

**BOONE COUNTY PLANNING & ZONING COMMISSION
RECORD OF MINUTES OF MEETING**

March 23, 2009

AGENDA ITEM 1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairperson, Paul Groeteke, in the County Courtroom, Boone County Courthouse, Albion, Nebraska, March 23, 2009 at 7:08 P.M.

AGENDA ITEM 2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Paul Groeteke, Brad Stephens, Mark Jensen, Chris Baum, Mark J. Wagner, Justin Frey. Absent: Doug Salber (arrived at 7:23 P.M.), Hilary K. Maricle, Lee Ketteler.

AGENDA ITEM 3 – APPROVAL OF MINUTES

Copies of the February 23, 2009 monthly minutes had been mailed to all PZC prior to the current meeting. The Chairperson requested additions, corrections or other amendments of the minutes, or a motion to approve. When no changes were proposed, it was moved by Brad Stephens and seconded by Justin Frey that the minutes be approved as written. Vote: 5 Ayes, 0 Nays, 3 Absent, 1 Abstain.

AGENDA ITEM 4 – OLD BUSINESS

The Chairperson opened the meeting for Old Business, if any. Discussion of the No Fee Livestock Registration form was held. Discussion was in the nature of the use of the word average as opposed to the word maximum in regards to the number of the livestock or poultry in the operation at any one time. Discussion was also held on the possibility of adding a section for the number of animal units permitted by the DEQ. After discussion it was decided that Barb Hanson would visit with Dave Medlin about the wording and find out if a public hearing was needed to change the form, if the Boone County Planning & Zoning Commission can change the form, or if the form has to be changed by the Boone County Board of Commissioners. The Application for Conditional Use form was also discussed. A citizen questioned the legality of calling this form a permit. The form is an application for a permit and doesn't become a permit until after it is approved, dated, and signed by the Chairman of the Boone County Joint Planning Commission and the Chairman of the Boone County Board of Commissioners. It was decided that Barb Hanson would discuss the legality of this form being a permit with Dave Medlin and would get back to the Boone County Planning & Zoning Commission with suggestions, if any, that Dave would have.

AGENDA ITEM 5 – NEW BUSINESS

The Chairperson next opened the meeting to consideration of New Business.

No New Business

ITEM A-open discussion. An open discussion of zoning was held.

AGENDA ITEM 6 – CORRESPONDENCE/ZONING ADM. REPORT

The Zoning Administrator gave a report about information on wind systems sent out. David Weidner will have an Application For Conditional Use on the agenda next month to split 5.68 acres to separate the house from the farm ground. He had previously split off 20 acres. We will also need to add some information about the Open Meetings Act to our agenda each month.

AGENDA ITEM 7 – SCHEDULE NEXT MEETING

The Chairperson announced that the next monthly meeting of the Commission is scheduled for Monday April 27, 2009 at 8:00 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

Doug Salber arrived at 7:23 P.M.

AGENDA ITEM 8 – ADJOURNMENT

It was moved by Brad Stephens and seconded by Mark Wagner to adjourn the meeting at 7:25 P.M.

Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON

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April 27, 2009

AGENDA ITEM 1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Vice-Chairperson Brad Stephens, in the County Courtroom, Boone County Courthouse, Albion, Nebraska, April 27, 2009 at 8:04 P.M.

AGENDA ITEM 2 – ANNOUNCE OPEN MEETING ACT INFORMATION

Vice-Chairperson Stephens noted that the Open Meeting Laws are posted on the bulletin board in the County Courtroom and copies are available to the public.

AGENDA ITEM 3 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Doug Salber, Hilary Maricle, Brad Stephens, Mark Jensen, Mark Wagner. Absent: Paul Groeteke, Chris Baum, Lee Ketteler, Justin Frey. Chris Baum arrived at 8:12 P.M. Others present for the meeting David A. Weidner, Jerry Carder, and Ted Thieman.

AGENDA ITEM 4 – APPROVAL OF MINUTES

Copies of the March 23, 2009 monthly minutes had been mailed to all Commission members prior to the current meeting. The Vice-Chairperson requested additions, corrections, or other amendments of the minutes, or a motion to approve. When no changes were proposed, it was moved by Mark Jensen and seconded by Mark Wagner that the minutes be approved as written. Vote: 3 Ayes, 0 Nays, 2 Abstain, 4 Absent.

AGENDA ITEM 5 – OLD BUSINESS

The Vice-Chairperson opened the meeting for Old Business. Barb Hanson gave a report on the No-Fee Livestock Registration, Application For Conditional Use, and Waiver of Distance forms that were discussed at the March 23, 2009 meeting. Dave Medlin agreed that some changes were needed on the forms but suggested waiting for the outcome of the recent hearing before proceeding on this. It was agreed that this would be tabled until a later date. Barb Hanson felt that Zoning Permits should be issued along with Conditional Use Permits if building is going to be done so that the County Assessor is kept up to date in these instances. The Vice-Chairperson felt that this should be handled between the County Assessor's office and the Zoning Administrator. Some discussion was held about the No-Fee Livestock Registration form after Ted Thieman voiced some concerns about the form. It was decided to discuss this more when all members of the Planning Commission could meet.

AGENDA ITEM 6 – NEW BUSINESS

The Vice-Chairperson next opened the meeting to consideration of New Business. He noted that one public hearing was listed on the Agenda and requested a motion to suspend the regular meeting and commence the hearing. It was moved by Mark Jensen and seconded by Hilary Maricle to suspend the regular meeting and proceed to the public hearing. Vote: 6 Ayes, 0 Nays, 3 Absent. Chris Baum arrived at 8:12 P.M.

Item A- Public Hearing for Conditional Use Permit application by David A and Kristine S Weidner to divide 5.68± acres with home from farm ground located at Fr. of the NE ¼ NE ¼ Section 17, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. David

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A. Weidner explained that he is in the process of securing a mortgage on his house that was built on the 20 acre farmstead that was broken off about 4 years ago. He is seeking the loan at this time because interest rates are lower and he fears that they will increase in the future. The lending institution is requesting that he only apply for a loan on the 5.68 acres where the house sits. The lender is not interested in the income producing portion of the land and told the Weidner's that the smaller acreage would give them a better chance of being granted a mortgage loan. Jerry Carder spoke in opposition to breaking the existing 20 acre farmstead into a smaller acreage since that could make the acreage easier to sell in the future, which could cause problems for Mr. Carder's farming operation. Discussion was held with all parties involved about their concerns. The Vice-Chairperson, after asking for any other questions or concerns and hearing none, asked for a motion to close the public hearing. A motion was made by Mark Jensen and seconded by Chris Baum to close the public hearing. Vote: 6 Ayes, 0 Nays, 3 Absent. The Vice-Chairperson asked for any discussion from the board, after no further discussion was held the Vice-Chairperson then asked for recommendation of approval or denial to the Boone County Commissioners for a Conditional Use Permit application by David A and Kristine S Weidner to divide 5.68± acres with home from farm ground located at Fr. of the NE ¼ NE ¼ Section 17, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. A motion by Mark Jensen and seconded by Chris Baum to recommend approval, as presented, to the Boone County Commissioners for a Conditional Use Permit application by David A and Kristine S Weidner to divide 5.68± acres with home from farm ground located at Fr. of the NE ¼ NE ¼ Section 17, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Vote: 5 Ayes, 0 Nays, 1 Abstain, 3 Absent. The Vice-Chairperson thanked those in attendance for coming and for their comments, the Commission realizes that this is not an easy situation for those involved.

Item B – A general discussion of zoning was held. It was decided by the Commission members present, that when all members could meet, the splitting of less than 20 acres should be discussed.

AGENDA ITEM 7 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator gave a report on the application for zoning permits received and items that would be on the next agenda.

AGENDA ITEM 8 – SCHEDULE NEXT MEETING

The Vice-Chairperson announced that the next monthly meeting of the Commission is scheduled for Tuesday, May 26, 2009 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

AGENDA ITEM 9 – ADJOURNMENT

It was moved by Chris Baum and seconded by Mark Wagner to adjourn at 8:50 P.M. Vote: 6 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON

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July 27, 2009

AGENDA ITEM 1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke, in the County Courtroom, Boone County Courthouse, Albion, Nebraska, July 27, 2009 at 7:11 P.M.

AGENDA ITEM 2 – ANNOUNCE OPEN MEETING ACT INFORMATION

Chairman Groeteke noted that the Open Meeting Laws are posted on the bulletin board in the County Courtroom and copies are available to the public.

AGENDA ITEM 3 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Paul Groeteke, Justin Frey, Mark Jensen, Mark Wagner, and Lee Ketteler. Absent: Hilary Maricle, Brad Stephens, and Chris Baum. Doug Salber resigned from the Commission. Others present for the meeting Hank Thieman and Jim Dickerson. Hilary Maricle arrived at 7:17 P.M. Brad Stephens arrived at 7:30 P.M.

AGENDA ITEM 4 – APPROVAL OF MINUTES

Copies of the May 26, 2009 monthly minutes had been mailed to all Commission members prior to the current meeting. The Chairman requested additions, corrections, or other amendments to the minutes, or a motion to approve. When no changes were proposed, it was moved by Mark Jensen that the minutes be approved as written, second by Lee Ketteler. Vote: 5 Ayes, 0 Nays, 3 Absent.

AGENDA ITEM 5 – OLD BUSINESS

The Chairman next opened the meeting for Old Business. Barb Hanson reported that the setback for trees is 40' from the public ROW and 120' in all directions from an intersection. Claim forms were given to members of the Commission so they can be paid for mileage if they choose. Barb Hanson asked that they be turned in by next month so mileage could be brought up to date.

AGENDA ITEM 6 – NEW BUSINESS

The Chairman next opened the meeting to consideration of New Business.
Item A- Consider a request from the Village Board of Petersburg to change the Future Land Use of land located in a Fr. of the E½ NE¼ Section 26, Township 22N, Range 7W of the 6th P.M. Petersburg, Boone County, Nebraska consisting of 9 acres±. The request was to change the Future Land Use from "Light Industrial" to "Higher Density Residential" to go along with the recent rezoning of this area from I-1 to R-2. Mark Jensen moved to recommend approval, to the Village Board of Petersburg, of a change from "Light Industrial" to "Higher Density Residential" be made to the Future Land Use map, Village of Petersburg, to land located in a Fr. of the E½ NE¼ Section 26, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska, second by Mark Wagner. Vote: 6 Ayes, 0 Nays, 2 Absent.
Item B- Consider an Application for Administrative Plat by Marv Koch to Subdivide 5 acres± located in a Fr. of the E½ NE¼ Section 26, Township 22 North, Range 7 West of the 6th P.M.,

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Boone County, Nebraska for the purpose of a Housing Development by the Petersburg Industrial Development Corporation. Marv Koch's intention is to sell the land to the Petersburg Industrial Development Corporation with the knowledge that a Housing Project is proposed for the area. Mark Jensen made a motion to approve the Administrative Plat by Marv Koch, to the Village Board of Petersburg, second by Mark Wagner. Vote: 6 Ayes, 0 Nays, 2 Absent.

Item C- Presubmission discussion: Article 25, Section 3 – expiration of zoning permits. Zoning permits expire after 90 days unless the work described has been started, if the work is started the permit is good for 1 year. An extension can be obtained in writing from the Zoning Administrator within the first 90 days. Barb Hanson feels that 90 days is not long enough to get some projects started, a lot can happen in the agricultural area that can delay projects, it will also make it hard to stay on top of all the permits and with the recent increase it is not fair to expect people to pay for another permit if they couldn't get started within the first 90 days. Third Plant Windpower is also concerned that their lender will have a problem lending on permits that expire in 90 days, they will be paying over \$11,000.00 for permits if they get the go ahead on the wind turbines for Boone County. After discussion it was decided that Barb Hanson would find out how long permits are good for in other counties in Nebraska and get back to the Board next month.

Article 12: A-1, Section 4,4.3 D; Article 13: A-2, Section 4, 4.3 D; Article 14: A-3, Section 3, 3.8; Article 15: R-1, Section 3, 3.6; Article 16: R-M, Section 3, 3.1; Article 17: C-1, Section 3, 3.8; Article 18: I-1, Section 3,3.8; Article 19: I-2, Section 3, 3.2; Article 20: PU, Section 3, 3.8; Article 21 – Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than eighty-three (83) feet from the road centerline when such yards are contiguous to a County Road or State Highway. County Road Superintendent Darrel Thorin suggested that this regulation be left as is in all districts, that way if the county decides to widen some of the narrow roads in the future they won't run into a problem with structures in the ROW.

Item D- An open discussion of zoning was held.

AGENDA ITEM 7 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning administrator reported that the Commission is looking for someone to fill the vacancy created by the resignation of Doug Salber and asked for suggestions. It was suggested that we try to get someone from the Cedar Rapids – Primrose area. Hank Thieman will talk to Tom Schuele about it. Commission members were given a copy of the updated fee schedule. The Zoning Administrator gave a report on the items that would be on the next agenda.

AGENDA ITEM 8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, August 24, 2009 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

AGENDA ITEM 9 – ADJOURNMENT

It was moved by Justin Frey, second by Hilary Maricle, to adjourn at 7:50 P.M. Vote: 7 Ayes, 0 Nays, 1 Absent.

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SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**

DRAFT ONLY NOT AFFIRMED

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August 24, 2009

AGENDA ITEM 1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke, in the County Courtroom, Boone County Courthouse, Albion, Nebraska, August 24, 2009 at 7:34 P.M.

AGENDA ITEM 2 – ANNOUNCE OPEN MEETING ACT INFORMATION

Chairman Groeteke noted that the Open Meeting Laws are posted on the bulletin board in the County Courtroom and copies are available to the public.

AGENDA ITEM 3 – ROLL CALL

The following quorum of Commission members were present and answered roll call:

Paul Groeteke, Hilary Maricle, Mark Jensen, Chris Baum, Mark Wagner. Absent: Justin Frey, Brad Stephens, and Lee Ketteler.

Others present for the meeting Hank Thieman, Jim Dickerson, John Krohn, Sheena Krohn, Charlie Krohn, and Cheryl Krohn.

AGENDA ITEM 4 – APPROVAL OF MINUTES

Copies of the July 27, 2009 monthly minutes had been mailed to all Commission members prior to the current meeting. The Chairman requested additions, corrections, or other amendments to the minutes, or a motion to approve. When no changes were proposed, it was moved by Mark Jensen that the minutes be approved as submitted, second by Mark Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

AGENDA ITEM 5 – OLD BUSINESS

The Chairman next opened the meeting for Old Business.

We still don't have anyone to fill the vacancy on the board. Paul Groeteke thought that Bill Robinson from Cedar Rapids would be a good candidate. Paul would like to have Tom Schuele talk to Bill about it. Barb asked that the mileage claims be presented for payment, so that they could be kept up to date. Hank Thieman explained that State Statute states that the members are allowed \$100.00 per year for attending the meetings. There is no minimum number of meetings that have to be attended, but members can be dismissed if they miss three meetings in a row.

AGENDA ITEM 6 – NEW BUSINESS

The Chairman next opened the meeting to consideration of New Business.

Item a- Discuss, consider, and take necessary action with regard to a Public Hearing for the Petersburg Industrial Development Corporation for a Preliminary Plat of Lots 1-5, Koch 2nd Addition, a subdivision located in a Fr. of the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26, Township 22N, Range 7W of the 6th P.M. Petersburg, Boone County, Nebraska containing approximately 5.1 acres \pm and for a waiver to the subdivision regulations pertaining to sidewalks.

Item b- Discuss, consider, and take necessary action with regard to a Public Hearing for the

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Petersburg Industrial Development Corporation for a Final Plat of Lots 1-5, Koch 2nd Addition, a subdivision located in a Fr. of the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26, Township 22N, Range 7W of the 6th P.M. Petersburg, Boone County, Nebraska containing approximately 5.1 acres \pm and for a waiver to the subdivision regulations pertaining to sidewalks.

A motion was made by Mark Jensen to merge items a and b for the public hearing portion, second by Maricle. Vote: 5 Ayes, 0 Nays, 3 Absent. Loup Power District suggested an easement on the properties for the use of future utilities if needed. There is an attachment that shows the surrounding lot sizes. The lots will be large lots compared with the lots to the south. Lincoln Street will continue north to 140th Street, which is a county blacktop road, and 10th Street will continue west. A motion was made by Mark Jensen to close the public hearing for Items a and b, second by Chris Baum. Vote: 5 Ayes, 0 Nays, 3 Absent.

A motion was made by Mark Wagner to approve the Preliminary plat, Item a on the agenda, with waiver for sidewalks as presented, second by Mark Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

A motion was made by Mark Wagner to approve the Final plat, Item b on the agenda, with waiver for sidewalks as presented, second by Mark Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

Item c- Discuss, consider, and take necessary action with regard to a Public Hearing on a Application for a Conditional Use Permit by CK Farms, Inc. to divide 3.01 acres \pm with home and outbuildings from farm to sell the property. This property is a tract of land comprised of approximately the E $\frac{1}{2}$ of the NW pivot corner located in part of the NW corner of the NE $\frac{1}{4}$ Section 27, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. A motion was made by Mark Jensen to open the public hearing for Item c on the agenda, second by Hilary Maricle. Vote: 5 Ayes, 0 Nays, 3 Absent. Property owners within $\frac{1}{2}$ mile were notified, and setback distances were checked for livestock facilities that are in the area. Charlie wanted to break off enough land so that he wouldn't have to go before the Boone County Board of Adjustment. He also wanted to make sure that there is Hiway access to the property. He has someone who is interested in buying the property if the acreage can be split from the adjoining farm ground. Charlie will keep the remainder of the pivot corner. After no other discussion was heard a motion was made by Chris Baum to close the public hearing, second by Hilary Maricle. Vote: 5 Ayes, 0 Nays, 3 Absent. The Chairman then asked for a motion to approve as submitted or with conditions. Mark Jensen made a motion to approve as submitted, second by Chris Baum. Vote: 5 Ayes, 0 Nays, 3 Absent.

Item d- Presubmission discussion: Article 25, Section 3 – expiration of zoning permits. After discussing the pros and cons of changing the expiration date on zoning permits it was decided the expiration date will stay at 90 days if work has not started. The zoning permit form will be changed to show the expiration date and the fact that the holder can apply in writing for a one year extension before the permit expires. If work has been started within 90 days from the date issued the permit is good for one year.

Item e- A general discussion of zoning was held.

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AGENDA ITEM 7 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator handed out a list of the permits issued in June, July, and August, gave a report on meetings attended in July and August, and reported on the items that could be on the September agenda.

AGENDA ITEM 8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, September 28, 2009 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

AGENDA ITEM 9 – ADJOURNMENT

It was moved by Mark Jensen, second by Chris Baum, to adjourn at 8:25 P.M. Vote: 5 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON

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December 28, 2009

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke, in the County Courtroom, Boone County Courthouse, Albion, Nebraska, December 28, 2009 at 7:33 P.M. Chairman Groeteke noted that a copy the Open Meetings Act is posted on the bulletin board in the County Courtroom and copies are available for the public.

The agenda for this meeting and public hearings was given in advance to all members of the Commission. Notice of this meeting and public hearings was given in advance by publication in the Albion News an accepted method for giving notice. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call:

Paul Groeteke, Justin Frey, Hilary Maricle, Brad Stephens, Mark Jensen, Chris Baum, Mark J. Wagner, and Lee Ketteler.

Others present for the meeting were Hank Thieman, Jim Dickerson, Ralph Pelster, Chuck Heying, and Matt Klabenes.

3 – APPROVAL OF MINUTES

Copies of the August 24, 2009 meeting minutes had been mailed to all Commission members prior to the current meeting. The Chairman requested additions, corrections, or other amendments to the minutes, or a motion to approve. When no changes were proposed, it was moved by Mark Jensen that the minutes be approved as submitted, second by Hilary Maricle. Vote: 5 Ayes, 0 Nays, 3 Abstain.

4 – PUBLIC HEARING FOR APPLICATION FOR CONDITIONAL USE PERMIT BY CHUCK HEYING FEEDLOT

To approve or deny an Application for Conditional Use Permit by Chuck Heying Feedlot to apply liquid manure from a cattle feedlot lagoon through a center pivot located on the Southeast ¼ Section 16, Township 22 North, Range 7 West, of the 6th P.M., Boone County, Nebraska.

5 – PUBLIC HEARING FOR APPLICATION FOR CONDITIONAL USE PERMIT BY CHUCH HEYING FEEDLOT AND RALPH PELSTER

To approve or deny an Application for Conditional Use Permit by Chuck Heying Feedlot and Ralph Pelster to apply liquid manure from a cattle feedlot lagoon located on the Southeast ¼ Section 16, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska through a center pivot located on the Southwest ¼ Section 15, Township 22 North, Range 7 West, of the 6th P.M., Boone County, Nebraska.

A motion was made by Brad Stephens to merge items 4 and 5 for discussion and to open the public, second by Chris Baum. Vote: 8 Ayes, 0 Nays.

Chairman Groeteke opened the Public Hearing for comments and questions and asked Chuck Heying and Ralph Pelster to explain their presentations. Matt Klabenes, Neligh, Nebraska, stated

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that Chuck had asked him to help explain the applications. After some discussion it was decided that these applications pertain to only the application of liquid manure from a lagoon located on the Southeast ¼ Section 16, Township 22 North, Range 7 West, Boone County, Nebraska operating as Chuck Heying Feedlot and the intention to apply the liquid manure through a center pivot on the Southeast ¼ section, Township 22 North, Range 7 West, Boone County, Nebraska owned by Chuck Heying and through a center pivot located on the Southwest ¼ Section 15, Township 22 North, Range 7 West, Boone County, Nebraska owned by Ralph Pelster. Chuck was informed that he has to have a Conditional Use Permit to apply the liquid manure through a center pivot and was informed by the DEQ that he has to have the committed acreage to handle the waste from the feedlot. Chuck has the Conditional Use Permit to expand his operation to a Class II A LFO (1001-2500 A.U.) and needs this Conditional Use Permit to apply the liquid manure through the said center pivots before the DEQ will move ahead on this project. DEQ has informed Chuck that his yards are too steep to keep his feedlot in the exact location that it is now so Chuck will be moving part of the feedlot to the North and will be doing dirt work to meet the requirements of the DEQ. Chuck then explained the proposed layout of the feedlot and this lagoon system on his land, where he would pump the liquid manure through the center pivot, and where he would cross the road to pump through the center pivot located on Ralph Pelster's property. The commission members questioned Chuck on the reason his construction project is for 5000 head and to make sure he is approved for only 2500 head at this time. Chuck stated that he is only approved for 2500 head at this time but on the advice of his engineers he is making his yards and the lagoon system large enough for 5000 head so that if he ever decides to expand he will just have to come back to the Planning Commission to apply for the increase in the LFO to 5000 head. The 80 acres that Chuck is going to apply the liquid manure to on his property will be newly irrigated land. He is going to break up the pasture, he talked to Russ at the Lower Loup NRD in Ord and was told that he would have to certify said 80 acres as irrigated land, Chuck was also informed that the moratorium on irrigation wells does not apply since he will be irrigating from a lagoon not from a well. There is a dam in Chuck's fence line that will catch the runoff and keep it from going onto the adjoining land if the pivot where to stop but the water would keep running. The dam will catch the water and it will stay on Chuck's property. Chuck explained where he has or will have dikes or berms to stop the runoff so that it would not run onto any other property or cross any road. Chuck explained the concept of this lagoon system and how it will work. It doesn't appear that runoff will be a problem on Ralph's property. This lagoon system and center pivot will be constructed on the same quarter section owned by Chuck Heying as the previous Conditional Use Permit granting an increase to 2500 head which has already been approved by the Planning Commission. The Chairman asked for any other questions or comments and after addressing all questions Chris Baum made a motion to close the public hearing, second by Mark Wagner. Vote: 8 Ayes, 0 Nays.

A motion was made by Mark Jensen to recommend approval of item #4 to the Boone County Commissioners as submitted, second by Justin Frey. Vote: 8 Ayes, 0 Nays.

A motion was made by Mark Jensen to recommend approval of item #5 to the Boone County Commissioners as submitted, second by Hilary Miracle. Vote: 8 Ayes, 0 Nays.

The records will show that there was no opposition to either item #4 or item #5 at this public hearing.

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6 – OPEN DISCUSSION

A general discussion of zoning regulations was held. Hank Thieman stated that zoning had been in effect for a decade and thanked the members for their service and noted that several members had served on the Commission for most or all of that time.

7 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator handed out a list of the permits issued in August, September, October, November, and December and gave a report of what had been happening since the last meeting. The Boone County Board of Adjustment will hold a meeting immediately following the Planning & Zoning Commission meeting in January, 2010.

8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, January 25, 2010 at 7:00 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

9 – ADJOURN

A motion was made by Mark Jensen, second by Lee Ketteler, to adjourn at 8:27 P.M. Vote: 8 Ayes, 0 Nays.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON