

MINUTES OF THE  
KEARNEY COUNTY PLANNING COMMISSION  
March 7<sup>th</sup>, 2022

Notice was published in the local paper. The agenda was kept continuously current at the office of the Kearney County Zoning Administrator.

A meeting of the Kearney County Planning Commission was called to order by Chairman John Kuehn in the Assembly room of the Courthouse in Minden, Nebraska Kearney County at 7:04 pm on March 7<sup>th</sup>, 2022.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public and in accordance with the Open Meeting Act.

Roll Call:

Members Present: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Members Absent: Terry Buettner, Patty Lundein

Also, present: Kearney County Zoning Administrator Joseph Anderson and Kearney County Attorney Melodie Bellamy

Chairman John Kuehn asked if everyone had a chance to look over the minutes from the previous meeting on December 6<sup>th</sup>, 2021. After reviewing minutes Malcom Dornhoff made a motion to approve the minutes seconded by Kevin Raun.

Aye: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Nay: NONE

Members Absent: Terry Buettner, Patty Lundein

Chairman John Kuehn stated that this meeting was called to hold a public hearing for a special use application made by Blessing Construction LLC to operate a commercial construction operation in the SE 1/4 of NE 1/4 of Section 17, Township 6 North, Range 15 West. Jody Casper made a motion to open public hearing to hear comments on the proposed application. Seconded by Dawn Thompson

Aye: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Nay: NONE

Members Absent: Terry Buettner, Patty Lundein

Public Hearing Opened at 7:06 pm

Joel Gargan & Kevin McKay with Blessing Construction presented to the board a summary of what Blessing Construction does and how they plan to use the property. They plan to use the site as a location to gather material and prepare it for other uses within their company and/or to sell to the public.

Todd Petersen 984 K Rd. asked about the level of noise that would be produced from the process of crushing concrete. Kevin McKay stated they did not have the data to say how loud the machine was but felt that any residence within 1 mile or so would be able to hear the machine when they were outside of the house but once inside should not be able to hear it. But they were also going to check and see if they can obtain some data on noise of the crusher when in operation. Todd Petersen asked if they had a crusher operating anywhere in the area that they could observe running? Kevin McKay stated that they could contact them about seeing the one that operates at their Kearney location.

Diane Miller 874 K Rd asked about how much "dust" would be generated from the operation and the crushing operation. Joel Gargan stated that the crusher is equipped with water that sprays the product as it is being processed to minimize the dust and that water trucks are utilized to water the driving areas, so truck traffic does not stir up lots of dust.

Brian Carlson 734 Webster St. asked about long-term plans for the company if they plan to just clean up the old concrete elevator and then move on or do, they have long term plans to keep this site. Joel Gargan answered and stated that they plan to use this site as one of permanent operation for their company. And look to possible expand services in the future with the railroad track siding at this location to bring in other materials from out of state.

Kevin Raun Board member asked if there were any ongoing environmental issues that had to be dealt with. Kevin McKay stated that there are no known environmental or pollutant issues but if something were to arise, they would be the ones that have to deal with it and clean it up.

Joseph Anderson Zoning administrator asked about who is responsible to the maintenance of the road crossing of the track siding at this location. Joel Gargan stated that the rail road owns the land and that is leased to the owner of the siding track and that Blessing is now responsible to the maintenance of the siding.

Other questions that were asked by members of the public

- Matter of debris on the road. Kevin McKay stated that there should not be any debris on the road from their operation. That any debris that is from them should stay on their own property. And that they would be observant to the road and that if there were any issues that would take measure to correct this problem. They stated that they expect most of their truck traffic would enter/leave their property via state highway 6/34.
- Hours of operation. Kevin McKay stated that their typical hours of operation are 7:00 am to 5:00 pm Monday through Friday but if condition warrant, they may work longer to meet demand and work when weather permits. And at this time this location will not be open every day but if demand in the future is there, they may have one to two employees at this site.
- Kevin McKay stated that they plan to install a fence around the property to keep people from dropping off debris that is unwanted and install cameras to monitor the property.

County attorney Melodie Bellamy asked if there is a 911 address for this location and if they plan to post this address. Joseph Anderson stated that yes there is a 911 address for the property. Kevin McKay stated that yes they plan to post a sign at this location.

Chairman John Kuehn asked if there was anyone else that wanted to speak? And with no one else wanting to speak or ask questions John Kuehn asked for a motion to close public hearing. Dawn Thompson made a motion to close public hearing, Malcom Dornhoff seconded.

Aye: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Nay: NONE

Members Absent: Terry Buettner, Patty Lundein

Public Hearing closed at 7:52 pm

Chairman John Kuehn asked the board if there was any other discussion about the application.

John Harris stated that the biggest concerns that he took from the public hearing was noise and dust and that he felt that Blessing construction had the necessary means already in place to alleviate those concerns.

Joseph Anderson asked if there were any restrictions that the board felt were necessary to apply to this special use permit. Board felt that it should be required to sign the property with owner name, phone number and 911 address in lettering that is a minimum of 4-inch letters.

With no other discussion and/or requirements Jody Casper made a motion to recommend approval of the application to the Kearney County Board of Supervisors with the requirement that they post a sign with Owner name, phone number and 911 address. Malcom Dornhoff Seconded

Aye: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Nay: NONE

Members Absent: Terry Buettner, Patty Lundein

Joseph Anderson Stated that this being the first meeting of the year that they board needed to reorganize for the 2022 year. Jody Casper asked what the positions were and who held them for the 2021 year.

Chairman – John Kuehn

Vice Chairman – Dawn Thompson

Secretary – Joseph Anderson

Jody Casper made a motion that all position remain the same as last year. Tom Anderson seconded.

Chairman – John Kuehn

Vice Chairman – Dawn Thompson

Secretary – Joseph Anderson

Aye: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Nay: NONE

Members Absent: Terry Buettner, Patty Lundein

Joseph Anderson stated that is getting close to the time that Kearney County needs to update their comprehensive plan and zoning regulations. And with some recent changes to the federal policies wanted to see if the board felt that it is a good idea to go ahead and start that process since it can take up to a year to complete. With discussion the board felt that it is a good idea to go ahead and start that process and gather the necessary information to do that. And at the same time to work on any updates that will be needed to the zoning regulations. Joseph Anderson will take this information to the Board of Supervisors and discuss and see about budgeting to move forward with updating the comprehensive plan for Kearney County.

Chairman John Kuehn asked if there was any other business that needed to be discussed. With no other business Tom Anderson made a motion to adjourn at 8:48 pm seconded by Dawn Thompson.

Aye: John Kuehn, Tom Anderson, Jody Casper, Dawn Thompson, John Harris, Malcom Dornhoff, Kevin Raun

Nay: NONE

Members Absent: Terry Buettner, Patty Lundein

Next Meeting will be set at a later date.

MINUTES OF THE  
KEARNEY COUNTY PLANNING COMMISSION  
May 9<sup>th</sup>, 2022

NO meeting due to lack of quorum. Rescheduled for May 31<sup>st</sup>, 2022

MINUTES OF THE  
KEARNEY COUNTY PLANNING COMMISSION  
May 31st, 2022

Notice was published in the local paper. The agenda was kept continuously current at the office of the Kearney County Zoning Administrator.

A meeting of the Kearney County Planning Commission was called to order by Chairman John Kuehn in the Assembly room of the Courthouse in Minden, Nebraska Kearney County at 7:31 pm on May 31<sup>st</sup>, 2022.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public and in accordance with the Open Meeting Act.

Roll Call:

Members Present: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

Also, present: Kearney County Zoning Administrator Joseph Anderson and Kearney County Attorney Melodie Bellamy

Chairman John Kuehn asked if everyone had a chance to look over the minutes from the previous meeting on March 7<sup>th</sup>, 2022. After reviewing minutes Jody Casper made a motion to approve the minutes seconded by Terry Buettner.

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

Chairman John Kuehn stated that this meeting was called to hold a public hearing for an application for a special use permit by Olsen Cattle Company LLC to expand from a Class "C" livestock confinement facility (2501 to 5000 animal units) to a class "D" livestock confinement facility (5001 to 7500 animal units) on a parcel in the E ½ of Section 5, Township 6 North, Range 15 west.

Terry Buettner made a motion to open public hearing to hear comments on the proposed application. Seconded by Kevin Raun

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

Public Hearing Opened at 7:37 pm

Joseph Anderson started by explaining to the board the application and the current operation at Olsen Cattle LLC. How they are wanting to expand to a class "D" facility.

Dave Olsen (Applicant) further explained the current operation and presented a map showing where the proposed expansion would be on there property. The proposed expansion would go to the south of their current cattle feeding pins.

Brandi Hardenbrook (1151 27 Rd) wanted to express there her and her husband have concerns about the odors, surface, and ground water contamination, and if there would be any devalue of their property due to expansion.

Daniel Porter (818 O Rd) stated that he has no objections to the expansion of cattle, but he does not want to have any expansion of hog confinement. And asked if there was anything that could be put into place to limit the expansion of the hog confinement in the future.

Chairman John Kuehn asked if there was anyone else that wanted to speak? And with no one else wanting to speak or ask questions John Kuehn asked for a motion to close public hearing. Terry Buettner made a motion to close public hearing, Tom Anderson seconded.

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

Public Hearing closed at 7:56 pm

Chairman John Kuehn asked the board if there was any other discussion about the application.

Joseph Anderson stated that if the expansion was granted that it would not meet the current Kearney County Regulations due to two (2) residence being within the required  $\frac{3}{4}$  mile setback requirement for the class "D" facility. Nathan and Brandi Hardenbrook at 111 27 RD and Roger and Wendy Clark at 1329 27 RD.

Board members talked about there needs to be ways to allow for expansion of existing operations especially family owned and operated rather than have new operations, and there needs to be ways to allow for this type of expansion if there are not objections by the neighbors.

Dave Olsen stated that the regulations have changed on them over the years and that they are now limited on the size of there operation due to these changes.

After further discussion Tom Anderson made a motion to recommend approval of the application Terry Buettner seconded.

Aye: Tom Anderson, Terry Buettner, John Harris,

Nay: Kevin Raun, Jody Casper

Abstain: John Kuehn

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

County Attorney Melodie Bellamy stated that a motion must pass by a majority of the members of the Board

Joseph Anderson stated that an abstention from voting is a negative vote, therefor the motion did not pass.

Motion Failed

Terry Buettner made a motion to recommend denial of Special Use Permit Application Kevin Raun Seconded.

Aye: Kevin Raun

Nay: Tom Anderson, Terry Buettner, John Harris, Jody Casper

Abstain: John Kuehn

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

Motion Failed

John Kuehn asked now that there has not been a motion that has passed what is the next step. Joseph Anderson stated that application for Special Use Permit is forwarded to the Kearney County Board of Supervisors with "NO Recommendation" from the Kearney County Joint Planning Commission.

Wendy Clark signed in and asked some questions regarding the motions that were made.

Kearney County Attorney Melodie Bellamy made note on the sign-up sheet that Wendy Clark signed in after the public hearing had closed.

Joseph Anderson stated that there was a motion to recommend approval that did not pass and there was a motion to recommend denial and that did not pass.

Wendy Clark asked if the Kearney County Joint Planning Commission was aware that there were two residents within the required  $\frac{3}{4}$  mile set back distance.

Kearney County Attorney Melodie Bellamy stated that the public hearing was at 7:30 and that the public hearing was now closed and that if there were specific statement or questions that Wendy Clark had that she would need to wait until the public hearing with the Kearney County Board of Supervisors.

Joseph Anderson told Wendy Clark that if she had any material that she wished for the Kearney County Board of Supervisors to review prior to the meeting that she could submit that information to either Myra Johnson the Kearney County Clerk or Joseph Anderson the Zoning Administrator to forward that information to the Board of Supervisors.

Wendy Clark presented a packet of information that she would like the Kearney County Board of Supervisors to review and asked if the date for the public hearing with the Kearney County Board of Supervisors had been set yet.

Joseph Anderson stated that meeting had not been set yet but once that meeting is set there will be notification as required for that public hearing/meeting.

Joseph Anderson updated the board on some issues that he felt needed to be discussed when Kearney County updates their comprehensive plan and zoning regulations and asked the board members to bring any issues that they feel need to be addressed to him so they can start to work on that.

- Language in Subdivision Regulations dealing with having more than 4 houses per quarter section
- Adding Kearney County Website as a form of legal notice
- Adding a waiver for LCF and Residence to allow for expansion
- Change Supervisors to Commissioners
- About adding setbacks for grain bins from residence
- Adding setback requirement for planting of trees from Right-of-Way
- Simplify the requirements and language for Administrative Subdivisions
- Adding language in the Comprehensive plan to address conservation easements.

Joseph Anderson also stated that he is working on a request for professional services to send out to update Kearney County Comprehensive plan and zoning regulations.

Chairman John Kuehn asked if there was any other business that needed to be discussed. With no other business Tom Anderson made a motion to adjourn at 9:01 pm seconded by Terry Buettner.

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundein, Dawn Thompson, Malcom Dornhoff

Next Meeting will be set at a later date.

MINUTES OF THE  
KEARNEY COUNTY PLANNING COMMISSION  
June 27<sup>th</sup>, 2022

Notice was published in the local paper. The agenda was kept continuously current at the office of the Kearney County Zoning Administrator.

A meeting of the Kearney County Planning Commission was called to order by Chairman John Kuehn in the Assembly room of the Courthouse in Minden, Nebraska Kearney County at 7:30 pm on June 27<sup>th</sup>, 2022.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public and in accordance with the Open Meeting Act.

Roll Call:

Members Present: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Also, present: Kearney County Zoning Administrator Joseph Anderson and Kearney County Attorney Melodie Bellamy

Chairman John Kuehn asked if everyone had a chance to look over the minutes from the previous meeting on May 31<sup>st</sup>, 2022. After reviewing minutes Kevin Raun made a motion to approve the minutes seconded by Jody Casper.

Aye: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Nay: NONE

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Chairman John Kuehn stated that this meeting was called to hold a public hearing for an application for a special use permit by Jake & Michala Olsen to use an existing building on their property as private recreational use.

Patty Lundein made a motion to open public hearing to hear comments on the proposed application. Seconded by John Harris

Aye: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Nay: NONE

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Public Hearing Opened at 7:36 pm

Jake Olsen – 1613 25 Rd (applicant) stated that they have an existing building on there property that had been used by previous owners for a commercial business that is not useful to them and that Jason Fox of FoxFit wrestling club has had interest in using this building to use for his youth wrestling practicing and training. This building is currently being used to store some smaller equipment but is too small to being used for anything else and that he thought that this would be a good use of this building. Board members asked if there was enough land or space around this building to allow for parking. Jake Olsen stated that he owns approximately 7.5 acres there so parking should not be an issue.

Jason Fox – 603 W 4<sup>th</sup> Axtell NE that he has been running a wrestling club in Axtell and would like to be able expand that and have more room and stated that he anticipates that there will be around 75-100 youth that he will be working with at different times of the day and on different days of the week so not all of them would be there at the same time. He plans to install a sign with lights indicating the building that is going to be used for this wrestling club.

Board member asked if this was just going to be seasonal use or if this was going to be year around use? Jason Fox stated that he plans to use the building year around that in the “off” season that he would host camps and other training opportunities.

Joseph Anderson asked how long he has had his wrestling club in Axtell. Jason Fox stated that he has been doing it for 7 years in Axtell but has been doing it for over 20 years in total.

Board member asked if there would be a separate 911 address assigned to the building. Jason Fox stated that he would check with the Axtell fire and recue to see if they felt a new 911 address would be needed or not.

Wendy Clark – 1329 27 Rd asked if this special use permit was granted if they would allow them to use the property for other uses other than just private recreational use? County Attorney Melodie Bellamy stated that the property would only be allowed to be use for Private recreational use. If they ever wanted to do anything differently than they would have to reapply for another special use permit. Wendy Clark then asked if there will ever be any wrestling meets be held at this location. Jason Fox stated that this will only be used for practice and training. No meets will ever be held at this location.

Chairman John Kuehn asked if there was anyone else that wanted to speak? And with no one else wanting to speak or ask questions John Kuehn asked for a motion to close public hearing. Patty Lundein made a motion to close public hearing, Dawn Thompson seconded.

Aye: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Nay: NONE

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Public Hearing closed at 8:03 pm

Chairman John Kuehn asked the board if there was any other discussion about the application.

After discussion board found that this application for good and that having organized youth sports and activities is a good thing but just had a couple concerns with safety.

1. Board felt that there needed to be a lighted sign with contact information posted at the location
2. Check with fire and recue to see if a separate 911 address is needed.
3. Inform the state of Nebraska Department of Transportation about these activities so they can monitor traffic if needed.

Patty Lundein made a motion to recommend approval of the application for special use permit by Jake & Michala Olsen if the previous issues are completed. Seconded by Jody Casper.

Aye: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Nay: NONE

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Joseph Anderson Presented to the Board copies of the current zoning regulations and by-laws for the board to review so they could recommend changes when Kearney County updates soon. Joseph Anderson also presented a list of the previously discussed changes. Joseph Anderson also discussed with the board on how they felt about starting the process of updating the comprehensive plan now so it would be able to be completed by 2025. Board felt that now was a good time to start that process and Kevin Raun made a motion for Joseph Anderson to recommend updating the comprehensive plan to the Kearney County Board of Supervisors so it would be able to be budgeted. John Harris seconded.

Aye: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Nay: NONE

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Joseph Anderson gave un update on the Special Use Permit application from Olsen Cattle Company. Joseph Stated that the Kearney County Board of Supervisors tabled the discussion until the July 19<sup>th</sup>, 2022, board meeting to allow them more time to gather information about the application.

Chairman John Kuehn asked if there was any other business that needed to be discussed. With no other business Kevin Raun made a motion to adjourn at 9:14 pm seconded by John Harris.

Aye: John Kuehn, Jody Casper, John Harris, Kevin Raun, Patty Lundein, Dawn Thompson

Nay: NONE

Members Absent: Malcom Dornhoff, Terry Buettner, Tom Anderson

Next Meeting will be set at a later date.