

# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING AND ZONING July 15, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 15<sup>th</sup> day of July, 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:00 PM. Administrator Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 8 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk and Chris Kosmicki, Ron Kulwicki and Jeff Christensen. Dave Sack was absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Lesley Dugan, Alan Griebel, Dean Thede, Jay Petersen, Steve Glen, Annette Glen, Jackie Marks, Nathan Timmons, Chris Kreikemeier, Madeline Roth, Gregory Roach, Tamara Roth and Tanya Meyer.

The Agenda and Minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes of the June 17, 2020 meeting. Motion carried 8-0 voice vote.

There was no old business.

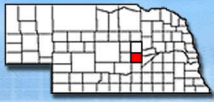
Administrator/Board Comments: Klinginsmith stated that she is working on updating the Flood Plain regulations and Setbacks for Landfills. This will be discussed at a future meeting.

At 8:05 PM a Public Hearing was opened for a single lot subdivision by Dustin and Leslie Dugan located in the SE  $\frac{1}{4}$  Section 21, Township 16, Range 10W. This subdivision will be named Dugan Acres. Lesley was in attendance to represent this request. She stated that this subdivision is strictly for finance purposes and they have no intention of selling either properties. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. After a short discussion Ken Kozisek made a motion to approve a single lot subdivision for Dustin and Lesley Dugan located in the SE  $\frac{1}{4}$  Section 21, Township 16, Range 10W. Jeff Christensen seconded the motion. Motion carried 8-0 roll call vote. A finding of fact was completed and is attached.

At 8:15 PM a public hearing was opened for a Condition Use Permit Application by Dustin and Lesley Dugan, requesting a Nuisance Easement in the SE  $\frac{1}{4}$  Section 21, Township 16, Range 10W. Lesley represented the request. She stated that this is just a formality and they have no intension of selling either the feedlot or the subdivision. There was no testimony in favor or opposition. The public hearing was closed and discussion was had by the board. Jack Reimers made a motion to approve the Conditional Use Permit Application for a Nuisance Easement in the SE  $\frac{1}{4}$  Section 21, Township 16, Range 10W. Chris Kosmicki Seconded the Motion. Motion carried with 8-0 roll call vote. Finding of Fact was completed and is attached.

Discussion was had on Feedlot numbers in Howard County. Administrator Klinginsmith stated that she had a complaint against Bunker Hill Cattle and in reviewing the file she noticed that the last report they filed with the Department of Environmental Energy (DEE) they were above allowed capacity. Klinginsmith asked the board if she should set a time limit on how long they are allowed to be over. The overage was caused by the pandemic and they are now within the allowed capacity. After much discussion the board stated that they don't feel they can set a time limit because we do not know how long it will take for the packing plants to get caught up after shutting down. The board suggested that Administrator Klinginsmith should just keep reviewing them and if one seems suspicious we can review it at that time.

At 8:25 PM a public hearing was opened for a Condition Use Permit Application for a Class II Feedlot by Eagle Heart Ranch in the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  & SE  $\frac{1}{4}$  of Section 27 Township 16 Range 9W. Chris Kreikemeier



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represented this request. Chris stated that they would like to expand from Class I to Class II to allow the next generation to be part of the feedlot operation. There is only one residence within the new odor footprint, Gregory Roach. Both Gregory and his wife signed the Nuisance Easement Waiver. Chairman Spilinek asked for testimony in Favor. Dean Thede stated that they are excellent neighbors, never any runoff and he is very happy with how they handle their feedlot. Jay Petersen stated that he feels they are doing a great job and he does not see any reason to deny the request. Tanya Meyer stated that she fully supports this request, young people are essential for the future. Gregory Roach stated that he has had no problems with winds, the pens are clean and rarely has any odor. A Letter was sent from the Alliance for the Future of Agriculture in Nebraska (AFAN). Administrator Klinginsmith read the letter stating:

*“Nebraska is a top producer of both corn and soybeans, both essential livestock feeds. From an economic standpoint, it makes sense for producers to expand livestock operations close to where these inputs are grown. As a result, livestock expansion is a critical part of sustaining and growing Nebraska’s rural communities. This proposed feedlot expansion will create additional jobs, further diversify the local agriculture economy and provide another market for grain as feed. This expansion will ensure a local family is able to provide for themselves and potentially make plans for a future generation that may want to return to Howard County and work in agriculture.”* Chairman Spilinek asked for testimony in opposition. Steven Glen stated that he is not necessarily opposed to the expansion but he had some questions that he would like to have clarification on. He stated that he rents the property but the land owner is concerned with property value and the long term plan. Steven stated that he is not sure how they have that many cattle and manage to keep the odor down so well. With no further discussion the public hearing was closed and discussion was had by the board. Chairman Spilinek commented that he was happy that so many neighbors came out to support this request because this is the first time they have had a feedlot request with no negative comments. Typically only the opposition comes to the hearings. The board answered all of Steven Glen’s questions. A motion was made by Daryl Anderson to approve a Conditional Use Permit for a class II Feedlot for Eagle Heart Ranch located in the E ½ of the SW ¼ & SE ¼ of Section 27 Township 16 Range 9W. Ron Kulwicki seconded the motion. Motion Carried 8-0 roll call vote. A finding of fact was completed and is attached.

The next discussion was on a request for a Tiny House in the Village of Dannebrog. Klinginsmith asked for the board’s opinion on how to handle “Tiny Houses.” After much discussion it was decided that if it is on a permanent foundation it should be handled like any other house and must meet all of the regulations. If it is mobile it will require a Condition Use Permit.

The final discussion was on a site visit that Terry and Cherri went on to Bunker Hill Cattle. Pictures of the road were included in the packets mailed to the board. Administrator Klinginsmith received a verbal complaint that 9<sup>th</sup> avenue along the feedlot was destroyed, and there is runoff onto the neighbor’s field. Terry stated that he did not see any problem with the road. The ditch had rain water in it and the field is naturally low lying, so it is hard to prevent runoff with a large amount of rainfall. Klinginsmith also stated that a complaint came in about Nathan Timmons’ end gun hitting a neighbors building, grain bin and hay bales. Cherri has talked to both parties and they are supposed to contact her when the pivot is running and causing a problem. Administrator Klinginsmith also informed the board that Nathan now has a farm feedlot and after checking with DEE since the land is in Nathan’s name the farm feedlot does not need to be part of the Bunker Hill Odor Footprint. After much discussion about corporations, the board stated that a corporation should be separate even if the land owner is part of the corporation.

With no further discussion a motion was made by Jeff Christensen and Seconded by Randy Kauk to adjourn the meeting. The next meeting is tentatively scheduled for August 19, 2020 at 8:00 PM.



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Nancy Usasz, Secretary