

MINUTES OF PLANNING & ZONING COMMISSION
SEPTEMBER 20, 2007
BUFFALO COUNTY EXTENSION CENTER MEETING ROOM
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:00 o'clock P.M. with a quorum present on September 20, 2007 at the Buffalo County Extension Center meeting room at 1400 E 34th St., Kearney, NE.

Chairperson Pope announced there was a copy of the open meetings act posted.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Bus" Biehl, Karin Covalt, Marlin Heiden, Willie Keep, Rick Pope, Leonard Skov, Paul Steinbrink, Sr., and Loye Wolfe. Absent: Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and 134 members of the public.

Chairperson Pope explained the process of the hearings to the audience.

The public forum was opened at 7:01 P.M. There was no one that spoke at this time. The public forum closed at 7:01 P.M.

Chairperson Pope opened the hearing at 7:05 P.M. for a zoning map amendment filed by Craig Bennett with Miller & Associates on behalf of Dennis Conner for property located in part of the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska, containing 5.02 acres.

Craig Bennett with Miller & Associates appeared on behalf of Dennis Conner. They are asking for a rezoning from Agricultural-Residential to Commercial for two separate parcels. These parcels originally were split into four separate parcels prior to zoning being implemented. Currently these parcels are agricultural and are not developed. Bennett gave a copy of the conceptual development plan to the Commission. Mr. Connor owns the parcels adjacent to the highway and there is a storage unit between the two parcels. There is a 60' easement to the north of this property. These 2 lots would not be conducive to residences. This development would have good aesthetics to this area with trees bordering each parcel of land. This would be more appropriate than having a residence at this location and would be a good buffer between the commercial/industrial to the north. This would be an upscale commercial property.

Hoffmeister asked what the current uses of the surrounding properties are. Bennett replied the one lot has storage units, to the south and east is agricultural, to the north would be more industrial in nature, to the west commercial in nature. Hoffmeister asked if there would be one business per lot which Bennett replied it would.

Klein told the Commission the storage unit was approved in 2005 with a special use permit and the road leading into the property was a private drive.

Biehl asked if they had a particular business in mind and Bennett replied not at this time.

Heiden asked if there is a residence at this location. Bennett said there is a residence about ¼ mile west.

Skov asked if there was a specific plan. Once it is zoned commercial, there is a wide range of possibilities.

Bennett replied this would be a good buffer in this area.

Wolfe questioned what flavor is this area. Would it fall under permitted uses or by special use permit according to the Commercial regulations? Bennett responded there is a commercial flavor at this location and would fall under the permitted uses.

Klein mentioned the area to the north is industrial in nature and the properties to the west are occupied by construction companies which were at this location prior to zoning.

Heiden questioned if this was spot zoning. He thought we could control it better with special use permits.

Biehl said two businesses already at his location are grandfathered in.

Keep agreed the middle lot is already commercial. He feels this would be a good buffer. We would be filling in the gap.

Esther Shannon, owner of the mini storage facility, told the Commission she had agreed to have trees to the south and not have any travel trailers or boats with the special use permit. She is not opposed to this rezoning but she doesn't want them to block the view of her lot with trees.

M.J. Shultz spoke and owns the lot to the west. He has no concerns with the application. He maintains the road and another business provides the gravel for the road. He would like this area rezoned to commercial. He feels this would be an ideal location next to the highway. Spot zoning should not be a concern.

Evan Lewandowski questioned the process of the hearing.

Pope responded they would either approve or deny the permit or continue for further information. There would be another hearing by the County Board later.

Pope closed the hearing at 7:31 P. M.

Covalt stated the property to the north, east & west is already commercial. She feels this would not be spot zoning.

Hoffmeister referred to Section 11.3 and Section 11.4.

11.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (½) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

11.4 PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within seven (7) days after the date of the conclusion of the Planning Commission's public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds (2/3) majority of the County Board. (Resolution 10-10-03)

Pope commented this area is almost commercial in use even though it's not zoned commercial.

Motion was made by Biehl, seconded by Covalt to recommend to forward this zoning map amendment to the County Board with a favorable recommendation to rezone from Agricultural-Residential to Commercial for property described as a tract of land being part of North Half of the Northeast Quarter (N ½ NE ¼) of Section Eleven (11), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly

described as follows: Referring to the Northwest Corner of the Northeast Quarter of Section 11 and assuming the West line of the Northeast Quarter of said Section 11 as bearing S 00° 06' 14" W and all bearings contained herein are relative thereto; thence S 00° 06' 14" W and on the West line of the Northeast Quarter of said Section 11 a distance of 667.94 feet; thence N 89° 38' 05" E and parallel with the North line of the Northeast Quarter of said Section 11 a distance of 2278.9 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 38' 05" E parallel with the North line of the Northeast Quarter of said Section 11 a distance of 326.3 feet to a point that intersects on the West right-of-way line of Nebraska State Highway No 10; thence S 00° 56' 21" W and on the aforesaid West right-of-way line of Nebraska State Highway No. 10 a distance of 335.58 feet; thence leaving said West right-of-way line S 89° 38' 05" W parallel with the North line of the Northeast Quarter of said Section 11 a distance of 325.08 feet; thence N 00° 43' 37" E a distance of 335.55 feet to the place of beginning. Containing 2.508 acres, more or less. SUBJECT TO HOWEVER AND TOGETHER WITH rights of ingress and egress over and across a strip of land being 60.0 feet in width and being located in the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said 60.0 foot strip of land being more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 11; thence S 00° 06' 14" W on the West line of the Northeast Quarter of said Section 11 a distance of 667.94 feet; thence N 89° 38' 05" E parallel with the North line of Northeast Quarter of said Section 11 a distance of 1300.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 38' 05" E parallel with the North line of said Northeast Quarter a distance of 1305.2 feet to a point that intersects on the West right-of-way line of Nebraska State Highway No. 10; thence S 00° 56' 21" W and on the aforesaid West right-of-way line of Nebraska State Highway No. 10 a distance of 60.02 feet; thence S 89° 38' 05" W parallel with the North line of the Northeast Quarter of said Section 11 a distance of 1304.3 feet to a point being 1300.00 feet easterly of the West line of the Northeast Quarter of said Section 11; thence N 00° 06' 14" E on a line being 1300.00 feet easterly of and parallel with the West line of the Northeast Quarter of said Section 11, a distance of 60.0 feet to the place of beginning. AND

A tract of land being part of North Half of the Northeast Quarter (N ½ NE ¼) of Section Eleven (11), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of Section 11 and assuming the West line of the Northeast Quarter of said Section 11 as bearing S 00° 06' 14" W and all bearings contained herein are relative thereto; thence S 00° 06' 14" W and on the West line of the Northeast Quarter of said Section 11 a distance of 667.94 feet; thence N 89° 38' 05" E and parallel with the North line of the Northeast Quarter of said Section 11 a distance of 1626.3 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 38' 05" E parallel with the North line of the Northeast Quarter of said Section 11 a distance of 326.3 feet; thence S 00° 31' 14" W a distance of 335.53 feet; thence S 89° 38' 05" W parallel with the North line of the Northeast Quarter of said Section 11 a distance of 325.08 feet; thence N 00° 18' 44" E a distance of 335.51 feet to the place of beginning. Containing 2.508 acres, more or less. SUBJECT TO HOWEVER AND TOGETHER WITH rights of ingress and egress over and across a strip of land being 60.0 feet in width and being located in the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said 60.0 foot strip of land being more particularly described as follows: Referring to the Northwest

Corner of the Northeast Quarter of said Section 11; thence S 00° 06' 14" W on the West line of the Northeast Quarter of said Section 11 a distance of 667.94 feet; thence N 89° 38' 05" E parallel with the North line of Northeast Quarter of said Section 11 a distance of 1300.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 38' 05" E parallel with the North line of said Northeast Quarter a distance of 1305.2 feet to a point that intersects on the West right-of-way line of Nebraska State Highway No. 10; thence S 00° 56' 21" W and on the aforesaid West right-of-way line of Nebraska State Highway No. 10 a distance of 60.02 feet; thence S 89° 38' 05" W parallel with the North line of the Northeast Quarter of said Section 11 a distance of 1304.3 feet to a point being 1300.00 feet easterly of the West line of the Northeast Quarter of said Section 11; thence N 00° 06' 14" E on a line being 1300.00 feet easterly of and parallel with the West line of the Northeast Quarter of said Section 11, a distance of 60.0 feet to the place of beginning. Voting yes were Biehl, Covalt, Heiden, Keep, Pope, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Wietjes. Motion carried.

Klein said this would be heard by the County Board on October 9, 2007 and adjoining property owners would again be notified.

Chairperson Pope opened the next hearing at 7:40 P.M. for a special use permit filed by Patrick Keough for property located in part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 9 North, Range 13 West of the 6th p.m., Buffalo County Nebraska.

Keough was present and told the Commission he makes fiberglass animals in an existing building on his property. It is a small family owned business and he wants to make sure he is in compliance.

Hoffmeister referred to Section 6.2

6.2 PROCEDURES

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property. Unless otherwise specifically stated, construction requested on such special permit shall commence within 120 days after authorization and shall be substantially completed two years after commencement. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County and in the

local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board, one time at least ten days prior to such hearing. (Ref. 23-164 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. The sign shall state in conspicuous writing visible from the traveled surface of the nearest public road: the purpose, time, and place of hearing. A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of the County Board, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the special use permit.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

In case of protest against such special use permit, filed with County Clerk within seven (7) days following Planning Commission's public hearing considering such special use permit signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, therefrom, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the County Board. (Resolution 10-10-03)

Hoffmeister asked what the present use of adjoining properties were, how close this property was to Gibbon, how close to a paved road and the prior use of existing building.

Keough responded it is approximately ½ way distance between Gibbon & Shelton, is located about 1 mile from Highway 30 and the building was used for storage of farm equipment.

Klein asked the number of employees, hours of operation, and how long has this business operated at this location and when did he purchase the property.

Keough replied he has 12 employees, hours of operation are 6:00 A.M. to 6:00 P.M., he has been in business for a couple of years and he purchased the property in July of 2005. He used to work at Prewitt Fiberglass in Gibbon.

Wolfe asked what changes he intended to make to the building. Keough said he wanted to insulate the building and put in a bathroom. She also asked about a well. He replied the well was an existing well on the property.

Heiden asked if there was any hazardous waste he needs to get rid of. Keough said it is used in the product or it is burnable or taken to the dump.

Biehl asked if he plans to expand. Keough replied not at this time.

Jane Gangwish was present to voice her concern. She lives about 1 mile south of this property. There is no off street loading space, he stores barrels outside, and when he burns there is a strong chemical smell. This is an eyesore. There are no spaces for his employees to park. When trucks deliver materials, they block 85th Road. She feels this doesn't fit at this location. She referred to the Zoning Regulations.

Brad Niemack, the neighbor to the west, was present to voice his concerns. He also referred to the Zoning Regulations. The use here is Agricultural and he feels this is an industrial business. This site is an eyesore. He smells the odor from the burning material and doesn't think the emissions are good for his family. He also raises cattle and has concerns of the burning materials for his cattle. He feels his property also would be de-valued. Brown Transfer also blocks 85th Road when they deliver materials. There is an increase in traffic and he feels this is not good for the neighborhood.

Pope closed the hearing at 7:55 P.M.

Heiden asked what materials are in the barrels? Keough replied if the barrels are outside, they are empty.

Wolfe asked what happens to the barrels. Keough said they are taken to Andersons. She also asked if he has checked with EPA which he replied he had not.

Heiden also asked how big the property was. Keough responded it is approximately 4 acres. Heiden asked him if he could have a space for parking and also unloading of materials.

Keough said he wants to be able to store all the materials inside the building.

Wolfe asked how often materials are burned. Keough replied the fiberglass does not burn. A couple of times, some of his employees did burn which they should not have done. They also had burned tree limbs from the ice storm.

Skov asked him if he started from scratch, where would his choice be to start a business. Keough said he would like to have his business at his home. We need to have compatible activities together. One of the roles of the Commission is to prevent a conflict rather than fix it.

Wolfe asked if there was any water used in this process. Keough replied no.

Pope says he has viewed the property and there is cause of concern. He feels this doesn't fit. The property looks out of character with the neighborhood because of the close residences.

Keep asked if we had allowed a sand blasting business in an Agricultural zone in the past. This was allowed with a residence close by. Our zoning regulations do allow commercial/industrial operations with a special use permit. Some of the complaints are an air quality issue. If we don't have a special use permit, we can't police this. We should encourage individual entrepreneurs. We are less than one mile from the railroad and that is industrial.

Wolfe questioned if we could put conditions on the special use permit.

Steinbrink also questioned the loading dock and employee parking on the property.

Biehl questioned if we don't approve this special use permit, Mr. Keough is out of compliance. What happens then since the business is already operating and is not grandfathered in.

Covalt asked if he needed to clean out the barrels. Keough told her they are taken to Andersons. The shredded fiberglass is taken to the landfill.

Moved by Keep, seconded by Steinbrink to recommend this special use permit be forwarded to the County Board with approval for the manufacturing of fiberglass statues on the following property: A tract of land located in part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 10, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska more particularly described as follows: Beginning at the Southwest Corner of said Section; thence N 00° 02' 30"E (an assumed bearing with all other bearings shown hereon relative thereto) along the west line of said Section a distance of 401.75 feet; thence N 89° 59' 17" E a distance of 435.63 feet; thence S 00° 28' 48"E a distance of 401.76 feet to the south line of said Section; thence S 89° 59' 17" W a distance of 438.99 feet to the point of beginning, said tract containing 4.04 acres, more or less, of which 0.63 acres is County road ROW with the following conditions:

1. Keeping appearance clean outside of building.
2. No burning of fiberglass/chemical related items.
3. Parking for a minimum of 12 employees, 1 parking space for each employee
4. Off street loading and unloading.
5. Dumpster or equivalent.
6. 911 address signage in front of property.

Voting yes were Keep, Steinbrink, Covalt, Heiden and Wolfe. Voting no: Biehl, Pope and Skov. Absent: Wietjes. Motion carried.

Pope said this would be heard at the October 9 County Board meeting.

Hoffmeister asked if we could consolidate all three of the special use permits for the Woitaszewski Brothers into one hearing.

Chairperson Pope opened the public hearing at 8:20 P.M for three special use permits filed by Woitaszewski Brothers for a close loop feedlot and dairy for Section 13, Township 12 North, Range 14 West of the 6th p.m., the West Half of Section 18, Township 12 North, Range 13, for a close loop feedlot and dairy for part of the Southwest Quarter of the Northwest Quarter and part of the West Half of the Southwest Quarter all located in Section 12, Township 12 North, Range 14 West of the 6th p.m. and a feedlot in Section 13, Township 12 North, Range 14 West of the 6th p.m., the West Half of Section 18, Township 12 North, Range 13 and part of the Southwest Quarter of the Northwest Quarter and part of the West Half of the Southwest Quarter all located in Section 12, Township 12 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska.

Ron Woitaszewski appeared on behalf of the Woitaszewski Brothers. He mentioned the map that was passed around was not correct. Pope told him that map was given to the Commission tonight by a member of the audience.

He read a prepared statement. "We feel that the proposed feeding and dairy project would have a positive outcome for the community, ethanol plant and cheese plant. This feeding and dairy operation could be modeled after the E3 Biofuels close-loop feeding operation in Mead, NE. The proposed area is currently being used for crop and pasture and is zoned for agriculture. This area is somewhat isolated and has natural features such as trees and hills. It currently does not have public roads thru the proposed site but Highway 2 and Pawnee Road would provide good access. Approximately 200 acres east of Abengoa Bioenergy is zoned as industrial and holds great potential for industrial development". We have letters of support from Dr. Jeffrey Keown from UNL, Dairy Farmers of America, Dawson Public Power District and Abengoa Bioenergy. Terry Landes from Nebraska Dairy Industry and Duane Gangwish from Nebraska Cattlemen Association are also present to give presentations. They invite the Commission to view the site and also visit the Mead plant. This is just the brief outline of the proposal and this is the first step in applying for this permit. It is fairly isolated and trees border the site both on the south and the north.

Hoffmeister noted the comprehensive plan which is also on the website. Hoffmeister asked what type of soils are at this site. Woitaszewski said some is sand and some is clay. Hoffmeister questioned where access would be from. Woitaszewski said there is either Pawnee Road or Gibbon Road which would be directly adjacent to Highway 2. The Burlington Railroad is on the north of this property. There are no other public roads to this property.

Hoffmeister asked also how many feedlot proposals currently there are. Woitaszewski said they have three special use permits and don't know at this point what they need.

Woitaszewski said they would be able to feed the wet distillers grain from the ethanol plant. They also would be able to supply milk to the Leprino plant. This would compliment two local businesses. They also could replace a lot of natural gas the ethanol plant is currently using.

Hoffmeister asked the number of employees they would have. Woitaszewski replied they might employ between 30 and 100 people.

With the closed loop system, this would eliminate a lot of dust and smell.

Keep asked if they were just looking at a closed-loop system.

Leonard asked if they have a diagram from E-3 Biofuels. Woitaszewski responded there is a web site at www.e3biofuels.com and he has made a CD available at the Ravenna Public Library.

Biehl questioned how the open lots would fit into this plan? Woitaszewski told the Commission they might have to have an open feedlot until the closed loop system is up and running.

Steinbrink asked how long it would be until they are hooked up to the ethanol plant.

Woitaszewski said it has taken the ethanol plant five years to be up and running. This plan is a long project and it will take time to be up and running. It takes time to develop plans.

Heiden questioned the process of the digester. Woitaszewski suggested the Commission take the Mead tour to see the process.

After consultation with staff of Buffalo County Attorney's Office, physical items brought before the Commission to review were marked as Exhibits to be kept with the official record of these hearings so that a Court and/or Buffalo County Board of Supervisors could review evidence offered to this Commission. By that procedure a reviewing body would be able to identify who prepared the item and how the item was discussed. Items presented are to start with 'Exhibit #1' and continue with successive numbering until hearings before this Commission are concluded.

Chairperson Pope read letters of support from Abengoa Energy (Exhibit #1); Jeffrey Keown from University of Nebraska-Lincoln (Exhibit #2); and estimated economic effects for a model dairy (Exhibit 2A); Robert Heinz, General Manager of Dawson Public Power District (Exhibit #3); Keith Bohlander, Region III Manager of Dairy Farmers of America (Exhibit #4); Nebraska Department of Agriculture (Exhibit #5).

Terry Landes from the Nebraska Dairy Industry presented Dairy Farm Trends (Exhibit #6) and how it is affecting the dairy industry in Nebraska. In 1940 in the United States, there were 4.7 million dairy farms; in 2006 there are currently 75,000 dairy farms. In 1980 in Nebraska there were 3,450 dairy farms. In 2006 there were 394 dairy farms. He has just received the information from the Department of Agriculture between December 31, 2006 and September 15, 2007, the State of Nebraska just lost an additional 54 dairy farms. There is currently one 6,000 head dairy farm in Butler County being built. There were three Leprino plants in Nebraska and

currently there is only one Leprino plant still open. They have to haul milk from Colorado to supply the Leprino plant in Ravenna. Nebraska is living on borrowed time.

Hoffmeister asked if there were any issues with waste management.

Landes replied the experts are the Nebraska Department of Environmental Quality and EPA. The closed loop system would be covered and odor would be eliminated. Employment would be one full-time employee per 100 cows. DEQ have strict guidelines to comply with.

Liz Lockhorn presented a three page summary (Exhibit #7) and a map of residences (Exhibit #8) prepared by Liz Lockhorn to the Commission. She presented a map of the number of residences within a three-mile radius from the proposed sites. She said people who had rented this land had said the natural direction of the water from Section 13 flows directly into the Loup River. She is concerned of the impact to the environment. She is also concerned of the number of livestock to this area and the run-off.

Ron Urwiller lives 2 ½ miles east of proposed site. He commented he would be ashamed to come to the Commission with no plan. We need to see definite plans. Maybe it will be an economic boom to Ravenna but who is going to want to move to Ravenna.

Denise Rice owns the home in the east part of Section 18 and has a home for sale. She is concerned about how this will affect the sale of her home. This will affect home values.

Ernie Hartley lives on St. Michael road 4 miles east of proposed site. He moved to Nebraska from Garden City, Kansas and came here to get away from the smell. This is valentine sand and the water runs through it and this could affect the quality of the water.

Todd Woodward of Ravenna grew up in Broken Bow, Nebraska. He urged the Commission to deny these permits. All of these people in Ravenna were here first. Highway 2 has also been designated as a scenic byway. He said the Supreme Court of Nebraska has said livestock facilities are a nuisance. You let one in the door and we could also have hog facilities in the future.

Lori Mues moved to Ravenna from Grand Island to get away from the smell. She has lots of concerns with the smell and the environmental issues. This property is almost the size of Ravenna. The public still will be able to see the feed lots from Highway 2. Even though it might be economically feasible, what about the people. What about the school system? Will they be able to educate all the children that move into the area? The Commission needs to think about the people of Ravenna.

Steve Wolfe, owner of Wolfden Dairy, operates an 800 head operation about three miles south of Kearney. When they moved to that location there were no homes within one mile and now there are five houses within one mile of their dairy. It hasn't affected the price of these homes. There were a couple of members of the Commission that toured his facility with the AFAN group a couple of weeks ago and they have outdoor ponds and the odor is not a problem. He is concerned with the Leprino plant and the shortage of milk. Transportation cost is an important

factor in getting a supply of milk to the Leprino plant. With a close-loop system, the lagoons will be inside. The manure issues will be taken care of by DEQ. There is an urgent need for more dairies to supply milk to the Leprino plant. The Commission has just passed two special use permits for non-agricultural use and here they are being asked to pass a special use permit for an agricultural use in an agricultural area.

Donna King has environmental concerns. Her husband works at Leprino Foods and they don't have a shortage of milk. They are working seven days per week. She asked if the Commission would like the livestock facility in their backyard.

Brenda Schroeder lives about one mile from the proposed site. She is the plant controller at Leprino Foods. They do have a contract with Dairy Farmers of America and she would like Leprino Foods to be properly represented at future meetings.

Allen Foster has questions of how many head of cows would be brought in. He has heard anything from 10,000 to 1 million head. Will the livestock be outside until the closed loop system can be built?

Val Vierk lives south of Ravenna and doesn't think cows should be confined. We need to think of the animals.

Paul Sears owns 160 acres about two miles north of the proposed site. Paul and his wife own a vineyard and their business overlooks the Loup River. They have a lot of activities outside. His concern was what this will do to their business.

Dave Dunning lives west of the proposed site. He wants to ask about the economics. Will there be a living wage for these people that work at the feedyard. Ravenna is in a valley and will the odor linger in the valley.

Allen Shultz was present representing Leota Moffett, Dorothy Shultz and Sherry Hopkins. He presented Exhibit #9 to the Commission. They also oppose the feedlot.

Keith Ripp is opposed and asked why the Woitaszewski Brothers don't put this in Wood River where they live.

Duane Gangwish, representing Nebraska Cattlemen, spoke next. He is Vice-President of environmental affairs for that organization. He handles all the environmental and regulatory affairs. He has permitted about 200 large CFO's in the states of Kansas, Nebraska and Iowa and has experience in this field. He also serves nationally on various boards. There is a lot of misunderstanding. The closed-loop system uses under-floor pits and the manure is taken into a methane digester. There is no venting and went on to explain the process. E-3 is an example of what the Woitaszewski Brothers would like to do. The solids are very, very reduced. This method has become the "darling child" of the environmental community. He addressed the surface water issue and stated there would be no run-off since the cattle are under a roof. He feels this site would be very suitable for this facility. He also suggested to the Woitaszewski that if they do have an open feedlot, they use a synthetic liner on this soil. The University of Nebraska is

working on an odor footprint tool but there is no data on beef and dairy, just swine, at the present time. The Nebraska Supreme Court did not say that feedlots are a nuisance according to the Knox County case. This is a close-looped system and dust will not be an issue. There also needs to be an open lot for any animals that might need to be kicked outside.

Hoffmeister questioned if the temperature of the pond affects the digester? Gangwish replied this question is irrelevant because there is no pond from the closed-loop system.

Wolfe asked if there is an agreement between E-3 and Woitaszewski. Gangwish replied there are not any agreements between E-3 and Woitaszewski Brothers yet. All the details have not been worked out. Wolfe also asked if they are applying for open feedlots, how the manure would be handled, would it go through any pivots. Gangwish replied DEQ would require them to have appropriate application lands at the time they submit their plans. Wolfe also asked if the 'grey water' would go through the pivots. He replied some of the 'grey water' would go through pivots. She also asked if they have 20,000 head of cattle, how many pivots would be required. Gangwish replied his very best guess, two would handle it. If they wouldn't have a contract with the ethanol plant, he suggested it would be injected. Gangwish said the ratio would be about one acre per three head to allow enough nitrogen to supply one acre of corn.

Pope questioned the synthetic liner. Gangwish replied DEQ requires an earthen liner but he would suggest a synthetic liner. Stormwater could be diverted from the pit.

Robert Mullins, Sr. told the Commission he lives about 3 ½ miles north of the Harold Charron residence. He is a disabled veteran and has COPD, he has asthma and any kind of smell bothers him. It's dangerous to have all this methane next to an ethanol plant.

Angela Palmer said her family raises cattle. She has nothing against farmers trying to help agricultural grow. She asked the Commission to protect her way of living. She doesn't want her children growing up having to smell cattle. Her in-laws are from the Broken Bow area and she knows all the problems they have had. Also she wants to know why this is not being built in Wood River.

Bob Roy questioned what are we looking at, a close-loop feedlot or an open door?

Bob Vrbka says there are a lot of unknowns and thinks this issue should be brought up to the people of Ravenna and not leave this decision up to the Commission and Board of Supervisors. This is within 2 miles of the City of Ravenna. There have been people who have moved to Ravenna to move the by-products out from the ethanol plant. The Commission needs a lot more information before they make an intelligent decision.

Lori Mues questioned the volume of cattle. How many head of cattle are needed to take care of the ethanol plant? Mead has 28,000 head of cattle and runs a 25 million gallon plant. Abengoa has an 88 million gallon plant and how many head are needed to run that.

Ron Woitaszewski just wanted a clarification that Section 11 of Garfield Township was not included on the application and the site is farther than 2 miles from Ravenna.

Keith Ripp asked whose cattle will be brought in and who will run the facilities. The Woitaszewski Brothers can go home to Wood River each night.

Ken Miller told the Commission he is on the City Council of Ravenna and his constituents don't want this. They could put in 2 million head of cattle.

Lorraine Hervert has a copy of the zoning regulations and Abengoa is too close to the livestock facility and nobody wants it.

Mildred Mullins said she lives 5 miles north of this area. These hills are sand and they will come down.

Valera Heydeuberk told the Commission we make choices, than we live with those choices. We need to be stewards of the land. People are high on this list and animals are high on this list and money is low on this list. We have a responsibility to one another. Due consideration should be given to all the residents of Ravenna and people should have an opportunity to be heard, even the people who are not here tonight. There are major issues with diseases, insects, flies and the unknown.

Chairperson Pope closed the public hearing at 10:25 P.M. and thanked everyone for their comments.

Skov said there is a lot of confusion. He is more confused than when he came. We owe it to ourselves and to the applicant to study this further. We don't need to be in a hurry. Our goal is not to make a decision but to make a good decision.

Pope agreed there should be a lot more study on this project. He has concerns of the dust, wetland area on the north, and the numbers of the feedlot.

Steinbrink also agreed we need a detailed plan.

Moved by Skov seconded by Heiden to continue the hearing on the three special use permits filed by the Woitaszewski Brothers for a close loop feedlot and dairy for Section 13, Township 12 North, Range 14 West of the 6th p.m., the West Half of Section 18, Township 12 North, Range 13, for a close loop feedlot and dairy for part of the Southwest Quarter of the Northwest Quarter and part of the West Half of the Southwest Quarter all located in Section 12, Township 12 North, Range 14 West of the 6th p.m. and a feedlot in Section 13, Township 12 North, Range 14 West of the 6th p.m., the West Half of Section 18, Township 12 North, Range 13 and part of the Southwest Quarter of the Northwest Quarter and part of the West Half of the Southwest Quarter all located in Section 12, Township 12 North, Range 14 West of the 6th p.m., Buffalo County Nebraska until the October meeting and requests additional information. The public hearing will be allowed to re-open. Voting yes were Skov, Heiden, Biehl, Covalt, Keep, Pope Steinbrink and Wolfe. Voting no: none. Absent: Wietjes. Motion passed.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the August 16, 2007 as corrected. Voting yes were Skov, Heiden, Biehl, Covalt, Keep, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Wietjes. Motion passed.

Hoffmeister spoke to the Commission about the 35 foot height limitation in AGR areas and also discussed language in 5.14 (17) and 5.34 (8) for further consideration.

Klein told the Commission the decision of previous hearings made by the County Board.

Other areas of concern were also discussed.

Pope asked if a hearing could be held in the Ravenna area. It was decided by the group the meetings would be held in the Kearney area.

The next regular meeting of the Planning & Zoning Commission will be October 18, 2007 at 7:00 P.M.

Motion was made by Covalt to adjourn at 11:00 P.M.