

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The June 26, 2025, 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, Amen, Brown, Abler, Oswald, Flood, Griffith and Milander

Absent: Westerman

Also Present: Tony Miller, Andrew Willis, Craig Koehler, Mr. & Mrs. Andy Colsden, Nathan Murray, 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-May 15, 2025: The minutes of May 15, 2025, Madison County Joint Planning Commission meeting were presented.

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

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

Acklie reads the first Public Hearing.

The purpose of this hearing is to consider the application of Craig & Stacey Koehler for a Conditional Use Permit to construct a garage over 1,000 square feet on property described as Herman Hogrefes Addition S1/2 E 132 FT Blk 2 City of Battle Creek, Madison County, Nebraska. The property is located at 502 S Boyer Street, Battle Creek, Nebraska (Parcel id#590020595).

Heather states that the applicant is requesting a CUP for a 30x40, 1200 square foot garage. It will meet the setback requirements for the lot.

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

Statement of Finding of Facts:

1. This application is consistent with the Battle Creek City Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned R1 Single Family Residential.

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 who would like to speak in favor.

Craig Koehler states that he is in favor. He states that he would like to build a garage so that he can move his personal items in storage and have a place for his vehicles and a golf cart.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

Heather states that she received a call from a neighbor who had concerns regarding a common tree and asks Koehler if he got a survey to determine if he could cut the tree down to build the garage.

Koehler states that he did not and wants to compromise and the area where the tree is will not be in the building plans.

Acklie asks if it will be attached or detached.

Koehler states that it will be detached.

Acklie asks if there is anyone else that would like to speak. No one speaks

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

Amen makes a motion to recommend approval based on the above Recommended Conditions. Brown seconds the motion.

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

Acklie reads the next public Hearing.

The purpose of this hearing is to consider the application of Andy Colsden for a Conditional Use Permit to construct a garage over 1,000 square feet on property described as Days Addition N 85 Ft Blk 5 City of Battle Creek, Madison County, Nebraska. The property is located at 302 S Werner Street, Battle Creek, Nebraska (Parcel id#590019716).

Heather states that the applicant is requesting a CUP to build an addition to his current 2 car garage, making it 1200 square feet. This is in the R-2, Medium Density Residential District.

Andy Colsden corrects her and states that the current one is in such poor condition that he is going to tear it down and build a whole new garage.

Statement of Finding of Facts:

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

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.

6:10 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone who would like to speak in favor.

Andy Colsden speaks in favor. He explains the location of the proposed new garage. He states that he spoke with his neighbor, and he was ok with what he wants to do. He states that it will be for personal use for vehicles and storage.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone in opposition.

No one speaks.

6:12 p.m. Acklie closes the Public Hearing.

Amen asks how tall the sidewalls will be.

Colsden states that they will be 9' 4 1/2".

Acklie asks if it will be a metal building.

Coslden states that it will.

Flood makes a motion to recommend approval based on the above Recommended Conditions. Oswald seconds the motion.

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

Acklie reads the next Public Hearing.

The purpose of this hearing is to consider the application of AMG Technology Investment Group, dba Nextlink for a cell Tower Development Permit on property described as the East ½ of the Northeast ¼ of Section 8, Township 21, Range 2 Madison County, Nebraska. The property is located at 82647 548th Ave., Madison, Nebraska. (Parcel id# 590125753)

Heather states that this hearing was tabled from last month, the packet information was provided previously.

Abler makes a motion to remove the hearing from tabled status. Griffith seconds the motion.

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

Heather states that Nextlink is requesting the installation of a 120' communication tower to provide high speed internet service. The request meets the setback requirements; they have provided the requested bond amount of \$50,000 and all engineering paperwork.

Heather states that she received a letter from Mary Keenan (Exhibit A) in opposition. She reads the letter. Heather explains that the tower will not go on Keenan's land.

The board discusses the location of the proposed tower versus Mary's land.

The board discusses that the owners of the location are the Demel's.

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. Property is zoned A-1 Agricultural Intensive.
3. Applicant will lease at 20' x 20' tract for location of tower from landowner.

Recommended Conditions:

1. This Conditional Use Permit shall be for a period of twenty-five years and will become effective with the adoption of this resolution. This permit is subject to all the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska.
2. The applicant must provide a lease, purchase agreement or easement to secure rights to the required setbacks of one foot for every foot of height of the tower.
3. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access.

4. Applicant must conform to the regulations of the Federal Aeronautics Administration, which includes filing Form 7460-1. Documentation must be presented to the Zoning Administrator prior to beginning construction.

5. If the tower shall cease to be used for a period of one (1) year, the Madison County Zoning Administrator shall determine if the tower has been abandoned. Once the Zoning Administrator has determined the tower to be abandoned, the tower shall be removed 75 days after receiving notice from the Zoning Administrator.

6. This tower may co-locate up to four individual antennas. Prior to installation of collocated antennas on the tower, contact must be made with the Madison County Zoning Administrator.

7. This conditional use permit shall become invalid if construction of the tower is not begun within one year of the date of approval of this application.

8. This conditional use permit may be transferred in any manner to an individual, or a partnership or corporation other than AMG Technology within the twenty-five-year time limit of this permit.

8. This conditional use permit shall become null and void if ownership or lease of the property is not secured, or if construction of the tower is not begun within one year of the date of approval of this application.

6:19 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone who would like to speak in favor.

Nathan Murray; Representative for Nextlink; formally Connecting Point speaks in favor. He states that when you hear cell tower you think of the giant 400' tower however this tower is only 120'. He said that this tower is only to give service to the area up to 10 miles.

Nathan states that they are a government subsidized which means that they apply for grants to provide affordable fast internet for underserved areas.

Nathan states that this tower is a necessity in the area by Enola. He states that it is their hope to build a few more towers in the new future towards Columbus.

Nathan states that the landowner does not profit from this, but they do receive internet.

Nathan states that they own the tower therefore in the event that their internet is no longer needed in the area they will go out and deconstruct the tower. He states that they have an office here in Norfolk and the guys here will service the tower 24-7.

Acklie asks if there will be any concrete.

Nathan explains that it is a self-support structure which is a 3-legged structure and there will be concrete at all three corners.

Acklie confirms that the concrete will also come out if the tower is removed.

Nathan states that it will also be removed.

Acklie asks if there will be red lights on the top.

Nathan states that the tower is not tall enough and will not have red lights.

Acklie asks if there will be chain link fence around it.

Nathan states that there will be a chain link fence. He states that the ladder will also be locked.

Amen asks if there will be any buildings.

Nathan states that there will not be any buildings. He states that there will be a 7'x3' all-weather cabinet.

Acklie asks if they will co-locate antennas.

Nathan states that they will but it is all their own stuff. He states that they don't work with any other companies.

Acklie asks if anyone else is in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

6:28 p.m Acklie closes the Public Hearing.

Milander makes a motion to recommend approval based on the above Recommended Conditions. Griffith seconds the motion.

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

Acklie reads the next Public Hearing.

The purpose of the hearing is to obtain public comment prior to consideration of a proposed redevelopment plan for certain property within the City of Tilden, which plan shall include a redevelopment project that will utilize tax increment financing.

The properties which are the subject of the public hearing are located in the City of Tilden and legally described as follows:

Part of Lot 1, Mossbarger's Re-Subdivision being located in the Northeast Quarter of the Southeast Quarter of Section 13, Township 24 North, Range 5 West of the 6th P.M., Antelope County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of the Southeast Quarter of said Section 13, thence S 01°39'22" E on the East line of said Southeast Quarter 767.34 feet to the Point of Beginning; thence S 01°39'22" E on said East line 237.99 feet; thence S 87°47'48" W 529.85 feet; thence N 01°39'22" W and parallel to said East line 237.99 feet to the point of beginning. (Parcel id# 000326903)

6:29 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Andrew Willis; Attorney states that he is in favor and gives the board a handout (Exhibit B) and explains the project using the handout. He states that the new vet clinic is need of improvements such as sidewalks,

curbs, water, electricity, etc. and that is why TIF is necessary. He states that these improvements need to be done so that the building can be built. He states that the estimated cost for the whole project is \$622,335 and the TIF request is for \$158,000.

Willis states that the project would start immediately and take about 6 months to build therefore finishing early 2026. He states that the TIF would start in 2026 and run for 15 years and after that everything would go back on the tax role.

Willis Refers to page 6 of handout(Exhibit B) and discusses it.

Willis states that the cost of construction is high and the request for \$158,00 makes it a feasible project.

Willis refers to Exhibit C of the handout (Exhibit B) and discusses it.

Willis refers to Exhibit D of the handout (Exhibit B) and discusses it.

Willis states that the new vet clinic has lots of benefits.

Heather asks Willis to clarify how the taxing works using TIF.

Willis explains that Tony Miller will pay taxes on the entire amount and then reimbursed for the approve TIF amount.

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

Tony Miller states that he is in Favor. He states that the current facility is not good. He states that his goal is to attract new employees. He states that losing a vet clinic is like losing a grocery store.

Acklie asks if anyone else is in favor.

No one speaks.

Acklie asks if anyone is opposed.

No one speaks.

6:43 p.m. Acklie closes the Public Hearing.

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

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

Other Business-Discussion and /or action

Citizens Comments:

Administrators report:

Zoning permits are discussed.

Orsted canceling their project is discussed.

Knox County is discussed

Amen makes a motion to adjourn. Brown seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 7:25 p.m.