



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING APRIL 19, 2017

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19<sup>th</sup> day of April, 2017 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Jeff Christensen, Chris Kosmicki, Jack Reimers, Daryl Anderson, Ron Kulwicki, Terry Spilinek and Dave Sack. Randy Kauk and Kenneth Kozisek were absent. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Bob Smith, Jodi Kaslon, Shayne Bader and Niki Bader.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Dave Sack to approve the minutes of the March 15, 2017 meeting. The motion carried on unanimous voice vote.

Old Business was discussed. Administrator Klinginsmith informed the board that Shayne Bader has been hauling commercial biodegradable waste out of swift to fulfill his conditional use permit. She has done two site visits and does not smell anything and he is doing everything correctly. Terry Spilinek also stated that he went out to the site and he did not notice a harsh smell. Administrator Klinginsmith informed the board that Shayne has let her know when he will be hauling and also called the road department. There was no further discussion at this time. Shayne will be present later in the meeting to discuss composting further.

At 8:05 p.m. a Public Hearing was opened regarding Parker Acres Subdivision. This is a single lot subdivision located in the N ½ of the NE ¼ of Section 20 Township 15 Range 10. Scott and Cherri Klinginsmith bought the pasture about a year ago. They would like to subdivide 5 acres off from the pasture. As of now this is a non-buildable lot and would need to be rezoned to build a residence and meet flood plain regulations. There was no opposing testimony. The Public hearing was closed. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the Parker Acres Subdivision. Motion passed with 7-0 roll call vote. Finding of Fact attached.

At 8:15 p.m. a public hearing was opened regarding updating the A-1 Zoning Regulations on Single Family Dwellings. Administrator Klinginsmith stated that there has been several cases lately where people want to build homes in quarters where there are already 1 non farming residence or want to sell the house and keep the land but it is not allowed because there is already 1 non farming residence in the quarter. Administrator Klinginsmith is proposing changing our regulations to state two single family dwellings per quarter. It has become more popular recently as more people want to move out of the city to the country. This would also prevent a quarter from being subdivided into several 20 acre lots. After much discussion the board would like more time to research this. Dave Sack made a motion to table the discussion on changes to single family dwellings in A-1 and Ron Kulwicki seconded the motion. Motion passed with 7-0 roll call vote. Finding of Fact attached.

At 8:30 p.m. a Public Hearing was opened to update the wording for the legal description of the Leanin' Tree Ranch Subdivision. Administrator Klinginsmith stated that the surveyor Paul Grabowski has sent an affidavit to correct the legal description so there will be not discussion, as it have been resolved. The Public Hearing was closed with no action taken.



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Shayne Bader was present to discuss a composting site for commercial biodegradable waste. He would like to have a composting sites to compost the commercial biodegradable waste that comes from JBS Swift. Currently the Paunch and LYCO product is going to the landfill in David City. NDEQ will allow him to compost 100 cubic feet at a time, which would be enough to do about 100 acres. Mr. Bader would like to compost the Paunch without the LYCO. Bader gave to board definitions of each product coming out of JBS Swift. He also asked the board about an extension to his Conditional Use Permit. The composting site will be discussed further at our May 17, 2017 meeting. Administrator Klinginsmith felt an extension could be made until May 18<sup>th</sup> and the board agreed. At that time we will discuss this further. Definitions attached.

Next on the agenda, two complaints that have been filed by Bernard Danczyk against Fred Meyer were discussed. The first complaint, Bernard was complaining of the manure smell that Fred was spreading. Administrator Klinginsmith visited the site and informed the board that the land where manure is applied is on the Nutrient Management Plan for Meyer Cattle LLC. Also the land is zoned I-1 and the manure is applied approximately 350' away from the residence. 300' is the required distance for county regulation. DEQ is in charge of enforcing any violations. The Howard County Commissioners herd the complaint and agreed that he is in compliance and there will be no further action. The second complaint was regarding noise from a grain bin fan of Fred Meyer's. The Howard County Commissioners herd the complaint and also agreed with Administrator Klinginsmith's statement that it is a general farming operation and it is not any louder than any other farm equipment. No action was taken.

St. Libory zoning was discussed. Administrator Klinginsmith discussed with the board what steps need to be taken for St. Libory to become a Village. Ron Dvorak is interested in Subdividing 16 acres and would like to have lots smaller than 3 acres. This is only possible if St. Libory has public water and sewer. If they were to become a village they could qualify for government assistance. Administrator Klinginsmith will discuss this with the commissioners.

Bob Smith with Chamness asked the board if he could ask a few questions. He previously had the contract with JBS Swift to haul their Commercial Biodegradable Waste. He was concerned with whether or not Shayne Bader will have the proper permits from DEQ. Jodi Kaslon was also present and stated that he was a doing this in Sherman County and DEQ shut him down because they found traces of the Paunch in the Grit. He stated that DEQ does not give permits to compost paunch. Bob asked Administrator Klinginsmith if Bader has a permit to compost paunch. Administrator Klinginsmith stated that at this time, no he does not but it will be discussed at the May meeting.

At 9:00 p.m. Jeff Christensen made a motion to adjourn the meeting and Jack Reimers seconded the motion. The Motion was passed with unanimous voice vote. The next meeting is tentative scheduled for May 17, 2017.

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Nancy Usasz, Secretary