

Howard County Planning & Zoning
February 15, 2023

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of February 2023.

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, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent members: Ron Kulwicki, Jack Reimers, and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Dave Schroeder, County attorney was absent. Members of the public were: Janet Thomsen, Jane Kasson, Tom Kasson, Trudy Roschynski, Shelly Wolinski, Kevin Lukasiewicz, Pam Jerabek, Josh Jerabek, Lonny Thomsen, Tylor Robinson, Venessa Petersen, Tyler Petersen, Lynda Berggren, Bruce Evans, Dane Berggren, Bryan Robinson, and Robin Irvine.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jeff Christensen to approve the minutes from the December 28th, 2022 meeting. Motion carried by unanimous a voice vote.

Administrator Klinginsmith let the board know that the NPZA meeting has been moved back to March as it was in the past. The next meeting will be March 8-10, 2023 in Kearney. She will be emailing them a link to the schedule so that the board can look it over and attend if they would like. The cost of the conference is covered by the Planning & Zoning Office, just let Cherri know if interested in attending.

At 7:05 P.M. a Reorganizational meeting was held with election of officers. Chairman Spilinek asked for nominations. Chris Kosmicki made motion to leave all officers in their current positions. Terry Spilinek – Chairman, Jack Reimers – Vice Chair, Daryl Anderson – Secretary. Motion was seconded by Ken Kozisek. Motion was passed by 6-0 roll call vote.

Randy Kauk, Ron Kulwicki and Terry Spilinek were reappointed for another 3-year term. Terry Spilinek was reappointed as the representative for the Board of Adjustments.

Public hearing for a Conditional Use Permit Application by Kevin Lukasiewicz requesting to expand the feeding operation from 950 animal units (A.U.) to 2500 animal units (A.U.) along with an increase in the feeding area, remaining a Class 1 feeding operation. This also includes nuisance easement waivers. SE ¼ Section 15-16-10 Kevin Lukasiewicz was in attendance to represent his application. Kevin explained to the board that he has hired an engineering firm out of North Dakota to draw up the plans for his expansion from 950 animal units to 2500 animal units. He also stated that there was 4 - NRCS office representatives out this past Monday to take a look at the property and proposed expansion area and the engineered plan. Also noted that the berms shown in the plan will be 1-2 feet tall but pretty wide. The plan also shows the berms to be seeded to some sort of grass vegetation to help with run off and erosion.

Chairman Spilinek opened the floor for public comment in favor. Tyler Petersen spoke in favor of the feedlot expansion stating that its good to have cattle on feed and 2500 head in today's world is still relatively small. He also states that this would be good for the community as Kevin buys most of his feed locally.

Chairman Spilinek opened the floor for public comment in opposition. Janet Thomsen spoke against it stating that her family has land adjacent to the feedlot. She states that there is already a problem with run off onto their fields. Janet also stated that this will be adding more than twice the amount of cattle than Kevin has now but, according to the presented plan the pen size will be smaller. She also asked where will the lagoons be drained. If going to drain by pumping thru a pivot, her worry is that the hills on the field are steep and will have run off problems from that as well. She also commented that the odor goes right over her mother-in-law's house. Tom Kasson spoke against the expansion stating that the plan shows berms on the south side of property. He said that 22nd Ave already has problems when it snows and that the road blows shut. By the addition of berms, Tom's concern is that the problem will only get worse. Jane Kasson was present to speak against the expansion. Her concerns were the smell that the expansion would cause and later down the road when she sells her farm that her property will sell for less because of the odor. Lonny Thomsen was also present to speak against the expansion. Lonny's concern was the dust from the de-vegetated pens when the weather is dry like it was this past year. He states at times it was very hard to see and at times couldn't even see across the road. He also asked what the plan was for the large piles of manure that are currently stored on the west side of property and where will the run off go from the piles.

With no further testimony in favor or against Chairman Spilinek closed the public hearing.

Discussion among the board started by Daryl Anderson asking Administrator Klinginsmith if the new proposed odor foot print would encompass Loraine Thomsen's house. Klinginsmith said that she spoke to g-Works about it and they said that the house is 25-30 feet outside of the odor footprint. Administrator also stated the proposed pens that Janet mentioned, currently are allowed to have 950 head and with the new site plan, these same pens are limited to hold a total of 500 head, less than allowed now. Klinginsmith also read a statement from the engineer, since he was not able to attend the meeting, and that read as follows: *"For the runoff, I think there is still some confusion here unless the neighbors are upset that there would no longer be runoff coming off Kevin's property. The berms and diversions will need to be constructed in order to cut off all runoff from the proposed pen areas from leaving the property. So, there will need to be quite a bit of dirt work done in order to either build the berms up or cut the diversions out in order to cut off drainage and redirect the runoff to the pipes which will flow underground and take the runoff to the lined holding ponds".* By Casey Duppong, DGA Engineering.

Terry Spilinek asked Kevin if he had a plan to drain the lagoons. Kevin states that his plans are to go to the NRCS office in Ord to apply for certified irrigated acres and put a pivot up and pump the lagoons thru the pivot. Board member Randy Kauk told the board members that he is on the NRCS board and he does know there is a pool of acres available for certified irrigated acres so he was pretty confident that if Kevin applied for the acres there should be some available. Randy Kauk stated to the board that he thought that the engineered plan was created to keep all the run off and other worries from citizens at bay. He states that these engineers work with NDEE and NRCS to make the proposed plans work and if Kevin doesn't follow the plan NDEE and NRCS will not approve the expansion. Jeff Christensen told Kevin that he appreciated the engineered plans and agreed

with Kauk that the plans are drawn up and put in place to prevent run off and other things of concern from happening.

With no further discussion Daryl Anderson moved and Randy Kauk seconded the motion to approve the Conditional Use Permit Application for Kevin Lukasiewicz to expand feeding operations from 950 animal units to 2500 animal units pending approval by NDEE & NRCS per the existing plan, along with the CUP for the Nuisance Easement Waivers. Motion carried 5 in favor and 1 abstained. Finding of Fact attached.

Public hearing for School House Subdivision a single lot subdivision application by Bruce D Evans W ½ NE ¼ Section 3-14-12 Chairman Spilinek opened the public hearing and Bruce Evans was present to represent his request. Bruce explained to the board that he had someone approach him about buying a few acres of land from him. He has had the land surveyed and an easement is included with the property. With no testimony in favor or against the public hearing was closed. After some discussion among the board was had, Jeff Christensen made a motion to approve the School House Subdivision by Bruce Evans located W ½ NE ¼ Section 3-14-12. Chris Kosmicki seconded the motion. The motion was passed with 6-0 roll call vote. Finding of Fact attached.

Public hearing for Conditional Use Permit Application by RiversEdge LLC, Wendy Johnson landowner, requesting to operate a Bed & Breakfast or similar business – NW ¼ Section 11-15-11. Administrator Klinginsmith was present to represent request. Klinginsmith let the board know that all the requirements for this request have been made. In the zoning regulations, Bed & Breakfast is allowed and after calling a few other counties regarding VRBO or Air BNB's, she thought this would be considered the same use, and used those guidelines along with the state of Nebraska requirements for the proposed use.

Chairman Spilinek opened the public meeting asking for testimony in favor. There were two people present in favor saying they thought it would be nice to offer. With no testimony against, the public hearing was closed. After discussion among the board Jeff Christensen moved to approve the Conditional Use Permit by RiversEdge, Wendy Johnson landowner requesting to operate a Bed & Breakfast or something similar located in the NW ¼ Section 11-15-11. Motion was seconded by Ken Kozisek. Motion was passes by 6-0 roll call vote. Finding of Fact attached.

Public hearing for Tri-County Farms Subdivision a Single Lot Subdivision Application by Robin R. Irvine, 68 Circles LLC, president – SW ¼ 32-13-12 Chairman Spilinek opened the public hearing. Robin Irvine was present to represent his request. Robin told the board that they are wanting to sub-divide off the pivot corner where there use to be an old dairy, so that his son and his fiancé could build a house. There are currently buildings there, but the house burned down several years ago. With no testimony in favor or against the public hearing was closed. After discussion among the board, Chris Kosmicki made a motion to approve a single lot subdivision application by Robin R Irvine, 68 Circles LLC President, named Tri-County Farms Subdivision located SW ¼ Section 32-13-12. Jeff Christen seconded the motion. Motion was passed with 6-0 roll call vote. Find of Fact attached.

Public Hearing on Rezone application by Dana & RaeJean Hawk, landowner, requesting to rezone property from C-S (Highway Service District) to R-1 (Residential Single-Family District) SW ¼ NW ¼ 21-13-9 Chairman Spilinek opened the public hearing. Dana and RaeJean Hawk were present to represent their request. They explained to the board that they purchased the property in St. Libory that use to be a business and they would like to convert it to a house. In order to do that they need to have the property rezoned from commercial to residential. Administrator Klinginsmith told them since it was stated in the covenants that the property is commercial, they would need to have a vote of over half the landowners agree to change the covenants. The Hawks gathered signatures from a majority of the property owners stating they were in favor of the rezoning of the property. With no testimony in favor or against the public hearing was closed. Discussion amongst the board was had. Ken Kozisek asked Administrator Klinginsmith if the signatures needed to be verified. Klinginsmith said she would speak with the County Attorney. With no further discussion Jeff Christensen moved to approve a rezone application by Dana and RaeJean Hawk, landowners to change zoning from C-S to R1 located SW ¼ NW ¼ Section 21-13-9. Motion was seconded by Randy Kauk. Motion was passed with a 5-1 roll call vote. Finding of Fact attached.

2nd Public hearing regarding the amendments of Zoning Regulations for Wind Generator Facilities, Sanitary Requirements, updating wording on 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. Chairman Spilinek opened the public hearing. Administrator Klinginsmith presented the board with the changes to the regulations that were discussed in the December 28, 2022 meeting. It was discussed to remove the definition of “tower height” from regulations all together and just leaving “total height” when discussing wind energy. It was also discussed to update the Nebraska Department of Environmental Quality to their new name of Nebraska Department of Environment and Energy, and use the acronym NDEE where it fits in regulations. Klinginsmith had all the changes of regulations in red and went through them with the board. With no testimony in favor or against the public hearing was closed. After discussion by the board, Randy Kauk made a motion to approve the changes to the Zoning Regulations Wind Generator Facilities, Sanitary Requirements, 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. The wording for non-farm and Ag Operations was already changed last meeting. Motion was seconded by Ken Kozisek. Motion passed with a 6-0 roll call vote. Finding of Fact attached.

Discussion & Possible Action – Gage Valley Vet Clinic allowed uses. Administrator Klinginsmith brought it to the board’s attention that she received a call from Amber the Veterinarian from Gage valley vet letting her know that she is no longer working there. Amber has been receiving calls about the cattle at the clinic and area being used as a feedlot. She has been telling the callers that she no longer works there and gives them Cheri’s number to voice their concerns. Administrator Klinginsmith let the board know that she has reached out to Eric Blasé on January 31, 2023 asking him for the logs of cattle coming in and out of the clinic from January 1st to January 31st. As of tonight, no information has been received. Klinginsmith is wanting the opinion of the board, for if the use of processing the cattle there without a vet is still meeting the allowed use of an animal clinic according to our regulations in the Industrial zone. The board agreed that once the

information requested is received from landowner, for Klinginsmith to bring it back to the board for their review.

Discussion & Possible Action – Lot 2 Melody Acres – Verify Uses This property has a new owner and would like to verify the uses. The new land owner stopped in to discuss his options with the land. On this property there is a barn built in 1981 as a stable with 40 horse stalls in it. The new owner would like to know if it is ok that he has 40 horses on his property. The land is currently zoned A-3 but it has for many years had this barn with stalls in it. All sheds on property are one foot (1') above the BFE. Administrator Klinginsmith asked the board what their thoughts were about new owner having 40 horses on property? After discussion among the board, it was decided that the property would be grandfathered in and that it would be ok to leave the use as is. The land owner also requested to divide his lot into 2 lots. Administrator explained the process of vacating the existing Melody Acres Subdivision of 2 lots of 9.7 total acres and re-subdividing the property into 3 lots with each lot needing 3.0 + acres. Landowner of lot 2 will need to have lot 1 landowner agree to the changes.

With no further discussion Jeff Christensen moved to adjourn the meeting. Chris Kosmicki seconded the motion. Motion was passed by a unanimous voice vote.

The next Howard County Planning & Zoning meeting is tentatively scheduled for March 15, 2023 at 8PM.

Jennifer Ostendorf
Planning & Zoning Secretary

**HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENTS
February 15, 2023**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 15th day of February 2023 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. Also present was Cherri Klinginsmith, Howard County Zoning Administrator and Jennifer Ostendorf, Planning & Zoning Secretary.

The agenda and minutes were emailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Glen Killion and seconded by Chad Donscheski to approve the minutes of the November 16, 2022 meeting. The motion carried by 5-0 roll call vote.

Administrator Comments:

Administrator Klinginsmith informed the board that the NPZA meeting has been moved back to March as it was in the past. The next meeting will be March 8-10, 2023 in Kearney. She will be emailing them a link to the schedule so that the board can look it over and attend if they would like. The cost of the conference is covered by the Planning & Zoning Office, just let Cherri know if interested in attending.

Old Business:

As discussed in the previous meeting of the board of adjustments it was noted that Rose Dixon would be resigning from board due to health reasons. Administrator Klinginsmith did officially receive Rose's resignation and had helped Rose find a replacement for her position. Administrator Klinginsmith informed the board that Dave Boehle stated that he would be willing to take over Rose's seat on the board. Before Dave served as County Commissioner he served on the Planning & Zoning Board for several years so he is very familiar with how things work. Mike Nelson moved to appoint Dave Boehle to the Board of Adjustments to finish out Rose Dixon's term (1 year). Glen Killion seconded the motion. Motion was carried by a 5-0 roll call vote.

Election of officers was discussed. Terry Spilinek made a motion to leave all officers in positions they are currently. Janet Thomson – chairman Glen Killion – Vice Chairman – Mike Nelson – Secretary. Glen Killion seconded the motion. Motion was carried by a 5-0 roll call vote.

With no further discussion the meeting was adjourned at 6:16 PM.

Jennifer Ostendorf
Planning & Zoning Secretary

Howard County Planning & Zoning

March 15, 2023

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of March 2023.

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 6 members present: Daryl Anderson, Jack Reimers, Kenneth Kozisek, Ron Kulwicki, Chris Kosmicki and Terry Spilinek. Absent members: Randy Kauk, Jeff Christensen, and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Dave Schroeder, County attorney was absent. Members of the public were: Cassidy Jacobsen, Craig Bader, Tylor Robinson, Chris Martin, Nate Timmons and Tyler Petersen.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jeff Christensen to approve the minutes from the February 15, 2023 meeting. Motion carried by unanimous a voice vote.

Administrator Klinginsmith mentioned to the board that Heather Schmidt was going to be withdrawing her Conditional Use Permit for an Event Venue. She will be mailing us a letter stating that she is withdrawing this application and if she decided to continue with Venue she will have to re-apply. Klinginsmith also informed the board that all of the applications from the February meeting have gone to commissioners and have been approved.

8:05 PM Public Hearing on Single-Lot Subdivision Application by Steven Bader – SW ¼ SE ¼

Section 14-14-9 Craig Bader was present to present to the board. He states that they are subdividing 16.87 acres into two (2) lots. One lot will be 3.406 acres and other being 13.467 acres. They plan to sell the 3.406 acres to someone to build a house on. With no testimony in favor or against the public hearing was closed. After discussion from the board Ken Kozisek made a motion to approve the single lot subdivision by Steven Bader located in SW ¼ SE ¼ Section 14-14-9. Motion was seconded by Chris Kosmicki. Motion passes by a 6-0 roll call vote. Finding of Fact attached.

Discussion & Possible Action- Gage Valley Vet Clinic allowed uses - Administrator Klinginsmith discussed with the board the number of cattle that were in and out of the clinic in the month of January. As mentioned at the February meeting Administrator Klinginsmith has asked Eric Blasé for the logs of cattle in and out of the clinic for the month of January. She received these reports the day after the February meeting (February 16, 2023). After reviewing the logs, she told the board that most of the time cattle were only at the clinic for 1-2 days. There were a couple instances where cattle stayed a few days longer but most of the time they were in compliance with what the board had set in place when they opened the clinic and discussed in December 2021. Administrator Klinginsmith reminded the board that the reason she was asking for the numbers for January is because the office had received an anonymous letter with

concerns about the number of cattle there and their wellbeing. Dr Amber, who left the clinic around the first of the year had also called Administrator Klinginsmith to let her know that she was no longer with the clinic and also to let her know that she is still receiving calls about the cattle at the clinic. She let Administrator Klinginsmith know that she is giving the Planning & Zoning Office number to the concerned citizens.

After much discussion among the board they would like to be kept up-to-date on what is going on there since it is approved as a vet clinic but currently have no vet on staff. It was mentioned by Ron Kulwicki that he has heard that they are planning to get another vet but are waiting for them to graduate this spring. The board has asked that Administrator Klinginsmith visit with Eric Blasé and ask for reports of cattle coming in and out of the clinic.

Among the discussion it was also mentioned that the definitions of Veterinarian Hospital and Veterinarian Clinic are very vague and may need to update these definitions when reviewing regulations and comprehensive plan in near future. With the current definitions the board agreed that the Gage Valley Vet Clinic is in compliance and as long as they provide the logs of cattle coming in and out and the cattle aren't staying at the clinic more then 2-3 day there isn't anything the board can do.

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

The next Howard County Planning & Zoning meeting is tentatively scheduled for April 19, 2023 at 8PM.

Jennifer Ostendorf
Planning & Zoning Secretary

**NOTICE OF MEETING
HOWARD COUNTY
PLANNING & ZONING COMMISSION**

NOTICE IS HEREBY GIVEN that a regular meeting of the Howard County Planning and Zoning Commission will be held at 8:00 p.m. on Wednesday, May 17, 2023, which meeting will be open to the public. An agenda for such meeting, kept continually current, is available for public inspection at the office of the Planning & Zoning Administration, 612 Indian Street, St. Paul, NE. and the Howard County website, www.howardcounty.ne.gov. Dated this 3rd day of May 2023.

Cherri Klinginsmith, Administrator
Howard County Planning & Zoning

May 17, 2023 Agenda

8:00 P.M. - Call to order – recognize Open Meeting Law – read the published notice of the meeting

Roll Call - Approval of minutes of the March 15, 2023 meeting.

Old Business:

Administrator/Board Comments: update on verbal complaints of County Feedlots

8:05PM –CUP to apply livestock waste thru a pivot application within buffer zone by Chris Mudd/Jensen –
Executive Session-Litigation-Possible Action

8:15 PM – Discussion & Possible Action – Dirt Road Development District Court Judgement

8:25 PM – Discussion & Possible Action – Accessory Dwelling Units

8:35 PM – Discussion & Possible Action – Zoning Regulations – Subdivisions 20 acres to 10 acres

8:45 PM – Discussion & Possible Action – Update Bylaws & Operating Procedures

**Howard County Planning & Zoning Minutes
May 17, 2023**

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of May 2023.

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 7 members present: Daryl Anderson, Jack Reimers, Kenneth Kozisek, Ron Kulwicki, Dave Sack, Jeff Christensen and Terry Spilinek. Absent members: Randy Kauk and Chris Kosmicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning and Zoning Secretary and Dave Schroeder, County Attorney. Members of the public were: Jordan Robinson, Brandt Bottelfson, Chris Martin, Jessica Robinson, Tylor Robinson, MaKayla Coufal, Nathan Timmons, Kathy Hirschman and Madison Hirschman.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes from the March 15, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith informed the board that the recording of the NPZA meeting from March was emailed to them if they would like to review it.

Administrator/Board Comments: Administrator Klinginsmith updated the board members on verbal complaints in regards to some Howard County Feedlots. She notes there have been 3 verbal complaints and no written complaints since the last meeting. All of the issues have been corrected or in the process of being corrected. NDEE has been made aware of all the complaints and issues.

8:05PM –CUP to apply livestock waste thru a pivot application within buffer zone by Chris Mudd/Jensen – Administrator Klinginsmith presented for Chris Mudd and George Jensen. This is an application to apply manure through pivot within the buffer zone of the 2019-5 perpetual permit to apply waste through pivot. This application has been approved for the last 2 years with no complaints. With no testimony in favor or against the public meeting is closed. With no discussion among the board Dave Sack made a motion to approve the Conditional Use Permit to apply livestock waste through the pivot within the buffer zone for 3 years. Ken Kozisek seconded the motion. Motion was passed by a 7-0 roll call vote.

Executive Session-Litigation-Possible Action – Motion was made by Jack Reimers and seconded by Ron Kulwicki to go into executive session at 8:10PM to discuss litigation. Motion was passed with a 7-0 roll call vote. Those in Executive Session were: Daryl Anderson, Jack Reimers, Kenneth Kozisek, Ron Kulwicki, Dave Sack, Jeff Christensen, Terry Spilinek, Administrator Cherri Klinginsmith and County Attorney Dave Schroeder.

Motion was made by Jeff Christensen and seconded by Ron Kulwicki to come out of Executive Session at 8:25 PM. Motion was passed with a 7-0 roll call vote. No action was taken. Then Chairman Spilinek opened the next discussion item on agenda.

8:15 PM – Discussion & Possible Action – Dirt Road Development District Court Judgement – Administrator Klinginsmith told the public present that there will be no action taken on anything in regards to Dirt Road application or Hirschman feedlot. There will be an update at the next Planning and Zoning meeting. County Attorney Dave Schroeder left the meeting after this discussion.

8:25 PM – Discussion & Possible Action – Accessory Dwelling Units – Administrator Klinginsmith reviewed the paper in their packet with the board. She will make the changes discussed and bring back to the board at next meeting.

8:35 PM – Discussion & Possible Action – Zoning Regulations – Subdivisions 20 acres to 10 acres – Administrator Klinginsmith brought up to the board that the State Statue for minimum acres to now be considered a subdivision is 10 acres. Currently Howard County's regulations state that the minimum acres needed to not be considered a subdivision is 20 acres. Administrator Klinginsmith asked the board if they were ok with changing the regulations to match the State Statue since we have removed the non- farm and farming residences from the regulations. Jack Reimers stated that he thinks that the change needs to be done in a public hearing and asked Administrator Klinginsmith to add this as a public hearing to next agenda.

8:45 PM – Discussion & Possible Action – Update Bylaws & Operating Procedures – Administrator Klinginsmith had given some proposed changes to the Zoning Board Members to review in their packets and she reviewed those changes with the board. The first thing was replacing Howard County Planning Commission with Howard County Zoning Board. Lastly in Article IV Section 4 added working sessions without a quorum, do not require public participation, and no action will be taken, only information gathered to present to zoning board at the next official meeting. After discussion of these changes the board agrees to allow the changes.

With no further discussion Dave Sack made a motion to adjourn the meeting. Ron Kulwicki seconded the motion. Motion was passed with a unanimous voice vote. The next Howard County Planning and Zoning meeting is tentatively scheduled for June 21, 2023 at 8PM.

Jennifer Ostendorf
Planning & Zoning Secretary

Howard County Planning & Zoning

Agenda

June 21, 2023

1. Call to order – recognize Open Meeting Law – read the published notice of the meeting
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. PH- Conditional Use Permit- Verizon Tower NE ¼ Section 11-T15N-R10W.
6. Discussion/Action on Dirt Rd Development/J Robinson Zoning Application
7. PH- Zoning Regulation Amendments- Subdivisions
8. Discussion/Action -Wind Turbines
9. Discussion/Action – By Laws Update
10. Discussion/Action- Accessory Dwelling Units
11. Next meeting date – July 19, 2023

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st day of June 2023.

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 6 members present: Daryl Anderson, Jack Reimers, Kenneth Kozisek, Ron Kulwicki, Jeff Christensen and Terry Spilinek. Absent members: Dave Sack, Randy Kauk, Chris Kosmicki and Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Members of the public were: Jordan Robinson, Brandt Bottelfson, Tylor Robinson, Kerry Dale, Mark & Mary Jo Serbousek, Emily Milewski, Rick Adams, John Palmtag, Helen Svoboda, Joan Jakubowski.

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 May 17, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: None

Administrator/Board Comments: Administrator Klinginsmith updated the board members on a City of St. Paul Subdivision; Paul's North Subdivision and map to review. If they have any concerns the hearing is scheduled for June 26, 2023 at City Hall 5:00p.m.

Conditional Use Permit for a cell tower for Verizon and Phyllis Stepanek located NE ¼ 11-T15-10N. Terry Spilinek opened the public hearing at 8:05 p.m. Rick Adams, Verizon Agent along with John Palmtag, Verizon Engineering and Outreach, and Emily Milewski, Verizon Outreach presented for Verizon and Phyllis Stepanek. Rick informed the board this is the same application that was approved in 2014 except they had an updated FAA approval letter. The previous approval was voided due to Verizon ran out of funding before the one-year time frame was up. Rick explained the fall zone safety factors, in the event of total separation, this would result in collapse within a radius equal to 50% of the 358' tower height, equal to 150' fall zone. The tower is only 200 feet away from any structures, roads and utilities. Those opposed were Joan Jakubowski and Helen Svoboda, who asked why another tower was needed when American Tower is only 1.5 miles to the west. John Palmtag and Emily Milewski spoke in favor of CUP. They explained that this tower will be able to co-locate 3 other providers

and bring more support to Cushing and St. Paul area. They have existing equipment on the American tower for 3G & 4G, but the new improved equipment (5G) is too heavy to be placed on the American Tower, and American tower rates are higher.

After much discussion, Daryl Anderson made a motion to approve the CUP for a cell tower for Verizon and Phyllis Stepanek located in NE 1/4 in Section 11-T15-10W of Howard County, Ken Kozisek seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-absent, Kozisek-yes, Kulwicki-no, Reimers-yes, Sack-absent, Spilinek-yes. Motion passed 5-1. Finding of Fact attached.

Next item on agenda was the discussion of Dirt Road Development and Jordan Robinson's status of zoning permit 2023-21. Zoning Administrator Klinginsmith stated she followed up with Hirschman's attorney Andrew Spader to verify if they had filed an appeal since our last meeting of May 17th. Mr. Spader informed her that Dirt Road Development filed an amendment or altered their complaint and no hearing date has been set, which Lisa Johnson, Clerk of district court confirmed she had not been notified of a hearing date. Klinginsmith verified with county attorney, Dave Schroeder which told the administrator no action can be taken on zoning application until this goes thru the legal system and a final judgement is complete.

Public Hearing regarding the amendments of Zoning Subdivision Regulations. Terry Spilinek opened the public meeting at 8:20 p.m. The zoning board reviewed the changes discussed at the May 17th meeting and agreed that wording looks accurate. Jeff Christensen made a motion to approve change in wording on pages 103 and 232 regarding number of acres in a subdivision. It will now read 10 acres or less, not 20 acres or less, Jack Reimers seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-absent, Kozisek-yes, Kulwicki-yes, Reimers-yes, Sack-absent, Spilinek-yes. Motion passed 6-0. Motion passed. Finding of Fact attached.

Discussion and Action regarding Wind Turbines for SW ¼ SW ¼ Section 13-T14-10W. Kerry Dale with American Wind power represented the Serbousek's. They are requesting a variance to build a 116' small wind turbine on a 40-acre tract of land in the A-2 zone. After much discussion it was decided instead of referring the landowners to request a variance, rather have the zoning board review their height limitations on small wind turbines. The idea of changing the height limits will be discussed at the next meeting.

Discussion regarding Howard County Planning Commission By-Laws update. Administrator Klinginsmith went over the changes to the By-Laws. After some discussion, Ron Kulwicki made a motion to approve changes to the By-Laws, Jeff Christensen seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-absent, Kozisek-yes, Kulwicki-yes, Reimers-yes, Sack-absent, Spilinek-yes. Motion passed 6-0. Motion passed. Finding of Fact Attached. The current By-laws, Article VIII, state By-Laws may be amended by a two-thirds vote of the entire membership of the Planning & Zoning Commission. The Administrator will have the updated By-Laws available to the zoning board at the next meeting.

Last item on agenda was a discussion on ADU's (Accessory Dwelling Units) Administrator Klinginsmith let the zoning board review 3 other counties regulations, from Cuming County, Custer County, and Seward County. After discussion, it was decided that more information is needed, specifically from Custer County's regulations. It was suggested to ask when the

situation changes for the ADU and the need of the ADU is no longer needed, what happens to the ADU. Klinginsmith will report back to the zoning board next month.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Ron Kulwicki seconded. Motion was passed with a unanimous voice vote. The next Howard County Planning and Zoning meeting is tentatively scheduled for July 19, 2023 at 8PM.

Cherri Klinginsmith
Planning & Zoning Administrator

Howard County Planning & Zoning

Agenda

July 19, 2023

1. Call to order – recognize Open Meeting Law – read the published notice of the meeting
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. Discussion/Action on Amendments to Zoning Definitions: Adjacent
6. Discussion/Action -Wind Turbines
7. Discussion/Action- Accessory Dwelling Units
8. Discussion -Nate Timmons, Definitions
9. Discussion -Jordyn Robinson, Zoning Permit 2023-21
10. Discussion -Tylor Robinson, Definitions
11. Tentatively next meeting date – August 16, 2023

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of July 2023.

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 7 members present: Daryl Anderson, Jack Reimers, Dave Sack, Ron Kulwicki, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent members: Kenneth Kozisek, Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney, Members of the public were: Jordan Robinson, Tylor & Audrie Robinson, and Mark Serbousek.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Daryl Anderson and seconded by Ron Kulwicki to approve the minutes from the June 21, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith gave zoning members copies of the amended By-Laws from the June 21, 2023 meeting, along with amended manual pages.

Administrator/Board Comments: Administrator Klinginsmith informed the board of the County Commissioners decision to table the Verizon tower on Phyllis Stepanek's land until their meeting of August 8, at 9:00 a.m. Terry Spilinek stated the commissioners would like to see the tower moved away from the road further. Also, the commissioners will be discussing the idea of using a common 911 road signs system at the meeting of July 25, 10:00 a.m.

First item on agenda was discussion of the word adjacent in the zoning definitions.

Zoning Administrator Klinginsmith gave the board a copy of the current wording listed in the Howard County Zoning definitions, websters definition, along with a copy of Adams, Merrick and Lincoln County's zoning definitions for comparison. The review is due to a court case where the judge noted the definition of "adjacent" was not clear. After some discussion by the board, it was suggested that Administrator Klinginsmith search all the areas of the zoning regulations for the word adjacent and review the context of each paragraph. This will be reviewed more at the next meeting, no changes requested at this time.

Discussion and action regarding Wind Turbines. Kerry Dale with American Wind power was available by speaker phone and Mark Serbousek were present. Items discussed were reviewing the height of towers, setbacks and how many will be allowed on a residential property. After much discussion, it was decided to move forward with reviewing changes to the wind turbine regulations. Jack Reimers made a motion to move forward with discussion on residential wind turbines and Ron Kulwicki seconded. Roll Call Vote: Anderson-no, Christensen-yes, Kauk-absent, Kosmicki-yes, Kozisek-absent, Kulwicki-yes, Reimers-yes, Sack-no, Spilinek-yes. Motion passed 5-2. Motion passed

Discussion and action regarding Accessory Dwelling Units, (ADU's) Administrative Klinginsmith presented to the board a copy of Custer County's zoning regulations on ADU's along with a copy of a recorded deed. Klinginsmith spoke to Darci, Custer County Zoning Administrator and asked what they would do if the need of the ADU was no longer necessary and was told their board discussed a couple possibilities. 1) that the house could possibly be split off and have its own parcel if it met the subdivision regulations, 2) be rented out to someone else with same provisions or 3) the house could be moved off the property. After much discussion the board liked the idea of having a deed restriction agreement form with minimum standards to go along with the CUP and the ADU not to exceed 1,000 square feet. Chris Kosmicki made a motion to move forward with ADU regulations and possible permits. Size not to exceed 1,000 square feet and Jeff Christensen seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-yes, Kozisek-absent, Kulwicki-yes, Reimers-yes, Sack-yes, Spilinek-yes. Motion passed 7-0.

Next discussion – Nate Timmons, regarding definitions of commercial feedlot. Nate was not present at meeting to address his request. Therefore, nothing was discussed.

Next discussion – Jordyn Robinson, regarding zoning permit 2023-21. Jordyn was present and stated her attorney wants to know if there is an active feedlot on the corner of 7th and Denton, and if her permit can be acted upon. Administrator Klinginsmith stated there is an odor footprint at the above location. Terry Spilinek stated due to the ongoing litigation, nothing can be decided on 2023-21 zoning permit until after the legal system has been exhausted. After some discussion, no action was taken.

Last item on agenda was Tylor Robinson, regarding feedlot definitions. Tylor was present and gave the board a copy of all the definitions he could find that apply to a feedlot, and wants to know what he can do to exploit this farm feedlot thing and wanted to discuss a proposal for a feedlot. Tylor did not present any site plans for proposed feedlot. After some discussion and no specific site plan reviewed, no action was taken.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Ron Kulwicki seconded. Motion was passed with a unanimous voice vote. The next Howard County Planning and Zoning meeting is tentatively scheduled for August 16, 2023 at 8PM.

Cherri Klinginsmith
Planning & Zoning Administrator

Howard County Planning & Zoning

Agenda

August 16, 2023

1. Call to order – recognize Open Meeting Law – read the published notice of the meeting
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. Public Hearing -regarding amendments of Zoning Regulations for Wind Generator Facilities
6. Public Hearing- regarding amendments to Zoning Regulations to add Accessory Dwelling Units as a conditional use
7. Discussion -/Action on Standard Operating procedures, 911 Address Fees & Subdivisions
8. Discussion/Action on Amendments to Zoning Definitions: Adjacent
9. Discussion/Action on variance 3rd house in ¼ section
10. Tentatively next meeting date – September 20, 2023

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th day of August 2023.

Chairman 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 5 members present: Daryl Anderson, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent members: Jack Reimers, Dave Sack, Ron Kulwicki, Randy Kauk, & Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Jordan Robinson, Tylor & Audrie Robinson, Nolan Wetzel, Brandt Bottelfson, Bryan Robinson and Mark Serbousek.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes from the July 19, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: NONE

Administrator/Board Comments: NONE

Public hearing regarding the amendments of Zoning Regulations for Wind Generator

Facilities: Kerry Dale with American Wind power was available by speaker phone and Mark Serbousek were present. Kerry expressed to the board that he was happy that the board was willing to discuss this topic as he believes it important to put in safe regulations as renewable energy becomes more popular for residents to unitize. With no testimony in favor or against the public hearing was closed. Multiple board members spoke stating they thought that the regulations should stay the same because if they change them just for this instance then pretty soon they would have more people coming in to ask for regulations to change to fit their

projects. Chris Kosmicki stated that she was in agreement to keep them the same but would suggest that instead of allowing 2 towers per $\frac{1}{4}$ section that they change that to 1 tower per $\frac{1}{4}$ section. Mr. Dale asked Kosmicki why she felt that way and she simply stated that to her understanding there is no plans as of now on how to recycle the towers at the end of towers life and also that towers only last 12-15 years. Mr. Dale stated that for these towers that are being requested, which are much smaller than commercial towers there is options to be recycled and actually have several places in Missouri that towers can be taken to be recycled and also these towers last much more then 12-15 years. He said their life span in more like 50 years. After much discussion Chris Kosmicki made a motion to leave the wind generator regulations as they are and adding wording of, limiting wind generator towers to 1 tower per $\frac{1}{4}$ section (160 acres). Motion was seconded by Jeff Christensen and motion was passed with a 5-0 roll call vote. Finding of Fact attached.

Public hearing regarding the amendments of Zoning Regulations to add accessory Dwelling Units as a conditional use. The board open this public hearing by having discussion among themselves discussing several questions that board members had. After discussion Chairman Spilinek asked for testimony in favor with none he asked for testimony against. Tylor Robinson spoke against the amendments stating that he doesn't believe that the proposed changes follow the regulations of A-2 zoning. With no further discussion from the public the public hearing was closed and more discussion was had among the board. After much discussion Jeff Christensen moved to approve the amendments for accessory dwelling as printed. Removing 1b and 2b. Motion was seconded by Ken Kosisek and motion was denied by 0-5 roll call vote. Finding of Fact attached

Discussion -/Action on Standard Operating procedures, 911 Address Fees & Subdivisions
Administrator Klinginsmith presented some proposed changes to the standard operating procedure. Klinginsmith presented the board with a copy of the information that included the proposed amendments/additions in red. This will be added to next months agenda for the board to discuss more and vote on. There must be a 2/3 majority vote on this change. Next discussion was on 911 address and fees. Administrator Klinginsmith shared with the Board that she met with the commissioners on August 8th to discuss updating address signage for everyone in Howard County. Local Fire and EMS have had concerns about how hard it is to find places when they receive calls. The Emergency Manager has proposed that the County use new blue reflective signs at each address point. The County Commissioners and Local Fire Departments have asked if the board would be willing to increase the charge for zoning permits to help with the cost of this project. After much discussion Jeff Christensen moved to agree to the County putting 911 address signs at all residences and businesses. There will be an increase in costs for building permits. Chris Kosmicki seconded the motion and motion was passed with a 5-0 roll call vote. Finding of Fact attached.

Lastly Administrator Klinginsmith told the board that Howard Greeley stopped in her office and asked if it would be possible that they be contacted and shown the Plat before the application goes to the board? Administrator Klinginsmith has added a spot on zoning permits, single & multi-lot subdivision and Administrative subdivision applications for Howard Greeley to sign-off

on before anything can be approved by the zoning board. All board members were in favor of this.

Discussion/Action on Amendments to Zoning Definitions: Adjacent – The zoning board was presented a packet of information showing where the word adjacent is used in the regulations. It was mentioned in discussion that the last time the comprehensive plan and regulations were update was in 2015 with Hannah Keelan and a new update will need to be done by 2025. After much discussion among the board, it was decided that they need to have more time to review and possibly set up a work session to go thru all the information.

Discussion/Action on variance 3rd house in ¼ section – Nolan Wetzel was present to discuss with the board about allowing a possible 3rd house in a ¼ section. Nolan bought 9.9 acres from Eric Pollack in 2022. When purchasing the land Nolan didn't plan to build a house on it, however his dad has recently been diagnosed with cancer and would like to have a house for him to live in to be near by incase he would need help as he goes thru treatment. After discussion the board recommended that he take this to the variance board to seek approval from them.

With no further discussion Jeff Christensen moved to adjourn the meeting with Ken Kozisek seconding the motion. The motion was passed by a unanimous voice vote. Next Howard County Planning & Zoning meeting is tentatively scheduled for September 20, 2023 at 8 PM.

Jennifer Ostendorf
Planning & Zoning Secretary

HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENTS
September 20, 2023

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 20th day of September 2023 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 7:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office.

Roll call showed 5 members present: Terry Spilinek, Janet Thomsen, Dave Boehle, Mile Nelson, and Glen Killion. Also present was Cherri Klinginsmith, Howard County Zoning Administrator and Jennifer Ostendorf, Planning & Zoning Secretary.

The agenda and minutes were emailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Terry Spilinek and seconded by Glen Killion to approve the minutes of the February 15, 2023 meeting. The motion carried by 5-0 roll call vote.

Administrator Comments: Administrator Klinginsmith let the board know that they have new pages for their regulation books. These pages are the new updates that have been made since the last meeting. Also, Administrator Klinginsmith asked the board if they would be willing to set the board appointments in November or December so that when the commissioners meet in January to accept the appointment the Board of adjustment will have theirs to give them? The board agreed to this and decided to plan to meet on December 6th to set the appointments.

Public Hearing – Variance application by Nolan Wetzel to allow a 3rd residence in ¼ section – NW ¼ Section 34-13-11 –
Glen Killion moved to open the public hearing with Terry Spilinek seconding the motion. Motion was passed. Nolan was present to represent his request. Nolan states that he bought this 10-acre subdivision about a year ago. His initial intention was to put a shed up and use this for storage. After he purchased the land, he thought this would be a great piece of property to build a house on for his dad who has cancer. Chairman Thomson asked the public if anyone was in favor. Tylor Robinson spoke in favor of allowing the variance saying that this would increase the tax value for the county and will in turn be better for the county with a house then without a house. Also, by adding a single family dwelling it wouldn't impose any hardship for the roads as traffic wouldn't increase that much. All of the board said that they completely agreed with what Tylor said however in making their decision they don't take into consideration the benefit to the county for tax dollars. Chairman Thompson asked for testimony against the variance. Eric Pollock spoke saying that if there is a house on this piece of land it would affect his hunting that he does. After much discussion Dave Boehle moved to close the public hearing with Terry Spilinek seconding the motion. The motion passed. After much discussion among the board Dave Boehle Moved to deny the variance request to allow a 3rd house in the 1/4 section 34-13-11. Motion was seconded by Terry Spilink. Motion was passed with a roll call vote. Finding of Fact Attached. (Mike Nelsen-yes, Janet Thomson – yes, Terry Spilinek – yes, Dave Boehle – yes, Glen Killion – no)
With no further business Dave Boehle moved to adjourn the meeting with Terry Spilinek seconding the motion. Motion was passed with a unanimous voice vote.

Jennifer Ostendorf
Planning & Zoning Secretary

**Howard County Planning & Zoning
Agenda
September 20, 2023**

1. Public hearing regarding a single lot subdivision application by Tim & Peggy Lemburg for CL Homestead located S ½ SW ¼ Section 7-13-11
2. Public hearing for Rolling Hills Estates multi-lot subdivision preliminary application by Dan Vech- SE 1/4 Section 14-14-10
3. Public hearing for Conditional Use Permit application for elderly housing by Elpidio & Rosa Gamez – NW ¼ Section 8-13-9
4. Public hearing for Conditional Use Permit application for the installation of Wine Manufacturing facility, DA Squared Vineyard LLC & Landowner, Ingerle Family Trust, Wendy Johnson Trustee – SW ¼ Section 11-15-11
5. Discussion & Possible Action – Standard Operating procedures
6. Discussion & Possible Action – NE ¼ 19-13-9 requesting to divide off less than 3 acres.
7. Tentatively next meeting date – October 18, 2023

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of September 2023.

Chairman 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, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki, Jack Reimers, Ron Kulwicki, Randy Kauk and Terry Spilinek. Absent members: Dave Sack & Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Tylor & Audrie Robinson, Nolan Wetzels, Janet & John Speck, Chris Martin, Skyler Mamot, Tim & Peg Lemburg, Josh & Andrea Floth, Dan Vech, Judith Puncochar, Carrie Vech, Jim Arends, David & Jeanie Empfield, Gene & Shiela Horak, Jolene Wolfe, Leah Nealon, Carman Lewis, Deb Weber, Brian Poland, Virginia Witulski, Jeff Buhrman, Channing Stutzman & Karen Simons.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes from the July 19, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith informed the board that the Conditional Use Permit by Phyliss Stepanek for Verizon cell phone tower that the Zoning Board approved, was denied by the Commissioners.

Administrator/Board Comments: Administrator Klinginsmith asked the board if we could set the board appointments in November or December so that when the Commissioners set the appointments in January, we will have them set for them. The board was fine with this and will plan on setting the appointments in November or December. Lastly Administrator Klinginsmith

told the board that the NPZA Fall meeting will be held virtually again this year. If they would like to attend, they need to let her know by October 3rd so she can register them.

Public hearing regarding a single lot subdivision application by Tim & Peggy Lemburg for CL Homestead located S ½ SW ¼ Section 7-13-11 – Tim Lemburg was present to represent the request. He told the board that they would like to subdivide off the home site from crop ground for estate planning purposes. Administrator Klinginsmith states usually these can be done administratively however the house has been vacant so decided it should be brought to the board to review. With no testimony in favor or against, the public hearing was closed. After discussion among the board Randy Kauk moved to approve the single lot subdivision application by Tim & Peggy Lemburg for CL Homestead. Chris Kosmicki seconded the motion. The motion was passed unanimously with an 8-0 roll call vote. Finding of Fact is attached.

Public hearing for Rolling Hills Estates multi-lot subdivision preliminary application by Dan Vech SE ¼ Section 14-14-10 – Dan Vech was present to represent the request. Dan explained to the board that he would like to take this piece of land and divide it into 10 lots of various size. He believes this will be a benefit to the county and help with some of the housing shortages. Dan has been in contact with Howard Greeley RPPD, Jamie Blodgett, Surveyor and Administrator Klinginsmith to make sure he is doing everything as it needs to be. He has also been in contact with the Nebraska Department of Roads to discuss reopening the exit from Hwy 281 on the west side of this property to use as an entrance into the subdivision. He feels like this was an important safety concern as the other entrance is at the base of Bunker Hill. Also, he has been in contact with Mike Becker with the fire department about possibly putting in a fire hydrant once the houses are built. With no testimony in favor or against, the public hearing was closed. After discussion among the board Ron Kulwicki moved to approve the preliminary application by Dan Vech for Rolling Hills Estates. Jeff Christensen seconded the motion. The motion passed unanimously with an 8-0 roll call vote. Finding of Fact is attached.

Public hearing for Conditional Use Permit application for elderly housing by Elpidio & Rosa Gamez – NW ¼ Section 8-13-9 – Elpidio Gamez was present to represent the request. Elpidio told the board that he would like to build a place for his parents to live so that he can help look after them. With no testimony in favor or against, the public hearing was closed. Jeff Christensen wanted to make sure that Elpidio understood that if he ever wanted to make this house permanent that he would need to make sure he strategically placed it on his land so that he could subdivide it. Also reminding him that if it is temporary, the utilities would need to be shared with the main house. Elpidio voiced his understanding. Also, Administrator Klinginsmith told Elpidio would also need to have TLC Livestock sign the waiver since this house would be within the odor footprint. Elpidio voiced his understanding. With no further discussion among the board Jack Reimers moved to approve the Conditional Use Permit application for elderly housing with conditions discussed. Jeff seconded the motion. The motion passed unanimously with an 8-0 roll call vote. Finding of Fact is attached.

Public hearing for Conditional Use Permit application for the installation of Wine Manufacturing facility, DA Squared Vineyard LLC & Landowner, Ingerle Family Trust, Wendy Johnson Trustee – SW ¼ Section 11-15-11 – Virginia Witulski, Partner was present to represent the request. Virginia told the board that they already have established grape vines and would now like to start manufacturing their wine. Previously they had sold their grapes to Mac Creeks Vineyards but did make some wine for themselves to enjoy themselves. The plan is to manufacture the wine at this location proposed and then serve the wine at another location in Elba. Administrator Klinginsmith informed the board that they have met all the requirements for this application. Chris Kosmicki left the meeting at 9PM for prior engagement. With no testimony in favor or against, the public hearing is closed. After discussion among the board Randy Kauk moved to approve the Conditional Use Permit for the installation of wine manufacturing facility. Ken Kozisek seconded the motion. The motion was passed by unanimous 7 – 0 roll call vote. Finding of Fact is attached.

Discussion & Possible Action – Standard Operating procedures – this was discussed at last month's meeting but could not vote on it because not enough members were present for 2/3 majority vote. Administrator Klinginsmith reviewed the changes again with the board. After discussion among the board Jeff Christensen moved to adopt the changes presented and discussed. Ken Kozisek seconded the motion. Motion passed with a unanimous 7-0 roll call vote. Finding of Fact is attached. Attached is a copy of the previous and current procedures.

Discussion & Possible Action – NE ¼ 19-13-9 requesting to divide off less than 3 acres. – Jim Arends is present to represent his request. Jim is asking the board if he can divide off less than 3 acres with an existing house on it to avoid taking up crop ground. After discussion the board told Jim that his only option is to subdivide off 3 acres. Jim asked about a variance, but the board told him that they didn't think it would be granted because there is no un-do hardship for it to be granted.

With no further items on agenda Jack Reimers moved to adjourn the meeting with Randy Kauk seconding the motion. Motion passed with a unanimous vote. Next Howard County Planning & Zoning Meeting will be held on October 18, 2023, at 8PM.

Jennifer Ostendorf
Planning & Zoning Secretary.

**Howard County Planning & Zoning
Agenda
October 18, 2023**

1. 8:20 P.M. Public Hearing - public hearing regarding Conditional Use Permit application by Travis Caspersen DBA 308 Cattle Company LLC for a Commercial Class 1 Feedlot – N ½ 3-13-9
2. Discussion/Possible Action: Steve Wissing- Odor Footprints in the area

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of October 2023.

Chairman 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 5 members present: Daryl Anderson, Dave Sack, Jeff Christensen, Chris Kosmicki, and Terry Spilinek. Absent members: Kenneth Kozisek, Jack Reimers, Ron Kulwicki, Randy Kauk & Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Tylor & Audrie Robinson, Steve Wissing, Phil Bader, Aaron & Melissa Weaver, Bill & Andrea Bader and Julia Wright.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Jeff Christensen to approve the minutes from the September 20, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith informed the board that NPZA fall meeting was last week. She is expecting that they will send out the zoom recording so that board can review it at a later date.

Administrator/Board Comment: Administrator Klinginsmith gave the board each a copy of letter and plat she received from the City of St. Paul. This just informs the board that Tyler & Kim Dugan are subdividing 3 acres within the 1-mile jurisdiction of St. Paul city limits. If the board has any concerns their public hearing for this subdivision is October 23, 2023.

Public Comment: No public comment was heard. Since there was no public comment, we moved the discussion topic before public hearing.

Discussion/Possible Action: Steve Wissing- Odor Footprints in the area - Steve Wissing was present to represent his discussion. When Steve received the letter about Travis Caspersen's CUP application it got Steve looking at the local odor footprints and he realized that where he lives, he is in 2 different odor footprints and they are no longer active. So, Steve would like to ask the board how is it handled when the land that the odor footprint is on is no longer being used for the purpose of the odor footprint? When the land is sold do the new owners need to update or reapply for the odor footprint? Phil Bader offered a suggestion that maybe when the ownership of the land changes that with farm feedlots (not commercial) that instead of the odor footprint going with the land have the people reapply or renew the

application with their specific land use. With much discussion the board discussed that they see a need to look into this and with the regulations needed updated in 2025 they will take a look at this issue when discussing the update.

8:20 P.M. Public Hearing – public hearing regarding Conditional Use Permit application by Travis Caspersen DBA 308 Cattle Company LLC for a Commercial Class 1 Feedlot – N ½ 3-13-9 – Travis

Caspersen was present to represent his request. Travis explained to the board that he would like to get this Conditional Use Permit for a Class 1 Odor Footprint for his property because at times he does have over 500 head of cattle on feed. With the 80 acres to the south of him coming up for auction he wants to get this taken care of to prevent hardship later if someone were to buy this and want to build there. Aaron Weaver from public asked, if Travis plans to have the 2500 head of cattle there and Travis answered no. He has no plans to get that large. Both Tylor Robinson and Steve Wissing voiced their support for the CUP approval. With no testimony against, the public hearing is closed. With no further discussion among the board, Jeff Christensen moved to approve the Conditional Use Permit application for a Commercial Class 1 Feedlot. Dave Sack seconded the motion. Motion was passed by 5-0 roll call vote. Finding of fact attached. Daryl Anderson – yes, Dave Sack – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Terry Spilinek – yes.

With no further discussion Dave Sack moved to adjourn the meeting and Chris Kosmicki seconded the motion. Motion was passed with a unanimous voice vote. The next Howard County Planning & Zoning is tentatively scheduled for November 15th and 7pm.

Jennifer Ostendorf
Planning & Zoning Secretary

**Howard County
Planning & Zoning Minutes
November 15, 2023**

- 1.) Public hearing regarding vacated plat : Freedom Acres by Wade & Melinda Kroeger- E1/2 of the SW ¼ 6-13-11**
- 2.) Public hearing regarding Rolling Hills Estates multi-lot subdivision – final hearing by Dan Vech – SE ¼ 14-14-10**
- 3.) Discussion & Possible Action: Wind generator regulation updates**
- 4.) Discussion & Possible Action: Windmill feeders CUP renewal**

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of November 2023.

Chairman 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. Proof of publication is filed at the Howard County Clerk's Office. Roll call showed 8 members present: Daryl Anderson, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki, Jack Reimers, Ron Kulwicki, Dave Sack and Terry Spilinek. Absent members: Randy Kauk & Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Dan Vech, Melinda Kroeger and Wade Kroeger.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Dave Sack to approve the minutes from the October 18, 2023 meeting. Motion carried by unanimous voice vote.

Old Business: Administrator Klinginsmith informed the board that Jeff Christensen, Chris Kosmicki and Dave Sack terms are ending this year. All have agreed to sign up for another term on board. This information will be passed on to the commissioners and they will reappoint them in January of 2024. Administrator Klinginsmith also informed the board that 308 Cattle LLC by Travis Casperson Conditional Use Permit was approved by Commissioners. DA Squared Wine Manufacturing by Wendy Johnson was approved by the Elba Village board.

Administrator/Board Comment: Administrator Klinginsmith invited the board to attend the NACO Conference on December 13-15 in Kearney. If they would like to attend the cost is covered by the Zoning Budget and would need to RSVP by November 22, 2023.

Administrator Klinginsmith also provided the board with a letter that she could send out to the landowners with odor footprints. This brought up discussion among the board. After much discussion the board decided that they would have Administrator Klinginsmith discuss with County Attorney, Dave Schroeder some of what was discussed and report back at later date.

Public hearing regarding vacated plat: Freedom Acres by Wade & Melinda Kroeger- E1/2 of the SW ¼ 6-13-11 Administrator Klinginsmith let the board know that Wade and Melinda Kroeger originally created this subdivision for mortgage purposes. Since then, they have taken care of the mortgage and would like to return their property to one parcel. With no testimony in favor or against, the public hearing was closed. Dave Sack made a motion to approve to vacate plat: Freedom Acres by Wade & Melinda Kroeger. Ron Kulwicki seconded the motion. Motion was passed with a 8-0 roll call vote. Daryl Anderson – yes Jeff Christensen – yes Chris Kosmicki – yes Kenneth Kozisek – yes Ron Kulwicki – yes Jack Reimers – yes Dave Sack – yes Terry Spilinek – yes Finding of Fact is attached.

Public hearing regarding Rolling Hills Estates multi-lot subdivision – Final Hearing by Dan Vech – SE ¼ 14-14-10 Dan Vech was present to present his request. Dan informed the board that since the last meeting he has done the second walk through with Scott from Howard Greeley RPPD. Also, Cherri came out and he showed her all of the roads and where lots are located. He started the process of covenants but told the board they are a work in progress and still have a few things they would like to go over and possibly change. The Nebraska Department of Roads have agreed to open the old access on west side of property off of 281, if zoning approves the subdivision. With no testimony in favor or against, the public hearing was closed. Chris Kosmicki asks Administrator Klinginsmith if all of the requirements on back of the application were met? Administrator Klinginsmith stated that they had all been met, along with noting that the county will not be maintaining the roads within the subdivision. With no further discussion Dave Sack Made a motion to approve Rolling Hills Estates multi-lot subdivision – final hearing by Dan Vech. Ron Kulwicki seconded the motion. Motion was passed with an 8-0 roll call vote. Daryl Anderson – yes Jeff Christensen – yes Chris Kosmicki – yes Kenneth Kozisek – yes Ron Kulwicki – yes Jack Reimers – yes Dave Sack – yes Terry Spilinek – yes. Finding of Fact is attached.

Discussion & Possible Action: Wind Generator regulation updates - Administrator Klinginsmith asked the board if they would like her to change the regulation per the vote in August 2023 meeting? The board agreed to have Administrator Klinginsmith add this as public hearing next month so that can get regulations updated.

Discussion & Possible Action: Windmill feeders CUP renewal – Administrator Klinginsmith brought to the board’s attention that the Windmill Feeders CUP is up for renewal. The board passed the CUP for a 1-year period and if there were no complaints or problems they would go ahead and renew the CUP for another 5 years. Administrator Klinginsmith told the board she has been in touch with Jim Olson at Windmill Feeders, and he said the number of cattle has remained at 11,000 – 12,500 head, but do plan to expand pens to allow more cattle (up to the 15,000 head maximum) with in the next year or so. Administrator Klinginsmith stated that there have been no complaints and recommends approving for 5 years. With no further discussion, Dave Sack moved to approve the renewal of Conditional Use Permit for Windmill Feeders for 15,000 head capacity for 5 years. Ron Kulwicki seconded the motion. Motion was passed with

an 8-0 roll call vote. Daryl Anderson – yes Jeff Christensen – yes Chris Kosmicki – yes Kenneth Kozisek – yes Ron Kulwicki – yes Jack Reimers – yes Dave Sack – yes Terry Spilinek – yes.

With no further items on agenda Ron Kulwicki moved to adjourn the meeting with Ken Kozisek seconding the motion. Motion passed with a unanimous vote. Next Howard County Planning & Zoning Meeting will be held on December 20, 2023, at 7PM.

Jennifer Ostendorf
Planning & Zoning Secretary.

**Howard County
Planning & Zoning Minutes
December 20, 2023**

- 1.) Public Hearing - Conditional Use Permit Application by John & Ruth Ropp for the startup of a Church, Cemetery, Community Center and School building for home schooling NW ¼ 8-13-10**
- 2.) Public Hearing - regarding the amendments of Zoning Regulations for Wind Generator Facilities.**
- 3.) Discussion & Possible Action – A-3 zoned land uses**
- 4.) Discussion & Possible Action – Zoning Regulations wording in sections A-1, A-2 & District Boundaries**

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of December 2023.

Chairman 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. Proof of publication is filed at the Howard County Clerk's Office. Roll call showed 6 members present: Daryl Anderson, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki, Jack Reimers, and Terry Spilinek. Absent members: Randy Kauk, Ron Kulwicki, Dave Sack & Dave Schroeder, County Attorney. Also, present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Kathy Connelly, Jesse Yoder, Lawayne Yoder, Tylor Robinson, Wendy Stutzman, Bill Schleicher, Dennis Stutzman, James Swantz, John Ropp, Jonathan Kroeger, Jerome Reimers, Deana Pullen, Dianne Danhauer, and Mike Wetzel.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes from the November 15, 2023 meeting. Motion carried by unanimous voice vote.

Old Business: Administrator Klinginsmith reported to the board that the Commissioners approved the Rolling Hill Estates Multi-Lot Subdivision, Windmill Feedlot CUP and Vacate Freedom Acres, which were all recommended by this board to the Howard County Commissioners at November 15, 2023 meeting.

Administrator/Board Comment – None

Discussion & Possible Action – A-3 zoned land uses – John Ropp was present to present to the board. John is thinking of selling part of his land. His plan is to divide off +/- 6 acres for his community to build a school, church and cemetery. Once that is divided off it leaves +/- 74 acres. The land he is thinking of selling to someone to build a house on is part in A-3 and part A-1. John would like to know if the board would approve if he sold the land to build a house on if that is possible without 80 acres? After much discussion the board decided that if the land is sold with less than 80 acres the house would have to be built in the A-1 zoned area.

Public Hearing - Conditional Use Permit Application by John & Ruth Ropp for the startup of a Church, Cemetery, Community Center and School building for home schooling NW ¼ 8-13-10 – John Ropp was present to present his request to the board. John lives in an Amish Community and their community would like to use +/- 6 acres of John's land to build a school building on to "homeschool" their community's children. In the future they may like to add a church, community building and cemetery. Chairman Spilinek asked the public if anyone was in favor of this plan. Bill Schieicher, Dennis Stutzman, and Kathy Connelly all spoke in favor of the allowing the Conditional Use Permit. They all stated that they are neighbors to people in this Amish Community and they are all very community oriented, kind and hardworking people. Bill stated that he had been invited to sit in on the school session and fellowship. All three spoke of how much of a pleasure it has been to add them to the community and as neighbors. With no other testimony in favor Chairman Spilinek asked the public if anyone was opposed to the request. There was no one who came out to oppose the request

however few people in public had some questions of clarification from John and the board. Tylor Robinson asked are these buildings allowed in A-3 without 80 acres? Administrator Klinginsmith stated yes that since no one is living (nonresidential) in the buildings, and they are outside of the floodplain, the building proposed would be allowed on less than 80 acres. Jerome Reimers asked if there are any regulations for cemeteries? Administrator Klinginsmith said there are some that the state requires and that is what the county would follow. There were several questions from public in regards to taxes for the request. Administrator Klinginsmith told them that she had spoke with the accessors office and they stated that these buildings would be taxed like all other building and if they wanted to apply for tax exemptions on the church, they would have to apply for that through the state. This request would not affect neighboring land or building site evaluations that she knew of. With no further testimony in favor or against the public hearing was closed. After much discussion among the board Jack Reimers moved to table the request until they have more specific information including a survey of the land they would like to use and a detailed sketch with setbacks on where the building/s and cemetery would be located. Ken Kozisek seconded the motion. Motion passed with a 6-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Ken Kozisek – yes, Jack Reimers – yes, Terry Spilinek – yes

Public Hearing - regarding the amendments of Zoning Regulations for Wind Generator Facilities. Administrator Klinginsmith presented to the board copies of the proposed changes discussed in prior meeting. Chairman Spilinek asked for testimony in favor or against from the public. With no testimony in favor or against the public hearing was closed. Jeff Christensen moved to approve changes to the wind generator towers, limiting them to one tower per ¼ section. Jack Reimers seconded the motion. Motion passed with a 6-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Ken Kozisek – yes, Jack Reimers – yes, Terry Spilinek – yes

Discussion & Possible Action – Zoning Regulations wording in sections A-1, A-2 & District Boundaries

Administrator Klinginsmith presented to the board a copy of the regulations and proposed wording change that Jeff Christensen worked on wording allowing odor footprints to remain in effect until the land owner request them to be removed in A-1, A-2 and District Boundaries. The board reviewed these proposed changes and went over the wording and decided that it would be ok to add this as a public hearing in January.

With no further discussion Jeff Christensen moved to adjourn the meeting with Ken Kozisek seconding the motion. Motion passed with a unanimous voice vote. The next meeting of the Howard County Planning & Zoning board is scheduled for January 17, 2024 at 7 PM.

Jennifer Ostendorf
Planning & Zoning Secretary