

Burt County Planning Commission
January 11th 2021 7:00pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 7:07pm. The Role was called by Andrew Donawa. Rodney Bromm **Present**, Charley Cull **Present**, Jay Hovendick **Absent**, Don Johnson **Present**, Wally Lydick **absent**, Tony Moseman **Present**, Clayton Olsen **Absent**, Roger Pond **Absent**, Scott Ronnfeldt **Present**.

Motion to Approve Minutes from December 7th, 2020 meeting made by Charley 2nd by Tony.

Roll call 5 ayes 0 nays- Motion passed

Motion to close the regular meeting and open the Public Hearing made by Tony 2nd by Scott at 7:12pm.
Roll call 5 ayes 0 nays

The Public Hearing for manure No one was there to comment.

Motion to close the public hearing and return to the regular meeting made by Tony 2nd by Don at 7:42pm. Roll call 5 ayes 0 nays

Zoning Commission would like to make changes to 23 on the manure regulations and strike 24 of the zoning manuals. Motion made by Tony 2nd Charley to amend the Burt County Zoning Regulations at

Section 4.03: A-1 Agricultural – Primary District

A. Permitted Principal Uses

23. To Read The spreading, stockpiling or composting of dead livestock, sludge, by-products from manufacturing or any processing plant and/or paunch manure on agricultural land by municipalities or operations ~~inside or~~ outside the county.

Striking Inside or

And Striking all of 24

24. ~~The application of livestock manure in Burt County by operations located outside the county shall require a conditional use permit.~~

Motion to approve utility regulations changes. Made by charley 2nd by Tony. It is recommended that a minimum depth of 42" for all utility easements areas not the road right of way, with locating wire. If utility method is used then a warning tape is to be buried 12" above the installed utility. A line of origin is to be provided by the contractor and this process is overseen by the county road department.

Roll Call 5 ayes, 0 nays

Motion to adjourn made by Charley 2nd by Scott at 8:13pm

Andrew Donawa Planning and Zoning Administrator

Burt County Planning Commission
February 1st, 2021 7:00pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 7:01 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Present**, Jay Hovendick **Present**, Don Johnson **Present**, Wally Lydick **Present**, Tony Moseman **Present**, Clayton Olsen **Present**, Roger Pond **Absent**, Scott Ronnfeldt **Present**.

Visitors signing in were: Leslie Honeycutt, Jim Beaver, Adam Beaver, Mardy Spence, Cyndi Beaver, Mark VanDerhart, Dorcas VanDerhart, Mark Adams, MaryBeth Waggoner, and Steve Devining

Kevin Brummond arrived at 7:30

It was noted that the Open Meetings act was posted.

Charley made a motion to Approve the minutes from the January 11, 2021 meeting with one typo being noted (striking if and making it of). 2nd by Tony. Roll call was done Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye, Roger Pond- Absent.

Chairman Rodney announced that Ann Chytka was taking over the Zoning and Planning Administrator position for the interim. Andrew Donawa will be full time Emergency Manager for Burt County.

Chairman stated that this was a Public Hearing for a conditional Use Permit for Kevin Burmmond to place an Airstrip in Section 25&36 Township 22 Range11E.

Motion to close the Regular meeting and go into Public Hearing was made at 7:34 by Charley 2nd by Tony with roll call Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye, Roger Pond- Absent.

Comments during public hearing were heard as follows:

Tony Moseman asked Kevin if he had tried to use the Tekamah Municipal Airport. Kevin replied that they Airport Board had denied his request.

Female not stating name asked about the noise level that would be coming from this. Kevin stated that they would do 1 load about every hour around 10 times a day from July to the middle of August.

Gentleman asked if he was going to build the airstrip up. Kevin stated yes.

Someone asked about lights Kevin said that they will not have any lights that use electric. And that they will run the planes during the daytime only.

Leslie Honeycutt asked what chemicals will be used Kevin answered insecticides and pesticides no herbicides.

Jim Beaver had concerns about the noise and what impact this would have on land values. And if Kevin was planning on expanding in the future. Kevin addressed those concerns about the noise and he is not planning on expanding. He is unable to say what land values will do.

Mike Beaver also had the same concerns as Jim.

Adam Beaver had a question about set back. Rodney said that there would be no setbacks.

Question was asked why do planes instead of helicopters. Kevin answered the planes are able to hold more chemicals.

Kevin stated that he would not be flying over the houses and will not be flying when the wind is over 12 mph. Also, that this is the only place he has to put it.

Being no further questions or comments A motion to Close the public hearing and return to the regular meeting at 8:05 made by Charley 2nd by Tony.

The board had more discussions. Again, asked why Kevin was not placing the airstrip at the Tekamah Municipal Airport again Kevin stated that The Airport board denied his request.

A motion to approve the Conditional Use Permit for Kevin Brummond to place an airstrip (4000') in Section 25&36 Township 22 Range 11E with the condition of it being no more than 2 ag spray planes. If more planes are requested it would need to be revisited with another Conditional Use Permit. Motion made by Wally 2nd by Don Roll Call: Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye, Roger Pond- Absent. Motion Passed.

The next meeting will be held March 1st 2021.

Ann gave out copies of the Bi-laws to be reviewed at the next meeting.

Motion to adjourn the meeting at 8:30 P.M. was made by Tony 2nd by Wally.

Ann Chytka
Burt County Zoning and Planning Administrator

Burt County Planning Commission
March 1st, 2021 6:00pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 6:03 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Present**, Jay Hovendick **Present**, Don Johnson **Present**, Wally Lydick **Present**, Tony Moseman **Present**, Clayton Olsen **Present**, Roger Pond **Absent**, Scott Ronnfeldt **Present** (6:04).

Quorum present yes.

It was noted that the Open Meetings act was posted.

Visitors signing in were: Beth Elliott, Mark and Dorcas VanDerHart, Cory Bachman, Brad Batenherst, David Schold, Paul Richards, Denny Klatt, Annette Sprick, Rob Chatt, Bret Brodersen, Dennis Connealy, Josh Brodersen, Terry Cameron, ? Bachman, Craig Bachtell, JoAnn Bachtell, Charlie Bressman, Garrett Gregerson, Tim Gregerson, Steven Coppola, Ashley K Dishe, Michael Knapp, Eric Johnsen, David Levy, Ryan Warren, Janice Bowden, Mike Anderson, Ann Loftis, Don Bromm, Kurt Potadle, Michele and Kord Quick, Bill Price, James F Kelly IV.

Charley made a motion to Approve the minutes from the February 1st, 2021 meeting with. 2nd by Jay. Roll call was done Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye, Roger Pond- Absent.

Chairman Rodney announced that the nominations of officers were tonight. Ann Chytka asked for Nominations for Chair. Tony Nominated Rodney Bromm with no other nominations Charley 2nd with roll call done Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-abstained, Wally Lydick- aye, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye.

Rodney resumed the meeting by asking for a nomination for Vice Chair. Don nominated Wally with no other nominations Charley 2nd with roll call done Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- abstain, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye.

The Commission then talked about the Utility Regulations for burial of pipes and cables. Paul Richards spoke to the Commission about how Burt County had no regulations on burying cables in the right of way. Annette Sprick spoke to the Commission about how she thinks that it is a good idea for the county to have standards. She said that she has done work in the past with the Union Pacific Rail Road and she stated that standards are necessary.

Ann spoke and stated that she had Resolution 2021-06 signed at the February 9, 2021 Board of Supervisors meeting which states "Any Utilities proposed to be located in County Right of Way shall be subject to the County Permit process related to utilities located in the County Right of Way. This permit may be obtained from the County Roads Department."

Rodney said that we will table this topic and discuss at a later date.

Rodney mentioned that the Bi-Laws were updated back in July of 2015 but were never retyped. Ann read the minutes from the July 6th, 2015 meeting "Next on the agenda was amending the by-laws to make five a quorum. The board discussed not having enough members present to have a meeting. Moseman made a motion to change from six to five or more members present to be a quorum, with a second from Larsen. Roll call vote Ayes- Bromm, Lydick, Larsen, Moseman, Johnson, Olsen, Ronnfeldt and Petersen. Nays- None"

"Also, the meeting date needed to be changes. Moseman made a motion to change the bi-laws to have our meetings the first Monday of the month with a second by Petersen. Roll call vote Ayes- Bromm, Lydick, Larsen, Moseman, Johnson, Olsen, Ronnfeldt and Petersen. Nays- None"

Ann advised the commission that she had handed out the Bi-laws at the last meeting with the changes noted. Tonight, is the final copy that needs to be signed.

Lydick made a motion to sign the current copy of the Bi-Laws 2nd by Moseman with roll call done Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- aye, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye. Bromm signed the current Bi-laws. Signed copies will be given out at the next meeting.

At 6:30 Rodney Bromm state that he and Wally Lydick would not be participating in the Public Hearing he Appointed Charley Cull to run the Public Hearing.

At 6:31 Charley Cull opened the public hearing stated that we were now Opening the public hearing and that the Open Meetings Act was posted. He stated that there would be a three (3) minutes time limit for Public Comments.

Michael Knapp the Chief Operating Officer for Sandhills Energy came before the public and gave a presentation about this solar project. He stated that this project will cover approximately 1,500 acres. Will be a 250-megawatt (MW) project Hopes for the project to begin in November 2021 and be completed by 2023. The Project is expected to generate approximately \$350 million of investment. It is expected to employ approximately 115 full-time workers during the construction phase and the require up to 4 full-time employees for a minimum of 25 years from the commercial operation date. He stated that there will be 15.5 miles of fencing and that they were willing to make agreements with neighbors for putting trees up. Michael also mentioned that they were working with Bee & Butterfly fund to prepare a pollinator crop to establish high quality pollinator habitat. The project lease and easement agreements state that all land will be returned to its original farmland condition at the end of the lease.

Michael also stated that there will be a Roads Agreement along with a Decommissioning Agreement. He said that the project estimated taxes would be \$954,500. With \$562,487 going to the Tekamah Herman School District. In addition to the tax benefits Burt County Solar will make an annual \$50,000 donation to a community fund to benefit local charitable and non-profit organizations.

Burt County Solar is short listed by OPPD. Michaela Valentin said they will know the final candidate at the end of March beginning of April 2021.

Burt County Solar will still continue on with this project.

Charley read the letter that was received on February 15th via email from Burt County Economic Development "On behalf of Burt County Economic Development Corporation, I would like to lend our support of the Burt County Solar LLC project. The addition of solar energy helps provide diversity for our electrical energy sources. This project, in particular, will provide an economic benefit to Tekamah and

Burt County, along with jobs. Their thoughtfulness in helping the environment by planning a pollinator habitat on site is also very appreciated. Please give your full consideration to this solar energy project."

Charley also read the letter received from Danna K Plummer 6021 N 163rd St Omaha NE 68116. Dated February 26, 2021 "To Whom it May Concern, The CRDP LLC strongly opposes solar panels and will not allow them on our Burt County Property. Thank you, Deanna Plummer"

Public Comments:

Charlie Bressman Counsel for Craig and JoAnn Bachtell 291 Co Rd 45 Tekamah Stated that they were good citizens and that they are not objecting but that they do not want them located in the Newell and Bromm lands. Again, not protesting all three properties just 2 properties.

Mike Anderson- Stated that he doesn't think that Solar would be an eye sore.

James Kelly 2855 Co Rd B Herman- Not opposed. He asked about the water shed. Michael stated that this will not change the flow. James also asked if a new house was to be built would it have to be 300 ft away from the project.

John with Burt County Public Power stated that this would not impact their lines. John later stated that the solar project north of Tekamah and in Dodge County meets the 10% limit of renewable energy.

Sharon Barrientos 410 County Road 45 Tekamah was concerned about the property value. Per Michael they have not seen any impacts on nearby properties.

Bret Brodersen stated that he has ground in the project and that this has been in his family for multiple generations and that the decision to go with this project was not an easy decision. He said that when you weigh the positive and the negatives the Positives outweighs the negatives. Positives are taxes, Tekamah Herman School, communities, and jobs

Mark VanDerHart from Tekamah Airport Joint Zoning Board talked about the close and approach zones. Mark stated that their board is not opposed but will protect the Airport. Mark was also concerned about the heat signature that comes from the solar panels. Mark and Michael will be in contact with each other.

Mark VanDerhart as citizen said that the Aviation Community recommends getting everything in writing.

Annette Sprick 5165 11th St stated that she was in favor. Her concerns with how they were going to make sure that there were no invasive weeds and was also worried about overgrowth. Michael addressed her concerns stating that they have been in contact with the Bee & Butterfly Fund and that if possible, they would bring sheep into keep the growth down.

Terry Cameron -stated that he was all for the project.

Ann Loftis 20754 Co Rd 17 Herman NE, she loves trees and is worried about the residents having to look at the solar panels. She stated that she would not want to view the solar panels.

Dennis Connealy of Tekamah spoke he is for the project. He stated that this is the best ground and it has not flooded. He doesn't want to encroach on the view of the neighbors and favors putting trees up.

James Kelly asked if we could require them to sell to energy to local providers. The answer was that we could not regulate that.

Tony Moseman asked by show of hands how many people are against these 6 (six) people raised their hands.

Michael Knapp said that they would make a good faith effort to work with neighbors by planting fast growing trees.

Scott Ronfeldt asked Michael a question if they had any other contracts that were not used in this project? Michael said this project has all the contracts in place and that there could possibly be another project up north in the future.

Has this ever flooded in the past? Dennis Connealy didn't believe so.

Charley asked if there were any other questions or comments?

Being none Charley closed the Public Hearing at 7:44 and went back in to regular meeting.

The Commission discussed topics about the conditional use permit:

Work with airport

Take care of neighbors with trees, fence and setbacks.

Who will choose where the 50K charitable donation will go each year?

Scott Ronfeldt made a motion Approve the Conditional Use Permit for Burt County Solar, LLC with the condition that there is a minimum of 2 rows of trees at the 300 ft line with a minimum length of 100 ft from the corner of the residence if desired by the resident. Second by Tony Moseman

roll call: Don Johnson- aye, Clayton Olsen-aye, Tony Moseman- aye, Scott Ronfeldt- aye, Charley Cull-aye, Jay Hovendick-aye.

It was mentioned that this would go before the Burt County Board of Supervisors on March 9th.

The next planning meeting is to be determined.

Meeting adjourned at 8:10 by Jay and Scott

Ann Chytka

Burt County Zoning and Planning Administrator

Burt County Planning Commission
June 7th, 2021 6:30pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 6:30 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Don Johnson **Present**, Clayton Olsen **Present**, Rodney Bromm **Present**, Roger Pond **Absent**, Wally Lydick **Present**, Tony Moseman **Absent**, Scott Ronnfeldt **Present**, Charley Cull **Present** (6:32pm), Jay Hovendick **Present**.

Quorum present **yes**.

It was noted that the Open Meetings Act was posted.

Visitors signing in were: Bill Price, Dave Drew, Nathaniel Murray. Amber Pallas, and Julian Brunt

Wally made a motion to Approve the minutes from the March 1st, 2021 meeting with. 2nd by Jay. Roll call was done Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- absent, Scott Ronnfeldt- aye, Charley Cull- aye, Jay Hovendick-aye, Roger Pond- Absent.

At 6:33 Rodney opened the public hearing for the Conditional Permit for Bret Broderson to place fertilizer (Biomass from Cargill) in Sections 8,17, and 1 Township 21, Range 11E. Bret was not present.

Public comment was opened: Dave Drew who represents Missouri River Farms asked what the product was?

At 6:37 Rodney called Bret and put him on speaker phone. Bret said that the product is Biomass and waste feed. Dave Drew asked which division or part of the plant this comes from Bret was not sure. He said that the test shows that it comes back similar to hog manure. The biomass has nothing bad for the ground. Bret has test results from Midwest Laboratories.

Drew asked the board to put the test results with the permit before it goes before the Board of Supervisors.

Bret advised that they want to start hauling as soon as possible. He also noted that he has permits from Washington County to place this on his property down there. The stock piles will be 200 yards away from any dwelling. Bret also talked about the application rate.

Again, Dave Drew requested that the analysis from Midwest Lab be submitted with the application before submitted to the Board of Supervisors.

Rodney closed the public meeting at 6:54, and returned to regular meeting at 6:54.

The commission had discussion on Bret's Conditional Use Permit.

Wally made a motion 2nd by Olsen, that we ok the permit with the condition that the Midwest Lab spec be attached before presented to the Board of Supervisors, and that the product be placed as soon as possible.

No discussion

Roll Call- Don Johnson- aye, Rodney Bromm-aye, Scott Ronnfeldt- aye, Charley Cull- aye, Wally Lydick-aye, Clayton Olsen-aye, Jay Hovendick-aye, Tony Moseman- absent, Roger Pond- Absent.

Motion Passed

This will be going to the Board of Supervisors on June 8th 2021.

At 7:09 Rodney opened the Public Hearing for the Conditional Use Permit for AMG Nebraska ISP LLC, d/b/a Nextlink filed to place a 120' Mono Pole Tower to provide high speed internet. The location will be in Section 9 Township 21 Range 9E.

Nathan Murray was there to talk he stated the Nextlink is wanting to put a self-supporting tower to provide highspeed internet. This project is part of the Connect America project. He stated that a decommission plan is in place. He stated that they are going into places where telephone companies won't go to provide internet. Nathan said that this is no longer a line of site provider.

At 7:18 Rodney closed the Public Hearing for Nextlink and return to regular meeting

Discussion on the internet speeds through out the county and how there is room for improvement.

Charley Cull made the motion 2nd by Jay Hovendick to accept the Conditional Use Permit for AMG Nebraska ISP LLC, d/b/a Nextlink filed to place a 120' Mono Pole Tower to provide high speed internet.

Roll Call- Don Johnson- aye, Clayton Olsen-aye, Rodney Bromm-aye, Wally Lydick- aye, Scott Ronnfeldt-aye, Charley Cull- aye, Jay Hovendick-aye, Tony Moseman- absent, Roger Pond- Absent.

Motion Passed.

This will be on the June 8th, 2021 Board of Supervisors meeting at 9:15

Rodney signed both Conditional Use Permits

Old Business-

Buried Cable-guidelines: Rodney discussed with the commission about the buried cables that has been being discussed previously. Ann provided each member a copy of Resolution #2021-6

RESOLUTION #2021-6

WHEREAS, the Planning Commission of Burt County, Nebraska, recommended to the County Board of supervisors, to make the following changes in the Burt County Zoning Regulations.

In **Article 5**

B. Conditional Uses

2. Standards

Add "d."

- d.* Any utilities proposed to be located in County Right of Way shall be subject to the County Permit process related to utilities located in the County Right of Way. This permit may be obtained from the County Roads Department.

AND WHEREAS, the Burt County Board of Supervisors held a public hearing at 9:35 AM February 9th, 2021 to consider this amendment,

AND WHEREAS, the public was present to make comments for and against these new amendments.

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that an amendment to the zoning regulations in Article 5, B. Conditional Uses, 2. Standards

- d. Any utilities proposed to be located in County Right of Way shall be subject to the County Permit process related to utilities located in the County Right of Way. This permit may be obtained from the County Roads Department.

DATED this 9th, day of February 2021

The signed copy of this resolution is on file in the Clerk's office.

Discussion was made about how it is not necessary to have all buried cables in the county on private lands do not need to have a marker cable.

If it is on County Property or in the right of way, or if Wind or Solar Conditional Use Permit there will be a condition that all buried cables will have a marking tape.

Wally made a motion 2nd by Scott to endorse Resolution 2021-6 as written.

Roll Call- Clayton Olsen-aye, Charley Cull- aye, Don Johnson- aye, Jay Hovendick-aye, Scott Ronnfeldt-aye, Rodney Bromm-aye, Wally Lydick- aye, Tony Moseman- absent, Roger Pond- Absent.

Motion Passed.

Personal Solar Panels- Ann stated that when the Board of Supervisors put the fee schedule together, they included solar panels at \$100.00 if under 25 KW. The Planning office has been receiving calls about solar panels placed on residential roofs, and Ann was just wanting to make sure that this was what the planning commission intended. After discussion yes residential solar panels on roof tops do need to have a building permit and pay the applicable fee.

NEW Business

Amber Pallas came before the planning commission. They are in the process of buying Big Cotton Wood Winery. They are wanting to put 5 higher end glamping (glorified camping) units out there. These tents are like ones that are in South Africa made by Bushtec Safari. She is hoping to get people out of Omaha to the country. She thinks that Tekamah has a lot to offer but people do not know about it. She wants to bring something unique to the county. Rodney said that from the zoning side these will have indoor water and plumbing, she stated that there was already septic on the property. These are semi-permanent structures. The base will remain in place. Since this will no longer be a winery there will be a new conditional use permit. They will be open April through November. The price per night they are thinking \$300 per night for a couple, and up to around \$500 for 6 people per night. Rodney stated that Ann had looked into this and since they were wanting to put 5 up that it may need to be subdivision. We would need to look into it further.

Since these would be a semi-permanent structure, they would also need have building permits also.

The board looked positively at this project.

Amber is due to close on the property on July 31st. The next planning meeting would be on July 12th.

A copy of the sub division regs and application were given to Amber.

Next meeting will be held on July 12th, 2021 at 6:30

Jenny Penny had called Rodney about building on property that already has 2 homes in the quarter section. Rodney asked the members of the planning commission to be thinking of the density clause. Maybe relaxing the density clause in places.

Adjournment at 8:25 P.M. by Clayton 2nd by Jay

Burt County Planning Commission
July 12th, 2021 6:30pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 6:30 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Don Johnson **Absent**, Clayton Olsen **Present**, Rodney Bromm **Present**, Roger Pond **Absent**, Wally Lydick **Present**, Tony Moseman **Absent**, Scott Ronnfeldt **Present**, Charley Cull **Present** (6:32pm), Jay Hovendick **Absent**.

Quorum present **yes**.

It was noted that the Open Meetings Act was posted.

Visitors signing in were: Bill Price, Justin Hansen, Nick Seery, Patty Plugge, Jenny Penny, Molly Dickinson, Chad McClure.

Charley made a motion to Approve the minutes from the June 7th, 2021 meeting with. 2nd by Scott. Roll call was done Clayton Olsen-aye, Wally Lydick- aye, Rodney Bromm-aye, Charley Cull- aye, Scott Ronnfeldt- aye, Don Johnson- absent, Tony Moseman- absent, Jay Hovendick-absent, Roger Pond-absent.

At 6:33 Rodney opened the public hearing for the Discussion about density clause. Our Current regulations state that there may be only 2 houses per ¼ section.

Public comment was opened:

Rodney gave a summary that they had already reduced the density clause down by Summit and some locations down by the river.

Nick Seery spoke and stated that Cuming County has bluff zones and buffers close to town and said that he believes that Cuming County is a 5-acre minimum but was unsure how many are allowed per ¼ section.

Jenny Penny spoke and said that her dads wish was to have the girls live up on the original homestead. She said that the property where they want to build is 123 acres, there is already 2 wells and power lines that go to the site. She stated that due to there already being 2 houses in the ¼ section it is preventing her from building.

Bill Price from Lyons, stated that he doesn't have an issue with Jenny Penny wanting to build a house up on their acreage but on the flip side his nearest neighbor is 1 mile away and that is what he prefers. He just asked the commission that they use caution on the wording that is used and that some people's quality of life may be decreased if the density is reduced.

There was more discussion about the current regulations and that we have the Board of Adjustment that reviews variances. The last variance was issued to Ivy Lanes.

Patty Plugge was in favor of amending the density clause on the bluffs between Tekamah and Decatur.

Justin Hansen would like to see the density clause reduced over on the old highway south of Tekamah (Co Rd 34).

Public hearing was closed at 7:02 and returned to regular meeting.

There was discussion on what they should recommend to the board as far as the density clause, do we recommend removing the density clause or just modify the current regulations that is 2 per ¼ section.

Ann Chytka read the regulations from Stanton County that states "The maximum density may be applied to one 80-acre area, provided the residences are clustered and a waiver of density has been agreed upon by all parties in the ¼ section."

Scott Ronnfeldt stated that may be an option for Burt County.

Rodney recommended that Jenny Penny file a variance with the Board of Adjustments.

Ann let the commission know the budget for 2021/2022 that she was submitting to the Board of Supervisors on the 13th.

Also, that correspondence in their packet came from Bill Price about the wind towers.

The next meeting will be held August 9th, as Rodney will not be available on August 2nd.

Public comment: Nick Seery let the board know that he was working on a couple of subdivisions that will be coming to them in the near future.

Scott made a motion to adjourn 2nd by Charley at 7:44 pm.

Ann M. Chytka
Burt County Planning and Zoning Administrator

Burt County Planning Commission
August 9, 2021 6:30pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 6:31 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Don Johnson **Absent**, Clayton Olsen **Present**, Rodney Bromm **Present**, Roger Pond **Absent**, Wally Lydick **Present**, Tony Moseman **Present**(6:32pm), Scott Ronnfeldt **Present**, Charley Cull **Present**, Jay Hovendick **Present**

Quorum present **yes**.

It was noted that the Open Meetings Act was posted on the wall.

Visitors signing in were: David Schold, Carl Pearson, and Jenny Penny

Charley made a motion to Approve the minutes from the July 12th, 2021 meeting with. 2nd by Clayton. Roll call was done, Wally Lydick- aye, Rodney Bromm-aye, Scott Ronnfeldt- aye, Don Johnson- absent, Tony Moseman- aye, Jay Hovendick-aye, Roger Pond- absent, Charley Cull- aye, Clayton Olsen-aye.

Minutes from July 12th were approved.

Discussed Junk Cars in the County. Wally said that he had put this on the agenda so that we could discuss what to do with the people out in the county that have "junk cars" on their property. Wally stated that he was driving around and saw a handful of junk cars on six different properties. He stated that he talked with a gentleman in Blair and Blair doesn't allow junk cars in town. Wally had asked the planning office to contact other counties. Audra reported back that Stanton wanted to do something but doesn't have anything currently. Wally is just wondering what we could do about them.

Rodney read the definition of Junk from the Planning Book. We also have nuisance defined.

At 6:51 Rodney opened the public hearing for the Discussion about density clause. Our Current regulations state that there may be only 2 houses per ¼ section.

Ann presented two options for the Commission to review for a Waiver of Density-one stated that Maximum Density may be waived in one 80-acre area. The other one was waived in one ¼ section. This would be placed in all districts. There was discussion about the two options with the pros and cons of each one. The 80-acre example came from Stanton County. The ¼ section one fits with Burt County.

Jenny Penny spoke and said that she was wanting to see something that was good for the whole county. She said that it seems that Burt County is making it difficult for people to move into this county. Jenny said owning 192 acres and not be able to build is not good. Hers is an exception and not a rule.

David Schold liked the idea of the waiver.

Rodney stated that according to the current regs to build a house with no conditions it needs to be on 20 acres, it has to border a road or you have to bring it up to standards. And no more than 2 residences per ¼ section. That is why we are reviewing this waive as an option.

Jenny told the Commission that she had reached out to other counties and explained their density.

Carl said that we still may want to think about changing the density clause in the future.

We will be revisiting this topic in the future and this is a temporary band-aid. We will still look at the possibility of making some sort of corridors for future growth.

Wally made a motion to accept the Waiver of Density Clause with the ¼ section wording. 2nd by Tony with roll call Roll call was done, Clayton Olsen-aye, Rodney Bromm-aye, Scott Ronnfeldt- aye, Jay Hovendick-aye, Charley Cull- aye, Wally Lydick- aye, Tony Moseman- aye

There was more discussion on the corridors and the density clause but no action was taken.

The next step for Jenny Penny is to have the waiver signed and apply for a building permit.

People coming in for a building permit and the acreage is less than 20 acres then they need a conditional use. If it is 20 or more acres a building permit is all that is needed. If there are more than 2 residents in the ¼ section than a waiver would need to be filed out.

Public hearing closed at 8:04 and went back in to meeting.

There is no fee for the waiver just the cost to have it filed with the register of deeds.

Ann handed out zoning books that she has been working on she gave each person the list of changes and highlighted questions she had. This was only up to Article 5 We will discuss this at the next meeting.

Ann advised the Planning Commission that the yearly Planning Conference would be in Kearney the date of September 15-17th. Please let Ann or Audra know if you are interested in attending.

The next meeting will be held September 13th,2021.

Public comment: None

Charley made a motion to adjourn 2nd by Scott at 8:14 pm.

Ann M. Chytka
Burt County Planning and Zoning Administrator

Burt County Planning Commission
September 13th, 2021 6:30pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 6:32 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Present**, Jay Hovendick **Present**, Don Johnson **Present**, Wally Lydick **Present**, Tony Moseman **Present**, Clayton Olsen **Absent**, Roger Pond **Absent**, Scott Ronnfeldt **Present**,

Quorum present **yes**.

It was noted that the Open Meetings Act was posted on the wall.

Visitors signing in were: Patricia Ann Kelly, Ronald Yanke, Colby Hansen, David Self, Shauna Self, Ricky Johnson, Katlin Johnson not signing in Jenny Penny

Jan Hovendick made a motion to approve the minutes from the August 9th meeting 2nd by Tony Moseman.

Roll call vote Ayes- Bromm, Cull, Hovendick, Johnson, Lydick, Moseman, and Ronnfeldt Nays= none.
Absent- Olson and Pond.

At 6:36 Bromm Opened the Public Hearing for the Conditional Use Permit for Amber Pallas-Brunt (PID 434600200) to have glamping and wedding venue in Section 16 Township 21 Range 10 in Summit Township,

Amber spoke about how they are cleaning up the property and they are wanting to place 5 tents and have a wedding venue on the hill. There was discussion. No comment from the public.

Bromm came out of public hearing at 6:39

Lydick made a motion to accept the Conditional Use Permit for Amber with the conditions that all state permits be pulled for the septic and electric. 2nd by Hovendick

Roll Call vote Ayes- Bromm, Cull, Hovendick, Johnson, Lydick, Moseman, and Ronnfeldt Nays= none.
Absent- Olson and Pond.

At 6:42 Bromm Opened the Public Hearing for the 3 Conditional Use Permits for the Board of Ed
Public Comment was made by Colby Hansen stating that there are 4 homes located on Co Rd O next to project 1169. They were all concerned about this happening. On the letter that they received it stated, "this is for land application of industrial wastewater sludge."

Having more questions Ann called Nate and had him on speaker phone to ask questions. Nate is with Environmental Land Management LLC.

The public asked who rents the land. Nate answered Bill Repperts

What are the economic benefits for this? Nate stated to put Nitrogen in the field. He said that all of this is a recycled biproduct from corn and will be coming from Cargill in Blair.

There will be increased truck traffic while this is being delivered. Nate stated that they have the trucks go 30 mph. and that if anyone has any complaints then they can call him. Audra gave each resident Nate's phone number and email address. There will be 1500 tons delivered per week.

Nate said that the common complaints are the smell and truck travel. As for the smell he said that they are not going to stock pile and that it will be spread as soon as available and that the smell will be the strongest on day 1 and then it will start to dissipate after it is worked in. For the truck travel he said that he would talk with the Roads Department and find the best route to use.

The people on County Road O would like to see the traffic go onto Co Rd P.

Nate has been working with the state since January 2000 and has about 75-80 sites that this has been applied on and all applications have been approved.

They are asking for this Conditional Use to be good for 5 years for these parcels (432700300, 423402100, 423903500, 423903400)

Bromm closed the public hearing at 7:33 and returned to regular meeting

Lydick made a motion 2nd by Moseman for all three conditional permits for the Board of Ed lands with no conditions.

Roll call vote Ayes- Bromm, Cull, Hovendick, Johnson, Lydick, Moseman, and Ronnfeldt Nays= none.
Absent- Olson, and Pond.

Occupancy Permit- Audra briefed the Commission on what other counties do for Occupancy permit. Topic was discussed. The Commission would like to keep it simple. The Commission decided that they would like section 7.05- Certification of Occupancy removed from the regulations.

Old Business

The Commission went through the questions that were given to them back in August.

Tekamah Airport will have their own section.

Defined "Person" shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Define Satellite Dish Antenna – shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish.

In Table 1: LFO Spacing and Distance

Remove a 0 from 25,0000 and wording should be To Residences and other LFOs

In Section 4.09 I-2 Heavy Industrial District D. 5. B Changed from minimum to Maximum

The above changes where to make the Regulations more clear.

Ann advised that she will have another packet ready for review at the next meeting.

Review Wind Regs- Nothing was discussed.

Density clause was revisited again. It was stated that we will leave it as is right now since we now have the waiver in place. If at anytime a member would like to revisit it, they will ask for it to be put back on the agenda.

Zoning Administrator Updates- Ann advised the commission that Audra would be attending the Planning and Zoning Conference in Kearney this week and that she would report back to us if she had anything to share.

Also, August Zoning Report was in their packet.

Subdivision Update Ann advised that Eagle Island Subdivision was going in front of the Board of Supervisors on September 14th to get their consent to move forward on the subdivision.

The next meeting held: To be determined.

Being no public comment. Charley made a motion to Adjourn 2nd by Wally at 8:48 pm

Ann M. Chytka

Burt County Planning and Zoning Administrator

Burt County Planning Commission
November 1st, 2021 7:00pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 7:00 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Present**, Jay Hovendick **Absent**, Don Johnson **Absent**, Wally Lydick **Present**, Tony Moseman **Absent**, Clayton Olsen **Absent**, Roger Pond **Present**, Scott Ronnfeldt **Present**,

Quorum present **yes**.

It was noted that the Open Meetings Act was posted on the wall.

Visitors signing in were: Paul Gardner and Christy Eichorn

Charley Cull made a motion to approve the minutes from the September 13th meeting 2nd by Wally Lydick

Roll call vote Ayes- Bromm, Cull, Lydick, Pond, and Ronnfeldt Nays- none. Absent- Olson, Johnson, Hovendick, and Moseman.

At 7:07 Bromm Opened the Public Hearing for the Conditional Use Permit for Buell Consulting on behalf of Parallel Infrastructure (At&t) to place a 448' monopole tower to provide improved coverage, and fund critical initiatives, such as FirstNet (for emergency response), 5G support, and other new technologies in Section 35 Township 24 Range 9E in Logan Township

Christy Eichorn was there representing Parallel Infrastructure and said that the tower that At&t has, is currently up for a lease renewal. Also, they don't feel that they are being charged fairly on the SBA tower and there will be better rates. She said that this is an economic reason as well as being higher up so then there is better coverage. This will give more options in the area to put antennas on. Christy explained that this tower would be 50 feet higher and that it is a guide tower instead of a monopole. AT&T has a private/public partnership with First Net and could be put on there since this tower is taller it would be a good candidate.

Paul Gardner an attorney who represents SBA towers spoke, he said that he drove out to the site and did not see a sign posted for the meeting tonight and that according to Section 6.01 E in our regulations that a notice must be posted on the site with the meeting information. He stated that the new tower placement is only 3,531.464 feet away from the current SBA tower. He also stated that he did not see and affidavit in the conditional use permit packet. Gardner stated the SBA is willing to work with At&t to better meet their needs, he says that the current tower does have the capacity. He mentioned that the letter we have from At&t does not go with the statute. He handed out maps showing the coverage of the old tower vs. the new tower and how the coverage is the same.

Bromm closed the public hearing at 7:41 and returned to regular meeting.

Discussion was made, Ann was unaware that the property needed to be posted. Letters were sent out to the land owners around the site, she stated that there was no one within 300 yards of the proposed site but that she felt that the property owners surrounding the area needed to know so she sent letters out to adjoining land owners.

Charley made a motion to table the Condition Use Permit for Buell Consulting until December 6th so proper notice can be placed on the property. 2nd by Scott.

Roll call vote Ayes- Bromm, Cull, Lydick, Pond, and Ronnfeldt Nays- none. Absent- Olson, Johnson, Hovendick, and Moseman.

Charley also made a motion to table the second Conditional Use Permit for AMG Technology Investment Group until December 6th so proper notice can be place on the property 2nd by Scott.

Roll call vote Ayes- Bromm, Cull, Lydick, Pond, and Ronnfeldt Nays- none. Absent- Olson, Johnson, Hovendick, and Moseman.

Old Business

The Commission went through the questions that were given to them by Ann on the Zoning Regulations. Article V.

B. Standards

*Added d. Utilities in the County right of way. Resolution 2021-06

Updated F. per resolution 310110

Article VI

6.01 Radio.

Definitions:

Application- need to replace city with county (page 105)- agreed

Page 83 was missing from the online version

Satellite Dish Antenna, remove usually circular in shape. (To be consistent with previous definitions.) (page 105)

Tower Development Permit- I am unable to find a tower development Permit Form. Fee?? Is it just the Conditional Use permit fee? A Conditional use permit is fine. But we may want to think about fees by size. Will discuss more in the future

6.02- No changes

6.03- all will be updated per atty recommendations this will happen at the December 14th 2021 meeting

6.04- No changes

6.05-

A. Changed, updated, added website page 125

H. what form? Page 126

6.06- No changes

6.07- No changes

6.08- No changes

6.09- No changes

6.10- Sign Schedule updated per resolution 310728 6-27-07 page 129

6.11- made up a new sign permit page 129

6.12- No changes

6.13- No changes

6.14- No changes

6.15- Solar Energy section was added resolution 2021-3 in January- need to determine what to use--- solar farms or solar facilities? they agreed solar farms.

Article VII

7.02 last 2 sentences in paragraph 1 were passed 12/27/00 resolution31200027 page 140

Section 7.05 Certification of Occupancy- Delete per planning meeting September 2021 page 141-142

Article VIII- No changes

Article IX- No Changes

Article X- No Changes

Retyped Planning and Zoning Procedures (own tab)-stated have monthly meetings, changed to meetings as needed.

Zoning Permit Report for October was given to the members.

The next meeting held: December 6th at 6:30

Being no public comment.

Pond made a motion to Adjourn 2nd by Ronnfeldt at 8:58 pm

Ann M. Chytka

Burt County Planning and Zoning Administrator

Burt County Planning Commission
December 6th, 2021 6:30pm
Meeting and Public Hearing
Minutes

The meeting was Called to Order at 6:35 P.M. by Chairman Rodney Bromm.

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Absent**, Jay Hovendick **Present**, Don Johnson **Present**, Wally Lydick **Present**, Tony Moseman **Present**, Clayton Olsen **Present**, Roger Pond **Absent**, Scott Ronnfeldt **Present**.

Quorum present **yes**.

It was noted that the Open Meetings Act was posted on the wall.

Visitors signing in were: Paul Gardner, Christy Eichorn, Rev. Gary Fugman, Shane McIntyre, Richard K. Erickson (Lyons)

Jay Hovendick made a motion to approve the minutes from the November 1st, 2021 meeting 2nd by Tony Moseman

Roll call vote Ayes- Bromm, Johnson, Hovendick, Moseman, Lydick, Olson, and Ronnfeldt
Nays- none. Absent-Cull, and Pond

At 6:37 Bromm Opened the Public Hearing for the Conditional Use Permit for Buell Consulting on behalf of Parallel Infrastructure (At&t) to place a 448' guyed tower to provide improved coverage, and fund critical initiatives, such as FirstNet (for emergency response), 5G support, and other new technologies in Section 35 Township 24 Range 9E in Logan Township

Christy Eichorn was there representing Parallel Infrastructure and said that she had submitted the information that was requested at the last meeting which was an affidavit and the letters. These were received by the Planning Department on Tuesday November 30th.

Paul Gardner, an attorney who represents SBA towers spoke and handed out a letter to the board pertaining to the affidavit and the two letters that Buell Consulting had sent to us. Said that SBA could add 100' to their tower and do the same as what the proposed tower could do, plus it will be 32' taller as the elevation is higher. Gardner suggested bringing in an independent engineer to talk to the board about the tower and said that SBA would pay half and Buell Consulting could pay the other half if they consent. There's nothing compelling to technology and AT&T doesn't want to pay the proposed rates.

Bromm closed the public hearing at 7:19 and returned to regular meeting.

Discussion was had about the tower and that we are the planning and zoning and if we feel that the tower passes everything defined in our regulation. It is not up to us to determine if good faith effort was made between At&t and SBA. That the planning commission is in place to review and decide if we make a recommendation to the County Board or not.

Tony made a motion to approve the Condition Use Permit for Buell Consulting and recommend to the County Board. The County Board meeting will be on December 14th. 2nd by Jay.

Roll call vote Ayes- Bromm, Johnson, Hovendick, Moseman, Lydick, Olson, and Ronnfeldt
Nays- none. Absent-Cull, and Pond

Chairman Bromm opened the 2nd public hearing @ 7:28 for the 2 Conditional Use Permits for AMG. Conditional Use Permit for AMG Technology Investment Group dba Nextlink to place a 120' monopole tower for highspeed internet in Section 32 Township 24 Range 9E in Logan Township

Conditional Use Permit for AMG Technology Investment Group dba Nextlink to place a 120' monopole tower for highspeed internet in Section 7 Township 23 Range 9E in Logan Township
Shane from Nextlink described the poles and how they are trying to get internet to rural residents and they are able to do this by placing a pole on the property.
Richard Erickson was just there to listen; he was not opposed.

At 7:43 Bromm closed the public hearing.

The commission had discussion. The overall feeling was having internet in the rural areas is a good thing.

Wally made a motion to accept both conditional use permits for AMG Technology. 2nd by Moseman.

Roll call vote Ayes- Bromm, Johnson, Hovendick, Moseman, Lydick, Olson, and Ronnfeldt
Nays- none. Absent-Cull, and Pond

Correspondence

Gary Fugman presented a letter to the Planning commission on how he would like to see section 3.25 Lighting changed. Gary expressed his desire to have Burt County expand the *Burt County Zoning section 3.25 lighting ordinance* to cover more than just Industrial Zones. Gary believes that installing outdoor lighting that better protects life and property, that is full cutoff, shining below horizontal, saving energy and tax dollars.

Rodney stated that he believes that we as a county are heading in the right direction for achieving this by more people replacing old light bulbs with the new LED lights.

Charley Redding had written a letter to the Planning Commission about chicken manure that was placed on Charles Kahlandt's track of land on County Road R. He stated that it had been there for about 6 weeks and it had a bad smell.

Bromm was going to contact the driver who was hauling.

Old Business

The next meeting held: To be determined

Being no public comment.

Ronnfeldt made a motion to Adjourn 2nd by Hovendick at 8:25 pm

Ann M. Chytka

Burt County Planning and Zoning Administrator