



Howard Planning and Zoning Minutes



Howard County Planning & Zoning October 19, 2022

A Meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of October 2022.

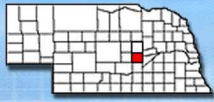
Chairman Terry Spilinek called the meeting to order at 8:00PM and the Open Meetings Act was recognized. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's Office. Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Absent: Chris Kosmicki and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning & Zoning secretary. Dave Schroeder, County Attorney was absent. Members of the public were: Jason Hornady, Mitch Mittelstaedt, Nick Ericxson, Anne Cannon, Jeff McClellan, Jodi Espeland, Keith Espeland, Ryan Hall, Kevin Lukasiewicz, Pam Jerabek, Matt Valentine, Gordan Glade, Brent Kunze, Katie Mathews, Mike Mathews, Spencer Wichmann, James Olson, Travis Casperson, Nathan Timmons and Jessie Urbanski.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Jack Reimers to approve the minutes from the September 21, 2022 meeting. Motion carried by a unanimous voice vote.

Prior to the public hearing the board had a workshop meeting with Hornady Gun Club to discuss the proposed conditions of the conditional use permit that Hornady had presented to the board last month. Dave Schroeder, county attorney was present along with zoning board members, zoning administrator and Hornady Gun Club representatives.

8:05 PM – Public hearing for conditional use permit application by Jim Olson for Jacob Brothers DBA Windmill Feeders – NE ¼ 18-15-11. James Olson was present to represent along with Travis Casperson from Settje Ag Services. Jim explained to the board that they are requesting to keep their feedlot classification as a Class 3 (5,001 – 10,000) feedlot but allow them to increase their number of head to 16,666, using the theory of 600-pound average calf weight (1000 A.U. divided by .6 = 16,666). Jim explained that they have went from a finishing feedlot to backgrounding cattle. Cattle come in at 425 pounds and leave between 750-800 pounds. 700 head of cattle come in every Tuesday and 700 head leave every Tuesday. He explained that there are 6 trucks that bring in the small calves and those same 6 trucks load the same day with the bigger calves. Then there are 4 more trucks that come in and take the rest of the larger calves out. Cattle stay in the yard for 100 days so it is more on number of days then the weight. Weight can vary some because of weather but the calves have to move every 100 days to keep the whole system working. Travis Casperson presented the board with information on manure levels with the increased number of head. The odor footprint can actually stay the same because the manure produced is actually less with the smaller animals.

Chairman Spilinek asked the public for testimony in favor. With no testimony in favor chairman Spilinek asked for testimony against. Nathan Timmons spoke opposed to this increase. He stated that he runs a feed yard that does some finishing and some backgrounding and asked if this means that he could increase his number of head? He also states that if expanding the board needs to make sure to check the setbacks. If increasing the head county, the Class 4 (10,001 – 20,000) setback is 1 ½ miles. Travis Casperson spoke to Nathan's question about if he could expand.... Travis states that he thinks the difference in this case is that Jim Olson is solely backgrounding at his operation. The cattle are producing less manure. Jim added when he had a finishing operation, he had stock piles of manure but with these weights, they do not produce the manure and I don't have much to deliver to area farmers like before. Travis presented a worksheet from UNL comparing how much less manure a 1,000-pound animal produces vs a 500-pound animal.



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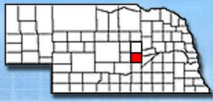
With no further discussion in favor or against the public hearing was closed. Jeff Christensen moved to allow Windmill Feeders to increase cattle numbers from 10,000 head to 15,000 head. This is because they are going from a finishing operation to backgrounding operation. Cattle will leave at approximately 800 pounds. One year trial basis effective November 11, 2022. Weights will be verified upon administrators request. Motion was seconded by Ron Kulwicki. Motion was passed with 6-1 roll call vote. Finding of Fact attached.

The previously tabled conditional use permit application by JWH Farms LLC for a Hornady Gun Club – S ½ S ½ Section 30-15-9 was brought back for discussion. Administrator Klinginsmith read the conditional use permit that the board discussed during the workshop earlier in the evening. After the reading Keith Espeland spoke up stating that he appreciated that the board had addressed most all of the concerns that he presented except he asked the board to consider adding lead clean up if and when the land is surrendered. He said that Steve Hornady stated at one meeting that there is no worry about lead unless it is disturbed. Keith stated if/when the land is surrendered and the land is used for grazing cattle or haying then the lead would be disturbed and could potentially cause problems. Brett Kunze spoke to board stating that the land his family has is generational land and the plan is to keep this land in the family. He states he believes that is Hornady's plan with the land as well and just asks everyone to keep this in mind. Jodi Espeland asked how do they plan to monitor the roads and pasture with cattle while they are shooting. Jason Hornady responded to her question stating that they have cameras up that they use to monitor the roads. He also stated that they will place signs on the corners to let people know there is shooting in progress. Jason also stated that it would be his hopes that when/if this goes all the way through that they will have all the neighbors phone numbers so that they could call and give them a heads up of their plans to shoot. Gordan Glade spoke for himself and Greg Sextro that own the land adjoining to the north. Both are in favor for the Gun Club stating that they have hunted with these guys for years and they are very safe in everything they do. Matt Valentine was present to represent Tom Dinsdale who is the neighbor to the west. He states that Tom Dinsdale has no issues with the gun club going in and supports what they are trying to do. Ryan Hall opposes the CUP, stating it was against the regulations last year, what has changed. The board affirmed that Hornady pulled their request prior to a decision being made.

Discussion from the board was the time limit that they would like to put on the conditional use permit. Jeff Christensen mentioned that he would like to set it at 3 years. Jason Hornady asked the board to consider 10 years because of the cost of the project. Jeff explained to Jason that the 3 years would just be to have them come back and discuss this and make changes if they need to be made. Jeff also stated that he thinks this will give the public some reassurance that the project is tracked to make sure it is as safe as it can be. With no further discussion Jeff Christensen made a motion to approve the conditional use permit for Hornady Gun Club INC. with the conditions listed in the attached permit for a duration of 3 years. Randy Kauk seconded the motion. The motion was passed with a 5-2 roll call vote. Finding of Fact attached.

The next discussion is for Kevin Lukasiewicz expansion/update odor footprint – SE ¼ EXC HWY Section 15-16-10. Kevin is present to represent his plan. Kevin states that he just expanded the pen for a larger feeding area but does not plan to increase the number of head. He spoke with Brad Edeal with NDEE and he is made aware that he can do this. Kevin also states that he plans to winter graze the outside area of his feeding operation on the west, south and north sides, the cattle will not be in there longer than 6 months. If at any time the land begins to de-vegetate, he would need to move the cattle or spread-out corn stalk bales for vegetation. Janet Thomson was on the phone to represent the County Road Department. Janet said that there is an automatic waterer in the field and she would like to see the tank overflow tube be moved back at least 25 feet from the county road ditch. This is to prevent run-off. She also states that the county will put in a ditch along the highway to keep any run-off off of HWY 281.

Administrator Klinginsmith presented the board with a map showing the existing odor foot print and the new one with the pen expansion to the east. She asked the board if she can update the odor footprint without a conditional use permit (CUP) since no residences fall within the updated odor footprint, and wanted to verify a odor footprint is not



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needed for the grazing cattle outside the feeding operation as long as they are there less than 6 months and no de-vegetation. The board unanimously said that the new odor footprint should be used to show the expansion. The grazing cattle will not affect the feeding operation and will not count towards increasing of the 950 A.U. maximum to his feedlot. Administrator Klinginsmith will get the new odor footprint updated online.

Administrator Klinginsmith reviewed with the board the research she found on wind turbine setbacks from residences from other counties and states. The existing setbacks are diameter plus applicable building setbacks from small and 1,000 feet for commercial wind turbines from residences. She also asked the board if they would like to eliminate all commercial wind turbines as the county attorney stated that is an option for us. She also asked if they had a preference to size of wind turbine they would like to allow, different from our existing regulations. Ron Kulwicki states, if possible, he would like to eliminate the possibility of the very large turbines in the county. Jeff Christensen states that he thinks we need to do some research to see what the different sizes are because some of the local residents use wind turbines to power their property. After discussion it was agreed that Administrator Klinginsmith will do some research on the different sizes and the amount of power they provide and report back at the next meeting.

With no further discussion Jeff Christensen moved to adjourn the meeting with a second from Terry Spilnik. Motion passed with a unanimous voice vote. The next meeting is tentively scheduled for November 16, 2022 at 7 PM.

Jennifer Ostendorf

Planning & Zoning Secretary