

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The March 21, 2019 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:00 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, Milander, Westerman, Oswald, Flood and Prauner

Absent: Schapman

Also Present: Jerry Guenther, Travis Caspersen, Doug Sunderman, Steve Sunderman, Judy Effle, Dick Effle, Garry C. Benson, Derek Bosler, Doug Siegert, Allen Jensen, Andrew Sunderman, Jim Mertz, Kayla Mertz, Connie Kava, Kenny Kava, Tony Coover, Amy Siegert, Jon Siegert, Olivia Matteo, Russ Matteo, Dwight Reuter, Jaci Ricchio, Jesse Ricchio, Seth Margels, Amy Clausen, Barb Forslund, Janet Miller, Timothy Miller, Donald Svitak, Kevin Daniel, Justin Young, Tim Koenig, Tedd Timmerman, Russ Preister, Loren McGill, Amber Haake, Chuck Podany, Greg Lambrecht, Deb Baldwin, Mike Baldwin, Craig Podany, Ben Baldwin, Dick Johnson, Bill Schaeufele, Stephanie Zoubek, Rick Zoubek, Larry Mace, Bob Sobotka, Planning and Zoning Office Assistant Jennie Martinez and planning and Zoning Office Assistant Rhonda Cortner.

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-February 21, 2019: The minutes of the February 21, 2019 Madison County Joint Planning Commission meeting were presented.

Motion made by Prauner to approve minutes and seconded by Abler to approve the minutes.

Vote taken. Members Abler, Acklie, Grant, Oswald, Milander, Griffith, Flood, Westerman 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 Doug Sunderman for a large Animal Feeding Operation on property described as PT W ½ SW ¼ of Section 24, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska. This property is located approximately 2 miles south of the City of Norfolk along 557th Ave.

Jennie states that Doug currently has less than 1,000 head of cattle and is requesting to expand to 4,999, which makes it a Large Feeding Operation. Setback requirements for this from a residence will be 1,980 feet. There is one home within that setback but they have provided a signed waiver.

Jennie 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 450 points, and 350 points is needed to pass.**
- 4. The feedlot setback is 1.980 ft. from the nearest dwelling. There is one residence within the setback but a signed waiver is provided.**

Recommended Conditions:

- 1. This is a Medium Animal Feeding Operation Conditional Use Permit for an operation of up to 4999 head of cattle.**
- 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.**

7:05 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Doug Sunderman speaks in favor. He introduces his family members who are present and states that they have lived in Madison County their whole life. He states that in his view you need to have livestock when you farm.

Prauner asks if this is the same feed lot that he has been feeding on and just an expansion.

Doug Sunderman states that it is.

Grant asks when the Conditional Use Permit was granted.

Jennie states that it was in 2015.

Acklie asks who owns the house that is within the distance.

Doug Sunderman states that the owner is Kevin Daniels.

Acklie asks where the house is located.

Doug Sunderman states that it is just to the east of the yards.

Acklie asks about the house that sits on the west.

Doug Sunderman states that the house to the west is Andrew Sundermans.

Doug Sunderman states that Andrew moved there a couple of months ago.

Grant asks if there are any other questions.

No one speaks.

Grant asks if there is anyone else in favor.

Gary Benson asks how far off HWY 81 the feed lot is and which direction.

Doug Sunderman states that there is no road that goes through the highway to get there but it is about 2 1/2 - 3 miles.

Gary Benson states that he is about 2 miles from where Coe Cattle Company used to be. He states that it is not good when the wind blows. He states that he gets lots of dust and odor.

Acklie asks if we can just have people who are speaking in favor first and then get to those in opposition.

Grant asks if there is anyone else in favor.

Steve Sunderman speaks in favor. He states that he is Doug's second oldest and is part of the 5th generation of farm and feed cattle in Madison County. He states that he hopes that one day when he has kids they will be part of the 6th generation. He states that he grew up south of town and attended Norfolk High School. He states that he moved out of state for college and moved back so that he could be part of the family operation. He states that they take a lot of pride in the product that they produce and the way that they do it. He states that they take a lot of

responsibility in the families that they support as well as the 25-30 employees that they have. He states that they are not perfect but try to be good neighbors.

Grant asks if there is anyone else in favor.

Loren Bosler speaks in favor. He states that he has most of the ground to the east of the proposed site. He states that the Sunderman family has been good to work with. He states that it is good for the agricultural community and they should expand and grow.

Grant asks if there is anyone else in favor.

Andrew Sunderman speaks in favor. He states that he moved across the road and can see the feed lot from his kitchen window. He states that there is a history of feeding cattle in that immediate area.

Grant asks if there are any water table problems there.

Andrew Sunderman states that there is not there; however about a mile away there may be some water issues.

Grant asks if there is anyone else in favor.

Kevin Daniel; land owner who signed distance waiver speaks in favor. He states that he lives just east of the property. He states that he does not have a problem with it and it would be better used for a feed lot than anything else. He states that it is sandy ground.

Oswald asks if the property owned by a different party that is within the proposed site would have issues if they would like to redevelop for hogs.

Doug Sunderman states that it will not affect it.

Grant asks if there is anyone else in favor.

Travis Casperson; Setje Agri-Services speaks in favor. He states that they design and permit facilities. He states that he has worked with Doug Sunderman for many years and with most of the feedlots and swine operations around the northeast part of the state. He hands the Planning Commission a setback handout. (Exhibit A) He asks if the members have any questions with regarding the holding ponds, nutrient management plan, record keeping, land application or anything else.

Grant asks if there is anyone living within the setback.

Caspersom states that there is one person and a distance waiver has been signed.

Casperson shows the Planning Commission a photo that shows the amount of facilities that are in the area. He states that it is a cattle feeding area.

Acklie asks that when the cow/calf operation was approved on the west side was the water table on the south end less than 10' down. He asks how they will dig holding ponds east of the corner.

Casperson states that they will be above ground. He states that clay would be his preference but if they cannot find clay they will use some type of synthetic liner.

Milander asks Kevin Daniel where he lives.

Kevin Daniel shows his location on the map.

Grant asks if there are any questions.

Jon Seigert states that business has to grow and asks if 5000 is just the beginning and will end up being 20,000 head of cattle.

Grant states that it will not end up being that many in that area.

Jon Seigert asks if that is guaranteed.

Grant states that it is not possible.

Acklie states that unless you add more land it is not possible.

Grant states that they would have to go through the same permitting process if there are any changes.

Grant asks if there is anyone else in favor.

Seth Mangels speaks in favor. He states that he is representing the Norfolk area Chamber of Commerce Agri-Business Council. He states that animal agriculture plays a big part in the State of Nebraska economy as well as the local economy. He states that we have an opportunity to see a family build an operation. He states that the operation employs people within the Norfolk area. He states that it is creating a lot of economic opportunities for businesses in Norfolk. He states that there are a lot of businesses that share in the success of a farm's growth. He states that he sees a lot of opportunity for the City of Norfolk and Madison County if this project goes forward.

Grant asks if there is anyone else in favor.

Derek Bosler speaks in favor. He states that the way the ground conditions are it is very tough to farm. He states that there are 3 feedlots within 2 miles, plus a cow/calf operation across the road already there. He states that it will help area young farmers as there will be the need for more cornstalks.

Grant asks if there is anyone else in favor.

Alan Jensen states that he is not really in favor or opposed but does have a concern in regards to waste water and sewage. He states that the semis go by and the county roads are soft. He states that it would be nice if the County would put some rock in the soft spots.

Grant states that he would like to make a comment. He states that Ag belongs in the Ag area and if you move to an Ag area you have to expect what's in an Ag area.

Grant asks if there is anyone else in favor.

Jennie states that we received one letter in favor from AFAN. (Exhibit B)

Grant asks if there is anyone opposed.

Jon Siegert speaks in opposition. He states that he is not hard core opposed and is in favor of businesses growing; however there is a point when it gets too big. He states that we see it all over the world. He says it gets to a point when you say enough is enough. He states that there will be trucks all over the road. He asks how they are supposed to get to work when there are semis nonstop tearing up the road back and forth. He states that they bought their property to build their dream home and if this passes they will not build on the property therefore will lose \$50,000. He asks who will cover his loss and asks the Planning Commission if they are going to give him the money back.

Milander asks where Siegert's property is.

Jon Siegert states that his property is directly west. He states that he is a Nebraskan and gets that manure is in the country; however they scoped out the area and it was a perfect dream spot. He states that you bust your ass every day to make a dream come true and then this happens. He states that it's going to tear the road up. He states that the smell they can deal with. He asks where the manure is going to go and will it be EPA controlled.

Casperson states that there will be a pit and it is pumped to a pivot.

Jon Siegert asks if it is checked yearly to make sure there are no leaks.

Casperson states that it is checked every time they use it.

Jon Siegert asks if that is guaranteed.

Casperson states that it is required.

Jon Siegert states that his wife runs a day care.

Amy Siegert states that she will take over and says that she runs a successful state licensed daycare in Madison for the last 5 ½ years. She states that when they build and move she would love to take her business with her. She states that her biggest concern is that it will be hard to find new families when the roads get torn up and semis going back and forth which can make it unsafe for children. She states that the extra sand, dust and smell could trigger asthmatic attacks. She states that her own son has had to have treatments at the age of 1 therefore there is a big concern for the health and well being of her family. She states that if this permit goes through it would not only affect her home life but her business as well. She states that she knows that they are thinking of their business but what about her business.

Grant asks if they were aware that the other feedlot was already there.

Amy Siegert states she did but 999 are way less than 4999.

Prauner asks Amy Siegert if they have started on the house.

Amy Siegert states that they have started clearing the land of trees and making paths.

Grant asks if there is anyone else opposed.

Tim Koenig speaks in opposition. He states that he lives a mile straight west of the proposed site. He states that 2 years ago he was here when Andrew Sunderman came in for a Conditional Use Permit for 1000 head and after the hearing Andrew stated to Tim that 5000 was his end game. Tim asks when is it enough. He states that he raises cattle himself therefore the smell isn't a huge deal to him but now we are in here for 5000 head and asks if in 2 years we will be here again for 10,000 head. He states that he went ahead and built his dream home and if this goes through his house will not be worth the money that he put into it. He states that he will never be able to sell it and get his money out of it. He states that he has heard a lot about the truck traffic and says that he drives truck himself. He states that he has hauled for the Sunderman family in the past and the roads in Madison County are built to hold and by adding 5000 head that's 500 truck loads of calves coming in. He states that it will be a tax burden. He asks when enough will be enough.

Grant asks if there is anyone else who would like to speak in opposition.

Don Svitak speaks in opposition. He states that he is Tim Koenigs neighbor. He states that he is looking to build a dream house but now it's not going to happen. He states that what he sees right now on Andrew Sunderman's place is a DEQ violation. He states that he has run off going into the road ditch and it happens all the time. He tells the Planning Commission that they need to go out there and look at those violations and look at where Sundermans are hauling manure. He states that they are hauling manure in City's jurisdiction right now across the road from residences. He tells them to pull out the regulations and drive out there. He states that they will see violations right now. He asks why they would give him the opportunity to expand when there are violations right now. He states that is how he sees it.

Prauner asks Svitak if he has any pictures of the violations.

Svitak states that he can get him pictures and says; " Let's go drive around tomorrow Jim and I'll show it to you."

Prauner says; "We could."

Svitak says; "Let's do it!"

Prauner states that the trouble is that we have to make a recommendation tonight.

Svitak says; "Take a break."

Grant asks if there is anyone else who would like to speak in opposition.

Jaci Ricchio speaks in opposition. She states that she lives across from Fairplay Golf Course. She states that they moved there because they enjoyed the location and liked what being outside of town offered. She states that there are evenings that they are able to smell what is currently their

999 cattle and now we are going to times that by 5. She states that it will magnify the odor and waste. She states that there are 3 feedlots and 1 cow/calf operation in the area already. She asks how much more are we going to allow to come into this area before it is enough. She states that she does not know the Sunderman family and appreciates what they are trying to do but if it was 1000 2 years ago and 5000 now it makes her think that it will continue to grow. She states that it is not only the manure that is being produced but also when it is being spread on the fields is where the odor will be magnified and unbearable. She states that she has 4 kids and the family enjoys being outside. She states that having an odor is not something that they enjoy. She asks if it is possible for the waste water to potentially contaminate ground water. She states that she understands that there are holding tanks and things in place to prevent it but we all have just witnessed a disaster in our state and things can happen.

Prauner asks where she lives

Ricchio states that she lives $\frac{3}{4}$ of a mile west of HWY 81. She shows the location on the map.

Jesse Ricchio; husband of Jaci Ricchio speaks in opposition. He states that he agrees with everything that Jaci has said.

Grant asks if there is anyone else who would like to speak in opposition.

Jim Mertz speaks in opposition. He states that he has 2 comments. 1.) He states that he lives at 837 554 Ave. He states that to continue to build a large cattle feeding operation and keep moving closer to the general population is generally the wrong direction. 2.) He states that he would like to make a complaint to the board. He states that if you have the whole hallway full of people but advertise an open meeting. He tells Grant that it is not funny and no one on the board has made an effort to bring people in the room so that everyone can hear.

Grant states that we do not have room.

Mertz states that there is plenty of room out in the first bay.

Prauner states that to the people in the hallway he deeply apologizes and is sympathetic.

Olivia Matteo states that she would like to say something. She states that she lives at 4401 S 13th St. She states that she can smell the feed lot. She states that she has been to the Norfolk City Council. She states that she disagrees with the guy from the Chamber of Commerce. She states that the City Council is trying to beautify the city and trying to get people to come. She states that from her point of view increasing the feed lot is going to be a very good first impression on anyone moving to Norfolk. She states that there are kids at the soccer field. She states that she does not understand how the water will not get infected. She states that we are all in the well system and asks how run off is going to impact us. She states that we do not have the capability to have City water. She states that if anything happens to our well we cannot even stay at a hotel in Norfolk. She asks how they are going to guarantee that her water is not going to get infected with the 5 times increase of a feedlot. She states that it is too close to the City. She states that she is a city girl and this is her first experience. She states that she thinks the Planning Commission

should be working with the Norfolk City Council to figure out businesses are going to grow and how they can attract people to come here with the smell.

Prauner asks if Matteo is closer to Coe Cattle then to this proposed site.

Matteo states that they are not and she is 2 miles outside of the City.

Tony Coover states that most of the time it is southeast wind in the spring and fall that blows the smell in their direction.. He states that in the winter you don't smell it as much. He states that you can already smell Sundermans other feed lot and by adding more cows you have more odors. He states that out at the race track in the evening for 90% of the summer the dust goes to the fans. He states that the area where he lives is residential in a farm community and they are in the smell of it.

Grant asks if there is anyone else opposed.

Ben Baldwin speaks in opposition. He states that he lives 1/2 mile away to the west of the proposed site. He states that he just built his house 7 years ago in the area to get away from the other feed lot on 835th road and now here it is again. He asks that if this is such a great idea why Doug Sunderman doesn't put the feed lot west of his house. He states that his kids are outside every day and ride their bikes. He states that now they can't do that because there is traffic on that road all the time. He states that the County does what they can but the roads are junk. He asks what disease is going to do because it is airborne. He states that anyone that is in favor of this is associated with Doug Sunderman. He states that there isn't one neighbor that says that this is a good idea..

Prauner asks Baldwin if we just had a hearing last month for him to spread human excretion.

Baldwin states that is correct.

Grant asks if there is anyone else opposed.

Amber Haake speaks in opposition. She states that they just built a house 4 years ago on s 555th Ave. She states that she did not know 4 miles away they were going to have to smell crap in the summer. She states that they have 4 little boys and there is evenings in the summer time that they all have to go inside because the smell is so bad. She states that she found it interesting that someone spoke of the Chamber of Commerce. She states that if we are trying to attract new business and new families to grow our town, how a feed lot 2 miles away is going to attract business and commerce to our city. She states that the soccer fields are right there which holds tournaments with out of town people and they are going to come here and smell the crap. She states that they are going to say; "Oh Norfolk, the city that smells like shit!" She states that we are going to be the crap city of Northeast Nebraska. She asks the Planning Commission how they would like it if it was going to be a mile from their house.

Grant asks if there is anyone else opposed.

Timothy Miller speaks in opposition. He states that he lives approximately 4 miles away from the proposed site on 554 Ave. He states that depending on which way the wind blows they can

smell it. He states that in regards to compliance the board needs to consider their due diligence. He states that he believes that water quality and air quality are factors that are going to affect people who live in the area and should be considered in making a decision. He states that the Planning Commission should consider tabling a recommendation for those who cannot hear and be part of the conversation. He states that it is hard to hear and hard to step up and talk when you don't know what has been said down the hallway.

Grant asks if there is anyone else opposed.

Dick Effle speaks in opposition. He states that he lives on old Hwy 81. He states that the County always complains that they do not have enough money to maintain the roads. He states that his biggest concern is that property values will go down. He says that he likes a good steak but if his property value goes down and his taxes go up he will be eating chicken. He states that he has no problem with anyone wanting to better themselves but this concerns so many people and there should be some consideration.

Grant asks if there is anyone else opposed.

Russ Matteo speaks in opposition. He asks if anyone has thought about the insects and the diseases that are carried by them.

Olivia Matteo states that Tahazooka is right there and the soccer fields where all these kids are going to be.

Grant asks if there is anyone else opposed.

Justin Young speaks in opposition. He states that he is about 1 1/2 miles north from the proposed site and he works at the hospital. He states that he hosted a party with about 100 people; there was a south wind and it got to the point that they had to take the party inside because of the smell. He states that it was embarrassing that he could not hold an event because of the smell. He states that he has cattle but not to the number that produces the smell that comes when the south wind comes up. He states that if this goes through it is going to make him move to town. He states that he spent a lot of money to build the dream house for his family and if this goes in his house will not be worth the money he put into it.

Grant asks if there is anyone else opposed.

Larry Mace speaks in opposition. He states that he owns the 10 acres in the middle of the 80 acres. He states that the roads around there will not take it. He states that when they had hogs there just the feed wagon going up and down the road was bad. He states that he has no idea how you are going to get semis in there. He states that someone has to pay for that. He states that his place is worthless with a couple thousand head of cattle around it. He states that the hog units on his place are not in use.

Grant asks if there is anyone else opposed.

Jon Siegert states that he would like to say one more thing. He asks what the Planning Commission is going to do with the semi traffic on the Highway. He states that there are times

that he sits for 20 minutes trying to get from South Airport road onto the Highway. He states that Eric Sieke has his cattle operation so imagine all that traffic. He states that he has his family right on that road.

Jaci Ricchio states that this is personal to them. She states that there is a lot of people here tonight. She states that this is their home and way of life.

Derek Bosler states that he hears that all these people are opposed but yet built homes on the other side of Highway 81. He states that Coe Cattle has been there for a long time and you chose to build your homes by a 10,000 head cattle operation. He states that you are not complaining to Coe Cattle about it.

Grant asks if there is anyone else opposed.

Janet Miller speaks in opposition. She states that she lives on 554 Ave. She states that she has heard a lot of people talking about building their dream homes and they have too. She states that they have been there for 1 ½ years. She states that she realizes that the feed lot may not affect them as some of the others. She states that this is not just about them but the entire town is going to be affected. She states that when the wind comes out of the south in the summer 25,000 people will be affected by this. She states that is not going to be good for the community. She states that she teaches in Battle Creek and the roads are not good.

Grant asks if there is anyone else opposed.

Larry Mace states that the land in the area is not worth anything. He states that it is sand and won't grow anything.

Grant asks if there is anyone else opposed.

Tim Koenig asks where the proposed lagoon is going to be.

Casperson states that there is the possibility of 2 locations the northwest or southeast corner. He states that what they can do and he shows on the map where they can possibly be.

Prauner asks how much it can hold.

Casperson states that they are proposing that it can hold 165% of what DEQ requires.

Prauner asks if it will be 2 lagoons.

Casperson states that they could do 2 lagoons; however it makes sense to do 1 lagoon with a lift station.

Tim Koenig states that everyone is concerned with runoff and smell. He states that right now with the recent rain everything is draining to the southwest. He states that all the water is pooled up in the corner.

Kevin Daniel states that not all the water is running that way.

Casperson states that we cannot have the runoff. He states that is the difference with a permitted facility and an exempted facility. He states that this will be a permitted facility and DEQ requires that all runoff is contained.

Larry Mace states that you can put a pivot on there to get rid of the excess water.

Grant states that there is one there already.

Tony Coover confirms that the yards are all sandy ground and asks if there will be liners under where the cows will be.

Casperson states that all ponds have to have a liner.

Coover states that he is not talking about the ponds. He states that he wants to know if where the cows are is lined.

Casperson states that it is not.

Coover states that all the urine and stuff is going down into the sand.

Casperson states that is not correct. He states that it has to be designed so that it runs off into a basin, filters the solids out and goes into a holding pond. He states that a holding pond is the only place they can store liquid which has a liner underneath.

Olivia Matteo asks if the Wisner feedlots are permitted.

Casperson states that there are a lot of feed lots in Wisner.

Olivia Matteo states that if you look at them they are always wet and muddy from the urine and now you are telling me that all the urine is going to roll down the hill into a basin. She states that is not what she sees in Wisner. She asks how you prevent this from going down into the water table.

Grant states that it does not go down in hard soil.

Casperson states that they will more than likely be required to have ground water monitored wells that have to be checked twice a year. He states that if it does go into the ground water it will show up. He states that depending on the soil type and depth if ground water monitored wells are required.

Grant asks if there is anyone else opposed.

Jennie states that there are letters in opposition (Exhibit C) received by; Rob Haake, Connie Kava, Tom & Judy Mischke, Jean Mace and Martha Cook. She states that these letters were given to and read by each member of the Planning Commission.

Grant asks if there is anyone else opposed.

Kenny Kava speaks in opposition. He states that he lives at 555 Ave. He states that if we allow this to keep growing he wonders if one day our grandkids will be driving into town and it will be like driving into Wisner. He states that it is a smelly mess and unsightly over there.

Connie Kava states that they are wanting to add to this and aren't their generations to come going to want to add. She states that it is absurd that we are even having this meeting because the Chamber is not backing up the population of Norfolk. She states that this is going to hurt way more people than one family. She states that we shouldn't even have to have a conversation about this.

Grant asks if there is anyone else opposed.

Olivia Matteo asks to verify that the gentlemen from the Norfolk Chamber of Commerce is speaking on behalf of Norfolk.

Seth Mangels states that he is a volunteer with the a Sub Chapter of the Chamber of Commerce that specializes with ag business issues. He states that he is not representing the entire Chamber of Norfolk, the City of Norfolk or anything like that. He states that he is just focused on the ag business in the community.

Connie Kava asks where are the ones that represent them.

Mangels states that he is only a volunteer and does not know.

Olivia Matteo states that the City Council has a different view from what Mangels is saying.

Chuck Podany speaks in opposition. He states that he lives on 555 Ave. He states that he doesn't have anything against feed lots, but there has to be set limits. He states that he is familiar with monitoring ground water systems and there needs to be a limit. He states that they are expanding the wrong way.

Grant asks if there is anyone else opposed.

Amy Clausen speaks in opposition. She states that she bought land that they have their house on from Sundermans 10 years ago. She states that when they first built they didn't smell anything but in the last few years that they are noticing the smells and now have the same concerns as everyone else. She states if the business is going to grow it's going to keep getting worse.

Grant asks if there is anyone else opposed.

No one speaks.

Grant asks for questions by the board.

No one speaks.

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

Grant asks for questions by the board.

Prauner states that he would like to make a comment. He states that Madison County has been Agricultural Friendly. He states that he understands what the complaints are.

Jon Siegert asks where Prauner lives.

Prauner states that he lives in Battle Creek. He states that he is pretty close to a feed yard.

Siegert asks how close is close.

Prauner states about 2 miles. He states that we are an Agriculture Friendly County. He states that without agriculture Madison County probably would not exist.

Siegert states that we have Nucor, Vulcraft, AWG.

Prauner says; "How did it all start? Agriculture. Correct?"

Siegert states that it was a steel industry.

Prauner states that he is talking about the 40's and 50's. He states that agriculture is the backbone.

Siegert is informed that the Public Hearing is closed.

Prauner states that we are sitting in here tonight and trying to make a decision and we had an individual state that there is a DEQ violation. He states that he does not know if it is true but it should be investigated.

Griffith asks if the violation should be investigated before making a recommendation.

Prauner states that he feels that before making any decisions that they should probably have it looked at.

Andrew Sunderman states that the violation that was talked about was on his feed lot not at Doug Sundermans proposed site.

Prauner confirms that the possible violation is not the location of the proposed site.

Andrew Sunderman states that it is not.

Prauner asks what the violation is.

Andrew Sunderman states that he does not have any idea.

Abler asks if there has been any complaints.

Jennie states that we have not received any formal complaints.

Don Svitak states that he just talked to Dick Johnson the Highway Superintendent and he is aware of waste from Doug Sunderman's feed lot going across 835 Rd. He states that our Highway superintendant is aware of a previous situation.

Prauner asks if this is the place where the feed lot is now.

Svitak states that it is on the corner of 836 Rd and 557 Ave.

Casperson asks what the violation is.

Svitak states that there is livestock runoff in the road ditch and states that there is also some at the proposed site.

Casperson states that they are both exempt. He states that in a permitted facility they have to catch everything. He states that an exempted facility does allow some runoff. He states that you may not like it in the road ditch but DEQ is saying that it is not hitting any surface water. He states that DEQ can determine any size feed lot as exempted or permitted after their evaluation.

Casperson states that the feed lot the Doug Sunderman is proposing on this application will not be exempted at 4999 head. He states that Doug Sunderman has some yards that are exempt and some that are permitted.

Griffith asks the Sunderman family in regards to 5th and 6th generation if they are talking about this location.

Doug Sunderman says; "All of Madison County."

Griffith asks if this is the home place.

Doug Sunderman states that it is not.

Grant suggests that the Planning Commission study the proposal a little more before a vote.

Prauner makes a motion to Table a recommendation. Griffith seconds the motion.

Vote taken. Members Acklie, Grant, Griffith, Westerman, Flood and Prauner voted "Aye" Abler, Milander and Oswald vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Brian and Wendy Taake and Gary and Kathleen Taake for a Conditional Use Permit to build a house on less than 40 acres on TAAKE AND SON LOTSPPLIT. Property described as Pt NE ¼ of Section 9, Township 24, Range 2

West of the 6th P.M., Madison County, Nebraska. This property is located approximately 2 ½ miles west of the City of Norfolk along 845th Rd.

Jennie 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 AG2 General Ag and meets the density requirements for the Zoning district.**

Recommended Conditions:

- 1. This Conditional Use Permit is permanent and may be transferred between owners.**
- 2. This Conditional Use Permit allows a single family home on less than 40 acres.**
- 2. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.**
- 3. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.**
- 4. A zoning permit must be obtained from the Zoning Office before construction of the home begins.**
- 5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.**

Acklie asks if this application is the same one that was recommended approval a few months ago.

Dick Johnson states that it is not. He states that the applicant wants a different layout. He states that it is on the same 40; however they want to change it so that they can get further away from the pivot.

Abler confirms that the other application for a Conditional Use Permit is a dead issue.

Johnson states that the application was pulled before it went to the County Board.

8:30 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Dick Johnson speaks in favor. He states that this is the same 40 that the Planning Commission approved previously. He states that they would like to change the configuration of the lot; therefore decided to run a new application through.

Acklie asks if the driveway will be on the same side.

Johnson states that it will.

Prauner asks if it is the applicant that is putting the driveway in.

Johnson states that he is not sure; however the County usually puts the culvert in and lets the owner put the driveway in.

Grant asks how many acres the parcel will be.

Milander states that it will be 3.9 acres.

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.

8:34 p.m. Grant closes the Public Hearing.

Prauner makes a motion to recommend approval Acklie seconds the motion.

Vote taken. Members Abler, Acklie, Grant, Oswald, Griffith, Westerman, Flood, Milander 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 Greg Lambrecht for a Preliminary plat for LAMBRECHTS'S ADDITION on property described as Tract 2 in the NE ¼ of Section 3, Township 24, Range 1 West of the 6th P.M., Madison County, Nebraska. This property is located approximately 2 miles North of the City of Norfolk along W Kaneb Rd.

8:34 p.m. Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Greg Lambrecht speaks in favor. He states that he has 14 acres and he would like to split into (4) 3 acre tracks.

Acklie asks how much total land Lambrecht has there.

Lambrecht states that there is another 22 acres besides this 14 acres. He states that he only wants to do this 14 acres. He states that he has talked to Deitz well and they said that there is no problem with the water in the area.

Acklie asks if he would like to build there himself.

Lambrecht states that he will probably sell them. He states that he engages in farming and he would like more room for machinery; therefore needs a bigger property.

Abler asks if there is a lot of housing south of there.

Lambrecht states that not so much south but on the east side there is. He states that along the east has been developed for several years.

Milander confirms the location.

Lambrecht shows the location on the map and survey.

Lambrecht states that there were no problems with flood waters and no feed lots within about 3 miles.

Abler states that the property is Rural residential; therefore density would allow for more than 2 houses.

Lambrecht states that in the whole quarter there is only one farmstead and with this 4 additional. He states that it will then be a total of 5.

Grant asks if there are any other questions.

Acklie confirms that this application is for a preliminary plat and then he will need an application for a final plat.

Jennie states that is correct.

Acklie asks if he will need a Conditional Use Permit.

Jennie states that he will not.

Prauner confirms that they will need a zoning permit.

Jennie states that they will.

Grant asks if there is anyone opposed.

No one speaks.

8:42 p.m. Grant closes the Public Hearing.

Abler makes a motion to recommend approval. Westerman seconds the motion.

Vote taken. Members Abler, Acklie, Grant, Oswald, Griffith, Westerman, Flood, Milander 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 USCOC Nebraska/ Kansas LLC (US Cellular) for a Tower Development Permit to construct a cellular tower on property described as SE ¼ of Section 21, Township 22, Range 4 West of the 6th P.M., Madison County, Nebraska. This property is located approximately 7 miles North of the City of Newman Grove at the intersection of 537th Ave and 830th Rd.

8:45 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Terry Dosal speaks in favor; SMJ on behalf of US Cellular. She states that they are proposing to erect a 199 foot cellular support tower on property owned by Loren McGill. She states that FFA states that it must be lit; therefore the tower will have red lights on the side. She states that the tower will also have a 6foot microwave dish 180 feet and there will be 2 6foot cabinets at the base of the tower. She states that there will be a 50 x 50 fence compound.

Prauner asks if the tower will have a generator.

Dosal states that she does not see a generator on the drawings but that it is a possibility.

Dosal states that there is a proposed 12 foot access drive off of 537th Ave.

Grant asks if service is a dead spot down there.

Dosal states that it is and refers to the map and explains the area in regards to service and what will be covered.

Prauner asks if they will sell tower space.

Dosal states that they will. She states that they are leasing a bigger space and according to the tower profile 3 other carriers will have space.

Grant asks if there is anyone else in favor.

Loren McGill; property owner speaks in favor. He states that he wants to have cellular service.

Grant asks if there is anyone who would like to speak in opposition.

No one speaks.

8:50 p.m. Grant closes the Public Hearing.

Abler makes a motion to recommend approval. Griffith seconds the motion.

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

Other Business:

Building Permits are discussed.

Abler makes a motion to adjourn.

Prauner seconds the motion.

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

9:08 p.m. Meeting adjourned.

