

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING June 21, 2017

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

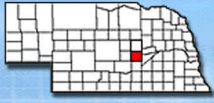
Roll call showed five members present Jack Reimers, Daryl Anderson, Terry Spilinek, Jeff Christensen and Kenneth Kozisek. Dave Sack, Chris Kosmicki and Ron Kulwicki were absent. Randy Kauk arrived at 8:25 p.m. Also present were Cherri Klinginsmith Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Shayne Bader, Tom & Pat Knutson, Chris Riha with Viaero Wireless, Kenley Reimers, Leonard Reimers and Dave Boehle Howard County Commissioner.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the May 17, 2017 meeting. The motion carried on unanimous voice vote.

Old business was discussed. The only complaint the Zoning office has received in regards to the Conditional Use Permits for Commercial Biodegradable Waste was some spillage on the corner of Eagle Road and Highway 92. It was reported by the Howard County Roads Department. Administrator Klinginsmith called Shayne Bader and informed him of the spillage and he was willing to clean it up immediately but the road department had already taken care of it. Klinginsmith informed Bader to not fill the trucks as full to prevent the spillage, he will not be shut down as this is just a warning.

At 8:05 p.m. a final public hearing was opened for a Multi Lot Subdivision application by Pat and Tom Knutson in the NW $\frac{1}{4}$ of Section 25 Township 14 Range 10. This will be a 4 lot subdivision. Administrator Klinginsmith read the notice of hearing. Current access routes are on 9th avenue and Old Hwy 281. Administrator Klinginsmith stated that the State is requiring Knutson's to pave the right of way off of Old Hwy 281 to meet the state requirements of Multi-Lot Subdivisions. Administrator Klinginsmith emailed Frank Stepanek with the State of Nebraska Department of Roads asking if they would provide snow removal since this is state property and the county does not clear snow from state property. They responded and stated it is the NDOR policy that the state will only plow snow on a designated highway. The old highway right-of-way is not part of the snow route. This takes away plows from where they are needed. Administrator Klinginsmith then emailed them back requesting a letter of approval for Knutson to maintain the old Hwy 281 to the drive himself. She has not heard back from them yet. Tom Knutson stated that he will do whatever the state requires to make this subdivision work even if that means paving the right-of-way. He met with the state officials at the site last week and they are coming up with an agreement to appease everyone. Knutson stated that there seems to be some gray area in this matter since the state still owns the road but it is no longer the main highway. There was no opposing testimony. The Public Hearing was closed. Jack Reimers asked about utilities and Knutson stated that Lee from Howard Greeley RPPD came out to the site and they will reroute power in from Old Highway 281. A motion was made by Daryl Anderson and seconded by Ken Kozisek to approve the Straw Boss Addition Multi Lot Subdivision. Motion carried 5-0 roll call vote. Finding of fact attached.

At 8:15 p.m. a public hearing was opened regarding a conditional use permit for a Viaero Wireless tower on .59 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ 20-13-12. Administrator Klinginsmith read to notice of meeting. The hearing was postponed while we waited for a quorum.



Howard Planning and Zoning Minutes



At 8:20 a public hearing was opened regarding a condition use Permit to apply Commercial Biodegradable Waste to farm land by Russel Svitak. Administrator Klinginsmith read the notice of meeting. Shayne Bader was in attendance to represent this request. Bader stated that he plans to follow the same procedures as the previous permits discussed at the May 17, 2017 meeting. The public hearing was closed. The board stated that Bader needs to use paved roads as much as possible and that was added as a condition on the permit. A motion was made by Jeff Christensen and seconded by Kenneth Kozisek to approve the conditional use permit for commercial biodegradable waste by Russel Svitak located at SE ¼ 28-13-10, 160 acres. Trucks must use paved highways as much as possible, use 3rd avenue from Highway 281 to Inman then south to site. Motion carried 6-0 roll call vote. Finding of fact attached.

At 8:30 the public hearing was re-opened regarding a conditional use permit for a Viaero Wireless tower on .59 acres in the W ½ SE ¼ 20-13-12 owned by Leonard & Mary Reimers. Chris Riha representing Viaero Wireless was in attendance to represent this request. Viaero Wireless is requesting to build a 120 foot lattice telecommunications tower. They have negotiated a contract with Leonard and Mary Reimers for a permanent easement on this property. There was no opposing testimony. Administrator Klinginsmith stated that the FAA has approved this and all the proper permits have been obtained. The Public hearing was closed. Daryl Anderson asked about how a storm would affect this tower. Chris Riha stated that the lattice tower is stacked on 20 foot sections and in the case of a F4 or F5 storm the top section would break off. In the event of an F2 or F3 storm the tower would twist much like a center pivot. A motion was made by Jeff Christensen and seconded by Randy Kauk to approve the Viaero Wireless tower conditional use permit. Motion carried 5-0 roll call vote. Jack Reimers Abstained. Finding of fact attached.

The next discussion was on the possibility of Applications to apply Commercial Biodegradable Waste from JBS Swift to be done administratively. The board reviewed a sample application and made suggestions on what they would like to be edited. After much discussion Administrator Klinginsmith will design an application to fit all the regulations needed and it will be reviewed with a public hearing to adopt this regulation at the next meeting.

The next discussion was on two residences in the A-1 Zoning district. Much discussion was had on farming versus non farming residences. Administrator Klinginsmith stated that right now many people can prove that they have farm income on 20 acre lots but in the future if a house is sold the new owner may not have any desire to have a farm. It has been suggested to change the regulations to state two (2) residences per quarter weather they are farming or not. The A-1 Zoning district was created to control density and preserve farm land. After much discussion it was decided that Administrator Klinginsmith will review the comprehensive plan to see if this regulation change will agree with our future growth.

A motion was made by Daryl Anderson and seconded by Jeff Christensen to adjourn the meeting. The next meeting is tentatively scheduled for July 19, 2017 at 8:00 p.m.

Nancy Usasz, Secretary