

Howard County Planning & Zoning
January 17, 2024

AGENDA

1. Call to Order
2. Roll Call
3. Public Comment
4. Old Business
5. Administrator/Board Comments
6. **Public Hearing:**
Amendments of Zoning Regulations for Odor Footprints, under Districts, boundaries and Maps, A-1(Agricultural District) and A-2 (Agricultural Transitional District)
7. **Public Hearing:**
Conditional Use Permit-Verizon Tower by Phyllis Stepanek- NE ¼ Section 11-T15N-R10W
8. **Public Hearing:**
Conditional Use Permit-Private Airstrip, by Lowell Poland & Daniel Vech – SE ¼ Section 14-T14N-R10W
9. **Public Hearing: Subdivision**
Vacate of Bader Subdivision & Paulders Subdivision by Steve Bader – SW ¼ SE ¼ Section 14-T14N-R9W
10. Discussion & Possible Action – Review of Comprehensive Plan/Zoning & Subdivision Regulations with a Planning Consultant.

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of January 2024.

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 8 members present: Daryl Anderson, Dave Sack, Ron Kulwicky, Jack Reimers, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent member: Randy Kauk. 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: Tylor & Audrie Robinson, Chris Martin, Emily Milewski, Andy Kamper, Joan Jakubowski, Dave Boehle, Jordan Robinson, Mike Nelson, Judith Puncochar, Larry & Darlene Bahensky and Lowell Polland.

The agenda and minutes were E-mailed and 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 December 20, 2023 meeting. Motion carried by unanimous a voice vote.

Administrator/Board Comments: Administrator Klinginsmith told the board that the NPZA (Nebraska Planning Zoning Association) conference will be held March 6-8 in Kearney. If they would like to attend, please let her know. Registration and hotel are covered by the Planning & Zoning Office.

Public Comment: None

Reorganization: Chairman Spilinek asked for nominations. Dave Sack made nomination for Terry Spilinek as Chairman; Ron Kulwicky seconded the nomination. Ken Kozisek nominated Jack Reimers as Vice Chairman, Chris Kosmicki seconded the nomination and Chris Kosmicki nominated Jeff Christensen as secretary, Ken Kozisek seconded the nomination. All nominations were approved by 8-0 voice vote.

2024 officers are: Terry Spilinek – Chairman, Jack Reimers – Vice Chairman, and Jeff Christensen – Secretary.

Chris Kosmicki, Dave Sack and Jeff Christensen were reappointed for another 3-year term by the Howard County Commissioners at their January 9, 2024 meeting. Terry Spilinek was reappointed as the representative for the Board of Adjustments.

Administrator took the time to recognize 5 Board Members which have been with the planning and Zoning Board for over 20 years with an award. Dave Sack, 1997-2024 (27 years), Terry Spilinek, Ron Kulwicki, and Randy Kauk 2002-2024 (22 Years), Daryl Anderson 2003-2024 (21 years) Dave Boehle, past zoning and board of adjustment member commented that “you really drove home the point of good citizenship and serving the community and looking back of years of service probably need to give a shout out to Franz Trumler on doing such a good job of training you guys and Cherri”. Terry Spilinek added “Franz Trumler was on the zoning board before he became the zoning administrator, so he knew the zoning regulations, we all learned a lot from Franz”.

Public Hearing regarding the amendments of Zoning Regulations for Odor Footprints, under Districts, Boundaries and Maps, A-1(Agricultural District) and A-2 (Agricultural Transitional District) Chairman Spilinek opened the public hearing at 7:30p.m. Administrator Klinginsmith read the notice. Administrator Klinginsmith told the board that she discussed the changes with the County Attorney, Dave Schroeder, and he told her everything looks fine and didn’t see a problem with the wording changes. Administrator read the changes to the board which include this statement to be added to the above sections of the zoning regulations: *“Once established, an odor footprint shall remain in effect on the property until a change or revocation in it is requested by the landowner.”* Chairman Spilinek asked for testimony in favor. Dave Boehle spoke in favor of the wording changes. With no further testimony in favor Chairman Spilinek asked if any opposing testimony. Tylor Robinson spoke for both he and Audrie Robinson stating that he believes this creates confusion, because in previous meetings it was stated that if no activity with-in one year that the land owner had one year to come into compliance. He also believes that on page 84 of current regulations “e” contradicts the changes proposed. Jordan Robinson also opposed the changes, also stating that it contradicts what has been said in previous meetings but adding if someone buying the land, may not even realize what an odor footprint is or even realize they have the odor footprint. If that is the case, how would they know to ask for it to be removed? With no further testimony in favor or against the public hearing is closed. Jack Reimers added the point that there is the Nuisance Easement Waiver in place, so the option to build within an odor footprint is still possible. After more discussion from the board Dave Sack moved to approve the addition to zoning regulations as published. Affecting sections of regulations related to odor footprints. Daryl Anderson seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

Application for a Conditional Use Permit- Verizon Tower, by Phyllis Stepanek – NE ¼ Section 11-T15N-R10W Chairman Spilinek opened the public hearing at 7:40p.m. Administrator Klinginsmith read the notice. Andy Kamper and Emily Milewski, with Verizon were present to represent the request to the board. Andy stated that this is the 3rd time Verizon has attempted to put this tower up to include the Village of Cushing. The first time in 2014, which Verizon lost its funding, again in the summer of 2023, which was denied by the Howard County Commissioners due to not meeting the setbacks and now they are back with the same proposal, only now they have moved the tower back 1200 feet from Hardy Road. Emily Milewski stated that they have done the research and they believe that this location will provide better support for the rural part of Howard County. Chairman Spilinek asked for testimony in favor. Jordan Robinson spoke in favor stating this would greatly help their heating & air business because currently the service is horrible and sometimes creates issues when we can’t get ahold of their technicians. Administrator Klinginsmith passed a

message along from the Howard County Emergency Manager where he believes this will be a great addition as the county's emergency equipment in the future and would greatly benefit from this tower addition as their radio equipment will work better with 5G. With no more testimony in favor Chairman Spilinek asked for testimony opposing the tower. Joan Jakubowski, spoke on American Towers behalf showing the board a letter and a structure evaluation stating that no one has reached out to American Tower requesting to co-locate, letter attached. Andy Kamper responded with letting the board know that Verizon is already located on the existing tower but after the testing and research was done, they realized that by co-locating on this tower it would not provide better service to the Cushing area because of the location of the existing tower. With no further testimony in favor or against the public hearing was closed. After much discussion among the board Daryl moved to approve the Conditional Use Permit for Verizon Tower by Phyllis Stepanek. Dave Sack Seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached.

Application for Conditional Use Permit – Private Air Strip, by Lowell Poland and Daniel Vech – SE ¼ Section 14-T14N-R9W. Chairman Spilinek opened the public hearing at 7:50p.m. Administrator Klinginsmith read the notice. Lowell was present to present to the board. He stated that he is in the process of purchasing 54 acres (3 lots) from Dan Vech in Rolling Hills Subdivision. He has a small aircraft that he uses for recreational travel. He plans to build a hanger to store the plane. He also has a 1000-foot landing strip on this property. Chairman Spilinek asked for testimony in favor. With none in favor he asked for opposing testimony. Judith Puncochar shared a few concerns, letter attached. She wonders who would be responsible if the plane scared the cattle and they ran thru the fence? She is concerned about the fumes the plane lets off if they fly over her pollinator fields and lastly if at very least, she asked the board to please consider limiting how low the plane can fly. With no further testimony in favor or against the public hearing was closed. Jack Reimers and others stated crop duster planes will fly lower. Jeff Christensen commented that the direction of takeoff and landing will not affect her property. After much discussion among the board Jack moved to approved the Conditional Use Permit by Lowell Poland & Dan Vech with the conditions requested by Howard Greeley RPPD 1.) electric infrastructure have diverters installed and maintained at the applicant's expense. 2.) applicant must carry insurance sufficient to cover associated risks 3.) applicant and any others invited to fly from private air strip will be required to sign a liability waiver in favor of Howard Greeley RPPD. Ron Kulwicki seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

Public Hearing for a Vacate of Bader Subdivision and Single Lot Subdivision for Paulders Subdivision by Steve Bader- SW1/4 SE1/4 Section 14-T14N-R9W. Chairman Spilinek opened the public hearing at 8:00p.m. Administrator Klinginsmith read the notice. Administrator Klinginsmith presented to the board that when this subdivision was originally done the survey measurements were incorrect when filed. So, to correct the error, Bader Subdivision needs to be vacated. Once the Subdivision is vacated, the new survey named Paulders Subdivision corrects the error. Ken Kozisek made motion to vacate Bader Subdivision. Ron Kulwicki seconded the motion. Ron Kulwicki seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached
Chris Kosmicki moved to approve the single lot subdivision for Paulders Subdivision. Dave Sack seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff

Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

Discussion & Possible Action – Review of Comprehensive Plan, Zoning & Subdivision

Regulations. Administrator Klinginsmith informed the board that she has reached out to Marvin Planning Consultants to update the Comprehensive plan and Zoning/Subdivision Regulations. The Comprehensive Plan was last updated in 2015, along with the Howard County Villages Zoning regulations were added, excluding the village of Boelus. The Comprehensive Plan needs to be updated/reviewed every 10 years. The approximate cost will be around \$50,000. Administrator Klinginsmith is hoping to apply for ARPA Funds (American Rescue Plan Act). Villages will reimburse the county based on their population. Ken Kozisek made a motion to recommend to the commissioners to hire/contract with Marvin Planning Consultants for the update of Howard County Comprehensive Plan, Zoning and Subdivision Regulations. Dave Sack seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

With no further discussion Dave Sack made a motion to adjourn the meeting. Jack Reimers seconded the motion. Motion was passed with a unanimous voice vote.

Next meeting is tentatively planned for February 21, 2024 at 7 PM.

Jennifer Ostendorf
Planning & Zoning Secretary.

Howard County Board of Board of Adjustment

January 17, 2024

AGENDA

1. Call to Order
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. Reorganization

MINUTES

HOWARD COUNTY BOARD OF ADJUSTMENTS

January 17, 2024

A meeting of the Howard County Board of Adjustments was convened in open and public session on the 17th day of January 2024 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 5 members present: Terry Spilinek, Janet Thomsen, Dave Boehle, Mike Nelson, Chad Donscheski 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 Board of Adjustment members prior to the meeting. A motion was made by Glen Killion and seconded by Dave Boehle to approve the minutes of the September 20, 2023 meeting. The motion carried by 6-0 roll call vote.

Administrator Comments:

The Annual NPZA (Nebraska Planning Zoning Association) Conference meeting will be March 6-8, 2024 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.

Administrator Klinginsmith also informed the board that the Comprehensive Plan will need to be re-done so she has reached out to Marvin Planning Consultants in David City. Klinginsmith also explained that the cost will be around \$50,000 so she will be looking in to the use of ARPA (American Rescue Plan Act) Funds.

Election of officers was discussed. Mike Nelson made a motion to leave all officers in positions they are currently. Janet Thomson – Chairman Glen Killion – Vice Chairman – Mike Nelson – Secretary Chad Donscheski - Alternate. Terry Spilinek seconded the motion. Motion was carried by a 6-0 roll call vote.

Administrator informed the board that the County Commissioners appointed the following members at their January 9th meeting. Members re-appointed for another term (3 years) were Chad Donscheski, Dave Boehle, and Janet Thomsen.

With no further business Dave Boehle moved to adjourn the meeting with Glen Killion seconding the motion. Motion passed with a 6-0 vote.

Jennifer Ostendorf
Planning & Zoning Secretary

Howard County Planning & Zoning
February 21, 2024

AGENDA

1. Call to order –
2. Roll Call.
3. Old Business-
4. **Administrator / Board Comments:** NPZA Annual Conference March 6-8, 2024
5. **Public Comment** (Limit of 5 minutes)
6. **7:15 PM - Single-Lot Subdivision Application by John & Ruth NW ¼ Sec. 8-T13N-R10W**
7:25 PM - Conditional Use Permit Application by John & Ruth Ropp for the startup of a Church,
7. **Cemetery, Community Center and School building for home schooling NW ¼ Sec. 8-T13N-R10W**
8. **Adjournment**

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st day of February 2024.

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, Dave Sack, Jack Reimers, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent members: Randy Kauk, Ron Kulwicki, Kenneth Kozisek. 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: Tylor Robinson, John Ropp, LaWayne Yoder, Jesse Yoder, and Wendy Stutzman

The agenda and minutes were E-mailed and 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 January 17, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith informed the board that the commissioners approved the wording of the odor footprint, the Stepanek Verizon Tower and they also approved the board to go with Marvin Planning & Associates to update comprehensive plan and regulations.

Administrator/Board Comments: Administrator Klinginsmith told the board that the NPZA (Nebraska Planning Zoning Association) conference will be held March 6-8 in Kearney. If they would like to attend, please let her know. Registration and hotel are covered by the Planning & Zoning Office. Also, Administrator Klinginsmith updated the board on the Blasé feedlots. NDEE has found him to be noncompliant and has given him until May to get the cattle out of Lots 4-11. Cattle must remain out of these pens until he meets NDEE's regulations. NDEE must sign off on allowing cattle back in pens.

Public Comment: Jack asked if shipping containers need to need a zoning permit. Administrator Klinginsmith said that if there is electricity put in them a permit is required.

Single-Lot Subdivision Application by John & Ruth NW ¼ Sec. 8-T13N-R10W

John Ropp was present to present to the board. The land they would like to have the cemetery and school/church on was surveyed off and came up with 7.2 acres. Chairman Spilinek opened the public hearing. With no testimony in favor or against the public hearing was closed. With no further discussion among the board Dave Sack made a motion to approve the Ropp Subdivision as presented. Motion was carried with a 6-0 roll call vote. Finding of Fact attached. Daryl Anderson – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Jack Reimers – yes, Dave Sack – yes, & Terry Spilinek – yes

Noted: Land is zoned A-3 however it is not in the floodplain.

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 Sec. 8-T13N-R10W

– John Ropp was present to present to the board. He stated that as mentioned earlier that per the request of the board they had the land surveyed to show setbacks and plan. Chairman Spilinek opened the public hearing. With no testimony in favor or against the public hearing was closed. Administrator Klinginsmith mentioned to Mr. Ropp that if this is approved, they will have to file a registry form with state for cemetery as well as follow state guidelines for homeschool. With no further discussion among the board Dave Sack made a motion to approve the Ropp Subdivision as presented. Motion was carried with a 6-0 roll call vote. Finding of Fact attached. Daryl Anderson – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Jack Reimers – yes, Dave Sack – yes, & Terry Spilinek – yes.

With no further discussion Dave Sack moved to adjourn the meeting with Chris Kosmicki seconding the motion. Motion was passed with a unanimous voice vote. The next Howard County Planning & Zoning meeting is tentively scheduled for March 20, 2024.

Howard County Planning & Zoning
March 20, 2024

AGENDA

1. **Call to order** – recognize Open Meeting Law – read the published notice of the meeting.
2. **Roll Call** – Approval of minutes of the February 21, 2024 Meeting.
3. **Minutes**
4. **Old Business-**
5. **Administrator / Board Comments:**
6. **Public Comment**
7. **Public hearing to vacate Nelson Loup Hwy 11 Subdivision, by Linda K & Andrew W Woitaszewski- NW ¼ part of Govt Lot 4 of Section 29-T13N-R11W**
8. **Public hearing on a Conditional Use Permit Application for a small wind turbine by Mark Serbousek – SW ¼ SW ¼ Section 13-T14N-R10W**
9. **Public hearing on a Conditional Use Permit Application by John Ropp for a Class I Feedlot named Kimball Kalf Ranch and the Nuisance Easement Waiver since their own residence is within the Class I Odor Footprint - NW ¼ of Section 8-T13N-R10W**
10. **Discussion & Possible Action – review odor footprint – Section 6-T14N-R11W**

Adjournment

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of March 2024.

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 9 members present: Daryl Anderson, Dave Sack, Jack Reimers, Jeff Christensen, Chris Kosmicki and Terry Spilinek, Randy Kauk, Ron Kulwicki, and Kenneth Kozisek. 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: John Ropp, Kyle Ropp, Bob Bogus, Tylor Robinson, Audrie Robinson, Cody Buhrman, Mary Jo Serbousek, Mark Serbousek, John Webb, Judith Puncochar, Rebecca Puncochar, Shane Griess, Pam Griess, Dustin Selden, Noah Johnson, Amanda Weber, Joel Leo, Rona Jacobsen, Jared Jacobsen, Linda Lauritsen, Terry Elge, Mike J Swanson, Michael P Swanson, and Dan Leo.

The agenda and minutes were E-mailed and mailed to the board members prior to the meeting. A motion was made by Daryl Anderson and seconded by Chris Kosmicki to approve the minutes from the February 21, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith informed the board that on Feb. 27, 2024 the commissioners approved the Subdivision for John Ropp along with approving the Conditional Use Permit for a school, church, hall and cemetery within the subdivision.

Administrator/Board Comment: Administrator Klinginsmith handed out a packet of information that she received from the NPZA Conference earlier in the month. Jeff Christensen attended one day of the conference and told the board there was a lot of useful information. He reported that they participated in a roundtable discussion and hopes that Cherri will receive copies of that to share with the board, as he thought there was a lot of great ideas and conversations that would be useful to the board.

Public comment: None

Public hearing to vacate Nelson Loup Hwy 11 Subdivision, by Linda K & Andrew W Woitaszewski- NW ¼ part of Govt Lot 4 of Section 29-T13N-R11W: Administrator Klinginsmith explained to the board that the Woitaszewski's have purchased more land from family and would like to combine all the land into one parcel. In order to do that they must vacate this subdivision first and then they will split off 16 acres total and file that plat with the Clerks Office.

Chairman Spilinek opened the public hearing. With no testimony in favor or against the public hearing is closed. With no further discussion among the board Dave Sack made a motion to approve the vacation of Nelson Loup Hwy 11 Subdivision by Linda K & Andrew W Woitaszewski. Chris Kosmicki seconded the motion. Motion was passed with a 9-0 roll call vote. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek.

Public hearing on a Conditional Use Permit Application for a small wind turbine by Mark Serbousek – SW ¼ SW ¼ Section 13-T14N-R10W Mark Serbousek and Cody Buhrman with American Wind Towers were present to represent his request. Mark explained to the board that the opportunity arose to have a personal wind turbine to power his home and shop. The total height of tower will be 75.9 feet located on top of the hill on the east side of his house and building. Chairman Spilinek opened the public hearing. Cody Buhrman raised his hand in favor of the tower. Judy & Rebecca Puncochar both spoke against the tower. Both were worried about the effect it would have on wildlife especially birds. Rebecca also mentioned that she is worried that this will hurt her bee keeping business as she believes this will highly disturb their flight pattern and their production will be greatly affected. Both Judy and Rebecca also mentioned that they did not like the aesthetic aspect of putting a wind turbine in the beautiful Bunker Hill Valley. With no further testimony in favor or against the public hearing is closed. After much discussion among the board Daryl Anderson made a motion to approve the Conditional Use Permit for a small wind turbine by Mark Serbousek. Ron Kulwicki seconded the motion. Motion was passed with an 8-1 roll call vote. Finding of fact attached Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, and Terry Spilinek - No – Dave Sack

Public hearing on a Conditional Use Permit Application by John Ropp for a Class I Feedlot named Kimball Kalf Ranch and the Nuisance Easement Waiver since their own residence is within the Class I Odor Footprint - NW ¼ of Section 8-T13N-R10W — John Ropp was present to present his request to the board. John and his family feed baby calves for a dairy in South Dakota. They start with 300 baby calves that they bottle feed for 2 months. After 2 months they move those calves to a dry lot where they feed them for another 2 months before they ship out at around 400 – 500 pounds. This process just repeats so they will have around 600 head of baby calves weighing no more than 500 pounds. Because they are planning to have over 500 head of cattle they applied for the Class 1 feedlot CUP. Before the public hearing was opened the board discussed wondering why he is applying for Class 1 when the calves were so little? Administrator Klinginsmith stated that when it was approved to make the acceptance/conditions for Windmill Feedlot that if the issue arose again that the board would have to look at the situation on a case-by-case basis. Chairman Spilinek opened the public hearing asking for testimony in favor. With no testimony in favor chairman Spilinek asked for testimony against. Several adjoining land owners voiced their concerns about the quality of the ground water if allowed to have the Class 1. They mentioned how low that land is and when we have wet years there is a creek that will fill and flow to the neighboring landowners. After hearing concerns from neighbors John Ropp stated that if he allowed to keep a farm feedlot with the exception for the weight of calves that is what he would like to do. It is what he wanted to do all along he states. After much discussion the public hearing is closed. After discussion among the board Ken Kozisek made a motion to approve a Conditional Use Permit for a Class 1 Feedlot by John Ropp, named Kimball Kalf Ranch located NW ¼ Section 8-T13N-R10W. Motion was seconded by Dave Sack. Motion failed by a 0-9 roll call vote. Finding of fact attached. No - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek.

Discussion & Possible Action – review odor footprint –Section 6-T14N-R11W – Administrator Klinginsmith asked the board to review the odor footprint for James Bogus before she approves it. The board unanimously agreed that it looked correct.

With no further discussion Dave Sack moved to adjourn the meeting. Randy Kauk seconded the motion. Motion was passed with an unanimously voice vote. The next Howard County Planning & Zoning Meeting is tentatively scheduled for April 17th at 8 PM.

Jennifer Ostendorf
Planning & Zoning Secretary

AGENDA
Planning & Zoning Meeting April 17, 2024

1. **Call to order** – recognize Open Meeting Law – read the published notice of the meeting.
2. **Roll Call** – Approval of minutes of the March 20, 2024 Meeting.
3. **Minutes**
4. **Old Business-**
5. **Administrator / Board Comments:**
6. **Public Comment** (Limit of 5 minutes)
7. **Public hearing on a Conditional Use Permit Application by John Ropp requesting to have up to 1000 calves weighing less than 500 pounds and the Nuisance Easement Waiver - NW ¼ of Section 8-13-10**
8. **Public hearing on a Zone Change by Nicholas Busch to change land from A-1 – Agriculture to A-2 – Transitional Agriculture. S ½ Section 25-14-10**
9. **Discussion & Possible Action – 3rd house in ¼ section - SE ¼ Section 5-13-10**
10. **Discussion & Possible Action – Blasé Feed Yard and Lukasiewicz Feed Yard**
11. **Discussion & Possible Action – Requesting to change regulations to allow a CUP in the A-1 District for a lumberyard/construction business**

Adjournment

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of April 2024.

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 9 members present: Daryl Anderson, Dave Sack, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, and Kenneth Kozisek. 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, Liz Busch, Nick Busch, Isaiah Graham, Randy Ames, Nate Timmons, Brian Timmons, Ryan Damman, John Ropp, Kyle Ropp, Tylor Robinson, Audrie Robinson John Webb, Brian Sack, Jesse Rudolf, Cassidy VanMeter, Tyler Petersen, Vanessa Petersen, Dick Hadenfeldt, Marlon Thomsen, Susan Knapp, Wayne Knapp, Les Stratman, Jim Gdanitz, Kevin Lukasiewicz, Pam Jerabek, Josh Jerabek, Seth Swerezer, Nick Earixson, Crystal Earixson, Michael Smith, Justin Thiel & Richard Oltman.

The agenda and minutes were E-mailed and mailed to the board members prior to the meeting. A motion was made by Daryl Anderson and seconded by Chris Kosmicki to approve the minutes from the March 20, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: None

Administrator/Board Comment: None

Public comment: None

Discussion & Possible Action – 3rd house in ¼ section - SE ¼ Section 5-T13N-10RW – John Webb was present for his request. John states that he has about 55 acres that he would like to build a shop with living quarters in it. He states that this land is very sandy and where he would like to build actually someone had removed some of the dirt and now it doesn't even grow weeds. After discussion with board the board stated A-1 regulations only allow 2 residences per quarter section & they are not able to approve. If he can show a hardship – the board recommended that John request a variance.

Public hearing on a Conditional Use Permit Application by John Ropp requesting to have up to 1000 calves weighing less than 500 pounds and the Nuisance Easement Waiver - NW ¼ of Section 8-T13N-10RW– John Ropp was present to represent his request. As discussed in last months meeting John would like to have approximately 600 calves under 500 pounds. Chairman Spilinek opened the public hearing asking for testimony in favor or against. With no discussion in favor or against public hearing was closed. Daryl Anderson made a motion to approve the conditional use permit for John Ropp for up to 1000 head of calves less than 500 pounds for 1 year, located in S ½ NW ¼ Section 8T-13N-10RW. Motion was seconded by Dave Sack. Motion passed with a 9-0 roll call vote. Finding of Fact Attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek.

Public hearing on a Zone Change by Nicholas Busch to change land from A-1 – Agriculture to A-2 – Transitional Agriculture. S ½ Section 25-T14N-10RW - Nick Busch and Isaiah Graham were present to represent their request. Nick is the land owner and plans to build a house in the Southeast corner of property and then plans to sell some of his land to Isaiah where he would like to build a house in the Southwest corner and then also his Father-In-Law would like to build a house on part of the land too. Isaiah stated that he knows that the north part of the parcel is already A-2 which would allow a house to be built but he didn't want to build that close to the houses to the north. He states the whole reason this property is of interest to him is because it would allow him to be separate from his neighbors. Chairman Spilinek opened the public hearing asking for testimony in favor. Brian Sack spoke in favor of this request stating that this area is within the ½ of 281 which the County's regulation states that is where they would like to see the growth. Tylor Robinson also spoke in favor of this stating the same thing as Brian but adding that the people speaking against this tonight are people who bought small parcels of land outside of town for the same reason as Isaiah is wanting this land. With no more testimony in favor Chairman Spilinek asked for testimony against the request. Randy Ames, Nick Earixon, Wayne Knapp, Crystal Earixon, Garry Lassen, Richard Oltman, Ryan Damman, Les Stratman, Seth Swerezek, Justin Thiel were all present to voice their concerns against the request, with most of them stating that they didn't want a bunch of houses around them. That is why they moved out of town. Most of them said if you allow this where does it stop? Anthony Esquitin, Linda Gordon and Steve Olsufka all reached out to Administrator Klinginsmith prior to the meeting to voice their concerns against the request as well. With rebuttal Isaiah Graham noted that he doesn't have any plans of making this a multi-lot subdivision and would be willing to have a lawyer draw something up with the sale agreement that states this can not be subdivided into any more lots. He states that the whole reason for this request is because he didn't want to build close to the houses to the north, which they are voicing they don't want either. With no further discussion in favor or against Chairman Spilinek closed the public hearing asking for discussion among the board. After much discussion among the board Ron Kulwicki moved to retain zoning A-1 for S ½ Section 25-14-10 in accordance with county regulations. Motion was seconded by Jack Reimers. Motion passed with a 9-0 roll call vote. Finding of Fact Attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek.

Discussion & Possible Action – Blasé Feed Yard and Lukasiewicz Feed Yard – Administrator Klinginsmith brought to the boards attention that she has received a few complaints against these two feedlots. First Blasé Feedlot- Administrator Klinginsmith presented the board with a picture that was sent to the county commissioner about water in the ditch and along the road. Jim Gdanitz, feedlot manager, was present to discuss the issues with the board. Jim states that he started working for the feedlot in June of 2023. He states that he has discussed with county commissioner, Kathy Hirschman requesting a culvert on 10th and Denton to help with the drainage. He states that he also has plans to build berms, dirt work in pens and also to build a pit to help with water. Ken Kozisek states that he would not be able to run the run off through the culvert so not sure culvert is the answer, however Ken states he could put an underground pipe from one side of road to the other so that the run off could travel through there out into the field. After much discussion the board

told Jim that they would like him to let Administrator Klinginsmith know the progress that is being made every month so that she can report back to the board. The board would also like a detailed plan of what the feedlot plans to do to fix the issues and prevent them from occurring again. Also, Administrator Klinginsmith reminded Jim that Travis Casperson informed Cherri they would have all cattle out of pen numbers 4 thru 11 by May 1st and no cattle were allowed in those pens again until the drainage issues are fixed and NDEE signs off on them. Administrator also noted that if regrading is done, she would like to see the fence line moved 20 feet onto the property, allowing the landowners to have a 20-foot access road, which should also help reduce the amount of manure entering the road ditches.

Kevin Lukasiewicz feedlot – Administrator Klinginsmith let the board know that she has received a written complaint and a few verbal complaints about run off in the ditch along 22nd Ave and Hwy 281. Administrator Klinginsmith reminded the board that about a year ago, Kevin was approved by the board for Class 1 feedlot. Kevin is working with NDEE and a firm to get his plans approved with NDEE to allow the Class 1 feedlot plans. Kevin provided photos to the board showing that the issues have been corrected for the recent complaints. Kevin has also spoke with Jordan with NDEE when he came out to take a look at property after complaint. Jordan with NDEE and Ron Polland with NE Department of Roads were ok with all the changes that Kevin has done. Kevin also asked Janet Thomsen, roads superintendent, to clean out the culvert or put in a new one along 22nd Ave to help with this issue as well. Marlon Thomson was present and stated that he is Kevin's neighbor and drives by feedlot four times a day and this incident happened because of weather. He states that Kevin corrected the problem as soon as he could once the road ditches dried up. Administrator Klinginsmith did remind Kevin that the two pens along the highway are for grazing only until application for expansion is approved by NDEE. With this that means that Kevin will need to put corn stalk bales down as often as he need to keep some vegetation down according to NDEE. Kevin told the board that he hopes to hear back from NDEE by end of May, on if his application was approved or denied. He does plan to have cattle out of the grazing pens by end of May.

Discussion & Possible Action – Requesting to change regulations to allow a CUP in the A-1 District for a lumberyard/construction business – Kevin Yoder was available on the phone for the board to discuss his request. Kevin is looking at buying some land in A-1 and would like to build a lumber yard or hardware store. After much discussion the board let Kevin know that this request would not be allowed according to the county regulations. They suggested to him to look within a ½ of Hwy 58 east of Dannebrog or possibly look into the vacated lumber yard in Dannebrog, as a lumberyard is allowed as a conditional use in the A-2 Matrix.

With no further discussion Dave moved to adjourn the meeting with Randy Kauk seconding the motion. Motion was passed with a 9-0 voice vote.

The next meeting of the Howard County Planning & Zoning Borad is tentatively set for May 15, 2024.

Jennifer Ostendorf
Planning & Zoning Secretary

AGENDA
Planning & Zoning Meeting May 15, 2024

1. **Call to order**
 2. **Roll Call**
 3. **Minutes**
 4. **Old Business-**
 5. **Administrator / Board Comments:**
 6. **Public Comment** (Limit of 5 minutes)
 7. **Application to vacate Dush Acres by Esther Dush and Leonard Dush – N ½ N ½ SE ¼ Section 20-T13N-R9W**
 8. **Application to vacate Bear Subdivision by Esther Dush and Jerome Dush – N ½ N ½ SE ¼ Section 20-T13N-R9W**
 9. **Application by Esther Dush, Leonard Dush and Jerome Dush on a multi-lot subdivision named Dush Acres 2nd Subdivision – S ½ NW ¼ N ½ N ½ Se ¼ Section 20-T13N-R9W**
 10. **Application by Mark and Patti Van Pelt to vacate a tract in NW ¼ Section 21-T14N-R11W**
 11. **Application by mark and Patti Van Pelt for a single lot subdivision named MPVP Subdivision – NE ¼ NW ¼ Section 21-T14N-R11W**
- Adjournment**

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of May 2024.

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, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, and Kenneth Kozisek. Absent 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: Kirt Lukasiewicz, Jordan Robinson, Tylor Robinson, Chris Martin, Audrie Robinson, Jack McMillon, James Gdanitz, & Leonard Dush.

The agenda and minutes were E-mailed and mailed to the board members prior to the meeting. A motion was made by Daryl Anderson and seconded by Chris Kosmicki to approve the minutes from the April 17, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith presented photos of the water on the road, ditches and pens of Blasé feedlot. Jim Gdanitz was present to explain to the board what they are doing to work on the problem. Jim states that they have been pumping the water but didn't have time to do it today. Jack Reimers and Terry Spilinek mentioned that there are still cattle in the pens that need to be removed since the grading hasn't been completed.

Administrator/Board Comment: None

Public comment: We had two public comment requests: Jack McMillon stated in public comment that he is against the Dush subdivision, stating that Leonard hasn't been a good neighbor and that it would just cause more problems for him. Kirt Lukasiewicz stated that he has heard that the board will be updating the Comprehensive Plan and regulations this upcoming year. He just wanted to suggest to the board to think about making some land along 281 by St. Libory commercially zoned as well as along Hwy

11 at 5-mile corner. He thought that since we are so close to Grand Island, we could possibly capitalize on businesses coming to the area. Secondly, he suggested that the board think about being more in line with the state and federal laws in place for livestock, as well as taking a look at the setbacks that we have in place for feedlots. He stated that he has spoken with several of livestock producers and they aren't interested in coming to Howard County because of our setbacks being so strict.

Application to vacate Dush Acres by Esther Dush and Leonard Dush – N ½ N ½ SE ¼ Section 20-T13N-R9W

Leonard was present to represent the request. He states that Esther, his mother, had decided to sell the 115 acres of irrigated farm land and it was always the plan for him to get the little pasture behind his house. In order to do this, they decided to vacate both Leonard and Jerry's subdivisions (Dush Acres & Bear Subdivision) to include the pasture that didn't sell with rest of the land. Chairman Spilinek asked for testimony in favor. Having none he then asked for testimony opposed. Jack McMillon spoke against just reiterating what he voiced in the public comment section of meeting. With no other testimony in favor or against the public hearing was closed. After discussion among the board Rand Kauk moved to approve the application to vacate Dush Acres. Ron Kulwicki seconded the motion. Motion passed with an 8-0 roll call vote. Finding of Fact attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application to vacate Bear Subdivision by Esther Dush and Jerome Dush N ½ N ½ SE ¼ Section 20-T13N-R9W

Leonard was present to represent the request. He states that Esther, his mother, had decided to sell the 115 acres of irrigated farm land and it was always the plan for him to get the little pasture behind his house. In order to do this, they decided to vacate both Leonard and Jerry's subdivisions (Dush Acres & Bear Subdivision) to include the pasture that didn't sell with rest of the land. Chairman Spilinek asked for testimony in favor. Having none he then asked for testimony opposed. Jack McMillon spoke against just reiterating what he voiced in the public comment section of meeting. With no other testimony in favor or against the public hearing was closed. After discussion among the board Chris Kosmicki moved to approve the application to vacate Bear Subdivision. Daryl Anderson seconded the motion. Motion passed with an 8-0 roll call vote. Finding of Fact attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application by Esther Dush, Leonard Dush and Jerome Dush on a multi-lot subdivision named Dush Acres 2nd Subdivision – S ½ NW ¼ N ½ N ½ Se ¼ Section 20-T13N-R9W Leonard was present to represent the request. He states that Esther, his mother, had decided to sell the 115 acres of irrigated farm land and it was always the plan for him to get the little pasture behind his house. In order to do this, they decided to vacate both Leonard and Jerry's subdivisions (Dush Acres & Bear Subdivision) to include the pasture that didn't sell with rest of the land. Chairman Spilinek asked for testimony in favor. Having none he then asked for testimony opposed. Jack McMillon spoke against just reiterating what he voiced in the public comment section of meeting. With no other testimony in favor or against the public hearing was closed. After discussion among the board Jack Reimers moved to approve the Preliminary application for multi-lot subdivision, Dush Acres 2nd Subdivision. For the final hearing for the multi-Lot Subdivision, Dush Acres 2nd Subdivision the board would like to see the easement to the farm ground listed on the survey. Randy Kauk seconded the motion. Motion passed with an 8-0 roll call vote. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application by Mark and Patti VanPelt to vacate a tract in NW ¼ Section 21-T14N-R11W Cherri Klinginsmith was present to represent the request. This subdivision was not legally subdivided in the

beginning (2.9 acres) so Mark and Patti would like to vacate this tract and add land to make it a minimum of 3 acres. There is already a house on this land that they plan to keep. Chairman Spilinek opened the public hearing asking for testimony in favor or against. With none the public hearing was closed. After discussion among the board Chirs Kosmicki moved to approve the vacate of the tract of Mark and Patti VanPelt's. Ron Kulwicki seconded the motion. Motion passed with an 8-0 roll call vote. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application by mark and Patti VanPelt for a single lot subdivision named MPVP Subdivision – NE ¼ NW ¼ Section 21T-14N-R11W Cherri Klinginsmith was present to present their request. Administrator Klinginsmith informed the board that the VanPelt's would like to create this 3-acre subdivision to build a house on. Their plans are unsure if they will build house or their daughter and her family will build the house. Chairman Spilinek opened the public hearing asking for testimony in favor or against. With none the public hearing was closed. After discussion among the board Randy Kauk moved to approve the subdivision called MPVP Subdivision. Daryl Anderson seconded the motion. Motion passed with an 8-0 roll call vote. Finding of Fact attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

After the last public hearing Administrator Klinginsmith asked the board to return to old business since ran out of time earlier. Administrator Klinginsmith informed the board that she did receive a report from NDEE on the Mamot Feedlot complaint. NDEE found no evidence of livestock waste in the reported area. Administrator Klinginsmith has ordered water sample bottles from Ward Laboratories on May 9, 2024, and plans to get samples of water in area feedlots after the next rain event.

Administrator Klinginsmith reported to the board that the commissioners approved John Ropp's request of CUP to allow up to 1000 head of calves 400 pounds and under. They also approved the rezone application from Nick Busch on the North half of the A-1 zoned parcel.

Jack Reimers, board member, also let the board know that he was approached by the previous Planning & Zoning administrator and he suggested that they should rethink only allowing 2 houses per ¼ section in A-1 when discussing comprehensive plan and regulation changes in future. He feels that this rule won't allow farmers who own the land to build on their own land so that they can continue farming. This will especially affect the younger generation coming back to help farm and ranch.

With no further discussion Jeff Christensen Moves to adjourn the meeting and Ron Kulwicki seconded the motion. Motion was passed by a unanimous voice vote.

Jennifer Ostendorf
Planning & Zoning Secretary

Howard County Board of Board of Adjustment
May 15, 2024, 2024
AGENDA

1. Call to Order
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. Variance request by Mike & Katie Mathews – Allow residence in A-3 with less than 80 acres
6. Variance request by John Webb- allow a 3rd house in ¼ section

MINUTES

HOWARD COUNTY BOARD OF ADJUSTMENTS
May 15, 2024

A meeting of the Howard County Board of Adjustments was convened in open and public session on the 15th day of May 2024 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Vice Chairman Glen Killion 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, Dave Boehle, Mike Nelson, Chad Donscheski and Glen Killion. Absent member Janet Thomsen. Also, present was Cherri Klinginsmith, Howard County Zoning Administrator and Jennifer Ostendorf, Planning & Zoning Secretary. Absent Dave Schroeder, County Attorney. Members of the public were Mike Mathews, Katie Mathews, Gale Larsen, John & Lisa Webb, Tylor Robinson, Laura & Pete Berthelsen, Craig Kuszak, Jordan Robinson, Dee Kuszak, Fred Meyer and Lonnie Stewart.

The agenda and minutes were emailed to the Board of Adjustment members prior to the meeting. A motion was made by Mike Nelson and seconded by Dave Boehle to approve the minutes of the January 17, 2024 meeting. The motion carried by 5-0 roll call vote.

Old Business: None

Variance application by Maedean, Michael and Kathleen Mathews – requesting to allow a residence with less than 80 acres in the A-3 (Agricultural Conservation) district – SW ¼ Section 23-15-10 – Mike and Katie Mathews were present to represent their request. Mike had prepared a letter that he read explaining exactly what their plans are for the request. They have come to an agreement with Mike's mother and brother stating that Mike and Katie would purchase the house and building site to help maintain his parents' legacy on the property. Currently they have a 99-year lease but ultimately would like to be able to purchase the land the house and building they own is on. Administrator Klinginsmith mentioned to the board that this house was built prior to 2002 when flood plain and A-3 regulations were put in place. After much discussion Dave Boehle made a motion to approve the variance request to subdivide 4.06 acres where building site is because the house was built prior to flood plain and A-3

regulations. Chad Donscheski seconded the motion. Motion was passed with a 5-0 roll call vote. – Yes - Chad Donscheski, Mike Nelson, Terry Spilinek, Dave Boehle, & Glen Killion. Finding of Fact attached.

Variance application by John Webb – requesting to allow a 3rd residence in ¼ section of A-1 district. - SW ¼ SE ¼ Section 5-13-10 – John and Lisa Webb were present to represent their request. John stated that in 2017 he and his wife purchased this land to eventually build a house there. John and his son raise hay on the land and John is working to get certified organic so that he can eventually offer organic grain for both animal and human consumption. He would also like to have cows but feels without living there that is not possible. John states that the area that he would like to build the house is land that doesn't grow anything except cactus and a few weeds. Administrator Klinginsmith mentioned that in 2017 when the land was purchased the regulation would have possibly allowed the house, but in 2021 regulations changed to 2 residences per ¼ section. After much discussion the board discussed that the regulations just don't allow them to grant the variance especially since just a few months ago they had to deny a request for very similar reasons. Chad Donscheski moved to deny the request to build a 3rd house in ¼ section due to no hardship with the land that would allow them to grant the request. Terry Spilinek seconded the motion. Motion was passed with a 5-0 roll call vote. – Yes - Chad Donscheski, Mike Nelson, Terry Spilinek, Dave Boehle, & Glen Killion. Finding of Fact attached.

With no further business Dave Boehle moved to adjourn the meeting with Chad Donschesky seconding the motion. Motion passed with a 5-0 vote.

Jennifer Ostendorf
Planning & Zoning Secretary

AGENDA
Planning & Zoning Meeting June 19, 2024

1. **Call to order – recognize Open Meeting Law – read the published notice of the meeting.**
 2. **Roll Call.**
 3. **Minutes**
 4. **Old Business-**
 5. **Administrator / Board Comments:**
 6. **Public Comment**
 9. **Final hearing on application by Esther Dush, Leonard Dush and Jerome Dush on a multi-lot subdivision named Dush Acres 2nd Subdivision – S ½ NW ¼ N ½ N ½ SE ¼ Section 20-13-9**
 10. **Application of a single lot subdivision application by Anton Oeltjen named J&S Riverview Subdivision – SW ¼ Section 20-T13N-R9W**
- Adjournment**

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of June 2024.

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 9 members present: Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, Kenneth Kozisek 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 Tylor Robinson, James Gdanitz, Leonard Dush Cassidy VanMeter, Mike Meineke, and Anton Oeltjen.

The agenda and minutes were e-mailed and 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 15, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith informed the board that the Dirt Road Development vs Hirschman case is complete and the judgement was in favor of Dirt Road Development. After reviewing the judgement with the County Attorney Administrator Klinginsmith had G-works remove the odor footprint on the Hirschman parcel and approved all of the pending zoning permits.

Administrator/Board Comments: Administrator Klinginsmith informed the board the Marvin Planning Consultants were out touring the county on June 6, 2024. They came to see the county in preparation of the updating of the comprehensive plan and review of regulations.

Administrator Klinginsmith also gave an update to the board on the Blasé Feedlots. As of Tuesday June 18, 2024 there were cattle in pens 9,10 & 12. Jim Gdanitz was present to represent the feedlot. He told the board the surveyor has been contacted and hopefully they are out there next week. The dozer and grader arrived and as soon as the surveyor is available, they will start the work on fixing the grades to the pens. The plan is to have all the run off from pens run back onto the crop ground.

Administrator Klinginsmith told the zoning board that as long as she can see that they are working on the issues she doesn't plan to send it to the county attorney.

Final hearing on application by Esther Dush, Leonard Dush and Jerome Dush on a multi-lot subdivision named Dush Acres 2nd Subdivision – S ½ NW ¼ N ½ N ½ Se ¼ Section 20-T13N-R9W –

Leonard Dush was available to represent the request. At the last meeting it was asked for him to show the easement for entrance to the crop ground that was recently sold to the west of the subdivision. Leonard explained to the board there is a 30 ft easement on the east edge of property along Highway 281 that will allow access to the crop ground. Chairman Spilinek asked for testimony in favor or against. With none the public hearing was closed. After discussion among the board Dave Sack moved to approve the multi-lot subdivision named Dush Acres 2nd Subdivision. Ken Kozisek seconded the motion. Motion was passed with a 9-0 roll call vote. Finding of Fact attached. YES - Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, Kenneth Kozisek and Dave Sack.

Application of a single lot subdivision application by Anton Oeltjen named J&S Riverview Subdivision –

SW ¼ Section 20-T13N-R9W Anton Oeltjen and Mike Meineke were present to represent their request. Mike explained that they would like to subdivide off 5 acres to eventually build on. There is currently a 60-foot easement along the property for now because Anton still owns that but they do plan to move the easement to the north on the property that Mike's family owns to the north. This will prevent problems if Anton ever wants to sell the rest of the land. Chairman Spilinek asked for testimony in favor or against. With none the public hearing was closed. After discussion among the board Randy Kauk moved to approve the single lot subdivision application by Anton Oeltjen named J&S Riverview Subdivision. Dave Sack seconded the motion. Motion was passed with a 9-0 roll call vote. Finding of Fact attached. YES - Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, Kenneth Kozisek and Dave Sack.

The board went back to finish administrator comments with Administrator Klinginsmith informing the board of Justin Muller's home-based business. Administrator Klinginsmith also informed the board of a flood plain violation by Thomas Kaslon. Thomas has a creek that runs through his property and has changed the way the water flows. After the last big rain, the county has this caused property damage to the property to the south. His place was flooded causing a lot of damage and leaving a lot of trash behind. Administrator Klinginsmith has mailed a letter to Mr. Kaslon about this violation. The letter was also sent to Army Core of Engineers and (NDNR) Nebraska Department of Natural Resources.

With no further discussion Jack Reimers moved to adjourn the meeting with Ken Kozisek seconding the motion. Motion was passed with a unanimous voice vote.

Jennifer Ostendorf
Planning & Zoning Secretary

Howard County Board of Board of Adjustment
June 19, 2024
AGENDA

1. Call to Order
2. Roll Call
3. Old Business
4. Minutes
5. Adjournment

MINUTES

HOWARD COUNTY BOARD OF ADJUSTMENTS
June 19, 2024

A meeting of the Howard County Board of Adjustments was convened in open and public session on the 19th day of June 2024 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 7:30 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office.

Roll call showed 5 members present: Terry Spilinek, Dave Boehle, Mike Nelson, Chad Donscheski and Janet Thomsen. Absent member Glen Killion. Also, present was Cherri Klinginsmith, Howard County Zoning Administrator and Jennifer Ostendorf, Planning & Zoning Secretary. Absent Dave Schroeder, County Attorney. Members of the public were Tylor Robinson.

The agenda and minutes were emailed to the Board of Adjustment members prior to the meeting. A motion was made by Mike Nelson and seconded by Dave Boehle to approve the minutes of the May 15, 2024 meeting. The motion carried by 5-0 roll call vote.

Old Business: Administrator Klinginsmith informed the board that Marvin Planning Consultants were out and drove thru the county on June 6, 2024. This was to prepare for updating the comprehensive plan and review regulations.

With no further business Terry Spilinek moved to adjourn the meeting with Chad Donscheski seconding the motion. Motion was passed with a unanimous voice vote.

Jennifer Ostendorf
Planning & Zoning Secretary

AGENDA
Planning & Zoning Meeting September 18, 2024

1. **Call to order**
2. **Roll Call**
3. **Minutes**
4. **Old Business - Status of Blasé Feedlots**
5. **Administrator / Board Comments:**
6. **Public Comment** (Limit of 5 minutes)
7. **Public Hearing for Communication tower by Industrial Tower West, Jeff Polski, landowner, NE ¼ Section 15-T15N-R11W.**
8. **Public hearing for Application by Daniel & Shannon Bergman, requesting one (1) or two (2) RV's to be used for living quarters during home construction for up to 3 years. W ½ NW ¼ of Section 21 -T15N - R10W**
9. **Discussion & Possible Action: Blasé Vet Clinic Update**

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of September 2024.

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, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek and Dave Sack. Absent members were Randy Kauk, Ron Kulwicki. 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 Tylor Robinson, James Gdanitz, Cassidy VanMeter, Chris Riha, Laurie Spotanski, Stacy Spotanski, Gunnar Brehhammer, Brandon Connick, Jeff Polski, Daniel Bergman, Kathleen Fox and Anton Oltjen.

The agenda and minutes were e-mailed and mailed to the board members prior to the meeting. A motion was made by Jack Reimers and seconded by Dave Sack to approve the minutes from the June 19, 2024 meeting. Motion carried by unanimous voice vote.

Old Business - Status of Blasé Feedlots – Administrator Klinginsmith updated the board on the progress by Blasé Feedlots in fixing the drainage issues on their pivot corner pens. Administrator Klinginsmith had driven by the area that day and took pictures to share with the board. Brandon Connick, Blasé's attorney was present and stated that Ms Klinginsmith's update was very thorough and correct. Jeff Christensen mentioned that he drove by and looked at progress himself. He states that his only concern is that with the pens now being so much higher than the road, what will happen to the water now if we get a large rain since there is not much of a ditch? Ken Kozisek asked if there was water that stood on the road prior to Blasé having cattle in pens? If so, then he thought it wouldn't be Blasé's responsibility to fix drainage in ditch. Board members voiced their agreement with Kozisek. Administrator Klinginsmith said she would discuss this with the road department.

Public Hearing for Communication tower by Industrial Tower West, Jeff Polski, landowner, NE ¼ Section 15-T15N-R11W. Chairman Spilinek opened the public hearing. Chris Riha was present to represent Industrial Tower. Chris explained to the board the plans, which he had presented a very

detailed packet of information ahead of time for the board to review ahead of time. Chairman Spilinek asked for any testimony in favor or against. With non either way the public hearing was closed. Discussion among the board was had. Chris Kosmicki moved to approve the communication tower by Industrial Tower, Jeff Polski landowner. Dave Sack seconded the motion. Motion passed with a 7-0 roll call vote. Finding of Fact is attached. Yes - Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek and Dave Sack.

Public hearing for Application by Daniel & Shannon Bergman, requesting one (1) or two (2) RV's to be used for living quarters during home construction for up to 3 years. W ½ NW ¼ of Section 21 -T15N - R10W Chairman Spilinek opened the public hearing. Daniel Bergman was present to represent his request. He told the board it is self-explanatory and was open to discussion. Chairman Spilinek asked for testimony in favor. Administrator Klingensmith read a letter we received in favor from Nancy & Roger Downs. With no other in favor, he asked for testimony opposing. The administrator read a letter opposing from Cindy Paustian as well as she received a call from Mark Starky opposing as well. Kathleen Fox spoke stating that she doesn't think this should be allowed for 3 years. She said they recently built a house during pandemic, and they still had it complete within a year. With no further discussion the Chairman Spilinek closed the public hearing and opened discussion to board members. After much discussion Jack Reimers moved to allow 2 campers for 1 year while home is built. Jeff Christensen seconded the motion. Motion was passed with a 5-2 roll call vote. Finding of Fact attached. Yes - Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, and Kenneth Kozisek No - Daryl Anderson and Dave Sack.

Discussion & Possible Action: Blasé Vet Clinic Update – Administrator Klingensmith discussed with the board the Blasé Vet Clinic. Administrator Klingensmith and Board member Ron Kulwicki had received some complaints about the number of cattle at the clinic. Blasé had provided a report of cattle that had been at clinic for the last 3 months. Attorney Brandon Connick was present to explain the report. After much discussion of the report, it was said that the public going by can't tell if they are new cattle or cattle that have been in the pens for a long time. Public perception is that there are a lot of cattle there all the time.

Looking at the reports given, the space is still being used as a processing facility in- which it was approved for. The board recommends using something more for fly control since having new cattle in and out the feed additive, clarify, discussed may not be working right away. Administrator Klingensmith will check on the silage pile nearby to address fly issue there. The board also recommends that the administrator request a quarterly report of cattle coming in and out of the vet processing facility from here forward.

With no further discussion Dave Sack moved to adjourn the meeting with Jack Reimers seconding the motion. The motion was passed with a unanimous voice vote.

Jennifer Ostendorf
Planning & Zoning Secretary

AGENDA

Planning & Zoning Meeting November 20, 2024

Call to order

Roll Call

Minutes

Old Business- Vet Clinic/Working Facility update

Administrator / Board Comments:

Public Comment

Public Hearing to vacate CSJ Administrative Subdivision by CSJ Farms located NW ¼ Section 9, Township 15N, Range 11W.

Public hearing for single lot subdivision application by CSJ Farms, to be named CSJ 2nd Subdivision located SW ¼ Section 9, Township 15N, Range 11W.

Discussion & Possible Action: Blasé Feedlots

Discussion & Possible Action: Comprehensive Plan Discussion with Keith Marvin from Marvin Planning Consultants, Inc.

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of November 2024.

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 8 members present: Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek, Ron Kulwicki and Dave Sack. Absent member was Randy Kauk. 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 James Gdanitz, Cassidy VanMeter, Spotanski, Gunnar Brehhammer, Lee Jacobsen, Keith Marvin and Spencer Lemon.

The agenda and minutes were e-mailed and mailed to the board members prior to the meeting. A motion was made by Jack Reimers and seconded by Dave Sack to approve the minutes from the September 19, 2024 meeting. Motion carried by unanimous voice vote.

Old Business- Vet Clinic/Working Facility update – Administrator Klinginsmith updated the board on the vet clinic/Working facility. Klinginsmith informed the board that NDEE had visited the facility on October 9th 2024. While they were there, there was 100 cattle in the pens and they didn't see any issues during their visit. Klinginsmith also told the board that there have been some verbal complaints to both her and the County Commissioners.

Administrator Klinginsmith also informed the board that she will be attending a Flood Plain meeting on November 21st in Lincoln. In regards to the Flood Plain, she has been looking into the grants present to help landowners who were affected by the flooding in the area this past summer. There are certain stipulations to be eligible for this grant. Administrator Klinginsmith stated there is one resident that she is working with to do a (SDE) Substantial Damage Estimate Report.

Public Hearing to vacate CSJ Administrative Subdivision by CSJ Farms located NW ¼ Section 9, Township 15N, Range 11W. – Chairman Spilinek opened the public hearing. Lee Jacobsen was present and Administrator Klinginsmith represented the request. Klinginsmith explained to the board that there use to be a house on this property, however it was hit by the tornado last April. The landowner does not plan to rebuild the house so would like to vacate this subdivision. Chairman Spilinek asked for testimony

in favor or against. With none, the public hearing was closed. After discussion among the board Dave Sack moved to approved to vacate CSJ Administrative Subdivision by CSJ Farms located NW ¼ Section 9 Township 15N Range 11W. Chris Kosmicki seconded the motion. Motion was approved by 8-0 roll call vote. Finding of Fact Attached YES - Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek, Ron Kulwicki and Dave Sack

Public hearing for single lot subdivision application by CSJ Farms, to be named CSJ 2nd Subdivision located SW ¼ Section 9, Township 15N, Range 11W. – Chairman Spilinek opened the public hearing. Lee Jacobsen was present and Administrator Klinginsmith represented the request. Klinginsmith explained to the board that the land owner would like to subdivide this piece to build a building and possibly a house in the future. Chairman Spilinek asked for testimony in favor or against. With none, the public hearing was closed. After discussion among the board Jack Reimers moved to approved to CSJ Farms, to be named CSJ 2nd Subdivision located SW ¼ Section 9, Township 15N, Range 11W. Daryl Anderson seconded the motion. Motion was approved by 8-0 roll call vote. Finding of Fact Attached YES - Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek, Ron Kulwicki and Dave Sack

Discussion & Possible Action: Comprehensive Plan Discussion with Keith Marvin from Marvin Planning Consultants, Inc. – Keith Marvin and Spencer Lemon with Marvin Planning Consultants were present to present to the board about the process for updating the Comprehensive Plan and Howard County Planning & Zoning Regulations. He encouraged the board to think of any questions or areas that they would like him to address. Marvin Planning and Associates will plan to do a town hall meeting to open this up to the public to get their input on some issues they think might need to be looked at. That meeting will be held on January 15, 2025 at 5:30 PM with a snow date of January 21, 2025.

Discussion & Possible Action: Blasé Feedlots – Administrator Klinginsmith informed the board that she received a Consent Order from NDEE and we need to know where to go from here if there is possible legal action to take. With this being said Jeff Christensen moved to go into executive session at 8:14 PM and Jack Reimers seconded the motion. Administrator Klinginsmith, Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek, Ron Kulwicki and Dave Sack were present in the executive session. At 8:37 PM the board came out of Executive session with no action taken. Dave Sack moved to end the executive session and Ron Kulwicki seconded the motion.

Ken Kozisek made a motion, due to non-compliance with NDEE to revoke all farm feedlots owned by Adam Livestock Section 17-T14N-R9W Allen Blasé Livestock Section 21-T14N-R9W, Eric Blasé Livestock Section 16-T14N-R9W, Lawrence Livestock Section 17-T14N-R9W, Lawrence Livestock (School Lands) Section 16-T14N-R9W and Terry's North Section 21-T14N-R11W. Dave Sack Seconded the motion.

Motion was approved by 8-0 roll call vote. YES - Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Kenneth Kozisek, Ron Kulwicki and Dave Sack. Administrator Klinginsmith will send the order in writing to Blasé attorney, Gunnar Brehhammer.

With no further discussion Dave Sack moved to adjourn the meeting with Ron Kulwicki seconding the motion. The motion was passed with a unanimous voice vote.

Next scheduled meeting is set for January 15, 2025

Jennifer Ostendorf
Planning & Zoning Secretary