

**MINUTES
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Vice Chairman, Brad Fooker at 4:30 P.M., Tuesday, March 15, 2022 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Fooker, Giesselmann, Hansen, Rolf and Taylor. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp.

The meeting was declared legally convened, due to Public Notice given and is considered to be an Open Meeting. No Exparte had been reported.

Motion was made by **Giesselmann** to accept the Minutes of the December 21, 2021 meeting as mailed. Seconded by **Hansen**. Motion carried by voice vote with the following voting yes: Giesselmann, Hansen, Rolf, Taylor and Fooker. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp.

Public Hearing: Consider request of Marlin Brabec of 1030 Timberwood Dr., Ames, NE 68621 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in NE 2/3 NE ¼ Section 14, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.

Vice-Chairman Fooker declared the public hearing to be open.

Testimony:

For: Scott Nun, NE-IA Agronomist was present to explain Brabec's request. He stated he represented the City of Fremont, was following the new guidelines, will not stock pile until August and if weather cooperates, will spread in November due to it has to be spread by January. There is a low water area and will maintain a 40-ft. setback on each side which is what the EPA guidelines state. Allen Rolf asked if somebody talked to the acreage. Nun stated yes.

No additional questions were asked by the board.

Against:

No written or verbal communication had been received.

Motion to close the hearing was made by **Taylor** and seconded by **Giesselmann**. Motion carried by voice vote. All present voted yes.

Possible Action:

Motion was made by **Taylor** and seconded by **Giesselmann** to recommend approving the 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 which it is located. Motion carried by roll call vote. Those voting yes: Hansen, Rolf, Taylor, Fooker and Giesselmann. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp. Mr. Nun was advised the Dodge County Board of Supervisors will hear the request on March 23, 2022 at 9:30 A.M.

Public Hearing: Consider request of Marlin Brabec of 1030 Timberwoods Dr., Ames, NE 68621 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in NW ¼ SW ¼ Section 2, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.

The hearing was declared open.

Testimony:

For: Scott Nun was present to answer questions regarding the Brabec request. He stated the same requirements will be made and there are no ditches or water. Rolf asked if this was a new application. Nun stated they had not applied for this ground before.

No other questions had been asked by the board.

Against:

No one was present and no written or verbal communication had been received.

Motion to close the public hearing was made by **Rolf** and seconded by **Hansen**. Motion carried by voice vote. All present voted yes.

Possible Action:

Motion was made by **Giesselmann** and seconded by **Hansen** to recommend approving the 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 which it is located. Motion carried by roll call vote. Those voting yes: Rolf, Taylor, Fooker, Giesselmann and Hansen. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp. Mr.

Nun was advised the Dodge County Board of Supervisors will hear the request on March 23, 2022 at 9:35 A.M.

Public Hearing: Consider request of Lon Strand of 2239 County Rd. E, Hooper, NE 68031 to obtain a Conditional Use Permit to store and apply biosolids as per Article 12, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in E ½ SW ¼ SW ¼ and Pt Tax Lot 7 Section 23, Township 20 North, Range 8 East in Logan Township, Zoning District A-2, Intensive Ag.

The hearing was declared open.

Testimony

For: Scott Nun was again present to explain the request. Lon Strand was also present. Nun again stated this was a new farm just east of Highway 77 and that all guidelines again would be met.

No questions or comments were made by the board.

Against: No one was present against the request and no communication had been received.

Motion to close the public hearing was made by **Giesselmann** and seconded by **Taylor**. Motion carried by voice vote. All present voted yes.

Possible Action:

Motion was made by **Rolf** and seconded by **Giesselmann** to recommend approval of the 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. Motion carried by roll call vote. Those voting yes: Fooker, Giesselmann, Hansen, Rolf and Taylor. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp. Mr. Nun was advised the Dodge County Board of Supervisors will hear the request on March 23, 2022 at 9:40 A.M.

Public Hearing: Consider request of Tyler Thernes of 1782 County Rd. K, Hooper, NE 68031 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in West ½ SW ¼ SW ¼ and East 1/2 SW ¼ SW ¼, East ½ NE ¼ SW ¼ and Tax Lot 5, all in Section 13, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.

The Public Hearing was declared open.

Testimony

For: Scott Nun was present to explain the request as well as Sharon Thernes and daughter-in-law. Nun stated it had a ditch running thru it and would maintain the 40-ft.

setbacks. Rolf asked about the acreage that is near the area. Andrews stated that Squire Bassett lives there and received a letter concerning the request.

No other board member asked questions.

Against: No one was present and no communication had been received either written or vocal.

Motion to close the public hearing was made by **Taylor** and seconded by **Hansen**. Motion carried by voice vote. All present voted yes.

Possible Action:

Motion was made by **Giesselmann** and seconded by **Hansen** to recommend approval of the Conditional Use Permit based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located. Motion carried by roll call vote. Those voting yes: Giesselmann, Hansen, Rolf, Taylor and Fooker. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp. Mr. Nun was advised the Dodge County Board of Supervisors will hear his request on Wednesday, March 23, 2022 at 9:45 A.M.

Public Hearing: Consider request of GKR, LLC – Gary, Kyle, Ross Kroenke of 529 County Road G, Scribner, NE 68057 to subdivide a 10.52 acre tract and obtain a Conditional Use Permit to construct a new single-family dwell as per Article 12, Section 2.1 Conditional Uses located in SE ¼ SW ¼ Section 35, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag.

The public hearing was declared open.

Testimony:

For: Kyle Kroenke was present to explain the lot split and the conditional use request. He stated he wished to construct a new home on the property. He added that he was a member of the GKR, LLC. Rolf stated the property was right across the road from Gary Kroenke, father and part of the LLC.

Board members had no comments or questions.

Against: No one was present and no verbal or written communication had been received.

Motion to close the public hearing was made by **Rolf** and seconded by **Hansen**. Motion carried by voice vote. All present voted yes.

Possible Action:

Motion was made by **Giesselmann** and seconded by **Rolf** to recommend approval of the lot split and conditional use request based on the Conditional Use conforms to the

intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located. Motion carried by roll call vote. Those voting yes: Hansen, Rolf, Taylor, Fooker and Giesselmann. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp. Mr. Kroenke was advised the County Board of Supervisors will hear his request on Wednesday, March 23, 2022 at 9:50 A.M.

**Reorganization of Planning Commission:
Election of Chairman, Vice-Chairman and Secretary**

Motion by **Hansen** and seconded by **Giesselmann** to retain the current officers. Chairman, Marlin Brabec, Vice-Chair, Brad Fooker and Secretary, Allen Rolf. Motion carried by voice vote. All members present voted yes.

With no further business **Hansen** moved to adjourn at 4:46 P.M. and seconded by **Taylor**. Motion carried: Fooker, Giesselmann, Hansen, Rolf and Taylor. Absent: Brabec, Ruzicka, Wagner and Weitzenkamp. The next scheduled meeting will be April 19, 2022 at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date

AGENDA
DODGE COUNTY PLANNING COMMISSION

Dodge County Planning Commission, Tuesday, March 15, 2022 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M – Roll Call
2. Declaration of Open Meeting and Legality
3. Declaration of Exparte
4. Approval of Minutes of December 21, 2021 Meeting

5. **Public Hearing:** Consider request of Marlin Brabec of 1030 Timberwood Dr., Ames, NE 68621 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in NE 2/3 NE ¼ Section 14, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.

Testimony

For:

Against:

Possible Action:

6. **Public Hearing:** Consider request of Marlin Brabec of 1030 Timberwoods Dr., Ames, NE 68621 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in NW ¼ SW ¼ Section 2, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.

Testimony

For:

Against:

Possible Action:

7. **Public Hearing:** Consider request of Lon Strand of 2239 County Rd. E, Hooper, NE 68031 to obtain a Conditional Use Permit to store and apply biosolids as per Article 12, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in E ½ SW ¼ SW ¼ and Pt Tax Lot 7 Section 23, Township 20 North, Range 8 East in Logan Township, Zoning District A-2, Intensive Ag.

Testimony

For:

Against:

Possible Action:

8. **Public Hearing:** Consider request of Tyler Thernes of 1782 County Rd. K, Hooper, NE 68031 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in West ½ SW ¼ SW ¼ and East 1/2 SW ¼ SW ¼, East ½ NE ¼ SW ¼ and Tax Lot 5, all in Section 13, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.

Testimony

For:

Against:

Possible Action:

9. **Public Hearing:** Consider request of GKR, LLC – Gary, Kyle, Ross Kroenke of 529 County Road G, Scribner, NE 68057 to subdivide a 10.52 acre tract and obtain a Conditional Use Permit to construct a new single-family dwell as per Article 12, Section 2.1 Conditional Uses located in SE ¼ SW ¼ Section 35, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag.

Testimony

For:

Against:

Possible Action:

10. Reorganization of Planning Commission:
Election of Chairman, Vice-Chairman and Secretary
11. Other Business brought to the Board (by Published Addendum)
12. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON MARCH 5, 2022. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

STAFF REPORT

Dodge County Bldg. Insp. & Zoning Dept.
Meeting of March 15, 2022

Zoning signs were placed on the properties Tuesday, March 8, 2022

Marlin Brabec:

The property is located approximately 5 miles north and 2 miles west of Fremont on County Road O in Section 13.

Marlin Brabec:

The property is located approximately 1 mile north of County Road N Blvd. just off of Highway 77/275 2 miles north and $\frac{3}{4}$ mile west of Nickerson, NE

Lon Strand:

The farm ground is located along County Road E just east of Highway 77 approximately 3 $\frac{1}{2}$ miles south of Uehling, NE.

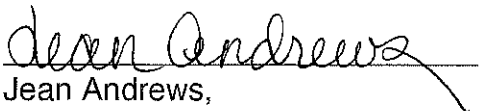
Tyler Thernes:

The property is located on County Road P approximately $\frac{1}{2}$ mile west of County Road 19 $\frac{1}{2}$ 4 miles north and 2 $\frac{1}{2}$ miles west of Fremont, NE. An acreage is located at the west of the ground.

Kyle Kroenke:

The proposed acreage is located approximately 3 miles south and 1 $\frac{1}{2}$ miles west of Snyder on County Road G. The road is well maintained and close proximity to Highway 79. The land is not in a flood plain.

Respectfully submitted,



Jean Andrews,
Dodge County Zoning Administrator

Brabee # 1



Brabee #2



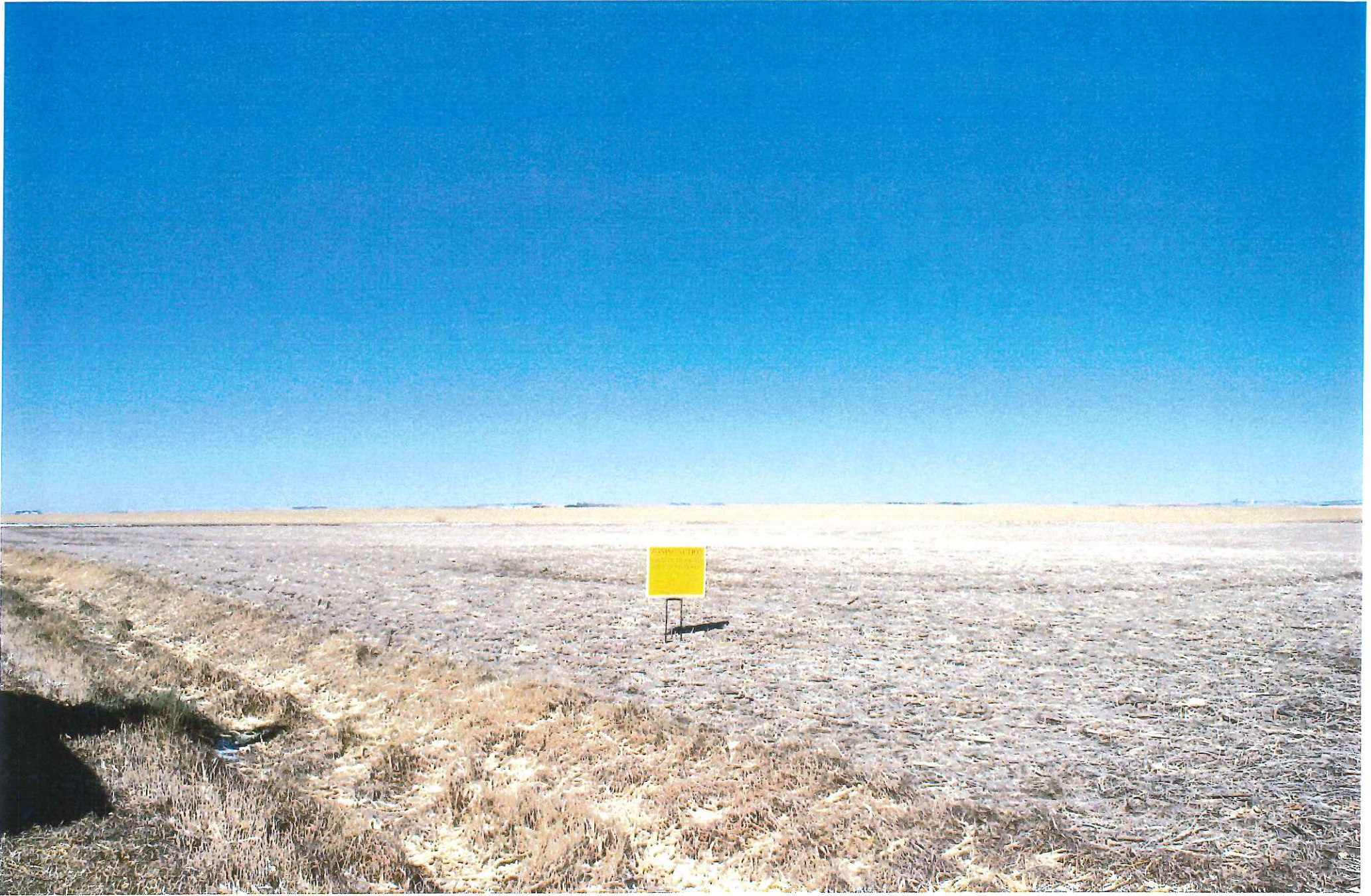
Strand



Thornes



Kroenke



**NOTICE
PUBLIC 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 special meeting, March 15, 2022 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, March 23, 2022 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following items:

1. Consider request of Marlin Brabec of 1030 Timberwood Dr., Ames, NE 68621 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in NE 2/3 NE ¼ Section 14, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.
2. Consider request of Marlin Brabec of 1030 Timberwoods Dr., Ames, NE 68621 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in NW ¼ SW ¼ Section 2, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.
3. Consider request of Lon Strand of 2239 County Rd. E, Hooper, NE 68031 to obtain a Conditional Use Permit to store and apply biosolids as per Article 12, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in E ½ SW ¼ SW ¼ and Pt Tax Lot 7 Section 23, Township 20 North, Range 8 East in Logan Township, Zoning District A-2, Intensive Ag.
4. Consider request of Tyler Thernes of 1782 County Rd. K, Hooper, NE 68031 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in West ½ SW ¼ SW ¼ and East 1/2 SW ¼ SW ¼, East ½ NE ¼ SW ¼ and Tax Lot 5, all in Section 13, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.
5. Consider request of GKR, LLC – Gary, Kyle, Ross Kroenke of 529 County Road G, Scribner, NE 68057 to subdivide a 10.52 acre tract and obtain a Conditional Use Permit to construct a new single-family dwell as per Article 12, Section 2.1 Conditional Uses located in SE ¼ SW ¼ Section 35, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag.
6. Reorganization of Planning Commission:
Election of Chairman, Vice-Chairman and Secretary

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.