

Howard County Planning & Zoning
January 17, 2024

AGENDA

1. Call to Order
2. Roll Call
3. Public Comment
4. Old Business
5. Administrator/Board Comments
6. **Public Hearing:**
Amendments of Zoning Regulations for Odor Footprints, under Districts, boundaries and Maps, A-1(Agricultural District) and A-2 (Agricultural Transitional District)
7. **Public Hearing:**
Conditional Use Permit-Verizon Tower by Phyllis Stepanek- NE ¼ Section 11-T15N-R10W
8. **Public Hearing:**
Conditional Use Permit-Private Airstrip, by Lowell Poland & Daniel Vech – SE ¼ Section 14-T14N-R10W
9. **Public Hearing: Subdivision**
Vacate of Bader Subdivision & Paulders Subdivision by Steve Bader – SW ¼ SE ¼ Section 14-T14N-R9W
10. Discussion & Possible Action – Review of Comprehensive Plan/Zoning & Subdivision Regulations with a Planning Consultant.

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of January 2024.

Chairman Terry Spilinek called the meeting to order at 7:00 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 8 members present: Daryl Anderson, Dave Sack, Ron Kulwicki, Jack Reimers, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent member: Randy Kauk. Also, present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Dave Schroeder, County attorney was absent. Members of the public were: Tylor & Audrie Robinson, Chris Martin, Emily Milewski, Andy Kamper, Joan Jakubowski, Dave Boehle, Jordan Robinson, Mike Nelson, Judith Puncochar, Larry & Darlene Bahensky and Lowell Polland.

The agenda and minutes were E-mailed and mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes from the December 20, 2023 meeting. Motion carried by unanimous a voice vote.

Administrator/Board Comments: Administrator Klinginsmith told the board that the NPZA (Nebraska Planning Zoning Association) conference will be held March 6-8 in Kearney. If they would like to attend, please let her know. Registration and hotel are covered by the Planning & Zoning Office.

Public Comment: None

Reorganization: Chairman Spilinek asked for nominations. Dave Sack made nomination for Terry Spilinek as Chairman; Ron Kulwicki seconded the nomination. Ken Kozisek nominated Jack Reimers as Vice Chairman, Chris Kosmicki seconded the nomination and Chris Kosmicki nominated Jeff Christensen as secretary, Ken Kozisek seconded the nomination. All nominations were approved by 8-0 voice vote.

2024 officers are: Terry Spilinek – Chairman, Jack Reimers – Vice Chairman, and Jeff Christensen – Secretary.

Chris Kosmicki, Dave Sack and Jeff Christensen were reappointed for another 3-year term by the Howard County Commissioners at their January 9, 2024 meeting. Terry Spilinek was reappointed as the representative for the Board of Adjustments.

Administrator took the time to recognize 5 Board Members which have been with the planning and Zoning Board for over 20 years with an award. Dave Sack, 1997-2024 (27 years), Terry Spilinek, Ron Kulwicki, and Randy Kauk 2002-2024 (22 Years), Daryl Anderson 2003-2024 (21 years) Dave Boehle, past zoning and board of adjustment member commented that “you really drove home the point of good citizenship and serving the community and looking back of years of service probably need to give a shout out to Franz Trumler on doing such a good job of training you guys and Cherri”. Terry Spilinek added “Franz Trumler was on the zoning board before he became the zoning administrator, so he knew the zoning regulations, we all learned a lot from Franz”.

Public Hearing regarding the amendments of Zoning Regulations for Odor Footprints, under Districts, Boundaries and Maps, A-1(Agricultural District) and A-2 (Agricultural Transitional District) Chairman Spilinek opened the public hearing at 7:30p.m. Administrator Klinginsmith read the notice. Administrator Klinginsmith told the board that she discussed the changes with the County Attorney, Dave Schroeder, and he told her everything looks fine and didn’t see a problem with the wording changes. Administrator read the changes to the board which include this statement to be added to the above sections of the zoning regulations: *“Once established, an odor footprint shall remain in effect on the property until a change or revocation in it is requested by the landowner.”* Chairman Spilinek asked for testimony in favor. Dave Boehle spoke in favor of the wording changes. With no further testimony in favor Chairman Spilinek asked if any opposing testimony. Tylor Robinson spoke for both he and Audrie Robinson stating that he believes this creates confusion, because in previous meetings it was stated that if no activity with-in one year that the land owner had one year to come into compliance. He also believes that on page 84 of current regulations “e” contradicts the changes proposed. Jordan Robinson also opposed the changes, also stating that it contradicts what has been said in previous meetings but adding if someone buying the land, may not even realize what an odor footprint is or even realize they have the odor footprint. If that is the case, how would they know to ask for it to be removed? With no further testimony in favor or against the public hearing is closed. Jack Reimers added the point that there is the Nuisance Easement Waiver in place, so the option to build within an odor footprint is still possible. After more discussion from the board Dave Sack moved to approve the addition to zoning regulations as published. Affecting sections of regulations related to odor footprints. Daryl Anderson seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

Application for a Conditional Use Permit- Verizon Tower, by Phyllis Stepanek – NE ¼ Section 11-T15N-R10W Chairman Spilinek opened the public hearing at 7:40p.m. Administrator Klinginsmith read the notice. Andy Kamper and Emily Milewski, with Verizon were present to represent the request to the board. Andy stated that this is the 3rd time Verizon has attempted to put this tower up to include the Village of Cushing. The first time in 2014, which Verizon lost its funding, again in the summer of 2023, which was denied by the Howard County Commissioners due to not meeting the setbacks and now they are back with the same proposal, only now they have moved the tower back 1200 feet from Hardy Road. Emily Milewski stated that they have done the research and they believe that this location will provide better support for the rural part of Howard County. Chairman Spilinek asked for testimony in favor. Jordan Robinson spoke in favor stating this would greatly help their heating & air business because currently the service is horrible and sometimes creates issues when we can’t get ahold of their technicians. Administrator Klinginsmith passed a

message along from the Howard County Emergency Manager where he believes this will be a great addition as the county's emergency equipment in the future and would greatly benefit from this tower addition as their radio equipment will work better with 5G. With no more testimony in favor Chairman Spilinek asked for testimony opposing the tower. Joan Jakubowski, spoke on American Towers behalf showing the board a letter and a structure evaluation stating that no one has reached out to American Tower requesting to co-locate, letter attached. Andy Kamper responded with letting the board know that Verizon is already located on the existing tower but after the testing and research was done, they realized that by co-locating on this tower it would not provide better service to the Cushing area because of the location of the existing tower. With no further testimony in favor or against the public hearing was closed. After much discussion among the board Daryl moved to approve the Conditional Use Permit for Verizon Tower by Phyllis Stepanek. Dave Sack Seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached.

Application for Conditional Use Permit – Private Air Strip, by Lowell Poland and Daniel Vech – SE ¼ Section 14-T14N-R9W. Chairman Spilinek opened the public hearing at 7:50p.m. Administrator Klinginsmith read the notice. Lowell was present to present to the board. He stated that he is in the process of purchasing 54 acres (3 lots) from Dan Vech in Rolling Hills Subdivision. He has a small aircraft that he uses for recreational travel. He plans to build a hanger to store the plane. He also has a 1000-foot landing strip on this property. Chairman Spilinek asked for testimony in favor. With none in favor he asked for opposing testimony. Judith Puncchar shared a few concerns, letter attached. She wonders who would be responsible if the plane scared the cattle and they ran thru the fence? She is concerned about the fumes the plane lets off if they fly over her pollinator fields and lastly if at very least, she asked the board to please consider limiting how low the plane can fly. With no further testimony in favor or against the public hearing was closed. Jack Reimers and others stated crop duster planes will fly lower. Jeff Christensen commented that the direction of takeoff and landing will not affect her property. After much discussion among the board Jack moved to approved the Conditional Use Permit by Lowell Poland & Dan Vech with the conditions requested by Howard Greeley RPPD 1.) electric infrastructure have diverters installed and maintained at the applicant's expense. 2.) applicant must carry insurance sufficient to cover associated risks 3.) applicant and any others invited to fly from private air strip will be required to sign a liability waiver in favor of Howard Greeley RPPD. Ron Kulwicki seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

Public Hearing for a Vacate of Bader Subdivision and Single Lot Subdivision for Paulders Subdivision by Steve Bader- SW1/4 SE1/4 Section 14-T14N-R9W. Chairman Spilinek opened the public hearing at 8:00p.m. Administrator Klinginsmith read the notice. Administrator Klinginsmith presented to the board that when this subdivision was originally done the survey measurements were incorrect when filed. So, to correct the error, Bader Subdivision needs to be vacated. Once the Subdivision is vacated, the new survey named Paulders Subdivision corrects the error. Ken Kozisek made motion to vacate Bader Subdivision. Ron Kulwicki seconded the motion. Ron Kulwicki seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached
Chris Kosmicki moved to approve the single lot subdivision for Paulders Subdivision. Dave Sack seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff

Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

Discussion & Possible Action – Review of Comprehensive Plan, Zoning & Subdivision

Regulations. Administrator Klinginsmith informed the board that she has reached out to Marvin Planning Consultants to update the Comprehensive plan and Zoning/Subdivision Regulations. The Comprehensive Plan was last updated in 2015, along with the Howard County Villages Zoning regulations were added, excluding the village of Boelus. The Comprehensive Plan needs to be updated/reviewed every 10 years. The approximate cost will be around \$50,000. Administrator Klinginsmith is hoping to apply for ARPA Funds (American Rescue Plan Act). Villages will reimburse the county based on their population. Ken Kozisek made a motion to recommend to the commissioners to hire/contract with Marvin Planning Consultants for the update of Howard County Comprehensive Plan, Zoning and Subdivision Regulations. Dave Sack seconded the motion. Motion was passed by 8-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – Yes, Chris Kosmicki – Yes, Ken Kozisek – Yes, Ron Kulwicki – Yes, Jack Reimers – Yes, Dave Sack – Yes, Terry Spilinek – Yes. Finding of Fact Attached

With no further discussion Dave Sack made a motion to adjourn the meeting. Jack Reimers seconded the motion. Motion was passed with a unanimous voice vote.

Next meeting is tentatively planned for February 21, 2024 at 7 PM.

Jennifer Ostendorf
Planning & Zoning Secretary.