

AGENDA
Planning & Zoning Meeting May 15, 2024

1. **Call to order**
 2. **Roll Call**
 3. **Minutes**
 4. **Old Business-**
 5. **Administrator / Board Comments:**
 6. **Public Comment** (Limit of 5 minutes)
 7. **Application to vacate Dush Acres by Esther Dush and Leonard Dush – N ½ N ½ SE ¼ Section 20-T13N-R9W**
 8. **Application to vacate Bear Subdivision by Esther Dush and Jerome Dush – N ½ N ½ SE ¼ Section 20-T13N-R9W**
 9. **Application by Esther Dush, Leonard Dush and Jerome Dush on a multi-lot subdivision named Dush Acres 2nd Subdivision – S ½ NW ¼ N ½ N ½ Se ¼ Section 20-T13N-R9W**
 10. **Application by Mark and Patti Van Pelt to vacate a tract in NW ¼ Section 21-T14N-R11W**
 11. **Application by mark and Patti Van Pelt for a single lot subdivision named MPVP Subdivision – NE ¼ NW ¼ Section 21-T14N-R11W**
- Adjournment**

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of May 2024.

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 8 members present: Daryl Anderson, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, and Kenneth Kozisek. Absent Dave Sack. 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: Kirt Lukasiewicz, Jordan Robinson, Tylor Robinson, Chris Martin, Audrie Robinson, Jack McMillon, James Gdanitz, & Leonard Dush.

The agenda and minutes were E-mailed and mailed to the board members prior to the meeting. A motion was made by Daryl Anderson and seconded by Chris Kosmicki to approve the minutes from the April 17, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith presented photos of the water on the road, ditches and pens of Blasé feedlot. Jim Gdanitz was present to explain to the board what they are doing to work on the problem. Jim states that they have been pumping the water but didn't have time to do it today. Jack Reimers and Terry Spilinek mentioned that there are still cattle in the pens that need to be removed since the grading hasn't been completed.

Administrator/Board Comment: None

Public comment: We had two public comment requests: Jack McMillon stated in public comment that he is against the Dush subdivision, stating that Leonard hasn't been a good neighbor and that it would just cause more problems for him. Kirt Lukasiewicz stated that he has heard that the board will be updating the Comprehensive Plan and regulations this upcoming year. He just wanted to suggest to the board to think about making some land along 281 by St. Libory commercially zoned as well as along Hwy

11 at 5-mile corner. He thought that since we are so close to Grand Island, we could possibly capitalize on businesses coming to the area. Secondly, he suggested that the board think about being more in line with the state and federal laws in place for livestock, as well as taking a look at the setbacks that we have in place for feedlots. He stated that he has spoken with several of livestock producers and they aren't interested in coming to Howard County because of our setbacks being so strict.

Application to vacate Dush Acres by Esther Dush and Leonard Dush – N ½ N ½ SE ¼ Section 20-T13N-R9W

Leonard was present to represent the request. He states that Esther, his mother, had decided to sell the 115 acres of irrigated farm land and it was always the plan for him to get the little pasture behind his house. In order to do this, they decided to vacate both Leonard and Jerry's subdivisions (Dush Acres & Bear Subdivision) to include the pasture that didn't sell with rest of the land. Chairman Spilinek asked for testimony in favor. Having none he then asked for testimony opposed. Jack McMillon spoke against just reiterating what he voiced in the public comment section of meeting. With no other testimony in favor or against the public hearing was closed. After discussion among the board Rand Kauk moved to approve the application to vacate Dush Acres. Ron Kulwicki seconded the motion. Motion passed with an 8-0 roll call vote. Finding of Fact attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application to vacate Bear Subdivision by Esther Dush and Jerome Dush N ½ N ½ SE ¼ Section 20-T13N-R9W

Leonard was present to represent the request. He states that Esther, his mother, had decided to sell the 115 acres of irrigated farm land and it was always the plan for him to get the little pasture behind his house. In order to do this, they decided to vacate both Leonard and Jerry's subdivisions (Dush Acres & Bear Subdivision) to include the pasture that didn't sell with rest of the land. Chairman Spilinek asked for testimony in favor. Having none he then asked for testimony opposed. Jack McMillon spoke against just reiterating what he voiced in the public comment section of meeting. With no other testimony in favor or against the public hearing was closed. After discussion among the board Chris Kosmicki moved to approve the application to vacate Bear Subdivision. Daryl Anderson seconded the motion. Motion passed with an 8-0 roll call vote. Finding of Fact attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application by Esther Dush, Leonard Dush and Jerome Dush on a multi-lot subdivision named Dush Acres 2nd Subdivision – S ½ NW ¼ N ½ N ½ Se ¼ Section 20-T13N-R9W Leonard was present to represent the request. He states that Esther, his mother, had decided to sell the 115 acres of irrigated farm land and it was always the plan for him to get the little pasture behind his house. In order to do this, they decided to vacate both Leonard and Jerry's subdivisions (Dush Acres & Bear Subdivision) to include the pasture that didn't sell with rest of the land. Chairman Spilinek asked for testimony in favor. Having none he then asked for testimony opposed. Jack McMillon spoke against just reiterating what he voiced in the public comment section of meeting. With no other testimony in favor or against the public hearing was closed. After discussion among the board Jack Reimers moved to approve the Preliminary application for multi-lot subdivision, Dush Acres 2nd Subdivision. For the final hearing for the multi-Lot Subdivision, Dush Acres 2nd Subdivision the board would like to see the easement to the farm ground listed on the survey. Randy Kauk seconded the motion. Motion passed with an 8-0 roll call vote. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application by Mark and Patti VanPelt to vacate a tract in NW ¼ Section 21-T14N-R11W Cherri Klinginsmith was present to represent the request. This subdivision was not legally subdivided in the

beginning (2.9 acres) so Mark and Patti would like to vacate this tract and add land to make it a minimum of 3 acres. There is already a house on this land that they plan to keep. Chairman Spilinek opened the public hearing asking for testimony in favor or against. With none the public hearing was closed. After discussion among the board Chirs Kosmicki moved to approve the vacate of the tract of Mark and Patti VanPelt's. Ron Kulwicki seconded the motion. Motion passed with an 8-0 roll call vote. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

Application by mark and Patti VanPelt for a single lot subdivision named MPVP Subdivision – NE ¼ NW ¼ Section 21T-14N-R11W Cherri Klinginsmith was present to present their request. Administrator Klinginsmith informed the board that the VanPelt's would like to create this 3-acre subdivision to build a house on. Their plans are unsure if they will build house or their daughter and her family will build the house. Chairman Spilinek opened the public hearing asking for testimony in favor or against. With none the public hearing was closed. After discussion among the board Randy Kauk moved to approve the subdivision called MPVP Subdivision. Daryl Anderson seconded the motion. Motion passed with an 8-0 roll call vote. Finding of Fact attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Kenneth Kozisek, Ron Kulwicki, Jack Reimers, & Terry Spilinek.

After the last public hearing Administrator Klinginsmith asked the board to return to old business since ran out of time earlier. Administrator Klinginsmith informed the board that she did receive a report from NDEE on the Mamot Feedlot complaint. NDEE found no evidence of livestock waste in the reported area. Administrator Klinginsmith has ordered water sample bottles from Ward Laboratories on May 9, 2024, and plans to get samples of water in area feedlots after the next rain event.

Administrator Klinginsmith reported to the board that the commissioners approved John Ropp's request of CUP to allow up to 1000 head of calves 400 pounds and under. They also approved the rezone application from Nick Busch on the North half of the A-1 zoned parcel.

Jack Reimers, board member, also let the board know that he was approached by the previous Planning & Zoning administrator and he suggested that they should rethink only allowing 2 houses per ¼ section in A-1 when discussing comprehensive plan and regulation changes in future. He feels that this rule won't allow farmers who own the land to build on their own land so that they can continue farming. This will especially affect the younger generation coming back to help farm and ranch.

With no further discussion Jeff Christensen Moves to adjourn the meeting and Ron Kulwicki seconded the motion. Motion was passed by a unanimous voice vote.

Jennifer Ostendorf
Planning & Zoning Secretary