

Agenda Item # 20a  
Date 7/29/20

**MINUTES  
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Marlin Brabec at 4:30 P.M., Tuesday, July 21, 2020 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Fooker, Hansen, Rolf, Ruzicka and Taylor. Absent: Brabec, Giesselmann and Wagner.

The meeting was declared legally convened, due to Public Notice given and is considered to be an Open Meeting.

Vice Chairman Fooker asked if ex-parte had been received. None were reported.

Motion was made by **Hansen** to accept the Minutes of the June 16, 2020 meeting as mailed. Seconded by **Ruzicka**. Motion carried by voice vote with the following voting yes: Fooker, Hansen, Rolf, Ruzicka and Taylor. Absent: Brabec, Giesselmann and Wagner.

**Public Hearing:** Consider request of Hoegermeyer Farms Inc. of 17224 County Rd. 7, Herman, NE 68029 to subdivide a 5.44 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12- Section 2. Conditional Uses 4.2 Exemptions B. 1 thru 3 located in N ½ NW ¼ Section 36, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag.

Vice Chairman Fooker declared the Public Hearing open.

Since Mr. Hoegermeyer was not present at this time, the commission moved on to the next agenda item and would return to it when he was present.

**Public Hearing:** Consider request of Mulliken Inc.; Robert and Jerry Mulliken of 1677 County Rd. 24, Nickerson, NE 68044 to obtain a Conditional Use Permit to store and apply bio-solids as per Article 12 Section 2. Conditional Uses 2.18 located in SE ¼ Section 24, Township 18 North, Range 8 East and NE ¼ Section 25, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.

Vice Chairman declared the public hearing to be open.

**Testimony:**

**Andrews** stated that after receiving the application, it was determined that some of the farm ground was in the Village of Nickerson's jurisdiction and they would have to apply with the village for that portion of ground.

**For:** Keith Kantor, Superintendent for the City of Fremont Waste & Water Dept. was present to explain the request of the Mulliken's. He stated that Nathan Moeller, Extension Educator had resigned from Dodge County Extension. Scott Nunn with NE-IA Agrinomics has been hired to recruit farm ground to store and apply the Bio-Solids from the City of Fremont. Questions were asked about the application process. Kantor stated that normally the material is not spread on the same ground twice. If the conditional use permit is permitted, the permit is good for five years. Kantor stated that if they were reapplying it to the same ground, the EPA requires tracking. Kantor introduced Scott Nunn.

Ruzicka asked if Andrews had received any communication. She stated that she had received a phone call concerning the zoning sign.

**Against:**

**Patty Christensen** asked questions as to where the material was going to be stored and then applied. Kantor showed her the plat of the location. He stated it would be stored off along a field drive. She was concerned as it was near their property.

**Roy Christensen**, husband, was concerned about the leaching of the material and the smell. Kantor stated that it did not leach and the smell was minimal.

Christensen's children were also in attendance. Eric and Chad were also not in favor of the proposal.

No other public members commented against the request.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Hansen**. Motion carried by voice vote. Those voting yes: Rolf, Ruzicka, Taylor, Fooker and Hansen. Absent: Brabec, Giesselmann and Wagner.

**Possible Action:**

Motion to recommend approval of the Conditional Use request was made by **Ruzicka** based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located and this conditional use permit only applies to the county's jurisdiction. Seconded by **Rolf**. Motion carried by roll call vote. Those voting yes: Ruzicka, Taylor, Fooker, Hansen and Rolf. Absent: Brabec, Giesselmann and Wagner. The applicant was advised that the County Board would hear their request at Wednesday, July 29<sup>th</sup>, 2020 at 9:35 A.M.

**Public Hearing:** Consider request of Hoegermeyer Farms Inc. of 17224 County Rd. 7, Herman, NE 68029 to subdivide a 5.44 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12- Section 2. Conditional Uses 4.2 Exemptions B. 1 thru 3 located in N ½ NW ¼ Section 36, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag.

Vice Chairman Fooker declared the public hearing to be opened.

**Testimony:**

**For:** Mr. Hoegermeyer stated that he was late because the east door was locked at 4:30 P.M. and gained entrance from an employee. He went on to say that they purchased the property back in 1988, cleaned it up and rented it out. He went on to say that they were tired of renting and thought it was in their best interest to sell it as it would take more than \$40,000.00 to renovate the home. He stated they had someone who wanted to purchase the acreage and decided to sell it to them.

**Against:** No one was present to speak either for or against the matter and no communication had been received.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Taylor**. Motion carried by voice vote. Those voting yes: Taylor, Fooker, Hansen, Rolf and Ruzicka. Absent: Brabec, Giesselmann and Wagner.

Motion was made by **Ruzicka** to recommend approval of the Lot Split and Conditional Use Permit based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located. Seconded by **Hansen**. Motion carried by roll call vote. Those voting yes: Fooker, Hansen, Rolf, Ruzicka and Taylor. Absent: Brabec, Giesselmann and Wagner. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, July 29, 2020 at 9:30 A.M.

Item #3. Continued Discussion concerning the proposed zoning regulations regarding Wind Energy. Andrews stated she had looked at Knox and Cedar Counties that mirrored each other. She stated she has researched Cuming, Madison, Boone, Knox and Cedar counties to name a few and they were very much alike. She asked the board if she should make up a set of regulations or guidelines for their opinion at a future meeting when there were other items on the agenda. The board agreed with the idea.

With no further business **Rolf** moved to adjourn at 5:00 P.M. and seconded by **Hansen**. Motion carried: Hansen, Rolf, Ruzicka, Taylor and Fooker. Absent: Brabec, Giesselmann and Wagner. The next scheduled meeting will be August 18, 2020 at 4:30 P.M. if business arises.

Respectfully submitted,

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Allen Rolf  
Secretary, Dodge County  
Planning Commission

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Dodge County  
Planning & Zoning Commission

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Approval Date

**STAFF REPORT**  
Dodge County Bldg. Insp. & Zoning Dept.  
Meeting of July 21, 2020

Zoning sign was placed on the property Thursday, July 16, 2020.

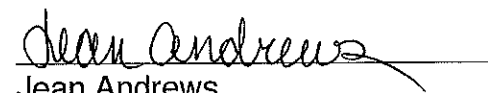
**Hoegermeyer Farms Inc.**

The property is located on County Road F approximately 1 ½ miles east of Highway 77 on the south side of the road. The home looks to be in pretty good shape with a detached garage, quonset and a grain bin that will be removed. The place has a nice grove of mature trees and of course, is on a well maintained paved road.

**Mulliken Farms Inc.**

The property requesting the Bio-Solids lies south of Village of Nickerson but north side of Rosedale Road between County Roads 23 and 24. Currently the ground is in beans. There is an abandoned school house to the west of the property that was being used as a home but is now vacant.

Respectfully submitted,

  
Jean Andrews,  
Dodge County Zoning Administrator



Mulliken





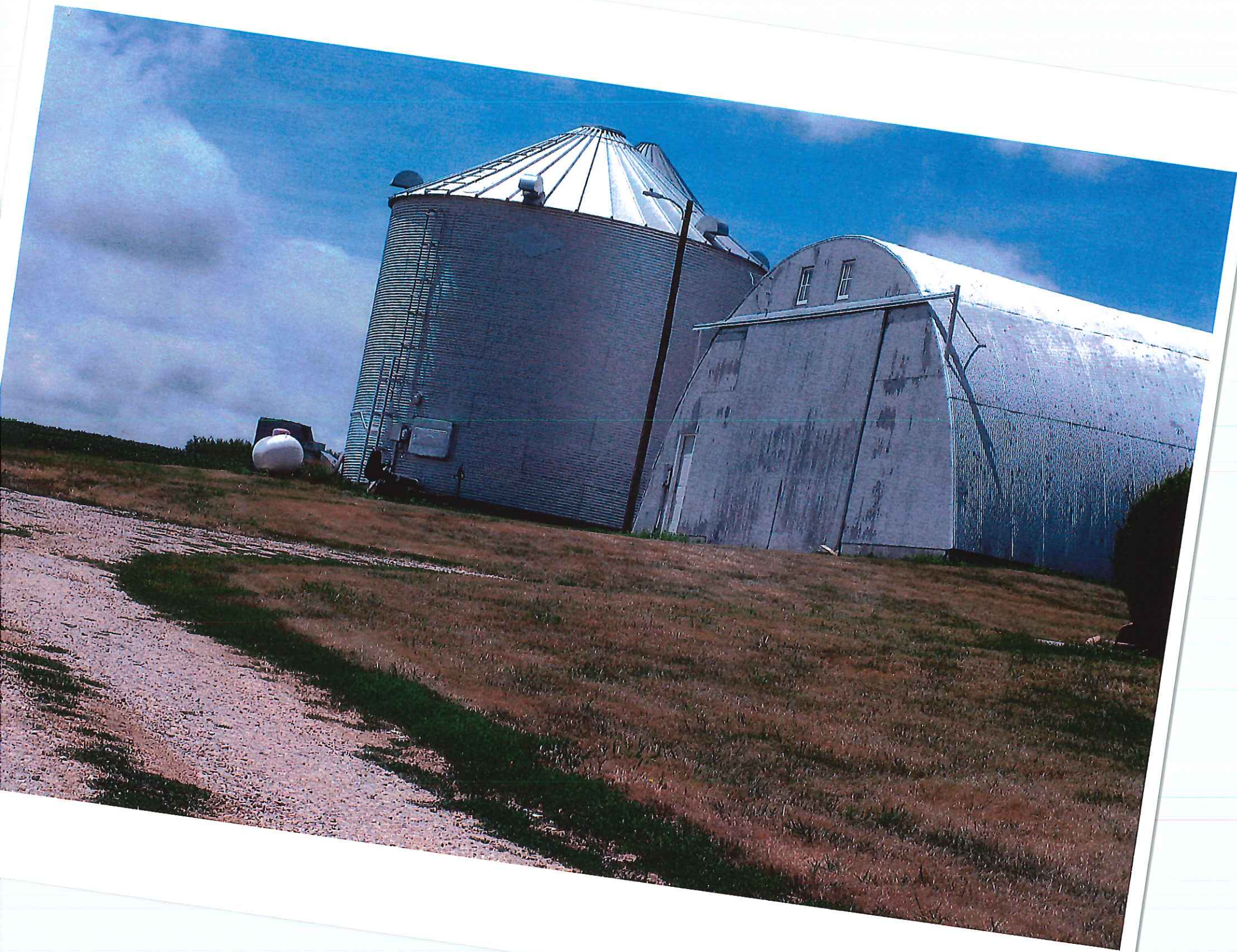




Hoegermeyer











**ZONING ACTION**  
**HAS BEEN REQUESTED**  
**ON THIS PROPERTY**  
Contact the Zoning  
Administrator's Office  
at 402/727-2724 for  
More Information



**AGENDA**  
**DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, July 21, 2020 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M. – Roll Call – Declaration of Open Meeting
2. Legality of Meeting – Approval of Agenda
3. Declaration of Exparte
4. Approval of Minutes of June 16, 2020 Meeting
5. **Public Hearing:** Consider request of Hoegermeyer Farms Inc. of 17224 County Rd. 7, Herman, NE 68029 to subdivide a 5.44 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12- Section 2. Conditional Uses 4.2 Exemptions B. 1 thru 3 located in N ½ NW ¼ Section 36, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag.

Testimony:

For:

Against:

Possible Action:

6. **Public Hearing:** Consider request of Mulliken Inc.; Robert and Jerry Mulliken of 1677 County Rd. 24, Nickerson, NE 68044 to obtain a Conditional Use Permit to store and apply bio-solids as per Article 12 Section 2. Conditional Uses 2.18 located in SE ¼ Section 24, Township 18 North, Range 8 East and NE ¼ Section 25, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.

Testimony:

For:

Against:

Possible Action:

7. Continued Discussion concerning proposed zoning regulations regarding Wind Energy
8. Other business brought to the board (by published Addendum)
9. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON JULY 8, 2020. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE  
PUBLIC MEETING AND HEARINGS  
DODGE COUNTY PLANNING COMMISSION  
AND  
DODGE COUNTY BOARD OF SUPERVISORS**

**NOTICE IS HEREBY GIVEN**, that public hearing of the Dodge County Planning Commission will be held during their regularly scheduled meeting, July 21, 2020 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, July 29, 2020 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3<sup>rd</sup> floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following item:

1. Consider request of Hoegermeyer Farms Inc. of 17224 County Rd. 7, Herman, NE 68029 to subdivide a 5.44 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12- Section 2. Conditional Uses 4.2 Exemptions B. 1 thru 3 located in N ½ NW ¼ Section 36, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag.
2. Consider request of Mulliken Inc.; Robert and Jerry Mulliken of 1677 County Rd. 24, Nickerson, NE 68044 to obtain a Conditional Use Permit to store and apply bio-solids as per Article 12 Section 2. Conditional Uses 2.18 located in SE ¼ Section 24, Township 18 North, Range 8 East and NE ¼ Section 25, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.
3. Discussion concerning proposing zoning regulations regarding Wind Energy

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402) -727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.