



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING September 18, 2019

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of September, 2019 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, Jack Reimers, Terry Spilinek, Ken Kozisek, Chris Kosmicki and Jeff Christensen. Ron Kulwicki, Randy Kauk and Dave Sack were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Niki Bader, Shayne Bader, Trev Sharman, Darlene & Ken Kunze, Kathy Hirschman, Jessie & Heather Urbanski, Ryan Hall, Paul Swanson, Chris Bragg, Bert McIntosh, Angie & Brad Cornelius, Larry Burhman, Mike Robinson, Craig Dixon, Bill Dixon and Elizabeth Dixon.

The agenda and minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Ken Kozisek to approve the minutes of August 21, 2019 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith stated that she has given each board member a copy of the updated fee sheet. She also informed the board that she did a site visit to Kevin Lukasiewicz's feedlot. He is still in the process of building but progress is being made. Kevin does not currently have cattle in the lots but Department of Environmental Energy, (DEE) was out to do an inspection and he has enough work done that he could bring some cattle in at any time.

At 8:05 pm a public hearing was opened for the final public hearing to adopt Solar Energy Regulations. The notice of meeting was read. Administrator Klinginsmith explained that she made the requested updates to the regulations and a copy was sent for their review prior to the meeting. She stated that basically we will not require a zoning permit for any free standing solar system with less than 25 KW. We will require a zoning permit for solar systems on structures if the outside profile of the structure is altered to add the panels. All systems will need to meet setbacks.

A Conditional Use Permit will be required for Solar Energy Systems located within a Multi-lot subdivisions or any system that will be over 25 KW which is Free Standing or attached to a structure.

A zoning permit will be required if located within the villages. Chairman Spilinek asked for testimony in favor or opposition. Bert McIntosh stated that he is in favor of Solar Energy but has a concern about Fire Codes. Klinginsmith stated that the Power District requires anyone installing solar to fill out an application. They also must follow the State of Nebraska Building codes. With no further testimony the public hearing was closed. Brief discussion was had by the board. Jeff Christensen made a motion to approve the Solar Energy Regulations as they are presented. Ken Kozisek seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and a copy is attached.

At 8:15 PM a public hearing was opened for a Conditional Use Permit renewal application by Kirk and Christine Bader to apply Commercial Biodegradable Material to 70 acres in the SE ¼ Section 29 Township 16 Range 9W in Howard County. Administrator Klinginsmith read the notice of meeting. Shayne Bader was in attendance to represent this request. He stated that he applied for the permit and did not get this land finished before it expired, therefore he would like to renew it. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and discussion was had by the board. After much discussion Chris Kosmicki made a motion to approve the Conditional



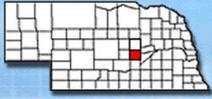
Howard Planning and Zoning Minutes



Use Permit for Kirk & Christine Bader to apply Commercial Biodegradable Material to 70 acres in the SE ¼ Section 29 Township 16 Range 9W in Howard County with the condition that 1000 pounds of lime must be added to each load. This permit will expire on September 18, 2020. Jeff Christensen seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and a copy is attached.

At 8:25 pm a public hearing was opened for a Conditional Use Permit renewal application by Gary & Connie Bader to apply Commercial Biodegradable Material to 300 acres in the S ½ of Section 31, Township 15N, Range 9W and 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W in the Howard County, Nebraska. The notice was read by Klinginsmith. Shayne Bader also represented this request. Shayne Stated that this summer with all the rain this was the only location they could get to. They had stockpiled 60 loads at JBS Swift and they had to go somewhere with the product. He also could not get into the coal plant to get lime due to road conditions after all the summer rain. Chairman Spilinek asked for testimony in favor. There was none. Darlene & Ken Kunze, Jessie & Heather Urbanski, Ryan Hall, Paul Swanson and Chris Bragg were in attendance to share opposing testimony. Ryan Hall stated that they have been putting up with the smell for a year now. When he has had problems or concerns he has always called Gary and they fixed them immediately. Lately issues have not been corrected and he is tired of it. His wife is not able to hang laundry out to dry and his cows are covered in flies. They have already hauled around 100 loads of the product and he feels that enough is enough. Ryan stated he thinks the pasture the product has been applied to looks great and is helpful and was considering putting it on own pasture, but last month something changed, and wonders if they hauled a load that should have went to the landfill. Jessie Urbanski stated that the road is constantly being torn up and product is always on the road and getting on vehicles. The others shared concern of odor, damage to the road and increased presence of Coyotes and Vultures. Shayne stated that the lime really controls the odor and he thinks the problems are due to the absence of lime. Jessie Urbanski asked the board to consider denying the renewal of the 300 acres in the S ½ of Section 31, Township 15N, Range 9W and approving the 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W. This would give Shayne a place to go if rain prevents hauling to other locations. With no further testimony the public hearing was closed and discussion was had by the board. After much discussion Daryl Anderson made a motion to approve the Conditional Use Permit allowing Gary and Conning Bader to apply Commercial Biodegradable Material to ~~and~~ 160 acres in the SE ¼ of Section 32, Township 15N, Range 9W in the Howard County, Nebraska with the condition that each load will contain 1000 pounds of lime. The 300 acres in the S ½ of Section 31, Township 15N, Range 9W will be denied. Jeff Christensen seconded the motion. Motion carried 6-0 roll call vote. . Finding of Fact was completed and a copy is attached.

At 8:25 PM a public hearing was opened for a Conditional Use Permit application by William (Bill) Dixson to stockpile and apply waste from the Central Nebraska Truck Wash in Grand Island on farm land located in Section 5 Township 13 Range 9W in Howard County. Administrator Klinginsmith read the notice of meeting. Craig Dixson owner of Central Nebraska Truck Wash was in attendance to represent the request along with Bill Dixon. Craig Dixon stated that this is a new truck wash and he has equipment to separate the solids from the liquid. The liquid would go to the City of Grand Island's sewer and the solids would be loaded into a truck and hopefully applied to farm land. He stated that they chose this location because it has highway access and county roads would not be damaged. Craig presented two samples the product as per the request at last month's meeting. The first came from a dairy in Yankton, South Dakota and the second came from a truck wash near Aurora. He entered the meeting with both samples displaying the product has little to, no odor. Chairman Spilinek asked for testimony in favor or opposition. Angie & Brad Cornelius, Larry Burhman and Mike Robinson all stated that they were against it. Angie Cornelius stated that it will blow right into her house and pool where her children play. Larry Burhman and Mike Robinson also stated that it will blow into their houses and would like him to test this near his feedlot. They all had concerns with odor after a rain and flies. With no further testimony the public



Howard Planning and Zoning Minutes



hearing was closed and discussion was had by the board. After much discussion Jeff Christensen made a motion to approve a Conditional Use Permit application for William Dixson to stockpile and apply waste from the Central Nebraska Truck Wash in Grand Island on farm land located in Section 5 Township 13 Range 9W in Howard County. Permit is Valid until May 1, 2020. Jack Reimers seconded the motion. Motion carried 6-0 roll call vote. Finding of Fact was completed and a copy is attached.

The final discussion was regarding complaints received by Zoning Office. Klinginsmith stated that she received one complaint last week and reviewed it and the zoning board has copies tonight, and the Howard County Commissioners have also received copies. The rest she received the day before and did not have time to review them yet. The board agreed that Klinginsmith handled the complaint correctly.

With no further discussion the meeting was adjourned. The next meeting is tentatively scheduled for October 16, 2019 at 8:00 PM.

Nancy Usasz, Secretary