



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning June 15, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15<sup>th</sup> day of June 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: Lavern Wolf, Dakota Wolinski, Jim Beeler, Appol Neeman, Echo Esquitin, Jamie Mills, Shelly & Chuck Helgoth, Vi & Jim Mamot, Audrie & Tylor Robinson, Chris Bragg, Ryan Hall, Janet & John Speck, Michael Happ, Jordan Robinson, Bryan Robinson, Mike Hassler, Bill Bader, Daniel Smydra, Brent Kunze, Allen Quandt, Annie Cannon, Kathy McCale, Jeff McClellan, Heather Schmidt, Judith Puncoschar, Steve Hornady, Jason Hornady, Craig Kusazk, Keith & Jodi Espeland, Travis Casperson, Gary Lassen, Jesse Urbanski, Brad Bushousen, Les Stratman, Misty Dvorak, Ron Kunze Chris Kreikemeier, and Mike Matthews.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Dave Sack and seconded by Chris Kosmicki to approve the minutes from the May 18, 2022 meeting. Motion carried by a unanimous voice vote.

### **8:05 PM Public hearing for Hassler's Bluebird Acres – single lot subdivision application by Michael Hassler – SE ¼**

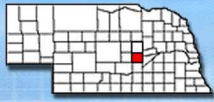
**Section 15-14-12** Mike Hassler was present to present to the board. Hassler explained that he would like to subdivide off 6.68 acres off of his land to sell at a later date. With no discussion in favor or against the public hearing was closed. Chris Kosmicki asked Hassler if there would be a spot on the land that was buildable, as per the g-Works maps it looks like pretty rough terrain? Hassler said that there was a nice flat spot on the property to build on in the future. Also, Kosmicki asked if there was a driveway to the property or if it would be a shared driveway. Klinginsmith explained to the board that there is an existing driveway on the south side of property off of 10<sup>th</sup> Ave. This will be the driveway used for this parcel. With no further discussion from the board Ken Kozisek moved and Ron Kulwicki seconded the motion to approve the application for the Hassler's Bluebird Acres single lot subdivision SE ¼ 15-14-12. Motion carried with 8-0 roll call vote. Finding of Fact is attached.

### **8:15 PM Public hearing for Conditional Use Permit application by Heather Schmidt for an Event Venue – NW ¼ Section**

**13-14-10** Heather Schmidt was present to present to the board. Schmidt explained to the board that she would like to build a building to hold events like weddings, graduations and other events. Judith Puncoschar was present and spoke in favor of the conditional use permit being allowed. She said she thought it would be great for the community and surrounding area and also would be great to give local people another option of where to have events. Jordan Robinson also spoke in favor of the CUP being approved. She said she thought there was a need for this in the area, stating the St. Paul Civic Center is booked out quite a way and the wineries have limitations as well. With no further discussion in favor or against the public hearing was closed. Dave Sack made a motion with Ron Kulwicki seconding the motion to approve the Conditional Use Permit for Heather Schmidt for an event venue located NW ¼ 13-14-10. Motion passed with an 8-0 roll call vote. Finding of fact attached.

### **8:25 PM – Public hearing for previously tabled 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 to present to the board. Hornady told the board that he had given all the information that they requested from previous meeting and was willing to answer any questions they had. Terry Spilinek then asked for testimony in favor of Conditional Use Permit. Jim Beeler spoke in favor stating he feels there is a need for something like this in the area as there is no other place in area to do this. Brad Bushousen was present representing Connie Bader stating that Connie has land close to the proposed site. They both think that Hornady would be safe as they are all professionals. He also thinks that it would bring a lot to the community. Les Statman spoke in favor stating he thought it would bring improvement to the county. Kathy McCale spoke in favor saying she thought it



# Howard Planning and Zoning Minutes

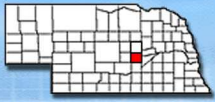


would bring revenue to the county. Misty Dvorak spoke in favor stating that Hornady is a good steward of the land and will take care of the property. Also stating that Hornady is a generous man always giving back to the communities he is a part of. Klinginsmith added that when reviewing a CUP, the owner even though very responsible should not be taken into consideration, the CUP goes with the land, therefore the board needs to be assured that club is safe no matter who the owners are 10,20 years down the road.

Terry Spilinek then asked for testimony against the Conditional Use Permit. Dan Smydra spoke against stating that he feels there are a lot of unanswered questions and worries that the people in this area are not really aware of what is going on. He then asked who was notified that this was proposed. Cherri Klinginsmith told Smydra that we send a notice to all land owners within one mile and also the notice was in the local newspaper. Ron Kunze spoke against stating that he owns land adjacent to proposed site. He stated that when Hornady proposed something similar last year Kunze started and filed a petition with over 40 people in the area that were against the gun range. Ryan Hall spoke against stating that the roads are not in good condition now and will not be able to handle the extra traffic, he believes sound will be an issue and believes that this land is zoned agricultural and should be kept that way. Chris Bragg spoke against stating as well his concerns of the road conditions, sound and also lead abatement is a concern of his. Keith Espeland spoke against stating that he is an avid hunter and a fan of Hornady products however he has concerns about the safety along with lead levels being a concern with the different water table levels in the area. He would also like to know more about how they plan to operate...time? Number of people? Regulations? He goes on to say that he would like to see this plan come together by being neighborly by making sure there is adequate berms and trees for sound. Mike Matthews spoke against also stating that he is an avid hunter and supporter of Hornady products. He spoke of the range that was shut down close to his property because of safety concerns. He would like to know what will come of the property when and if Hornady doesn't own it any longer? Matthews stated that he has lost revenue from renting his pasture out because tenant didn't feel it was safe to have his cows out there with all the shooting.(this was with the range that has since be shut down) Matthews goes on to say that he would like to know what the hours will be, sound levels, berm heights, no full auto, no tracer rounds, no advertised competitions, no steel to steel and also have the lead levels monitored. Matthews and McClellan also stated that if this were to go thru, he would like to see this piece of land be taxed as recreational land as it is not being used for agricultural as it is zoned. Tylor Robinson stood to speak neither in favor or against stating that this piece of land is in one of the less populated areas in the county but does think that a consultant or someone who specializes in gun club/ranges should be contacted to design the site to make sure that it meets all safety standards. Jordan Robinson asked the board if Hornady's plan met the county's regulations? With no further discussion the public hearing was closed.

Jack Reimers asked County Attorney Dave Schroeder per our regulations does the proposed gun club meet the requirements. Schroeder responded by saying that the regulations state that gun clubs are allowed. Terry Spilinek then stated it is in the regulations but not the Matrix and if not in Matrix he thought they weren't allowed. Administrator Klinginsmith then stated that she spoke with other administrators to see how they handled gun clubs. She said that most of them have gun clubs however none of them have any testing of ammunition. County Attorney Dave Schroeder then told the board that from a legal stand point they would be hard pressed to deny the permit. Terry Spilinek had a box of .22 bullets and read the warning on the box stating it could be dangerous for up to 1 ½ miles, the proposed site is 1 mile long. He then also stated that there were people down by river (3/4 of a mile) shooting a .22 and it shot thru his neighbor's grain bin. Several of the board members expressed their concern about the safety and stating that they weren't comfortable making a decision on something they don't know a lot about. They feel like a decision like this should be made with guidance from a professional. After much discussion Jeff Christensen made a motion to table the discussion until Administrator Klinginsmith can talk to the County Commissioners to get some guidance from them. Jack Reimers seconded the motion. Motion was passed by an 8-0 roll call vote.

**Discussion & Possible Action** Administrator Klinginsmith updated the board on Conditional Use Permit section 21-14-10. Klinginsmith informed the board that this conditional use permit will expire on July 8, 2022 and instead of renewing the CUP, the trailer owner is working on meeting the flood plain regulations by putting a cement block foundation with



# Howard Planning and Zoning Minutes



openings per flood plain regulations. Klinginsmith stated the applicant thinks they can have this completed prior to the CUP expiring. Once floodplain regulations are completed a CUP will not be needed.

**Discussion & Possible Action** Administrator Klinginsmith updated the board on the complaint between Helgoth vs Mamot Feedlot. Klinginsmith informed the board that Helgoth's have filed a complaint that Mamot Feedlot has run off that is ending up on their property when it rains. This property that floods is where Helgoth's have their Pumpkin Patch business and also, they grow produce for their roadside stand in the area as well. Klinginsmith told the board that NDEE has went out and looked at Mamot's property and feedlot set up. NDEE found that Mamot's are not in violation. Travis Casperson with Settje Agri-Services & Engineering was present to explain to the board what NDEE is looking at and what Mamot's have put in place to prevent their pits from overflowing. Klinginsmith informed the board that the road ditch to the south along 2<sup>nd</sup> ave in the middle of the feedlot looks to have manure in it, however that is in a valley and doesn't look to be able to leave that area. The east road ditch along friend road needs to be measured to verify if the manure sitting there is 33" away from center of road, as it is a wide ditch area. Casperson stated the manure is not coming from the feedlot, but is contained in their pits, this run off is coming from the storm water from the fields to the north of feedlot. Casperson stated that Mamot's want the storm water, so they added a pit this past year to catch as much as possible. Mamot's use the water to run through the pivots that they irrigate their crop land with. Casperson stated the 18" pipe east of Mamot's Feedlot between feedlot and the ditch, drains over 1,400 acres of storm water runoff from fields west and north of the feedlot. Casperson stated as far as he knows this year no water has run through the pipe as they have caught it all. Jeff Christensen reaffirmed that the pipe is draining the runoff from the pivots, not draining the yards, which 1400 acres would take a while to drain. Casperson added east of the feedlot toward north end along friend there has always been a culvert, not until recently did they add the riser and pond, and affirmed they have enough storage to satisfy the state of Nebraska. They are using the portion of the road ditch, which is part of the system. Chris Kreikemeier with E-Design LLC helping Helgoths stated that Howard County regulations state the ditch cannot be used as a collection site and Travis stated it 3 times now that Mamot's are using the road ditch as collection site. A board member stated that Mamot Feedlot was there prior to zoning regulations, which Kreikemeier stated Mamot's just submitted a new application to add that holding pond to add more acres to it, you don't get grandfathered in for all the mistakes in the past, you're supposed to update it to make it safe for the state of Nebraska. After much discussion the zoning board asked Administrator Klinginsmith to talk with the County Commissioners to see what their plan was to help the storm water drainage issue.

**Discussion & Possible Action** Administrator Klinginsmith presented the board with a new price list for permits that require paperwork to be filed with the deed. The clerk's office use to collect the fees directly from the customers, however they will no longer be doing this. Klinginsmith thinks by increasing the fees this will cover the county's cost of filing the paperwork. The zoning board agreed with Administrator Klinginsmith and told her she would proceed with discussing with the county commissioners.

**Discussion & Possible Action** Klinginsmith presented to the board an update on the Farm Feedlot odor footprints for Section (16, 17 & 21) Township 14 Range 9. Administrator Klinginsmith wanted to show the board the odor footprints for the farm feedlots and update the board on what the plan is with all the odor footprints. The applicant is planning to have 500 head of cattle in the pivot corners of the said land. He will not exceed 500 head per quarter section. Klinginsmith told the board that the odor footprints do not include any residents however it does include a cemetery. Klinginsmith asked the board for guidance on if they thought that was ok. The board discussed and didn't think that the cemetery would be an issue within the odor footprints. After much discussion Administrator will keep working with g-Works to make sure the odor footprints are correct and follow thru with the application process.

With no further discussion Jeff Christensen moved to adjourn the meeting with a second from Dave Sack. Motion was passed with a unanimous voice vote. The next meeting for Planning and Zoning will be July 20, 2022, at 8 PM.

Jennifer Ostendorf

Planning & Zoning Secretary