

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

TUESDAY 06/16/20

The Hamilton County Joint Planning Commission held a public meeting on June 16, 2020 at 7:00 pm.  
Zoom Meeting via Video Conference

Eastman called the meeting to order at 7:02 pm, stating that the open meetings act was posted on the screen share for public inspection.

Members Present:

Blase, Eastman, Eckert, Hongsermeier, Kinney, McDonald and Ortegren.

Members Absent: Bamesberger, Bangs, Hutsell, Jensen, and Lyons

Also present were: Zoning Administrator, County Attorney, and other 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.

Kinney moved to approve the agenda. McDonald seconded the motion.

All yes by voice vote. Motion passed.

McDonald moved to approve the minutes of the last meeting. Kinney seconded the motion.

All yes by voice vote. Motion passed.

**Item #1** – 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 Ortegren to open the public hearing. McDonald seconded the motion.

All yes by voice vote Motion Passed. Public Hearing opened at 7:07 pm

The Zoning Administrator explained the situation surrounding the new application submitted May 29, 2020 for a conditional use permit by CPI in the Transitional Ag district of Giltner. The

Justin Yoesel, Vice President of Grain for CPI spoke to the board about the new application. He shared about the new location of the grain bunker and that the old emergency pile currently would be abandoned. This new facility would hold roughly 1.1 million bushels of grain.

Planning member Loren Bangs joined the virtual meeting at 7:08 pm, Kay Lyons and Dale Bamesberger joined the virtual meeting at 7:10 pm.

Gary Brandt, CEO of CPI spoke about the values of the cooperative such as Integrity to our company, neighbors and the communities they serve. He described the new leadership throughout the company and the accountability for the company's responsibilities to its neighbors. He described the 10 items that CPI pledges to follow if this CUP is approved. *(Submitted document attached to these minutes and the application)*

Becky Kindschuh, Project Manager for CPI described the process on building the project and the 3 largest concerns to the residents: Noise, Odor, and Dust. She broke down each of the issues and how the company is going to handle and address these concerns throughout the year annually.

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Ryan Nickerson, Giltner Location Manager spoke to the planning members about the commitment to the local community. The proposed grain bunker would be the last filled during harvest, filled in 7 to 15 days and covered immediately. This pile would be picked up in the winter, spring or early summer.

Brian Bish, Giltner, spoke in support of the CUP application. He had a question if any planning members even went to look at the proposed site? It was mentioned that a couple members, Bangs and Kinney did go view the site and or visited with CPI employees. Bish stated that smell and dust are just part of ag, and that's just life, and that the location was obtained in 2005 by CPI. The office was built then, but the majority of the facility was there long before that. He believes CPI is always trying to do what is best for the community.

Eric Kothe, Giltner resident addressed the board in support of this application. Kothe has met numerous times the last few days with Yoesel and Brandt and feels that we have made some good compromises on both sides of this situation. He told CPI, if they added the 10 conditions to the application before the planning board, that he would fully support this project going forward. What is different this time is there are significant accountability and protocols in place that have not been in the past. Both parties have had to make some compromises. There have been bad times previously but wants to see the good in everyone. As a local farmer, we also need this local delivery point to get our products to the end user.

Ross Lyon, Giltner spoke that we finally have some progress, but I want to dispute the "That's just Life" comment. Prior to the last months meeting, there were piles of spoiled corn that have set for awhile. Just last week, they decided to pick those piles up and move them to the south edge of town and dump them on the ground again. This smell moved from one side to the other side of town.

Ross questioned about the pot ash and where it was coming from. Becky K., responded that pond ash, not pot ash, would be obtained for use from the Hastings power plant. This project would be better on the east side of the road, and no one ever asked CPI to leave town. Ross also stated he wanted the May planning meeting minutes to be introduced and attached to this record.

Cody Nuss, Giltner spoke about the rotten corn being moved to the south edge of town and causing complaints, and that that's just part of life comment is also correct. He is very pleased at the hard work Gary from CPI and Eric Kothe have put into this and to make compromises that will protect Giltner for 3 miles around town.

Drew Scott, Giltner asked the question about "What if CPI doesn't follow the rules of the permit?" What consequences or checks and balances are put in place? The zoning administrator explained that if there is a complaint, the planning and zoning department will investigate the complaint and if found there is a violation, the permit can be pulled for non-compliance.

Eastman asked if there was anyone else who wished to address the planning commission? She then asked if there were any planning board members who had questions?

Member Kinney stated he wanted to ask the facility manager Ryan N., about addressing the rotten corn being moved south of town recently with this new leadership and accountability being promised.

Ryan Nickerson explained that he had spoke to Brian Bish about moving the spoiled grain and placing it where grain had been stored in the past on Bish's property. These new conditions have come after the current pile was nearly cleaned up. We will follow all new conditions going forward.

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Member Lyons asked about 100% of the grain will be oiled to suppress dust. How often does this need done? Becky K. from CPI spoke that the grain is oiled at the time of being unloaded onto the pile. Its not possible to reapply, and this will be the first location to have and utilize a dust suppression system like this in the area.

Lyons also asked why this hadn't been done previously to keep from creating the issues in the village? Also, what is a safe decibel level for these new centrifugal fans that will be used.

Gary Brandt, CPI stated that the decibels should be roughly 66 to 68 decibels, and CPI is committed to monitoring sound and investigating whenever sound levels are over that and determining why.

No other comments were given before the planning commission.

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

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Bamesberger, Bangs, Blasé, Eastman, Eckert, Hongsermeier, Kinney, Lyons,  
McDonald and Ortegren

-Voting No: None

-Absent and not voting: Hutsell, and Jensen

Motion Passed. Public Hearing closed at 7:48 pm

McDonald made a motion to approve the conditional use permit for CPI by also adding the 10 additional commitments presented by Gary Brandt. Blase seconded the motion.

Administrative Manager reminded the planning board that they must first review the Standards for Review on page 97. Once you agree with those items you can then motion and vote on the amendment.

Kinney made a motion to amend the motion that the planning commission has reviewed the 13 standards for review for a conditional use permit and was found that all 13 were met as well as the additional 10 commitments that CPI Inc. submitted.

Eastman seconded the motion.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Kinney, Eastman, Bamesberger, Bangs, Blasé, Eckert, Hongsermeier, Lyons,  
McDonald and Ortegren

-Voting No: None

-Absent and not voting: Hutsell, and Jensen

Motion Passed.

Eastman asked for a roll call vote on the original motion to approve the Conditional Use Permit with the 10 additional conditions along with the added condition CPI will applying dust control agent 3 times weekly to the roads.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: McDonald, Blasé, Bangs, Eastman, Eckert, Hongsermeier, Kinney,  
Lyons, and Ortegren

-Voting No: Bamesberger

-Absent and not voting: Hutsell, and Jensen

Motion Passed.

**Item #3** – Review/Discussion of proposed changes and additions to the Hamilton County & Villages Zoning Regulations

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The Zoning Administrator presented the changes that have been brought forth since the regulations were adopted in September of 2019. *(See attached sheet)*

Kinney made a motion to table this item to allow the members more time to review and come up with recommendations. Hongsermeier seconded the motion.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Kinney, Hongsermeier, Bamesberger, Bangs, Blasé, Eastman, Eckert, Lyons,  
McDonald and Ortegren

-Voting No: None

-Absent and not voting: Hutsell, and Jensen

Motion Passed.

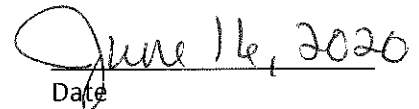
Administrator Report – Nothing to report at this time.

Kinney moved to adjourn the meeting at 8:33 pm. Bangs seconded the motion.

All yes by voice vote.

Motion passed.

  
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Chairman, Hamilton County Joint Planning Commission

  
\_\_\_\_\_  
Date

### **Added Conditions for the Proposed CPI Giltner location Conditional Use Permit**

1. IF the bunker is approved by Hamilton County and the Giltner Village CPI will abandon its conditional use permit for the current emergency pile west of the CPI Giltner office.
2. 100% of grain received in the new bunker will be oiled to control dust. This oil will remain on the grain and will help mitigate picked up outbound grain dust. During bunker pick up CPI will be cognizant of wind direction, understanding that rain events during pick up will occasionally occur and pile pickup may need to be expedited.
3. The roads that service both grain bunkers will be treated with a dust control product at a minimum of two or three times weekly during inbound and outbound grain movement to the bunkers. CPI's Giltner location manager will document the applications
4. CPI will also document on a weekly basis CO2 readings at each bunker to ensure grain quality is being maintained. CPI's Giltner location manager will document each reading and take appropriate action to minimize spoilage and the effect upon the community.
5. Once the bunker is emptied, all remaining grain will be cleaned within 7 days. After cleaning a member of CPI's senior team, along with Giltner Village Board Member or person appointed by the Giltner Village Board, will inspect the area. If unsatisfactory conditions are found the identified issues will be cleaned within an additional 3 days and re-inspected by the same individuals.
6. Centrifugal fans will be used and controlled by a system to conserve energy and thus help control noise. CPI will investigate sound above safe levels in conjunction with the Giltner Village Board.
7. CPI will maintain the current tree line on the south side of its property. There will be 3 rows of trees. Diseased or dead trees will be removed and replaced in the spring and/or fall.
8. CPI will no longer dispose of grain within three miles of Giltner.
9. CPI will post all parameters discussed at the location so that it is visible to all employees
10. The haul road located adjacent to the emergency pile will remain open to truck traffic during harvest. But will be closed and truck traffic when the bunker is picked up.