

Howard County Planning & Zoning

Agenda

June 21, 2023

1. Call to order – recognize Open Meeting Law – read the published notice of the meeting
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. PH- Conditional Use Permit- Verizon Tower NE ¼ Section 11-T15N-R10W.
6. Discussion/Action on Dirt Rd Development/J Robinson Zoning Application
7. PH- Zoning Regulation Amendments- Subdivisions
8. Discussion/Action -Wind Turbines
9. Discussion/Action – By Laws Update
10. Discussion/Action- Accessory Dwelling Units
11. Next meeting date – July 19, 2023

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st day of June 2023.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. and the Open Meeting 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, Jack Reimers, Kenneth Kozisek, Ron Kulwicki, Jeff Christensen and Terry Spilinek. Absent members: Dave Sack, Randy Kauk, Chris Kosmicki and Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Members of the public were: Jordan Robinson, Brandt Bottelfson, Tylor Robinson, Kerry Dale, Mark & Mary Jo Serbousek, Emily Milewski, Rick Adams, John Palmtag, Helen Svoboda, Joan Jakubowski.

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 May 17, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: None

Administrator/Board Comments: Administrator Klinginsmith updated the board members on a City of St. Paul Subdivision; Paul's North Subdivision and map to review. If they have any concerns the hearing is scheduled for June 26, 2023 at City Hall 5:00p.m.

Conditional Use Permit for a cell tower for Verizon and Phyllis Stepanek located NE ¼ 11-T15-10N. Terry Spilinek opened the public hearing at 8:05 p.m. Rick Adams, Verizon Agent along with John Palmtag, Verizon Engineering and Outreach, and Emily Milewski, Verizon Outreach presented for Verizon and Phyllis Stepanek. Rick informed the board this is the same application that was approved in 2014 except they had an updated FAA approval letter. The previous approval was voided due to Verizon ran out of funding before the one-year time frame was up. Rick explained the fall zone safety factors, in the event of total separation, this would result in collapse within a radius equal to 50% of the 358' tower height, equal to 150' fall zone. The tower is only 200 feet away from any structures, roads and utilities. Those opposed were Joan Jakubowski and Helen Svoboda, who asked why another tower was needed when American Tower is only 1.5 miles to the west. John Palmtag and Emily Milewski spoke in favor of CUP. They explained that this tower will be able to co-locate 3 other providers

and bring more support to Cushing and St. Paul area. They have existing equipment on the American tower for 3G & 4G, but the new improved equipment (5G) is too heavy to be placed on the American Tower, and American tower rates are higher.

After much discussion, Daryl Anderson made a motion to approve the CUP for a cell tower for Verizon and Phyllis Stepanek located in NE 1/4 in Section 11-T15-10W of Howard County, Ken Kozisek seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-absent, Kozisek-yes, Kulwicki-no, Reimers-yes, Sack-absent, Spilinek-yes. Motion passed 5-1. Finding of Fact attached.

Next item on agenda was the discussion of Dirt Road Development and Jordan Robinson's status of zoning permit 2023-21. Zoning Administrator Klinginsmith stated she followed up with Hirschman's attorney Andrew Spader to verify if they had filed an appeal since our last meeting of May 17th. Mr. Spader informed her that Dirt Road Development filed an amendment or altered their complaint and no hearing date has been set, which Lisa Johnson, Clerk of district court confirmed she had not been notified of a hearing date. Klinginsmith verified with county attorney, Dave Schroeder which told the administrator no action can be taken on zoning application until this goes thru the legal system and a final judgement is complete.

Public Hearing regarding the amendments of Zoning Subdivision Regulations. Terry Spilinek opened the public meeting at 8:20 p.m. The zoning board reviewed the changes discussed at the May 17th meeting and agreed that wording looks accurate. Jeff Christensen made a motion to approve change in wording on pages 103 and 232 regarding number of acres in a subdivision. It will now read 10 acres or less, not 20 acres or less, Jack Reimers seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-absent, Kozisek-yes, Kulwicki-yes, Reimers-yes, Sack-absent, Spilinek-yes. Motion passed 6-0. Motion passed. Finding of Fact attached.

Discussion and Action regarding Wind Turbines for SW ¼ SW ¼ Section 13-T14-10W. Kerry Dale with American Wind power represented the Serbousek's. They are requesting a variance to build a 116' small wind turbine on a 40-acre tract of land in the A-2 zone. After much discussion it was decided instead of referring the landowners to request a variance, rather have the zoning board review their height limitations on small wind turbines. The idea of changing the height limits will be discussed at the next meeting.

Discussion regarding Howard County Planning Commission By-Laws update. Administrator Klinginsmith went over the changes to the By-Laws. After some discussion, Ron Kulwicki made a motion to approve changes to the By-Laws, Jeff Christensen seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-absent, Kozisek-yes, Kulwicki-yes, Reimers-yes, Sack-absent, Spilinek-yes. Motion passed 6-0. Motion passed. Finding of Fact Attached. The current By-laws, Article VIII, state By-Laws may be amended by a two-thirds vote of the entire membership of the Planning & Zoning Commission. The Administrator will have the updated By-Laws available to the zoning board at the next meeting.

Last item on agenda was a discussion on ADU's (Accessory Dwelling Units) Administrator Klinginsmith let the zoning board review 3 other counties regulations, from Cuming County, Custer County, and Seward County. After discussion, it was decided that more information is needed, specifically from Custer County's regulations. It was suggested to ask when the

situation changes for the ADU and the need of the ADU is no longer needed, what happens to the ADU. Klinginsmith will report back to the zoning board next month.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Ron Kulwicki seconded. Motion was passed with a unanimous voice vote. The next Howard County Planning and Zoning meeting is tentatively scheduled for July 19, 2023 at 8PM.

Cherri Klinginsmith
Planning & Zoning Administrator