

January 15, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 7:05 p.m. Thursday January 15, 2009 in the Board of Supervisors Room at the courthouse in Central City. Upon roll call, those attending were Starostka, Ohlman, Rutten, Wiegert, and Lindgreen, and Joseph. Kyes in at 7:40 p.m. and Ogden in at 8:00 p.m. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Motion was made by Lindgreen that the minutes of November 20, 2008 meeting be approved as presented. Rutten second the motion. With a roll call vote the motion carried.

Chair opened the public hearing at 8:05 p.m. regarding the proposed regulation changes which was revoke Resolution 2006-02 which would state that the application of paunch manure, sewage sludge, commercial, bio-degradable waste, animal bi-products not intended for human consumption, with the exception of animal excretion(manure) and catering waste, to land within the County be prohibited.

Greg Ruzicka, 192 Worms Road, came forward. He stated that Soil Builders has been applying this over by his house and housing division for about a month. He said the smell is repulsive. He stated he grew upon a farm and has been around hogs and cattle and that doesn't bother him but that this is horrendous. He stated that he was not contacted by the company to let him know they would be in the area. He stated even when he went into Grand Island 15 miles he could smell it. He added he has concerns about the ground water with the water table being so high in this area.

Gayle Smith, 189 Ridge Road, spoke that she had also not been notified of the application in the area. She stated that she has concerns about the ground water and flies once spring comes around and the product on the surface. She also brought up the ecoli problems they experienced last spring and was worried about if this product would get into their wells would they have problems again. She stated that because it is so cold that the product can't be incorporated into the ground so it will smell for even longer. She also brought forth several signed petitions against the Soil Builder product by neighbors of hers in the subdivision off of Worms Road.

LeAnn Joseph, 185 Ridge Road, stated that they just moved into their house approximately 2 years ago. She stated at this time there would be no one that would consider buying a house in this area because of the smell. She stated she feels she needs to hold her breath for the 3 miles it takes to get from Highway 30 to her home because of the smell. She was also not contacted about the application. She is very unhappy about this whole situation. She added that this needs to be regulated and done properly or not at all.

Keith Wichmann, 251 P Road, Palmer stated that Chamness applied this product on his ground last summer. He stated that he lives about ½ mile from this location and was never notified. He stated the product smells like death.

Rob Muerhead, 188 F Road, said that he used to live by Swift and moved away from there to get away from the smell. He stated that he works with water conservation and other water issues and said that because there is no clay base in this area that there is the lack of ability to absorb the product into the ground. He stated he just concerned about the water table and the effects this can have on the ground water.

Vern Svitak, 369 H Road, stated he is in favor of this product being in Merrick County. He had the product put on his ground last fall. He stated that when it is knifed in correctly then it is o.k. He stated that when Swift processes the beef, the bi-products need to go somewhere. He was asked if he was given a soil sample before they applied this to his ground and he stated was given so.

Herman Schuett, 355 I Road, County Board member stated he had received several phone calls about the odor problem from people who are in his jurisdiction. He stated that for the sake of agriculture in our area he would hate to see a ban on this product.

Chair Starostka stated she would like to have samples of the soil before and after to see what this product is doing for the ground.

Alan Svitak, 4719 Tara Court, Grand Island, stated he lives in Grand Island but farms in Merrick County. He stated that he disked in the product on some of their ground at Archer Road and Ormsby Road. He said it was moist on top but once it was disked in that it minimized the odor. He stated he doesn't understand why they are applying it at this time of year. He stated he would like to see it placed on ground which will benefit the farmer and Swift.

Russ Svitak, 346 Chapman Road, stated he farms 40 acres that he couldn't even grow cambers on and now that he has applied the Soil Builder product his wheat crop is looking hopeful. Chair Startska asked him what he had put on his ground before which Svitak's response was a mixture of lime, phosphates, ash, and other fertilizer. He stated that he is not in favor of it being put on in the winter with no incorporation into the ground. He stated he did not have to pay for this product nor did he pay for it.

Lon Leshner, Missouri Valley, Iowa who represents Chamness Technologies first stated that this product is 100% organic. He stated that this product will not leech as fast as fertilizer so it will not be at risk to the water table. He stated that since Merrick County does not have any regulations for this product that it is legal for them to continue doing and reiterated that it is organic. Commission member Rutton asked what the difference between paunch and Soil Builders was and Leshner explained that paunch was the corn and other contents of the cow's stomach where as the Soil Builder is the bi-products off the kill floor which includes the washings of the hide which has a high content of fat. He stated that the "grease" that is often seen on top of the ground is as a result of them washing the

hides which ends up on the floor and being mixed with everything else. Commission member Wiegert inquired about how many semi-loads were coming out of Swift. Leshner stated they are down to approximately 10-15 loads a day. He stated before it got cold they were running 25-30 loads a day. He also stated that regardless if the product was being knifed in or sprayed on the surface, the same gallons/acre were being applied.

Monte Mamot, St. Paul, Nebraska also representing Chamness Technologies explained how it is determined the quantity of how much product is applied to the land per acre given a certain equation. Commission member Lindgreen questioned how they can be applying this product if a field is in Phase III without using a stabilizer which was being done on a location by where he lives. Mr. Mamot stated he is unaware that this was something that needed to be considered on this ground. Chair Starostka asked where the product goes when the fields have been planted. Mr. Mamot stated that it goes on pasture ground. Rutton asked if there is an alternative to where the product can go if it doesn't go on fields. Mamot said there aren't any alternatives.

Dennis Simmons, Iowa, Operations Manager from Chamness Technologies came forward with information about alternatives that Swift is working on at their plant in Grand Island. He stated they are working on anaerobic digestion which would allow for centrifuge process which would spin off the fat from the animal and then "turn into" a source of energy for the plant. He said they are also looking into a composting facility which could then be applied with lesser of the "grease" on the ground. When asked if there is a possible future of just all dry products coming from Swift, Mr. Simmons stated that it would be the way it would work the best.

Charles Joseph, 185 Ridge Road, stated with one month of surface spreading near his home, he is concerned about possible runoff into the creeks that are on both sides of the subdivision. Commission member Joseph stated that when he had the product on his ground last spring with all of the rains, it did not run off.

Terry Blauhorn, 686 U Road, stated he is very pleased with the product on his ground up by Palmer. He stated it does need to be applied correctly. He agrees it has to go somewhere and does not want to lose the product in Merrick County.

No further public comment came forward, therefore the public hearing was closed at 8:30 p.m.

Chair Starostka suggested that they may want to have someone from Swift come in and explain any further alternatives they may be working on at their plant. In addition, they would like to check with NRD to see what regulations may exist with them about this product going on Phase III ground with the Nitrate values. Chamness Technologies agreed to not apply any product until the next Planning Commission meeting February 26, 2009. The vote regarding this resolution is continued until this date also.

Chair Starostka opened the public hearing regarding the rezoning request of John Elton and Mona Christensen from Agricultural to Commercial in Section 20, Township 14, Range 7.

No public comment was present. Chair closed the public hearing at 8:40 p.m. Rutton made a motion to accept the rezoning request for John Elton and Mona Christensen from Agricultural to Commercial. Ohlman second the motion. With roll call, motion carries.

Chair Starostka presented the request from W. Roy and Gertrude Creutzberg to split 4 acres from the NW ¼ of Section 28, Township 15, Range 6. Split meets all county regulations. Joseph moves to accept such request for split request. Kyes second the motion. With roll call motion carries.

Chair Starostka opened the public hearing at 8:42 p.m. regarding rezoning request by Doug and Laurie Retzlaff in Section 1, Township 14, Range 8 from agricultural to commercial. No public comment was present. Chair closed the meeting at 8:45 p.m. Discussion by the board included Administrator Myers stating that this is a request which will eventually result in a one (1) acre split, however at the advice of County Attorney Curry, it was recommended that the zoning be changed to commercial. The board questioned the corner setbacks which I said will be addressed according to the drawing provided. Ohlman made the motion to accept the rezoning application with the appropriate setbacks addressed. Joseph second the motion. With roll call motion carries.

Final discussion was held regarding the proposed regulation changes for junkyards in Merrick County. The Commission addressed the following changes be corrected in order to conduct the public hearing at the February meeting: "Junk Yard" shall mean any establishment or premises where worn out or discarded materials, whether purchased, donated or abandoned are kept, or where 10 or more unlicensed motor vehicles, operable or inoperable, are kept or stored either for purposes of sale or otherwise. And "Permit Required. No junkyard, salvage yard or property where ten or more licensed or unlicensed inoperable motor vehicles are kept or stored outside of a structure may continue to be operated as a pre-existing nonconforming use for more than one (1) years after the effective date of the ordinance in this chapter without acquisition of a conditional use permit." Regulation changes will be set for public hearing February 26, 2009.

Administrator Myers informed the Commission that if anyone was interested in attending the NPZA conference the end of February to let her know by next week so she can get registrations mailed.

Chair Starostka adjourned the meeting at 9:05 p.m.

February 26, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Vice Chair Rutton at 7:00 p.m. Thursday February 26, 2009 in the Small Jury room at the courthouse in Central City. Upon roll call, those attending were Ogden, Kyes, Ohlman, Rutten, Wiegert, and Lindgreen, and Joseph. Starostka, not present. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Vice Chair Rutton. Meeting minutes were available for review ten days prior to the meeting.

Motion was made by Joseph that the minutes of January 15, 2008 meeting be approved as presented. Ogden second the motion. With a roll call vote the motion carried.

Vice Chair opened the public hearing at 7:05 p.m. regarding the proposed regulation changes which was revoke Resolution 2006-02 which would state that the application of paunch manure, sewage sludge, commercial, bio-degradable waste, animal bi-products not intended for human consumption, with the exception of animal excretion(manure) and catering waste, to land within the County be prohibited.

Ned Meier 720 3rd Road, Grand Island, came forward. He stated he lives in Grand Island, but farms in Merrick and Hall County. He stated he has very sandy ground and because of that has a very difficult time growing crops. He stated he had the Soil Builder product put on his ground and where he put it compared to where he hadn't was a significant difference in corn height. He stated that he applied it in late March and early April of last year. He is in support of this product being applied in Merrick County.

Les Denning 2413 19th Road Central City stated he has applied Soil Builders for the last 3 out of 4 years. He feels it is a good project when applied correctly. He stated he feels it has helped the soil and yields. He stated he is in favor of the product. Lindgreen asked Mr. Denning why he was smelling the product as recently as a couple of months ago at his place 2 ½ miles northwest of Denning's field of application. Denning stated they he knows there was a truck spill in one of the ditches and doesn't know if the clean up was sufficient to take away the smell.

Dennis Simmons, Iowa, representative of Chamness Technologies, stated they have purchased more new equipment which includes and disk which will run behind the applicator. He apologized to the group but the Public Relations person from Swift got called away on an emergency and was unable to make it today. He stated as far as their conversations have gone with Swift they are operating with a centrifuge which is allowing for another spin off of the "grease" which is being put back into the plant. He stated they are also working on the anaerobic digester which will allow for Soil Builder I product and paunch to go through this system. He also stated that Swift has them budgeting for 12 loads but are running about 9-10 loads today with an average of ½ acre to a load. He stated

one thing that needs to be dealt with is the notification process which they are willing to make work however the Commission would want them to do so.

Lindgreen asked Simmons about if a spill happens from the trucks then is DEQ notified. Simmons stated that it is not a hazardous material so there was no need to notify DEQ. He said they carry shovels and will try to pick up as much as they can with that and then if it is on dirt then they will dig up the dirt and replace the soil. Wiegert asked if the product cannot be disked in months like January, then will they still broadcast spread and Simmons stated this is one of their biggest issues.

Rod Wichmann, St. Libory, came forward. He stated they have seen them knifing in the product for the past 4-5 years and watched a great improvement in the equipment that is being used. The machines are much different. He feels that after it is disked that the fly and smell issue went away. He stated he is using the back feed paunch for feeding and has invested a great deal of money in buying equipment that will handle this product and would not like to have it go away because of this.

Bill Kurz, Palmer, came forward with the concern that if the product is eliminated that eventually there would be an elimination of his hog lagoon spreading. He stated he supports Soil Builders in this area since they "cleaned up their act."

No further public comment was made; public hearing was closed at 8:03 p.m. Discussion involved that if the product was eliminated would this mean that the back feed paunch would not be allowed. Myers informed them that yes this is how the resolution is written at this point. No motion was made on the proposed regulation changes. A motion was made by Joseph to create a sub-committee to discuss the creation of regulations that would contain restrictions and detailed requirements for Soil Builders. Ohlman second the motion. With roll call, motion carries 7-0. Volunteers for this committee will be Rutton, Joseph, Wiegert, Rod Wichmann, Chamness representatives, Les Denning, and Ned Meyer. Mr. Simmons also stated they will remain out of the county until the regulations are addressed.

Public hearing was opened regarding junkyard regulations at 8:20 p.m. It was closed at 8:23 p.m. to allow a review of policy by the public.

Small track subdivision application was presented for Craig and Judith Helgoth in 19-15-5, South part lots 4 and 7 and all of 5 and 6. Administrator Myers stated that this split already occurred and it was caught in the Assessor's office when the deed came through. Their intentions are to sell the farm land around them and keep the farm place. There have been no other splits in this quarter previously. Kyes made a motion to recommend the approval of the Helgoth split. Ohlman second the motion. Motion carries 7-0.

Small track subdivision was presented for Ronald Grigsby in 21-13-6 E1/2NE1/4. Administrator Myers stated that it is the intentions of Mr. Grigsby to void out the previous split request due to him wanting to add another track which allow him access to his land south of his home place. This addition of land would make a total 9.274 acres in the split

which would still make it eligible for a small track subdivision. Ogden made a motion to recommend an approval of the Grigsby split application. Joseph second the motion. Motion carries 7-0.

Public hearing was reopened at 8:27 p.m. regarding junkyard regulations. No public comment came forward. Public hearing closed at 8:28 p.m.

No discussion was had by the Commission. Lindgreen made a motion to recommend that the regulations regarding automobile junkyards be approved as written. Ogden second the motion. Motion carries 5-1 with one abstention.

Administrator Myers informed the board about the Keystone Pipeline project. She stated that this is not an immediate concern but we will have to deal with the pump station that is going to be put in Merrick County. She encouraged the board to be vigilant about the project due to any other land use situations that may occur.

Further discussion was brought forward by Administrator Myers about the Beck Feedyard situation. She had included a copy of the County Board minutes from February 10, 2009 about this situation. She stated that this board will be dealing with the conditional use permit application at the next meeting.

No other discussion was held at this time.

Vice Chair Rutton adjourned the meeting at 8:45 p.m.

March 26, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 7:07 p.m. Thursday March 26, 2009 in the Merrick County Board of Supervisor's room at the courthouse in Central City. Upon roll call, those attending were Starostka, Ogden, Kyes, Ohlman, Wiegert, Lindgreen, Joseph, and new board member Pat Robinson. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Chair Starostka opened the meeting by welcoming new board member Pat Robinson which will fill the position representing the town of Silver Creek.

Chair Starostka opened the public hearing for Bar Lazy D feed yard at 7:10 p.m. Administrator Myers first explained the situation involving both Bar Lazy D and JR Cattle feed yards. She stated that when Scott Beck, owner of Bar Lazy D feed yard, came to as the previous Planning and Zoning Administrator, Tracy Slagle, to request the requirements for establishing a feed yard, he was told Merrick County's zoning regulations definition of feed yard was 800 unit count. Therefore, because Bar Lazy D's permit from the DEQ was going to be permitting a feed yard under 800, no conditions needed to be met per the regulations. Mr. Beck proceeded with establishing his feed yard. In addition his father, Joe Beck, owner of JR Cattle feed yard, also came in for permitting requirements last year and was told the same thing. It was brought to Administrator's Myers attention through a complaint that the feed yards were established and the complainant wanted to know our regulations. Myers told the complainant that our feed yard unit count definition was 400 head which meant that there was a conditional use requirement. However, when Myers researched this permit, it didn't exist because they were told the unit count was 800. Myers then sent a letter to the Becks asking them to complete the process in order to get in compliance with our regulations. At this time, Becks both came into talk to Myers about the situation which was further presented to the Merrick County Board of Supervisors. At that meeting with the Supervisors it was County Attorney's, Steve Curry, opinion that despite wrong information, the Becks needed to still get in compliance with the regulations and therefore recommended they comply with completing the conditional use permit process. At that time, the Becks both filled out applications for conditional uses for their respective feed yards. With that information provided to the public, public comment was welcome.

Joyce Martin, 3520 Highway 39, Genoa, came forward to state that a dwelling that she and her husband own is approximately 150 yards from the south end of the feed yard. She stated that they do not want the feed yard across the road from their doorstep. She stated that the feed yard is hindering their ability to sell the property.

Scott Beck 3569 Highway 39, Genoa, came forward by first stating that when he started this process 3 years ago, he had gone through the proper steps to get his feed yard established. He stated that he did exactly what Tracy Slagel told him in regards to what the regulations were told to him. He stated it is hard for young man to get started in any kind of business. But the business he has chosen is the only one he wants to do and he doesn't want to live anywhere else to do it.

He stated that he and his family have always tried to do the neighborly thing by helping out when cows are out or if they need anything else. He stated when he approached having Joyce and Dexter Martin about agreeing to this conditional use permit that they refused to sign off and even offered from the Becks to buy the ground in which the house sits on. Starostka asked Mr. Beck if he was ever approached by the Martins when they were building and he said “no”. Ogden asked if asked if the feed yard is at capacity. Mr. Beck’s response was that they try to keep it at capacity at all times. Joseph asked how much money they have put into building the feed yards. Mr. Beck stated approximately \$250,000 between his and his father’s. Joseph also asked if they are operating under DEQ’s regulation which they do have the permit to operate at under 800 head. Mr. Beck also stated they do not have a lagoon.

Dexter Martin, 3461 Highway 39, Genoa, came forward and stated that he did not know the Becks were establishing a feed yard for the last 3 years. He thought they were building sorting pins and not a commercial feed yard. He stated he is living there at the house across from the feed yard. He stated concerns about the water in that area and what possible contamination issues there could be from the feed yard. He stated that last year they had an offer on the house but then it was rescinded because of the feed yard. Myers stated that she had talked to them several times and at no time did they tell her that they were living at this location only that they were fixing it up for their daughter to live in. Mr. Martin denied that they ever said they weren’t living at this location. Starostka asked that when the Becks were putting out tanks and pouring cement they didn’t question why what they were doing. Mr. Martin replied with that he thought they were just building sorting pins.

Dan Van Pelt, 123 Riverview Dr., Phillips, President of Clarks Bank, presented that his bank was the lender for this business venture and he is also partners with Scott Beck in the feed yard. He stated he grew up near Archer where they raised pigs. He stated he is in support of a young person starting a business of their own like this. The bank relied on what was told to the Becks in order to financially back them in this business. He is in support of both feed yards.

Randy Johnson, 47340 N 355th Ave., Genoa, owner of Big Johnson Trucking Company stated that his company hauls cattle for the Becks. He stated that his business expanded due to Becks feed yard too. He stated he would hate to lose the feed yard business.

Bill Pullen, Box 277, Central City, stated he sells feed yard equipment. He stated that there needs to be young people involved in the agriculture business like the Becks. He stated that cattle feeding is a natural resource for this area because it bring such a financial resource to other businesses in the area.

Ryan Strain, 3633 Highway 39, Genoa, stated he is Scott’s neighbor to the north. He said the feed yard since it has been established has not bothered them a bit. He asked if you can’t farm in the country where can you?

Joe Beck, 3262 CC Road, Silver Creek, father of Scott Beck and owner of JR Cattle stated that when he came up to talk to Ms. Slagel last year for his feed yard, he was told the exact same information about what needed to be done to start his feed yard. He stated that Scott has always liked being around the cattle and this is what Scott wanted to come home to do. He states he hopes that his son is allowed to continue what he loves.

Adam Peterson, Polk County, is a friend of Scott's who stated that it is important to support young people in starting businesses but also to keep them in farming especially in a family farming operation as this.

Mallory King, 2231 E. Cuming, Fremont, finance of Scott, stated that she thinks it is great that Scott and his dad are doing business like this together. She stated that the decision of the boards will not only affect Scott but also their life and future family together. She stated she feels very bad that this is happening to him.

Roger Berry, 1218 10th St. Aurora, is a representative of AFAN (Alliance for the Future of Agriculture in Nebraska). He first stated that he normally does not testify at hearings like this at the advising of his management, but these were unusual circumstances. He stated that when he came with Becks to discuss what was needed to start this that the paperwork he was given by Ms. Slagel contained only a sentence that if the unit count exceeded 800 head then a review of the permit was needed. He stated that their business supports producers doing the right thing. He stated in regards to the owners of the dwelling that is against this, that he had heard that cattle had been seen going through this house before. He stated that the reason they did not start the feed yard close to the house is because there was an already established driveway which could be used for the feed yard on the farther sound end of their parcel. He stated that the feed bunks in the middle of the yard are only temporary and it is the intentions of the Becks to get permanent ones. He stated the Scott has even asked about getting a permit for the permanent bunks.

No further public comment was presented. The hearing was closed at 7:54 p.m.

The board discussed if they bound to make this recommendation because of miss presented information. Myers stated that they are not bound by this. Joseph stated that they were bound by compassion though. Ohlman moved that the Planning Commission make a recommendation to the County Board that the Conditional Use permit for Bar Lazy D feed yard be approved. Kyes second the motion. With roll call motion passes 8-0.

Public Hearing for JR Cattle feed yards opened at 8:00 p.m. The statement was made that the board will respectfully consider all comments made during the Bar Lazy D open hearing in regards to this hearing.

Mark McHargue 1852 18th Road, Central City, came forward first by saying that he does not know either one of the Becks but that he has his own feed yard. He stated that it is economically beneficial for the board to approve this conditional use like they did for Scott. The impact of Joe's feed yard has just as much impact as Scott's does.

No further public comment was presented. The hearing closed at 8:02 p.m.

The board had no discussion. Ohlman moved that the Planning Commission make a recommendation to the County Board that the Conditional Use permit for JR Cattle feed yard be approved. Wiegert second the motion. With roll call motion passes 8-0.

The next agenda item addressed were the rules and permitting process for PMC and Grid. Representatives from Chamness Technologies were present, Dennis Simmons and Lon Leshner. Myers presented to the Board the rules that were discussed during the committee meeting that was held on March 12, 2009. Included in the discussion were rules including time of day application could occur, notification process, setbacks. Application process and other rules as discussed. The rules will be attached to these minutes for review. The board agreed to make this a permitting process which will be approved by the Zoning Administrator and not done with a conditional use permit or otherwise.

Joseph moved that the PMC and Grid permitting process be conducted by the Zoning Administrator according to the rules as discussed with final rules pending. Ogden second the motion. With roll call, motion passes 8-0.

Minutes from the February 26, 2009 meeting were presented for final review. No discussion was held. Lindgreen moves to approve the February 26, 2009 minutes as written. Ogden seconds the motion. With roll call motion passes 8-0.

The Hostler split application was presented. This split is located in Section 30, Township 14, Range 6, SE ¼ in Merrick County. Bernard and Mary Hostler are requesting a 3 acre split for the purposes of selling those acres to their grandchildren. The split meets county's regulations. Ohlman moves to accept the Hostler split as presented for approval by the County Board. Kyes second the motion. With roll call motion carries 8-0.

Administrator Myers presented information from the audit that was conducted this last month. She stated that under the previous administration, a basic money handling was a problem and is being corrected by Myers.

Next discussion by Myers was to if the board members all had email addresses so that if the board would agree to have all documents scanned and emailed to them for review that this could cut down on some costs for postage. All board members stated they have email addresses at their disposal and that this would be a good idea. Myers stated she is going to check into scanners.

No other discussion was held. Chair Starostka adjourned at 9:00 p.m.

April 23, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Acting Chair Joseph at 8:10 p.m. Thursday April 23, 2009 in the Merrick County Board of Supervisor's room at the courthouse in Central City. Upon roll call, those attending were Joseph, Ogden, Kyes, Ohlman, Wiegert. Not present were Starostka, Lindgreen, Rutten, Robinson. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Acting Chair Joseph. Meeting minutes were available for review ten days prior to the meeting.

Meetings from the March 26, 2009 meeting were presented. No discussion was held. Kyes moved to accept the board meeting minutes as written. Wiegert second the motion. With roll call, motion carries 5-0.

Next agenda item is a request from Nancy Stephens to split 5.04 acres from her land by Palmer in Section 32 Township 15, Range 8 part of SW1/4SW1/4. The split meets setbacks and regulations for this location. Wiegert moved to accept the split application and recommend approval to the Merrick County Board of Supervisors. Kyes second the motion. With roll call, motion carries 5-0.

The public hearing for Viaero Wireless conditional use in Palmer, Nebraska was opened at 8:16 p.m. Chris Riha, Acquisition Manager for Viaero, presented information about where the tower would be located which is on the 5.04 acres that was being split by Nancy Stephens in the previous agenda item. He stated that this tower is going to be a 195' free standing tower. He stated that with the dimensions of the land that all setbacks will be met. Administrator Myers stated that she has not received any public comments on this matter and there was no public present. The board had no questions for Mr. Riha. The public hearing closed at 8:23 p.m. Ohlman moved that they approve the conditional use permit for Viaero and recommend approval to the Palmer Village Board. Wiegert second the motion. With roll call, motion carries 5-0.

The next agenda item is a request from Richard and Susan Brown to split 3.22 acres from Tax Lot A in Section 30, Township 13, Range 6, N1/2NW1/4. They are requesting the split for selling off the home site. Myers informed the board that this track meets regulations, but will be the last split allowed in this quarter. Ohlman moved to accept the Brown split request and recommend approval by the Merrick County Board of Supervisors. Kyes second the motion. With roll call, motion carries 5-0.

Myers presented the final draft of the proposed resolution for the commercial biodegradable waste products and paunch. Ogden brought forward some language changes. It was also discussed about the proximity to dwellings and livestock well, stream or pond. It was decided to change the dwelling distance to 1000 feet and 500 feet to livestock well, stream or pond. It was also changed to increase the liability insurance to \$1,000,000. Myers stated that these changes would be added and presented to the County Board next Tuesday for approval.

Myers informed the board that at the next meeting they would need to vote on board member positions. Kyes moved that they suspend the rules and re-elect the present officers to serve another year. Ohlman second the motion. With roll call, motion carries 5-0.

No other discussion was held.

Acting Chair adjourned the meeting at 8:45 p.m.

June 25, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Vice Chair Lindgreen at 7:03 p.m. Thursday June 25, 2009 in the Merrick County Board of Supervisor's room at the courthouse in Central City. Upon roll call, those attending were Joseph, Kyes, Ohlman, Wiegert, Lindgreen, Robinson, Rutten (in at 7:06 p.m.) Starostka (in at 7:15 p.m.). Not present Ogden. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Vice Chair Lindgreen. Meeting minutes were available for review ten days prior to the meeting.

Meetings from the April 23, 2009 meeting were presented. No discussion was held. Ohlman moved to accept the board meeting minutes as written. Kyes second the motion. With roll call, motion carries 6-0.

The public hearing regarding regulation changes was opened at 7:05. Administrator Myers started by stating that she is requesting the changes to AG 1 and AG 2 regulations specifically regarding the signs portion of the regulations. Due to a current issue regarding setback of commercial signs, it was brought to Myers attention that the majority of commercial signs along the major highways in Merrick County do not comply with the current regulations. After contact the County Attorney about why the current regulations stated that a commercial sign would need to be back from the road 15 feet, he stated that it was probably due to the Highway Beautification Project. The proposed setbacks would be that for a commercial sign, it would have a setback of one (1) foot from the street or highway right-of-way with no overhang over such street or highway. No public comment was heard. Public hearing was closed. No comments were made by the board. Joseph moved to approve regulations as proposed. Kyes second the motion. With roll call, motion carries 7-0. Wiegert Abstain.

Chair Starostka takes over as Chair.

Agenda item #2 is regarding a split application for John Sullivan in Section 14-Township 15-Range 7, Part of NW ¼ for a total of 5.71 acres. Myers informed the board that this is the only farm site in this quarter and will comply with regulations. Ohlman moved to recommend approval of the Sullivan split. Robinson second the motion. With roll call, motion carries 8-0.

Agenda item #3 is regarding a split application for Gary Lindgreen in Section 5-Township 14-Range 5, W1/2SE1/4 and E1/2SW1/4. Mr. Lindgreen is intending on combining some of the family ground together and split back out one of the farm sites for a total of 3.01 acres. This split will comply with regulations. Ohlman moved to recommend approval of the Lindgreen split. Rutten second the motion. With roll call, motion carries 8-0.

Agenda item #4 is regarding a split application for John Wachal Tax Lot B Section 22-Township 14-Range 4 for a total 6.36 acres. Myers informed the board that after a great deal of confusion about this property due to the fact that in the early 90's that this property was divided into Tax Lot A and B they always remained together. Due to a current sale of Tax Lot B, this provoked a split request. This request will comply with regulations. Kyes moved to recommend approval of the Wachal split. Rutten second the motion. With roll call, motion carries 8-0.

In additional discussion, Myers brought the need to start discussing wind generated towers. She stated she has heard from a company in Lincoln who are promoting the need to have specific regulations for not only rural towers but also residential. The board agreed that this area of Nebraska will probably not be involved in a great amount wind tower requests, but agrees that we need to cover them in our regulations. Myers stated she is going to a conference at the end of July in North Platte and this is one of the subjects that will be discussed and hopes to bring more information back to the board.

No other discussion was held. Chair adjourned the meeting at 7:40 p.m.

July 23, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:00 p.m. Thursday July 23, 2009 in the Planning and Zoning office at the courthouse in Central City. A phone call conference was set up for those members who were unable to attend in person. Upon roll call, those attending were Joseph, Kyes, Lindgreen, Ogden, and Rutten. Not present were Wiegert, Ohlman, and Robinson. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the June 25, 2009 meeting were presented. No discussion was held. Kyes moved to approve the minutes, Ogden second. With roll call, motion carries 6-0.

The split application for Don and Barbara Reeves was presented by Myers. She stated they are in the process of selling the farm and home site. She stated there is one other 5 acre split in the quarter. This request is for 3.98 acres. This meets all other regulations. Ogden moved to accept the split application and recommend approval to the county board. Joseph second. With roll call, motion carries 6-0.

The split application for Dennis and Sharon Ummel was presented by Myers. She stated this application is being considered in 2 pieces due to a financial situation with the lending institution. The parcels are divided into 9.36 and 15.95 acres respectively. This meets all other regulations. Lindgreen moved to approve the split application and recommend approval to the county board. Kyes second the motion. With roll call, motion carries 6-0.

No other discussion was held. Chair adjourned the meeting at 8:10 p.m.

August 27, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:00 p.m. Thursday August 27, 2009 in the small Courtroom at the courthouse in Central City. Upon roll call, those attending were Wiegert, Robinson, Kyes, Lindgreen, Ogden, and Rutten. Not present were Joseph and Ohlman, . Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the July 23, 2009 meeting were presented. No discussion was held. Ogden moved to approve the minutes, Kyes second. With roll call, motion carries 7-0.

The split application for Dexter and Joyce Martin was presented by Myers. She stated they are selling the home site that is across from the feedyard. This will be the only split in the quarter and meets all other regulations. They are splitting off 3.00 acres. Lindgreen moved to approve the Martin split application and recommend approval to the county board. Robinson second the motion. With roll call, motion carries 6-0.

The split application for Joyce Grimminger was presented by Myers. This request is 16.543 acres to be split off for the purposes of transferring the ground to her son. This will be the only split and meets all regulations. Robinson moved to approve the Grimminger split application and recommend approval to the county board. Kyes second the motion. With roll call, motion carries 7-0.

The split application for Merrick County farms was presented. This request comes with the agreement that where this farm site currently is located, it will be joined back with the surrounding parcel to it can be split back off again at a smaller number of acres. This request is for 4.55 acres to split. There is one other split in this quarter so this will remain the final split consideration. It meets all other regulations. Kyes moved to approve the split application and recommend approval to the county board. Wiegert second the motion. With roll call motion carries 7-0.

The split application for John and Marilyn Wilson was presented. They are requesting a 3.97 acre split for the purposes of selling their farm site. This quarter has no other splits and meets all other regulations. Ogden moved to approve the Wilson split application and recommend approval to the county board. Robinson second the motion. With roll call, motion carries 7-0.

Myers gave the board a brief update on Soil Builders. She told the board that they have started applying in Merrick County again. They took out permits on 8 corners of Terry Blauhorn's ground by Palmer. Myers informed the group that the locations that she has seen looked good. She stated she was at one site on a Tuesday and went back to check on it 2 days later and it was disked in very well and she didn't detect much smell. The board stated they were happy with this report and hopes it continues to go well.

Myers also discussed with the board the wind energy information she received from the conference she went to in North Platte. She made copies for the board of the one of the presentations that was given by NPPD. She stated that no matter what side of the issue one is on with this, we are going to have to deal with regulations in the near future to come into compliance with advances with wind energy.

Myers gave a report to the board about the pending 2009-2010 budget. She stated that she had submitted an increase in her budget by \$20,000 to start on updating the comprehensive plan and regulations. However, she stated that at the budget meeting this week that it was taken out to "get under the lid." She stated she has intentions of applying for a Nebraska State Records Board grant. The board agreed that this needs to be a priority due to how old both are and how certain issues need to be addressed with the advancement of technology.

The board discussed alternate dates for the rest of the year. We will be meeting Monday September 28th at 8:00 p.m, Thursday October 22nd at 8:00 p.m. Thursday November 19th at 7:00 p.m. and Tuesday December 15th at 7:00 p.m.

No other discussion was held. Chair adjourned the meeting at 8:55 p.m.

September 28, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:10 p.m. Monday September 28, 2009 in Supervisor's Room at the courthouse in Central City. Upon roll call, those attending were Wiegert, Robinson, Kyes, Lindgreen, and Starostka. Not present were Rutton, Ogden, Joseph and Ohlman. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the August 27, 2009 meeting were presented. No discussion was held. Wiegert moved to approve the minutes, Lindgreen second. With roll call, motion carries 5-0.

The public hearing for the Platte Valley Construction Conditional Use Permit application opened at 8:12 p.m. The applicant was not present. Lisa Dixson, 3087 Wildwood Drive, Grand Island, Nebraska was present to voice concerns about Platte Valley Construction starting to pump again. She stated that she isn't necessarily against them coming into pump but more just wanted to know what this would do to increase the traffic, noise, and dust. She also voiced concerns about the children who live around this area and animals that be disturbed from all the traffic. She stated that where they will be pumping again there is a gate but she sees cars going in and out of this gated area at all hours of the night now so what would that do when they start pumping. She would like to know what times they will be running the pumping. Robinson voiced concerns about the amount of traffic coming in and out also. Due the applicant not being present to address any questions, Kyes moved to table this decision about the application to the next meeting in hopes that the applicant would be at the next meeting to discuss the concerns. Wiegert second the motion, with roll call, motion carries 5-0 for continuance of public hearing. The motion to continue was at 8:40 p.m.

The next agenda item to be considered is a Split Application by Norm and Sue Krug. They are requesting a split of 3.95 acres from Section 30, Township 13, Range 7 West, of the 6th P.M. Merrick County. They are intending to sell it for the purposes of a house to be built. This quarter has no previous splits and meets all other regulations. Lindgreen moved to recommend approval of the Krug Split to the Board of Supervisors. Kyes second the motion, with roll call motion carries 5-0.

Administrator Myers informed the Board that she has applied for a technology grant through the State Records Board. She stated it is for \$25,000 that would help redo zoning maps and regulations. She stated that it may not be until December until she hears any decisions about this grant.

No other discussion was held. Chair adjourned meeting at 8:45 p.m.

Next meeting October 22, 2009 at 8:00 p.m.

October 22, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:04 p.m. Thursday October 22, 2009 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Ogden, Ohlman, Joseph, Robinson, Kyes, Lindgreen, and Starostka. Not present were Rutton and Wiegert. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the September 28, 2009 meeting were presented. No discussion was held. Lindgreen moved to approve the minutes, Joseph second. With roll call, motion carries 7-0.

The public hearing for the Platte Valley Construction Conditional Use Permit application opened at 8:07 p.m. John Niedfelt 1612 S. Arthur St., Grand Island, was present as a representative of Platte Valley Construction. The board asked to Mr. Niedfelt to some basic information about the proposed operation. Mr. Niedfelt stated that where they will be pumping is a previous pumped sandpit from about 15 years ago. He stated they want to pump for possible development of the sandpit. He stated he wants to make the existing sandpit deeper and make the area larger. Mr. Niedfelt stated that there would be no more traffic than that of Hooker Bros. which is only about 2 miles north of this site. He stated that the entry for this location will be off of the driveway by Melodee Anderson's house by about 1000 feet. The board wanted Mr. Niedfelt to address the concerns of traffic that was being seen going in and out of the gates at random hours of the day. Mr. Niedfelt stated that he isn't the only one with a key to this location. He stated there is a large gate off the Gunbarrel Road entrance and another off the farther east entrance. Craig and Lisa Dixson, 3087 Wildwood Drive, Grand Island, Nebraska stated Platte Valley would be possibly going through the middle of their two pasture grounds and were here to listen about the proposal. Mr. Niedfelt wanted to reiterate that the main mission of pumping again is for future development which would be housing and tax growth. Ohlman moved to approve the Platte Valley Conditional Use Permit application to the County Board. Robinson second the motion. With roll call motion carries 7-0. Public hearing closed at 8:20. Myers told the public present that the County Board would be holding their public hearing Tuesday October 27, 2009 at 10:00 a.m.

The next agenda item to be considered is a Split Application by Virgil Kuta. He is requesting a split of 8.43 acres from Section 9, Township 15, Range 4 West, of the 6th P.M. Merrick County. He is intending to transfer to his son who owns the ground to the south across the road. This quarter has no previous splits and meets all other regulations. Joseph moved to recommend approval of the Kuta Split to the Board of Supervisors. Ogden second the motion, with roll call motion carries 7-0.

Administrator Myers offered the board the opportunity to attend the November NPZA conference in Hastings. Ogden stated he would like to attend. Myers stated she would get him signed up for the conference.

No other discussion was held. Chair adjourned meeting at 8:35 p.m.

Next meeting November 19, 2009 at 7:00 p.m.

November 19, 2009

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 7:08 p.m. Thursday November 19, 2009 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Wiegert, Kyes, Lindgreen, Rutten, and Starostka. Not present were Joseph, Ohlman, Ogden, and Robinson. Also present was Jen Myers, Planning Administrator. The meeting notice was published in both the Central City and Palmer Papers. Notice of this meeting was delivered to the Chairperson and members prior to the meeting. Open meeting notice procedures were presented by Chair Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the October 22, 2009 meeting were presented. No discussion was held. Lindgreen moved to approve the minutes Kyes second. With roll call, motion carries 5-0.

Myers presented the split application for Becky Glynn in the Northwest Quarter (NW1/4) in Section Thirty (30), Township Fourteen (14) North, Range Seven (7) West of the 6th P.M., Merrick County. Myers asked the board if they could remember any problems with a lot that has a piece which is smaller than 100 feet. Myers stated that apparently precedent was that as long as the smallest piece was more than 50 feet with additional pieces of the parcel being larger than 100 feet it was acceptable. Myers stated this is the only split in this quarter. The intentions of the split the way it is so the future home owner can have the pivot corner for pasture for her horses. Kyes moved to approve the split application for Becky Glynn and recommend approval to the Board of Supervisors. Rutten second the motion. With roll call, motion carries 5-0.

The next agenda item is the split application for Ron Kortum in the Northwest Quarter (NW1/4) in Section Sixteen (16), Township Twelve (12) North, Range Seven (7) West of the 6th P.M., Merrick County. Myers explained that there is another parcel of ground in this quarter this is .5 acres which was accepted before the new subdivision regulations. This will be the 2nd split in this quarter. Lindgreen moved to approve the Kortum split and recommend approval to the Board of Supervisors. Wiegert second the motion. With roll call, motion carries 5-0.

Myers next presented the split application for Bobby and Susan Larsen in South Half of the Northwest Quarter (S1/2NW1/4) and part of the North Half of the Southwest Quarter (N1/2SW1/4) of Section Eight (8), Township Thirteen (13) North, Range Eight (8) West of the 6th P.M., Merrick County. Myers stated this is the first split for this quarter. She also stated that is their intentions to sell this ground to their son to build a house. Kyes moved to approve the Larsen split and recommend approval to the Board of Supervisors. Rutten second the motion. With roll call, motion carries 5-0.

Myers proposed to the Board that the By-laws for the Planning Commission be reviewed since they have not been updated since 1984. The Board reviewed the By-laws and the proposed changes will be included with the minutes for approval at the next meeting.

No other discussion was held. Chair adjourned meeting at 8:13 p.m.

Next meeting December 15, 2009 at 7:00 p.m.

