

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

The Hamilton County Joint Planning Commission held a public meeting and hearing on February 16, 2021 at 7:00 pm at the 4H Building at the Hamilton Co. fairgrounds in Aurora, Ne.

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

Members Present: Bamesberger, Blase, Eastman, Jensen, Joyce, Kinney, McDonald and Miller.
Members Absent: Eckert, Hongsermeier and Lyons.

Also present were: Zoning Administrator, County Attorney, and 13 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.

Jensen moved to approve the agenda. Kinney seconded the motion.
All yes by voice vote. Motion passed.

Blase moved to approve the minutes of the last meeting. Jensen seconded the motion.
All yes by voice vote. Motion passed.

Board member Travis Blase arrived at the planning meeting at 7:04 pm

Item #1 - Public Hearing for a Conditional Use Permit to place a temporary batch plant on a tract located in part of the NW1/4, SW1/4, Section 28, T10N, R6W, Hamilton County, NE

Chairperson Eastman reminded everyone in attendance of the procedure for a public hearing.
The public notice of the hearing was read into the record by the Zoning Administrator.

Motion by Miller to open the public hearing. McDonald seconded the motion.
All yes by voice vote.
Motion Passed. Public Hearing opened at 7:08 pm

The Zoning Administrator began by stating that the Hamilton County zoning regulations were available and are entered as exhibits for the public hearing.

Terry Wilhelms from Werner Construction spoke about the lease they have entered with Grosshans and the land owners the Aalborg family. Terry then described the mobile batch plant and how it operates. They are looking at an 8-12 week window for the road work. Plan to start bringing in aggregate around the middle of March depending on weather. The project would cover 6 to 7 acres of the proposed site and would have roughly 10 employees onsite. Road projects would require about 100 truck loads of product a day. Werner project supervisor Lane Ferris also spoke about the project and how the operation must meet NDEE, and the Fire Marshal's regulations. NDEE requires us to monitor dust control. We plan to stay out of the floodplain near the project, and also install a silt fence near the Beaver Creek. Werner would have about 45,000 gal of oil and 15,000 gal of burn fuel on site in required double containment tanks. Lane talked about some haul routes as the public was concerned about increased traffic on certain roadways in the county. Some of the work done will require night work on the interstate. When working at night they are only allowed to work Monday thru Thursdays 7 pm to 10 am.

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Ryan Epp spoke that he wasn't really for it or against it, but was concerned about travelling certain roads and deteriorating them, such as 6 Road. Secondly, he was concerned about the length of the permit.

Joan Pfeifer stated that she lives near the site and her concerns were about the noise and smell that will be caused by the plant. Werner stated that they could use a deodorant if there are complaints.

Pat Harvey asked questions about time limit on the CUP based on new projects. Also wondered if we were rezoning the property. Jeremy explained that it would not be rezoned as this was a permitted use in the A-1 Ag district via county regulations on page 70. He stated he had spoke with the representatives from Werner and would be ok with the sounds and smells on a short term basis near his home. He was concerned about new projects coming up and then wanting it extended for a longer period.

After no further comment from the public, Eastman asked for a motion to close the public hearing.

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

All yes by voice vote.

Motion Passed. Public Hearing closed at 7:42 pm

Chairperson Eastman asked if the CUP committee had a report. Joyce stated that there was some communication via email amongst the committee, but they had nothing to report.

Kinney commented that the planning board needed to review the 13 standards for review to allow this conditional use permit. The board members talked through each point of standard.

McDonald made a motion to recommend approval of the conditional use permit with the additional conditions.

- If the county receives complaints about odor, Werner is to add deodorants to mitigate odor.

- Permit is valid for March 1, 2021 thru December 31, 2021.

- Werner is to have a Haul Road Agreement in place with the Hamilton Co. Highway Dept.

Jensen seconded the motion.

Eastman asked for the Zoning Administrator to call the roll:

- Voting Yes: Barnesberger, Blase, Eastman, Jensen, Joyce, Kinney, McDonald and Miller.

- Voting No: None

- Absent and not voting: Eckert, Hongsermeier and Lyons.

Motion Passed

Item #3 - Public Hearing is for a Conditional Use Permit application for a 195' Wireless Communication Tower to be placed in part of the NW1/4, Section 31, T9N, R5W, Hamilton County, Nebraska.

Motion by McDonald to open the public hearing. Kinney seconded the motion.

All yes by voice vote.

Motion Passed. Public Hearing opened at 8:16 pm

Chris Riha with Industrial Tower West spoke about their application to install a cellular wireless tower for Viaero wireless near Stockham, Nebraska. He had a power point prepared, but due to the late hours, he proceeded to explain without it. If this CUP would be approved, then Viaero will purchase the tract of land from Larry Evans. Chris explained the process of selecting a site and the construction project itself. He agreed that there are always people for and against cell towers, but why this tower is needed so close to the village. He answered some questions from the planning board that the tower will be utilized for 4G LTE service, and further explained he understood concerns about 5G. 5G is the next newest better service, but

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doesn't seem financially feasible in rural Nebraska at this time. 5G currently is utilized in the bigger cities on high demand locations such as hospitals.

Gene and Sandy Held wanted to speak to the board and stated he was not against the tower as he knows improved cellular service is needed for some residents, but would prefer to have the tower moved farther south as it seems like an eye sore when he looks out his door at the beautiful Nebraska landscape and the village cemetery. Their other concerns they expressed were the bright flashing lights at night. They hate to have that happen when they are trying to sleep.

Iris Bergen spoke about her concerns and provided some documents for the board to review. She stated her concerns were about the battery life of her phone near other Viaero towers, she also doesn't want to see native pasture disturbed because of a tower, concerns about 4G and 5G and their effect on animals, birds, trees and people. Iris mentioned that she struggled to find studies from the US, but found some in Germany and other European countries who have studied health effects of cellular towers.

Chris addressed their concerns and questions from the board. He told how there are 2 types of cellular frequencies. CDMA and GSM, Viaero is GSM. He also explained that they plan to abide by the zoning regulations for lighting. They use 2 stage, medium intensity lighting. White by day and red by night to meet FAA regulations as well.

The majority of towers you see now with bright flashing lights are using a high intensity light.

Travis Blase was excused to leave the meeting at 8:42 pm.

After no further comment from the public, Eastman asked for a motion to close the public hearing.

Motion by Jensen to close the public hearing. Bamesberger seconded the motion.

All yes by voice vote.

Motion Passed. Public Hearing closed at 8:49 pm

Chairperson Eastman asked if the CUP committee had a report. Kinney stated that the committee had some communication and presented their finding to the board. Explained the standards of review and would email their final report to the zoning administrator to be added to the record.

Kinney made a motion to recommend approval of the conditional use permit with the additional condition.

-If they wish to add 5G in the future, would require a new CUP.

Joyce seconded the motion.

Miller made a motion to amend the motion to remove the condition. Seconded by McDonald.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Bamesberger, McDonald, and Miller.

-Voting No: Eastman, Jensen, Joyce, and Kinney.

-Absent and not voting: Blase, Eckert, Hongsermeier and Lyons.

Motion Failed

Eastman asked for the Zoning Administrator to call the roll for the first motion on the floor:

-Voting Yes: Bamesberger, Eastman, Jensen, Joyce, Kinney, and Miller.

-Voting No: McDonald

-Absent and not voting: Blase, Eckert, Hongsermeier and Lyons.

Motion Passed

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Item #5 - Public Hearing is for a Conditional Use Permit application to allow an additional home in the E1/2, NW1/4, Section 22, T11N, R5W, Hamilton County, Nebraska.

Motion by McDonald to open the public hearing. Miller seconded the motion.

All yes by voice vote.

Motion Passed. Public Hearing opened at 9:13 pm

Zoning Administrator Brandt explained the application to the board and described the map that was included in their packets.

There was no public that spoke to this item. No committee was assigned for this application.

Eastman asked for a motion to close the public hearing.

Motion by Miller to close the public hearing. Kinney seconded the motion.

All yes by voice vote.

Motion Passed. Public Hearing closed at 9:16 pm

McDonald made a motion to recommend approval of the conditional use permit.

Miller seconded the motion.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Bamesberger, Eastman, Jensen, Joyce, Kinney, McDonald and Miller.

-Voting No: None

-Absent and not voting: Blase, Eckert, Hongsermeier and Lyons.

Motion Passed

Item #7 - Public Hearing for to consider the adoption of an updated Comprehensive Plan, Zoning and Subdivision Regulations for Village of Phillips.

Motion by Jensen to open the public hearing. McDonald seconded the motion.

All yes by voice vote.

Motion Passed. Public Hearing opened at 9:18 pm

Zoning Administrator Brandt explained the regulations and any differences from other villages previously approved. Stated that the new updates that have been approved for other villages like specialty dwellings such as tiny homes and shouse's have been included in Phillips regulations.

Admin. Manager Stuhr also commented about the regulations.

There was no public that spoke to this item. No committee was assigned for this application.

Eastman asked for a motion to close the public hearing.

Motion by Bamesberger to close the public hearing. Jensen seconded the motion.

All yes by voice vote.

Motion Passed. Public Hearing closed at 9:23 pm

McDonald made a motion to recommend approval of the Phillips Comprehensive Plan.

Bamesberger seconded the motion.

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Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Bamesberger, Eastman, Jensen, Joyce, Kinney, McDonald and Miller.

-Voting No: None

-Absent and not voting: Blase, Eckert, Hongsermeier and Lyons.

Motion Passed

McDonald made a motion to recommend approval of the Phillips Zoning and Subdivision Regulations.

Jensen seconded the motion.

Eastman asked for the Zoning Administrator to call the roll:

-Voting Yes: Bamesberger, Eastman, Jensen, Joyce, Kinney, McDonald and Miller.

-Voting No: None

-Absent and not voting: Blase, Eckert, Hongsermeier and Lyons.

Motion Passed

Item #9 – Administrator Report

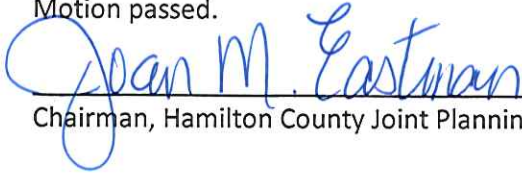
The Zoning Administrator had nothing to report at this time.

Jensen moved to adjourn the meeting at 9:26 pm.


Bamesberger seconded the motion.

All yes by voice vote.

Motion passed.



Chairman, Hamilton County Joint Planning Commission



Date

