

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING March 18, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of March, 2020 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.

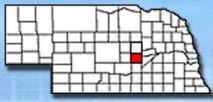
Roll call showed 6 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk, and Jeff Christensen. Those absent were: Dave Sack, Ron Kulwicki and Chris Kosmicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Judy Nesiba, Rose Kowalski, Cheri Kowalski, Jesse Hurt, Jaden Hurt, Niki & Shayne Bader, Ashley Ambrose, Brad Kool, Eric & Kimberly Hostetler. Public entered individually as their agenda item started due to the COVID-19 Virus.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Daryl Anderson and seconded by Jack Reimers to approve the minutes of the February 19, 2020 meeting. The motion carried on unanimous voice vote.

Old business: Administrator Klinginsmith congratulated the Zoning Board on receiving the 2020 NPZA Appointed Officials Award and informed them that she also received the 2020 NPZA Professional Officials Award at this year's annual conference.

Administrator Klinginsmith led the discussion on residences in a quarter section and our regulations to allow additional residences. Confirmation given that if purchasing land with over 20 acres, they are considered a farming residence and would be allowed to build. We will be discussing this issue again in the future.

At 8:05 P.M. The Public Hearing on a review of a previously approved Conditional Use Permit application by Milton Nesiba was opened. At 8:25 p.m. Judy Nesiba introduced herself and stated she is living in the travel trailer as her husband is still in Saudi Arabia, their intentions are to build on the farm, but at this point they are not sure of the timeframe of when they can move to the farm and build. She requested the CUP to be extended for another 5 years. They have bought the property from Milton Nesiba, so that is one change that has taken place. Rose & Cheri Kowalski spoke in approval of the request. There was no testimony in opposition. The public hearing was closed and discussion by the zoning board, included that the property which the trailer sits on could not be rented out and would be made void if the Nesiba's move. Randy Kauk made a motion to approve the renewal of 2018-1 CUP by Milton Nesiba lots 10 & 11 Block 1 Village of Farwell to park a camper trailer on the premises. Permit will be good for 5 years, and cannot be rented out as well as will be void if the present owners move off the property. Kenneth Kozisek 2nd the motion. Motion carried 6-0 roll call vote. A finding of fact was completed (copy attached).



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At 8:15 P.M. The Public Hearing on an update to the Howard County Zoning Regulations regarding a Decommissioning Plan was opened. At 8:35 P.M. Administrator Klinginsmith led the discussion with the decommissioning statement to be added to the Solar Energy Regulations. Rose Kowalski spoke in approval of the change in regulation. There was no testimony in opposition. The Public Hearing was closed. A motion was made by Jeff Christensen and seconded by Jack Reimers to approve amending the regulations with the following Solar Energy Decommissioning statement.

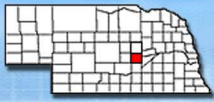
A decommissioning plan shall be required to ensure the facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available for fully decommissioning the site. Howard County reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

The Motion carried 6-0 roll call vote. A finding of fact was completed (copy attached).

At 8:40 P.M. Administrator Klinginsmith led a discussion on the Friends of Paplin, a 501c3 charitable group looking to restore the Paplin Church, Hall and parking area. Rose Kowalski, Cheri Kowalski, Jesse Hurt, and Jaden Hurt shared some insight as to what they are wanting to do. Currently the land is owned by the Grand Island Diocese and they would like to purchase the west half of approximately 8 acres so the fundraising they are doing will be their own and not shared with Grand Island. They are also asking for the County Commissioners to authorize the 1 acre piece owned by county to be quick claimed to them also. After much discussion, a motion was made by Jeff Christensen and seconded by Jack Reimers to allow the zoning administrator to approve the subdivision for the Friends of Paplin administratively and waive the fees. The Motion carried 6-0 with a roll call vote.

At 8:50 P.M. A discussion regarding a Conditional Use Permit, 2018-3 for a compost site in the E ½ of SE ¼ of Section 4-15-10 is soon to expire on June 1, 2020. Niki & Shayne Bader were present to answer any questions. They explained that JBS's contract with them expired last Friday, March 13th, however JBS is asking that they continue to haul waste out through July 1st or possibly September 1, 2020 until JBS can get started with the Grand Island Compost site. They are asking for an extension to continue to haul to this site weather permitting. They are also requesting to continue with the Administrative Commercial Biodegradable waste applications. After discussions, a motion was made by Jeff Christensen and seconded by Kenneth Kozisek to allow Conditional Use Permit 2018-3 A Compost site an extension thru December 31, 2020 with following all the guidelines currently in place. The Motion carried 6-0, with a roll call vote.

At 9:00 P.M. A discussion with Ashly Ambrose was held regarding her requesting to purchase an additional 11 acre parcel which borders her land. She is unable to vacate her B & G Subdivision and connect the two parcels due to the mortgage company will not allow her to refinance with the same rates as she has now. She has no plans of building on the new land. After discussion by the zoning board, a motion was made by Jeff Christensen



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and seconded by Jack Reimers to approve B & G Subdivision, Ashley Ambrose to add 11 acre subdivision to the existing subdivision. The added acres will be non-buildable for a residence on the 11 acres. The motion carried 6-0, with a roll call vote.

At 9:20 P.M. Administrator Klinginsmith led the discussion on Eric Hostetler requesting to subdivide in A-3. In the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 22-13-11, Eric has 13 acres with a seasonal cabin built in 2000, prior to our A-3 zone and floodplain regulations being adopted. He is wondering if he can sell the seasonal cabin in the SE $\frac{1}{4}$ along with the NE corner of Section 27-13-11 for a total of maybe 6 acres and be able to tell the new owners they can build a house there. After discussion it was confirmed that if he owns the subdivision with adjacent land of 80 acres a house could be built with meeting floodplain regulations. However, if he sells the 3-6 acres to a new owner, then it must remain a seasonal cabin. An option is available for a variance to be requested, but the zoning board did not give a recommendation that a variance would pass.

At 9:35 P.M. Administrator Klinginsmith informed the board that Ben Adams, located at N $\frac{1}{2}$ Lot 5 & 6, Block 10 Seehusen's Addition in Dannebrog wanted to build a garage on his property in Dannebrog but is not meeting the village setbacks. He was given a zoning permit application and took it to the Dannebrog village meeting of March 9, 2020. The village of Dannebrog made a motion to allow a variance on setbacks for the garage. Therefore I will be approving his zoning application if floodplain permit is approved by Terry Webb, Dannebrog Floodplain manager.

At 9:50 P.M. Administrator Klinginsmith reviewed the By-Laws of the Howard County Planning Commission, the following updates were reviewed.

Article III, Section 1. Last sentence. The Commission shall hold at least one regular meeting each month was changed to The Commission shall hold at least one regular meeting each calendar quarter. And

Article VI. Employees, changed to Staff

Section 1. The Commission may employ a Clerk to assist the secretary in the performance of his/her duties, changed to The Commission may employ a zoning administrator to assist the secretary in the performance of his/her duties. A Motion was made by Jeff Christensen and seconded by Jack Reimers to approve the By-Laws updates as presented. The Motion carried 6-0, with a roll call vote.

At 10:10 P.M. a motion was made by Jeff Christensen and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be tentatively scheduled for April 15, 2020.

Cherri Klinginsmith