



# Howard Planning and Zoning Minutes



## MINUTES

### HOWARD COUNTY PLANNING & ZONING

October 17, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17<sup>th</sup> day of October, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:15 p.m. due to the Variance Board of Adjustment Meeting running long. 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. Dave Sack and Randy Kauk were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Sara Urwiller, Dale Rubesh and Aaron Rubesh

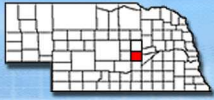
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes of the September 19, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith reminded the board that the November meeting will be moved up one week to November 14, 2018 at 7:00 p.m. due to the Thanksgiving Holiday.

At 8:20 p.m. a public hearing was opened to vacated Rubesh Administrative Subdivision consisting of 13.76 +/- acres and is located in the SE ¼ Section 15, Township 14, Range 10. Administrator Klinginsmith stated that this is her request to fix an error from when the Rubesh Corrective Administrative Subdivision consisting of 5.44 +/- acres was created. Klinginsmith stated that the 8 +/- acres remaining will be combined with the land surrounding to the North Parcel #470861151. There was no testimony in favor or opposition. The public hearing was closed. After a short discussion Ken Kozisek made a motion to approve the vacating of the Rubesh Administrative Subdivision in the SE ¼ Section 15, Township 14, Range 10. Chris Kosmicki seconded the motion. Motion carried 7-0 Roll Call Vote. Finding of Fact was completed and is attached.

At 8:30 p.m. a public hearing was opened for a Condition Use Permit (CUP) Application for the installation of a Prairie Hills Wireless Internet Tower by Kent and Sara Urwiller, tower owners and James C. Nelson & Marilyn Nelson, Mike Nelson, POA, landowners. This CUP will be for the SW ¼ of SW ¼ of Section 20, Township 13, Range 11. Sara Urwiller was in attendance to represent this request. She stated that they are hoping to provide Internet Service to the area with a 30 foot monopole surrounded by a barbwire fence. There was no testimony in favor or opposition. The Public hearing was closed. Discussion was had by the board. Administrator Klinginsmith stated that they have met all the regulations. After a short discussion Ken Kozisek made a motion to approve the Condition Use Permit Application for the installation of a Prairie Hills Wireless Internet Tower located in the SW ¼ of SW ¼ of Section 20, Township 13, Range 11. Chris Kosmicki seconded the motion. Motion carried 7-0 roll call vote. Finding of Fact was completed and is attached.

The next item on the agenda was a discussion on Solar Energy Systems in the Howard County Zoning Regulations. Administrator Klinginsmith stated that she went to a Zoning meeting regarding Solar Energy. She asked the board if they felt that we should have regulations regarding this. Klinginsmith stated that state law requires anyone who has solar panels to follow the regulations of their local power company. After much discussion the board stated that having



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regulations on free standing solar panels that would be on a net metering system would be a good idea before it becomes a problem. Administrator Klinginsmith will work on putting together regulations regarding Solar Energy Systems.

Jack Reimers made a motion to adjourn the meeting and Jeff Christensen Seconded the motion. Motion carried 7-0 voice vote. The next meeting is tentatively scheduled for November 14, 2018 at 7:00 p.m.

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Nancy Usasz, Secretary



# Howard Planning and Zoning Minutes



**MINUTES  
HOWARD COUNTY  
VARIANCE BOARD OF ADJUSTMENTS  
October 17, 2018**

A meeting of the Howard County Variance Board of Adjustments was convened in open and public session on the 18<sup>th</sup> day of October 2018 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Vice Chairman Fred Meyer called the meeting to order at 7:30 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office.

Roll call showed 5 members present: Terry Spilinek, Fred Meyer, Gary Craig and Janet Thomsen, Chad Donscheski, alternate. Mike Nelson was absent. Also present was Cherri Klingensmith, Howard County Zoning Administrator and Nancy Usasz, Secretary. Members of the Public present include: Barb Wroblewski, Julie Gawrych, Aaron Rubesh and Dale Rubesh.

At 7:35 p.m. a public hearing was opened to allow a residential home to be placed in A-3 (Agricultural Conservation District) zoned land with less than 80 acres in the SE ¼ of NW ¼ Section 15, Township 14, Range 10W( Parcel # 47086157). Barb Wroblewski Attorney representing Linda Virene, personal representative of Bettie Mae Wegner Estate was in attendance to represent this request. Wroblewski stated that her client has applied for a Variance because they have an interested buyer in the property and they would like to build one house on it. Wroblewski stated that she feels that it will not adversely affect the area since the lot is large. She also stated that they are working on an agreement with a potential buyer of Government Lot 7 to the North and there will be an agreement filed with the deed stating that no further development will take place. Fred asked for testimony in favor and Opposition. Aaron Rubesh stated that he is opposed to developing this river front property. The A-3 regulations were designed to keep land owners from developing in the flood plain and if this is approved eventually every lot in Howard County along the river will be developed. He has seen this area flood many times due to ice jams and the elevation is low and he does not feel it would be wise to build a home on this parcel. With no further testimony the public hearing was closed. Discussion was had by the board. Terry Spilinek stated as a member of both the Variance Board and The Zoning Board he had the understanding that after BMW Estates Multi Lot Subdivision there would be no further development in this area. After much discussion by the board Terry Spilinek made a motion to approve the variance to build a home on a tract of land in the A-3 Zone with less than 80 acres. Fred Meyer seconded the motion. Motion denied with 3-2 Roll Call Vote. Gary Craig, Chad Donscheski and Fred Meyer voting Aye. Terry Spilinek and Janet Thomsen Voting Nay. Finding of Fact was completed and is attached.

A motion to Adjourn was made by Fred Meyer and seconded by Janet Thomsen.

Nancy Usasz, Secretary