

## MINUTES

**The following has not been approved by the Madison County Planning Commission and is a draft copy only.**

### Madison County Joint Planning Commission

Norfolk, Nebraska

The April 16, 2026, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 6:00 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:** Acklie, Oswald, Flood, Amen, and Abler

**Absent:** Westerman, Griffith, Milander and Brown

**Also Present:** Tracy Prothman, Eric Kraft, Stone Kraft, Katie Neshlum, Jessica & Brenton Zimmerer, Zoning Administrator Heather McWhorter and Zoning Office Assistant Jennie Martinez

**Open Meetings Act:** Acklie stated that the Open Meetings Act will be followed.

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

**Minutes-March 12, 2026:** The minutes of March 12, 2026, Madison County Joint Planning Commission meeting were presented.

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

Vote taken. Abler, Oswald, Flood, Acklie and Amen vote "Aye" none vote "Nay". Motion carried.

Acklie reads the first Public Hearing.

**The purpose of this hearing is to consider the application of Eric and Sonya Kraft for a Conditional Use Permit to construct a storage shed over 1,000 square feet on property described as Days Addition Lots 1 & 2 Block 8 & S 76' of Vac St, City of Battle Creek, Madison County Nebraska. Parcel is located at 107 E Martin St, Battle Creek, Nebraska. (Parcel Id# 590019791)**

Heather states that the applicant wants to build a 2400 square foot shed for storage and a work shop area. Located in a Medium Density Residential District.

#### Statement of Finding of Facts:

1. This application is consistent with the City of Battle Creek Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned R2 Medium Density District.

#### Recommended Conditions:

1. This Conditional Use Permit is permanent and shall be registered against the lot deed with the Madison County Register of Deeds by the applicant once approved by the Battle Creek City Council.

2. No building may be built until first receiving a building permit from the City of Battle Creek.
3. This building shall not be used for commercial purposes.

6:03 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Eric Kraft speaks in favor. He states that he would like to build a shed for storage. He states that he owns the property next to this one and recently did a lot boundary change to have the space to build.

Acklie clarifies that Kraft lives on the property South of where the building will be.

Kraft states that he does.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if anyone is opposed.

No one speaks.

6:04 p.m. Acklie closes the Public Hearing.

Acklie asks if this property is in the flood plain.

Heather states that it is not in a flood plain.

Amen makes a motion to recommend approval based on the above conditions. Abler seconds the motion. Vote taken. Flood, Amen, Oswald, Abler and Acklie vote "Aye" none vote "Nay". Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to consider the application of Brenton and Jessica Zimmerer for a Conditional Use Permit for outdoor storage of disassembled center pivot irrigation systems on property described as a part in the N ½ of the SE ¼ Section 18, Township 21 North, Range 1 west of the 6th P.M., Madison County, Nebraska. Parcel is located South of the City of Madison along Hwy 81, Madison, Nebraska. (Parcel Id# 590123904)**

Heather states that the applicants are requesting a permit for outdoor storage of disassembled center pivot irrigation systems used in their ag business . Property is in an Ag Intensive zoning district.

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 AG1 Agricultural Intensive.

Recommended Conditions:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. The applicant should be aware it is their 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.
3. A zoning permit must be obtained from the Zoning Office before any construction begins on the property.
4. A copy of the signed permit must be recorded with the County Register of Deeds office by the applicant.

6:08 p.m. Acklie opens the Public Hearing

Acklie asks if there is anyone in favor.

Jessica Zimmerer speaks in favor. She states that her and her husband owners of Zim Ag would like to use 5 acres for outdoor storage of disassembled irrigation systems. She states that this is not a retail location or salvage yard open to the public. She states that there will not be any buildings or utilities at the site. She states that it will be a storage yard only until delivery. She states that there will not be any walk in traffic. She states that these disassembled irrigation systems will be completely taken apart, stacked nicely and stored in an orderly manner consistent with agricultural equipment storage practices already familiar in rural Nebraska. She states there will be no changes to the road or access, and the proposed use is surrounded by land uses that are appropriate for this type of business.

Zimmerer states that final surveying and purchase agreements of the land will be completed upon approval of the Conditional Use Permit.

Acklie asks if there is anyone else in favor.

Brenton Zimmerer states that he is in favor.

Flood asks if they will be putting a fence up around the area.

Jessica Zimmerer states that they would be willing to do it if it's a condition the commission believes needs to be applied, but she does not believe there should be any impact.

Flood states that he was thinking a fence for their security.

Brenton Zimmerer states that he plans to put up security cameras.

Jessica Zimmerer states that they currently have property in Polk County that is in a low laying area and it is very difficult to get equipment in and they are trying to get rid of that piece of land and move it somewhere closer to home.

Oswald clarifies that the equipment will come in disassembled.

Jessica Zimmerer confirms.

Acklie asks if the current owner will still have access to the remaining farm.

Jessica Zimmerer confirms.

Acklie verifies the location with Jessica Zimmerer.

Acklie asks if anyone is opposed.

No one speaks.

6:20 p.m. Acklie Closes the Public Hearing.

Oswald makes a motion to approve, Flood Seconds the motion. Acklie, Oswald, Amen, Abler and Flood vote "Aye" none vote "Nay". Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to consider the application of Tracy Prothman for a Conditional Use Permit to operate a gun repair shop on property described as a Part in the NW ¼ of the SW ¼ of Section 10, Township 21 North, Range 4 west of the 6th P.M., Newman Grove, Madison County, Nebraska. The property is located at 82622 HWY 45 Newman Grove, Nebraska. (Parcel Id# 590128396)**

Heather states that the applicant is requesting to operate a gun repair shop inside of an old school building located on his property. He will repair firearms on site with sales occurring online. There will be no customers on site for sales, only to drop off and pick up the repaired guns. Property is in an Ag Intensive zoning district.

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 A-1 Agriculture Intensive District.

Recommended Conditions:

1. This is a permit to operate a gun repair shop. Permit is valid for 5 years and will be renewed automatically with no verifiable complaints.
2. The building will be used for repairs and will not have a commercial sales area; all sales will be conducted online. Customers will be allowed to drop off/pick up guns on site.
3. All Federal, State, and local rules and regulations will always be followed.

6:24 p.m. Acklie Opens the Public Hearing.

Acklie asks if there is anyone in favor.

Tracy Prothman speaks in Favor. He states that he has enrolled in online school to repair guns. He states that he doesn't have a place in his home for the business nor does he want to do it in his home; he would like to keep it separate. He states that he needs the Conditional Use Permit prior to obtaining his FFL. He states that he just got power back in the existing building which was an old schoolhouse and has started to remodel. He states that he plans to mainly do general repairs and restorations. He states that possibly later down the road he may put a small addition. He states that as far as security he plans to have a gun vault and cameras as well try to work out security that will call in directly to the sheriff's office. He states that he is putting all steel doors and new windows and a lot of lights. He states that he has talked with the road department and the approach is fine.

Acklie verifies that Prothman lives at the building site just down the road.

Prothman confirms. He states that he will be close all the time.

Heather states that if he wanted to do retail it would need to be a home occupation which Prothman does not want to do. She states that is the reason there is some limitations on what he can and can't do. She states that he can do online sales.

Amen asks if the transfer of firearms would be allowed.

Heather states that is fine. He just can't operate a retail business on site.

Prothman states that he never planned on being a big retailer.

Abler asks Prothman to explain the FFL process.

Prothman states that prior to obtaining his license he must obtain all the local permitting such as the Conditional Use Permit and background checks.

Flood asks if he will have to test the guns once repaired.

Prothman states that he will have to test fire.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone in opposition.

No one speaks.

6:32 Acklie closes the Public Hearing.

Abler makes a motion to recommend approval based on the above conditions. Amen seconds the motion. Vote taken. Flood, Amen, Oswald, Abler and Acklie vote "Aye" none vote "Nay". Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning an amendment to the Land Use Matrix section of the Madison County Zoning and Subdivision Regulations.**

Heather states that this is a request to amend the land use matrix to provide protection for possible data center projects. Currently data centers could be permitted as an industrial use and depending on the requested project could possibly be approved as permitted use. A possible suggestion would be to add data centers as Conditional Use to allow for regulating with conditions appropriate to any project applied for in the future.

Heather explains why she feels it's important to add data centers to the Land Use Matrix and have the ability to require a Conditional Use Permit for a data center.

6:37 p.m. Acklie Opens the Public Hearing.

Acklie asks if there is anyone in favor.

No one speaks.

Katie Neshlum speaks during the Public Hearing. She states that she is from Geronimo Power and offers to answer any questions the planning Commission has regarding technical specifications.

Discussion consisted of general questions regarding water and power usage and potential infrastructure.

Abler asks to clarify what we need to add to the Land Use Matrix.

Heather explains that she is suggesting that a data center is only allowed with a Conditional Use Permit in the Zoning Districts "A1" Agriculture Intensive, "A2" General Agriculture and "I" Industrial.

Heather explains that there are not currently any applications nor any future applications that she is aware of.

Acklie asks if there is anyone in opposition.

No one speaks.

7:00 p.m. Acklie closes the Public Hearing.

Abler makes a motion to recommend approval to amend the land use Matrix of the Madison County Zoning and Subdivision Regulations to include Data Centers as a Conditional Use in "A-1", "A-2" and Industrial Zoning Districts. Oswald seconds the motion. Vote taken. Flood, Amen, Oswald, Abler and Acklie vote "Aye" none vote "Nay". Motion carried.

7:19 p.m. Amen makes a motion to Adjourn. Abler seconds the motion. Vote taken. Flood, Amen, Oswald, Abler and Acklie vote "Aye" none vote "Nay". Motion carried.