

MINUTES

Pierce County Joint Planning Commission

Pierce, Nebraska

The June 21, 2021, meeting of the Pierce County Joint Planning Commission was called to order by Chairman Zimmerman at 7:03 p.m. in the Pierce County Planning Multi-Purpose Room, 111 W Court St, Pierce, Nebraska.

Call To Order/Roll Call- Consideration and/or action on:

Present: Ryan Zimmerman, Joe Aschoff, Guy Elsworth, Dwaine Hoffman, Byron Wragge and Tom Nathan.

Absent: Gerry Krueger and Larry Schaefer.

Also present: Richard Koenig, Marshall Petersen, Ivan Petersen, Robert J. Petersen, Karen Petersen, Morgan Schmit, Bonnie Owens, Shellee Schmit, Marlin Schmit, Brian Moes, Tyler Moes, Tim Thompson, Dean Stuekrath, Connor Kritz, Allen Kampschnieder, Jerid Starkel, Tracy Starkel, Susan Noris, Brianna Gable, Benjamin Niyodesenga, LillianUwanjye, Administrator Heather McWhorter, and Office Assistant Jennie Martinez.

Proof of Publication: Chairman Zimmerman stated there were notices in The Plainview News, The Osmond Republican, and The Pierce Leader.

Open Meeting Act: Chairman Zimmerman pointed out the Open Meetings Act is posted on the wall and will be followed.

Minutes-May 17, 2021: The minutes of the May 17, 2021, Pierce County Joint Planning Commission were presented. Motion made by Hoffman to approve the minutes and seconded by Nathan. Members Nathan, Ellsworth, Hoffman, Aschoff, Wragge and Zimmerman vote "AYE" none vote "NAY". Motion Carried.

Zimmerman reads the first Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Jerid & Tracy Starkel for a Preliminary Plat on Starkel Subdivision on property described as Part of the West ½, Section 1, Township 25 North, Range 2 west of the 6th P.M., Pierce County, Nebraska. This property is located South of the City of Pierce, along 551st Ave, Pierce County, Nebraska.

Heather states that the applicants want to develop a subdivision of 7 lots along Highway 13 between Hadar and Pierce. She states that the entrance to the subdivision will be along the Highway, applicant has been in communication with the State regarding the

access. She states that this is a preliminary plat with the Final Plat to be introduced to the board next month pending any changes that are requested.

7:04 P.M. Zimmerman opens the Public Hearing.

Zimmerman asks if there is anyone in favor.

Tracy Starkel speaks in favor. She shows a map where the lots will be. (Exhibit A)

Zimmerman asks what the timeline is to break ground.

Starkel states that the surveyor has been in contact with the Nebraska Department of Transportation regarding entrance off the Highway. She states that it will be advertised immediately following approval of the Final Plat.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

No one speaks.

7:06 P.M. Zimmerman closes the Public Hearing.

Zimmerman discusses concern with the drought and domestic wells running out of water. He states that he would like to see one of the conditions of this project that each lot drill a well that is at a depth that reaches the non-permissible layer or equal to that of the nearest irrigation well within a mile.

Heather asks the Starkel's to check with someone and get a profile of the water in the area before the Final Plat hearing next month. She states that they will also need a covenant.

Zimmerman asks if this is a gravel road.

Starkel states that it will be a gravel road.

Zimmerman asks who will maintain it.

Starkel states that it is private and will not be the County's responsibility.

Ellsworth asks if there will be an entrance in the back on the North and South Road.

Starkel states that there will not. She states that the only entrance will be off the Highway.

Ellsworth makes a motion to approve. Hoffman seconds the motion.

Members Zimmerman, Aschoff, Hoffman, Wragge, Ellsworth, Schaefer, and Nathan vote "AYE"

None vote "NAY".

Motion Carried.

Zimmerman reads the second Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Marshall Petersen to operate a Large Confined Animal Feeding Operation of a combination of Feeder cattle and sheep not to exceed 7500 Animal Units on property described as the North ½ of the Northwest ¼ of Section 20, Township 28 North, Range 2 west of the 6th P.M., Pierce County, Nebraska. This property is located East of the intersection of 547th Ave and 867th Rd, Pierce County, Nebraska.

Heather states that we are revisiting the request from last month for a CUP from Marshall Peterson. Nutrient Advisors is now managing the application process and have submitted a new application for 7500 combined animal units and a site plan (attached). She states that due to the changes the hearing was advertised as a public hearing and we will be taking public comments with a time limit imposed by Chairman Zimmerman.

7:14 P.M. Zimmerman opens the Public Hearing.

Zimmerman asks if there is anyone in favor.

Marshall Petersen speaks in favor and hands pictures to the members of the Planning Commission. He states that he is planning to build 6 (600'X100') buildings. He explains the bed pack system, hoop ventilation, and animal welfare. He states that at first he will have animals outside while the number is under 300 and as the operation gets larger and over 300 they will be under roof. He states that he has a manure management plan and that everything will be taken off site. He states that he will have an onsite compost for the deceased.

Petersen states that he chose to raise sheep because there isn't enough sheep produced and everything else is over produced.

Petersen states that he will bring in power. He states that it's on a minimum maintenance road and he has a letter from a commissioner stating that the County will put the road back to the way it was before. (Exhibit C)

Petersen states that the project will provide jobs and aid in the growth of the Community.

Petersen states that there will not be any lagoon or pit. He states that this project will not be 7500 animal units and he will grow into it slowly.

Zimmerman asks if there is anyone else in favor.

Allen Kampschnieder; Nutrient Advisors speaks in favor. He hands the Planning Commission a Nebraska Animal Feeding Operation Siting Matrix. (Exhibit D) He states that 75 points is a passing score, and Petersen scored a 93. He states that NDEE is going to the site for an inspection, but he is expecting that no permit will be required because he is not building any waste storage.

Kampschnieder states that the site has good compactible soil. He states that Petersen's have about 1200 acres in their Nutrient Management Plan. He explains the Bed Pack System.

Zimmerman asks if there is anyone else in favor.

Dean Stueckrath speaks in favor and states that he has a farm across the road from the site and would like to have the manure.

Zimmerman asks if there is anyone else in favor.

Ivan Petersen speaks in favor. He states that with the bed pack system and the technology we have today will improve the quality of the manure and get rid of some of the synthetic forms we are using today.

Zimmerman asks if anyone else is in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

Marlin Schmit speaks in opposition and states that this will be a full-blown commercial size feedlot. He states that 75,000 sheep is a lot. He reads a letter that he submitted to the Planning Commission. (Exhibit E)

Shellee Schmit speaks in opposition. She states that if this operation was just a couple hundred animals she would not be here today. She voices concerns regarding her health conditions can be triggered by environmental factors. She states that she is concerned with the smell. She states that the barns will still need to be vented outside and she shows pictures of sides of barns with curtains. She states that the Petersen's have other options.

Zimmerman asks if there is anyone else opposed.

Bonnie Owens speaks in opposition. She states that she was moved out to the area by her son-in-law and would not have moved out there she had known that this was going to go in.

Zimmerman asks if there is anyone else in opposition.

Morgan Schmit speaks in opposition. She states that she has asthma and severe allergies. She states that the dust and pollution created by animals will aggravate her condition.

Zimmerman asks if there is anyone else in opposition.

No one speaks.

Heather reads letters that were received in opposition from Delwin Johnson (Exhibit F), Leroy & Gloria Kumm (Exhibit G) and Avera Health Center. (Exhibit H)

7:40 P.M. Zimmerman closes the Public Hearing.

Discussion between the Planning Commission and the Petersen's regarding concerns of the number of sheep and/or cattle, the operation being too large, number of allowable animals in each barn, the Bed Pack System, time table, number of employees, page 54 of the regulations, truck traffic, condition of the roads, and food source for the animals.

Ellsworth makes a motion to table to allow the applicant time to gather more information. Hoffman seconds the motion.

Members Zimmerman, Aschoff, Hoffman, Ellsworth, Wragge and Nathan vote "AYE"
None votes "NAY".

Other Business:

Heather gives the Administrators report.
Zoning permits are discussed.

8:50 p.m. Hoffman motions to Adjourn.

Aschoff seconds the motion.

All vote "AYE" none vote "NAY".

Meeting adjourned.