

## MINUTES

### **Madison County Joint Planning Commission**

Norfolk, Nebraska

The February 20, 2020 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:00 p.m. in the Madison County Zoning Office Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

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

**Present:** Acklie, Grant, Griffith, Oswald, Westerman and Milander

**Absent:** Abler, Prauner, Schapman and Flood

**Also Present:** John Wiese, Rose Wiese, Charles Frohberg, Lori Frohberg, Jerry Guenther, Larry & Glenda McIntosh, Bobbie Pettit, Jess Vanden Berge, Zoning Office Assistant Jennie Martinez and Planning and Zoning Administrator Heather McWhorter.

**Open Meetings Act:** Grant pointed out the Open Meetings Act that will be followed.

**Proof of Publication:** Grant stated the Proof of Publication Notice was published in the Norfolk Daily News.

**Minutes-January 16, 2020:** The minutes of the January 16, 2020 Madison County Joint Planning Commission meeting were presented.

Motion made by Griffith to approve minutes and seconded by Westerman to approve the minutes.

Vote taken. Acklie, Grant, Griffith, Milander, Oswald and Westerman vote "Aye" none vote "Nay". Motion carried.

Grant reads the first Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of John & Rose Wiese to operate a 2400 head swine livestock operation on property located in PT SE ¼ SW ¼ Section 29, Township 21, Range 3, West of the 6th P.M., Madison County, Nebraska. This property is located north and east of the City of Newman Grove, east of 541st Ave along 823rd Rd.**

Heather states that the applicant is requesting to build a confinement building or possibly two with a combined capacity of 2,400 head of finish swine. The manure will be applied to cropland as fertilizer.

Heather reads the statement of Finding of Facts and the Recommended Conditions.

**Statement of Finding of Facts:**

1. The application is consistent with the Madison County Comprehensive Plan.
2. The application is consistent with the Madison County Zoning and Subdivision Regulations.
3. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 350 points, and 350 points are needed to pass.
4. The feedlot setback is 1,320 ft. from the nearest dwelling; no dwellings are located within the setback. Closest residence is approximately 2300 feet.

**Recommended Conditions:**

1. This is a Medium Animal Feeding Operation Conditional Use Permit for an operation of up to 2,400 head of swine over 55 pounds.
2. This conditional use permit shall be for an unlimited amount of time subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix, implementing the additional conditions of this permit, and will become effective with the adoption of this resolution.
3. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, the U.S. Government and Nebraska Department of Environmental Quality; the AFO permitted here shall be operated to comply with all of these entities. The Conditional Use Permit will be invalid if a permit is not obtained from NDEQ within one year.
4. Any new owner/operator of this operation must give notice to the Madison County Zoning Administrator 30 days prior to the closing date of the sale.

Grant asks if they currently have a DEQ permit.

John Wiese states that they are working on it now.

**7:05 p.m** Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

John Wiese speaks in favor. He states that they plan to commercial feed for some one else. He states that they would like to put up a 2400 head or less operation. He states that it may be one building or possibly two.

John Wiese states that there will be a deep pit. He states that the manure will be used on his place. He states that he has land where the building will be put up plus land a mile away to use the manure. He states that they plan to knife it in.

Grant asks if the manure is tested.

John Wiese states that it is. He states that before it is knifed in it is taken for testing so that they know how much nutrients are in it in order to know how much to apply per acre.

Acklie asks if some will be put through a pivot.

John Wiese states that he does not have a pivot. He states that the location is a dry area.

Rose Wise states that they have 2 deep wells.

Griffith verifies that they will use all the manure from the unit for themselves.

John Wiese states that they will.

Grant verifies that it will all be a deep pit.

John Wiese states that it will. He believes that they will be 8' deep.

Grant asks if the pits are able to hold for 1 year.

John Wiese states that they make them deep enough so that it is once a year to knife it in.

Acklie asks if they plan to continue to use the 250 head facility that is currently on the property.

Wiese states that he believes it is time to retire that building.

Grant asks if there are any questions.

No one speaks.

Grant asks if there is anyone else that would like to speak in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

**7:11 p.m.** Grant closes the Public Hearing.

Milander makes a motion to recommend approval based on the above recommended conditions.

Oswald seconds the motion. Vote taken. Members Acklie, Grant, Griffith, Milander, Oswald, and Westerman vote "Aye".

None vote "Nay". Motion carried.

Grant reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Charles Frohberg to operate an event venue on property described as PT SE ¼ SE ¼ Section 17, Township 24, Range 2, West of the 6th P.M., Madison County, Nebraska. This property is located north of the City of Battle Creek at 54783 843 Rd.**

Heather states that the applicant is requesting to use an existing building on his property as an event venue for events such as weddings and reunions. He will provide parking on the property south of the building and to the west of the driveway. He does live on a gravel road that is maintained approximately 1/8 mile to his property, there will be no through traffic going west on the road. Applicant is not intending to have events every weekend at this point. Applicant is in the process of having the Fire Marshall provide any requirements and an occupancy figure. He intends to manage the event center; it will not be turned over to the renter without supervision.

Heather reads the statement of Finding of Facts and the Recommended Conditions.

**Statement of Finding of Facts:**

1. The application is consistent with the Madison County Comprehensive Plan and with the Madison County Zoning and Subdivision Regulations.
2. Building is already constructed and has been used for a wedding previously for a private family event.
3. Property is in an Ag2- General Ag district.

**Recommended Conditions:**

1. This is a Conditional Use Permit for rental of a structure for an Event Center.
2. A parking area will be clearly identified, and adequate lighting provided.
3. Liability insurance must always be maintained on the property.
4. This Conditional Use Permit is permanent. If ownership is transferred, Zoning Administrator must be notified 30 days prior to sale of property.

**7:15 p.m.** Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Charles Frohberg speaks in favor. He states that he put up an approximate 3000 sq.' building for personal use. He states that it has a guest suite. He states that recently after his sons' event he come up with the idea of using the building for occasional events such as weddings. He states

that he is affiliated with many things. He states that one is the Kiwanis Camp. He states that they recently lost access to their camp.

Frohberg states that they really have not decided how to use the building yet, but he is trying to visualize how to put it to use.

Grant asks if there is a kitchen.

Frohberg states that there is not a kitchen. He states that the guest suite has a sink and a refrigerator.

Milander asks if there is a bathroom.

Frohberg states that there is 2 bathrooms; one of them being a fully handicapped accessible bathroom. He states that when they built the building, they called the State Fire Marshall to come in and tell them what they needed to do. He states that the Fire Marshall gave them a list of stuff that needed to be done such as installing a firewall between the building and the guest suite.

Griffith asks what their plans are with alcohol being served.

Frohberg states that for his sons' event he provided the alcohol.

Griffith asks what they will do for others.

Frohberg states that alcohol is part of the plan and is looking into it.

Griffith asks if they have thought about security.

Frohberg states that it is not required unless they would obtain a liquor license. He states that is one reason they have not decided if they want to obtain a liquor license. He states that you can have alcohol as long as you don't sell it.

Frohberg states that if renters want to bring in own alcohol they live on site and will monitor. He states that this is their home and will not just say; "Here's the Keys".

Frohberg states that this is a business plan and they are still working on it. He states that one thing he does know is that they will not exceed 300 people. He states that they will not exceed whatever the Fire Marshall dictates to be the occupancy.

Grant asks if parking is ok.

Frohberg states that he has grass fields that are adjacent to the building. He states that at his sons' event they were able to park everyone comfortably.

Frohberg states that they do not currently have lighting up. He states that the Fire Marshall is going to require lighting He states that the Fire Marshall is going to tell them what they have to do.

Frohberg states that he put in a fire door.

Grant asks what kind of floor the building has.

Frohberg states that it is smooth concrete. He shows the Planning Commission a picture of the outside and inside of the building.

Milander asks what the building uses for heat and air conditioning.

Frohberg states that the building has a gas furnace with a heat pump.

Acklie asks if they have checked to see if the sheriff's department will service the property if a fight would happen to break out.

Frohberg states that they have not. He states that a deputy lives right down on the corner.

Acklie asks if the road off HWY 275 going north is black top.

Frohberg states that it is gravel. He states that when he looks at this and if that road were questionable to him, he probably would not be here. He states that the road is one mile and well maintained.

Heather states that she called and talked to the road department from his district and they did not have any concern.

Oswald asks what the soil type is on the road area.

Frohberg states that it is sandy loam.

Grant asks if there are any other questions.

No one speaks.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

**7:34 p.m.** Grant closes the Public Hearing.

Heather states that she needs to add a recommended condition. She adds that the applicant must adhere to all State regulations and local requirements.

Acklie makes a motion to recommend approval based on the above recommended conditions. Westerman seconds the motion. Vote taken. Members Grant, Westerman, Acklie, Griffith, Milander and Oswald vote "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of the hearing is to consider recommendations to declare an area referred to as Redevelopment Area 2 within the City of Tilden, blighted & substandard. This area encompasses 173 acres.

**7:36 p.m.** Grant opens the Public Hearing.

Grant asks if there is anyone that would like to speak in favor.

Bobbie Pettit speaks in favor. She refers to Exhibit A; Redevelopment Area 2, Blight & Substandard Study. She states that there are no current plans for redevelopment. She states that this is being done as part of her contract with the City of Tilden.

Pettit reviews Exhibit A with the Planning Commission.

Grant asks what does declaring the area blighted and substandard do.

Heather states that we have done these for Madison City many times

Pettit states that when an area is declared blighted and substandard it makes it more possible for the City to assist with the development or redevelopment projects. She states that there are several things that you can do in a blighted and substandard area. She states that the most popular in Nebraska is Tax Increment Financing (TIF) which can only be used in an area that has been declared blighted and substandard.

Heather explains TIF.

Heather states that this will not affect the value of a home.

Glenda McIntosh states that the old nursing home property lines border their property. She states that the owners of the old nursing home would like to purchase property from them to put in a subdivision. She states that their pasture would be in the blighted and substandard area.

Heather asks what her concern is in regard to the blight and substandard.

Larry McIntosh states that they want to know what it means.

Heather states that this is just a procedural thing in order to be able to use grant money. She states that it will not affect what the McIntosh's are wanting to do. She states that anything that they are wanting to do such as a subdivision would go according to Tilden City's regulations.

Pettit states that this is part of a whole redevelopment area. She states that even though we have some land that has never been developed it is basically underdeveloped because there is some sort of obstacle in the way. She states by declaring the area blighted and substandard will aide in the possibility to develop it.

Milander verifies to the McIntosh's that this will not affect them at all.

Glenda McIntosh states that she feels that what the City of Tilden is doing is a good thing.

Grant asks if there are any other questions.

No one speaks.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

**8:15 p.m.** Grant closes the Public Hearing.

Acklie makes a motion to recommend that the City of Tilden declare area 2 blighted and substandard; Resolution 2020-1. Griffith seconds the motion. Vote taken. Members Grant, Westerman, Acklie, Griffith, Milander and Oswald vote “Aye” none vote “Nay”. Motion carried.

Heather reads the next Public Hearing.

The purpose of the hearing is to consider recommendations to approve a General Redevelopment Plan for Redevelopment Area 2; an area encompassing 173 acres.

**8:17 p.m.** Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Bobbie Pettit speaks in favor.

Pettit states that when an area is declared blight and substandard a redevelopment plan is needed.

Pettit explains using Exhibit B; General Redevelopment Plan Redevelopment Area 2.

Grant asks if there are any other questions.

No one speaks.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

**8:21 p.m.** Grant closes the Public Hearing.



Griffith makes a motion to recommend that the City of Tilden adopt the Area 2 Redevelopment Plan; Resolution 2020-2. Milander seconds the motion. Vote taken. Members Grant, Westerman, Acklie, Griffith, Milander and Oswald vote “Aye” none vote “Nay”. Motion carried.

Heather reads the next Public Hearing.

The purpose of the hearing is to consider recommendations to declare an area referred to as Redevelopment Area 3 within the City of Tilden zoning jurisdiction as blighted & substandard. This area encompasses 119 acres.

**8:23 p.m.** Grant opens the Public Hearing.

Grant asks if there is anyone on favor.

Bobbie Pettit speaks in favor.

Pettit states that this area is outside of City limits. She states that that land outside of City limits can be blighted however, to be considered for a TIF project the area would have to be annexed first.

Acklie confirms that the area is inside of the Tilden ETJ.

Pettit states that it is.

Pettit explains using Exhibit C; Redevelopment Area 3, Blight & Substandard Study.

Grant asks if there are any other questions.

No one speaks.

Grant asks if there is anyone else in favor.

Jess Vanden Berge states that she is in favor.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

**8:29 p.m.** Grant closes the Public Hearing.

Acklie makes a motion to recommend that the City of Tilden declare Area 3 Blighted and Substandard; Resolution 2020-3. Oswald seconds the motion. Vote taken. Members Grant, Westerman, Acklie, Griffith, Milander and Oswald vote “Aye” none vote “Nay”. Motion carried.

Heather reads the next Public Hearing.

The purpose of the hearing is to consider recommendations to approve a General Redevelopment Plan for Redevelopment Area 3, an area within the City of Tilden Zoning Jurisdiction. This area encompasses 119 acres.

**8:31 p.m.** Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Bobbie Pettit speaks in favor.

Pettit explains the information in Exhibit D; General Redevelopment Plan Redevelopment Area 3, City of Tilden.

Grant asks if there is anyone else in favor.

Jess Vanden Berge states that she is in favor.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

**8:32 p.m.** Grant closes the Public Hearing.

Acklie makes a motion recommend that the City of Tilden adopt the Area 2 Redevelopment Plan; Resolution 2020-4. Oswald seconds the motion. Vote taken. Members Grant, Westerman, Acklie, Griffith, Milander and Oswald vote "Aye" none vote "Nay". Motion carried.

### **Other Business:**

Zoning permits are discussed.

Griffith makes a motion to adjourn.

Westerman seconds the motion. Vote taken. Members Grant, Westerman, Acklie, Griffith, Oswald, and Milander vote "Aye" none vote "Nay". Motion carried.

**8:35 p.m.** Meeting adjourned.