

**MINUTES  
HOWARD COUNTY  
VARIANCE BOARD OF ADJUSTMENTS  
January 19, 2022**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 19<sup>th</sup> day of January 2022 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen 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, Glen Killion and Rose Dixon. Also present was Cherri Klinginsmith, Howard County Zoning Administrator and Jennifer Ostendorf, Secretary.

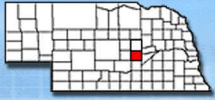
The agenda and minutes were emailed and mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Terry Spilinek and seconded by Glen Killon to make the corrections to the minutes as suggested and then approve the minutes of the October 20, 2021 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board of some of the new legislative bills being discussed. Also, she informed the board that she is going to be forwarding the Nebraska Planner Newsletter to everyone. It comes out quarterly so watch for that. Administrator Klinginsmith also mentioned to the board that the property that has been discussed for several months in regards to unauthorized trailer houses on property and trash blowing around has been turned over to the County Attorney. If someone asks about this you can direct them to the County Attorney's office.

Election of officers was discussed. Terry Spilinek made a motion to elect **Janet Thomsen as chairman** and Glen Killon seconded the motion. The motion carried on unanimous voice vote. Terry Spilinek made a motion to elect **Glen Killion as Vice-Chairman**, Mike Nelson seconded the motion. Glen let everyone on the board know that if he takes this assignment, he has another commitment on Wednesdays in fall and winter so he may not be able to make all the meetings. The board took this into consideration and decided since there isn't a meeting every month this should work out. 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. Glen Killon made a motion to appoint Chad Donscheski as the alternate, Terry Spilinek seconded the motion.

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

Jennifer Ostendorf, Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning January 19, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19<sup>th</sup> day of January 2022.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. 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, Randy Kauk, Kenneth Kozisek, Ron Kulwicki, Jack Reimers and Terry Spilinek. Absent members: Jeff Christensen, Chris Kosmicki, and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Members of the public were: Nancy Stutzman, Charles Stutzman, Wendy Stutzman, Serena Heermann Tylor Robinson, Bryan Robinson, Lynnette Marshall, Michael Happ, Rose Dixson and Jordan Robinson.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ken Koziesk and seconded by Ron Kulwicki to approve the minutes from the December 15<sup>th</sup>, 2021 meeting. Motion carried by unanimous a voice vote.

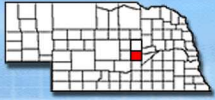
Administrator Klinginsmith let the board know she will be emailing quarterly, the Nebraska Planning Newsletter to all the board members. She also told the board that the Dan Buhrman property that they have discussed the last few months has been turned over to the County Attorney. If anyone has questions about this, please direct them to the Howard County Attorney's Office.

**At 7:05 P.M. a Reorganizational meeting was held with election of officers.** Chairman Spilinek asked for nominations for Chairman. Ken Koziesk made a motion to nominate **Terry Spilinek as Chairman**. Ron Kulwicki seconded the motion. Motion passed by unanimous voice vote. Chairman Spilinek asked for nominations for Vice Chairman. Ron Kulwicki made a motion to nominate **Jack Reimers as Vice Chairman**. It was seconded by Ken Koziesk. Motion was passed by a unanimous voice vote. Chairman Spilinek ask for nominations for Secretary. Ken Koziesk made a motion to nominate **Daryl Anderson as Secretary**. Motion was seconded by Jack Reimers. Motion passed with a unanimous voice vote.

Daryl Anderson, Ken Koziesk and Jack Reimers were reappointed for another 3-year term. Terry Spilinek was reappointed as the representative for the variance board of adjustments.

**At 7:10 P.M. a public hearing for Wendy Stutzman single lot subdivision application by Charles and Nancy Stutzman landowner (NW ¼ SW ¼ 8-13-10)** Charles and Nancy Stutzman were present to represent their application request. Charles informed the board that his daughter would like to place a manufactured house on this land. They are asking to subdivide off 3 acres so that she can place her house there. He mentioned that he has spoken with all of the neighbors that are living there and all of them are ok with the house being placed there. With no further discussion from the public in favor or against the public hearing was closed and opened for board discussion. Ken Kozisek made a motion and Jack Reimers seconded the motion to approve the Wendy Stutzman subdivision NW ¼ SW ¼ 8-13-10. Motion was carried by a 6-0 roll call vote.

**At 7:15 P.M. a public hearing for Netters Outback single lot subdivision application by Lynnette Marshall landowner (SW ¼ 35-14-10)** Lynnette Marshall was present to represent her application request. Lynnette told the board that she had gotten approval from the Variance Board of Adjustments to put a second house on her property in A-1. She had surveyed off land in the Northwest Corner of her property for a family member to place a house. The survey shows there is room for her to meet her 300' setback required by the variance approved in October 2021. There was a total 3 members of the public that voiced they were in favor of this subdivision. With no further discussion in favor or against the public hearing was closed and open for board discussion. Randy Kauk made a motion and Ron Kulwicki seconded the motion to approve Netter's Outback Subdivision application SW ¼ 35-14-10. Motion was carried by a 6-0 roll call vote.



# Howard Planning and Zoning Minutes



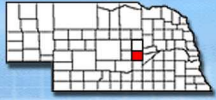
**At 7:25 P.M. a public hearing for vacating Jarod Olson Subdivision for Jarod Olson landowner NE ¼ 6-14-11** Cherri Klinginsmith represented the request to vacate the subdivision. She shared that Jarod is planning to sell the house that is on this land. They plan to vacate this subdivision and re-subdivide the land to follow the farm ground. At this time, they are just vacating the subdivision and will re-subdivide at a later date. With no further discussion in favor or against the public hearing was closed and opened to the board. Ken Koziessk made a motion and Randy Kauk seconded the motion to approve vacating lot 1 Jarod Olsen Subdivision NE ¼ 6-14-11. Motion passed with a 6-0 roll call vote.

**Discussion:** Administrator Klinginsmith told the board that she had spoken with a couple different counties and the question about the fire safety in multi lot subdivisions. The question was what is the county's rule for water supply for fire department availability in the event of a fire? In parts of Howard County not all farmers have wells available to use as they irrigate from the irrigation district canal. Ron Kulwicki told the board that he is on the board for the St. Paul Volunteer Fire Department. He said that they have a meeting next month and he would bring it up and see what their suggestion would be. For now, if the county has a multi lot subdivision arise Administrator Klinginsmith will just recommend that they come up with a plan for water supply in the event of a fire.

Administrator Klinginsmith also said the road availability for multi-lot subdivisions was a question of someone who is trying to sell lots in a subdivision that was created several years ago. The property in question is subdivided but currently being farmed. Klinginsmith asked the board to think about if they would like to require roads to be built for multi-lot subdivisions as a condition of approval. No recommendation was made at this time.

With no further discussion Ron Kulwicki made motion and Randy Kauk seconded the motion to adjourn the meeting. Motion was passed by a unanimous voice vote.

Jennifer Ostendorf  
Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning February 16, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16<sup>th</sup> day of February 2022.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. 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, Randy Kauk, Jeff Christensen, Chris Kosmicki, Dave Sack and Terry Spilinek. Absent members: Kenneth Kozisek, Ron Kulwicki, and Jack Reimers. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Dave Schroeder, Howard County Attorney. Members of the public were: Jarod Olsen, Jordan Robinson, Elizabeth Garduno, Tylor Robinson, Brandt Bottlofson, Rose Dixson and Bryan Robinson.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Randy Kauk and seconded by Dave Sack to approve the minutes from the January 19, 2022 meeting. Motion carried by unanimous a voice vote.

Administrator Klinginsmith let the board know the NPZA will hold its second annual spring workshop on March 18, 2022 by Zoom Webinar. The cost is \$20.00 per person, up to a maximum of \$100, so our entire board could attend and cost is only \$100.00. Klinginsmith will let board know when registration starts.

**At 7:05 P.M. A Preliminary Public Hearing for MG Multi-lot Subdivision was held. (SE ¼ 20-13-9)** Elizabeth Garduno was present to represent their application. Klinginsmith made the board aware of some additions to the preliminary mapping. 1) Road name will be Cottonwood Street, 2) County is not responsible for maintaining the road. 3) Access will not be allowed to the west for owners of these lots. Chairman Spilinek ask if there is any testimony in favor from the public. None. Chairman Spilinek asked if any opposition from the public? Jordan Robinson asked a question, is their soil conditions for the Septic systems. The board explained the land owner will have to make sure of this, as a plumber will not put a septic in if the soil is not meeting the perk test. Administrator Klinginsmith and board reaffirmed that the subdivision location with 3 acre lots and only 3 lots is not a concern prior to approval. Public hearing was closed and discussion held by zoning board. Dave Sack made a motion and Chris Kosmicki seconded the motion to approve the preliminary plat for MG Subdivision. Motion carried by a 6-0 roll call vote. Finding of Fact attached. Klinginsmith informed Elizabeth that the final zoning hearing is scheduled for March 16, 2022, and commissioners hearing will be in April 2022.

**At 7:10 P.M. a Public Hearing for Jarod & Brandi Olsen; Single Lot Subdivision was held. (NW ¼ 20-16-11)** Jarod Olsen was present to represent the application. The land is SE of Cotesfield, Dan's house is east of the Shop and Jarod wants to build west of shop in Lot 1. Michelle R. house and shop will be located in Lot 2. Administrator reminded the board that this land was previously 37 acres and in 2004 a tract of 25 acres was split leaving the 12 acres. The 12 acres should have been subdivided through zoning process, however since they are applying now for a subdivision it will make the 12 acres now legal through zoning. Chairman Spilinek asked for testimony in favor? Testimony in opposition from the public? No testimony either way. Public hearing closed. Discussion held by zoning board. Chairman Spilinek stated it looks to be meeting all our guidelines. Dave Sack made a motion and Jeff Christensen seconded the motion to approve the subdivision. Motion carried by a 6-0 roll call vote. Finding of Fact attached. Klinginsmith informed Jarod the commissioners hearing will be March 8<sup>th</sup> and she will call him with the time of meeting.

**At 7:17 P.M. a Public Hearing to Vacate Ambrose Will Trust Subdivision was opened. (NW ¼ 6-13-9)** Land owners, Bob and Rose Helgoth were not present, therefore Administrator Klinginsmith explained to the board that the current subdivision of 5.48 acres is being vacated so a new lot of 6 + acres can be established. This leaves a paper trail for title companies, assessors, etc. There is currently a house and outbuildings. No one from the public spoke in favor or



# Howard Planning and Zoning Minutes



opposition of the request. Public Hearing closed. Discussion held by the zoning board, Randy Kauk made a motion to approve; vacating of Ambrose Will Trust Subdivision and Chris Kosmicki seconded it. Motion carried by a 6-0 roll call vote. Finding of Fact attached.

**At 7:22 P.M. a Public Hearing for a Single Lot Subdivision by Helgoth's named Rose Subdivision was opened. (NW 6-13-9)** Administrator Klinginsmith presented the application to the board. The subdivision is being developed with 6.04 acres and follows the pivot corner. There is a note added that the subdivision is located within an odor footprint, so if a zoning permit application is received to build a house the applicant must first have a Nuisance Easement Waiver, CUP approved prior to a zoning permit approval. No testimony from public other than Rose Dixon, who wanted to reiterate what the administrator said about building a house within a odor footprint. Public hearing closed. Jeff Christensen made a motion and Dave Sack seconded the motion to approve the Rose Subdivision. Motion carried by a 6-0 roll call vote. Finding of Fact attached.

**Next on agenda was a discussion with possible action: regarding zoning permit along with country road information.**

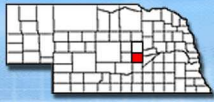
Administrator stated the Road Supt has asked that the zoning office put something on the zoning permit or set back information sheet about cement trucks cleaning out their load on the road right of ways, and asked if this can be considered littering and possible fines issued. Dave Schroeder stated he agreed that concrete and cement could be considered littering, and this doesn't have any effect on planning and zoning, as it is a law enforcement problem. He also stated you can't hold the land owner responsible for the acts of somebody else, it would be the driver's responsibility. Terry Spilinek agreed that it is a Road Department and Law enforcement issue. After discussion it was decided to add a statement to the setback sheet, administrator will review with attorney on wording to be added.

Chairman Spilinek asked if there was anything else. Tyler Robinson from the public asked that he has a leasee wanting to rent out our pasture where we have the approved subdivision, can he rent out that land for grazing. After much discussion it was decided that the land can be grazed, with 80 acres they can have 1.5 animal units for every acre, once he has sold more lots and has say 40 acres, then the amount of animal units would be changed to only 40 head. The board agreed.

Next on the agenda was adjournment: Dave Sack made a motion to adjourn and Jeff Christensen seconded it. Motion was passed by a unanimous voice vote.

Next meeting tentatively scheduled for March 16, 2022 at 8:00pm

Cherri Klinginsmith  
Planning & Zoning Administrator



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning March 16, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16<sup>th</sup> day of March 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. 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, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Jeff Christensen was absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, Howard County Attorney and Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Tylor Robinson, Brandt Bottolfson, Jordan Robinson, Bryan Robinson, Audrie Robinson, Liz Garduno, Bob Hirschman, Nate Timmons and Travis Casperson.

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 from the February 16, 2022 meeting. Motion carried by a unanimous voice vote.

**At 8:05 P.M. the Final Public Hearing for MG Subdivision was held. (SE ¼ 20-13-9)** Liz Garduno was present to represent their application. She told the board that they were splitting the land into 2- 3-acre lots and 1 - 4-acre lot. She had presented them with all the other details at the February meeting. With no discussion in favor or against Chairman Spilinek closed the public hearing. With not further discussion Dave Sack made a motion to approve the application for MG Subdivision – Multi-lot subdivision by Liz Garduno. Jack Reimers seconded the motion. Motion passed with a 8-0 roll call vote. Finding of Fact Attached

**At 8:15 P.M. a Public Hearing for Derek & Tonya Wolinski Subdivision was held. (E ½ SW ¼ 12-16-12)** Administrator Klinginsmith presented to the board for Michele Rasmussen. Administrator Klinginsmith told the board that they were wanting to subdivide off +/- 3.3 acres to build a house on. The land is in A-2 because it is with-in the 1 mile jurisdiction of Cotesfield. There will be an easement available for the farmers to get to the field and Klinginsmith said the Rasmussen was aware of this. With no discussion in favor or against Chairman Spilinek closed the public hearing. With no further discussion from the board Chris Kosmicki moved to approve the application for Derek & Tonya Wolinski Subdivision – Single lot subdivision by Michele Rasmussen. Kenneth Kozisek seconded the motion. The motion was passed with 8-0 roll call vote. Finding of Fact Attached

**Discussion of Hirschman's Odor Footprint Section 4-13-9** Administrator Klinginsmith brought up for discussion the odor footprint that was approved for Bob Hirschman for section 4-13-9. Administrator Klinginsmith told the board that it was brought to her attention that the odor footprint online was incorrect. Klinginsmith told the board that she misunderstood the wind lines for the odor footprint. Also, on the odor footprint that is currently online the 33 ft for the road ride of way was not taken into account. Klinginsmith reached out to G-Works and asked them to correct the odor footprint. Klinginsmith worked with Jeremy at G-Works to correct the odor footprint. Klinginsmith presented the board with the corrected odor footprint and asked them if it was ok to use the corrected odor foot print. Tylor Robinson, a member of the public and landowner of adjoining land that odor footprint lies over, had spoke to Administrator Klinginsmith in the office prior to the meeting and presented her a copy of the odor foot print he drew with a different program. Robinson stated to the board that the odor footprint is being drawn incorrect and asked them to look at this again and make sure that the odor footprint is drawn correctly. After much discussion, the County Attorney, Dave Schroeder, instructed the board to follow the regulations that they have set in place. He suggested that the County Surveyor be contacted and have him go survey where the actual farm feedlot is located and use those measurements to create the odor footprint. Administrator Klinginsmith will get in touch with the County Surveyor and have him measure the piece of land and use those measurements for the odor footprint.



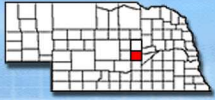
# Howard Planning and Zoning Minutes



**Discussion on backgrounding cattle vs NDEE requirements** Administrator Klinginsmith brought up for discussion that the county's regulations for backgrounding cattle is different than the NDEE. She explained that this is getting to be more popular and we have more people backgrounding in the county. As it is now Howard County allows cattle to be in an area for no more than 6 months in a calendar year without an odor footprint. Administrator Klinginsmith asked the board if they would like to follow the State's regulations or keep the regulations as they are for the county and just let the land owners know that if the state comes to look into their situation that they then have to follow the state's regulations. After much discussion the board decided to keep everything the way that it is now.

With no further discussions Dave Sack made a motion to adjourn the meeting and Ron Kulwicki seconded the motion. The motion passed by a unanimous voice vote. The next Howard County Planning & Zoning Meeting will be held on April 20, 2022 at 8 P.M.

Jennifer Ostendorf  
Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning April 20, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of April 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. 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 8 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Chris Kosmicki and County Attorney Dave Schroeder were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Heath Hadenfeldt, Jordan Robinson, Tylor Robinson, Bryan Robinson, Brant Bottolfson, Bill Hadenfeldt and Sherriff Deputy Sean Wysocki.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Ron Kulwicki to approve the minutes from the March 16, 2022 meeting. Motion carried by a unanimous voice vote.

**Old Business:** Administrator Cherri Klinginsmith informed the board that someone from Hornady had spoken with her about possibly reapplying for a Conditional Use Permit. She also let the board know that she did receive a phone call from a resident that it looked like there was trees being removed and dirt work being done.

**Administrator/Board Comments:** Administrator Klinginsmith let the board know that from this point on for any subdivision application received the roads department has asked that driveways are shown on the plat.

Administrator Klinginsmith informed the board that the NPZA workshops that were last month in Kearney are now available online and she will email the link to everyone. She encouraged them to watch the workshops if they weren't able to attend the workshop on-line last month.

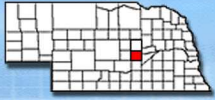
Ron Kulwicki had spoke with the St Paul Volunteer Fire Department Board about their thoughts on wells in multi-lot subdivisions. He let the board know that the fire department board reviewed the electric irrigation wells close to the roads for accessibility incase of fires. They didn't ask that the Zoning board require multi-lot subdivisions to have a designated well. Administrator Klinginsmith will report this information to the County Commissioners.

**Discussion and Possible Action- structure size and permitting in the country:** County Assessor Neal Dethlefs asked why our office didn't require a building permit for structures on skids or smaller then 144 square feet. The board discussed this question and thought that any non-permanent structures or structures smaller than 144 square feet should be considered personal property and because it personal property there is no permit needed. Any structure that isn't on a permeant foundation has the possibility to move from one location to another. Example being calving sheds might be on one parcel for a couple months and then farmer has another group of cows calving on a different parcel so they move structure to use for second group of cows calving. The board decided to leave the regulations the same as they are currently.

**Discussion and Possible Action – Odor Footprint form changes:** Administrator Klinginsmith presented the board with some changes to the Odor Footprint Application Form. The board reviewed the form and agreed with the changes on the form. They did add a few changes as well. The Planning and Zoning Secretary will make the changes to the form and the office will start using the new form immediately.

**Discussion and Possible Action – Does this odor footprint qualify for odor footprint:** Administrator Klinginsmith presented the board with an odor footprint application from Bill Hadenfeldt. Bill is requesting an odor footprint for his cow calf operation. He states that with things the way they are this year it looks like he will have to dry lot his cows this year. He also states that in the future they may want to background cattle so he would like to have this in place so if in future their operation changes, they will be covered. After much discussion the board decided that if there is any chance that animals will be there for more then 6 months, there should be an odor foot print in place.

**Discussion and Possible Action – Definitions of animal units:** Administrator Klinginsmith let the board know that she had someone ask her if they have 500 lb. calves and grow them to 750 lbs. does that mean they are counted  $\frac{3}{4}$  of an



# Howard Planning and Zoning Minutes



animal unit? The board discussed this question and decided for ease of keeping everything correct they are going to leave the regulations as they are. (Cattle regardless of weight will equal one (1) animal unit).

**Discussion and Possible Action – Hirschman odor footprint with County Surveyor measurements:** Administrator Klinginsmith presented the odor footprint that G-works drew to the board. She explained to them that the County Surveyor, Tim Aikin and herself went out and measured the fence line that Kathy Hirschman had told her they would be using. Klinginsmith also gave the same measurements to G-Works so they could draw odor foot print with their program. Klinginsmith and Aikin took the odor footprint they came up with and compared it to the odor footprint that G-Works came up with. Both parties agreed upon the center point and the shape of the odor footprint. It was noted that the over all size of the odor footprint was smaller because the Hirschman's are using the fence line as the area for the pen (which is a smaller area then was previously being used). Tylor Robinson told the board that he is ok with the new odor footprint but did have discussion with the board on how the odor footprint was drawn according to the county regulations. After much discussion Dave Sack made a motion to approve the odor footprint dated 4-19-22 from G-works. Jack Reimers seconded the motion. The motion was passed by an 8-0 voice vote. Finding of Fact is attached.

**Discussion and Possible Action – Approve/Deny request to co-locate on tower SE ¼ of the SW ¼ Section 12-16-12:** Jeff Noseworthy from Industrial Tower and Wireless LLC contacted Cherri letting her know that T-Mobile proposed to co-locate on an existing tower site in Howard County. Randy Kauk made a motion to approve T-Mobile to co-locate on tower as long as it would fit on the existing tower without making it larger. Jack Reimers seconded the motion. The motion passed 8-0 voice vote. Finding of Fact attached.

**Discussion and Possible Action – Zoning permits and landowners:** Administrator Klinginsmith asked the board if they thought that landowner needed to sign the zoning permit if the land isn't owned by the same person who is applying for the permit? She stated she hasn't been making the landowners sign, as quite often the contractor will come in and apply for the permit to build the structure. Klinginsmith states we haven't had problems in the past but she did receive a phone call recently about a family member who built is now delinquent to debtors and so lien was put on landowner's land. After much discussion the board didn't think that Administrator Klinginsmith needed to change how she was conducting business. They noted that the bank should have things taken care of on their end when loaning the money.

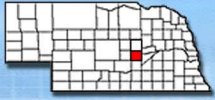
**Discussion and Possible Action - Landowner lost pasture and will be over animal units S ½ SE ¼ 30-14-9:**

Alan Griebel contacted the Planning & Zoning Office to let them know that he lost his pasture and will be over animal units by 8-9 head. Administrator Klinginsmith represented for Alan at the meeting asking the board if they would grant an extension for Alan since we are having such a dry year. After much discussion Jeff Christensen moved to grant an extension to July 1<sup>st</sup>. Motion was seconded by Kenneth Kozisek. Motion was passed by 8-0 voice vote. Finding of Fact is attached.

**Discussion and Possible Action – Order of events of odor footprint vs Jordan Robinson zoning permits E ½ of NE ¼ 5-13-9:** Jordan Robinson presented to the board her concerns about the odor footprints online that were used when considering her zoning application. Robinson applied for a zoning permit on 80 acres that was inside of an odor footprint. After much discussion the board decided to table the discussion until the County Attorney, Dave Schroeder is in attendance. Dave Sack made a motion and Jack Reimers seconded the motion to table the discussion of zoning permit for Jordan Robinson until the May 18<sup>th</sup> Planning & Zoning Meeting. Motion was carried by 8-0 voice vote. Finding of Fact is attached.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Kenneth Kozisek seconded the motion. Motion was passed by a unanimous voice vote. The next Howard County Planning & Zoning Meeting will be held at 8 P.M. on May 18, 2022.

Jennifer Ostendorf  
Planning & Zoning Secretary



# Howard Planning and Zoning Minutes





# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning May 18, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18<sup>th</sup> day of May 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. 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 8 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Absent; Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney and Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Jason Hornady, Steve Hornady, Jodi Espeland, Keith Espeland, Jordan Robinson, Brandt Bottolfson, Tylor Robinson, Audrie Robinson, Bryan Robinson, Gale Larson, Ron Kunze, Ken Kunze, Jane Lemburg, Mick Lemburg, William Hadenfeldt, Annie Cannon, Jeff McClellan, Brent Kunze, Bill Kunze, Craig Kuszak, Mike Matthews, Ryan Hall and County Sheriff, Tom Busch.

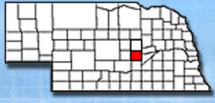
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Jack Reimers to approve the minutes from the April 20, 2022 meeting. Motion carried by a unanimous voice vote.

### **Administrator/Board Comments:**

Administrator Klinginsmith provided the board with copies of two complaints (one formal and one non formal) These complaints came in just prior to the meeting so Klinginsmith will research them further and report back to the board at a later date.

**8:05 PM Tabled discussion & Possible Action – order of events of odor footprint vs Jordan Robinson zoning permit NE ¼ Section 5-13-9.** Jordan Robinson was present to present to the board. She explained to the board that the odor footprint that was on G-Works at the time of her zoning permit for Lot 7 of Dirt Road Development would have allowed her to build her house outside of the odor footprint. Administrator Klinginsmith denied Robinson's zoning permit with the reason of the house being in the odor footprint. Chairman Spilinek asked Robinson what she was asking of the board to act on? Robinson states she believes that her permit should be approved because she followed all the steps asked of her. Spilinek explained to Robinson that the Planning and Zoning board has no authority over any of this. Administrator Klinginsmith has that authority and the commissioners have authority over Klinginsmith. It was asked who puts the odor footprints online. Klinginsmith states that G-works creates them and she then approves/denies it to be put online. Klinginsmith approved the odor footprint in question per the original odor footprint application. At the September 15, 2021 Planning and Zoning Meeting it was discussed and realized it needed to be changed due to feeding boundaries updated, center points and one or two odor footprints were discussed (Refer back to September & October zoning minutes for full details). After much discussion board member Jeff Christensen told Robinson that the odor footprint that was on G-Works during the time in question was known to be incorrect and Administrator Klinginsmith was working with G-Works to correct the odor footprint. Christensen also explained that there are steps put in place that the Administrator has to follow, so knowing that the odor footprint was incorrect she couldn't/wouldn't approve something she knew would be incorrect. No action was taken on changing Jordan's zoning application on lot 7, it will remain denied. Final odor footprint was approved at the April Zoning Meeting.

**8:15 PM Public Hearing – Conditional Use Permit Application by William & Sharise Hadenfeldt for a farm odor footprint SE ¼ & portion of SW ¼ Section 28-13-11** William Hadenfeldt was present to present to the board. He is applying for a Nuisance Easement Conditional use permit (CUP) because with the lack of rain he will possibly have to dry lot some cows this year which will make him over the allowed number of cattle allowed. Also, with this odor footprint he will be able to have cattle penned and is trying to protect his land and livelihood incase sometime in the future someone wants to build they will be fully aware that there will be livestock around and could possibly create a smell. There are



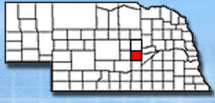
# Howard Planning and Zoning Minutes



two houses within the odor footprint and Hadenfeldt got the signatures required for the CUP in question. With no testimony in favor or against the public hearing was closed and open for discussion of the planning and zoning board. With no further discussion Jeff Christensen made a motion to approve conditional use permit for William and Sharise Hadenfeldt for a Nuisance Easement waiver located SE ¼ SW ¼ Section 28-13-11. Chris Kosmicki seconded the motion. Motion was passed by 8-0 roll call vote. Finding of Fact attached.

**8:20 PM Public Hearing for conditional use permit application by George Jensen, renter and Chris & Andrew Mudd, landowners to allow livestock waste to be applied through irrigation system within the buffer zone set for 2019-6 CUP Permit – N ½ NW ¼ Section 5-16-10** Administrator Klinginsmith presented this to the board as George Jensen was home sick. Administrator Klinginsmith explained to the board this is a renewal of the application to allow the livestock waste to be applied without the buffer zone. She mentioned to the board that she hasn't gotten any complaints from neighbors about smell or any other problems. With no discussion in favor or against the public hearing was closed and opened for the board to discuss. With no further discussion Jack Reimers moved to approve the Conditional Use Permit for George Jensen and Chris & Andrew Mudd to allow livestock waste to be applied through a center pivot for a duration of 1 year (expires May 31, 2023) N ½ NW ¼ 5-16-10 Dave Sack seconded the motion. Motion was passed by an 8-0 roll call vote. Finding of Fact attached.

**8:25 PM Public Hearing for conditional use permit application by JWH Farms LLC for a Hornady Gun Club S ½ S ½ Section 30-15-9** Steve Hornady was present along with Jason Hornady to present to the board. Hornady explained to the board that this application is exactly the same as the last one he applied for a few months ago except this time they have purchased the land and have created a non-profit gun club. Discussion in favor: Tom Busch states that Hornady runs a very safe existing gun club in Grand Island (Heartland Shooting Park) and have been doing so for over 10 years with no accidents or complaints, Hornady makes ammunition that our local law enforcement use, this will create a great place where our local law enforcement will be able to train and gain better skills for the field and State Statue 37-1304 and 1305 (Nebraska Gun Range Protection Act) will not limit what regulations that County can make gun club follow instead that was put in place for existing gun clubs. Tylor Robinson raised his hand in favor of the gun club and asked what made you decide on this piece of land? Steve Hornady responded by saying it was one of only piece of land that was for sale and big enough for what they need to do. The reason they don't test their products in Grand Island at existing park is because it isn't long enough and it has tubes, which will not give them accurate test results in certain tests. There were six people in total that said they were in favor of the Gun Club. Comments in opposition were: Ron Kunze – what's the difference this time compared to last time when they withdrew application? Steve Hornady responds nothing except they own the land and have established a non profit gun club as per counties regulations it states that they allow gun clubs. Mike Matthews states he is in opposition of this because his property's only value is peace and solitude. He also had wrote a few notes stating that Nebraska State Statue 37-1304 & 1305 (Nebraska Gun Range Protection Act) states that gun clubs are basically exempt from any new regulations made so if the board acts on this permit that they will be tying the hands of the county and the citizens of the county. He also states that NRA requires safety plans and rules and asking Hornady what his plans were that he had in place. Lastly Matthews states that he says the board should look at the compatible use of the land to the surrounding residents and land owners. Matthews states that by what he is hearing from the room is that the overwhelming view is that this isn't a compatible use. Craig Kuszak spoke in opposition stating that he doesn't believe that this will bring any positive attributes to the county. He said that he doesn't believe that it will bring any extra income to the county. Steve Hornady responded by saying that they have over \$5 million in payroll in Howard County alone. Hornady also addressed the safety questions by stating that they will put a fence all the way around the property so out side people can't come in and when they are training it is usually one on one training, so the instructor will teach everyone how to perform the drill and then one by one with the instructor they will be shooting. After much discussion the public hearing was closed and a motion was made by Ken Kozisek to table the motion so that Hornady can provide information on several items discussed, such as Blueprints, shoot through ballistics when testing bullets, traffic increases expected, how many days the Gun Club will be used for training vs testing, etc.



# Howard Planning and Zoning Minutes

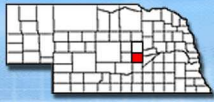


The administrator will also check on other testing and training Gun Clubs in the area, such as Omaha's range inside city limits. Motion was seconded by Ron Kulwicki. Motion was passed by an 8-0 voice vote.

With no further discussion on the agenda Jeff Christensen moved to adjourn the meeting and motion was seconded by Jack Reimers. Motion was passed by unanimous voice vote. The next Howard County Planning and Zoning meeting will be held on June 15, 2022 at 8PM.

Jennifer Ostendorf

Planning and Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning June 15, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15<sup>th</sup> day of June 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. 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 8 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Absent; Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney and Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Lavern Wolf, Dakota Wolinski, Jim Beeler, Appol Neeman, Echo Esquitin, Jamie Mills, Shelly & Chuck Helgoth, Vi & Jim Mamot, Audrie & Tylor Robinson, Chris Bragg, Ryan Hall, Janet & John Speck, Michael Happ, Jordan Robinson, Bryan Robinson, Mike Hassler, Bill Bader, Daniel Smydra, Brent Kunze, Allen Quandt, Annie Cannon, Kathy McCale, Jeff McClellan, Heather Schmidt, Judith Puncochar, Steve Hornady, Jason Hornady, Craig Kusazk, Keith & Jodi Espeland, Travis Casperson, Gary Lassen, Jesse Urbanski, Brad Bushousen, Les Stratman, Misty Dvorak, Ron Kunze Chris Kreikemeier, and Mike Matthews.

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 from the May 18, 2022 meeting. Motion carried by a unanimous voice vote.

**8:05 PM Public hearing for Hassler's Bluebird Acres – single lot subdivision application by Michael Hassler – SE ¼ Section 15-14-12** Mike Hassler was present to present to the board. Hassler explained that he would like to subdivide off 6.68 acres off of his land to sell at a later date. With no discussion in favor or against the public hearing was closed. Chris Kosmicki asked Hassler if there would be a spot on the land that was buildable, as per the g-Works maps it looks like pretty rough terrain? Hassler said that there was a nice flat spot on the property to build on in the future. Also, Kosmicki asked if there was a driveway to the property or if it would be a shared driveway. Klinginsmith explained to the board that there is an existing driveway on the south side of property off of 10<sup>th</sup> Ave. This will be the driveway used for this parcel. With no further discussion from the board Ken Kozisek moved and Ron Kulwicki seconded the motion to approve the application for the Hassler's Bluebird Acres single lot subdivision SE ¼ 15-14-12. Motion carried with 8-0 roll call vote. Finding of Fact is attached.

**8:15 PM Public hearing for Conditional Use Permit application by Heather Schmidt for an Event Venue – NW ¼ Section 13-14-10** Heather Schmidt was present to present to the board. Schmidt explained to the board that she would like to build a building to hold events like weddings, graduations and other events. Judith Puncochar was present and spoke in favor of the conditional use permit being allowed. She said she thought it would be great for the community and surrounding area and also would be great to give local people another option of where to have events. Jordan Robinson also spoke in favor of the CUP being approved. She said she thought there was a need for this in the area, stating the St. Paul Civic Center is booked out quite a way and the wineries have limitations as well. With no further discussion in favor or against the public hearing was closed. Dave Sack made a motion with Ron Kulwicki seconding the motion to approve the Conditional Use Permit for Heather Schmidt for an event venue located NW ¼ 13-14-10. Motion passed with an 8-0 roll call vote. Finding of fact attached.

**8:25 PM – Public hearing for previously tabled Conditional Use Permit application by JWH Farms LLC for a Hornady Gun Club – S ½ S ½ Section 30-15-9** Steve Hornady was present to present to the board. Hornady told the board that he had given all the information that they requested from previous meeting and was willing to answer any questions they had. Terry Spilinek then asked for testimony in favor of Conditional Use Permit. Jim Beeler spoke in favor stating he feels there is a need for something like this in the area as there is no other place in area to do this. Brad Bushousen was present representing Connie Bader stating that Connie has land close to the proposed site. They both think that Hornady would be safe as they are all professionals. He also thinks that it would bring a lot to the community. Les Statman spoke in favor stating he thought it would bring improvement to the county. Kathy McCale spoke in favor saying she thought it



# Howard Planning and Zoning Minutes

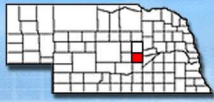


would bring revenue to the county. Misty Dvorak spoke in favor stating that Hornady is a good steward of the land and will take care of the property. Also stating that Hornady is a generous man always giving back to the communities he is a part of. Klinginsmith added that when reviewing a CUP, the owner even though very responsible should not be taken into consideration, the CUP goes with the land, therefore the board needs to be assured that club is safe no matter who the owners are 10,20 years down the road.

Terry Spilinek then asked for testimony against the Conditional Use Permit. Dan Smydra spoke against stating that he feels there are a lot of unanswered questions and worries that the people in this area are not really aware of what is going on. He then asked who was notified that this was proposed. Cherri Klinginsmith told Smydra that we send a notice to all land owners within one mile and also the notice was in the local newspaper. Ron Kunze spoke against stating that he owns land adjacent to proposed site. He stated that when Hornady proposed something similar last year Kunze started and filed a petition with over 40 people in the area that were against the gun range. Ryan Hall spoke against stating that the roads are not in good condition now and will not be able to handle the extra traffic, he believes sound will be an issue and believes that this land is zoned agricultural and should be kept that way. Chris Bragg spoke against stating as well his concerns of the road conditions, sound and also lead abatement is a concern of his. Keith Espeland spoke against stating that he is an avid hunter and a fan of Hornady products however he has concerns about the safety along with lead levels being a concern with the different water table levels in the area. He would also like to know more about how they plan to operate...time? Number of people? Regulations? He goes on to say that he would like to see this plan come together by being neighborly by making sure there is adequate berms and trees for sound. Mike Matthews spoke against also stating that he is an avid hunter and supporter of Hornady products. He spoke of the range that was shut down close to his property because of safety concerns. He would like to know what will come of the property when and if Hornady doesn't own it any longer? Matthews stated that he has lost revenue from renting his pasture out because tenant didn't feel it was safe to have his cows out there with all the shooting.(this was with the range that has since be shut down) Matthews goes on to say that he would like to know what the hours will be, sound levels, berm heights, no full auto, no tracer rounds, no advertised competitions, no steel to steel and also have the lead levels monitored. Matthews and McClellan also stated that if this were to go thru, he would like to see this piece of land be taxed as recreational land as it is not being used for agricultural as it is zoned. Tylor Robinson stood to speak neither in favor or against stating that this piece of land is in one of the less populated areas in the county but does think that a consultant or someone who specializes in gun club/ranges should be contacted to design the site to make sure that it meets all safety standards. Jordan Robinson asked the board if Hornady's plan met the county's regulations? With no further discussion the public hearing was closed.

Jack Reimers asked County Attorney Dave Schroeder per our regulations does the proposed gun club meet the requirements. Schroeder responded by saying that the regulations state that gun clubs are allowed. Terry Spilinek then stated it is in the regulations but not the Matrix and if not in Matrix he thought they weren't allowed. Administrator Klinginsmith then stated that she spoke with other administrators to see how they handled gun clubs. She said that most of them have gun clubs however none of them have any testing of ammunition. County Attorney Dave Schroeder then told the board that from a legal stand point they would be hard pressed to deny the permit. Terry Spilinek had a box of .22 bullets and read the warning on the box stating it could be dangerous for up to 1 ½ miles, the proposed site is 1 mile long. He then also stated that there were people down by river (3/4 of a mile) shooting a .22 and it shot thru his neighbor's grain bin. Several of the board members expressed their concern about the safety and stating that they weren't comfortable making a decision on something they don't know a lot about. They feel like a decision like this should be made with guidance from a professional. After much discussion Jeff Christensen made a motion to table the discussion until Administrator Klinginsmith can talk to the County Commissioners to get some guidance from them. Jack Reimers seconded the motion. Motion was passed by an 8-0 roll call vote.

**Discussion & Possible Action** Administrator Klinginsmith updated the board on Conditional Use Permit section 21-14-10. Klinginsmith informed the board that this conditional use permit will expire on July 8, 2022 and instead of renewing the CUP, the trailer owner is working on meeting the flood plain regulations by putting a cement block foundation with



# Howard Planning and Zoning Minutes



openings per flood plain regulations. Klinginsmith stated the applicant thinks they can have this completed prior to the CUP expiring. Once floodplain regulations are completed a CUP will not be needed.

**Discussion & Possible Action** Administrator Klinginsmith updated the board on the complaint between Helgoth vs Mamot Feedlot. Klinginsmith informed the board that Helgoth's have filed a complaint that Mamot Feedlot has run off that is ending up on their property when it rains. This property that floods is where Helgoth's have their Pumpkin Patch business and also, they grow produce for their roadside stand in the area as well. Klinginsmith told the board that NDEE has went out and looked at Mamot's property and feedlot set up. NDEE found that Mamot's are not in violation. Travis Casperson with Settje Agri-Services & Engineering was present to explain to the board what NDEE is looking at and what Mamot's have put in place to prevent their pits from overflowing. Klinginsmith informed the board that the road ditch to the south along 2<sup>nd</sup> ave in the middle of the feedlot looks to have manure in it, however that is in a valley and doesn't look to be able to leave that area. The east road ditch along friend road needs to be measured to verify if the manure sitting there is 33" away from center of road, as it is a wide ditch area. Casperson stated the manure is not coming from the feedlot, but is contained in their pits, this run off is coming from the storm water from the fields to the north of feedlot. Casperson stated that Mamot's want the storm water, so they added a pit this past year to catch as much as possible. Mamot's use the water to run through the pivots that they irrigate their crop land with. Casperson stated the 18" pipe east of Mamot's Feedlot between feedlot and the ditch, drains over 1,400 acres of storm water runoff from fields west and north of the feedlot. Casperson stated as far as he knows this year no water has run through the pipe as they have caught it all. Jeff Christensen reaffirmed that the pipe is draining the runoff from the pivots, not draining the yards, which 1400 acres would take a while to drain. Casperson added east of the feedlot toward north end along friend there has always been a culvert, not until recently did they add the riser and pond, and affirmed they have enough storage to satisfy the state of Nebraska. They are using the portion of the road ditch, which is part of the system. Chris Kreikemeier with E-Design LLC helping Helgoths stated that Howard County regulations state the ditch cannot be used as a collection site and Travis stated it 3 times now that Mamot's are using the road ditch as collection site. A board member stated that Mamot Feedlot was there prior to zoning regulations, which Kreikemeier stated Mamot's just submitted a new application to add that holding pond to add more acres to it, you don't get grandfathered in for all the mistakes in the past, you're supposed to update it to make it safe for the state of Nebraska. After much discussion the zoning board asked Administrator Klinginsmith to talk with the County Commissioners to see what their plan was to help the storm water drainage issue.

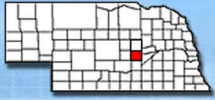
**Discussion & Possible Action** Administrator Klinginsmith presented the board with a new price list for permits that require paperwork to be filed with the deed. The clerk's office use to collect the fees directly from the customers, however they will no longer be doing this. Klinginsmith thinks by increasing the fees this will cover the county's cost of filing the paperwork. The zoning board agreed with Administrator Klinginsmith and told her she would proceed with discussing with the county commissioners.

**Discussion & Possible Action** Klinginsmith presented to the board an update on the Farm Feedlot odor footprints for Section (16, 17 & 21) Township 14 Range 9. Administrator Klinginsmith wanted to show the board the odor footprints for the farm feedlots and update the board on what the plan is with all the odor footprints. The applicant is planning to have 500 head of cattle in the pivot corners of the said land. He will not exceed 500 head per quarter section. Klinginsmith told the board that the odor footprints do not include any residents however it does include a cemetery. Klinginsmith asked the board for guidance on if they thought that was ok. The board discussed and didn't think that the cemetery would be an issue within the odor footprints. After much discussion Administrator will keep working with g-Works to make sure the odor footprints are correct and follow thru with the application process.

With no further discussion Jeff Christensen moved to adjourn the meeting with a second from Dave Sack. Motion was passed with a unanimous voice vote. The next meeting for Planning and Zoning will be July 20, 2022, at 8 PM.

Jennifer Ostendorf

Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning July 20, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of July 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. 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, Chris Kosmicki, Kenneth Kozisek, Dave Sack, Randy Kauk and Terry Spilinek. Absent; Jeff Christensen, Ron Kulwicki and Jack Reimers. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney. Members of the public were: Ryan Francl, Shelly & Chuck Helgoth, and Chris Kreikemeier.

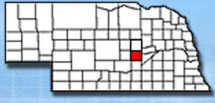
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Chris Kosmicki to approve the minutes from the June 15, 2022 meeting. Motion carried by a unanimous voice vote.

Old Business: Administrator Klinginsmith informed the board of her meeting with the County Commissioners on July 12<sup>th</sup>. The County Commissioners approved the fee increases and Terry, Daryl and Administrator met with commissioners regarding Hornady Gun Club and agreed to have a workshop meeting with Hornady. This meeting does not need to be advertised and no decisions will be made.

**8:05 PM Public hearing for Francl Subdivision – single lot subdivision application by Dorothy May Francl – NE ¼ Section 34-14-9** Ryan Francl was present to present to the board. Francl explained that his grandmother would like to sell the farm ground but keep the home place with 5 acres in the family that they bought in the 1950's. Currently there is an old house there that was lived in, but not habitable now. Future plans include to tear down the old house and maybe put a few barns up. With no discussion in favor or against the public hearing was closed. Randy Kauk moved and Ken Kozisek seconded the motion to approve the application for the Francl single lot subdivision. Motion carried with 6-0 roll call vote. Finding of Fact is attached.

**Discussion & Possible Action** Administrator Klinginsmith asked the board if manure runoff from a feedlot is the zoning's responsibility or Nebraska Department Environment & Energy, NDEE. According to regulations under Permitted Principal Uses #10b looks to be under the authority of the NDEE. At the last zoning meeting Administrator Klinginsmith asked NDEE to re-review the complaint received and see if the director will sign off, stating Mamot Feedlot is in compliance. As of July 19<sup>th</sup>, the zoning administrator has not heard back from NDEE's findings. Dave Sack made the comment that until we hear from NDEE we cannot make a decision on the Conditional Use. County Attorney agreed that the state of Nebraska needs to make their determination first and then it comes to the county level.

Dave Sack asked the county attorney if the feedlot has changed the course of natural flow of water, and can that be done? Attorney Schroeder stated the county is liable for any damages caused by the diversion of natural flow of water and if this culvert changes the natural flow, than the county should take corrective action. Ken Kozisek asked about the agreement between Howard County and Mamot Feedlot stating the feedlot would take liability for future drainage issues and the county is not liable. Ken also asked, would this agreement stand up in court? Attorney Schroeder stated the agreement doesn't excuse the county and it would probably stand up in court, but the county might still be liable. If the county takes actions to divert the natural flow of water, they could be liable. Administrator Klinginsmith stated then that should be our action as a zoning board to request the county commissioners to research the misdirection of water. It was asked if Mamot Feedlot has a Conditional Use Permit, administrator Klinginsmith stated in 2004-2005 when the odor footprints were designed the zoning office collected all the feedlots feeding boundaries in Howard County and the number of animal units and an odor footprint was developed. In May of last year when Travis Casperson asked if they could expand I reviewed the maps we had on file and where the new pond was developed this was already listed as a



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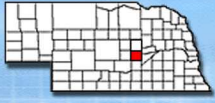
proposed pond on the paperwork received in 2005. So since animal units were not increasing, I informed Mr. Casperson that this was already in their plan, so no permission was needed from zoning.

After much discussion, Dave Sack moved and Randy Kauk seconded the motion to have commissioners review the changes in water flow entering and leaving Mamot feedlots and farmlands to include sections 25-13-10, 23-13-10, 24-13-10, 19-13-9, 26-13-10, 30-13-9, 35-13-10, 36-13-10 and 31-13-9 in Howard County. This is to verify if the county needs to take corrective actions to change the water flow back to what the natural flows should be. Motion carried with 5-0 roll call vote with 1 abstain.

Next meeting is tentatively scheduled for August 17, 2022.

With no further discussion Dave Sack moved to adjourn the meeting with a second from Chris Kosmicki. Motion was passed with a unanimous voice vote. The next meeting for Planning and Zoning is tentatively scheduled for August 17, 2022, at 8 PM.

Cherri Klinginsmith  
Planning & Zoning Administrator



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning September 21, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21<sup>st</sup> day of September 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. 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 7 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack, and Terry Spilinek. Absent; Randy Kauk and Chris Kosmicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney and Jennifer Ostendorf, Planning & Zoning secretary. Jack Reimers arrived at 8:10 pm and Dave Schroeder left meeting after discussion of Hornady Gun Club. Members of the public were: Jodi & Keith Espeland, Ryan Hall, Mike Mathews, Jeff McClellan, Kip Lukasiewicz, Spenser Wichmann, Ron Kunze, Ken Kunze, Anne Gannon, Jessie Urbanski, Mitch Mittelstaedt, Neil Davies, Travis Ayala, Brent Kunze, Miles Neville, Mark Starkey, Craig Kuszak, Jason Hornady, Lisa Asche, Pat Epp, Misty Dvorak, Steve Hornady and Mitch Horak. 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 from the July 20, 2022 meeting. Motion carried by a unanimous voice vote.

**Old Business:** Administrator Klinginsmith informed the board that Travis Casperson with Settje Agri-Services emailed her a letter from NDEE stating that Mamot Feedlot is in compliance from the August 12<sup>th</sup> Letter of Non-Compliance.

**Administrator/Board Comments:** Administrator Klinginsmith informed the board that she attended the annual NPZA (Nebraska Planning & Zoning Association) conference last week in Kearney. While at the meeting Administrator Klinginsmith was presented with the Loretta Ludemann Award for Excellence in planning by a Women.

**8:05 PM a public hearing for a conditional use permit application by JWH Farms LLC for a Hornady Gun Club – S ½ S ½ Section 30-15-9** - Jason Hornady and Steve Hornady were present to represent the continuation of the conditional use request. After the August workshop meeting with the board at the location Jason Hornady relayed to the board that they have provided them with the information that was requested and asked if they had any questions (The public received a Frequently Asked Questions flyer from Jason).

Chairman Spilinek asked the public if there was any testimony in favor.

Misty Dvorak spoke stating that she is a resident of Howard County and employee of Hornady. She stated that safety is top priority of Hornady and if concerned about safety at this location then as a county we need to also be looking at safety concerns when it comes to hunting seasons in our area. She also goes on to say that if this is allowed she believes that Hornady Manufacturing will be a big supporter of the county and the city of St. Paul as she has seen how generous they have been to Hall County and the City of Grand Island.

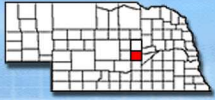
Jessie Urbanski spoke in favor stating that Hornady has come back with a plan of improvements that were asked of them and he believes that this will be run professionally and safely. He also believes that this will bring a lot to Howard County. He stated that he believes that when the area is in use that the attendees will come into St. Paul to eat and sleep.

Miles Neville spoke in favor stating that he is one of the "trigger pullers" at this location. He told us that he can verify that when they do come to this location that they all do indeed support local businesses when they come to the property. The impact that they provide will vary according to how many shooters they have at one time.

Chairman Spilinek then asked if there was any testimony against.

Ryan Hall spoke against stating that he doesn't believe that this will bring anything to the county or community except for more traffic on the county roads which he said are already in bad shape.

Craig Kuszak spoke against stating that he thinks this seems to be more of a commercial use and not agricultural and asked will the land be taxed as commercial or agricultural? Daryl Anderson answered his question by stating that if



# Howard Planning and Zoning Minutes



approved it would be permitted use of the land. This is what Conditional Use Permits are for – to permit a different use of the land.

Mike Mathews spoke against stating he has concerns of the cattle on adjoining east property. The plan states that it will be checked to see if cattle are there, but doesn't state what will be done if cattle present...will they cease shooting or continue shooting? He also stated that he thought no metal targets should be used and states that if the CUP is approved and the property is ever sold, he states he thinks the CUP should be surrendered and not go with the land. Mathews also states that he appreciates the thoroughness of the plan and he is an avid shooter himself but feels like he has built a relationship with his neighbors and cares about their safety. Feeling like there are too many unknowns, is why he cannot support this use of land.

Keith Espeland spoke against the CUP stating as well there are too many unknowns. Espeland states that he continues to hear about "shoots" are these competition shoots or how many people shooting at once?

Also, with discussion Jeff McClellan spoke up stating that he believes that if the property is ever sold the CUP should be surrendered. With no further discussion in favor or against the public hearing was closed.

Now being open for the board to discuss Dave Sack asked Jason Hornady how many accidents they have had and how long they have been in business. Jason Hornady answered stating that they have been doing business for 75 years and have had zero accidents in that time during their shooting events.

Jeff Christensen stated that one of the things discussed at workshop was a maximum number of shooters. Jason Hornady answered stating they didn't put in a specific number as it varies all the time. Also letting them know that not everyone there will be shooting at one time. He didn't think there would be more than 10 people shooting at any one time.

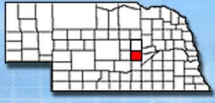
Ron Kulwicki said he noticed in plan it said they could shoot from 9-2 on Saturdays. How many weekends do you plan to shoot? Jason Hornady answered they don't really plan on any, they just wanted to have it listed in case they would, or sometimes the shooting team will need to dial in guns for a Monday shoot. Ron stated to the board he thought if approved, the weekend time should be taken out.

Ken stated in discussion that if approved it should be approved based on what equipment is available now. "We all know how things evolve and change. 20 years ago, who would have thought you could spray fields with a drone but here we are ....so I think we want to make sure that we protect against this in this instance."

After much discussion it was moved by Jeff Christensen and seconded by Jack Reimers to table the motion until the October 19<sup>th</sup> Planning and Zoning meeting to give the county attorney an opportunity to review the written up conditions of the CUP that Hornady submitted to the board for this meeting, as well as giving the board time to add any additional regulations they see fit. Motion to table CUP passed by a 7-0 roll call vote.

**Discussion & Possible Action - Mark Starkey** – requesting 3<sup>rd</sup> house in ¼ section – S ½ NE ¼ SE ¼ NW ¼ 12-15-9 – Mark Starkey was present to represent his request. He informed the board that he has 77 acres that include the east and west quarters. He would like to subdivide 20 acres on the west quarter so that his nephew could purchase the land and build a house on. Also would like to build a house on the east quarter on top of the hill, called Indian Hill, which would be the 3<sup>rd</sup> residence in the SE ¼, he is requesting to build there. Starkey stated the existing house on the SE ¼ corner is a rental and is a monthly lease, so he could have them leave at any time, but didn't want to have to do that if not necessary. After discussion the board is aware there are already 2 houses in this SE ¼ section and this is not allowed in the zoning regulations, so the board recommended that Mark apply for a Variance and go before the Variance Board if he wishes to pursue.

**Discussion & Possible Action – Animal Units** – Spencer Wichmann, Kip Lukasiewicz and Jim Olson were present to discuss how to interpret (AU) animal units according to regulations. Jim states that his operation has changed since he started the feedlot 20 years ago. Jacob Brothers purchased the feedlot a few years ago and now the feedlot only backgrounds cattle. Spencer with Settje Agri-Services explained that Jim is permitted for 10,000 head, (Class III) cattle



# Howard Planning and Zoning Minutes



come in at 400 pounds and shipping out at 750-800 pounds, averaging that 600 pounds about every 90-100 days, so that should be .6 AU, are we correct?

Administrator Klinginsmith stated the Howard County regulations state in definitions: One (1) Steer @ one thousand (1000) pounds = One (1) animal unit (AU). She spoke with Brad Edeal, NDEE Supervisor to ask for NDEE animal units and Brad Edeal said a cow calf pair is 1 AU, but once the calf is weaned they become 2 AU no matter the weight.

Daryl Anderson stated in theory, you are correct, but not sure how we would do that. Jim stated all we are looking at is conversion of the cattle, we don't have the manure we used to. Jim is asking the board if since the feed yard average weight is 600 pounds can they count their animal units as .60 animal units. Maybe we could go to 13,000 or 15,000 head, try it and see if there are any problems, and you are more than welcome to come out and visit and see what I'm doing now vs years ago.

Jeff Christensen stated he should apply for a CUP to request what he is requesting. The board felt that could be done also, but we need to have a guideline that we go by or this could be opening a can of worms for all those landowners backgrounding cattle now.

Ron Kulwicki asked if Jim is maxed out on AU. Administrator Klinginsmith stated, yes with Class III, the next Class IV allows up to 20,000 head and his odor footprint would increase from 1 mile to 1.5 miles. Jim could apply to increase to a Class IV and any residence within the increased area from 1 mile to 1.5 miles with an updated odor footprint would need to have the Nuisance Easement Waiver approved prior to increasing numbers. The residences within the current odor footprint would not have the waiver. After much discussion Daryl Anderson asked that this be added to the next agenda to discuss animal units, all members agreed.

**Discussion & Possible Action - Mitch Horak-** requesting 3<sup>rd</sup> house in  $\frac{1}{4}$  section – S  $\frac{1}{2}$  SW  $\frac{1}{4}$  excluding 20-acre and 5-acre tracts 4-13-9 – Mitch Horak was present to represent his request. Mitch is thinking of purchasing a piece of land to build a house on however it is in A-1 and there is already 2 houses in that  $\frac{1}{4}$  section. After much discussion the board recommended that Mr. Horak apply for a variance and go before the Variance Board, all members agreed.

**Discussion & Possible Action – Mike Mathews** – requesting to subdivide off the home site in A-3 SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  23-15-10 – Mike Mathews was present to represent his request. Mike states that he and his wife would like to subdivide off the land where house and buildings are on the property. His mom owns the land and no longer live on the property. The land is meant to stay in the family for generations to come for everyone to enjoy and benefit from. Mike along with his mother and brother have come to agreement that Mike and his wife can purchase land with house and building but the rest of property is to stay in the Trust that is set up. The section 24-15-10 to the west, the family owns 320 acres. After much discussion the board suggested that Mike and his wife apply for a variance and go before the Variance Board or contact a lawyer to see about a 99-year lease for the house and building site. As current regulations state in A-3 a residence must have 80 acres. All members agreed.

## **Discussion – Zoning Regulation Changes**

**Wind Regulations** – The board asked Administrator Klinginsmith to research some more of what other counties and states do for setbacks from dwellings. This item will be discussed more at an upcoming meeting.

**Update wording for NDEE** – Administrator Klinginsmith informed the board that she will need to update the wording in regulations to meet the new name of NDEE (Nebraska Department of Environment and Energy) from NDEQ (Nebraska Department of Environment and Quality). Board is aware of change and ok with her doing the update.

**Update Supplementary pages – Sanitary Requirements and Septic Regulations** – Administrator Klinginsmith informed the board that it was brought to her attention that some counties require to know where the septic and wells are before approving any permits. Administrator Klinginsmith asked the board if they would be ok if she added wording on the zoning permit and setback sheet that it is required to follow NDEE's requirements for septic and wells and would not require a map. After discussion the board decided to add the above wording since there is not a building inspector for the county.



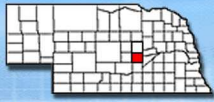
# Howard Planning and Zoning Minutes



**Farming Residence wording** – while reviewing regulations Administrator Klinginsmith states she found some areas of wording in A-1 that were missed when updating the regulations in May 2021. She asked the board if they are ok if she makes the changes now. The board are aware of the changes that need to be made and gave permission to make the necessary changes. A resolution will be sent to County Commissioners for final approval for the above changes administrator is allowed to make.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Ron Kulwicki seconded the motion. Motion was passed with a unanimous voice vote. Next meeting is scheduled for October 19, 2022 at 8 PM.

Jennifer Ostendorf  
Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning October 19, 2022

A Meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19<sup>th</sup> day of October 2022.

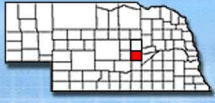
Chairman Terry Spilinek called the meeting to order at 8:00PM and the Open Meetings Act was recognized. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's Office. Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Absent: Chris Kosmicki and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning & Zoning secretary. Dave Schroeder, County Attorney was absent. Members of the public were: Jason Hornady, Mitch Mittelstaedt, Nick Ericxson, Anne Cannon, Jeff McClellan, Jodi Espeland, Keith Espeland, Ryan Hall, Kevin Lukasiewicz, Pam Jerabek, Matt Valentine, Gordan Glade, Brent Kunze, Katie Mathews, Mike Mathews, Spencer Wichmann, James Olson, Travis Casperson, Nathan Timmons and Jessie Urbanski.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Jack Reimers to approve the minutes from the September 21, 2022 meeting. Motion carried by a unanimous voice vote.

Prior to the public hearing the board had a workshop meeting with Hornady Gun Club to discuss the proposed conditions of the conditional use permit that Hornady had presented to the board last month. Dave Schroeder, county attorney was present along with zoning board members, zoning administrator and Hornady Gun Club representatives.

8:05 PM – Public hearing for conditional use permit application by Jim Olson for Jacob Brothers DBA Windmill Feeders – NE ¼ 18-15-11. James Olson was present to represent along with Travis Casperson from Settje Ag Services. Jim explained to the board that they are requesting to keep their feedlot classification as a Class 3 (5,001 – 10,000) feedlot but allow them to increase their number of head to 16,666, using the theory of 600-pound average calf weight (1000 A.U. divided by .6 = 16,666). Jim explained that they have went from a finishing feedlot to backgrounding cattle. Cattle come in at 425 pounds and leave between 750-800 pounds. 700 head of cattle come in every Tuesday and 700 head leave every Tuesday. He explained that there are 6 trucks that bring in the small calves and those same 6 trucks load the same day with the bigger calves. Then there are 4 more trucks that come in and take the rest of the larger calves out. Cattle stay in the yard for 100 days so it is more on number of days then the weight. Weight can vary some because of weather but the calves have to move every 100 days to keep the whole system working. Travis Casperson presented the board with information on manure levels with the increased number of head. The odor footprint can actually stay the same because the manure produced is actually less with the smaller animals.

Chairman Spilinek asked the public for testimony in favor. With no testimony in favor chairman Spilinek asked for testimony against. Nathan Timmons spoke opposed to this increase. He stated that he runs a feed yard that does some finishing and some backgrounding and asked if this means that he could increase his number of head? He also states that if expanding the board needs to make sure to check the setbacks. If increasing the head county, the Class 4 (10,001 – 20,000) setback is 1 ½ miles. Travis Casperson spoke to Nathan's question about if he could expand.... Travis states that he thinks the difference in this case is that Jim Olson is solely backgrounding at his operation. The cattle are producing less manure. Jim added when he had a finishing operation, he had stock piles of manure but with these weights, they do not produce the manure and I don't have much to deliver to area farmers like before. Travis presented a worksheet from UNL comparing how much less manure a 1,000-pound animal produces vs a 500-pound animal.



# Howard Planning and Zoning Minutes



With no further discussion in favor or against the public hearing was closed. Jeff Christensen moved to allow Windmill Feeders to increase cattle numbers from 10,000 head to 15,000 head. This is because they are going from a finishing operation to backgrounding operation. Cattle will leave at approximately 800 pounds. One year trial basis effective November 11, 2022. Weights will be verified upon administrators request. Motion was seconded by Ron Kulwicki. Motion was passed with 6-1 roll call vote. Finding of Fact attached.

The previously tabled conditional use permit application by JWH Farms LLC for a Hornady Gun Club – S ½ S ½ Section 30-15-9 was brought back for discussion. Administrator Klinginsmith read the conditional use permit that the board discussed during the workshop earlier in the evening. After the reading Keith Espeland spoke up stating that he appreciated that the board had addressed most all of the concerns that he presented except he asked the board to consider adding lead clean up if and when the land is surrendered. He said that Steve Hornady stated at one meeting that there is no worry about lead unless it is disturbed. Keith stated if/when the land is surrendered and the land is used for grazing cattle or haying then the lead would be disturbed and could potentially cause problems. Brett Kunze spoke to board stating that the land his family has is generational land and the plan is to keep this land in the family. He states he believes that is Hornady's plan with the land as well and just asks everyone to keep this in mind. Jodi Espeland asked how do they plan to monitor the roads and pasture with cattle while they are shooting. Jason Hornady responded to her question stating that they have cameras up that they use to monitor the roads. He also stated that they will place signs on the corners to let people know there is shooting in progress. Jason also stated that it would be his hopes that when/if this goes all the way through that they will have all the neighbors phone numbers so that they could call and give them a heads up of their plans to shoot. Gordan Glade spoke for himself and Greg Sextro that own the land adjoining to the north. Both are in favor for the Gun Club stating that they have hunted with these guys for years and they are very safe in everything they do. Matt Valentine was present to represent Tom Dinsdale who is the neighbor to the west. He states that Tom Dinsdale has no issues with the gun club going in and supports what they are trying to do. Ryan Hall opposes the CUP, stating it was against the regulations last year, what has changed. The board affirmed that Hornady pulled their request prior to a decision being made.

Discussion from the board was the time limit that they would like to put on the conditional use permit. Jeff Christensen mentioned that he would like to set it at 3 years. Jason Hornady asked the board to consider 10 years because of the cost of the project. Jeff explained to Jason that the 3 years would just be to have them come back and discuss this and make changes if they need to be made. Jeff also stated that he thinks this will give the public some reassurance that the project is tracked to make sure it is as safe as it can be. With no further discussion Jeff Christensen made a motion to approve the conditional use permit for Hornady Gun Club INC. with the conditions listed in the attached permit for a duration of 3 years. Randy Kauk seconded the motion. The motion was passed with a 5-2 roll call vote. Finding of Fact attached.

The next discussion is for Kevin Lukasiewicz expansion/update odor footprint – SE ¼ EXC HWY Section 15-16-10. Kevin is present to represent his plan. Kevin states that he just expanded the pen for a larger feeding area but does not plan to increase the number of head. He spoke with Brad Edeal with NDEE and he is made aware that he can do this. Kevin also states that he plans to winter graze the outside area of his feeding operation on the west, south and north sides, the cattle will not be in there longer than 6 months. If at any time the land begins to de-vegetate, he would need to move the cattle or spread-out corn stalk bales for vegetation. Janet Thomson was on the phone to represent the County Road Department. Janet said that there is an automatic waterer in the field and she would like to see the tank overflow tube be moved back at least 25 feet from the county road ditch. This is to prevent run-off. She also states that the county will put in a ditch along the highway to keep any run-off off of HWY 281.

Administrator Klinginsmith presented the board with a map showing the existing odor foot print and the new one with the pen expansion to the east. She asked the board if she can update the odor footprint without a conditional use permit (CUP) since no residences fall within the updated odor footprint, and wanted to verify a odor footprint is not



# Howard Planning and Zoning Minutes



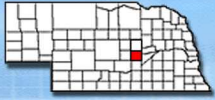
needed for the grazing cattle outside the feeding operation as long as they are there less than 6 months and no de-vegetation. The board unanimously said that the new odor footprint should be used to show the expansion. The grazing cattle will not affect the feeding operation and will not count towards increasing of the 950 A.U. maximum to his feedlot. Administrator Klinginsmith will get the new odor footprint updated online.

Administrator Klinginsmith reviewed with the board the research she found on wind turbine setbacks from residences from other counties and states. The existing setbacks are diameter plus applicable building setbacks from small and 1,000 feet for commercial wind turbines from residences. She also asked the board if they would like to eliminate all commercial wind turbines as the county attorney stated that is an option for us. She also asked if they had a preference to size of wind turbine they would like to allow, different from our existing regulations. Ron Kulwicki states, if possible, he would like to eliminate the possibility of the very large turbines in the county. Jeff Christensen states that he thinks we need to do some research to see what the different sizes are because some of the local residents use wind turbines to power their property. After discussion it was agreed that Administrator Klinginsmith will do some research on the different sizes and the amount of power they provide and report back at the next meeting.

With no further discussion Jeff Christensen moved to adjourn the meeting with a second from Terry Spilnik. Motion passed with a unanimous voice vote. The next meeting is tentively scheduled for November 16, 2022 at 7 PM.

Jennifer Ostendorf

Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning November 16, 2022

A Meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16<sup>th</sup> day of November 2022.

Chairman Terry Spilinek called the meeting to order at 7:00PM 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 7 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Dave Sack, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Absent: Ken Kozisek and Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning & Zoning secretary. Dave Schroeder, County Attorney was absent. Members of the public were: Jennifer Antholz, Carol Dixon, Jeffrey Skinner, Tylor Robinson and Russ Kasson.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Jack Reimers to approve the minutes from the October 19, 2022 meeting. Motion carried by a unanimous voice vote.

Administrator Klinginsmith updated the board that the County Commissioners approved both Windmill Feeders CUP and Hornady Gun Club CUP with adding a 911 address and changing the duration from 3 years to 5 years.

### **7:05PM – Public Hearing for Single Lot Subdivision Application by Russ Kasson – SW ¼ Section 8-14-10**

Russ Kasson was present for his request. He informed the board that the house caught on fire and he and his wife do not want to rebuild but thought with the decent livestock set up they would subdivide off the building site to sell to someone that would like to rebuild the house. With no discussion in favor or against the public hearing was closed. Discussion was had among the board members and Dave Sack Moved to approve the application for a single lot subdivision and Chris Kosmicki seconded the motion. Motion was passed by a 7-0 roll call vote. Finding of fact attached.

**7:15 PM Public Hearing for Conditional Use Permit by Verizon, Jeffrey Skinner Authorized Agent and Catherine L Corbet Trustee, landowner NW ¼ NE ¼ & NE ¼ NW ¼ Section 34-14-11** – Jeffrey Skinner was present to represent the request. He stated to the board that they are requesting to put up a 350-foot cell phone tower on the property. The tower will be 1000 feet from 8<sup>th</sup> Ave, 1500 feet from both the east and west property lines and 320 feet from the back property line. With no discussion in favor or against the public hearing was closed. Discussion was had among the board. Jeff Christensen asked about the agreement that they would allow other carriers to add to the tower if requested. Administrator Klinginsmith told the board that they have agreed to that however they are still waiting on FAA approval letter for tower. Ron moved to approve the Conditional Use Permit pending the FAA approval. Dave Sack seconded the motion. The motion was passed by 7-0 roll call vote. Finding of fact is attached.

**Discussion & Possible Action – Jennifer Antholz – requesting 2<sup>nd</sup> residence on property W ½ NE ¼ 11-14-11** – Jennifer Antholz was present to represent her request. She told the board that their plan is to attach another house to her mothers exhisiting house for her and her family to live in. The two houses will be connected by a porch. Administrator Klinginsmith asked the board for clarification on what path they should take with this request? It could fall under a couple different areas in the regulations. After much discussion the board agreed that this would fall under a conditional use permit. Klinginsmith informed Jennifer that she would need to fill out a conditional use permit and there would be a public hearing in December.

**Discussion – Zoning Regulation Changes.**



# Howard Planning and Zoning Minutes



**Wind Regulations** – Administrator Klinginsmith shared with the board the information that she gathered about other county regulations. After much discussion the board agreed that maximum height of any wind turbine / windmill shall not exceed 80 feet in height. The board then asked Administrator Klinginsmith to go thru the regulations and strike out what wording she thinks should be removed and the board will review that next meeting.

With no further discussion Jeff Christensen moved to adjourn the meeting with a second from Ron Kulwicki. Motion passed with a unanimous voice vote. The next meeting is tentively scheduled for December 21, 2022 at 7 PM.

Jennifer Ostendorf

Planning & Zoning Secretary

**MINUTES  
HOWARD COUNTY  
VARIANCE BOARD OF ADJUSTMENTS  
November 16, 2022**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 16<sup>th</sup> day of November 2022 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 6:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office.

Roll call showed 5 members present: Terry Spilinek, Janet Thomsen, Chad Donscheski, Mile Nelson, and Glen Killion. Absent were Rose Dixon. Also present was Cherri Klinginsmith, Howard County Zoning Administrator and Jennifer Ostendorf, Secretary. Members of the public were Tylor Robinson and Mark Starkey

The agenda and minutes were emailed and mailed to the Variance Board of Adjustment members prior to the meeting.

A motion was made by Glen Killion and seconded by Terry Spilinek to approve the minutes of the January 19, 2022 meeting. The motion carried by 5-0 Roll Call vote.

Administrator Klinginsmith informed the board Rose Dixon plans to resign from the board for health reasons.

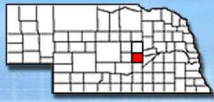
**6:05 PM Public hearing for a variance application by Mark Starkey – NE ¼ & SE ¼ NW ¼ EXC LBRD & EXC Tract Section**

**12-15-9** - Mark Starkey was present to represent his request. Mark stated to the board that he would like to subdivide off 20 acres to sell to an interested buyer. There is a mobile home in the Southeast part of his property that is a rental house on a month to month lease. If Mark sells this land the people would like to build a house there and this would make the 3<sup>rd</sup> house in the quarter section. Mark would like the variance granted so that the family living in the mobile home can stay on the property. With no further discussion from the public Glen Killion moved and Terry Spilinek seconded the motion to close the public hearing. Motion was carried by a 5-0 roll call vote. Discussion from the board of adjustment was had. They discussed that the rental agreement would stay with the property owners with the current tenants only and they would continue with month-to-month lease. With the board all in agreement that this request met all of the requirements for a variance Glen Killion moved and Terry Spilinek seconded the motion to approve the variance application. The motion carried with a 5-0 roll call vote. Finding of fact attached.

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

Mike Nelson, Board of Adjustment Secretary

Jennifer Ostendorf, Planning & Zoning Secretary



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning December 28, 2022

A Meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 28<sup>th</sup> day of December 2022. This meeting was previously scheduled for December 21, 2022 and was rescheduled due to the weather.

Chairman Terry Spilinek called the meeting to order at 7:00PM 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, Randy Kauk, Chris Kosmicki, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Absent: Ken Kozisek, Dave Sack and Jeff Christensen. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning & Zoning secretary. Dave Schroeder, County Attorney was absent. Members of the public were: Carol Dixson, Dirk Dietz, Jose Avila Gutierrez, Jeff Leo and Sarah Leo.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Jack Reimers to approve the minutes from the November 16, 2022 meeting. Motion carried by a unanimous voice vote.

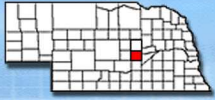
**Administrative/Board Comments:** Administrator Klinginsmith let the board know that she has given them a copy of the JET Properties survey. This is a subdivision within the 1-mile jurisdiction for city of St. Paul, so they will be taking care of this property but wanted to let the county know what is being presented and if we have any comments. The zoning board has no issues with the proposed subdivision.

**7:05 PM – Public hearing for Single Lot Subdivision Application for Twilight Subdivision by Jose Avila Gutierrez and Gloria Ramirez-Ramirez – NW ½ NW ¼ 9-13-10** – Jose Avila Gutierrez was present to present his plan to the board. Gutierrez has purchased a 20-acre parcel and would like to split the parcel in half creating 2, 10 acre lots. Gutierrez plans to build a residence on the north parcel. Gutierrez has spoken with the road department and they are working with him to clear some or all of the trees along the un-improved road on the north side of the property. Gutierrez plans to have driveway to property off of Jansen Road on west side of property. With no testimony in favor or against the public hearing was closed. Discussion was had amongst the board members in regards to the un-improved road on the north side of property. In future if someone else on another parcel wants to build the board and road department will have to look at the un-improved road to make sure they are not land locking the other property owners. Ron Kulwicki made a motion to approve the single lot subdivision application as presented. Jack Reimers seconded the motion. Motion was passed with a 6-0 roll call vote. Finding of fact is attached.

**7:10 PM – Public hearing regarding amendments of Zoning Regulations for revisions to the Matrix of the Planning and Zoning Regulations** – Administrator Klinginsmith had prepared some proposed changes to the Matrix of the Planning and Zoning Regulations and presented the proposed changes to the board. On page 17 of regulations the proposed change is to:

- 1.) Dwelling, Accessory Use, ~~to farming operation~~. Adding a "C" under A-1, A-2 & A-3 columns.
- 2.) Dwelling, single family attached - add a "C" under A-1 & A-2 column.
- 3.) Dwelling, two family, ~~non-ag~~ - add a "C" to A-1 column.

With no testimony in favor or against the public hearing was closed. Discussion was had among the board with Jack making a motion to approve changes to land use matrix – dwellings. Motion was seconded by Randy Kauk. Motion was passed by a 6-0 roll call vote. Finding of fact is attached.



# Howard Planning and Zoning Minutes



**7:15 PM – Public hearing for conditional use permit application by Carol Dixon for a single family attached dwelling – W ½ NE ¼ 11-14-11** – Carol Dixon was present to represent her request. She would like to get approval to move in a modular home for her daughter to live in and attach it to Carol's existing house. With no testimony in favor or against the public hearing was closed. Discussion was had by the board and Chris Kosmicki made a motion to approve the conditional use permit application for a single family attached dwelling. Jack Reimers seconded the motion. Motion was passed by a 6-0 roll call vote. Finding of fact attached.

**7:25 PM – Public hearing regarding amendments of Zoning regulations for Wind Generator Facilities, Sanitary Requirements, updating wording from non-farm and ag operations and changing name of Nebraska Department of Environmental Quality (NDEQ) to Nebraska Department of Environment and Energy (NDEE) in all planning and zoning regulations, definitions and matrix** – Administrator Klinginsmith had prepared some proposed changes to the regulations, definitions and matrix that she presented to the board to review and discuss. With no favor in favor or against the public hearing was closed. There was much discussion among the board regarding updates and changes to regulations, definitions and matrix. It was discussed to remove the definition of "tower height" from regulations all together just leaving "total height" when discussing wind energy. It was also discussed to type out Nebraska Department of Environment and Energy one time per section and then will use acronym NDEE to follow. After much discussion Jack made a motion to table the changes of zoning regulations for wind generators, sanitary requirements, updating wording on non-farm and ag operations and changing name of Nebraska Department of Environmental Quality to Nebraska Department of Environment and Energy so that board can review again after all the changes discussed are made. Ron Kulwicki seconded the motion. Motion was passed by a 6-0 roll call vote.

**Discussion and review of the N ½ of section 36-14-10** for a farm odor footprint was reviewed. The board agreed with the odor footprint presented. Administrator Klinginsmith will continue the process of putting it on the website.

With no further discussions Ron Kulwicki moved to adjourn the meeting and Jack Reimers seconded then motion. Motion was passed with a unanimous voice vote.

The next Planning and Zoning meeting is planned for January 18, 2023 at 7 PM.

Jennifer Ostendorf  
Planning & Zoning Secretary.