

Thomas County Planning Commission
Meeting Minutes
March 15, 2019

The Thomas County Planning Commission convened in open and public session at 1:45 p.m., March 15, 2019 in the courtroom of the Thomas County Courthouse, Thedford NE. Members present were Mark Nutter, Bobbi Scott, Carolyn Warren, Al Atkins, Miles Maseberg, Jay Jones, board member Lemoyne Dailey arrived at 1:48 p.m. Absent were Bob Childers and Larry Haake. Also present were Zoning Administrator/County Clerk Lorissa Hartman, Keith Carl of Hanna:Keelan, Sheriff Gary Eng, Tom Witt, Twyla Witt, Seth Ray, Lee Ray, Becca Ray, Alan Haumann, Ronda Haumann, Merrial Rhoades, Judy Rath, Tyler Rath, and Mel Coffman.

Chairman Nutter stated open meeting guidelines are posted as required by law and copies are available, if requested. Notice of meeting was given by publication in the Thomas County Herald on February 28, 2019. Landowners within one (1) mile were mailed written notice of the hearing on February 21, 2019. List of landowners can be seen in the Clerk's office.

Motion made by Atkins and second by Jones to adopt the March 15, 2019 meeting agenda. Roll call vote: Ayes -Jones, Nutter, Scott, Atkins, Warren, Maseberg. Nays -none. Absent – Childers, Dailey, Haake. Motion carried.

Motion made by Warren and second by Scott to approve the November 20, 2018 planning commission minutes as published in the Thomas County Herald on December 6, 2018. Roll call vote: Ayes – Maseberg, Warren, Jones, Scott, Atkins, Nutter. Nays – none. Absent – Dailey, Haake, Childers. Motion carried.

Chairman Nutter opened the public hearing for the special use permit for Site Acquisitions (US Cellular) at 1:48 p.m. The board reviewed the permit application for US Cellular. Ronda Haumann asked that the tower continue to keep lights on as red in the evenings. No other comments were heard at this time.

Chairman Nutter closed the public hearing at 1:53 p.m. and reconvened the regular meeting.

Motion made by Atkins and second by Jones to make the recommendation to approve the Special Use Permit for the Thomas County Board of Commissioners. Roll call vote: Ayes – Jones, Atkins, Dailey, Nutter, Maseberg, Warren, Scott. Nays – none. Absent- Haake, Childers. Motion carried.

Motion made by Warren and second by Atkins to leave the officers the same, Chairman Mark Nutter, Vice Chairman Carolyn Warren and Secretary Lemoyne Dailey. Roll call vote: Ayes – Warren, Scott, Jones, Atkins, Dailey, Maseberg, Nutter. Nays – none. Absent – Haake, Childers. Motion carried.

Lee Ray addressed the board about changing the AGR district to allow dry bed cow calf confinement facilities or rezoning his land. He explained how the barn would be built with 12-18 inches of clay crushed limestone mixture below the barn. Some concerns and issues discussed were odor, the location to the river along with air flow through the building, bedding with cornstalks, and the compost of the waste.

Motion made by Jones and second by Warren to pursue a public hearing to amend the AGR district to allow by special use permit a cow calf dry bed confinement facility. Roll call vote: Ayes – Nutter, Maseberg, Dailey, Atkins, Jones, Scott, Warren. Nays -none. Absent – Childers, Haake. Motion carried.

Public hearing will be scheduled for Thursday, April 18, 2019 at 2:00 p.m.

Keith Carl of Hanna:Keelan introduced himself and presented information on Hanna:Keelan to the board. He reviewed the comprehensive scope of work and time line to complete the plan and update the regulations. Discussion and information on preliminary census data on population, income, economic and agricultural was presented to the board. He presented information on the existing and future land use maps. The board was asked for information they would like added into the plan and regulations. Suggestions were that a nuisance ordinance should be included and to control the development of alternative energy.

Chairman Nutter asked for public comment.

Ronda Haumann stated that she would get information to Lorissa on the wellhead protection ordinance for the Village of Thedford.

Twyla Witt requested the board name Hwy 2 as a Scenic Byway in the comprehensive plan.

No other public comments at this time.

Chairman Nutter adjourned the meeting at 3:55 p.m.

Thomas County Planning Commission
Meeting Minutes
April 18, 2019

The Thomas County Planning Commission convened in open and public session at 2:01 p.m., April 18, 2019 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Mark Nutter, Bob Childers, Lemoyne Dailey, Bobbi Scott, Carolyn Warren, Al Atkins, Miles Maseberg and Jay Jones. Absent – Larry Haake. Also present were Zoning Administrator/County Clerk Lorissa Hartman, Keith Carl of Hanna:Keelan, County Sheriff Gary Eng, Deputy County Sheriff Joseph Smith, Virgil Uhrmacher, Barb Bryant, Diane & Allen Andersen, Lisa Eng, Linda Cowdin, Lee Ray, Linda Kuenle, Jack Johnston, Seth & Becca Ray, Lewis Herbaugh, Tom & Twyla Witt, Dan Wadas, Terry Higgins, Norma Butler, Allen Ewoldt, Marion & Merrial Rhoades, Judy Rath, Tyler Rath, Ann Warren, Jeri Huddle and Tim Bickett. Chairman Nutter stated open meeting guidelines are posted as required by law and copies are available, if requested. Notice of meeting was given by publication in the Thomas County Herald on April 4, 2019, letters were sent to surrounding counties and the villages in Thomas County.

Motion made by Dailey and second by Scott to adopt the April 18, 2019 meeting agenda. Roll call vote: Ayes – Childers, Maseberg, Dailey, Scott, Warren, Atkins, Jones, Nutter. Nays – none. Absent – Haake. Motion carried.

Motion made by Atkins and second by Jones to approve the March 15, 2019 planning commission minutes as published in the Thomas County Herald on March 21, 2019. Roll call vote: Ayes – Maseberg, Jones, Dailey, Atkins, Warren, Scott, Nutter, Childers. Nays – none. Absent – Haake. Motion carried.

Chairman Nutter recessed the regular meeting at 2:03 p.m. to open the public hearing on Amending the AGR district. Two letters of comment were received in the County Clerk's office. Secretary Lemoyne Dailey read the letters from Vaughn Blauvelt and Shari Kenton requesting not to allow the amendment to the AGR district.

Chairman Nutter offered the public the opportunity to speak, giving each person a five-minute time limit.

Lisa Eng stated that she was against the amendment to allow the cow/calf dry bed confinement facility in the AGR district. Some of the concerns were this would hurt businesses and property values with the odor and flies. Also concerned about the river and any contamination.

Barb Bryant was concerned about the well water on her property. She reminded the board about the dog kennels that used to be on the old sale barn property and the noise from barking.

Norma Butler voiced concerns about the Village streets and the additional traffic this would cause to the already deteriorating streets. The facility would not pay taxes to the Village to help with the cost. Another concern was what other confinement facilities would want to come into the AGR district. Also was concerned about odor and flies.

Jack Johnston was concerned that if we changed the AGR district it would open a can of worms. Future lawsuits are a concern. The AGR district was zoned this way for a reason.

Twyla Witt was against the amendment and had the same concerns as everyone else. Very concerned about future requests.

Allen Andersen stated there was no reason to change the AGR district after hearing all of these concerns.

Terry Higgins-Village of Thedford maintenance person stated that the Village of Thedford had no concerns about the Wellhead Protection District area and there was no concern about the existing water wells. They have an Ordinance that states confinement facilities need to be 1,000 feet from their wells, the proposed site will be far enough away from the well.

Lewis Herbaugh questioned whether there is a conflict with the Village having a one-mile jurisdiction from their village limits. Keith Carl stated since the Village of Thedford is not zoned they do not have the one-mile jurisdiction.

Linda Cowdin asked for a larger map of Halsey to show the AGR district.

Terry Higgins had questions about the compost pile.

Mark Nutter, Carolyn Warren, Al Atkins and Lorissa Hartman reported on the trip to Rising City to see a facility such as the one that Lee Ray would like to build. Pictures of that facility were taken and passed around to the Planning commission board and members of the public.

Tim Bickett, contractor for hoop buildings, addressed questions and concerns about EPA and DEQ specifications. 100 square feet per cow/calf pair is typically figured when building this facility. He also stated that flies are usually not a problem with these buildings.

Al Atkins stated that the feed would cause more smell than the manure due to the cattle being on a high roughage diet. He also felt that you had to deal with more sickness with the cattle in this type of facility than on cattle grazing in the sunlight.

Virgil Uhrmacher voiced concern about the weight limit on the bridge. The trucks would not have to cross the bridge to get to this facility.

Ann Warren questioned if this would be a year-round facility. Lee Ray answered that the pairs would be in the barn approximately 90 days and would keep rotating with new cattle. Questions about using the building for weaning were asked.

Tom Witt asked questions about how to determine the animal units would be figured. The Thomas County Zoning definitions define cow/calf pair as 1.2 X _____ number of head. Some in the crowd and planning commission felt that the cow/calf pair counted as 1.

Miles Maseberg questioned the feeding process. Concerns were if the feed was run through a grinder and what type of dust would be produced.

Chairman Nutter asked for any other public comment.

Chairman Nutter closed the public hearing at 3:01 p.m. and reconvened the regular meeting.

Chairman Nutter asked for a motion on the proposed amendment.

Motion made by Atkins and second by Jones to amend the AGR district to allow a maximum of 200 head cow/calf dry bed confinement facility by special use permit. Roll call vote: Ayes – Jones, Dailey, Warren, Atkins, Childers. Nays – Maseberg, Nutter. Abstain – Scott. Absent – Haake. Motion carried.

Keith Carl of Hanna:Keelan discussed and reviewed with the board the existing and future land use maps. No changes were suggested.

Thomas County goals and policies were reviewed. Under the General Goals the board asked Keith Carl to remove item #7, monitoring energy consumption. On page 3, Land Use Goal 1.5 is to be removed also. On page 4 Goal 2.5 the Republican River needs removed and Dismal River and Middle Loup River need added.

Discussion was held on annual review of the Comprehensive Plan. Every agenda always leaves the option open to review the comprehensive plan and zoning regulations at every meeting.

The next meeting with Hanna:Keelan will be held on Thursday, June 20, 2019 at 2:00 p.m.

Public comment. The County Clerk advised the board that she had received correspondence from Logan County about a hearing for their amendments to the Logan County Comprehensive Plan and Zoning Regulations to be held on Monday, April 29 at 2:00 p.m. at the Logan County Courthouse, Stapleton.

No other public comments at this time.

Chairman Nutter adjourned the meeting at 4:01 p.m.

Thomas County Zoning Administrator
Lorissa Hartman

Thomas County Planning Commission
Meeting Minutes
August 1, 2019

Thomas County Planning Commission meeting called to order at 2:00 p.m. CT in the courtroom of the Thomas County Courthouse, Thedford, NE.

Members present were Al Aktins, Bob Childers, Jay Jones, Mark Nutter, Bobbi Scott and Carolyn Warren. Absent were Lemoyne Dailey, Larry Haake, and Miles Maseberg.

Other's present were Keith Carl of Hanna:Keelan, Thomas County Sheriff Gary Eng, Thomas County Deputy Sheriff Joseph Smith, Twyla Witt, Merrial Rhoades, Judy Rath, Tyler Rath and via speakerphone Thomas County Attorney Kurt Arganbright.

Nebraska Open Meeting Act Statement read.

Statement of publication of August 1, 2019 regular meeting and public hearing published July 18, 2019 Thomas County Herald.

Motion made by Al Atkins and second by Mark Nutter to approve the August 1, 2019 agenda. Roll call vote: Ayes – Atkins, Childers, Jones, Nutter, Scott, Warren. Nays – none. Absent – Dailey, Haake, Maseberg. Motion carried.

Statement of publication of the April 18, 2019 meeting minutes published May 2, 2019 Thomas County Herald.

Motion made by Warren and second by Childers to approve the April 18, 2019 planning commission minutes as published in the Thomas County Herald on May 2, 2019. Roll call vote: Ayes – Atkins, Childers, Jones, Nutter, Scott, Warren. Nays – none. Absent – Dailey, Haake, Maseberg. Motion carried.

Hanna:Keelan meeting #3 with representative Keith Carl

Discussion/Action regarding Comprehensive Plan

Section 1: None

Section 2: Small clarifications discussed.

Section 3: Stable population and 8% decrease in population will be looked at and revised by Hanna:Keelan.

Section 4: Remove milk cows from description and update maps.

Section 5: Edit to "Halsey Volunteer Rural Fire District"

Section 6: None

Discussion/Action regarding Zoning Regulations

Page 20 separate and define manufacturing, commercial and/or industrial operation

Notes from previous meeting regarding wind energy regulations and special permit need to be sent to Hanna:Keelan.

County Attorney suggested regulations focus on Health and Welfare, similar to Lancaster County, Nebraska.

Verbiage regarding bonds related to decommissioning of wind and solar energy sources to be addressed by

Hanna:Keelan, Jones and County Clerk. County Attorney suggested an escalator of 3% a year.

Keith Carl of Hanna:Keelan stated "we've done our job". He is uncertain if he would be back.

Al Atkins moved to adjourn the meeting. Motion failed due to lack of second.

Public comment: "You don't want to hear it"

Meeting adjourned by Chairman Nutter at 3:31 p.m. CT.

Thomas County Planning Commission
Meeting Minutes
September 17, 2019

The Thomas County Planning Commission convened in open and public session at 2:00 p.m., September 17, 2019 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Mark Nutter, Bob Childers, Lemoyne Dailey, Bobbi Scott, Carolyn Warren, Al Atkins, Miles Maseberg, and Jay Jones. Absent – Larry Haake. Also present were Thomas County Zoning Administrator/County Clerk Lorissa Hartman, Keith Carl of Hanna:Keelan, County Sheriff Gary Eng, Judy Rath, Chase Rath and Twyla Witt.

Chairman Nutter stated open meeting guidelines are posted as required by law and copies are available, if requested.

Notice of meeting was given by publication in the Thomas County Herald on September 5, 2019.

Motion made by Jones and second by Dailey to adopt the September 17, 2019 meeting agenda. Roll call vote: Ayes – Childers, Maseberg, Dailey, Scott, Warren, Atkins, Jones, and Nutter. Nays – none. Absent – Haake. Motion carried.

Motion made by Jones and second by Warren to approve the August 1, 2019 meeting minutes as published in the Thomas County Herald on August 8, 2019. Roll call vote: Ayes – Scott, Dailey, Warren, Atkins, Jones, Maseberg, Childers, Nutter. Nays – none. Absent – Haake. Motion carried.

Chairman Nutter recessed the regular meeting at 2:03 p.m. to open the public hearing on the Comprehensive Plan.

Keith Carl advised the board that the changes that had been requested were completed. Chairman Nutter asked the board for any changes. Chairman Nutter asked the public for any changes. No changes suggested.

Chairman Nutter closed the public hearing at 2:08 p.m.

Motion made by Atkins and second by Jones to approve the 2019-2029 Comprehensive Plan and recommend approval to the Thomas County Board of Commissioners. Roll call vote: Ayes – Jones, Maseberg, Atkins, Warren, Nutter, Dailey, Scott, Childers. Nays – none. Absent – Haake. Motion carried.

Chairman Nutter then asked the board to review the Draft Special Use Permit requirements for installation of Commercial Wind Farms and Associated facilities and infrastructure prepared by Jay Jones. Suggested changes were reviewed. The zoning administrator will contact the county attorney with some questions from the board.

Solar regulations were reviewed. No suggested changes for the solar regulations.

Public comment. Twyla suggested the concern of the migratory birds, maybe we should request permits from US Fish and Wildlife be required for the regulations.

No other public comment.

Chairman Nutter adjourned the meeting at 3:12 p.m.

Thomas County Zoning Administrator
Lorissa Hartman

Thomas County Planning Commission
Meeting Minutes
October 22, 2019

The Thomas County Planning Commission convened in open and public session at 2:02 p.m., October 22, 2019 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Mark Nutter, Lemoyne Dailey, Bobbi Scott, Carolyn Warren, Al Atkins, Jay Jones, and member Miles Maseberg arrived at 2:07 p.m. Absent – Larry Haake and Bob Childers. Also present were Thomas County Zoning Administrator/County Clerk Lorissa Hartman, County Sheriff Gary Eng, Mel Coffman, Judy Rath, Merrial Rhoades, Tyler Rath, Chase Rath, Lyle Rath and County Treasurer Andrea Thomas.

Chairman Nutter stated open meeting guidelines are posted as required by law and copies are available, if requested.

Notice of meeting was given by publication in the Thomas County Herald on October 10, 2019 and mailed to Hooker County Clerk, Blaine County Clerk, Logan County Clerk, Cherry County Clerk & Zoning Administrator, Custer County Clerk & Zoning Administrator.

Motion made by Dailey and second by Scott to adopt the October 22, 2019 regular meeting agenda. Roll call vote: Ayes – Atkins, Scott, Dailey, Warren, Jones, Nutter. Nays – none. Absent – Maseberg, Childers, Haake. Motion carried.

Motion made by Warren and second by Atkins to approve the September 17, 2019 regular meeting minutes as published in the Thomas County Herald on September 26, 2019. Roll call vote: Ayes – Warren, Scott, Dailey, Atkins, Jones, Nutter. Nays – none. Absent – Maseberg, Haake, Childers. Motion carried.

Chairman Nutter recessed the regular meeting at 2:04 p.m. and opened the public hearing on the Thomas County Zoning Regulations.

Judy Rath requested that the Solar Energy regulation setbacks be as strict as the Wind Energy setbacks. She also questioned why there was a difference in the regulations on height for the personal and solar farms. Another concern was the feeder line for solar farms was not included in the regulations like it was mentioned in the wind energy regulations. Concerns on eminent domain were discussed. A request was made to make these corrections before approving.

Mel Coffman asked what the decommissioning bond amount is for wind energy. The board advised her that it is a percentage of value of the wind project. Each application will be reviewed when filed with the planning board and then the decommissioning bond amount will be determined at that time.

Chairman Nutter closed the public hearing at 2:26 p.m.

Motion made by Jones and second by Scott to approve the Thomas County Zoning Regulations and forward recommendation of approval to the Thomas County Board of Commissioners. Roll call vote: Ayes – Jones, Maseberg, Atkins, Nutter, Dailey, Scott, Warren. Nays – none. Absent – Childers, Haake. Motion carried.

No other public comment.

Chairman Nutter adjourned the meeting at 2:38 p.m.

Thomas County Zoning Administrator
Lorissa Hartman

Thomas County Planning Commission
Meeting Minutes
November 5, 2019

The Thomas County Planning Commission convened in open and public session at 2:02 p.m., November 5, 2019 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Bob Childers, Lemoyne Dailey, Carolyn Warren, Miles Maseberg and Jay Jones. Absent – Mark Nutter, Bobbi Scott, Al Atkins and Larry Haake. Also present were Thomas County Zoning Administrator/County Clerk Lorissa Hartman, County Sheriff Gary Eng, Chris Riha-Viaero and Mike Giles.

Vice Chairman Carolyn Warren stated open meeting guidelines are posted as required by law and copies are available, if requested.

Notice of meeting was given by publication in the Thomas County Herald on October 24, 2019 and mailed to landowners within the one-mile radius of each tower.

Motion made by Jones and second by Dailey to adopt the November 5, 2019 meeting agenda. Roll call vote: Ayes – Dailey, Jones, Childers, Warren, Maseberg. Nays – none. Absent – Atkins, Scott, Nutter, Haake. Motion carried.

Motion made by Dailey and second by Jones to approve the October 22, 2019 regular meeting minutes. Roll call vote: Ayes – Warren, Dailey, Jones, Childers, Maseberg. Nays – none. Absent – Atkins, Scott, Nutter, Haake. Motion carried.

Vice Chairman Warren recessed the regular meeting at 2:04 p.m. and opened the public hearing on the four Viaero applications.

Chris Riha of Viaero described what the plan was to add equipment to the existing tower, the work will not change the height of the tower or the footprint of the base. FirstNet is adding equipment to Viaero towers across the country to create a first responders' network. He answered questions and concerns from the public and board about 5G capabilities. The concern about 5G was addressed as not applicable to this project.

No other public comment.

Vice Chairman Warren closed the public hearing at 2:10 p.m.

Motion made by Jones and second by Warren to recommend approval of the Application #1 for NE Colorado Cellular, Inc. "DBA Viaero Wireless" at 83526 Purdum Ave, Halsey, NE. Roll call vote: Ayes – Maseberg, Warren, Dailey, Jones, Childers. Nays – none. Absent- Scott, Atkins, Nutter, Haake. Motion carried.

Motion made by Dailey and second by Jones to recommend approval of Application #2 for NE Colorado Cellular, Inc. "DBA Viaero Wireless" at 38009 Hwy 2, Seneca NE. Roll call vote: Ayes – Warren, Childers, Dailey, Maseberg, Jones. Nays – none. Absent – Atkins, Scott, Nutter, Haake. Motion carried.

Motion made by Maseberg and second by Dailey to recommend approval of Application #3 for NE Colorado Cellular, Inc. "DBA Viaero Wireless" at 82349 Hwy 83 Thedford, NE. Roll call vote: Ayes – Jones, Daily, Maseberg, Childers, Warren. Nays – none. Absent – Nutter, Haake, Scott, Atkins. Motion carried.

Motion made by Jones and second by Childers to recommend approval of Application #4 for NE Colorado Cellular, Inc. "DBA Viaero Wireless" at 254 Cedar St, Thedford NE. Roll call vote: Ayes – Childers, Warren, Maseberg, Dailey, Jones. Nays – none. Absent – Atkins, Scott, Haake, Nutter. Motion carried.

No other public comment.

Vice Chairman Warren adjourned the meeting at 2:12 p.m.

Thomas County Zoning Administrator
Lorissa Hartman