

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The February 21, 2019 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:16 p.m. in the Madison County Planning Department Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

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

Present: Abler, Acklie, Grant, Griffith, Oswald, and Prauner

Absent: Milander, Westerman, Schapman, and Flood

Also Present: Jerry Guenther, Todd Boling, Joe Smith, Sheana Banks, Ben Baldwin, Planning and Zoning Administrator Heather McWhorter, Planning and Zoning Office Assistant Jennie Martinez

Open Meetings Act: Grant pointed out the Open Meetings Act posted on the wall that would be followed.

Proof of Publication: Grant stated there were notices in the Norfolk Daily News.

Minutes-January 17, 2019: The minutes of the January 17, 2019 Madison County Joint Planning Commission meeting were presented.

Motion made by Acklie to approve minutes and seconded by Oswald to approve the minutes.

Vote taken. Members Abler, Acklie, Grant, Oswald, Griffith, and Prauner voted "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 Ben Baldwin for a Conditional Use Permit to spread solids from the City of Norfolk wastewater treatment plant on property described as the N ½ of the N1/2 and Part of the E ½ of Section 26, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska. This property is located approximately 3 miles south of the City of Norfolk along 836th Road.

Heather states that the applicant intends to spread sludge from the City of Norfolk.

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

Statement of Finding of Facts:

- 1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. The property is zoned A1 Ag Intensive.**
- 3. Applicant intends to spread on farm ground in winter and apply to pasture during the fall.**

Recommended Conditions:

- 1. This Conditional Use Permit shall be for a period of five (5) years from the date of this resolution or with a change in ownership of the property.**
- 2. There will be no storage of sludge on the property.**
- 3. Spreading may occur year round, but only on unfrozen ground.**
- 4. The City of Norfolk shall be solely responsible for the safe delivery and legal application of the stabilized wastewater solids to the property described in this permit.**
- 5. By allowing the City of Norfolk to apply stabilized wastewater solids to the property described in this permit, the landowner assumes sole responsibility for the material applied by the city.**
- 6. There will be no spreading of sludge within 500 feet of a neighbor's residence.**
- 7. Sludge shall not be applied at a rate greater than the recommended agronomic rate based on crop type and soils.**
- 8. Annual soil testing shall be done to insure the application does not exceed the agronomic rate, and the annual soil test results shall be submitted to the Madison County Zoning Administrator annually. If excess nitrogen is detected, application at this location shall cease until reserve nitrogen levels have been reduced to allow applications of solids at an agronomic rate.**
- 9. No sludge may be applied into standing water.**

Acklie states that he has a question. He asks if #3 of the recommended conditions regarding spreading on unfrozen ground was removed from the conditions previously.

Heather states that she was not here at that time; therefore she is unsure. She states that the Planning Commission can remove it if they would like.

7:18 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Ben Baldwin; property owner speaks in favor. He states that the City of Norfolk has spread sludge on for all of the 10 years that he has owned the property and has never had any issues. He states that they have spread on frozen ground and has not had any issues. He states that they do soil sample analysis on all 3 of the properties.

Todd Boling; City of Norfolk speaks in favor. He states that the EPA allows them to apply on frozen ground. He states that it is topically applied at an agronomical rate and has been doing this project since 1988. He states that he does not remember exactly how long Baldwin has been in the project.

Baldwin states that the pasture ground has been in for 10 years and 100 acres of farm ground has been in for 5 years.

Grant asks if it is flat ground.

Baldwin states that it is.

Grant states that frozen ground doesn't make any difference that type of ground.

Boling states that according to EPA regulations the only time that it applies to frozen ground is if there is a slope of more than 7%.

Grant asks what he would do in the winter time if it could not be applied to frozen ground.

Boling states that is a good question because they apply year round. He states that they average 3-4 loads every day Monday thru Friday.

Grant states that they will have to strike that condition out.

Acklie states that he knows that it was taken out.

Heather states that she took these conditions off the last resolution that was approved for Baldwin.

Boling states that he is open to any questions the Planning Commission may have. He states that they have been doing this in 4 counties within a 10 mile radius and has not had any issues.

Grant asks if they have enough acres.

Boling states that they have contracts of about 2500 acres. He states that they would like more pasture ground.

Prauner confirms that they like to stay within 10 miles.

Boling states that the reason for the 10 miles is because of the trucks they use for application.

Boling states that they give an annual report to the EPA showing what they do.

Oswald asks if the soil samples that they have been getting back are within the parameters that they need to be.

Boling states that they have.

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.

7:26 p.m. Grant closes the Public Hearing.

Acklie asks if there have been any complaints.

Heather states that she has not received any.

Prauner makes a motion to recommend approval based on the above recommended conditions striking out the second part of Condition# 3; frozen ground. Acklie seconds the motion.

Vote taken. Members Abler, Acklie, Grant, Oswald, Griffith, and Prauner voted "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 Alex Banks for a Conditional Use Permit to operate a taxidermy on property described as Part of the SW 1/4 of the SW 1/4 of Section 28, Township 21 North, Range 4 West of the 6th P.M., Madison County, Nebraska. This property is located at 82320 536 Avenue, Newman Grove City, Madison County, Nebraska.

Heather states that the applicant received an approved Conditional Use Permit to operate a commercial dog kennel in 2018 and recently decided to operate a taxidermy business in the building as well; therefore is asking to amend the Conditional Use Permit to allow the applicant to do the taxidermy also.

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

Statement of Finding of Facts:

1. **This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
2. **The property is zoned AT Ag Transitional.**
3. **Applicant received an approved CUP to operate a commercial dog kennel in 2018 and have recently decided to operate a taxidermy in the building as well.**

Recommended Conditions:

1. **This Conditional Use Permit is for a period of 10 years and will renew with no verifiable complaints. Permit may be transferred between owners.**
2. **This Conditional Use Permit allows applicant to operate a Commercial Dog Kennel and *taxidermy* on the property.**
3. **A valid zoning permit must be obtained for the building, requiring an after the fact fee of 5 times the permit fee.**
4. **Applicant must comply with all local, state and federal regulations regarding the operation of a commercial dog kennel *and taxidermy*.**
5. **A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.**

Heather states that we are amending the current Conditional Use Permit to add taxidermy because the taxidermy is in the same building as the dog kennel. She states that if it was to be in a different building the applicant would need to apply for a separate Conditional Use Permit.

7:28 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Sheana Banks speaks in favor and states that they are probably not going to continue to do taxidermy. She states that they are busy with the 4 businesses that they currently own.

Joe Smith asks if they have the State permit.

Banks states that they do have the State permit.. She states that Alex went to taxidermy school 2 years ago.

Banks states that they advertised taxidermy but probably will not be doing it; however they want to go ahead and get permission to do it in case.

Banks states that down the road they would like to hire someone to do taxidermy in their building.

Grant asks if there are many taxidermists in the area.

Banks states that she does not believe there is.

Banks states that they do not use any chemicals. She states that taxidermy way back used a lot of chemicals; however not anymore. She states that they do not have to dispose of anything. She states that the fish need paint but other than that they do not use chemicals.

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 who would like to speak in opposition.

No one speaks.

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

Acklie makes a motion to recommend approval to amend the current Conditional Use Permit to include taxidermy. Oswald seconds the motion.

Vote taken. Members Abler, Acklie, Grant, Oswald, Griffith, and Prauner voted "Aye" none vote "Nay". Motion carried.

Other Business:

Building Permits are discussed.

NPZA 2019 Conference in Kearney is discussed.

Acklie makes a motion to adjourn.

Abler seconds the motion.

Vote taken. Members Abler, Acklie, Grant, Oswald, Griffith, and Prauner voted "Aye" none vote "Nay". Motion carried.

7:42 p.m. Meeting adjourned.

