

AGENDA
Planning & Zoning Meeting April 17, 2024

1. **Call to order** – recognize Open Meeting Law – read the published notice of the meeting.
2. **Roll Call** – Approval of minutes of the March 20, 2024 Meeting.
3. **Minutes**
4. **Old Business-**
5. **Administrator / Board Comments:**
6. **Public Comment** (Limit of 5 minutes)
7. **Public hearing on a Conditional Use Permit Application by John Ropp requesting to have up to 1000 calves weighing less than 500 pounds and the Nuisance Easement Waiver - NW ¼ of Section 8-13-10**
8. **Public hearing on a Zone Change by Nicholas Busch to change land from A-1 – Agriculture to A-2 – Transitional Agriculture. S ½ Section 25-14-10**
9. **Discussion & Possible Action – 3rd house in ¼ section - SE ¼ Section 5-13-10**
10. **Discussion & Possible Action – Blasé Feed Yard and Lukasiewicz Feed Yard**
11. **Discussion & Possible Action – Requesting to change regulations to allow a CUP in the A-1 District for a lumberyard/construction business**

Adjournment

MINUTES

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th day of April 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 9 members present: Daryl Anderson, Dave Sack, Jack Reimers, Jeff Christensen, Chris Kosmicki, Terry Spilinek, Randy Kauk, Ron Kulwicki, and Kenneth Kozisek. 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: Janet Thomsen, Liz Busch, Nick Busch, Isaiah Graham, Randy Ames, Nate Timmons, Brian Timmons, Ryan Damman, John Ropp, Kyle Ropp, Tylor Robinson, Audrie Robinson John Webb, Brian Sack, Jesse Rudolf, Cassidy VanMeter, Tyler Petersen, Vanessa Petersen, Dick Hadenfeldt, Marlon Thomsen, Susan Knapp, Wayne Knapp, Les Stratman, Jim Gdanitz, Kevin Lukasiewicz, Pam Jerabek, Josh Jerabek, Seth Swerezer, Nick Earixson, Crystal Earixson, Michael Smith, Justin Thiel & Richard Oltman.

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 March 20, 2024 meeting. Motion carried by unanimous a voice vote.

Old Business: None

Administrator/Board Comment: None

Public comment: None

Discussion & Possible Action – 3rd house in ¼ section - SE ¼ Section 5-T13N-10RW – John Webb was present for his request. John states that he has about 55 acres that he would like to build a shop with living quarters in it. He states that this land is very sandy and where he would like to build actually someone had removed some of the dirt and now it doesn't even grow weeds. After discussion with board the board stated A-1 regulations only allow 2 residences per quarter section & they are not able to approve. If he can show a hardship – the board recommended that John request a variance.

Public hearing on a Conditional Use Permit Application by John Ropp requesting to have up to 1000 calves weighing less than 500 pounds and the Nuisance Easement Waiver - NW ¼ of Section 8-T13N-10RW– John Ropp was present to represent his request. As discussed in last months meeting John would like to have approximately 600 calves under 500 pounds. Chairman Spilinek opened the public hearing asking for testimony in favor or against. With no discussion in favor or against public hearing was closed. Daryl Anderson made a motion to approve the conditional use permit for John Ropp for up to 1000 head of calves less than 500 pounds for 1 year, located in S ½ NW ¼ Section 8T-13N-10RW. Motion was seconded by Dave Sack. Motion passed with a 9-0 roll call vote. Finding of Fact Attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek.

Public hearing on a Zone Change by Nicholas Busch to change land from A-1 – Agriculture to A-2 – Transitional Agriculture. S ½ Section 25-T14N-10RW - Nick Busch and Isaiah Graham were present to represent their request. Nick is the land owner and plans to build a house in the Southeast corner of property and then plans to sell some of his land to Isaiah where he would like to build a house in the Southwest corner and then also his Father-In-Law would like to build a house on part of the land too. Isaiah stated that he knows that the north part of the parcel is already A-2 which would allow a house to be built but he didn't want to build that close to the houses to the north. He states the whole reason this property is of interest to him is because it would allow him to be separate from his neighbors. Chairman Spilinek opened the public hearing asking for testimony in favor. Brian Sack spoke in favor of this request stating that this area is within the ½ of 281 which the County's regulation states that is where they would like to see the growth. Tylor Robinson also spoke in favor of this stating the same thing as Brian but adding that the people speaking against this tonight are people who bought small parcels of land outside of town for the same reason as Isaiah is wanting this land. With no more testimony in favor Chairman Spilinek asked for testimony against the request. Randy Ames, Nick Earixon, Wayne Knapp, Crystal Earixon, Garry Lassen, Richard Oltman, Ryan Damman, Les Stratman, Seth Swerezek, Justin Thiel were all present to voice their concerns against the request, with most of them stating that they didn't want a bunch of houses around them. That is why they moved out of town. Most of them said if you allow this where does it stop? Anthony Esquitin, Linda Gordon and Steve Olsufka all reached out to Administrator Klinginsmith prior to the meeting to voice their concerns against the request as well. With rebuttal Isaiah Graham noted that he doesn't have any plans of making this a multi-lot subdivision and would be willing to have a lawyer draw something up with the sale agreement that states this can not be subdivided into any more lots. He states that the whole reason for this request is because he didn't want to build close to the houses to the north, which they are voicing they don't want either. With no further discussion in favor or against Chairman Spilinek closed the public hearing asking for discussion among the board. After much discussion among the board Ron Kulwicki moved to retain zoning A-1 for S ½ Section 25-14-10 in accordance with county regulations. Motion was seconded by Jack Reimers. Motion passed with a 9-0 roll call vote. Finding of Fact Attached. Yes - Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack and Terry Spilinek.

Discussion & Possible Action – Blasé Feed Yard and Lukasiewicz Feed Yard – Administrator Klinginsmith brought to the boards attention that she has received a few complaints against these two feedlots. First Blasé Feedlot- Administrator Klinginsmith presented the board with a picture that was sent to the county commissioner about water in the ditch and along the road. Jim Gdanitz, feedlot manager, was present to discuss the issues with the board. Jim states that he started working for the feedlot in June of 2023. He states that he has discussed with county commissioner, Kathy Hirschman requesting a culvert on 10th and Denton to help with the drainage. He states that he also has plans to build berms, dirt work in pens and also to build a pit to help with water. Ken Kozisek states that he would not be able to run the run off through the culvert so not sure culvert is the answer, however Ken states he could put an underground pipe from one side of road to the other so that the run off could travel through there out into the field. After much discussion the board

told Jim that they would like him to let Administrator Klinginsmith know the progress that is being made every month so that she can report back to the board. The board would also like a detailed plan of what the feedlot plans to do to fix the issues and prevent them from occurring again. Also, Administrator Klinginsmith reminded Jim that Travis Casperson informed Cherri they would have all cattle out of pen numbers 4 thru 11 by May 1st and no cattle were allowed in those pens again until the drainage issues are fixed and NDEE signs off on them. Administrator also noted that if regrading is done, she would like to see the fence line moved 20 feet onto the property, allowing the landowners to have a 20-foot access road, which should also help reduce the amount of manure entering the road ditches.

Kevin Lukasiewicz feedlot – Administrator Klinginsmith let the board know that she has received a written complaint and a few verbal complaints about run off in the ditch along 22nd Ave and Hwy 281. Administrator Klinginsmith reminded the board that about a year ago, Kevin was approved by the board for Class 1 feedlot. Kevin is working with NDEE and a firm to get his plans approved with NDEE to allow the Class 1 feedlot plans. Kevin provided photos to the board showing that the issues have been corrected for the recent complaints. Kevin has also spoke with Jordan with NDEE when he came out to take a look at property after complaint. Jordan with NDEE and Ron Polland with NE Department of Roads were ok with all the changes that Kevin has done. Kevin also asked Janet Thomsen, roads superintendent, to clean out the culvert or put in a new one along 22nd Ave to help with this issue as well. Marlon Thomson was present and stated that he is Kevin's neighbor and drives by feedlot four times a day and this incident happened because of weather. He states that Kevin corrected the problem as soon as he could once the road ditches dried up. Administrator Klinginsmith did remind Kevin that the two pens along the highway are for grazing only until application for expansion is approved by NDEE. With this that means that Kevin will need to put corn stalk bales down as often as he need to keep some vegetation down according to NDEE. Kevin told the board that he hopes to hear back from NDEE by end of May, on if his application was approved or denied. He does plan to have cattle out of the grazing pens by end of May.

Discussion & Possible Action – Requesting to change regulations to allow a CUP in the A-1 District for a lumberyard/construction business – Kevin Yoder was available on the phone for the board to discuss his request. Kevin is looking at buying some land in A-1 and would like to build a lumber yard or hardware store. After much discussion the board let Kevin know that this request would not be allowed according to the county regulations. They suggested to him to look within a ½ of Hwy 58 east of Dannebrog or possibly look into the vacated lumber yard in Dannebrog, as a lumberyard is allowed as a conditional use in the A-2 Matrix.

With no further discussion Dave moved to adjourn the meeting with Randy Kauk seconding the motion. Motion was passed with a 9-0 voice vote.

The next meeting of the Howard County Planning & Zoning Borad is tentatively set for May 15, 2024.

Jennifer Ostendorf
Planning & Zoning Secretary