

The Hamilton County Joint Planning Commission held a public meeting on April 21, 2020 at 7:00 pm
Zoom Meeting/Hearings via Video Conference

Eastman called the meeting to order at 7:06 pm, stating that the open meetings act was posted on the screen share for public inspection.

Members Present:

Bangs, Barnesberger, Blasé, Eastman, Eckert, Hongsermeier, Hutsell, Lyons, McDonald, and Ortegren

Members Absent: Jensen, and Kinney

Also present were: Zoning Administrator, County Attorney, Administrative Manager and 15 members of the public.

The public notice of the meeting was read into the record by the Zoning Administrator.

Chairperson Eastman asked if there was any conflict of interest on the agenda.

Barnesberger moved to approve the agenda. Bangs seconded the motion.

All yes by voice vote. Motion passed.

Hutsell moved to approve the minutes of the last meeting. Hongsermeier seconded the motion.

All yes by voice vote. Motion passed.

Item #1 – Public Hearing for Re-Zoning Requests at 4016 N. Commercial Ave., or Sec. 6, T9N, R7W, Lots 7, 8, 9, 10, Blk 9 of Original Town Giltner, Ne.

The public notice of the hearing was read into the record by the Zoning Administrator.

Motion by Lyons to open the public hearing. Hutsell seconded the motion.

All yes by voice vote Motion Passed. Public Hearing opened at 7:10 pm

The Zoning Administrator explained the situation surrounding the rezone.

No public participated in the public hearing. The planning members asked questions about the property and possible spot zoning. Discussion about the commercial businesses near the modular home.

No public spoke to this item.

Motion by Hutsell to close the public hearing. Blase seconded the motion.

All yes by voice vote Motion Passed. Public Hearing closed at 7:19 pm

Eastman asked for a motion to consider a recommendation for the Village of Giltner.

Motion by Bangs recommend approval. McDonald seconded the motion.

Roll Call vote 10-0 Motion Passed.

Item #3 - Public Hearing for Text Amendment Application, to amend Wastewater Disposal Systems for Misc. Uses, Section 8.27.02 Minimum Requirements: of the Hamilton County Zoning Regulations.

The public notice of the hearing was read into the record by the Zoning Administrator.

Motion by McDonald to open the public hearing. Hutsell seconded the motion.
All yes by voice vote Motion Passed. Public Hearing opened at 7:25 pm

Matt and David Griess spoke to the planning commission about their amendment application of reducing the setback from 2,650' to 1,800' for current existing misc. wastewater lagoons. They explained the reason for the amendment change would be to allow them to expand their current lagoon to help out the county and the neighbors, by only having to pump once a year versus many times throughout the year. This in turn should help with the odor as the wastewater would be more diluted. This would also allow them to pump the lagoons dry and better time the applications to local crop fields.

McDonald asked the applicants about size if were to expand and also about dealing with sludge buildup. Hutsell asked if would be a new lagoon or expansion of existing? 3 times the capacity. Lyons asked about the distance from the county road. Griess explained that the expanded lagoon would be north of the current lagoon.

No public spoke in support.

Pat Harvey spoke to the board in opposition of the applicant amendment. He has serious issues with this lagoon. He stated county zoning regulations Sec. 3.03, 3.04, 3.06, 3.07, 3.12, 3.37, and 4.14.01 of the Flex districts. For the record, the truck wash is in the F1 district, the wastewater lagoon is in the A-1 district. Odor is also an issue as stated in Sec. 8.17.05 and 8.27.02. This would also affect property values.

Lyons asked how close is the closest residence at this time? Zoning Administrator stated from the corner of the lagoon to the residence would be 1,977'.

Pat Anderson: Suggested that the county not make a decision at this time as the truck wash and their lagoon are not in compliance. No action should happen till what they have now is compliant. When asked about current issues at this time? Pat A. said smell, runoff, and drainage, as well as compliance about ground cover, fencing and a depth finder. DEQ may have cited the Griess's. Matt Griess spoke that there were previous issues that have been corrected. He also stated that the NDEE has already given them permission if expansion were to take place.

Todd Hansen: Asked about expansion, how do you know this will help the odor situation? Matt Griess answered that the NDEE has given the recommendation to expand so that the liquid is more diluted and by allowing to pump once a year will help the odor issues.

Lyons requested we get some documentation from the NDEE about this recommendation, instead of using people's opinions, also we should recommend to table this amendment.

Motion by McDonald to close the public hearing. Blase seconded the motion.
All yes by voice vote Motion Passed. Public Hearing closed at 7:52 pm

McDonald asked about possibly sending it to the Aurora waste facility? The City of Aurora is not set up for this waste at their facility. Other board members showed support for waiting till the lagoon and truck wash was in compliance with all regulations. Look at different nozzles for pivots to keep lower to the ground to minimize odor.

Motion by Bangs table the recommendation for the text amendment. Hutsell seconded the motion. Roll Call vote 10-0 Motion Passed.

Item #5 - Public Hearing for a Conditional Use Permit to place addition commercial grain storage on a tract located at 605 Giltner Spur, in part of the SE1/4, NE1/4, Sec. 6, T9N, R7W, Giltner, NE.

The public notice of the hearing was read into the record by the Zoning Administrator.

Motion by Bangs to open the public hearing. Hutsell seconded the motion.
All yes by voice vote Motion Passed. Public Hearing opened at 8:00 pm

Justin Yoesel, Vice president of Grain with CPI represented the application. He described their project of installing a new grain storage bunker 600' x 150' with 1-million-bushel capacity. Grain would be piled here at harvest (October-November) and then picked up in the spring or summer time frame. Pile will be tarped and have fans, after harvest and would be the first picked up. Looking at upgrading \$40,000 for centrifugal fans that are much quieter than axial fans like on a grain bin. These new fans have a decibel reading of 46.6 dB at 250' & 34.6 dB at 1,000'. Water will also be applied to the driveways to help prevent dust issues, and sound barriers will be installed on the south end to deflect the fan noise from the neighbors. Understands the concern from neighbors about dust, sounds, and smells. This expansion is needed to allow for local farmers to be able to dump faster and continue to support the Giltner area. This new pile would take about 4-6 weeks to fill and a pickup time of 2-3 weeks.

No public spoke in support.

Eric Kothe spoke to the board in opposition of the application and has had conversations with Mr. Yoesel many times in the past about issues. There have actually been 2 occasions that my family have had to leave their home just due to the odor. Disagreed about the new fans as they are used downtown already and can be over 100 dB. The current fans used on the ground pile are well about 95 dB with an average of 65dB. The next big issue is the spoiled corn that happens every year. I submitted pictures to you all of my attic, with all the dust and corn dirt that enters through the vented soffit. We do know that corn dust is very combustible at the elevator, so very glad that we have an electric home. We use air filter in our home that should be replaced yearly, ours get replaced at least 4 times a year. 2 years ago, was probably the worst it has ever been. All of us are not able to enjoy our yards due to CPI's handling of grain currently. This will also be a hazard for the youth of Giltner due to these toxins in the air blowing toward the park.

Michaela Goracke: We live directly across from the Kothe family. They also have noticed the dust and issues at their home, with changing yearly air filters at least 2 to 3 times a year. The smell is terrible, and a fear that this will just add to this problem. Just don't want to see this happen.

Leaha Kothe: This is a detriment to our life as we can't enjoy the backyard. The kids have to play in the front yard when able. We get about ½ inch of dust on our porch, so kids, guest, and dogs drag it in the house constantly. Noise is also an issue, when we are trying to instruct our kids, they can't hear us.

Ross Lyon: We live directly south of the Goracke's. I've talked to Justin Yoesel and the local managers many times as well. CPI needs to be a good neighbor to Giltner. Look at what Eric has sent you as far as pictures of issues and the possible solutions that could be utilized. Mrs. Lyons walks to work from home and over the last 2 years has started to develop upper bronchial issues. The smell is also very bad. Our vehicles at times smell like someone has vomited. CPI should go across the road to the east due to the north and northeast winds. Giltner wants to gain new young families and this is not going to attract them. Ross echoed the dust and the changing of filters more than should. Been in construction for 24 years and have never seen an attic like Eric's home.

Jordan Grantham: Proposed bunker will be straight north of our home. He strongly opposes the project due to the issues presented already and this will hurt property values. Appreciated the options that Eric offered to CPI.

Pat Harvey: I would like to stand in support of these neighbors. Has previously worked at Syngenta and Mycogen in bulk storage and bagging operations. I have developed some health issues due to this exposure; and these families are exposed daily. This needs to be considered as close as these homes are to this.

Jeanie Good: They want to agree with all the neighbors at this time. The corn chaff and dust is bad in our yard. CPI also has stated they will maintain the tree line and this has not been done, so these are our frustrations.

Bangs asked how close is the pile to the Kothe home now? Eric stated that is about 150-300', and then new pile will be slightly closer.

Questions were asked of the applicant about the use of a conveyor. Possibly use a ring/tarped system? Mr. Yoesel said the bunker would be better and faster, so we can get it tarped and conditioned versus a ground pile.

The board members questioned the applicant about the use of walls instead of trees as a barrier to the south, as well as the use of fans and the decibels. Could this bunker be placed farther north from the proposed location? Yoesel stated no due to the traffic flow for the trucks and the elevation starts to go down, so this would not be a good idea. Has CPI looked at the Kothe recommendations?

- Build a bin the east like they did for soybeans.
- Expand the emergency bunker to the east to double capacity.
- Build an enclosed ring system like Cargill in Gibbon or assemble a Butler Building that's in storage.
- Fix up and utilize the old flat storage they currently have in Giltner.
- Fill grain bags and store them on the CPI property.

Justin Yoesel spoke to these recommendations: A bin has been looked at and would be the best. This bin would come with a \$3 million cost. The Bunker is cost effective at \$200,000 and \$100,000 for the dirt work. He also explained about the buildings are not useable and need taken down. The grain bags are a great tool but not efficient for commercial use.

Motion by Hongsermeier to close the public hearing. Bangs seconded the motion.
All yes by voice vote Motion Passed. Public Hearing closed at 8:41 pm

Eastman asked for a motion to consider the Conditional Use Permit recommendation to the County Board.

Motion by Bangs to recommend to deny based on the finds of fact. Blase seconded the motion.
Roll Call vote 9-1 Motion Passed. (Finds of Fact attached to these minutes)

Item #7 – Discussion/Consideration for a Subdivision for Tyson Wendt located in part of the SW1/4, Sec. 26, T10N, R8W, Hamilton County, Nebraska.

The Zoning Administrator spoke about this subdivision that was submitted for preliminary plat. There were a few questions on the plat.

With no further discussion from the board, Eastman asked for a motion.

Motion by Bangs to Approve the Preliminary Plat as it was presented.
Bamesberger seconded the motion. Roll Call vote Motion Passed.

Item #8 – Discussion/Consideration of the revised and updated By-Laws for the Hamilton County Joint Planning Commission.

The Zoning Administrator asked about a couple sections and what the board thought for changes
With no further discussion from the board, Eastman asked for a motion.

Motion by McDonald to Approve the Bylaws for the Planning Commission.
Ortegren seconded the motion. All yes by voice vote. Motion passed.

Administrator Report – We still have 2 villages to complete their zoning regulations and comp plans.
Introduced the 2 newest members on the Joint Planning Commission. Travis Blase represents the village of Hordville and Kay Lyons is a county representative replacing Bankson as his term ended.

Bangs moved to adjourn the meeting at 9:12 pm. Hongsermeier seconded the motion.
All yes by voice vote.
Motion passed.

Joan M Eastman
Chairman, Hamilton County Joint Planning Commission

April 21, 2020
Date