

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

January 25, 2010

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, January 25, 2010 at 7:03 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 hearing was given in advance to all members of the Commission. Notice of this meeting and public hearing 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

Jim Meysenburg was appointed by the Boone County Commissioners to fill the vacant seat on the Joint Planning Commission. Since Jim was unable to attend tonight's meeting he will be introduced to the Commission members at the next meeting. The following quorum of Commission members were present and answered roll call:

Paul Groeteke, Justin Frey, Hilary Miracle, Brad Stephens, Mark Jensen, Chris Baum, Mark J. Wagner. Absent: Lee Ketteler and Jim Meysenburg.

Others present for the meeting were Hank Thieman, Jim Dickerson with the Albion News, Patrick Dalseth representing Midwest Wind Energy, and Steve Boyer representing Third Plant Windpower.

3 – APPROVAL OF MINUTES

Copies of the December 28, 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 Jensen that the minutes be approved as submitted, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent.

4 – PUBLIC HEARING to approve or deny amending the Boone County Zoning Regulations in regards to Article 21, Commercial/Utility Grade Wind Energy Conversion Systems, Section 23, 23.5: Wetlands, USFW Types III, IV, and V

A motion was made by Stephens to suspend the regular meeting and move to the Public Hearing, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent. Chairman Groeteke opened the public hearing and asked those speaking to give their names and the company they are representing. Hank Thieman, speaking as a citizen of Boone County, stated that he and Hanson had checked into the setback distances at the request of Midwest Wind Energy and Third Plant Windpower. Hanson stated that she talked to several people from the US Fish and Wildlife Service and was told that they would support whatever Boone County proposed as a setback. Patrick Dalseth, Midwest Wind Energy, said that he had helped the group that put the Boone County Wind Energy regulations together in 2007. The USFW Service doesn't actually have setbacks to Wetlands. If Type I wetlands are disturbed during construction they have to be restored to their original state after construction and with Types III, IV, and V you just have to stay out of the Wetland areas. Dalseth said if he had known this when they were working on the regulations in 2007 he would

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have suggested omitting the 600' setback at that time. Dalseth suggested that the Commission eliminate the 600' setback and insert a regulation stating that permit applicants must submit proof of review from the USFW Service, the US Army Corp of Engineers, and Nebraska Game and Parks Commission stating that they have complied with all their regulations, including any necessary approvals. Dalseth stated that this is a process that Midwest Wind Energy goes through anyway to satisfy lenders. Lenders require this information before construction begins to prevent a project from being stopped once construction has started. If they don't do these studies and something would come up after construction has started it ends up costing the lender because of delays, and the wind developer could end up with a law suit. He also stated that the USACE does not require notification by a permittee if discharges result in less than 1/10-acre of waters of the United States. Steve Boyer, Third Planet Windpower, said that they have just been approved for a 27 Turbine project, by OPPD, in the Petersburg area and that he agrees with the statements made by Dalseth. When asked if the setback was removed from the regulations how could the Planning Commission be sure that wind developers would get the approvals from these 3 government agencies. Boyer stated that any reputable wind developer is going to have their project reviewed by all 3 agencies to avoid lawsuits. Dalseth said these are self imposed restrictions that Midwest Wind Energy follows and the proposed change in the regulations would require that the results of the studies be presented to the Zoning Administrator as part of the permitting process. Chairman Groeteke asked for any other questions or comments. After hearing no other questions or comments Chairman Groeteke asked to hear any opposition to the proposed changes. There was no opposition to the proposed changes. A motion was made by Stephens to close the public hearing, second by Frey.

After discussion of the notices published in the Albion News, the notices sent to the surrounding counties and the wording on the agenda for this meeting the Planning Commission decided that they could not take action on the suggested changes at this meeting. The proper steps would have to be taken to get these changes taken care of at the next meeting of the Planning Commission. Item 4 on the agenda concerning the 600' setback to wetlands was dropped and Hanson will take the proper steps to get this on the agenda for the February meeting. Dalseth stated that he would not be available for that meeting. Stephens told him that the Commission has heard his views and suggestions and it would not be necessary for him to attend the February meeting.

5 – Discussion of the By-Laws of the Boone County Joint Planning Commission

Hanson stated that the copies of the By-Laws she can find have some discrepancies in the way the meetings are being conducted. Several Commission members felt that the By-Laws had been updated several years ago. Mark Jensen said he may have a copy of the revised By-Laws but he isn't sure. After discussion it was decided to update the By-Laws at this meeting and it would be done. A two-thirds vote of the entire membership is needed to amend the By-Laws. The By-Laws were amended as follows:

A motion was made by Stephens to hold the election of officers at the January meeting of each year, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Jensen that a quorum shall be 5 members of the Commission, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Frey that the order of business of regular meetings shall be:

Call to order

Roll Call

Approval of minutes from previous meeting

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Agenda items as needed
Correspondence/Zoning Administrators Report
Schedule next meeting
Adjourn

second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent

6 – ELECTION OF OFFICERS FOR 2010

A motion was made by Jensen that the officers stay the same for 2010, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent.

Officers for 2010 are:

Chairman:	Paul Groetke
Vice-Chairman:	Brad Stephens
Secretary:	Mark Jensen

7 – OPEN DISCUSSION

No open discussion was held.

8 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator handed out a report of activities during the month of January and updated the Commission on possible agenda items for the February meeting.

8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, February 22, 2010 at 7:00 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

9 – ADJOURN

A motion to adjourn was made by Stephens, second by Frey, at 7:55 P.M. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**

BOONE COUNTY PLANNING & ZONING COMMISSION

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February 22, 2010

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, January 25, 2010 at 7:05 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 hearing was given in advance to all members of the Commission. Notice of this meeting and public hearing 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, Mark Jensen, Chris Baum, Mark J. Wagner. Absent: Lee Ketteler, Brad Stephens, Jim Meysenburg, and Hilary Maricle. Others present for the meeting were Hank Thieman, Bernard and Lucille Kuhlman, Jim Dickerson with the Albion News, Steve Boyer and Cheyenne Smith representing Third Plant Windpower, and Cory Worrell with Boone Central Public Schools. Bill Robinson was present for the open discussion part of the meeting. Lee Ketteler arrived at 7:09 p.m.

3 – APPROVAL OF MINUTES

Copies of the January 25, 2010 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 Frey that the minutes be approved as submitted, second by Jensen. Vote: 5 Ayes, 0 Nays, 4 Absent.

Chairman Groeteke suggested Item 5 be moved before Item 4 since it would take less time and the Kuhlman's wouldn't have to stay. This was acceptable to everyone involved.

5 – PUBLIC HEARING to A) approve or deny an amendment to the Future Land Use Map for land located in a Fr. of the NW¼ Section 28, T22N, R6W of the 6th P.M., Boone County, Nebraska from "I-2" Industrial Area to "A-1" Agricultural Area. B) approve or deny an application by Bernard and Lucille Kuhlman to rezone a Fr. of the NW¼ Section 28, T22N, R6W, of the 6th P.M., Boone County, Nebraska from "I-2" Heavy Industrial to "A-1" Agricultural-Primary District. This action, if approved, will amend the Official Zoning Map to reflect said rezoning

A motion was made by Jensen to suspend the regular meeting and to open the Public Hearing, second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent. Chairman Groeteke opened the public hearing and asked those speaking to give their names and the company they are representing. This property was rezoned when a pork processing plant was going to be built on the property but since there was no "Sunset" clause that went along with the rezoning it didn't change back when the pork processing plant didn't get built, this rezoning needs to be done to change the zoning district back to what it originally was. The Future Land Use Map needs to be changed first before the rezoning

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can take place. A motion was made by Jensen to close the public hearing, second by Wagner. Vote: 6 Ayes, 0 Nays, 3 Absent.

5-A) A motion was made by Jensen to recommend approval, to the Boone County Commissioners, that a change from "I-2" Industrial Area to "A-1" Agricultural Area be made to the Future Land Use Map of Boone County, Nebraska for land located in a Fr. of the NW¼ Section 28, Township 22 North, Range 6 West, of the 6th P.M. Boone County, Nebraska, second by Frey. Vote: 6 Ayes, 0 Nays, 3 Absent.

5-B) A motion was made by Jensen to recommend approval, to the Boone County Commissioners, of an Application by Bernard and Lucille Kuhlman to rezone a Fr. of the NW¼ Section 28, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska from "I-2" Heavy industrial to "A-1" Agricultural-Primary District, the official Zoning Map of Boone County, Nebraska shall reflect said rezoning, second by Frey. Vote: 6 Ayes, 0 Nays, 3 Absent.

4 – Public hearing to approve or deny amending the Boone County Zoning Regulations in regards to Article 21, Section 23, Commercial/Utility Grade Wind Energy Conversion Systems

A motion was made by Jensen to open the public hearing, second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent. The proposed amendments are in red. The proposed changes have been discussed between Third Plant Windpower, JEO, and Midwest Wind Energy. One item not highlighted is the definition of a Tower (23.2, M.) in which rotor blades was taken out, the reason for this is to be able to put the turbines in pivot corners and with the setback being from the tip of the rotor blade the turbines will not fit in the pivot corners. Also in the definition of "Noise" (23.6, K.) structure or use occupied by humans was pretty vague so we tried to define that more by adding examples of structures and uses. The diameter of the blades depends on the size of the turbine; the smallest would be about 97' – 98' blades or roughly about 190' diameter. The largest turbines have up to 170' blades or 300' plus diameter. The blades for the project Third Planet Windpower are 270' - 275' in diameter. If the rotor blade is taken out of the definition and the property line setback is 150' could it be a possibility that rotor blades would be hanging over the adjoining property.

Cheyenne Smith stated that there has been a lawsuit concerning this, the adjoining property owner felt that a part of the blade was encroaching on his property and he was entitled to a percentage of the income from the project. Mr. Smith felt that this would be the responsibility of the developer and the property owner to make sure that the blades don't encroach on the adjoining property.

After discussion it was decided that the setback for property lines in table 23.5, setbacks, Wind Turbine-Commercial/Utility WECS should be changed from 150 feet from property lines to one-half the rotor diameter and leave the rest of the setback regulation from Property Lines the way it reads now. This doesn't preclude the wind farm from paying wind energy royalties to the adjoining property owner, this states that encroachment is allowed to happen and any easement would have to be worked out between the wind developer and the property owners and would be recorded with the deed to the property. Discussion was held on the definition of property lines, it was decided to have the County Attorney look at this and determine if it is a problem and to approve this part of the amendment contingent upon the County Attorney's approval since the wetland setback needs to be taken care of tonight allowing the wind developers to move forward. David Potter thought that since there are wetlands in Boone County there should be something in the chart for a setback and not omit the setback completely. The planning commission was concerned with the wording "such permit would be conditional and contingent upon such

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approval”, they don’t want this to turn into an issue requiring conditional use permits if the turbines are close to wetlands. Hanson explained that this means that the permit would be approved by the Zoning Administrator with the condition that if approval is needed by the Nebraska Game and Parks Commission, the U. S. Fish and Wildlife Service, and/or the U. S. Army Corps of Engineers the wind developer would need to wait for that approval. If the developer proceeds with construction without waiting for approval from one or more of the governing agencies the developer would be held responsible if that agency later stopped the project and Boone County would not be held liable. The Chairman asked for any other questions or comments and after hearing none a motion was made by Baum to close the public hearing, second by Jensen. Vote: 6 Ayes, 0 Nays, 3 Absent.

A motion was made by Wagner to recommend approval, to the Boone County Commissioners, of the proposed amendments to the Boone County Zoning Regulations Article 21, Section 23, Commercial/Utility Grade Wind Energy Conversion Systems as proposed, with a copy to be attached to the minutes, with the following exception: that the amendment for the change to one-half the rotor diameter from property lines would be made in a separate motion, second by Frey. Vote: 6 Ayes, 0 Nays, 3 Absent.

A motion was made by Wagner to recommend, to the Boone County Commissioners, approval contingent upon approval by the County Attorney that a change be made to 23.5 Property Lines (setback table) from 150 feet to one-half the rotor diameter from property lines and leaving the rest of the paragraph the same, second by Jensen. Vote: 6 Ayes, 0 Nays, 3 Absent.

6 – Public hearing to amend the Koch 2nd Addition a Subdivision of Koch’s Lotsplit and a tract of land located in the NE¼ Section 26, T22N, R7W of the 6th P.M., Boone County, Nebraska: A) approve or deny the Preliminary Plat for the Koch 2nd Addition a Subdivision of Koch’s Lotsplit and two tracts of land located in the NE¼ Section 26, T22N, R7W of the 6th P.M., Boone County, Nebraska and for a waiver to the subdivision regulations pertaining to sidewalks, B) approve or deny the Final Plat for the Koch 2nd Addition a Subdivision of Koch’s Lotsplit and two tracts of land located in the NE¼ Section 26, T22N, R7W of the 6th P.M., Boone County, Nebraska and for a waiver to the subdivision regulations pertaining to sidewalks.

Chairman Groeteke stated that A and B could be discussed together. A motion was made by Jensen to open the public hearing for A and B, second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent. Hank Thieman representing the Petersburg Industrial Development Corporation stated that the Petersburg Ind. Dev. Corp. purchased more land, Lots 2 and 3, and tried to create new lot sizes so that all the lots would be close to the same size. In doing this they had to amend the subdivision. After hearing no other comments Frey made a motion to close the public hearing, second by Ketteler. Vote: 6 Ayes, 0 Nays, 3 Absent.

6) A - A motion was made by Jensen to recommend approval, to the Village Board of Petersburg, of the Preliminary Plat for Koch’s Second Addition a Subdivision of Koch’s Lotsplit and two tracts of land located in the NE¼ of Section 26, Township 22N, Range 7W of the 6th P.M., Boone County, Nebraska and for a waiver to the subdivision regulations pertaining to sidewalks, second by Wagner. Vote: 6 Ayes, 0 Nays, 3 Absent.

6) B - A motion was made by Jensen to recommend approval, to the Village Board of Petersburg, of the Final Plat for Koch’s Second Addition a Subdivision of Koch’s Lotsplit and two tracts of

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land located in the NE¼ of Section 26, Township 22N, Range 7W of the 6th P.M., Boone County, Nebraska and for a waiver to the subdivision regulations pertaining to sidewalks, second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent.

7 – OPEN DISCUSSION

Hanson handed out some information that Bill Robinson had emailed concerning regulations that Holt County is looking at enacting in regards to the pipeline. Bill is involved with a group called Landowners for Fairness that is negotiating with the pipeline company on the easement wording and they are also associated with a group from South Dakota and Montana that are negotiating with the pipeline company. The pipeline company wants to have all of the easements and contracts in place in 2011 and construction would start in 2012. This would be a situation where Eminent Domain would come into play and the pipeline company is taking 50' for the actual easement plus 110' temporary work space. The first easement that came out had multiple pipelines and had a blanket easement that covered some people 10 miles away. They have since limited it to a specific easement and if you ask them to take out the multiple pipelines they will. The group is concerned about the 4' depth of the pipeline and has asked them to put it 5' deep. There are a lot of things that go into play with this and they look like they will be a decent company to work with but there is also the concern that there have been 3 major pipelines in the last several years put in the State of Nebraska and is this a sign of things to come. The State of Nebraska has very poor regulations for pipelines of this magnitude. A lot of the regulations that Holt County is looking as are good faith regulations, that they put things back to the original state. Part of the easement proposal that the group Bill is working with would require that any land disturbed would have to be restored to NRCS standards. This is not a blanket easement it is negotiated with each individual landowner. Hanson had talked to Hank Thieman about the pipeline coming through Boone County and Hank talked to an attorney and was told that under Nebraska State Statues the pipeline company could come in under Eminent Domain and they would not need to get any permits from Boone County. The Planning Commission feels that until something is passed through the legislature it doesn't do any good for the Commission to act on anything like this but asked Bill to keep them informed if something changes. The Holt County proposal and the group Bill is a part of is just something that Bill wanted to make sure that the Boone County Planning Commission was aware of. Mark Wagner was asked if the substation east of Petersburg required a zoning permit, Hank talked to NPPD and asked them about it and was told that they did not need permits from Boone County according to Nebraska State Statues. Mark Wagner was also asked if the swine units by Meysenburgs were empty since the road has not been plowed all winter. Hank said the units are empty and that if they remain empty for 12 months they would have to come before the Planning Commission for a Conditional Use Permit to reopen them. The units belong to NPP. A couple of the Commission members thought that a couple of the units have a few hogs in them and one is completely empty.

8 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator handed out a report of activities during the month of February and updated the Commission on possible agenda items for the March meeting.

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8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, March 22, 2010 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

9 – ADJOURN

A motion to adjourn was made by Frey, second by Wagner, at 8:42 P.M. Vote: 6 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**

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March 22, 2010

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, March 22, 2010 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 were given in advance by publication in the Albion News and/or the Petersburg Press, an accepted method for giving notice. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

Tom Schuele introduced Jim Meysenburg to the Commission members and thanked Jim for accepting the appointment to the Planning and Zoning Commission.

The following quorum of Commission members were present and answered roll call: Paul Groeteke, Justin Frey, Hilary Maricle, Brad Stephens, Mark Jensen, and Jim Meysenburg.

Absent: Chris Baum, Mark Wagner, and Lee Ketteler. Others present for the meeting were Tom Schuele, Patrick Dalseth representing Midwest Wind Energy, Tony Thieman representing the Petersburg Village Board, and Brent and Tricia Martinsen, Mark Wagner arrived at 7:35 p.m.

3 – APPROVAL OF MINUTES

Copies of the February 22, 2010 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 Frey that the minutes be approved as submitted, second by Jensen. Vote: 6 Ayes, 0 Nays, 1 Abstain, 2 Absent.

4 – Patrick Dalseth, Midwest Wind Energy, presentation of the Laredo Ridge Wind Farm project

Patrick Dalseth stated that he had submitted the application for the Laredo Ridge Wind Farm to the Zoning Administrator and gave an overview of the project to be built in Northern Boone County. He explained the project to the Commission members and answered questions. Dalseth thanked the Commission for all the work they had done to help get this project underway. Hanson stated that she was in the process of reviewing the application. The Commission members thanked Dalseth for taking the time to do the presentation and answer their questions.

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5 – Public hearing to approve or deny an application for Conditional Use Permit by Brent and Tricia Martinsen to divide 10.0± acres from pasture land to build a new house located in a Fr. Of the E½ Section 6, T18N, R8W of the 6th P.M., Boone County, Nebraska

A motion was made by Stephens to suspend the regular meeting and go to the public hearing, second by Frey. Vote: 6 Ayes, 0 Nays, 2 Absent. Chairman Groeteke stated that Brett and Tricia Martinsen were present and asked them to explain their application. The Martinsens are planning on building a new home on the acreage and need the separation in order to get financing. The mortgage lender will lend on 10 acres or less. The Martinsens were told by the lender that the value needs to be in the home not the land. Chairman Groeteke asked for any further questions or comments for or against the application, hearing none a motion was made by Frey to close the public hearing, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent. A motion was made by Jensen to recommend approval of the application as presented to the Boone County Commissioners, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent.

6 – Public hearing to approve or deny amending the Petersburg, Nebraska Zoning Ordinance in regards to Article 2: Terms, Section 2: Definitions, Boarding House (amend the definition of a Boarding House and a Bed and Breakfast); Article 4: Additional Regulations, Section 10: Fences (amend the fence regulations); and add the definition, description, and requirements of a Zoned Lot

A motion was made by Stephens to suspend the regular meeting and go to the public hearing, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent. Tony Thieman was present from the Petersburg Village Board to answer questions. Hanson explained that the Village Board had been looking at the Village Zoning Ordinance and decided that they would like to see some changes. The convent is for sale and to be used as a Boarding House (or a Bed and Breakfast) the definition would have to be changed to allow for 12 sleeping accommodations, since the convent has 12 bedrooms. At this time the fence ordinance for the Village does not regulate the types of materials that can or cannot be used in the different districts. The Village board has come up with materials they would like to see allowed and prohibited in the districts. Petersburg has quite a few smaller lots that make it hard for people to build and meet the setback requirements. They would like to add the definition, description, and the requirements of a Zoned Lot to the ordinance. At this time the ordinance doesn't allow an accessory building on a lot without a primary building. A Zoned Lot would allow for building across lot lines and building an accessory building on lots without a primary structure if the lots are contiguous and under the same ownership. Thieman stated that the Village Board had discussed these changes and they feel the proposed changes would work better for Petersburg. Chairman Groeteke asked for any further questions or comments for or against these changes. Hearing none a motion was made by Stephens to close the public hearing, second by Jensen. Vote: 7 Ayes, 0 Nays, 2 Absent. Hearing no opposition to the proposed changes to the Petersburg Village Ordinance Chairman Groeteke asked for a motion to accept the amendments to the definitions. A motion was made by Jensen to recommend approval to the Petersburg Village Board of the proposed amendments to the Petersburg Zoning Ordinance Article 2: Terms, Section 2: Definitions, Boarding House: amend the definition of a Boarding House and a Bed and Breakfast to read not more than 12 sleeping accommodations and to add the definition, description, and requirements of a Zoned Lot as proposed, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent. Chairman Groeteke then asked for a motion to accept the fence ordinance amendment.

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A motion was made by Stephens to recommend approval to the Petersburg Village Board of the proposed amendment to the Petersburg Zoning Ordinance Article 4: Additional Regulations, Section 10: Fences: amend the fence regulations as proposed to include allowed and prohibited materials in the residential, commercial and industrial districts, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent.

7 – OPEN DISCUSSION

There was concern from some citizens in the community about the City of Albion putting in a lagoon as a waste treatment solution. Hanson answered the questions and stated that the City would have to go through the public hearing process and the permitting process with the DEQ. She recommended that people should watch for notices in the newspaper because if this is the decision the city makes it will have to be noticed in the paper as a public hearing. If the lagoon is within the 1 mile jurisdiction of the city it will go before the City Planning Commission and then to the City Council, if it is outside of the cities jurisdiction it will go before the County Planning Commission and then to the City Council.

8 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator gave a report of activities during the month of March and updated the Commission on possible agenda items for the April meeting.

9 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, April 26, 2010 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

10 – ADJOURN

A motion to adjourn was made by Frey, second by Stephens, at 8:32 p.m. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

April 26, 2010

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Vice-Chairman Brad Stephens, in the County Courtroom, Boone County Courthouse, Albion, Nebraska, April 26, 2010 at 7:30 p.m. Vice-Chairman Stephens 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 hearing was given in advance to all members of the Commission. Notices of this meeting and public hearing were given in advance by publication in the Albion News and the Petersburg Press respectively, both being accepted methods 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: Justin Frey, Hilary Maricle, Brad Stephens, Mark Jensen, Mark Wagner, and Jim Meysenburg.

Absent: Paul Groeteke, Chris Baum, and Lee Ketteler.

Others present Matt Pelster, Hank Thieman, and Jim Dickerson with the Albion News.

Lee Ketteler arrived at 7:36 p.m.

3 – APPROVAL OF MINUTES

Copies of the March 22, 2010 meeting minutes were 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 Jensen that the minutes be approved as presented, second by Maricle. Vote: 6 Ayes, 0 Nays, 3 Absent.

4 – Public hearing to approve or deny an application for Conditional Use Permit by Matthew L Pelster to divide 4.0± acres from farm ground owned by Ralph L and Debra D Pelster to build a new house located in a Fr. of the NE¹/₄ NW¹/₄ Section 5, T21N, R6W of the 6th P.M., Boone County, Nebraska

A motion was made by Wagner to suspend the regular meeting and go to the public hearing, second by Frey. Vote: 6 Ayes, 0 Nays, 3 Absent. Vice-Chairman Stephens asked Matthew Pelster to state his name and intentions. Matt stated that he would like to put up a house with an attached garage on 4 acres that he plans to purchase from his father, Ralph Pelster. A survey of the area has been done. It was determined that there are no LFO's within the setback distance. Matt will have his own well and septic system. He lives on the southwest corner of the quarter now. It is low and wet in that area. There was no response to the notices sent to property owners concerning this public hearing. Vice-Chairman Stephens asked for any further questions, hearing none a motion was made by Frey to close the public hearing, second by Wagner. Vote: 7 Ayes, 0 Nays, 2 Absent. A motion was made by Jensen to recommend approval of the Application for Conditional Use by Matthew L Pelster, as presented, to the Boone County Commissioners, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent.

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5 – Discuss, consider, and take necessary action on information received concerning the pipeline project

John Morgan, Boone County Attorney, sent a letter to the Nebraska Public Service Commission concerning the pipeline project going through the corner of Boone County. The response from the Nebraska Public Service Commission was sent to the Commission members. The line going through Boone County is a 36" line and will go through about 3.5 miles in the southwest corner of the county. It was the feeling of the members present that there isn't any action that the Commission can take concerning the pipeline. Hank gave a report that was presented by NPPD to the Commissioners on the transmission line going through the county.

6 – OPEN DISCUSSION

Hanson talked to the County Assessor concerning the questions about the wind turbines and was told that the developer putting up the met towers gives the County Assessor the cost of the project, the met towers are assessed on that cost and the land is valued at \$7,000.00. The assessment for the wind turbines is set by the State of Nebraska.

7 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

The Zoning Administrator gave a report of activities during the month of March and updated the Commission on possible agenda items for the May meeting. Hanson has received some complaints from the Cedar Rapids area. The complaints were concerning hog confinements and feedlots. As the Zoning Administrator Hanson is not allowed to discuss these situations publicly, but the Commission members can call or stop by the office for information.

8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, May 24, 2010 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

9 – ADJOURN

A motion to adjourn was made by Jensen, second by Frey, at 8:02 p.m. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

May 24, 2010

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, May 24, 2010 at 7:30 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. Notices of this meeting and public hearings were given in advance by publication in the Albion News and the Petersburg Press respectively, both being accepted methods 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, Mark Wagner, and Lee Ketteler.

Absent: Chris Baum and Jim Meysenburg.

Others present: John and Cindy Temme, Patrick S and Hannah Cleveland, Father Stanley Schmidt, Shirley Petsche, Hank Thieman, and Jim Dickerson with the Albion News.

3 – APPROVAL OF MINUTES

Copies of the April 26, 2010 meeting minutes were 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 Jensen that the minutes be approved as presented, second by Maricle. Vote: 6 Ayes, 0 Nays, 1 Abstain, 2 Absent.

4 – Public hearing to approve or deny an application for Administrative Plat by Joyce Temme to divide Lot 2, Block 3, Peters Addition, Petersburg, Nebraska and replat the South ½ of Lots 1 and 2, Block 3, Peters Addition, Petersburg, Nebraska. The legal description once replatted will be Lot 5, Block 3, Peters Addition, Petersburg, Nebraska.

A motion was made by Wagner to suspend the regular meeting and to open the public hearing, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent. Chairman Groeteke asked John Temme to explain the replat to the Commission. John Temme stated that his mother owned the lot behind her house and the south ½ of lot 1. The north ½ of lot 1 had been sold years ago but the proper paperwork had never been completed for a Lot Split. The waiver for the previous split of lot 1 has been done, a survey has been completed and John and his wife will purchase what will be lot 5 from his mother to build a new house. Temme answered questions about lots 1, 2, and 5. Chairman Groeteke asked for any further questions, hearing none a motion was made by Stephens to close the public hearing, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent. A motion was made by Jensen to recommend approval of the application for Administrative Plat by Joyce Temme, as presented, to the Village Board of Petersburg, second by Ketteler. Vote: 7 Ayes, 0 Nays, 2 Absent.

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

5 – Public hearing A) approve or deny an amendment to the Future Land Use Map for Lots 13 and 14, Block 1, Original Town and St. John’s Addition, Petersburg, Nebraska from “R-1” Low Density Residential to “R-2” Higher Density Residential.

B) approve or deny an application by St. John the Baptist Church to rezone Lots 13 and 14, Block 1, Original Town and St. John’s Addition, Petersburg, Nebraska from “R-1” Single Family Residential to “R-2” Multi-Family Residential. This action, if approved, will amend the Official Zoning Map to reflect said zoning change.

A motion was made by Stephens to suspend the regular meeting and to open the public hearing, second by Jensen. Vote: 7 Ayes, 0 Nays, 2 Absent. Chairman Groeteke asked Shirley Petsche, President of the St. John’s Parish Council to explain the application. Petsche stated that the Parish Council decided to sell the Convent and in order to be able to sell any of the property south of the Convent in the future they would have to do a Subdivision. The property has been surveyed and the Church is asking to rezone the area owned by the Church because the Cleveland’s intend to buy the Convent and will have 2 apartments as well as a residence in the Convent. Chairman Groeteke asked for other comments from the applicants or questions from the board, after hearing none the Chairman asked for a motion to close the public hearing. A motion was made by Jensen to close the public hearing, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent. A motion was made by Stephens to recommend approval of the amendment to the Future Land Use Map, as presented, to the Village Board of Petersburg, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent. A motion was made by Jensen to recommend approval of the Change of Zoning Request by St. John the Baptist Church, Petersburg to the Village Board of Petersburg, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent.

6 – Public hearing to approve or deny the Preliminary and Final Plat of Lots 1 & 2, Petersburg Convent Subdivision, a subdivision of St. John’s Addition, Petersburg, Nebraska.

A motion was made by Stephens to suspend the regular meeting and to open the public hearing, second by Wagner. Vote: 7 Ayes, 0 Nays, 2 Absent. Shirley Petsche stated that a survey was done, lot 1 is where the convent is located and that it sits about in the middle of lot 1. Chairman Groeteke asked for any questions or comments from the public or the board, after hearing none he asked for a motion to close the public hearing. A motion was made by Wagner, second by Maricle, to close the public hearing. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Stephens to recommend approval of the Preliminary Plat to the Village Board of Petersburg, second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Stephens to recommend approval of the Final Plat to the Village Board of Petersburg, second by Jensen. Vote: 7 Ayes, 0 Nays, 2 Absent.

7 – OPEN DISCUSSION

No open discussion was held.

8 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

There was no report from the Zoning Administrator as Hanson was unable to make it to the meeting.

9 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, June 28, 2010 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

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

10 – ADJOURN

A motion to adjourn was made by Stephens, second by Frey, at 8:03 p.m. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON

Draft--Not approved

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

June 28, 2010

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, June 28, 2010 at 7:30 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. Notices of this meeting and public hearings were given in advance by publication in the Albion News the Petersburg Press, or the Cedar Rapids Press, all being accepted methods 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, Brad Stephens, Mark Jensen, Mark Wagner, Lee Ketteler, and Jim Meysenburg.

Absent: Justin Frey, Chris Baum and Jim Meysenburg.

Others present: David Levy, representing Laredo Ridge Wind, LLC, Ted Thieman, and Jim Vandeloop. Justin Frey arrived at 7:34 p.m.

3 – APPROVAL OF MINUTES

Copies of the May 24, 2010 meeting minutes were 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 Jensen that the minutes be approved as presented, second by Wagner. Vote: 6 Ayes, 0 Nays, 3 Absent.

4 – Public hearings: 1) approve or deny a Lot Split Application by Laredo Ridge Wind, LLC to split off a tract of land consisting of 5.43± acres located in a part of the NE¼SW¼ Section 28, T22N, R6W of the 6th P.M., Boone County, Nebraska for construction of an operations and maintenance building. This land is owned by Alan J and Jeanne Temme and is located between 240th Ave and 250th Ave, Petersburg, Boone County, Nebraska.

2) approve or deny a Lot Split Application by Laredo Ridge Wind, LLC to split off a tract of land consisting of 3.12± acres located in a part of the SE¼NW¼ Section 28, T22N, R6W, of the 6th P.M., Boone County, Nebraska for construction of a substation. This land is owned by Bernard J and Lucille M Kuhlman and located between 240th Ave and 250th Ave, Petersburg, Boone County, Nebraska

A motion was made by Stephens to suspend the regular meeting and to merge and open the public hearings for items 4-1 and 4-2, second by Jensen. Vote: 6 Ayes, 0 Nays, 3 Absent. Chairman Groeteke asked David Levy attorney for Laredo Ridge Wind, LLC to explain the applications. Mr. Levy explained that Laredo Ridge Wind, LLC has applied for 2 Lot Splits. Laredo Ridge Wind would like to split about 3.12 acres on the north side of Highway 32, a couple miles east of Petersburg, adjacent to the NPPD substation to build a substation to serve the Laredo Ridge Wind project. On the south side of Highway 32, around and behind the Loup River Public Power substation, Laredo Ridge Wind would like to split 5.43 acres to provide space for an operations and maintenance building that would be constructed on that site. The building would house some small parts, vehicles, and the offices for the wind farm. Mr. Levy did not believe any major repairs would be done at this site. It will be about a 6,000 sq ft building and will have a mezzanine level for the

BOONE COUNTY PLANNING & ZONING COMMISSION

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offices and a shop on the lower level. Chairman Groeteke asked for questions, hearing none a motion was made by Wagner to close the public hearing, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Stephens, second by Jensen, to recommend approval of the Lot Split Application item 4-1 by Laredo Ridge Wind, LLC to split a tract of land consisting of 5.43± in a part of the NE¼ SW¼ 28-T22N-R6W of the 6th P.M. Boone County, Nebraska, as read, to the Boone County Commissioners. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Jensen, second by Wagner, to recommend approval of the Lot Split Application item 4-2 by Laredo Ridge Wind, LLC to split a tract of land consisting of 3.12± in a part of the SE¼ NW¼ 28-T22N-R6W of the 6th P.M. Boone County, Nebraska, as presented, to the Boone County Commissioners. Vote: 7 Ayes, 0 Nays, 2 Absent.

5 – Public hearing to approve or deny amending the Cedar Rapids, Nebraska Zoning Ordinance in regards to Article 4: Additional Regulations, Section 10: Fences, amend the fence regulations

A motion was made by Stephens to suspend the regular meeting and to open the public hearing, second by Ketteler. Vote: 7 Ayes, 0 Nays, 2 Absent. Hanson stated that no one from the Cedar Rapids Village Board was able come to the meeting tonight and asked that she let the commission members know that the Cedar Rapids Village board members liked the idea of regulating what was and wasn't acceptable for fencing materials in the various zoning districts within the City Limits. They wanted Hanson to let the Commission members know that they like the way this is put together and this is what they would like to see done. Jim Vandeloop, Cedar Rapids, asked if this amendment would include the industrial sites and the business area along the highway. Chairman Groeteke stated that it does. Chairman Groeteke asked for other questions concerning this amendment, hearing none a motion was made by Stephens to close the public hearing, second by Wagner. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Jensen to recommend approval of amending the fence regulations of the Cedar Rapids, Nebraska Zoning Ordinance, as submitted, to the Village Board of Cedar Rapids, second by Meysenburg. Vote: 7 Ayes, 0 Nays, 2 Absent.

6 – OPEN DISCUSSION

Jim Vandeloop stated that he is pretty sure there is dead animal composting going on at the Ackman, Fitzsimmons, and PST units. Dead animal composting was not on the original Conditional Use Permits. There are some people who can't move away from it and Jim has to drive through it and smells it every day when he delivers mail. In the mean time we don't know where they are burying these animals. That is Health and Human Services; it's another reporting issue which we have been having trouble with PST over the years. Jim would like to see some teeth put into this somehow all the way up to the County Commissioners. If we are going to have these Conditional Use Permits lets enforce some of this. Jim talked to Hanson about this issue about 6 months ago and also to Commissioner Schuele over a year ago. Hanson stated that she sent a letter to Jim Pillen in January asking to look at the sites. PST did agree to let her look at the sites, but with the weather Hanson wasn't able to get out there and just hasn't been able to get to it due to the work load she has. Chairman Groeteke asked Vandeloop if his point was that originally PST was going to use incineration, which they tried for awhile, and now they have switched to composting. Jim said that the original Conditional Use Permits concerned only the number of head. Hanson stated that the composting of dead animals does require a Conditional Use Permit. It was stated that Jim Pillen composts at just about every one of his sites now. They claim that the main reason for composting is that they don't have to worry about disease much when they compost right on the site. Vandeloop wants to get on the record to get something started on this. If they can change their plans and do whatever they want, why even have zoning. Ted Thieman stated that one of the conditions is that PST would turn in reports annually from the DEQ on time, which he doesn't think he has ever done on time. Hanson stated that she would like to see a

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

lot of follow-up on the Conditional Use Permits which has never been done, but she just doesn't have the time. The question was asked if the Planning Commission or the County Commissioners were the "police". Hanson stated that she answers to the County Commissioners. The County Attorney would have to get involved with this also. Vandeloop stated that the pipeline coming through Boone County is another issue, once they are here what are we going to do about them. Chairman Groeteke stated that we approve these Conditional Use Permits contingent upon DEQ permit approval and Groeteke doesn't know if they can go to the DEQ and change the permit and that is a permitted acceptance or not. Groeteke doesn't know if he (Pillen) is out of compliance yet in our book, but is he or isn't he with the DEQ isn't known yet. Vandeloop stated that the DEQ can permit it but if it isn't in the original permit presented to the zoning board there is a catch. Stephens stated that if it was not on the original permit he (Pillen) can't change that. Whatever the DEQ does cannot overrule the Counties rules. There is a numbers issue on Big Drive and Ted Thieman is the only one who stuck up for the people, and that has changed hands, the citizens shouldn't have to do that. Thieman asked how we are going to keep track of that number. VanAckeren went ahead and built and did what he wanted to do, he has DEQ permits but he has never been back in here. Chairman Groeteke stated that he had no reason to come back to the Planning commission; he was limited to 5,000 head. Thieman stated that he is still governed by the zoning rules and it's an enforcement issue. Until the Commissioners decide to enforce the rules and give enough staff to enforce the rules it's not going to happen. We need facts to take to the County Attorney before something can happen. Stephens stated that unfortunately the citizens are going to have to gather their own facts and present it to the County Attorney or the Commissioners, because the Planning Commission just makes the recommendations. Vandeloop stated that he would like to see the Planning Commission make the recommendation that something be done, this is where the permitting process goes through, when the facts have been brought to you Vandeloop thinks the Planning Commission would have more power than the private individual. Thieman stated that many of the conditions came from this board. Stephens agreed and said he wouldn't argue that but as far as enforcing them it was stated, when Thieman was on the board, the people will regulate and watch the conditional uses. If the guys (permit holder) not doing it the people will bring it forth. Stephens told Vandeloop that he is on record, we have acknowledged that, but they (Vandeloop and Thieman) need to take the facts to the County Commissioners also. Vandeloop said it is hard for him to go to the Commissioners because of his mail route. Thieman stated that he felt the Planning Commission should be interested in the enforcement of the conditions and the rules even though the commission members don't have the direct power; they do have influence with the County Commissioners. Thieman stated that we have added enough conditions over the years that to make them out now is going to take a lot of enforcement and manpower to enforce them. We are not asking for feeding records or anything like that that Thieman knows of. Hanson stated that since she has been in office she hasn't gotten any reports from anybody on any Conditional Use Permit that has been issued. Thieman stated that he had heard Pillen state that he would bring in his DEQ reports on time. He has to submit them to the DEQ and it's just a matter of relaying them up here. He just thumbs his nose at this operation and it's the citizens and the environment of the County that pay the bill. Weather it is in legal fees or the environment and how no one wants to live here. Chairman Groeteke asked Hanson to check into the situation with the Commissioners on how they want to proceed. Hanson stated that she would talk to the Commissioners and see how they want to handle it. Chairman Groeteke stated that we would report back at the next meeting. Thieman stated that Hanson provided him with the records for the largest feed yard in the county. The conditions on that are that the head numbers are not to go past what was approved by the DEQ in 1999. There is no way of knowing for sure that the operation has passed that number. But in that case it seems to me we could write a letter and ask for the feeding records, I know they could doctor that to, but at least they would have to doctor it. Jensen asked if Thieman knew what the figure was in 1999. Thieman said he has talked to Keith Sandal and presently the figure is 32,000 and we think in was 29,000. That was during the fight over the 6 inches of bunk space versus 8 inches when they went over the hill in that direction which essentially physically doubled the physical size of the feed yard and with our rains they were pumping, with DEQ's permission, during the rain and one of the dams was running over. Meysenburg stated that he didn't think there were any lagoons in all of NE Nebraska that didn't run over with all the rain in June. Thieman stated that he didn't know for sure but he would bet that the numbers are well over DEQ's

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

present numbers much less the '99 numbers and he would be surprised if bunks space is any bigger than it was either. But essentially the point is still that somehow or other the conditions placed on when they get the permit doesn't have much value if it is never going to be followed up on. Jensen stated that the only one he could think of was that a condition was put on Pillens permit SE of St. Edward that he had to knife in the slurry off his lagoons and he already had a pivot sitting there. Jensen didn't think they had pumped anything through it. Stephens said they had but that it was shut off right away. Thieman stated that Sandal said there is no retention from rain on a cattle feed yard, it is all runoff. Chairman Groeteke told Vandeloop and Thieman that their concerns have been noted and Hanson will follow up with the Commissioners to see what kind of direction they want to give because they are the ones to give what paths to take. Hanson stated that she has time constraints now and to police all of the Conditional Use Permits she just doesn't have the time. Hanson also stated that she hadn't had time to even pull the Conditional Use Permits to see what the conditions are. Hanson agrees that someone should be doing it and she should be the one doing it, but there just isn't time. Stephens suggested spot checking the permits. Pull so many a year and those would be the ones that would get checked. Chairman Groeteke suggested that Vandeloop fill out a complaint form. Hanson will send him one. Vandeloop was concerned about where the compost from the dead pigs was being buried. Chairman Groeteke doesn't think the compost is being buried, it will probably be spread, but it takes a long time to have enough to spread if the composting is done correctly. There was some discussion on the composting process. Chairman Groeteke asked Vandeloop to fill out a complaint form on one or so specific concerns, instead of asking for the whole county, which would be an unreasonable request, and handle it that way.

7 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

Hanson handed out an activity report for the month of May and stated that she has been telling everyone, City and County, that she is not taking on any new items until she has had time to get the projects she is working on done. The City of Albion has a property maintenance program that they want done and she has not had time to work on it either. Some of it is due to the wind energy project, but there are a lot of projects that need to be finished up. Hanson stated that she is going to suggest to the City of Albion that they hire someone and co-op with another city for the property maintenance and code official position. One person can't do all of it and the county work.

8 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, July 26, 2010 at 7:30 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

10 – ADJOURN

A motion to adjourn was made by Frey, second by Meysenburg, at 8:20 p.m. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**

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

Draft--Not approved

MINUTES OF PUBLIC HEARING PROCEEDINGS

Tom Schuele, Chairman of the Boone County Board of Commissioners, called to order two public hearings simultaneously on Monday, July 19, 2010 at 11:00 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearings given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Tom Schuele, Henry R. Thieman, Jerry L. Tisthammer and Barb Hanson, Planning and Zoning Administrator.

The purpose of the two public hearings is to hear testimony in favor of, opposition to and to answer questions in relation to the approval or denial of two Lot Split Applications.

The public hearing is to approve or deny a Lot Split Application by Laredo Ridge Wind, LLC to split off a tract of land consisting of 5.43± acres, located in a Fr. of the NE1/4SW1/4 of Section 28, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska. The Lot Split Application is for construction of an operations and maintenance building. This land is owned by Alan J. and Jeanne Temme and is located between 240th Avenue and 250th Avenue, Petersburg, Boone County, Nebraska.

The public hearing is to approve or deny a Lot Split Application by Laredo Ridge Wind, LLC to split off a tract of land consisting of 3.12± acres, located in a Fr. of the SE1/4NW1/4 of Section 28, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska. The Lot Split Application is for construction of a substation. This land is owned by Bernard J. and Lucille M. Kuhlman and is located between 240th Avenue and 250th Avenue, Petersburg, Boone County, Nebraska.

Barb Hanson, Zoning Administrator, and David C. Levy, Attorney for applicant, were present to answer any questions with regard to the Lot Split Applications. The County Planning Commission recommended approval of the request. Levy explained the request with regard to ingress/egress, zoning regulations, setbacks and drilling of a well for the maintenance building.

Motion made by Thieman, second by Tisthammer to close said hearing at 11:06 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve as written and authorize the Board Chairman to sign the Lot Split Application by Laredo Ridge Wind, LLC to split off a tract of land consisting of 5.43± acres, located in a Fr. of the NE1/4SW1/4 of Section 28, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska, for construction of an operations and maintenance building. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve as written and authorize the Board Chairman to sign the Lot Split Application by Laredo Ridge Wind, LLC to split off a tract of land consisting of 3.12± acres, located in a Fr. of the SE1/4NW1/4 of Section 28, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska, for construction of a substation. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

August 23, 2010

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 Boone County Courthouse, Albion, Nebraska, August 23, 2010 at 7:30 p.m. Chairman Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public.

The agenda for this meeting and public hearing was given in advance to all members of the Commission. Notices for this meeting and public hearing were 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, Hilary Maricle, Brad Stephens, Mark Jensen, Chris Baum, Mark Wagner, Lee Ketteler.

Absent: Justin Frey and Jim Meysenburg.

Others present: Scott Brengelman and John Brengelman

3 – APPROVAL OF MINUTES

Copies of the June 28, 2010 meeting minutes were mailed to all Commission members prior to the current meeting. The Chairman requested additions or corrections to the minutes, or a motion to approve. When no changes were proposed, it was moved by Jensen that the minutes be approved as submitted, second by Baum. Vote: 7 Ayes, 0 Nays, 2 Absent.

4 – Public hearing to approve or deny an application for Conditional Use Permit by Scott Brengelman to divide part of the farmstead comprised of 3.53 acres ± from farm ground owned by John and Jody Brengelman located in a Fr. of the NE¼ Section 11, T20N, R7W of the 6th P.M., Boone County, Nebraska.

A motion was made by Stephens to suspend the regular meeting and to open the public hearing, second by Jensen. Vote: 7 Ayes, 0 Nays, 2 Absent.

Chairman Groeteke asked Scott Brengelman to explain his application to the Board. Scott stated that he wants to buy the acreage and do some remodeling, rewire the house, put on an addition, put in a basement and a new septic system. In order to get a loan, they surveyed 3.5 acres to be divided from the farm. The farmstead will be in Scott's name. There are two LFO's a little more than a mile from the farmstead which, the board members explained, won't affect Scott since this is not a new non-farm residence. Scott will not have to sign a Waiver of Distance for the LFO's. Chairman Groeteke asked for any other comments or questions, hearing none a motion was made by Baum to close the public hearing, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Baum, second by Wagner, to recommend approval of the Conditional Use Permit for Scott Brengelman, as submitted, to the Boone County Commissioners. Vote: 7 Ayes, 0 Nays, 2 Absent. There were no comments from the public concerning said Conditional Use Permit.

BOONE COUNTY PLANNING & ZONING COMMISSION

RECORD OF MINUTES OF MEETING

5 – OPEN DISCUSSION

Wagner was told that the hog units southwest of him are being filled, but he thinks they should still be within the year time frame. Hanson thought it was September or October last fall when someone called the zoning office to see how many head they had to keep in them to keep them open.

6 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

Hanson gave an update on the Laredo Ridge Wind project east of Petersburg. Hanson pointed out the correction on the Laredo Ridge Wind survey for the substation. The very tip on the northeast side will remain Kuhlman property. It amounts to less than 250 sq. ft. A decision has not been made about help in the zoning office yet. The Commissioners told Hanson to get letters out to Jim Pillen on the composting of dead animals. Hanson handed out an activity report for the months of June and July.

7 – SCHEDULE NEXT MEETING

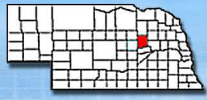
The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, September 27, 2010 at 7:30 P.M. in the Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Stephens at 7:57 p.m., second by Baum. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

September 27, 2010

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Vice-Chairman Brad Stephens in the County Courtroom, Boone County Courthouse, Albion, Nebraska, September 27, 2010 at 7:45 p.m. Vice-Chairman Stephens noted that a copy the Open Meetings Act has been posted 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. Notices for this meeting and public hearings were given in advance by publication in the Albion News and/or the Petersburg Press, both accepted methods 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: Brad Stephens, Mark Jensen, Chris Baum, Mark Wagner, and Jim Meysenburg.

Absent: Paul Groeteke, Justin Frey, Hilary Maricle, and Lee Ketteler.

Others present: Jim Dickerson, Randy Benson, Shirley Laudenklos, Jeanne Stokes, and Ronda Metz.

Hilary Maricle arrived at 7:50 p.m.

3 – APPROVAL OF MINUTES

Copies of the August 23, 2010 meeting minutes were mailed to all Commission members prior to the current meeting. The Vice-Chairman requested additions or corrections to the minutes, or a motion to approve. Jensen made a motion that the minutes be approved as presented, second by Baum. Vote: 5 Ayes, 0 Nays, 4 Absent.

4 – Public hearing to approve or deny an application for Conditional Use Permit by Randy and Julie Benson to divide 3.643± acres from farm ground owned by Shirley Laudenklos, to erect a warehouse and bulk tanks for a Pioneer seed agency located in a Fr. of the NE¹/₄ NE¹/₄ Section 25, T21N, R5W of the 6th P.M., Boone County, Nebraska.

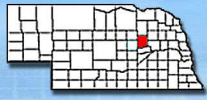
A motion was made by Jensen to open the public hearing for Randy and Julie Benson to divide 3.643± acres, second by Meysenburg. Vote: 6 Ayes, 0 Nays, 3 Absent.

Vice-Chairman Stephens asked Randy Benson to state his name and explain his intentions for the Conditional Use Permit. Randy stated that he needs an area of about 3 acres for a Pioneer seed agency. Shirley Laudenklos owns the land. Steve Bygland looked at it and told Randy he (Steve) could move some dirt and level it off and the area east of his present home site would be a good place for the warehouse. It is along the Madison-Boone county line, which is a blacktop road. Randy plans to erect a 50' by 120' warehouse and move the bulk storage tanks from Jeff and Jan Temme's farm. Notices of the public hearing were sent to surrounding property owners in Boone and Madison counties.

Vice-Chairman Stephens asked for any other comments or questions, hearing none a motion was made by Baum to close the public hearing, second by Maricle. Vote: 6 Ayes, 0 Nays, 3 Absent.

A motion was made by Baum, second by Jensen, to recommend approval of the Conditional Use Permit for Randy and Julie Benson to divide 3.643± acres as listed in the minutes, to the Boone County Commissioners. Vote: 6 Ayes, 0 Nays, 3 Absent.

There were no comments from the public concerning said Conditional Use Permit.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

5 – Public hearing to approve or deny amending the Petersburg Nebraska Zoning Ordinance in regards to Article 3: Districts; Section 9: Highway Business District (B-1) Permitted Uses, to include item V. Seed Sales and Seed Treatment Products, Warehouse/Offices/Bulk Seed Tanks.

A motion was made by Wagner to open the public hearing, second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent. There is someone who is interested in constructing a seed warehouse, bulk tanks and treatment area in the highway business district in Petersburg. The Village Board checked and they didn't have anything that would allow this type of business in the B-1 area at this time so they have asked that this be included in the Permitted Uses within this area. This business would be located between the Petersburg Park and Stuhr's Quick Stop. A motion was made by Jensen to close the public hearing, second by Maricle. Vote: 6 Ayes, 0 Nays, 3 Absent. A motion was made by Jensen to recommend approval of amending the Petersburg Zoning Ordinance, as presented, to the Petersburg Village Board, second by Meysenburg. Vote: 6 Ayes, 0 Nays, 3 Absent.

6 – Review Blight and Substandard study of the West Petersburg Redevelopment Area and make recommendation to the Village Board of Petersburg

- **Consideration of Resolution PC01(10) recommending approval of the West Petersburg Redevelopment Area as blighted and substandard**

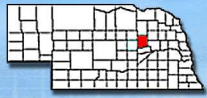
The Northeast Nebraska Economic Development District prepared this Blight and Substandard Study of the West Petersburg area in 2009. There are pictures and a map of the study area included. Certain criteria have to be met for the area to be declared blighted and substandard. Not all criteria were applicable in this study but the area did meet the requirements for average age of properties, substantial number of deteriorated structures, unsanitary and unsafe conditions, and the existence of conditions which endanger life or property. The purpose of declaring an area blighted is to use part of the tax money from new buildings built in the area for improvements such as sidewalks and infrastructure in the blighted area. Several members of the commission had concerns about the process of declaring the area blighted and substandard and didn't feel that there was enough information to answer their questions. Wagner said there are some people who live in the west Petersburg area who were not aware that this was being done and they have concerns about what will happen to their property if it is declared blighted. The Planning Commission in passing the resolution is confirming that the area meets the definition of blighted and substandard as set forth in the Act. The Village of Petersburg has to hold a public hearing and anyone with concerns can attend the public hearing. The reason for declaring the area blighted is not to condemn properties but a tool to use tax money for the betterment of the village.

Meysenburg made a motion to approve Resolution PC01(10) recommending approval to the Village Board of Petersburg of the West Petersburg Redevelopment Area as blighted and substandard, second by Jensen. Vote: 4 Ayes, 1 Nay, 1 Abstain, 3 Absent.

7 – OPEN DISCUSSION

Discussion was held on the need to make sure that a lawyer is present in the future to explain items like the blight study so that questions can be answered. The resolution had to be passed before the village could move forward on this. There will have to be a public hearing in Petersburg before anything more can be done, a notice will be put in the newspaper about the public hearing, at that time people will be able to ask questions. Hanson stated that Michael Bacon said he would attend this meeting but she thought that Hank was going to be present to explain the process; Hank has been working on this and is up to date on it. She wasn't aware that Hank was not going to be at the meeting until this morning. Hanson said that in the future she will make sure that there is someone available to answer questions.

8 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

Hanson handed out the county and city activity report for the month of August and gave a report on the NACO Planning & Zoning workshop held August 24th and 25th. We have to add and Energy Element to our Comprehensive Plan by January 1, 2015 and update the Airport Zoning as soon as we can. We were also informed at the workshop that in the future, maybe a few years from now, new structures and additions to structures in the county will require a building inspection.

9 – SCHEDULE NEXT MEETING

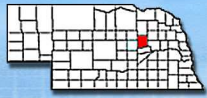
The Vice-Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, October 25, 2010 at 8:00 P.M. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

10 – ADJOURN

A motion to adjourn was made by Jensen at 8:38 p.m., second by Wagner. Vote: 6 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

October 25, 2010

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 Boone County Courthouse, Albion, Nebraska, October 25, 2010 at 8:00 p.m. Chairman Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public.

The agenda for this meeting and public hearing was given in advance to all members of the Commission. Notices for this meeting and public hearing were given in advance by publication in the Albion News and/or the Petersburg Press, both accepted methods 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, Hilary Maricle, Brad Stephens, Mark Jensen, Chris Baum, Mark Wagner, Lee Ketteler, and Jim Meysenburg.

Absent: Justin Frey

Others present: Hank Thieman, Steve Stokes, Corey Stokes, and Jim Dickerson.

3 – APPROVAL OF MINUTES

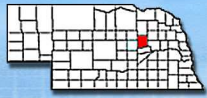
Copies of the September 27, 2010 meeting minutes were mailed to all Commission members prior to the current meeting. The Chairman requested additions or corrections to the minutes, or a motion to approve. Jensen made a motion that the minutes be approved as submitted, second by Meysenburg. Vote: 6 Ayes, 0 Nays, 2 Abstain, 1 Absent.

4 – Public hearing to approve or deny an application for Conditional Use Permit by Steve and Jeanne Stokes to reduce the side yard setback from 25 feet to 10 feet along the north boundary of an unplatted tract of land legally described as a Fr. of the NW¹/₄ Section 25, T22N, R7W of the 6th P.M., Petersburg, Boone County, Nebraska. This property is located south of the Petersburg Park and north of Stuhr's Quick Stop.

A motion was made by Wagner to open the public hearing for the C. U. P. for Steve and Jeanne Stokes, second by Stephens. Vote: 8 Ayes, 0 Nays, 1 Absent.

Steve Stokes thanked the Commission for their time and introduced his son Corey who is moving back from Lincoln and will be joining the business, and farming. They want to put up a new seed facility and a bulk system, they will be treating seed at this site. The chemicals they will be handling at this time are all caution, they are not much different than fly spray, they carry the same label. The property is more than long enough but a little narrow so they need the extra space along the north side, the park side, of the lot and they are asking to go within 10 feet of the lot line. Steve had some pictures to show the members. The trees on the north are on the park side. Visibly they can't see the park and from the park they can't be seen. They are just asking to build closer to the fence (in the picture). Steve explained to the Commission members where the building will be situated on the lot. The plot plan shows it will be 95 feet from the fence (in the picture) on the west boundary.

Chairman Groeteke asked for any other comments or questions, Wagner asked if the trees are on the parks side. Stokes said they are and they come right up to the line. Stephens felt that is should be left up to the Village of Petersburg if they want any kind of screening along the park. There is room to plant along the west and north sides of the building if screening is needed. Hank Thieman stated there is a four hole golf course on the north side of the trees. A motion was made by Stephens to close the public hearing, second by Baum. Vote: 8 Ayes, 0 Nays, 1 Absent.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

A motion was made by Jensen, second by Maricle, to recommend approval, as submitted, of the Conditional Use Permit for Steve and Jeanne Stokes, approval is subject to approval by the Petersburg Board. Vote: 8 Ayes, 0 Nays, 1 Absent.

There were no comments from the public concerning said Conditional Use Permit.

5 – OPEN DISCUSSION

Discussion was held on fees being paid for zoning administration from the communities in the county. If one city is getting by free or at a low price then all of the communities will want the same thing. Hanson will visit with AJ Ostrander about Big Drive Cattle Co. (formerly Cedar Valley Feeding Co.) to see what his plans are. The DEQ permit is for 7500 head.

6 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

Hanson handed out the county and city activity report for the month of September. There will be a Lot Split on the agenda next month if the paperwork is turned back in in time. Hank gave an update on the wind energy construction west of Highway 14, Third Plant Windpower, and the pipeline. Hanson reported that there was over \$176 million worth of construction costs for permits issued for the Laredo Ridge Wind Farm. There were 17 applications for the office assistant opening. Hanson will go over the applications with the County Commissioners.

7 – SCHEDULE NEXT MEETING

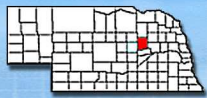
The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, November 22, 2010 at 8:00 P.M. in the Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Jensen at 8:24 p.m., second by Stephens. Vote: 8 Ayes, 0 Nays, 1 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

November 22, 2010

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 Boone County Courthouse, Albion, Nebraska, November 22, 2010 at 8:00 p.m. Chairman Groeteke noted that a copy the Open Meetings Act is posted 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. Notices for this meeting and public hearings were given in advance by publication in the Albion News and/or the Petersburg Press, both accepted methods 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, Hilary Maricle, Brad Stephens, Mark Jensen, Mark Wagner, Lee Ketteler, and Jim Meysenburg.

Absent: Justin Frey and Chris Baum.

Others present: Bill Noble, Jim Olnes, Shawn Olnes, Ben Simons.

3 – APPROVAL OF MINUTES

Copies of the October 25, 2010 meeting minutes were mailed to all Commission members prior to the current meeting. The Chairman requested additions or corrections to the minutes, or a motion to approve. Stephens made a motion that the minutes be approved as submitted, second by Jensen. Vote: 7 Ayes, 0 Nays, 2 Absent.

4 – Public hearing to approve or deny a Lot Split application for Shawn and Amber Olnes to split off a tract of land consisting of 10.76± acres from farm ground located in a part of the SW¼ Section 28, T20N, R6W of the 6th P.M., Boone County, Nebraska. This property is owned by James and Rebecca Olnes.

A motion was made by Wagner to open the public hearing for the Lot Split for Shawn and Amber Olnes, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent.

Shawn and Amber want to divide the land to build a house. The land is in county jurisdiction and is in the R-3 district. The only other house on the quarter section belongs to Jim and Becky Olnes.

A motion was made by Jensen to close the public hearing, second by Meysenburg. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Jensen, second by Wagner, to recommend approval of the Lot Split for Shawn and Amber Olnes to the Boone County Commissioners, as submitted. Vote: 7 Ayes, 0 Nays, 2 Absent.

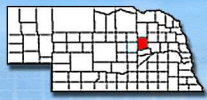
There were no comments from the public concerning this Lot Split.

5 – Public hearing to approve or deny an application for Conditional Use Permit for William A Noble to divide the farmstead consisting of 3.96± acres from farm ground located in a Fr. of the N½ SW¼ Section 6, T19N, R5W of the 6th P.M., Boone County, Nebraska. This property is owned by Alton and Charlotte Noble.

A motion was made by Stephens to open the public hearing for the Conditional Use Permit for William A Noble, second by Maricle. Vote: 7 Ayes, 0 Nays, 2 Absent.

Bill Noble stated that his parents have given the farmstead to him. He needs to divide the farmstead from the farm and will continue to use it as his home.

A motion was made by Stephens to close the public hearing, second by Wagner. Vote: 7 Ayes, 0 Nays, 2 Absent.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

A motion was made by Jensen, second by Stephens, to recommend approval of the Conditional Use Permit for William A Noble to the Boone County Commissioners, as submitted. Vote: 7 Ayes, 0 Nays, 2 Absent.

There were no comments from the public concerning this Conditional Use Permit.

6—Public hearing to approve or deny an application for Conditional Use Permit for Benjamin J Simons to construct self storage garages on Lots 1, 2 and 3, Block 2, West Petersburg Addition, Petersburg, Nebraska. This property is owned by Angela K Simons.

A motion was made by Stephens to open the public hearing for the Conditional Use Permit for Benjamin J Simons, second by Meysenburg. Vote: 7 Ayes, 0 Nays, 2 Absent.

Ben Simons wants to put up a self storage garages and wants to get the cement poured before it gets too cold. Petersburg Village Ordinance requires a C.U.P. to construct self storage garages in the B-1 district. Property owners within 300' of all sides of the property where notified.

A motion was made by Stephens to close the public hearing, second by Wagner. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Jensen, second by Ketteler, to recommend approval of the Conditional Use Permit for Benjamin J Simons to the Village Board of Petersburg, as submitted. Vote: 7 Ayes, 0 Nays, 2 Absent.

There were no comments from the public concerning this Conditional Use Permit.

7—Public hearing to approve or deny amending the Petersburg Nebraska Zoning Ordinance in regards to Article 3: Districts; Section 9: Highway Business District (B-1), 9.1 Permitted Uses, to include: W. Millwork, woodworking, assembly, storage, and sales of wood products from millwork.

A motion was made by Wagner to open the public hearing to amend the Petersburg Zoning Ordinance, second by Stephens. Vote: 7 Ayes, 0 Nays, 2 Absent.

The Village Board of Petersburg wanted to add this to the permitted uses in the B-1 district. They want to make sure it is an allowable use because Ben Simons has a portable wood mill that he may use to make cabins over the winter. It will be inside an addition to his present storage building.

A motion was made by Stephens to close the public hearing, second by Meysenburg. Vote: 7 Ayes, 0 Nays, 2 Absent.

A motion was made by Stephens, second by Jensen, to recommend approval of amending the Petersburg Zoning Ordinance, as stated, subject to Petersburg Village Board approval. Vote: 7 Ayes, 0 Nays, 2 Absent.

8 – OPEN DISCUSSION

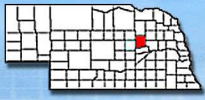
Discussion was held on No Fee Livestock forms and possibly looking at Pipeline regulations for the county. Hanson will talk to the Commissioners and the County Attorney about this.

9 – CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

Hanson handed out the county and city activity report for the month of October. We may need to do some letter writing to get a floodplain map revision done for Boone County. There are problems throughout the county with the present maps. Abby Johnson has been hired to assist in the Zoning Office. A zoning administration fee to be paid by all of the communities in the county was discussed.

10 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, December 27, 2010 at 7:00 P.M. in the Boone County Courthouse, Albion, Nebraska.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

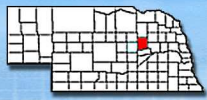
11 – ADJOURN

A motion to adjourn was made by Stephens at 8:40 p.m., second by Meysenburg. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON

Draft Only



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

December 26, 2010

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groetke in the Boone County Courthouse, Albion, Nebraska, December 27, 2010 at 7:00 p.m. Chairman Groetke noted that a copy the Open Meetings Act is posted and copies are available for the public.

The agenda for this meeting and public hearing was given in advance to all members of the Commission. Notices for this meeting and public hearing were given in advance by publication. 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 Groetke, Justin Frey, Chris Baum, Mark Wagner, Lee Ketteler and Jim Meysenburg.

Absent: Hilary Maricle, Brad Stephens, Mark Jensen.

Others present: Steve Boyer

3 – APPROVAL OF MINUTES

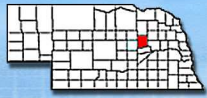
Copies of the November 22, 2010 meeting minutes were mailed to all Commission members prior to the current meeting. The Chairman requested additions or corrections to the minutes, or a motion to approve. Baum made a motion that the minutes be approved as submitted, second by Ketteler. Vote: 5 Ayes, 0 Nays, 1 Abstain, 3 Absent.

4 – Public hearing to approve or deny a Lot Split Application by Third Planet Windpower dba TPW Petersburg, LLC to divide a tract of land consisting of 4.54± acres from farm ground located in a part of the SW¼ NE¼ Section 28, T22N, R6W of the 6th P.M., Boone County, Nebraska for construction of a substation. This property is owned by Waldean and Karen Scholl.

A motion was made by Wagner to open the public hearing for the Lot Split Application by Third Planet Windpower, second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent.

Steve Boyer was present to represent Third Planet Windpower. Steve stated that the Scholl's have agreed to sell Third Planet Windpower this property for the substation. The Third Planet Windpower substation will be on the west edge of the project next to the NPPD substation and will be similar to the Laredo Ridge substation. Steve explained that the wind turbine project will be located north of highway 32 from approximately 3 miles east of Petersburg to approximately 7 miles east of Petersburg. There will be 27 turbines producing 40.5 megawatts of power with the electricity being purchased by Omaha Public Power. Third Planet Windpower is under contract to be on line by December 31, 2011. The only concern that Hanson has heard from the public was about the lighting on the substation. Vern Werner called with concerns about the Laredo Ridge substation and maintenance building in the same area, the lights from the Laredo Ridge substation and maintenance building are very bright at night now and he has concerns about more lights from another substation. Mr. Werner is away from home and was unable to make it to this meeting. Third Planet Windpower plans to put their maintenance building in Petersburg. The Commission members noted that there probably isn't much that can be done now about the Laredo Ridge project but it would be best if Third Planet Windpower would work with Vern on this situation. Steve is going to check with the main office to see if there is something that can be done about the lighting. He is hoping since it is early in the project that there will be something the engineers can do, but he doesn't know what the regulations are concerning lighting.

A motion was made by Frey to close the public hearing, second by Meysenburg. Vote: 6 Ayes, 0 Nays, 3 Absent.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

A motion was made by Frey, second by Meysenburg, to recommend approval of the Lot Split Application by Third Planet Windpower to the Boone County Commissioners, as submitted. Vote: 6 Ayes, 0 Nays, 3 Absent.

5 – OPEN DISCUSSION

John Morgan is going to try to make the January meeting to discuss Pipeline regulations. Wagner stated that Invenergy is signing leases on property for a wind project west of Highway 32. Invenergy has a lot of land leased at this time. Hanson stated that they have not contacted the Zoning office since March or April of 2009 and that we have updated our regulations since then. The last she had heard about this project was that it fell through because it was too big and there wasn't a demand for the electricity it would produce. Wagner mentioned to the Invenergy representative that they should stop in the Zoning office. Wagner will get the contact information to Hanson. Groeteke stated that Dan Braun talked to him about setbacks. Hanson will contact him.

6– CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

Hanson handed out the county and city activity report for the month of November. A letter was sent to Big Drive Cattle Company with January 6, 2011 as the deadline for a response. There has been another complaint about an expansion of a livestock facility near Primrose that will need to be addressed. Petersburg is going to pay \$100.00 per month toward zoning salaries but wanted to know what Primrose is going to do. Hanson will talk to the Commissioners about this. Hanson attended the NACO Convention December 9th in Lincoln. Meetings were held on Wellhead Protection, GIS and Planning, and Good Planning Practices. The reorganizational meeting will be held at the January Planning meeting.

7 – SCHEDULE NEXT MEETING

The Chairman announced that the next monthly meeting of the Commission is scheduled for Monday, January 24, 2011 at 7:00 p.m. in the Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Wagner at 7:35 p.m., second by Frey. Vote: 6 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**