



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING August 15, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of August, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul NE.

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, Ron Kulwicki, Chris Kosmicki, Randy Kauk and Terry Spilinek. Dave Sack was absent. Ken Kozisek arrived at 8:10 p.m. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Chris Riha, Fern Place, Kenny Kohlhof, Mike Kezor, Jesse Rudolf, Marlene Rowley, Mike Rowley, Heath Hadenfeldt, Bill Hadenfeldt, Rebecca Puncuchar, Linda Virene, Jan Thede, Judy Jacobs, Jamie Blodgett, Barbara Wroblewski, Scott Reynolds, Doug Pedersen, Carl Christensen, Rod Placke, Kim Placke, Rance Lierman, Kathy Crum and Janita Stegner.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Randy Kauk to approve the minutes of the June 20, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith informed the board that the file regarding Dusty Dugan's Feedlot and Turek's residence has been sent to County Attorney, Dave Schroeder. Klinginsmith also stated that the file regarding Dan Burman's property on 12th Ave has also been sent to County Attorney, Dave Schroeder. His renter has trash all over destroying the neighbor's fence.

At 8:05 PM a public hearing was opened for a Condition Use Permit to allow a Viaero Wireless tower to be placed on lot 1 Mathis Second Subdivision in the N ½ of Section 21-13-9. Administrator Klinginsmith read the notice of public hearing. Chris Riha representative for Viaero Wireless was in attendance to represent the request. Chris prepared a short Power Point presentation for the board explaining the request. He stated that they plan to place a 100 foot Monopole equipped with antennas and microwave dishes. The FAA has approved the tower and they do not require it to be lighted or marked.

At 8:15 p.m. Final Public Hearing was opened for BMW Estates Multi Lot Subdivision located in the N ½ of the NW ¼ Section 15 Township 14 Range 10.

Discussion continued on the Viaero Wireless Tower. Chairman Spilinek asked for testimony in favor or in opposition. Administrator Klinginsmith stated that we received a fax from Nita Wright stating that she is not in favor of the tower, and a phone call from Pat Schafer also stating that she is not in favor of the tower. There was no other opposing testimony. The public hearing was closed and discussion was had by the board. Chris Kosmicki made a motion to approve the Conditional Use Permit for a Viaero Wireless Tower in Lot 1 Mathis Second Subdivision in Section 21, Township 13 Range 9. Ron Kulwicki Seconded the motion. Motion Carried 8-0 Roll Call Vote. Finding of Fact was completed and it attached.

The notice was read for the Final Public Hearing for BMW Estates Multi Lot Subdivision by Administrator Klinginsmith. Linda Virene, Power of Attorney for Betty Mae Wagner Estate and Attorney Barb Wroblewski were in attendance to represent this request. Barb stated that with the death of Betty Mae some information that the board asked for at the



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last meeting was missed. They have worked with the surveyor, Jamie Blodgett of N-Line Surveying and Scott Reynolds of Reynolds Construction to create new plat showing the draining easements and building locations. Barb also stated that she met with neighboring land owners to address their concerns. Chairman Spilinek asked for testimony in favor or opposition. There was none. The Public Hearing was closed and discussion was had by the board. Ken Kozisek asked who will be responsible for maintain the draining system. Barb stated that they will create a Home Owners Association to maintain the drainage and the road. Jack Reimers asked if they have met with a plumber regarding leach fields and percolation tests. Barb stated that they have not but it should not be an issue since the wells and septic systems will be at least 200 feet apart. They will just need to make sure the first one is done correctly so the rest will be fine. Randy Kauk asked if it is possible to put the setback requirement in the covenants. Barb agreed that they would add setbacks to the covenants. Daryl Anderson made a motion to approve the BMW Estates Multi-Lot Subdivision in the N ½ of Section 15 Township 14 Range 10. Jack Reimers seconded the motion. Motion Carried 8-0 Roll Call Vote. Finding of Fact was completed and is attached.

Next on the agenda was a tabled public hearing from the May 16, 2018 meeting regarding a Conditional Use Permit for a Lagoon in the SE pivot corner of SW ¼ of Section 34 Township 13 Range 11. This public hearing was tabled for 120 days. Ken Kohlhof was in attendance to represent the request. Ken stated that he has one nuisance easement waiver signed by David and Barbara Rasmussen and he is working on getting the other one. He asked the board for an extension so he can work to get signatures before the September 19, 2018 meeting. After much discussion the board agreed they would give Ken a onetime 45 day extension. If he is not able to obtain the proper signatures in this time the permit will be denied and he will need to reapply. Randy Kauk made a motion to table the conditional use permit application by Ken Kohlhof for a holding pond for his Hall County Feedlot, Ken will be allowed 45 days beginning on the anniversary of the original application, September 8, 2018. This 45 day extension will expire on October 23, 2018. Ken Kozisek seconded the motion. Motion carried 8-0 roll call vote. Finding of Fact was completed and is attached.

Discussion was had regarding a request for a subdivision in the NE ¼ Section 36 Township 13 Range 10. Currently there is one subdivision in South half of the quarter which was done illegally in 1992, when minimum lot sizes were 10 acres. After reviewing the request the board stated that the illegal subdivision of 1.88 acres is currently a farming residence since the land owner owns the south half of the quarter and he currently farms the land, therefore a subdivision in the north half of the quarter would be allowed and it would be the first non-farm residence in the quarter. The board asked that they complete the Nuisance Easement waiver since this subdivision will be within the Odor Footprint for Mamot's feed lot.

The final discussion was regarding a third residence in the E ½ of SW ¼ Section 35 Township 14 Range 10. Administrator Klinginsmith told that board that situations like this are complicated since there are already 2 residences in the quarter with more than 20 acres. The board agreed that a new residence would be allowed with either a single lot subdivision with 3+ acres or a farming residence since there is 116 acres.

Jeff Christensen made a motion to adjourn the meeting and Jack Reimers seconded the motion. Motion Carried unanimous voice vote. The next meeting is tentatively scheduled for September 19, 2018 at 8:00 PM

Nancy Usasz, Secretary