

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 9<sup>th</sup> DAY OF APRIL 2024. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Chuck Boden, Roger Merritt, Judy Pederson, Brent Roggow, Aaron Edwards, Lee Davies

MEMBERS ABSENT: Marlene Flaming, Rod Rayburn, Mitch Moorhead, Zak Eickhoff (arrived at 5:35 p.m.), Russ Miller (arrived at 5:38 p.m.)

STAFF MEMBERS PRESENT: Judy Clark, County Planner; Michelle Bain, Recording Secretary, Stephen King, Deputy County Attorney

Notice of the meeting was given in advance thereof, by posting on in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Commission. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

1. Roll Call.

Chair Roggow stated that a current copy of the open meetings act of Nebraska is posted at the back of the room.

2. Merritt moved and Edwards seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Boden, Roggow, Edwards, Pederson, Davies, Merritt. "Nay": None. Absent: Rayburn, Flaming, Moorhead, Eickhoff, Miller. Motion carried.
3. Merritt moved and Boden seconded the motion to approve the minutes of the January 9, 2024 meeting. Roll call vote: "Aye": Boden, Roggow, Edwards, Pederson, Davies, Merritt. "Nay": None. Absent: Rayburn, Flaming, Moorhead, Eickhoff, Miller. Motion carried.
4. Public Hearing File No. CU24-001 Discuss and consider action on a resolution regarding an application by BSB Construction, Inc. and Treyton and Dayna Wasserburger for a conditional use permit to allow a borrow site to be used for an upcoming Highway 83 project. The property is located on the east side of South Highway 83 across from E White Road in a TA-1 transitional Agricultural District on property described as the NW ¼ of NW ¼ of Section 4, Township 11 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

County Planner Clark stated that the applicant generally states that they plan to use the borrow site to collect dirt and haul it for fill for a highway project starting approximately at the intersection of Highway 83 and Highway 23 south of North Platte. Traffic impact should be minimal due to already existing traffic on Highway 83. Surrounding properties should not be affected. Hours of operation will be from 7 AM - 6 PM, Monday-Friday with a maximum of 10 vehicles running at one time. Planning Staff has no objections to the proposed project. Planning Staff does suggest that Planning Commission consider including a time frame for the borrow site and that the property be returned to grass as part of the conditional use application.

Eickhoff arrived at 5:35 p.m.

Edwards stated that he is going to abstain from voting on this item.

Troy Einspahr, BSB Construction, was present and stated they need material to complete the project for the Nebraska Department of Transportation. They have worked with Trey Wasserburger on other projects and where it's located would be flattened out, topsoil removed, replaced and seeded and mulched back at the end of the project. Project duration would be starting May 6<sup>th</sup> and closing September or October if everything goes well.

Russ Miller arrived at 5:38 p.m.

Greg Renner, 19124 S. Osage Court, was present and stated he owns property north of where they want to put this pit. He generally explained the ground in that area is pretty sandy and there isn't water available for about a mile east of Hwy. 83. He feels the sand will drift up against his fence, buildings, etc. He is against this application. He feels this could be done one mile east on Watts road where Mr. Wasserburger owns several sections. If this application is approved, he asks that the county request a bond in case there is an issue that the land is restored to the way it is before that pit is opened up.

Pederson asked about an erosion control plan.

Mr. Einspahr explained they will put a silt fence up during construction. If they leave more than a month, they will put cover crop. On completion they will replace the top soil and seed it with native grass mix and mulch with prairie mulch and cover crop. The silt fence will remain until it is 7% covered.

Davies asked about water trucks and Oil trucks.

Mr. Einspahr explained they will probably use the city of North Platte and get water near the state fish hatchery. The size is 10-15 acres. There is not anticipated to be an asphalt plant. The trucks will be parked and loaded onsite to get them off the highway. A construction entrance with crushed rock or concrete will be at the highway.

Mr. Einspahr explained they have to apply for a SWPP Permit yet.

Miller stated there is a level of protection for neighboring properties with that.

Lanae Way, 1053 Hedgeapple Road, was present and showed pictures of why the top cover is so important.

County Planner Clark stated she did get a phone call from the individual at 19204 Sunrise Trail who said he was opposed.

Davies moved and Merritt seconded the motion to close the public hearing. Roll call vote: "Aye": Boden, Roggow, Edwards, Pederson, Davies, Merritt, Eickhoff, Miller. "Nay": None. Absent: Rayburn, Flaming, Moorhead. Motion carried.

County Planner Clark stated conditions can be put on the application such as requiring them to submit the SWPP Plan once it's approved, time frame, and other conditions.

There was discussion about sand movement being a concern.

Eickhoff stated having requirements with state is good to have. It is difficult to have growth, we try to do the best we can.

Merritt stated he understands the concern about blowing sand. There would be road problems in other locations not next to the highway. Once it's covered up, it's never quite the same.

Eickhoff moved and Merritt seconded the motion to adopt Resolution CU24-001 "A", which recommends approval of the conditional use application by BSB Construction, Inc. and Treyton and Dayna Wasserburger for a conditional use permit to allow a borrow site located on property described as NW ¼ of NW ¼ of Section 4, Township 11 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska, and all elements of the application are complied with and with the following conditions:

1. SWPP plan put in place and submitted to Lincoln county planning department,
2. project to be completed by December 2024,
3. silt fence maintained

**Based on** the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
2. The application complies with current Lincoln County Subdivision Regulations.
3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

Roll call vote: “Aye”: Boden, Roggow, Pederson, Davies, Merritt, Eickhoff, Miller. “Nay”: None. Abstain: Edwards. Absent: Rayburn, Flaming, Moorhead. Motion carried.

Pederson left at 6:02 p.m.

5. Public Hearing File No. CU24-002 Discuss and consider action on a resolution regarding an application by Tillman Infrastructure and Richard Barber and Gloria Liljestrand-Barber for a conditional use permit to allow construction of a new 275’ tower and communications facility. The property is located south of Interstate 80 and north of East Island Road near Brady, Nebraska in a TA-1 Transitional Agricultural District on property described as the Part of Lots 7 & 8, All of Lot 9 & Accretions to Section 8, Township 12 N, Range 27 W of the 6th P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

Judy stated that the applicant generally states that they plan to build a new wireless communications facility which is intended to provide Verizon cellular coverage to the community. The facility will be built to allow for future collocations by additional tenants. Planning Staff has no objections to the proposed project. The applicant is out of town but can be reached by telephone if needed.

Edwards moved and Davies seconded the motion to close the public hearing. Roll call vote: “Aye”: Boden, Roggow, Edwards, Davies, Merritt, Eickhoff, Miller. “Nay”: None. Absent: Rayburn, Flaming, Moorhead, Pederson. Motion carried.

There was discussion about the location of the tower and the lighting on it. It was generally decided that Planning Commission cannot dictate the location or the lighting of the tower. The determination of no hazard dictates that.

Edwards stated he talked to all the surrounding property owners and their main concern is the white flashing light they don’t want in their windows.

Merritt moved and Edwards seconded the motion to adopt Resolution CU24-002 “A”, which recommends approval of the conditional use application by Tillman Infrastructure and Richard Barber and Gloria Liljestrand-Barber for a conditional use permit to allow construction of a new 275’ tower and communications facility on property described as the Part of Lots 7 & 8, All of Lot 9 & Accretions to Section 8, Township 12 N, Range 27 W of the 6th P.M., Lincoln County, Nebraska, and all elements of the application are complied with

Based on the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
2. The application complies with current Lincoln County Subdivision Regulations.
3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

Roll call vote: “Aye”: Boden, Roggow, Edwards, Davies, Merritt, Eickhoff, Miller. “Nay”: None. Absent: Rayburn, Flaming, Moorhead, Pederson. Motion carried.

6. Old Business.

Edwards asked if there is any information about the conditional use permit.

County Planner Clark stated she had correspondence with the attorney. The conditional use permit states it has to be started within a year and it has been so there is nothing we can do until the life of the land use permit expires in two years.

Edwards stated he noticed she was working on it so he wondered if a letter was sent.

County Planner Clark stated no letter was sent.

Eickhoff asked if there is a fine for starting land uses without a permit.

County Planner Clark stated she generally tries to give them time to fill out a permit and pay the regular fee but if they don't contact her and she has to send a second letter the fee doubles or they may face other action with the County Attorney.

County Planner Clark explained the last time Planning Commission met there was talk about sending a letter to the County about a building inspector. She postponed it until Deputy County Attorney Volkmer could be present since he has been involved in some of the conversations.

7. New Business. There was no new business.
8. Adjourn. Chair Roggow adjourned the meeting at 6:24 p.m.

Submitted by,

Michelle Bain  
Recording Secretary