



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING May 16, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th day of May, 2018 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: Daryl Anderson, Jeff Christensen, Jack Reimers, Chris Kosmicki, Ken Kozisek, Ron Kulwicki and Terry Spilinek. Those absent were: Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Heath Hadenfeldt, Shari Hadenfeldt, Arlene Hadenfeldt, Dick Hadenfeldt, Ruby Harders, Marvin Welty, Bob Harders, Bill Hadenfeldt, Dick Busboom, Kenny Kohlhof, Spencer Elenstine, Will Taukiuven, Jordan Harders, Eric Pollock, Steve Clark, Leo Goodwin, Kris Schmidt, LaVern Wulf and Tony Papst.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Ron Kulwicki to approve the minutes of the April 18, 2018 meeting. The motion carried on unanimous voice vote.

Old Business was discussed: Administrator Klinginsmith stated that she received a complaint against Mark Oakley and a feed lot. After review Cherri discovered Mark was feeding cow calf pairs. Klinginsmith stated that she sent them a letter back explaining that Mark is following the regulations and they can file a formal complaint and visit with the Howard County Commissioners about their concerns.

At 8:05 PM a public hearing was opened for a Conditional Use Permit application by Kenny Kohlhof. The notice was read by Administrator Klinginsmith. Kenny was in attendance to represent this request. He stated that DEQ is requiring him to have a lagoon by September 15, 2018 for his feedlot located just across the county line in Hall County. He would like to pipe the water under the county road to the SW $\frac{1}{4}$ of Section 34, Township 13, Range 11. The lagoon would be located in the North West Pivot Corner. Chairman Terry Spilinek asked for testimony in favor. Dick Hadenfeldt stated that he does not see a problem with having a lagoon in this location. Chairman Spilinek asked for testimony in opposition. Shari Hadenfeldt stated that she is not in favor of this lagoon due to smell and flies. She also stated that according to DEQ records Mr. Kohlhof has been out of compliance with DEQ on multiple occasions. In 2015 he had too many cattle and in 2017 he has issues with run off. She also stated that she does not feel like Howard County needs to take on Hall County problems. Eric Pollock stated that he lives about $\frac{1}{2}$ mile North of the lagoon location and he is very worried with the set back from his house and water contamination. Ruby Hadenfeldt stated that she feels that the lagoon should be in Hall County with the feed lot and she is also concerned with run off. Leo Goodwin stated that this feedlot is located right out his back door and he is concerned with water contamination and who is responsible if the water does get contaminated. Kenny Kohlhof was given time for a short rebuttal. He stated that DEQ regulations have changed in the last two years and they are stricter. They are requiring him to build a lagoon and it will be engineered by them. He feels that more water is contaminated due to commercial fertilizers than livestock waste. He is trying to keep in compliance with DEQ and not break any laws while bringing revenue to the area. The public hearing was closed and discussion was had by the board. After much discussion Ken Kozisek made a motion to table the Conditional Use Permit request for a lagoon on Ken Kohlof's property in the SW $\frac{1}{4}$ of Section 34, Township 13, Range 11 for up to 120 days or until he can get signed waivers from all neighbors who live within the odor footprint. This is a secondary lagoon for feedlot runoff. Jack Reimers



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Seconded the motion. . The motion carried 7-0 roll call vote. Administrator Klinginsmith will send out Nuisance Easement waivers to Kenny Kohlhof. Klingsmith will also meet with the Howard County Commissioners to find out what size of odor footprint is needed. Finding of Fact was completed and is attached.

The next public hearing was opened for Diamond Ridge Multi-Lot Subdivision in the SW ¼ Section 21, Township 15, Range 10. This is a final public hearing that was tabled at the April 18' 2018 meeting due to errors in the covenants and the survey. Administrator Klinginsmith read the notice of meeting. The corrections to the survey have been completed. Klinginsmith stated that we have not received corrected covenants yet but our regulations do not require them to approve the Subdivision, however they will need to complete before the Subdivision can be filed. Jeff Christensen made a motion to approve the Diamond Ridge Subdivision in the SW ¼ Section 21, Township 15, Range 10 and Jack Reimers seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

The public hearing regarding a subdivision application by LaVern Wulf in the SE ¼ of Section 17, Township 15, Range 9. Administrator Klinginsmith read the notice of meeting. This subdivision will be named Lakehouse Subdivision and consist of 3.097 +/- acres. LaVern Wulf was in attendance to represent the request. He stated that he is subdividing the old building site and plans to sell as a residential lot. There was no testimony in favor or in opposition. The public hearing was closed. Administrator Klinginsmith stated it follows the regulations. Utilities will need to be brought in but it is not a problem. Kenneth Kozisek made a motion to approve the Lakehouse subdivision in the SE ¼ and part of government lots 1 and 2 in SE ¼ of Section 17, Township 15, Range 9. Ron Kulwicki seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

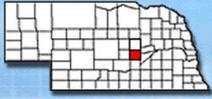
The next public hearing was opened regarding a Condition Use Permit to allow a travel trailer on Milton Nesiba's property in the Village of Farwell at the corner of Oakley Street and Nesbitt Avenue Administrator Klinginsmith read the notice of meeting. Administrator Klinginsmith stated that Milton would like to place a travel trailer on his lot in Farwell and connect to village utilities. This request was discussed at the Village board Meeting on May 1, 2018 and passed. They would like to review this permit every two years and hope that Nesiba's will build a home at some point. Chairman Spilinek asked for testimony in favor or opposition. Tony Papst stated that he is not in opposition. He just wanted to know what was going on. The public hearing was closed. Discussion was had by the board. Jeff Christensen made a motion to approve the condition use permit for Milton Nesiba to park a travel trailer on his property in Farwell. The Permit will be reviewed every two years. Chris Kosmicki seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

Green Acres Single Lot Subdivision was approved at the February 21, 2018 meeting but the Mylar was not available to sign at that time. The board reviewed the application and signed the Mylar.

Discussion was had on Rod Diehl's property in the NE ¼ Section 33, Township 13, Range 12. His son would like to build a home on the property. Currently there is already 2 houses in the quarter. After much discussion the board stated that if he can show \$1000 of farm income on his taxes, and his son can prove he helps with the family farm a home could be built as an accessory to the farming operation.

Discussion was had regarding a possible feedlot in Section 2, Township 16, Range 9. As Cherri was doing site visits she noticed a large number of cattle in a pen on the Bader site. She is doing more research to verify they are just holding cows until they can go to pasture and she has been in contact with DEQ.

Administrator Klingsmith asked the board how she should handle a situation when a subdivision is split between two quarters. The board stated that in this case a decision will need to be made on which quarter it will be assigned to.



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A motion was made by Ron Kulwicki and seconded by Jack Reimers to adjourn the meeting. Motion passed with unanimous voice vote. The next meeting is tentatively scheduled for June 20, 2018 at 8:00 PM

Nancy Usasz, Secretary