



# Howard Planning and Zoning Minutes



## MINUTES

### HOWARD COUNTY PLANNING & ZONING

April 21, 2021

A meeting of the Howard County Planning and Zoning Commission was convened in Open and Public session on the 21<sup>st</sup> of April, 2021. 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 Meetings 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 7 members in person: Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, Terry Spilinek. 1 member virtually: Ron Kulwicki. Absent was Dave Sack. Also present were Cherri Klinginsmith, Planning and Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Members of the public present were: Richard Reed, Jerry Dush, Alan Griebel, Ben Placke and Nate Timmons.

The agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the March 17, 2021 meeting. The motion was carried on unanimous voice vote.

**Old Business:** Administrator Klinginsmith informed the board that the Howard County Commissioners approved the Conditional Use Permit for Ron & Kristen Stock, Landowners and Tri- County Sand and Gravel INC, mining applicant, 2-1.

**At 8:05 P.M a Public Hearing was opened for a Single Lot Subdivision for Richard & Diane Reed. This Subdivision name is Nicholas and Tess Subdivision:** This is located in the NE  $\frac{1}{4}$  of Section 29 Township 15N, Range 11W. Richard Reed was present to represent and presented the Plat as shown. He states that Nicholas and Tess plan to build a house on this subdivision. He clarified that he is in approval of what Nicholas and Tess Jerabek have planned. Chairman Spilinek asked for testimony in favor or opposition. There was none. With No further discussion Jeff Christensen moved and Chis Kosmicki 2<sup>nd</sup> motion to approve the Nicholas and Tess Jerabek single lot subdivision owned by Richard and Diane Reed located in NE  $\frac{1}{4}$  29-15-11. Motion carried with a 8-0 roll call vote. A finding of fact was completed and attached.

**At 8:15 P.M. a Public hearing was opened for a Single Lot Subdivision application by Leonard and Esther Dush. This subdivision will be named Bear Subdivision:** This is located in SE  $\frac{1}{4}$  of Section 20 Township 13N, Range 9W. Jerry Dush was present to represent and presented the Plat as shown. Jerry plans on moving in a Modular home and place it in between the two existing homes. Chairman Spilinek asked for testimony in favor or opposition. There was none. With no further discussion Randy Kauk moved and Ken Kozisek 2<sup>nd</sup> to approve the Bear Subdivision owned by Leonard and Esther Dush, for Jerome Dush located in SE  $\frac{1}{4}$  20-13-9. Motion carried with an 8-0 roll call vote. A finding of fact was completed and attached.

**At 8:20 P.M. board members discussed a tract of land less than 3 acres located on the SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Section 5-14-12.** Administrator Klinginsmith received a call from Jesse Hurt with Olson Associates in regards to a truck washout site that Smoke Glinsmann has. Smoke is wanting to sell the rest of his land but wants to keep the truck wash out area which is less than a  $\frac{1}{2}$  acre. Administrator Klinginsmith informed the board that she told Jesse that the zoning board will need to review as  $\frac{1}{2}$  an acre is not an allowable lot size, and the board will need to decide whether or not to send applicant to variance board for review. After much discussion it was decided that the issue needs to go before the Variance Board for approval. Administrator Klinginsmith will call NDEE on regulations and inform Jesse of zoning board's recommendation.

**At 8:25 P.M. a Public hearing was opened for a rezone request from R-1 to C-S by owner Ben Placke.** This is located on Lot 1 Mathis Second Subdivision in the SW  $\frac{1}{4}$  of Section 21, Township 13, Range 9W. Ben Placke was present to



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represent the request. Ben told the board that he would like to have this property to park his farm trucks on. He plans on putting up a building for an office space and truck parking. He also plans to put up a fence around the property. He has spoken with all of the neighbors and they all voiced to him that they are fine with a fence being put up. One resident did ask him to leave a certain area for kids to ride bikes and Ben agreed to this. Ben states that he plans to keep the area well maintained to add appeal to the community. Randy Kauk asked Ben what type of trailers he had as he was wondering about clean out and smell if animals hauled. Ben told the board that they are hopper bottom trailers and he uses them on the farm. Chairman Spilinek asked for testimony in favor or opposition. There was none. With no further discussion Ken Kozisek moved and Jack Reimers 2<sup>nd</sup> motion to approve the rezone request changing from R-1 to C-S. Motion carried 8-0 with roll call vote. A Zone Change finding of fact was completed and attached.

**At 8:35 P.M. a Public hearing was opened for Zoning Regulation, amendments to A-1, A-2, A-3 regarding residential dwelling and intensity of use regulations.** Administrator Klinginsmith presented the changes that were made to the regulations. She gave each board member a copy of regulation pages that she made changes on. As they were going over them Jack Reimers noticed that there was a typo on Conditional Uses, Kennels Breeder and Boarding, item a. listed as “two (3)” this will be corrected with next manual page updates to “three (3). Chairman Spilinek asked for testimony in favor or opposition. There was none. With no further discussion Jeff Christensen moved and Jack Reimers 2<sup>nd</sup> motion to approve the changes to regulations for Residential dwelling density within A-1, A-2, and A-3 agricultural districts. Motion carried with an 8-0 roll call vote. Regulation changes are attached. Finding of fact was completed and is attached.

Note: Discussion was brought up about single family dwellings wording under the Intensity of Use Regulations for A-1, A-2, and A-3 in the sentence “The lot or tract is not within a designated one hundred (100) year flood plain. See the Howard County Flood Insurance Rate map (F.I.R.M.)” This will be discussed further at the next meeting on May 19<sup>th</sup>.

**At 8:45 P.M. Administrator Klinginsmith notified the board members that April 30<sup>th</sup> the State Legislature will vote on if they will allow meetings to continue via zoom.** If they vote against it that means that we can still offer virtual meetings but board members that are not at meeting in person will not be able to vote on issues at hand. Administrator Klinginsmith will let all board members know the out come of this vote prior to the May Meeting.

**At 8:50 Administrator Klinginsmith brought up discussion to the board to define farm/commercial feedlots and timeframes.** Administrator Klinginsmith asked the board if they could clarify the definition of farm and commercial feedlots. She read the definitions from the current regulations. Jeff Christensen asked Administrator Klinginsmith what kind of complaints she has been having? Nate Timmons was present and asked if he could speak on issue. Nate has called and spoke with Cherri in regards to a neighbor being able to have several hundred head of feeder cattle in a field for greater then 6 months without having to get a new odor footprint. Nate states that he was turned in for this issue when he fenced a pivot corner for 200 head of feeder cattle and in turn, he had to get an odor foot print and pay \$50. Nate states that he thinks this is a double standard. After much discussion Administrator Klinginsmith states she felt that in this instance the cattle on 80 acres were not confined, she will contact NDEE to clarify what is considered confinement or grazing. This discussion will be continued at the May meeting.

With no further discussion Jeff Christensen moved and Ken Kozisek 2<sup>nd</sup> to adjourn the meeting. Motion was passed by voice vote. Next meeting is tentatively scheduled for May 19, 2021,

Jennifer Ostendorf  
Planning & Zoning Secretary