



# Saline Planning and Zoning Minutes



SALINE COUNTY PLANNING & ZONING MEETING  
JANUARY 18,'2022

The Saline County Planning & Zoning Meeting was called to order at 6:59 PM on January 18, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied which is posted on the east wall of the Assembly Room of the Saline County Court House in Wilber NE. Barta asked Lyle Weber, Planning & Zoning Administrator to call roll. Present were: Wayne Havlat, Gerald Brown, Joel Weber, Mark Due, Mary Jo Weber, Johnny Barta, Jeff Koll, and Keith Muller. 'Ron Fink absent. Also present was commissioner Marvin Kohout. Introduction of the new members Gerald Brown of Crete and Mark Due of Friend were made, with the present board also introducing themselves to new members.

Minutes of December 21, 2021 meeting were read by MJWeber. With no corrections or additions, J Weber moved and Muller 2" to approve. Roll Call voting yes were; Koll, Havlat, MiWeber, Brown, J Weber, Due, Muller, and Barta. Minutes to be filed.

No one from public was present for Citizens Forum. Barta moved on to Reorganization of the P&Z Board. Lyle stated that it had been discussed at Commissioners meeting that the current Chairman could run the meeting or appoint someone, with the absence of a Vice Chair: Commissioner Kohout confirmed this statement. Barta asked Lyle Weber to conduct meeting., Asking for nominations for Chairman: Joel Weber nominated Johnny Barta, Keith Muller nominated Jeff Koll. L Weber asked three times for other nominations. Havlat moved and Muller 2<sup>nd</sup> to close nominations for Chairman. Vote by Ballot results were Barta 5 to Koll 3. Johnny Barta will remain Chairman. Barta asked for nominations for Secretary, Mary Jo Weber declining nomination. Jeff Koll nominated by MJWeber, he declined also. Joel Weber nominates Keith Muller, MJ Weber moves to close nominations, 2<sup>nd</sup> by Brown. Muller declared new Secretary. Barta called for Vice Chairman nominations. Keith Muller nominated Jeff Koll for Vice Chair position. Due moved to close with Havlat 2<sup>nd</sup> Koll will serve as Vice Chair.

With no other business, Barta asked Administrator Weber for his report. February meeting may have several Conditional Use Permits for Hi Speed Internet Towers for Broad Band, by Tobias and Swanton. Koll asked Commissioner Kohout if new members had met orientation requirement. Lyle had met with both and Barta had talked to them also. County Attorney's office had not visited with them yet. Comm. Kohout reported the position on the Board of Adjustments had not been fulfilled. County Attorney can appoint for fill spot.

I Weber reported that Jefferson County maybe having Public Hearing next month on Wind tower regulations. Kohout reported more information on the moneys to be received and how it can be used. Culverts now apply, and air conditioning upgrades can now be used, handbook updates and Communications, such as the 911 systems. Sen.Brandt also met with commissioners on the three bills up on Inheritance Tax.

No other business, Barta asked for motion to close, J Weber moved and Havlat 2". All in favor by voice vote. Barta adjourned at 7:39 pm.

Mary Jo Weber, Acting Secretary.



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## SALINE COUNTY PLANNING & ZONING MEETING FEBRUARY 15, 2022

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on February 15, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Johnny Barta, Jeff Koll, Wayne Havlat, Mark Due, Joel Weber, Mary Jo Weber, Gerald Brown and Keith Muller, with Ron Fink absent. Also present representing the commissioner was Marvin Kohout.

Minutes of the January 18, 2022 meeting were read by Keith Muller. With no corrections or additions it was moved by Joel Weber to accept the minutes as read, seconded by Wayne Havlat to approve. Roll Call voting yes were: Koll, Havlat, MJ Weber, Brown, J Weber, Due, Barta and Muller. Minutes approved and submitted to be filed.

Due made a motion to go into Public Hearing for agenda item on Hearing For Conditional Use Application, seconded by Brown, approved by voice vote. Lyle Weber, connected via phone system with Mr. Sam Krug of NextLink Company to discuss their site acquisitions. The company has been working to find farmers/land owners in the western part of Saline County to place internet towers in the county.

First parcel discussed was the site at Sec:29, Town:5, Rng:3E. Questions were asked by the board members and answered by Mr. Krug. Items listed were included with related responses:

120' tower – no guide wires

FAA (correction) lighting – not required/not included

Only this company uses the towers, from construction to use

Setback is the height of the tower from any adjacent roadway.

Barta interjected that he had visited with a neighbor that had stated he had no objection to the tower being placed at this site.

Tower will supply line of site transmission.

An additional access road may be required on property and fence will be repaired if this is placed on the property.

Material of tower is galvanized steel with a stadium light look to its structure.

Signed lease with the landowner is completed.

Life expectancy of the tower question was answered with an undeterminable number of years.

Plan to update equipment/technologies from time to time.

Service radius is approximately four miles in line of site usage.

Powered by electricity which will require an added transformer at nearest line and trenched to tower.

If project approved, how long until service available would be 9-12 months.

Service provided via a relay signal from another tower withing 10 miles distance.

Which tower would supply service for this relay is not determined yet.

The second parcel discussed was at Sec:31, Town:5, Rng:1. Located near Road Y near Tobias.

Setback will be at tower height.



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Lease agreement already signed.

How long is the conditional use application, once signed to completion, is two years to have it constructed.

Construction is self-supported pole on a 5'x5' concrete pad, 18' deep hole of concrete with no guide wires.

Decommission clause for termination – 90 days to restore on a 20 year lease.

No further Public Comment.

Motion by Havlat to come out of Public Hearing, second by MJ Weber. Voting yes: Havlat, Brown, J Weber, Due, MJ Weber, Barta, Koll and Muller. Motion carried.

Additional discussion on if the setback was in writing.

Motion to approve the Conditional Use tower on 29-5-3E mad by MJ Weber, second by Havlat. Roll call vote taken; voting yes: Brown, J Weber, Due, MJ Weber, Barta, Koll, Muller and Havlat.

Motion Carried.

Discussion about contact with other counties adjacent to the second tower was asked of L Weber.

Motion to approve Conditional Use tower on 31-5-1 was made by J Weber and second by Due.

Roll call vote taken; voting yes: Due, MJ Weber, Barta, Koll, Muller, Havlat, Brown and J Weber.

Motion Carried.

Question asked if any of the monies reimbursed through state or federal funding was discussed.

No Action on Third property on agenda. Not yet ready.

Commissioner Kohout reported that Mitch Fritz and Aaron Ourecky had be appointed to serve on the Variance Board. He discussed the bill on inheritance tax in the legislature that may cost the county 15%. The county generally receives approximatled \$300,000.00 annually, but has been more in some years. Legislature is again looking at passing bills that are unfunded mandates.

No other business, Barta asked for motion to close, made by Havlat, second by Brown. All in favor by voice vote. Barta adjourned at 7:43 p.m.



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## SALINE COUNTY PLANNING & ZONING MEETING MARCH 15, 2022

The Saline County Planning & Zoning Board Meeting was called to order at 7:08 p.m. on March 15, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Johnny Barta, Jeff Koll, Gerald Brown, Keith Muller, and Wayne Havlat via his phone, with Ron Fink, Mark Due, Joel Weber and Mary Jo Weber, absent.

Also present representing the commissioners was Marvin Kohout.

Minutes of the February 15, 2022 meeting were read by Keith Muller. With one correction (FAA not FFA) and no additions it was moved by Jeff Koll to accept the minutes as read, seconded by Gerald Brown to approve. Roll Call voting yes were: Koll, Havlat, Brown, Barta and Muller. Minutes approved and submitted to be filed.

In the Citizens Forum, Mr. Gary Veprovsky, said he was visited by a person about a concern on a home being built that would need an easement attachment or agreement with the windfarm group to build within the setback distance of a windmill. He stated that he came to see Lyle Weber, but he was out, so he talked to Tad Eickman about the concern. Lyle sent an email that stated because all landowners near the property agreed and were participating, it was approved. The setbacks were questioned as those that build in the windfarm participating, vs. those wanting to build not with an agreement with the windfarm group. Gary brought up a concern that he is not in the windfarm contracts, so he could not build a house because he would need an attachment because all his properties to build on would be in close proximity to towers in place.

Board took no action or discussion on this concern.

Action 1: Move to subdivision for John Yeakley, NE ¼ or Sec:1, Town:8, Rng:3, asking for 5 acres to be subdivided out for house and shop. Will have own well and sewer. Motion by Wayne Havlat to approve, Second by Keith Muller. Further discussion about subdivisions of less than 10 acres, and about number of subdivisions on the same area. Lyle Weber answered.

Roll Call voting yes were: Havlat, Brown, Koll, Muller and Barta. Motion passed 5-0.

No other action on the agenda. Discussion among the board members and Lyle Weber about the concern brought to the board by Gary Veprovsky. Jeff Koll asked about a non-participating person, that had wire/cables buried on their land, and are they considered participating or non-participating? Discussion about the CUP's with the windfarms. The participating property owners seem to have more rights than the non-participating. Would a non-participating owner be able to secure an easement to build within setback distances as easily as participating?



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Commissioner Kohout reported that they have been encouraged to contact state senators about legislation that would require no unfunded mandates on counties. This would take a constitutional amendment passed by a vote of the people.

No other business, Barta asked for motion to close, made by Koll, second by Brown. All in favor by voice vote. Barta adjourned at 7:55 p.m.





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## **SALINE COUNTY PLANNING & ZONING MEETING**

**APRIL 18, 2022**

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on April 18, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Johnny Barta, Jeff Koll, Gerald Brown, Wayne Havlat, Mary Jo Weber, Joel Weber, Mark Due, Ron Fink and Keith Muller. Also present representing the commissioners was Marvin Kohout.

Minutes of the March 15, 2022 meeting were read by Keith Muller. No corrections voiced and so moved by Joel Weber to accept the minutes as read, seconded by Mary Jo Weber, to approve. Roll Call voting yes were: Brown, Barta, Muller, Havlat, Fink, J. Weber, Koll, MJ Weber, Due. Minutes approved and submitted to be filed.

Citizens Forum had no one present to address the board at this meeting.

Action 1: Move to approve minor subdivision application of Matt Schwisow, SE Yi or Sec:15, Town:5, Rng:23, & Sec:22, Town:5, Rng:2, asking for additional acres to be added to existing house and acreage. Motion by Joel Weber, to approve, Second by Mark Due. No further discussion, roll call by Lyle Weber. Voting Yes were: MJ Weber, Havlat, Koll, Muller, Brown, J Weber, Fink, Due and Barta. Motion approved 9-0.

Action 2: Move to approve minor subdivision application of Christine King, Sec:1, Town:6, Rgn:2E, asking to set aside 3.007 Acres +1- of the property, mainly including the house, out buildings and lane from the total property bordering on County Road 1200 and M Road. Motion by Wayne Havlat, to approve, Second by Gerald Brown. No further discussion, roll call by Lyle Weber. Voting Yes were: Fink, J Weber, Koll, Havlat, Muller, MJ Weber, Due, Brown and Barta. Motion approved 9-0.

No other action on the agenda. Discussion was had among the board members and Lyle Weber about the concern brought to the board at last month's meeting. The concern is about CUP's in the area of the windmill farm and what are the opportunities afforded each owner; non-participating versus participating properties. Jeff Koll requested to have an agenda item at the next meeting concerning the probability of adding easement information to be placed on subdivision applications in the windfarm area. Chairman Barta, said he had spoken to the County Attorney, Tad Eickman, and had the impression that the rules in the P&Z handbook for the county, were for non-participating persons. After more discussion, Chairman Barta, said



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that they would request to have a representative of the County Attorney's office attend the next meeting to clarify the discussion items.

Commissioner Kohout reported that the county is working with four other counties (Gage, Jefferson, Saline, Seward and Thayer), Norris Public Power District and Nebraska Public Power to be able to apply for grants to improve broadband internet in the counties. The entities need to do assessment surveys to justify need, in order for grant writers to apply for stimulus fund for infrastructure. Jefferson County is looking into a separate grant for road improvement.

No other business, Barta asked for motion to close, made by Havlat, second by Fink. All in favor by voice vote. Barta adjourned at 7:54 p.m.

Respectfully Submitted,

A handwritten signature in black ink, which appears to read "Keith Muller".

Keith Muller, Secretary



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## SALINE COUNTY PLANNING & ZONING MEETING JUNE 21, 2022

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on June 21, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Johnny Barta, Jeff Koll, Gerald Brown, Mary Jo Weber, Joel Weber, Ron Fink and Keith Muller. Absent were Mark Due and Wayne Havlat.

Also present representing the commissioners was Marvin Kohout.

Minutes of the March 15, 2022 meeting were read by Keith Muller. No corrections voiced and so moved by Jeff Koll to accept the minutes as read, seconded by Ron Fink, to approve. Roll Call voting yes were: Muller, MJ Weber, Brown, Fink, Barta, Koll and J Weber. Minutes approved and submitted to be filed.

Citizens Forum: Mr. Gary Veprovsky wished to address the P&Z Board at this meeting. He talked about the agenda item of changing wording in the Zoning Regulations pertaining to easements and setback requirements. He stated that he was asked to bring this to the P&Z by another person about a house being built inside the ½ mile limit by a participating windfarm member. He also requested that an item concerning the shutting off of the windmills when farmers are doing field work as a safety issue. He believes it can be done, because he sees the workers do this as they go out to drive around and inspect the windmills.

Action Item 1: Move to approve minor subdivision application of Hugh and Linda Clarke, to divide out 3.339 acres of S ½ of NW ¼, Sec:17, Town:6, Rng:3E, separating existing house and acreage from the farm production land. Well and septic system are on the acreage.

Motion by Joel Weber, to approve, Second by MJ Weber. No further discussion, roll call by Lyle Weber. Voting Yes were: Fink, Brown, Koll, MJ Weber, Muller, J Weber, Barta. Motion approved 7-0.

Action Item 2: There was discussion on the item worded: Changing wording in Zoning Regulations who needs easements and following setback requirements. Deputy County Attorney, Mr. Steven J. Reisdorff, was present to answer questions and concerns. Discussion by Koll, was about attaching/requiring an easement from the parties involved to any new building within the setback distances near a windmill. Barta and Fink raised questions about options. There was comment about protections on setback distances. Mr. Reisdorff stated that the board should not get into regulating a person's personal property as they have the right to do what they wish with their property, as long as it is within local, state and federal rules. Explaining that (Section 615), Page 94 establishes setbacks for new residential structures and (Section 619), page 64 applies to construction of utility grid towers. Lyle Weber made a comment on how he dealt with issues of houses built near feedlots. No action was taken.

Chairman Barta handed out a sheet to all members present referencing expectations of members of the Planning and Zoning Board. No discussion at this time.





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Commissioner Kohout first reported that the county is working on allocating grant funds of 2.7 million dollars to be spent in the next several years. Discussion by the commissioners has been with the sheriff's office and county fire departments about their needs. The focus is on the transfer of communications to digital from analog and updating the required systems. There is also a need to upgrade/replace air conditioning units at the Sheriff's office and the courthouse. Currently, the commissioners are looking at maintaining the levy at its current level, but there are concerns due to the legislature changing the inheritance tax laws. This may require increases in property taxed in the future. When asked about Internet tower service, Lyle Weber stated that driveway permits for the two towers were approved today. The energy grant with four other counties (Gage, Jefferson, Saline, Seward and Thayer), Norris Public Power District and Nebraska Public Power is moving forward to improve broadband internet in the counties. The preliminary work on grants is being completed so it is ready to file when the monies get approved.

Chairman Barta made a few comments about a speaker and a presentation he had recently attended.

No other business, Barta asked for motion to close, made by Fink, second by Brown. All in favor by voice vote. Barta adjourned at 8:15 p.m.

Respectfully Re-Submitted As Amended,

Keith Muller, Secretary



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## SALINE COUNTY PLANNING & ZONING MEETING SEPTEMBER 20, 2022

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on September 20, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Gerald Brown, Joel Weber, Ron Fink, Mark Due, Mary Jo Weber, John Barta, Jeff Koll and Keith Muller. Absent was Wayne Havlat. Also present representing the commissioners was Marvin Kohout.

Minutes of the June 21 2022 meeting were read by Keith Muller. Corrections were the following to the minutes: Jeff Koll motioned to amend the minutes by adding additional wording to paragraph five, third line from the end to add "explaining that (Section 615), page 94 establishes setbacks for new residential structures and (Section 619), page 64 applies to construction of utility grid towers. Second on the amendment by Gerald Brown. Roll call voting in favor: Fink, Brown, Koll, Muller and Barta; voting opposed were MJ Weber, J Weber and Due. Motion passed 5-3 to amend the minutes. A second motion by Ron Fink to amend the same paragraph of the minutes was made by Ron Fink. The amendment was to add the word local before the words 'state and federal rules'. Second by MJ Weber. Roll call voting in favor: Koll, Brown, J Weber, Fink, MJ Weber, Due, Muller and Barta. No one opposed. It was moved by Koll to accept the minutes as amended, second by J Weber. Roll call vote in favor: Brown, J Weber, Fink, Due, MJ Weber, Barta, Koll, and Muller. Minutes approved as amended and submitted to be filed.

Citizens Forum: No one present to address the Commission.

Action Item 1: Move to approve minor subdivision application of Nickel Subdivision to divide acres of SE  $\frac{1}{4}$ , of Sec:18, Town:5N, Rng:2E, separating existing house and acreage from the farm land. Well and septic system are on the acreage.

Motion by Due, to approve, Second by J Weber. No further discussion, roll call by Lyle Weber. Voting Yes were: JM Weber, Due, Muller, Koll, Brown, J Weber, Fink and Barta. Motion approved 8-0.

Action Item 2: Move to approve minor subdivision application of Rohrig Subdivision to divide acres of Sec:19, Town: 8, Rng:1E. Well and septic system are on the acreage.

Motion by J Weber to approve, Second by MJ Weber. No further discussion, roll call by Lyle Weber. Voting Yes were: Fink, Muller, MJ Weber, Koll, Brown, J Weber, Due and Barta. Motion approved 8-0.

Action Item 3: Motion by Fink to table the minor subdivision application of Shestak Subdivision due to incorrect information on the Planning and Zoning Board Meeting Agenda that was published. Second by Brown. No further discussion, roll call by Lyle Weber.

Voting Yes were: Brown, J Weber, Fink, Due, MJ Weber, Barta, Koll and Muller. Motion approved 8-0.

Action Item 4: Move to approve minor subdivision application of Orlov Subdivision to divide acres of Sec:1, Town: 8, Rng:4. Discussion about location that was now being subdivided by family members. Discussion about well and septic services.



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Motion by J Weber to approve, Second by Due. No further discussion, roll call by Lyle Weber. Voting Yes were: Koll, Brown, Muller, MJ Weber, J Weber, Fink, Due and Barta. Motion approved 8-0.

Chairman Barta made a few comments about the wireless internet towers and their progress since approval earlier this year. Other comments about internet services being visited in surrounding communities and counties about whether fiber or wireless.

Lyle Weber brought up a concern about the Schwisow Subdivision approved at an earlier meeting. The Register of Deeds has it as one parcel, but the Assessor's Office has it as being in two different sections, and thus two separate properties. After some discussion, it was determined that the board acted in good faith upon the word of the Register of Deeds, and the opinion of the County Attorney, Tad Eichman, may be necessary to determine the proper judgment.

Commissioners Report was made by Marvin Kohout. He asked if anyone had received a pink postcard in the mail which is a new rule handed down by the legislature, Rule 644, that any public entity requesting in excess of 2% on their budget must notify of a public hearing.

He stated that due to additional incomes, the county levy should go down for next year. There was a \$6.4 million increase due to easements, turbines, nameplate taxes for megawatts produced, et al.

The Commissioners are working with a CPA firm and have offered raises to county employees and extra amenities for employment to keep up with the offerings from other municipalities and counties offerings. Also working with groups to be in compliance according to guidelines on spending of the ARPA Grant funds, as need to be set up for payments in the next few years. It was asked if inflation was a concern as it is for other surrounding counties from information gleaned from their meetings? Currently keeping an eye on it, but no real problems so far.

No other business, Barta asked for motion to close, made by J Weber, second by Fink. All in favor by voice vote. Barta adjourned at 8:00 p.m.

Amended Minutes of June 21, 2022 were refiled with Lyle Weber and these Minutes of the September 20, 2022 meeting are filed with him as well.

Respectfully Submitted,

Keith Muller, Secretary