

February 23, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Vice Chair Rutten at 7:05 p.m. Tuesday, February 23, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Wiegert, Kyes, Lindgreen, Rutten, Robinson, Ogden, and Joseph. Not present were Starostka 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 Vice Chair Rutten. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the November 19, 2009 meeting were presented. No discussion was held. Joseph moved to approve the minutes Kyes second. With roll call, motion carries 7-0.

The first agenda item was the request for a conservation easement for Wieck Brothers Trust in Section 33 Township 14 Range 8 S1/2NW1/4 & SW1/4SW1/4 & N1/2 SW1/4 in Merrick County, Nebraska. Milt Moravec from the Central District Natural Resources District was present to provide information about the easement on behalf of the NRD, Wieck Brothers, and attorney Cathleen Allen. Mr. Moravec provided the Board with process for the easement. Mr. Moravec stated they are requesting approval for a ground water easement for the above listed ground in Merrick County. He stated that as part of the Central District NRD, this district is in the need to get the water table back to the 1997 consumptive levels. He stated they are planning on purchasing 5000-6000 acres of irrigated ground which will be converted into dry land for the purpose of increasing those consumptive levels. He said the purchase agreement will be a perpetual agreement that will provide an easement that will remain with the land regardless of owner. The irrigation wells will be decommissioned as part of this agreement. The owner of the ground will still be able plant corn, beans, and certain grasses except alfalfa. Mr. Moravec stated the purchase price will be at \$2500.00 per acre per cubic inch from the Platte River. Mr. Moravec also stated that he does not know if there will be any other easements considered in Merrick County due to the area of Chapman is about the furthest point that would benefit from these ground water easements. He reported that places like Dawson County will be having the majority of requests due to this being one of the closest main entry points for the river and the district. Ogden moved to approved the Wieck Brothers easement request. Robinson seconds the motion. With roll call motion carries 7-0.

The next agenda item was the review of the Commission Bi-Laws. Myers presented the proposed changes from the November meeting. The board discussed the number of days required for a special meeting notice. This will be changed to reflect an optimal time to request such meeting. It also needs to be added about the number of missed meetings time over a year's time before there will be a request for further appointment to the Commission.

Myers offered one final opportunity for the Commission to attend the NPZA conference that will be held the next three days in Grand Island. She stated that she will be attending the conference for the full time.

The board finally recognized the retirement of Maurice Lindgreen from the Board. Myers presented a plaque of appreciation to Lindgreen for his 13 years of service.

No other discussion was held. Chair adjourned meeting at 7:50 p.m.

Next meeting March 25, 2010 at 7:00 p.m.



March 25, 2010

The regular meeting of the Merrick County Planning Commission did not meet due to lack of quorum. Board members present: Wiergert, Starostka, Joseph, and Rutten.

April 22, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:00 p.m. Thursday April 22, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Starostka, Ohlman, Wiegert, Kyes, Lindgreen, Rutten, Robinson, Ogden, and Joseph. Not present were Joseph and Rutten. 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 February 23, 2010 meeting were presented. A correction to the minutes made by Ogden was that would reflect "He stated they are planning on purchasing *easement rights* for 5000-6000 acres of irrigated ground which will be converted into dry land for the purpose of increasing consumptive levels." Ogden moved to approve the minutes as amended, Ohlman second. With roll call, motion carries 7-0.

The first agenda item is the final plat subdivision request by Dan Maurer in part of the Southeast Quarter (SE1/4) of Section 6, Township 15 North, Range 3 West of the 6th P.M., located North of the Union Pacific Railroad Right-of-way, Merrick County, Nebraska. Myers explained to the board some of the changes the board will be seeing regarding subdivision requests. She stated that this process has not been done correctly over the last many years and she wants to correct the process so to follow statute. Myers informed the board the Maurer split is the only request for this quarter. She also stated this subdivision meets all regulations. Robinson motions to approve the subdivision request and recommend approval to the Merrick County Board of Supervisors. Ohlman second the motion. With roll call, motion carries 7-0.

The next agenda item was the review of the Commission Bi-Laws. Myers presented the proposed changes from the November meeting. Myers presented the changes as requested at the February meeting. No other discussion was held. Kyes motions to approve the Bi-Laws as written. Ohlman seconds the motion. Ogden asked for discussion about certain areas. The following changes are proposed: Article II, Section 3 regarding the wording of "request for further appointment." Proposed wording "will result in a request of the Commission member's continued appointment." Next, Article V Section 3 and 4 regarding definition of quorum and current membership. These definitions would also affect Article VIII Section 2. Myers stated she will check with the County Attorney about what these definitions would mean for this board. As a result of this discussion, Kyes moved to rescind his previous motion. This agenda item will continue to the next commission meeting.

Myers finally discussed some of the topics presented at the NPZA conference in February. She stated she will forward the board members a link to the NPZA website so they can check out all of the power points that were offered during the conference.

No other discussion or public comment was heard. Chair adjourned meeting at 9:00 p.m.

Next meeting May 27, 2010 at 8:00 p.m.



May 27, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Vice Chair Rutten at 8:00 p.m. Thursday May 27, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Rutten, Ohlman, Wiegert, Kyes, Robinson, Ogden. Not present were Josphe and Starostka. 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 Rutten. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the April 22, 2010 meeting were presented. Robinson moved to approve the minutes, Ogden second. With roll call, motion carries 7-0.

Representatives from TransCanada, the company that will be completing the oil pipeline in Merrick County, came to provide a presentation regarding the project details as it relates to what will be happening in the County. They gave details about both the pipeline and the pumping station. Myers informed the board that they will be considering a regulation change for the AG-1 District to accommodate the pumping station. Upon changes to the regulations, a conditional use permit will subsequently follow.

The next agenda item is the final plat subdivision request by Richard and Marlene Friedrichsen in part of the Southwest Quarter (SW1/4) of Section 13, Township 14 North, Range 6 West of the 6th P.M., located in Merrick County, Nebraska. Myers informed the board the Friedrichsen split is the second request for this quarter. She also stated this subdivision meets all regulations. Ohlman motions to approve the subdivision request and recommend approval to the Merrick County Board of Supervisors. Ogden second the motion. With roll call, motion carries 7-0.

The next agenda item was the review of the Commission Bi-Laws. Myers explained to the board the different areas they discussed changing at the previous meeting. She stated the one area that she wants to highlight is under Article V Section 3 where it states the necessary measures of a quorum. She stated she added the part of the number of votes needed to pass a regulation change, request for subdivision (2 lots or more), and rezoning. She presented the reasoning that if a quorum was the majority of the current membership then that would only mean 3 votes would be needed to pass all motions. She felt that on certain issues, this number of votes was not appropriate; therefore, increasing the number to 4 would include a more definitive voting outcome. Wiegert made the motion to approve the Commission Bi-laws as written. Ohlman second the motion. With roll call, motion passes 7-0

Myers informed the Board that there will be summer NPZA conference in Norfolk August 24 and 25<sup>th</sup> if anyone was interested.

No other discussion or public comment was heard. Chair adjourned meeting at 9:50 p.m.

Next meeting June 24, 2010 at 8:00 p.m.



June 24, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:00 p.m. Thursday June 24, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Starostka, Rutten Wiegert, Kyes, Robinson, Ogden and Beckstrom. Not present was 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.

Introduction of the new Board member Jeff Beckstrom was made to the rest of the Board.

Meeting minutes from the May 27, 2010 meeting were presented. Ogden moved to approve the minutes, Kyes second. With roll call, motion carries 8-0.

Motion was made by Ogden, second by Rutten to open the public hearing for the change of regulations to the AG-1 District under section 2-101 at 8. With roll call motion carries 8-0. With public in attendance, Myers explained to the board and to the public that this hearing was for the regulation changes that would add the wording to the Conditional Use permits "*Facility for transportation and distribution of utilities to include oil and gas*" to the above mentioned regulations. Myers also stated there will be another public hearing for the specific location of the TransCanada pumping station in which people will be able to make any public comment specifically about that project. Myers explained to the board the intentions of adding this wording to the regulations. She stated that after checking with another County that will be having a pumping station in Nebraska and comments from the attorneys involved from TransCanada that the wording for this regulation changes was the result. Myers also stated that she suggested only adding it to the AG-1 District due to the AG-2 District being the transitional AG district which would prevent this from being within 1 mile of a Village in the County. The Board had no further comments or questions. Chair Starostka closed the public hearing at 8:12 p.m. Rutten made the motion to recommend the addition of "*Facility for transportation and distribution of utilities to include oil and gas*" to the AG-1 2-101 to the Board of Supervisors. Robinson second the motion. With roll call, motion carries 8-0.

Motion was made by Kyes to open the public hearing for the TransCanada Conditional Use permit application at 8:13 p.m. Joseph seconds the motion. With roll call motion carries 8-0. Laurie and Roger Johnson, 1799 R Road, Central City, first brought up the point that if we were not going to allow a pumping station within 1 mile of a village why were allowing it to be that close a residence in the rural area. They addressed that they moved out the country to be away from the noise distractions that this kind of pumping station would be conducting. They stated they would be less than a ½ of mile from this station. Francis and Shirley Johnson also stated they will be within a 1 mile of the station and voiced concerns about the noise.

At this time the board wanted to hear from the attorney present who represents TransCanada, Ron Comes and the public relations person, Bud Anderson. Mr. Comes explained that the decibel level for the pumping station that is outlined in the Presidential permit application will be 55 decibels to the closest neighbor. As explained in a handout this level is equivalent to a running dishwasher in the next room. Mr. Anderson explained that the closest neighbors will be approximately 2160 feet from the pumping station. Mr. and Mrs. (Roger) Johnson question the Board if they would like to have this noise that close to them 24-7. Johnsons also brought the safety of the children in this area especially while they are constructing the pumping station. Mr. Anderson stated that contingent on the approval of the Presidential Permit, the estimated time of construction of the pumping station would be between 2011 and 2012. He stated that would be about a 6 month project to

complete. The pumping station would be being built at the same time the pipeline is being laid. The facility will be a fenced and gated facility in hopes that this will keep out any trespassing. Mr. Anderson also stated that this isn't a manned facility but rather one ran by computers. TransCanada will be starting with 3 pumps with the capacity of 65 horsepower. They have the capacity of 5 pumps if needed. There will also be a road agreement which will outline which roads they will be using during the construction. In addition, if there is any damage to the roads they will be fixed at the expense of the pipeline company. Also, the pumping station has a life expectancy of 80-90 years.

Mr. and Mrs. (Francis) Johnson asked many questions about the actual pipeline but Myers stated that the public hearing is not about the actual pipeline is about a specific location of the pumping station and the context of the public hearing needed to stay within those perimeters. All the Johnsons questioned why they were not informed about the land being subdivided and that since the land acquisition was completed the day before why was the conditional use being completed after the land split. Myers explained that the applicant for the Conditional Use was from TransCanada and that the application did not come from the previous land owners. She also stated that small tract land subdivisions such as this did not require a public hearing but is rather a consent agenda item.

Myers further explained that this Board would be making a recommendation to the County Board for final approval. Joseph explained to them that they had to decision making power just the County Board had that power. Myers informed the public that the County Board's public hearing will be at July 13, 2010 at 10:05 a.m. With no further comment Chair Starostka closed the public hearing at 9:33 p.m. Joseph made the motion to recommend approval of the TransCanada Conditional Use application to the Board of Supervisors. Rutten second the motion. During discussion, certain contingencies were discussed and Myers advised the Board that she will work with TransCanada during the building process to address any setback issues and other topographical things that could be considered helpful to make the pumping station a more community friendly site. With roll call, motion carries 7-0, Beckstrom abstaining.

Motion was made by Kyes, second by Wiegert to open the public hearing for a Conditional Use permit for American Wood Fibers at 9:45 p.m. Myers explained that during a request for a zoning permit by American Wood Fibers, it was discovered that the permit could not be authorized due to the plant not operating under the original context it was originally built. Myers stated she went back through all previous records and could not find that the land was ever addressed under a conditional use permit. She stated this originally started out as a home occupation but has become a full agricultural business with the home site now acting as the office. She stated that this the business fits under the authorized Conditional Use permits-Commercial Agricultural Related Business. The Board clarified that if this was approved then they would become in compliance with the regulations, therefore a zoning permit could be allowed. Myers stated that was the case. No public comment was present. Chair Starostka closed the public hearing at 9:55 p.m. Wiegert made the motion to recommend approval of the Conditional Use permit for American Wood Fibers to the Board of Supervisors. Joseph second the motion. With roll call, motion carries 8-0.



July 22, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Acting Chair Pat Robinson at 8:16 p.m. Thursday July 22, 2010 in Hearing Room at the courthouse in Central City. In absence of all officers, Commission Member Robinson conducted the meeting. Upon roll call, those attending were Beckstrom, Robinson, Wiegert, Kyes, Ogden. Absent members were Joseph, Starostka, Ohlman, and Rutten. 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 Robinson. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the June 24, 2010 meeting were presented. Ogden moved to approve the minutes, Kyes second. With roll call, motion carries 5-0.

The public hearing for changes to the Merrick County Zoning regulations was opened at 8:20 p.m. Myers explained to the Board that she has been working on including an AG-R (residential) district for the rural regulations. She said that there have been requests for subdivisions in the County which would be better utilized as a smaller than 3 acres but the regulations would allow for such provision. She also stated that this would benefit the multi generation families who would like to live next to each other. Discussion was had as to if this 1 acre proposal would meet the lot size requirements which was calculated to comply with the lot size and setbacks. The public hearing was closed at 8:35 p.m. A motion was made by Beckstrom to recommend approval of the AG-R regulations as written. Kyes second the motion. With roll call motion carries 5-0.

Benner Subdivision application was the next agenda item. Dave and Kim Benner requested the approval of Benner Subdivision. Myers informed the board that there has been no opposition to this request. She also stated that based on the regulations that were just passed that this application now meets the requirements. She requested the Board waive preliminary plat and proceed to final plat approval. The Board noticed that one of the buildings may not comply with setbacks, therefore, a motion was made by Ogden to amend the AG-R regulations to include: 3-102 (3) (e). No setback requirements for pre-existing buildings. Kyes second the motion. With roll call motion carries 5-0. Beckstrom made the motion to amend the previous motion to include the amendment. Wiegert seconds the motion. With roll call motion carries 5-0. Further, Kyes made the motion to waive preliminary plat and proceed to final plat approval for the Benner Subdivision application. Wiegert, second the motion. With roll call, motion carries 5-0.

Myers stated that there is still time to register for the Planning and Zoning conference in Norfolk if anyone was interested.

Robinson adjourned the meeting at 9:00 p.m.

Next meeting August 26, 2010 at 8:00 p.m.



August 26, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:05 p.m. Thursday August 26, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Beckstrom, Robinson, Wiegert, Ogden, Joseph, Starostka, Ohlman, and Rutten. Absent member was Kyes. 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 Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the July 22, 2010 meeting were presented. Ogden moved to approve the minutes, Robinson second. With roll call, motion carries 8-0.

Myers presented the preliminary plat for Barnies Subdivision 36-15-5 in Clarks, Nebraska. Myers asked that the board waive the preliminary hearing for the subdivision due to no opposition. Joseph moved to waive preliminary hearing, Beckstrom second the motion. With roll call, motion carries 8-0.

Final plat approval was considered by the Board for Barnies Subdivision. No other discussion was held regarding this subdivision. Ohlman moved to recommend approval of Barnies Subdivision to the Merrick County Board of Supervisors. Joseph seconds the motion. With roll call, motion carries 8-0.

Myers presented the Jensen small track subdivision 18-16-8. She stated that is first subdivision in this section and complies with all regulations. Ohlman made the motion to recommend approval the small track subdivision for Jensens to the Merrick County Board of Supervisors. Rutten seconds the motion. With roll call, motion carries 8-0.

Ogden and Myers gave a report from the NACO conference this week. She explained to the board that there will need to be decisions regarding alternative energy and airport authority incorporated in the regulations coming in the near future.

No other public comment was held

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

Next meeting September 23, 2010 at 8:00 p.m.



September 23, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 8:06 p.m. Thursday September 23, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Beckstrom, Robinson, Wiegert, Ogden, Starostka, and Kyes. Absent members were Joseph, Ohlman, and Rutten. 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 Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the August 26, 2010 meeting were presented. Ogden moved to approve the minutes, Beckstrom second. With roll call, motion carries 6-0.

Myers stated that since Maurice Lindgreen had retired from the Board that a Secretary had not been re-elected as of the April terms of officers. Kyes nominated Richard Ogden Secretary, Robinson seconds the nomination. Wiegert moved that all nominations ceased. With roll call Ogden appointed to Secretary 5-0, with Ogden abstaining.

Myers presented the small tract subdivision request on behalf of Curtis and Paula Bosselman in 15-13-8. Myers stated that the subdivision meets all requirements. Robison moved to recommend approval of the small tract subdivision request to the Merrick County Board of Supervisors. Kyes second the motion. With roll call, motion carries 6-0.

No other public comment was held

Starostka adjourned the meeting at 8:45 p.m.

Next meeting October 28, 2010 at 8:00 p.m.



November 18, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 7:05 p.m. Thursday November 18, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Beckstrom, Robinson, Ogden, Starostka, Rutten and Kyes. Absent members were Joseph, Ohlman, 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 Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the September 23, 2010 meeting were presented. Ogden moved to approve the minutes, Kyes second. With roll call, motion carries 6-0.

Myers presented the small tract subdivision request on behalf of Clint and Cassandra Ruether in 3-11-8. Myers stated that the subdivision meets all requirements. Ogden moved to recommend approval of the small tract subdivision request to the Merrick County Board of Supervisors. Kyes second the motion. With roll call, motion carries 6-0.

Myers presented the small tract subdivision request on behalf of Ilene Schuett in 32-13-8. Myers stated that the subdivision meets all requirements. Kyes moved to recommend approval of the small tract subdivision request to the Merrick County Board of Supervisors. Beckstrom second the motion. With roll call, motion carries 6-0.

Myers presented the small tract subdivision request on behalf of Clarence Fetsch in 10-13-8. Myers stated that the subdivision meets all requirements. Rutten moved to recommend approval of the small tract subdivision request to the Merrick County Board of Supervisors. Robinson second the motion. With roll call, motion carries 6-0.

Myers presented the board with the preliminary plat for Thunderbird Lake North Second Subdivision. She stated that there were a few changes from the plats they received in the mail. She stated that the utility company requested a 10 foot easement on the private road to get to utilities at the west of the subdivision. Also, the private road will be considered Lot #5 of the subdivision. And finally she informed the board of a perpetual easement that was on the original development but due to legal of the land that bought the easement will no longer be needed. She stated it is in the file if anyone needs to see it. She also stated that the Subdivision Association adopted all of the original Thunderbird Lake North's conveyances and rules. Robinson made the motion to accept the preliminary plat with above mentioned changes. Ogden seconds the motion. With roll call motion carries 6-0.

No public comment was heard.

Starostka adjourned the meeting at 7:55 p.m.

Next meeting December 23, 2010



December 21, 2010

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Chair Starostka at 7:02 p.m. Thursday December 21, 2010 in Hearing Room at the courthouse in Central City. Upon roll call, those attending were Beckstrom, Ogden, Starostka, Rutten, Joseph, Ohlman, Wiegert, and Kyes. Absent members were 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 Starostka. Meeting minutes were available for review ten days prior to the meeting.

Meeting minutes from the November 18, 2010 meeting were presented. Ogden moved to approve the minutes, Rutten second. With roll call, motion carries 8-0.

Myers presented the final draft of Thunderbird Lake North 2<sup>nd</sup> Subdivision. She stated all changes from the last meeting have been made on this plat. She reported she has had no other public comment about the plat. Ohlman made the motion to recommend approval of Thunderbird Lake North 2<sup>nd</sup> Subdivision to the Merrick County Board of Supervisors. Kyes seconds the motion. With roll call, motion carries 8-0.

Discussion was held about updating the comprehensive plan and regulations. Myers reported to the board that she has found a company that may be able to consolidate, organize, and retype the regulations for a nominal fee. She is hoping to have a quote by the first of the year and if it is reasonable start soon after. In the mean time she is asking board members to review the comprehensive plan for their input. Discussion was also held about wind generation towers and the new set of regulations that will need to be added.

No public comment was heard.

Starostka adjourned the meeting at 7:52 p.m.

Next meeting January 27, 2011

