



Howard Planning and Zoning Minutes



Howard County Planning & Zoning July 20, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of July 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 6 members present: Daryl Anderson, Chris Kosmicki, Kenneth Kozisek, Dave Sack, Randy Kauk and Terry Spilinek. Absent; Jeff Christensen, Ron Kulwicki and Jack Reimers. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney. Members of the public were: Ryan Franci, Shelly & Chuck Helgoth, and Chris Kreikemeier.

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 June 15, 2022 meeting. Motion carried by a unanimous voice vote.

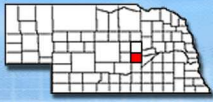
Old Business: Administrator Klinginsmith informed the board of her meeting with the County Commissioners on July 12th. The County Commissioners approved the fee increases and Terry, Daryl and Administrator met with commissioners regarding Hornady Gun Club and agreed to have a workshop meeting with Hornady. This meeting does not need to be advertised and no decisions will be made.

8:05 PM Public hearing for Franci Subdivision – single lot subdivision application by Dorothy May Franci – NE ¼

Section 34-14-9 Ryan Franci was present to present to the board. Franci explained that his grandmother would like to sell the farm ground but keep the home place with 5 acres in the family that they bought in the 1950's. Currently there is an old house there that was lived in, but not habitable now. Future plans include to tear down the old house and maybe put a few barns up. With no discussion in favor or against the public hearing was closed. Randy Kauk moved and Ken Kozisek seconded the motion to approve the application for the Franci single lot subdivision. Motion carried with 6-0 roll call vote. Finding of Fact is attached.

Discussion & Possible Action Administrator Klinginsmith asked the board if manure runoff from a feedlot is the zoning's responsibility or Nebraska Department Environment & Energy, NDEE. According to regulations under Permitted Principal Uses #10b looks to be under the authority of the NDEE. At the last zoning meeting Administrator Klinginsmith asked NDEE to re-review the complaint received and see if the director will sign off, stating Mamot Feedlot is in compliance. As of July 19th, the zoning administrator has not heard back from NDEE's findings. Dave Sack made the comment that until we hear from NDEE we cannot make a decision on the Conditional Use. County Attorney agreed that the state of Nebraska needs to make their determination first and then it comes to the county level.

Dave Sack asked the county attorney if the feedlot has changed the course of natural flow of water, and can that be done? Attorney Schroeder stated the county is liable for any damages caused by the diversion of natural flow of water and if this culvert changes the natural flow, than the county should take corrective action. Ken Kozisek asked about the agreement between Howard County and Mamot Feedlot stating the feedlot would take liability for future drainage issues and the county is not liable. Ken also asked, would this agreement stand up in court? Attorney Schroeder stated the agreement doesn't excuse the county and it would probably stand up in court, but the county might still be liable. If the county takes actions to divert the natural flow of water, they could be liable. Administrator Klinginsmith stated then that should be our action as a zoning board to request the county commissioners to research the misdirection of water. It was asked if Mamot Feedlot has a Conditional Use Permit, administrator Klinginsmith stated in 2004-2005 when the odor footprints were designed the zoning office collected all the feedlots feeding boundaries in Howard County and the number of animal units and an odor footprint was developed. In May of last year when Travis Casperson asked if they could expand I reviewed the maps we had on file and where the new pond was developed this was already listed as a



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proposed pond on the paperwork received in 2005. So since animal units were not increasing, I informed Mr. Casperson that this was already in their plan, so no permission was needed from zoning.

After much discussion, Dave Sack moved and Randy Kauk seconded the motion to have commissioners review the changes in water flow entering and leaving Mamot feedlots and farmlands to include sections 25-13-10, 23-13-10, 24-13-10, 19-13-9, 26-13-10, 30-13-9, 35-13-10, 36-13-10 and 31-13-9 in Howard County. This is to verify if the county needs to take corrective actions to change the water flow back to what the natural flows should be. Motion carried with 5-0 roll call vote with 1 abstain.

Next meeting is tentatively scheduled for August 17, 2022.

With no further discussion Dave Sack moved to adjourn the meeting with a second from Chris Kosmicki. Motion was passed with a unanimous voice vote. The next meeting for Planning and Zoning is tentatively scheduled for August 17, 2022, at 8 PM.

Cherri Klinginsmith
Planning & Zoning Administrator