

# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING September 19, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19<sup>th</sup> day of September, 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 6 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Chris Kosmicki, Ken Kozisek and Terry Spilinek. Dave Sack, Randy Kauk and Ron Kulwicki were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Tim & Cindy Aitken, Mike Nelson, Barbara Wroblewski, Kathy Crum, Janita Stegner, Tim & Carla Gruber, Delores Edwards and Fred & Kathy Koziol.

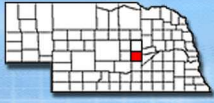
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes of the August 15, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith informed the board that she has issued another Administrative CBW Permit 2018-8. Klinginsmith also stated that she spoke with Kenny Kohlhof and at this time he does not plan to pursue a permit to put a lagoon in Howard County. As of now he plans to keep everything in Hall County.

At 8:05 p.m. a public hearing was opened regarding an application for a Conditional Use Permit (CUP) Commercial Feeding Nuisance Easement Waiver from Mamot Feedlot for a residence in the N ½ of the NE ¼ Section 36 Township 13 Range 10. Administrator Klinginsmith read to the notice of public hearing. Janita Stegner was in attendance to represent this request. Administrator Klinginsmith stated that Janita is the executor of her mother's estate and she has inherited the residence and they are working on a single lot subdivision. Due to the residence being in Mamot's odor footprint a CUP Nuisance Easement is being done. There was no testimony in favor or in opposition. The public hearing was closed. Discussion was had by the board. After a short discussion Jeff Christensen made a motion to approve the application for a CUP Commercial Feeding Nuisance Easement for Janita Stegner. Ken Kozisek seconded the motion. Motion Carried 6-0 roll call vote. Finding of Fact was completed and is attached.

Next a discussion was had regarding building a home on a 53 acre tract of land in the A-3 district in Government lot 6, in the NW ¼ of Section 15 Township 14 Range 10. Barb Wroblewski was in attendance to discuss this with the board. She stated that this land is part of the Betty Mae Wegner Estate and they have an interested buyer but they want to build a house. After much discussion the board stated that the regulations state that to have a residence in A-3 you must own 80 acres therefor they recommend applying for a variance if they would like to pursue this request.

At 8:25 p.m. a public hearing was opened regarding a single lot subdivision application by Fredrick Koziol named Prairie Winds Subdivision. This subdivision will consist of 3.01 +/- acres in the SW ¼ of SE ¼ Section 3 Township 15 Range 10. Administrator Klinginsmith read the notice of public hearing. Fred Koziol was in attendance to represent the request. Fred stated that he met with Rich McKinney to get approval for a driveway off Highway 281. Currently there is access to the property and he did not see an issue. He will send a letter of approval to Cherri. Chairman Spilinek asked for testimony in favor and opposition. Tim Gruber stated that they have a clause in the purchase agreement and the deed



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that states Koziol cannot have any residential improvements to the property and he feels that this includes the driveway. Spilinek stated that they are only approving the subdivision and they do not handle legal disputes. With no other testimony the public hearing was closed. Discussion was had by the board. Jeff Christensen made a motion to approve the Prairie Winds Subdivision in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  Section 3 Township 15 Range 10. Chris Kosmicki seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and is attached.

The next discussion was regarding a cell tower that is being built with a height of 25 feet. Currently there is not a CUP for this tower. Mike Nelson was in attendance to discuss this with the board. Mike Nelson stated that Prairie Hills Internet Company is constructing an internet tower on his Dad's ground. They did not realize a permit was needed. After much discussion the board advised that he apply for a CUP for this tower, as no person shall develop or construct a wireless communication tower without approval from the Zoning Board and the Howard County Commissioners. See Supplemental Regulations Section 11.

Discussion was had on River Ridge Multi Lot Subdivision. Tim Aitken was in attendance to discuss this with the board. Tim stated that he has an interested buyer for either lot 1 or lot 3. If they purchase lot 3 they would like to change the lot lines to better flow with the land. The board agreed that if they are only changing lot lines this could be done administratively. If the buyer is to purchase lot 1 they would like to subdivide it further. The board agreed that this would require a new subdivision.

Administrator Klinginsmith reviewed the renewal of Commercial Biodegradable Waste Permits (CBW) with the board. She stated that Shayne Bader would like to renew Permit 2018-1 due to not getting it completed. He has spread half the product and would like to renew the permit to finish. After much discussion, Klinginsmith will verify with Shayne that he only spread half of the field not half rate over the entire field. If he only spread half the field the board recommend, an extension on the current permit but if he spread half rate over the entire field the board agreed that he would need to wait a few years until soils test show more product is needed. Administrator Klinginsmith will take this recommendation to the Howard County Commissioners for their review.

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 October 17, 2018 at 8:00 PM

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Nancy Usasz, Secretary