maintain the property. The board members asked if she had livestock, she stated no and she rents the property out, but would like help in maintaining the property not rented out. The board asked the administrator how a residence being placed on the property affects manure application. The administrator stated there is no stock piling of manure within ¼ mile of residence and with application the manure must be 300' away from residence and 100' from a well. After much discussion the board suggested to require if a house would be built in a subdivision to require that the house be 300' from the north property line and the well be 100' from north property line. Terry Spilinek made a motion to close the public hearing and Glen Killion seconded the motion. The motion carried on unanimous voice vote. Terry Spilinek made a motion to approve based on the conditions of the future residence would have to be built 300' from north property line and a well 100' from north property line. Mike Nelson seconded the motion. A roll call vote was taken. Terry Spilinek-yes, Mike Nelson-yes, Glen Killion-yes, and Janet Thomsen-yes. Rose Dixson-abstain. The motion carried 4-0. Finding of fact attached. Administrator Klinginsmith informed Lynette that she would be receiving a letter of approval. She will have one year to start the process of applying for the subdivision and zoning permit application.

Cherri Klinginsmith  
Howard County Zoning Administrator

Mike Nelson  
Board of Adjustment Secretary

**MINUTES  
HOWARD COUNTY  
BOARD OF ADJUSTMENT  
October 20, 2021**

A meeting for the Howard County Variance Board of Adjustment was convened in open and public session on the 20<sup>th</sup> day of October 2021 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

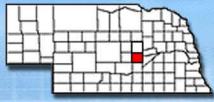
Chairman Janet Thomsen called the meeting to order at 7:30p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office. Roll call showed 5 members present: Janet Thomsen, Glen Killion, Mike Nelson, Rose Dixson and Terry Spilinek. Also present was Cherri Klinginsmith Howard County Zoning Administrator. Members of the public included Lynette Marshall.

The agenda and minutes of last meeting were emailed and mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Mike Nelson and seconded by Terry Spilinek to approve the July 20, 2021 meeting. The motion carried on unanimous voice vote. Administrator Klinginsmith informed the board that the Zoning Board updated the Intensity of Use Regulations to allow 2 residences per quarter section in A-1 district and removed the wording for Agricultural residences and non-farm residences.

**At 7:35PM a Public Hearing was opened for a request to have property grandfathered in prior to the Intensity of use regulations changed.** Located in the SW ¼ of 35-14N-10W. Lynette Marshall was present to represent her request. Lynette said she started in June of 2020 and went to the planning and zoning and they said they would approved my request to build the first non-farm residence, but she needed to get it surveyed. She asked her nephew to find a surveyor and a couple months went by and she hadn't heard anything, so she checked on-line and had left a message with the county surveyor, Tim Aitken and she never heard anything back, so she assumed because of the covid thing they were busy and didn't pursue. After all that, Lynette met with administrator Klinginsmith in June of 2021 and Klinginsmith informed Lynette that the regulations had changed to only allow two houses per quarter section. So she dropped it and then a few weeks later she went back to the zoning administrator and asked if there was anything she could do. The administrator referred her to apply for a variance. Lynette also mentioned as a single person she would like to remain on her farm. If she had family there but not under her roof that would help her maintain the property. The board members asked if she had livestock, she stated no and she rents the property out, but would like help in maintaining the property not rented out. The board asked the administrator how a residence being placed on the property affects manure application. The administrator stated there is no stock piling of manure within ¼ mile of residence and with application the manure must be 300' away from residence and 100' from a well. After much discussion the board suggested to require if a house would be built in a subdivision to require that the house be 300' from the north property line and the well be 100' from north property line. Terry Spilinek made a motion to close the public hearing and Glen Killion seconded the motion. The motion carried on unanimous voice vote. Terry Spilinek made a motion to approve based on the conditions of the future residence would have to be built 300' of north property line and a well 100' of north property line. Mike Nelson seconded the motion. A roll call vote was taken. Terry Spilinek-yes, Mike Nelson-yes, Glen Killion-yes, and Janet Thomsen-yes. Rose Dixson-abstain. The motion carried 4-0. Finding of fact attached. Administrator Klinginsmith informed Lynette that she would be receiving a letter of approval. She will have one year to start the process of applying for the subdivision and zoning permit application.

Cherri Klinginsmith  
Howard County Zoning Administrator

Mike Nelson  
Board of Adjustment Secretary



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING October 20, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of October, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00PM and the Open Meeting Act was recognized. Administrator Cherri 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, Kenneth Kozisek, Daryl Anderson, Jeff Christensen, Jack Reimers, and Terry Spilinek. Absent members: Ron Kulwicki, Dave Sack Chris Kosmicki and Randy Kauk. Also, present were Cherri Klinginsmith Planning & Zoning Administrator and Dave Schroeder Howard County Attorney. Members of the public present were: Audrie Robinson, Karlie Mamot, Brian Robinson, Theresa Robinson, Brandt Bottolfson, Tylor Robinson, Cathy Allen, Dustin & Nicole Ruzicka, Kathy Hirschman, Nate Timmons, Brandon and Erin Nowak, Alan Griebel, Michael Happ, Jordan Robinson, Jessica Herrold, Rick Kraft, Rose Dixson, Steve and Sandra Leiningner.

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 September 15, 2021 meeting. The motion was carried on a unanimous voice vote.

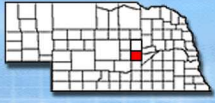
**Administrator Report:** None

**At 8:05PM a Public Hearing was opened for a Single Lot Subdivision by Julie Poss, Poss Administrative Subdivision in the SE ¼ section 27-15-10.** Julie was not present for meeting. Administrator Klinginsmith represented the plat to the board. The subdivision consist of 31 acres in the A-2 zoned district and is requesting to be split off into 2 lots of 12.8 and 18.2 acres. With no testimony in favor or opposed, Terry Spilinek closed the public hearing. Discussion by zoning board included Ken Kozisek asking if the lots were in the floodplain, Klinginsmith verified that both lots are out of the floodplain. A motion was made by Ken Kozisek and seconded by Jeff Christensen to approve the Poss Administrative Subdivision. Motion carried by 5-0 Roll Call Vote. Finding of Fact attached.

**Next on the agenda was a discussion regarding the tabled item of changing the center lines for the odor footprint design, from September 15, 2021 zoning meeting.** Klinginsmith stated she had a request to put a feedlot in the NW ¼ of section 4-13-9 on the 2 west pivot corners with an alley in the center. A neighbor had requested for the zoning board to review for using 2 center points, a point at each corner instead of the center of the alley between the two corners. After much discussion it was decided to not change the regulations on odor footprint procedures. It was also confirmed that the previous odor footprint presented at September's meeting was incorrect after discussing with the 3<sup>rd</sup> party-gWorks, who develops the odor footprint for the Howard County Planning and Zoning. Along with finding out the corrected odor footprint included a residence to the south, therefore the feedlot applicant redesigned the feedlot area to not include the south corner and alley and using the north pivot corner only for the feedlot area. This allows the corrected odor footprint to exclude any residences.

Tyler Robinson asked to speak, along with presenting a power point presentation. Jordan Robinson requested to have the minutes of September meeting read first. Administrator Klinginsmith read the minutes from September 15, 2021 meeting.

**At 8:20 pm A Public Hearing was opened for a Multi-Lot Subdivision Application by Jerald E. Hirschman and Dirt Road Development LLC located on the E ½ of NE ¼ Section 5-13-9.** Tyler Robinson was present to represent the request and started off with a power point presentation of what the zoning board requested of him at the September meeting. Tyler



# Howard Planning and Zoning Minutes



presented the topographical elevation map and stated there is less than a 20' elevation change and drains from the west to east. He is meeting the NRD, (Natural Resource District) rules which state no more than one well per residence for a minimum of 3 acres. Tyler contacted the RPPD (Rural Public Power District) that stated there is enough capacity there to serve the 26 residences and Lee Obermeier reviewed the plat and stated there is more than sufficient easements to service the lots. Tyler also contacted the USDA, (United States Department of Agricultural) for soil service analysis and stated that 92% of the soil is good for residences with basements. Tyler has submitted a copy of the restrictive covenants, which include the locations of where the septic systems and wells can be placed from where the home is located.

Tyler disputed the odor footprint drawn, the zoning board stated this is not a true feedlot, but a pivot corner that gets cattle grazed on it over the winter and the shape of the feedlot makes the odor footprint look a little distorted, with the animals grazing the land for over 6 months is the only reason for odor footprint being placed. The cattle will be there approximately 7 months and the odor footprint doesn't prohibit a residence from being placed because we have a waiver policy. If the two owners will sign the waiver it doesn't prohibit from the residence being built.

Jordan Robinson applied for a zoning permit which was denied until a CUP (Conditional Use Permit) is received.

Chairman Spilinek asked if Administrator Klinginsmith would read the timeline she has on file. A timeline was read by Klinginsmith which is attached. Tyler Robinson finished his power point which included why the Subdivision should be allowed. The zoning board stated both uses are allowed and they need to learn how to co-exist. Kathy Hirschman asked Administrator Klinginsmith what the description of the road was, Klinginsmith stated she spoke to the County Road Superintendent and was told the road is a good road and would handle the traffic. Tyler continued his power point and discussed the Howard County Feedlots in Howard County. At 9:00 pm the County Attorney was going to leave the meeting so Chairman Spilinek asked, how are we to determine who was first, is it when a person applies or when the application is approved? County Attorney Schroeder stated it is when the person applies. It was also asked if the Hirschman Feedlots were adjacent to each other and County Attorney Schroeder stated no. The County Attorney Schroeder left the meeting. After much more discussion at 9:15pm the chairman asked for testimony in favor, several hands were raised, testimony opposed, there was no one opposed. The Public hearing was closed and discussion by planning and zoning. The zoning board discussed the original discussion of changing the points of an odor footprint. It was noted that a subdivision application and an odor footprint application can come in at the same time, as we know the intentions of what is to be placed in the subdivision but until there is a zoning permit to build a residence the subdivision and odor footprint can co-exist. Once a zoning permit is received and if the residence would be within the odor footprint a CUP for a nuisance Easement Waiver would need to be approved prior to approving the zoning permit to build. Therefore the timing of the subdivision and odor footprint are irrelevant. The zoning board felt at this time there is no need to change their odor footprint procedures. Jordan stated she submitted a zoning permit to build on the 80 acres, and the odor footprint was changed after that, so would her zoning permit be first? It was noted the odor footprint and subdivision applications were received on 8-24-2021 and the zoning permit was on 9-28-2021. It was denied as it was within the odor footprint boundary. Jordan asked if the landowner signs a waiver my zoning permit could be approved, the administrator Klinginsmith stated yes, with a CUP Waiver application being received and approved.

The board agreed they do not approve the odor footprints and therefore the tabled discussion is not an issue and they are not changing the odor footprint procedures.

A motion was made by Jeff Christensen and seconded by Jack Reimers to give final approval for plat of the multi-lot subdivision presented. Administrator Klinginsmith noted that the road name needs to be listed prior to submitting a public hearing to Howard County Commissioners. Motion carried by 5-0 Roll Call Vote. Finding of Fact attached.



# Howard Planning and Zoning Minutes



Administrator Klinginsmith informed the applicant Tyler Robinson that the next Commissioners meeting is November 23<sup>rd</sup> and the zoning office will need the Mylar with the road name included before the commissioners will hear the application. Tyler stated he has a year to do this correct? Administrator Klinginsmith stated yes.

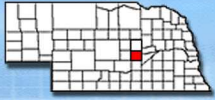
**Next on the agenda was the discussion to divide off less than 80 acres in A-3 for a residence. This is located along the south side of river of N ½ of section 14-15-9.** Administrator Klinginsmith stated back in December of 2019, Steve Leininger asked if the home site can be divided off from the 150 acres. Now in September of 2021 attorney Cathy Allen is asking the same request. At which both times the administrator have told them that she could not approve without talking to zoning board and possibly board of adjustment. Cathy Allen stated the land owners are getting up in age, and wanted to sell the home site off from the remaining ground so it would sell easier. This is the only home in the quarter section. The zoning board asked if this is a lot of record. The land is located in A-3 and in gov't. Lots 1, 2, 3, and 4. After much discussion it was decided that if the house is located on a lot of record, then that lot of record could be divided off, with a minimum of 3 acres. As example the house is on lot 3 of 10 acres that lot can be split off from the remaining lots, 1, 2 and 4. However, you cannot have lot 3 and have a portion of gov't lot 4, to make a new lot. To verify, if it's not the complete gov't lot or lots as they are now, this board cannot approve, then you would have to apply to the board of adjustment if you want to split one of the gov't lots. Also if gov't lots are over 20 acres the zoning board would not be involved unless you're wanting to split a gov't lot. Then again the Board of Adjustment would need to hear the application.

**Next on the agenda was Administrator asking the zoning board to implement a zoning permit compliance form.** Klinginsmith borrowed a couple neighboring zoning administrators' forms to keep track of finished zoning permits. It was suggested to use an on-line calendar for the office, however Administrator Klinginsmith noted with different secretaries and zoning administrators the software changes and this form would help keep track of finished permits. A motion was made by Jeff Christensen and seconded by Ken Kozisek to adopt the new compliance form for zoning applications. Motion carried 5-0.

**The agenda item of rezoning land from I-1 to A-2 along highway 281 was next.** The Martinson Vet clinic is up for sale and the Zoning Administrator has received several calls on if this land can be rezoned back to A-2 or a portion of it be rezoned back to A-2. Dustin and Nicole Ruzicka was present to ask the board some questions. They are wanting to know if they could have their Floor-It business there and storage and maybe in the future split land off for a residence. Administrator stated it was in 1992 when the zoning board rezoned the 10 acres to I-1 (Light Industrial) back when spot zoning was taken place. After discussion the board agreed A-2 would be in line with what else is around Highway 281. If landowner wants to build a residence it would need to be rezoned to A-2, then a CUP for a store front.

**Next item on Agenda is the property located on NW ¼ Section 7-14-9.** Administrator informed the board that we have discussed this property before due to junk and insulation from trailer houses being moved onto the property and debris is flying around neighboring landowner's yards and county road. At this point there are three trailer homes at site. Administrator spoke to Todd Tobler who is the renter of land who states he is wanting to repair the trailers and move them to Central City to sell. He is needing 8 to 9 months to get the trailers repaired and sold. After administrators discussion with renter it was decided that this is not an allowed use in A-1 zoned land. Therefore, administrator sent a letter to landowner and spoke to renter that a CUP would be required.

The Zoning board asked, can a CUP be given to something that is out of compliance already? The renter stated the trailer home that was pulled onto the property by Howard County Sherriff is in bankruptcy and the renter will not touch that trailer. The other two trailers are from Central City and he wants to fix them and sell them off. Dan Buhrman the landowner, called administrator to state the renter is a great mechanic and he can fix any automobile, however this is not what the renter is doing here. Administrator stated she will give landowner 30 days to have trailer homes removed



# Howard Planning and Zoning Minutes



from property, then 15 days, then it will advance to County Attorney for prosecution, if no action has taken place within the 45 days. A motion was made by Jeff Christensen and seconded by Ken Kozisek to reject the CUP for the property located in NW ¼ section of 7-14-9. Motion carried 5-0

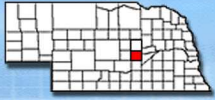
**Next agenda item is discussion of Campsite 911 address:** Administrator informed board that back in 2017 we informed the land owner of land located in NE ¼ of section 14-15-11 that no more building of permanent structures will be allowed. In September of 2021, one of the renters of a lot is asking to rebuild their deck a little larger, which requires a zoning permit. With a zoning permit the county is also required now to give out 911 address. How do you want the administrator to handle? After much discussion, a motion was made by Jack Reimers and seconded by Jeff Christensen to require a 911 address on each lot in the NE ¼ of section 14-15-11. There will be a main address and each lot will be numbered; Lot 1, Lot 2, Lot 3 etc..... Motion carried 5-0 by Roll Call Vote.

**Last item on the agenda was discussion regarding a land purchase of 1 acre to adjoining land owner.** Landowner to the east is purchasing 1 acre from landowner to the west to add the 1 acre to their existing 153 acres. They are not allowed to create a separate parcel. Administrator Klinginsmith stated that she would like to start a file of these instances that come up, just so it's in the minutes that a new parcel is not being created. A motion was made by Jeff Christensen and seconded by Ken Kozisek that a subdivision is not needed to add an acre to the adjoining land owners land and will not create a separate parcel. Motion carried 5-0 by Roll Call Vote.

Jack Reimers moved to adjourn the meeting and Jeff Christensen seconded the motion. Motion passed by a unanimous voice vote.

Cherri Klinginsmith,

Howard County Planning & Zoning Administrator



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning December 15, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15<sup>th</sup> day of December 2021.

Chairman Terry Spilinek call the meeting to order at 7:00PM and 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, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers and Terry Spilinek. Absent member: Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, Howard County Attorney and Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Mike Meinecke, Nate Timmons, Jordon Robinson, Bryan Robinson, and Tylor Robinson.

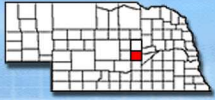
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Jack Reimers and seconded by Ron Kulwicki to approve the minutes of the October 20,2021 meeting. Motion carried by a unanimous voice vote.

Administrator Klinginsmith let the board know that AFAN will be doing livestock facility tours again this year in April June and September. She will keep the board updated as more information is available. Administrator Klinginsmith and board member Ken Kozisek attended a tour last summer and thought it was very informative.

Administrator Klinginsmith let the board know that Mark Van Pelt is selling land to his adjoining land owner, Brian Watson. This will just be adding acres to Brian's existing land. Since this is a sale of land to adjoining land owner the parcel will need to be added to the buyers existing acres as not to create a separate lot. The zoning board agreed with Klinginsmith.

**At 7:05PM a public hearing for Renewal of Conditional Use Permit for William Dixson (Section 5-13-9)** Administrator Klinginsmith represented for William Dixson. Administrator Klinginsmith told the board that Williams previously requested a one (1) year permit, in 2019 and 2020. This requested application is for two (2) or more years. Dixson's had been applying this waste from Central Nebraska Truck Wash for the last 2 years without any complaints. There was no testimony in favor. Bryan Robinson was present and voiced his opinion to the board that they make this renewable yearly so that they can't abuse it. The discussion was closed to the public and opened to the board. Jack Reimers asked if they applied lime with the waste when applying to field. Administrator Klinginsmith said that in the past they had piles of lime brought in and applied that to the field, after much discussion Randy Kauk made a motion to approve a renewal of the Conditional Use Permit for William Dixson for 2 years and 3 months to stock pile and apply waste in Section 5-13-9 Howard County. Excluding E ½, NE ¼ and E ½ SE ¼, with the permit expiring March 1, 2024. Jeff Christensen seconded the motion. Motion passed with an 8-0 roll call vote.

**Discussion/Action – request for a farmstead be divided off with less than 3 acres (SE ¼ SE ¼ 5-13-11)** Mike Meinecke was present and presented to the board that he would like to split his farmstead away from the farm ground for banking purposes, however there is less than 3 acres in the site he wants to split off. The board suggested that he could just take a little land on north side of his house and then he would have 3 acres and wouldn't need a variance. Mike said that the slope of the land north of his house would require him to spend a lot of money moving dirt to make that work. He said he would rather just split the land like he is asking. After much discussion the board told Mike that they require 3 acres and cannot approve this request. Therefore, he would have to take this the Board of Adjustments since it will be under 3 acres. A variance application was given to Mike. He will fill it out and return it to the planning and zoning office at his convenience. Administrator Klinginsmith informed him the deadline for next month's BOA meeting would be December 28, 2021.



# Howard Planning and Zoning Minutes



**Discussion/Action Land Zone Use (NE ¼ NW ¼ 31-14-9)** Administrator Klinginsmith wanted to update the board on the new ownership of the old Martinsen Vet Clinic. The land was purchased by Eric Blase. Klinginsmith has received some calls wondering if there was going to be a feedlot put on this land. Administrator Klinginsmith said that due to the way the land is zoned and the number of acres there couldn't be a feedlot on this ground. When speaking with Eric Blase he mentioned that he planned to use the land as vet barn or a place to process cattle when they are brought in. Klinginsmith informed him that this would be allowed but the cattle wouldn't be able to stay there more than a few days. Administrator Klinginsmith told the board that she has spoken with Blase's attorney and they are aware of the county's regulations. The board agreed with Klinginsmith's comments.

**Discussion/Action – Review of property in the NW ¼ 7-14-9** Administrator Klinginsmith updated the board on the property listed. A letter was sent to Dan Buhrman, landowner, on October 28, 2021 letting the owner know that he had until December 9, 2021 to get land cleaned up and trailer houses moved. Klinginsmith drove by the property on December 14, 2021 and only 1 of the 3 trailer homes were removed. The other 2 trailer houses haven't been removed. Another letter was sent to Buhrman on December 14, 2021 notifying him that he has until December 30, 2021 to get the area cleaned up. If not cleaned up by the 30<sup>th</sup> of December the case will be turned over to the County Attorney. Klinginsmith also let the board know that she has had calls about the trash and insulation that is being blown onto neighboring properties.

**Discussion – animal units on A-1, A-2 and A-3 all in one parcel (NW ¼ N ½ SE ¼ 8-13-10)** John and Ruth Ropp purchased some land and had come into the office to see what they were allowed to do on this land. The land is Zoned A-1, A-2 and A-3 all in the same parcel. The couple has mentioned that they would like to have a large number (900 head) of cattle (dairy or beef) or chickens on their land. Administrator Klinginsmith asked the board what their recommendation was since it is zoned like this. With the regulations as they stand the owners wouldn't be able to have the number of animals that they would like to have. After much discussion the board said that they would need more specific information from the land owner and what they would like to do before they can make a recommendation. Administrator Klinginsmith is to use the animal units per the zoned land until she has a detailed plan of what landowners are wanting to do.

A motion was made by Jeff Christensen to adjourn, Jack Reimers seconded the motions. Carried by unanimous voice vote. The next meeting is scheduled for January 19, 2022.

Jennifer Ostendorf  
Planning & Zoning Secretary