

# NANCE COUNTY PLANNING AND ZONING COMMISSION

## Meeting Minutes April 17, 2017

### Agenda Item 1 – Call to Order

A meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey at the Nance County Courthouse in Fullerton, Nebraska on Monday, April 17, 2017 at 6:00 p.m. Meeting notice was given by publication in the April 5, 2017 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an agenda was made available at the office of the Zoning Administrator and on the Zoning website. Delancey acknowledged the posted Open Meetings Act posted in the Supervisors' meeting room.

### Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Pat Connelly, Brett Houtby, Delmer Wondercheck, and Roy Guisinger. Arriving after the minutes were approved was Galen Frenzen. Excused from the meeting was John Cieloha. Absent were Shane Czarnick and Lynn Belitz.

### Agenda Item 3 – Minutes

Minutes from the February 22, 2017 meeting had been mailed in advance and were briefly reviewed. Connelly made a motion to approve the minutes as presented. Seconded by Houtby. Ayes: 5. Nays: 0. Absent: 4. Motion carried.

### Agenda Item 4 – Public Hearings

- a. Ken Lesiak's application for a Conditional Use Permit to spread feedlot manure from Merrick County on land in Nance County at NE¼ 19-16-5, N½ 29-16-5, NE¼ 30-16-5, and SE¼ 20-16-5 in East Newman Township, and at SE¼ 25-16-6 in West Newman Township.

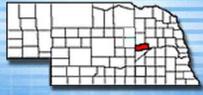
After brief discussion with Lesiak, Guisinger made a motion and Frenzen seconded to recommend approval to the Board of Supervisors of Lesiak's CUP as presented, with no added conditions. Ayes by roll call: 6. Nays: 0. Absent: 3. Motion carried.

- b. Gary Bader & Sons' application for a Conditional Use Permit to stockpile and spread Soil Builder I & II from Hall County on land in Nance County at SW¼ 10-16-8, N½ 15-16-8, E½ 16-16-8, and S½ 9-16-8 in Cottonwood Township. **\*See note following these minutes of the public hearing.**

Delancey opened the public hearing. Present were Shayne and Niki Bader, Kenny Knopik, and Charlie Dubas.

Shayne Bader explained what SB I&II are (I is belt-filter press and II is grit) and that they don't contain paunch (undigested ruminant) or lyco (tankage that has to be hauled to a landfill). He will be on-site for every delivery and make sure there are no deliveries of the wrong product by mistake. If by some chance the wrong thing ends up being dumped on any of the land described above, he'll scrape it up and haul it away. (Shayne Bader Trucking, LLC has the 3-year Swift contract now instead of Chamness, so they'll do all of their own hauling.)

Shayne described what he's been doing in Howard County, as his intentions are the same for Nance County, with a start timeframe of about two months from now: Spread about 10 tons per acre and layer the product with about 10 tons manure and lime (lime brings up the pH, balances the product, and decreases the odor significantly); not incorporate it; plant no-till after product has been spread; stockpile no more than 1,000 tons per field/quarter (per DEQ guidelines); have one stockpile per 80 acres probably; and layer the stockpiles with manure (1 layer consists of 10 tons SB I&II, 10 tons manure, and some lime ash from a coal plant). Shayne would like to get each field spread within a couple days of product delivery/stockpiling, but if it ends up that all the corn is planted before he's done spreading, he'll either keep the remaining stockpiles for a maximum of four months, or spread the product on pasture. (He can also use SB I&II on alfalfa and soybeans, but at a lesser rate because the N in the product is so high.) If odor ever becomes a problem, he intends to add more manure and do some composting, but the Howard Co. zoning admin told Shayne that she could smell nothing two days after land application. Several Nance Co. zoning commissioners echoed that experience.



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Delancey closed the public hearing. Frenzen made a motion to recommend approval of Bader & Sons' CUP to the Board of Supervisors with the following conditions:

1. Product to be hauled-in around June/July 2017.
2. Product to be spread before 2017 planting season if possible. Product does not have to be incorporated.
3. Product will be layered or mixed with manure.
4. If all of the product can't be spread before 2017 planting, then it may be stockpiled until harvest and then spread.
5. Stockpiling is permissible as long as due consideration is given to neighboring landowners.

Motion seconded by Wondercheck. Ayes by roll call: 6. Nays: 0. Absent: 3. Motion carried.

**\* Note: A week after the public hearing, Shayne Bader learned and notified Baldrige of the following:**

Soil Builder was a product name registered with the Nebraska Dept. of Ag (NDA) for Chamness. Now that Shayne Bader Trucking has the contract with Swift/JBS, the product is registered with the NDA under the name Tilth Builder. It is the same product as before, but instead of Soil Builder I, the belt-filter press (BFP) is called Tilth Builder CL, and instead of Soil Builder II, the grit is called Tilth Builder CLV.

### **Agenda Item 5 – Old Business**

- a. Review setbacks at higher Animal Units: Tabled
- b. Review the NDA Matrix: Baldrige gave the Commissioners copies of the Matrix to review before the next meeting and explained the scoring system, as well as what other counties are in the process of doing about the Matrix. (Dodge and Merrick have adopted it as-is; Hall has modified it to make the applicant work a bit harder at achieving the minimum score.)
- c. Discuss late fees/penalties for failure to obtain a permit: Tabled

### **Agenda Item 6 – Other**

None.

### **Agenda Item 7 – Next Meeting**

The next meeting will be Monday, May 15, 2017 at 7:00 p.m.

### **Agenda Item 8 – Adjourn**

Frenzen made a motion to adjourn the meeting. Seconded by Connelly. All ayes, no nays, motion carried.

**SUBMITTED BY:**

**AFFIRMED BY:**

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Commission Secretary

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Commission Chairperson