



Howard Planning and Zoning Minutes



Howard County Planning & Zoning May 18, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of May 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. and 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 8 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek. Absent; Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney and Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Jason Hornady, Steve Hornady, Jodi Espeland, Keith Espeland, Jordan Robinson, Brandt Bottolfson, Tylor Robinson, Audrie Robinson, Bryan Robinson, Gale Larson, Ron Kunze, Ken Kunze, Jane Lemburg, Mick Lemburg, William Hadenfeldt, Annie Cannon, Jeff McClellan, Brent Kunze, Bill Kunze, Craig Kuszak, Mike Matthews, Ryan Hall and County Sheriff, Tom Busch.

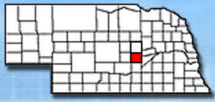
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Jack Reimers to approve the minutes from the April 20, 2022 meeting. Motion carried by a unanimous voice vote.

Administrator/Board Comments:

Administrator Klinginsmith provided the board with copies of two complaints (one formal and one non formal) These complaints came in just prior to the meeting so Klinginsmith will research them further and report back to the board at a later date.

8:05 PM Tabled discussion & Possible Action – order of events of odor footprint vs Jordan Robinson zoning permit NE ¼ Section 5-13-9. Jordan Robinson was present to present to the board. She explained to the board that the odor footprint that was on G-Works at the time of her zoning permit for Lot 7 of Dirt Road Development would have allowed her to build her house outside of the odor footprint. Administrator Klinginsmith denied Robinson's zoning permit with the reason of the house being in the odor footprint. Chairman Spilinek asked Robinson what she was asking of the board to act on? Robinson states she believes that her permit should be approved because she followed all the steps asked of her. Spilinek explained to Robinson that the Planning and Zoning board has no authority over any of this. Administrator Klinginsmith has that authority and the commissioners have authority over Klinginsmith. It was asked who puts the odor footprints online. Klinginsmith states that G-works creates them and she then approves/denies it to be put online. Klinginsmith approved the odor footprint in question per the original odor footprint application. At the September 15, 2021 Planning and Zoning Meeting it was discussed and realized it needed to be changed due to feeding boundaries updated, center points and one or two odor footprints were discussed (Refer back to September & October zoning minutes for full details). After much discussion board member Jeff Christensen told Robinson that the odor footprint that was on G-Works during the time in question was known to be incorrect and Administrator Klinginsmith was working with G-Works to correct the odor footprint. Christensen also explained that there are steps put in place that the Administrator has to follow, so knowing that the odor footprint was incorrect she couldn't/wouldn't approve something she knew would be incorrect. No action was taken on changing Jordan's zoning application on lot 7, it will remain denied. Final odor footprint was approved at the April Zoning Meeting.

8:15 PM Public Hearing – Conditional Use Permit Application by William & Sharise Hadenfeldt for a farm odor footprint SE ¼ & portion of SW ¼ Section 28-13-11 William Hadenfeldt was present to present to the board. He is applying for a Nuisance Easement Conditional use permit (CUP) because with the lack of rain he will possibly have to dry lot some cows this year which will make him over the allowed number of cattle allowed. Also, with this odor footprint he will be able to have cattle penned and is trying to protect his land and livelihood incase sometime in the future someone wants to build they will be fully aware that there will be livestock around and could possibly create a smell. There are



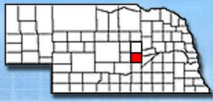
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two houses within the odor footprint and Hadenfeldt got the signatures required for the CUP in question. With no testimony in favor or against the public hearing was closed and open for discussion of the planning and zoning board. With no further discussion Jeff Christensen made a motion to approve conditional use permit for William and Sharise Hadenfeldt for a Nuisance Easement waiver located SE ¼ SW ¼ Section 28-13-11. Chris Kosmicki seconded the motion. Motion was passed by 8-0 roll call vote. Finding of Fact attached.

8:20 PM Public Hearing for conditional use permit application by George Jensen, renter and Chris & Andrew Mudd, landowners to allow livestock waste to be applied through irrigation system within the buffer zone set for 2019-6 CUP Permit – N ½ NW ¼ Section 5-16-10 Administrator Klinginsmith presented this to the board as George Jensen was home sick. Administrator Klinginsmith explained to the board this is a renewal of the application to allow the livestock waste to be applied without the buffer zone. She mentioned to the board that she hasn't gotten any complaints from neighbors about smell or any other problems. With no discussion in favor or against the public hearing was closed and opened for the board to discuss. With no further discussion Jack Reimers moved to approve the Conditional Use Permit for George Jensen and Chris & Andrew Mudd to allow livestock waste to be applied through a center pivot for a duration of 1 year (expires May 31, 2023) N ½ NW ¼ 5-16-10 Dave Sack seconded the motion. Motion was passed by an 8-0 roll call vote. Finding of Fact attached.

8:25 PM Public Hearing for conditional use permit application by JWH Farms LLC for a Hornady Gun Club S ½ S ½ Section 30-15-9 Steve Hornady was present along with Jason Hornady to present to the board. Hornady explained to the board that this application is exactly the same as the last one he applied for a few months ago except this time they have purchased the land and have created a non-profit gun club. Discussion in favor: Tom Busch states that Hornady runs a very safe existing gun club in Grand Island (Heartland Shooting Park) and have been doing so for over 10 years with no accidents or complaints, Hornady makes ammunition that our local law enforcement use, this will create a great place where our local law enforcement will be able to train and gain better skills for the field and State Statue 37-1304 and 1305 (Nebraska Gun Range Protection Act) will not limit what regulations that County can make gun club follow instead that was put in place for existing gun clubs. Tylor Robinson raised his hand in favor of the gun club and asked what made you decide on this piece of land? Steve Hornady responded by saying it was one of only piece of land that was for sale and big enough for what they need to do. The reason they don't test their products in Grand Island at existing park is because it isn't long enough and it has tubes, which will not give them accurate test results in certain tests. There were six people in total that said they were in favor of the Gun Club. Comments in opposition were: Ron Kunze – what's the difference this time compared to last time when they withdrew application? Steve Hornady responds nothing except they own the land and have established a non profit gun club as per counties regulations it states that they allow gun clubs. Mike Matthews states he is in opposition of this because his property's only value is peace and solitude. He also had wrote a few notes stating that Nebraska State Statue 37-1304 & 1305 (Nebraska Gun Range Protection Act) states that gun clubs are basically exempt from any new regulations made so if the board acts on this permit that they will be tying the hands of the county and the citizens of the county. He also states that NRA requires safety plans and rules and asking Hornady what his plans were that he had in place. Lastly Matthews states that he says the board should look at the compatible use of the land to the surrounding residents and land owners. Matthews states that by what he is hearing from the room is that the overwhelming view is that this isn't a compatible use. Craig Kuszak spoke in opposition stating that he doesn't believe that this will bring any positive attributes to the county. He said that he doesn't believe that it will bring any extra income to the county. Steve Hornady responded by saying that they have over \$5 million in payroll in Howard County alone. Hornady also addressed the safety questions by stating that they will put a fence all the way around the property so out side people can't come in and when they are training it is usually one on one training, so the instructor will teach everyone how to perform the drill and then one by one with the instructor they will be shooting. After much discussion the public hearing was closed and a motion was made by Ken Kozisek to table the motion so that Hornady can provide information on several items discussed, such as Blueprints, shoot through ballistics when testing bullets, traffic increases expected, how many days the Gun Club will be used for training vs testing, etc.



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The administrator will also check on other testing and training Gun Clubs in the area, such as Omaha's range inside city limits. Motion was seconded by Ron Kulwicki. Motion was passed by an 8-0 voice vote.

With no further discussion on the agenda Jeff Christensen moved to adjourn the meeting and motion was seconded by Jack Reimers. Motion was passed by unanimous voice vote. The next Howard County Planning and Zoning meeting will be held on June 15, 2022 at 8PM.

Jennifer Ostendorf

Planning and Zoning Secretary