

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING October 21, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of October, 2020. Due to COVID-19 some members of the zoning board and public were present virtually by Zoom.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act was recognized. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office. Roll call showed 8 members present: Daryl Anderson, Ken Kozisek, Dave Sack and Terry Spilinek. Virtually in attendance were Jeff Christensen, Chris Kosmicki, Ron Kulwicki and Jack Reimers. Those absent were: Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and members of the public included: Tyler Wichmann, Paul & Jen Hagen, and Mark & Marla Mason. Present virtually were Rose Dixson and Matt Miller.

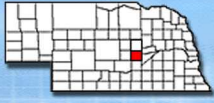
The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Ken Kozisek to approve the minutes of the September 16, 2020 meeting. The motion carried on unanimous voice vote.

At 8:05 P.M. a Public Hearing was opened for a Conditional Use Permit renewal for William & Rose Dixson to apply and stock pile truck wash out waste from the Central Nebraska Truck Wash in Grand Island NE. This is located on the east side of HWY 281 between 6th and 7th Avenue in Section 5-13-9. Rose Dixson and Matt Miller, the Dixson's agronomist was on zoom to represent this request. Administrator Klinginsmith stated she has not received any comments or complaints about the product with it being stock piled along HWY 281 since the stock piling has started last year. She also stated she spoke to Troy Ingram, Howard County Extension Educator and he reviewed the soil analysis and stated the Phosphorus is high and needs lime. He was unsure if the Phosphorus was high due to waste, or manure.

Matt Miller, spoke stating the land has low PH and it's effecting the phosphorus availability to the corn there. The land has been grid sampled and the Lime has been added to help with the Phosphorus availability. However the lime has not been incorporated yet due to lasts years planting. The land has low organic matter soil, so doesn't yield well to deep tillage, so they will try to use reduced tillage, with a vertical tillage machine, which will incorporate the lime deep enough to have significant impact on the land for this next growing season and will help reduce the amount of phosphorus levels. The truck wash sample has very low phosphorus levels, so he doesn't have any concerns with the truck wash waste causing Phosphorus to increase in the future.

Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and discussion was had by the board. Comments included the pile looks good, doesn't look bad along the hwy and if the waste was going to be harmful to their soil, the Dixson's wouldn't want to apply any more on their land. With no further discussion a motion was made by Dave Sack and seconded by Ken Kozisek to approve this CUP for another year, expiring as December 1, 2021. Motion carried 8-0 Roll Call Vote. A Finding of Fact was completed and is attached.

At 8:20 P.M. a Public Hearing was opened for Wichmann Acres Single Lot Subdivision, located in the SE ¼ of Section 28-15-9 along 14th avenue and Cody Road. Tyler Wichmann was present to represent the request. Tyler stated he is buying the land from his parents to build a house on it and will keep farming the land. The old farm house to the north is currently being rented out, but will not be updated in the future, it will be there until Mother Nature takes it. Chairman Spilinek asked for testimony in favor or opposition. There was none. The public hearing was closed and



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discussion was had by the board. Administrator Klinginsmith stated this will be the 2nd house in the quarter, but both will be farming residences. The board asked if the old farm house could be updated or built new. Administrator Klinginsmith stated yes, as it is a part of the farming operation and under same ownership as the remaining farm ground. Ken Kozisek made a motion to approve the Wichmann Acres Subdivision and Dave Sack seconded the motion. Motion carried by 8-0 roll call vote. A Finding of Fact was completed and is attached.

Next a discussion and action taken on Floodplain Resolution #2020-23. Administrator Klinginsmith stated after Katie Ringland, Chief State Floodplain Coordinator reviewed our changes, she feels they are very confusing and proposed we rescind the resolution, so our county is not in violation of National Floodplain Insurance Program in any way. Katie will be working with Klinginsmith on updating the regulations to meet Federal Codes and wording of our regulations to still promote our intent of keeping residences reasonable safe from flooding. Daryl Anderson made a motion to rescind the floodplain resolution 2020-23 and seconded by Dave Sack. Motion carried by 8-0 roll call vote. A Finding of fact was completed and it attached.

Next discussion was held on Village of Elba R-1 setbacks. Mark and Marla Mason were present to represent the discussion. Marla stated they are requesting to build a garage on the south side of their property, north of the Elba Fire Station. She needed a village signature for the zoning application and found out they are too close to the front property line. Administrator Klinginsmith had told Marla, if the Elba Village Board is okay with this distance and it is in line with other buildings in the area, that the village could allow a variance, but she would need their minutes stating they were approving this request by variance. Mark stated their new garage will be placed where the one side of the old garage is and other end will be toward the east, toward the park. Marla stated the Elba Village tabled it until they received more info from Howard Greeley RPPD and where our property line is. The Mason's stated they are 15 – 20 feet from the ROW of where the new shed will be located. A surveyor came out and found our lines and the power company has said they are okay with where we are requesting to build. Terry Spilinek stated that other buildings are closer to the roads than this one, and Elba needs to approve the Variance since they have final say. The board suggested that Klinginsmith write to the Elba Village Board stating the zoning board would be in approval of this structure being closer than the 25 foot front line setback due to other structures nearby are closer as well by granting a variance and Terry Spilinek will go to the villages next meeting with the letter.

Final discussion was regarding allowing Outdoor / Wedding venue in A-1 district. Paul and Jen Hagen were present to represent their requests. Administrator Klinginsmith stated she informed the Hagen's that a CUP would be required, however they were wondering if the board would have any other information to help them start this endeavor. She will have restroom structures and an outdoor covering structures without sides for an open outdoors feeling. The board suggested she speak to the State Fire Marshall before coming to us with the CUP Application, at that time we would review other regulations required that would be included in the permit, such as parking and road traffic. Klinginsmith, stated she will review other CUP, such as Helgoth's Pumpkin Patch to help in the process. Jen Hagen thanked us for our time.

After discussions, board suggest Klinginsmith look into getting a microphone/speaker for these zoom meetings. If everyone is on zoom it all works well, but when some members in person and some on-line it is hard to hear the members on zoom and vice versa. Klinginsmith said she would look into it. With no further business Dave Sack made a motion to adjourn and Ken Kozisek seconded the motion. The next meeting will be tentatively scheduled for 7:00 p.m. on November 18. 2020

Cherri Klinginsmith, Administrator
Acting Secretary