

President Joe O'Neill called the regular meeting of the Dakota County Planning and Zoning Commission to order at 7:00 P.M. and the Pledge of Allegiance was said by all.

Present were: Gene Cantrell, Jim Jepsen, Dick McCabe, Dick McNear, Marlan Millard, and Joe O'Neill. Also present: Planning and Zoning Administrator Dennis Reinert and Jackie Hartnett, representing the Dakota County Commissioners. Also Present: See attached list.

Moved by Gene Cantrell, second by Dick McNear to approve the minutes of the November 21, 2006 regular meeting. Motion carried.

Entered into Public Hearing at 7:03 P.M.

Member Martin Rohde arrived at 7:05 P.M.

Public Hearing closed and Regular Meeting resumed at 7:35 P.M.

Moved by Jim Jepsen, second by Dick McNear, to issue Prime Bio Solutions a Conditional Use Permit with an attachment stating that all animal solid waste be processed through the anaerobic digester. Roll call vote. Motion carried.

Harlan Lieber addressed the Commission concerning setbacks on property he purchased near Highway #20 and #110 junction. Discussion was held.

Moved by Jim Jepsen, second by Gene Cantrell, to request Mr. Lieber meet with the Dakota County Board of Adjustment. Roll call vote. Motion carried.

Moved by Marlan Millard, second by Dick McNear, that present officers remain in place for the coming year. Roll call vote. Motion carried.

Discussion was held on commercial building permit fees and conditional use permit fees.

Motion by Dick McNear, second by Marlan Millard to approve the following commercial building permit fee schedule:

<u>Total Valuation*</u>	<u>Fees</u>
\$1.00 to \$1,000.00	\$10.00
\$1,001.00 to \$2000.00	\$10.00 for the \$1000.00, plus \$10.00 for each additional \$100.00 to and including \$2,000.00
\$2001.00 to \$25,000.00	\$20.00 for the first \$2000.00 plus \$2.00 for each additional \$1,000.00 to and including \$25,000.00
\$25,000.00 to \$50,000.00	\$112.00 for the first \$25,000.00, plus \$1.50 for each additional \$1,000.00 to including \$50,000.00
\$50,001.00 to \$100,000.00	\$187.00 for the first \$50,000.00, plus \$1.00 for each additional \$1,000.00 to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$287.00 for the first \$100,000.00, plus \$0.75 for each additional \$1000.00 to and including \$500,000.00

\$500,001.00 and up \$887.00 for the first \$500,000.00, plus \$0.50 for each additional \$1,000.00 to and
thereof

*Building valuation shall be determined by using the greater of either the building
valuation data table of contractor's estimated cost.

Roll call vote. Motion carried.

Motion by Gene Cantrell, second by Jim Jepsen to charge a flat fee for Conditional Use
Permits of \$100.00. Motion carried.

Motion by Dick McNear, second by Gene Cantrell to adjourn. Motion carried

Meeting duly adjourned at 9:05 P.M.

Secretary

Dick McCabe

Sign in Sheet list

Patrick Tracy (Prime Bio Solutions)
Daniel Kenney (Prime Bio Solutions)
Jackie Hartnett (Dakota County Commissioner)
Dan McNamara (South Sioux City)
James Hartnett
Dennis Kirkholm
Nancy Kirkholm
Dwayne Oban
Dean Dressler
Marion Dressler
Doug Nelson
Tom Lynch
Donnie McCulloch
Harlan Oban

Edward Schwegler
Harlan Lieber
Jeff Bartels
Mr. & Mrs. .Bob Kacena
Randy Joe Conley
Randy Lussier
Lance Hedquist (SSC)
Dan Bloomfield
Chris McGowan
Rick Bousquet
Tom Bousquet

**PUBLIC HEARING HELD ON FEBRUARY 13, 2007 BY THE DAKOTA COUNTY PLANNING AND
ZONING COMMISSION**

Public hearing called to order by president Joe O'Neill.

Pat Tracy, representing Prime Bio Solutions, gave a presentation to the commission dealing with a proposed
ethanol plant including a cattle operation with anaerobic digestion. This plant will cost between \$80,000,000 to
\$90,000,000. The proposed site will be 400 acres and will employ 70 full time people and 10,000,000 bushels
of corn a year will be used.

After much discussion from the audience and commission members the public hearing was closed at 7:35 P.M.

DAKOTA COUNTY PLANNING & ZONING: March 20, 2007

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by president Joe O'Neill and the Pledge of Allegiance was said by all.

Present were: Gene Cantrell, Jim Cosgrove, Jim Jepsen, Dick McCabe, Dick McNear, Marlan Millard and Joe O'Neill. Also present: Planning and Zoning Administrator Dennis Reinert and Jackie Hartnett, representing the Dakota County Commissioners. Also, the following list: Caryl Reed, Thomas Reed, Jamilee Schlotman, Jeannette Beekman, Dennis Beekman, Lance Hedquist, Betty Beekman and Henry Beekman.

Moved by Gene Cantrell, second by Jim Jepsen, to approve the minutes of the February, 2007 meeting. Motion carried.

Member Martin Rohde arrived at 7:05 p.m.

Thomas Reed addressed the commission concerning the proposed ethanol feedlot plant. Discussion was held. Mr. Reed was not on the agenda. No action taken.

Lance Hedquist came before the commission to discuss economic development proposals and requested a signature in support. Signature was granted.

At this time, the Planning and Zoning Commission reviewed the Dakota County Building Permit Fees.

Moved by Martin Rohde, second by Jim Cosgrove to leave the commercial building permit fees as stated at the February meeting. Roll call vote, Gene Cantrell NO; Jim Jepsen NO; Dick McCabe NO; Joe O'Neill YES; Jim Cosgrove YES; Dick McNear YES; Marlan Millard YES; and Martin Rohde YES. Motion carried.

The commission reviewed the zoning map change surrounding the Village of Jackson. Dennis Reinert will go to the Village Board's next with two different maps.

The commission also viewed the zoning map surrounding Crystal Lake and plans to look at space limit clarification for LFO's.

Moved by Jim Jepsen, second by Dick McNear to adjourn. Motion carried.

Meeting was duly adjourned at 8:45P.M.

Respectfully submitted,
Dick McCabe, Secretary

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by vice-president Jim Jepsen and the Pledge of Allegiance was said by all.

Present were: Jim Jepsen, Dick McCabe, Dick McNear, Marlan Millard, Neil Miller, and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Kennie McDonald, Tony Miller, Kevin Hansen and Tom Lynch.

Moved by Dick McNear, second by Martin Rohde, to approve the minutes of the March, 2007 meeting. Motion carried.

Kevin Hansen approached the commission concerning a proposed campsite consisting of four camper pads and two cabins at his residence near 197th and South Bluff Road. The commission advised him to contact the Nebraska DEQ. At a later date Dennis Reinert and Mr. Hansen will meet to discuss this matter.

Kennie McDonald and Tony Miller addressed the commission about the Lynch property camping area meeting county and state guidelines. Dennis Reinert will meet with Tom Lynch to review Dakota County zoning regulations.

After reviewing commercial district definitions, Mr. Reinert will contact SIMPCO.

Tom Lynch spoke to the commission on the ethanol plant near Jackson about feed yards and dairy barn and their correct zoning.

Discussion was held on setbacks in agricultural districts.

Moved by Dick McNear, second by Marlan Millard to adjourn. Motion carried.

Meeting was duly adjourned at 8:20 P.M.

Respectfully submitted,
Dick McCabe, Secretary

DAKOTA COUNTY PLANNING & ZONING: June 12, 2007

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by vice-president Jim Jepsen and the Pledge of Allegiance was said by all.

Present were Gene Cantrell, Jim Crosgrove, Jim Jepsen, Dick McNear, Marlan Millard, and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Adam and Tawnya Beermann, Margaret and Ryan Cain, and Randy Lussier.

Moved by Dick McNear, second by Gene Cantrell, to approve the minutes of the April 2007 meeting. Motion carried.

At 7:02 P.M. the Planning and Zoning Commission closed the regular meeting and opened the Public Hearing. The Public Hearing closed at 7:19 P.M. and the regular meeting of the Planning and Zoning Commission reopened.

Moved by Marlan Millard, second by Jim Crosgrove, to approve a conditional use permit for Adam and Tawnya Beermann's hog confinement. Roll Call vote: Motion carried.

Margaret Cain approached the commission about the matter of possibly dividing her land and constructing another residence. The commission was doubtful that this situation was feasible and she was hoping to acquire more land from neighbors.

The commission revisited the non-farm building fees. It was decided to leave as is.

Administrator Reinert inspected the Lynch Campground property. His findings were that a sign was not in place stating the rules of the campground and restroom showers will be built this year.

Moved by Gene Cantrell, second by Dick McNear to adjourn. Motion carried.

Meeting was duly adjourned at 8:03 P.M.

Respectfully submitted,
Dick McCabe, Secretary

DAKOTA COUNTY PLANNING COMMISSION: June 12, 2007

PUBLIC HEARING

Public Hearing was called to order at 7:02 P.M. concerning a conditional use permit for a proposed hog confinement.

Adam Beermann presented to the commission his plans and also, the DEQ State and Federal Requirements for manure manage. He will inject directly into the soil and take soil samples annually.

After no comment from the floor, the public hearing was closed at 7:19 P.M.

DAKOTA COUNTY PLANNING & ZONING: July 17, 2007

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by president Joe O'Neill and the Pledge of Allegiance was said by all.

Present were: Gene Cantrell, Jim Crosgrove, Jim Jepsen, Dick McCabe, Marlan Millard, Joe O'Neill and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert and Dakota County Attorney Edward Matney.

Moved by Gene Cantrell, second by Jim Crosgrove, to approve the minutes of the June, 2007 meeting. Motion carried.

Discussion was held on regulations items in the zoning book and on Nebraska Department of Environmental Quality. Someone from the Nebraska DEQ will attend a future meeting.

Also discussed was Section 515, Zoning Change forms. One of the changes addressed would change the current regulation to read as follows: Zoning Change Forms, the Dakota County Administrator shall make forms available for individuals wishing to petition the Dakota County Planning and Zoning Commission for zoning change, which shall also be approved/disapproved by Dakota County Board of Commissioners after each body has a public hearing. Said petitions shall only be valid after all fees have been paid and the form is completed and signed. This section 515 will appear on the agenda of the next regularly scheduled meeting with a public hearing.

Moved by Gene Cantrell, second by Jim Crosgrove to adjourn. Motion carried.

Meeting was duly adjourned at 8:14 P.M.

Respectfully submitted,
Dick McCabe, Secretary

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Vice-president Jim Jepsen and the Pledge of Allegiance was said by all.

Present were: Gene Cantrell, Jim Crosgrove, Jim Jepsen, Dick McCabe, Dick McNear, Neil Miller, Marlan Millard, and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Dakota County Attorney Edward Matney, Dakota County Commissioner Jackie Hartnett and see attached list.

Moved by Gene Cantrell, second by Dick McNear, to approve the minutes of the July, 2007 meeting. Motion carried.

A representative from Dan Hartnett's law firm approached the commission concerning the re-issuance of conditional use permit/Prime Bio Solutions.

Moved by Marlan Millard, seconded by Jim Crosgrove that:

NOW, on this 21st day of August, 2007, at a regularly scheduled meeting of the Dakota County Planning Commission, after due and proper notice had been given, the Commission adopted the following resolution by unanimous consent: voting yes, Cantrell, Crosgrove, Jepsen, McCabe, McNear, Miller, Millard and Rohde. RESOLVED, that the Waiver executed by Jason C. Schloman and Jamie R. Schloman, a copy of which is attached to this Resolution, is hereby approved by the Dakota County Planning Commission in its entirety. BE IT SO RESOLVED.

Moved by Marty Rohde, second by Marlan Millard, to approve a permanent conditional use permit to Prime Bio Solutions. Roll Call vote. Voting aye – Cantrell, Crosgrove, Jepsen, McCabe, McNear, Miller, Millard and Rohde. Motion carried.

Gary Buttermore, Nebraska Department of Environmental Quality Waste Water Treatment Systems visited with the commission about State of Nebraska regulations dealing with septic and sewer systems.

Member Cantrell left the meeting at 7:35 P.M.

Skip Quady, Norfolk Water and Septic System Inspections, gave information about public and private wells and also about State of Nebraska regulations.

Closed regular meeting and opened public hearing at 8:00 P.M.

Closed public hearing at 8:03 P.M. and regular meeting opened.

Moved by Marlan Millard, second by Dick McNear that a new Section 515. Zoning Change Forms read as follows:

“The Dakota County Administrator shall make forms available for individuals wishing to petition the Dakota County Planning Commission for zoning change, which shall also be approved/disapproved by Dakota County Board of Commissioners after each body has had a public hearing. Said petitions shall only be valid after all fees have been paid and the form is completed and signed.”

Roll call vote: yes-Cantrell, Crosgrove, Jepsen, McCabe, McNear, Miller, Millard and Rohde.

Moved by Neil Miller, second by Jim Crosgrove to adjourn. Motion carried.

Meeting was duly adjourned at 8:25 P.M.

Respectfully submitted,
Dick McCabe, Secretary

DAKOTA COUNTY JOINT PLANNING COMMISSION: August 21, 2007

PUBLIC HEARING

Public Hearing was called to order at 8:00 P.M. concerning a proposed regulation change in Section 515 in the Dakota County Zoning Ordinance and Bylaws.

Discussion was held.

After no comment from the floor, the public hearing was closed at 8:03 P.M.

DAKOTA COUNTY PLANNING & ZONING: September 18, 2007

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by president Joe O'Neill and the Pledge of Allegiance was said by all.

Present were: Gene Cantrell, Jim Jepsen, Dick McCabe, Dick McNear, Neil Miller, Marlan Millard, Joe O'Neill and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Dakota County Commissioner Jackie Hartnett and Shane Sullivan.

Moved by Jim Jepsen, second by Dick McNear, to approve the minutes of the August, 2007 meeting. Motion carried.

Discussion was held on Gary Smith holding rodeos on his property North of Jackson. Shane Sullivan was in opposition.

Moved by Neil Miller to recommend to the Dakota County Commissions that the zoning board disapproves of this location for any further rodeo events of any type.

Neil Miller withdrew his motion.

Moved by Dick McNear, second by Jim Jepsen, to stand by the original zoning change by the Board of Adjustments concerning Jerry and Paula O'Neill's property division and also approve a future building permit if needed. Roll call vote. Voting yes - Cantrell, Jepsen, McCabe, McNear, Miller, Millard, O'Neill and Rohde. Motion carried.

After reviewing an application for a farm-building permit for Tom Bosquet, he will be directed to apply for a variance.

Moved by Jim Jepsen, second by Marty Rohde to adjourn. Motion carried.

Meeting was duly adjourned at 7:55 P.M.

Respectfully submitted,
Dick McCabe, Secretary

DAKOTA COUNTY JOINT PLANNING COMMISSION: August 21, 2007

PUBLIC HEARING

Public Hearing was called to order at 8:00 P.M. concerning a proposed regulation change in Section 515 in the Dakota County Zoning Ordinance and Bylaws.

Discussion was held.

After no comment from the floor, the public hearing was closed at 8:03 P.M.

DAKOTA COUNTY PLANNING & ZONING: November 20, 2007
MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by president Joe O'Neill and the Pledge of Allegiance was said by all.

Present were: Gene Cantrell, Jim Jepsen, Dick McCabe, Neil Miller, Marlan Millard, Joe O'Neill and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert and see attached list for visitors.

Moved by Gene Cantrell, second by Neil Miller, to approve the minutes of the September, 2007 meeting. Motion carried.

President Joe O'Neill declared Public Hearing open at 7:02 P.M.

Member Jim Crosgrove arrived at 7:04 P.M.

Public Hearing was declared closed at 7:42 P.M.

Moved by Neil Miller, second by Gene Cantrell to request the Dakota County Attorney to review the legal situation involving an easement to the road leading to the Gary Smith property north of Jackson. Roll call vote: yes – Cantrell, Crosgrove, Jepsen, McCabe, Miller, Millard, O'Neill and Rohde. Motion carried.

Butch Boyle addressed the Planning and Zoning Commission concerning dividing property located at 1479 I Avenue, Jackson; Section 28, T-29-N, R-8-E Parcel 220147736, 2.45 acres.

Moved by Jim Jepsen, seconded by Neil Miller to delete the word "brother" from the May, 2004 minutes dealing with a division of the above property.

Old business, as listed on the agenda was reviewed.

Moved by Gene Cantrell, second by Jim Jepsen to adjourn. Motion carried.

Respectfully submitted,
Dick McCabe, Secretary

DAKOTA COUNTY JOINT PLANNING COMMISSION: November 20, 2007

PUBLIC HEARING

Public Hearing was called to order at 7:02 P.M. concerning the possibility of holding rodeos on the Gary Smith property north of Jackson.

Jim Crosgrove arrived at 7:04 P.M.

Gary Smith explained to the commission about the working order of these rodeos. He assured the Commission that he felt he had all legal requirements in order in addition to having three deputies on site to insure security, and was in the hopes of conducting a possible four or five rodeos annually

Discussion was open to the public with input showing opposition and input showing support.

The public hearing was closed at 7:42 P.M.

DAKOTA COUNTY JOINT PLANNING COMMISSION
MINUTES OF TUESDAY, DECEMBER 18, 2007
P/Z OFFICE 1863 N BLUFF RD, HUBBARD, NE

PRESENT: P&Z Members: Joe O'Neill, Jim Jepsen, Gene Cantrell, Dick McNear, Marlan Millard, Donald 'Neil' Miller and Martin Rohde. Also in attendance were Jackie Hartnett, Board Advisory Member, Dennis Reinert, Zoning Administrator and Joan Spencer, acting secretary. Audience in attendance is on attached sign in sheet.

ABSENT: P&Z Members: Dick McCabe and Jim Crosgrove

The meeting was called to order at 7:00 p.m. by Chairman Joe O'Neill. Pledge of Allegiance was recited. Roll Call was taken.

Gene Cantrell motioned, seconded by Jim Jepsen to approve the minutes of the November meeting. All Aye.

Chair O'Neill stated that a Public Hearing was held in November regarding the Conditional Use Permit for the Gary Smith Rodeo. Chair O'Neill opened the meeting to allow for a brief discussion on this issue from the audience.

P&Z Members were in receipt of a Petition with 86 signatures of people who were against a rodeo being held by Gary Smith.

Those that spoke from the audience were:

Bev Hoch, Buzz Saw. She stated that if the issue to deny the permit was the drinking and driving, then she would not cater liquor at the rodeo again.

Sue Smith. She asked those against the rodeo to be more tolerant since it was only an inconvenience for one day, 5-10 minutes of driving time, 1-2 rodeos per year, the inconvenience of dust or pulling over for a horse trailer. The rodeo was not advertised those who participated were invited. Not any different from a ball game or something else that might be of interest to you.

Lisa Peterson. Not bothered when having to slow down for extra traffic.

Donald Miller. Stated that he lives on that road and does not want to be inconvenienced by cars, dust or noise.

Bonnie Clayton. She was inconvenienced—almost got run off the road. It will require more maintenance and gravel on the road. There will be a 'snowball affect' with the crowds continuing to grow. If liquor is not served, people will bring it in coolers. It is a residential area and Gary Smith replied it was ag land.

Hank Hurley. His concerns were safety, trucks, the condition of the road, adding more traffic to the road and thought there was discussion of 5 rodeos at the last meeting, not 1-2 rodeos. Sue Smith. Three-four rodeos. Gary Smith: Rodeos in May, but not every month. Hank Hurley: Still a lot of traffic. Gary Smith stated he has the right to use the road same as everyone else.

Bob Knudsen: Pointed out that there was a lot of traffic when the Harrigfeld's held their fish fry's. Hank Hurley: Did not feel the fish fry's drew as many people as the rodeo. Bob Knudsen stated there was a lot of people for the fish fry's.

Sue Smith. An inconvenience for people to deal with only one day and the hours of the rodeo were from 2:00 – 10:30 p.m. and it was over by 10:15 p.m.

Nyla Miller. If the Fair Board is willing to accommodate, we would not have a road problem.

Bob Knudsen: Member of a 29-member 4-H Club and the area was meant for youth and the arena holds cattle. They are a Dixon County Club and would be charged \$750 to \$1000 to hold a clinic. A food stand would be required.

Joe O'Neill. We have a whole different ball game if you are talking just 4-H Clubs versus a professional rodeo. Becky Irby. Not a professional rodeo because no one is paying a fee to belong. Joe O'Neill asked if there was prize money given? He was told it was not a professional rodeo and there were ribbons given but no money.

Gary Smith. If this was not a Mexican rodeo, so many people would not be against it. Contestants pay an entry fee to participate and that money is split among the winners. Gary stated he charges rent for use of his live stock.

Joe O'Neill. A Conditional use Permit is still needed and he didn't feel there was any prejudice involved. His concerns were concessions, rest rooms, first aide, liability insurance and the noise level of the music. Gary Smith addressed his concerns by stating rest rooms were provided, he had liability insurance and the music ended at 10 p.m.

Tim Monahan. He could hear the music, but that was not a problem to him. The road traffic was a concern and the cost of a broken windshield—meeting a trailer on a rough road.

Chair O'Neill stated a recommendation was tabled to this meeting to address legal concerns regarding the easement used to get to the rodeo. He read the following letter from County Attorney, Ed Matney:
18 December 2007

County Planning Commission
c/o Mr. Joe O'Neill, Chair
1863 North Bluff Road
Hubbard NE 68741

Dear Commission Members:

Dennis Reinert contacted me concerning Gary Smith's request for a conditional-use permit. Mr. Reinert verbally requested that I look into the issue of how an easement (or easements) would impact the County Planning Commission's decision on whether to issue a conditional-use permit. I have not been able to review Mr. Smith's actual written application; Mr. Reinert indicated today that he believed that the application had been misplaced.

An easement, in general terms, gives permission for one party to use real property owned by another party. Easements are typically for limited purposes (e.g., to provide access to another property or to allow for water flow). As such, easements are generally the concern of the owners of the real property to which the easements pertain. For example, if John Doe owns property that William Brown travels across to reach Mr. Brown's own property, there likely exists an easement for that purpose. If a dispute arises concerning the easement, that dispute would normally have to be resolved in court in a lawsuit *between John Doe and William Brown*.

While a County Planning Commission can consider the fact that there are easements involved and can hear testimony from the property owners affected by the easements, the mere existence of an easement would not block someone from seeking a conditional-use permit. The County Planning Commission must analyze all of the information and make its decision accordingly. As I mentioned earlier, I have not been supplied a copy of the actual application for a conditional-use permit in this case. However, I suspect that the application seeks a permit under Section 610.3 of the zoning ordinances.

Section 610.3 states that, in order for a conditional-use permit to issue for one of the activities listed therein, the County Planning Commission must make a finding that the proposed activity's *"mode of conduct and location*

will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the County." This focus provides the County Planning Commission wide latitude in the issues it can consider prior to making a decision to grant or deny a conditional-use permit. Certainly, one of the factors the County Planning Commission may consider is an easement; however, the inquiry should not stop there. The County Planning Commission should attempt to get as complete a picture as possible regarding the mode of conduct and location of the proposed activity, the feelings of nearby property owners (whether or not they are affected by easements) about the proposed activity, and the potential for disruption of land and resources of the county by the proposed activity.

I hope this information is helpful. If you have any questions, please feel free to contact me. Thank you.

Sincerely,
Edward H. Matney III
Dakota County Attorney

Motion by Donald Miller, seconded by Dick McNear, to convene into executive session regarding possible litigation. All aye -- 7:30 p.m.

Gary Smith stated he thought Neil Miller should not participate in the executive session since he was against the rodeo. Mr. Miller stated that P&Z was a geographically diverse group and he was entitled to vote.

Motion by Martin Rohde, seconded by Dick McNear to reconvene to open session. All aye – 7:45 p.m.

Jim Jepsen motioned, Gene Cantrell seconded, to recommend to the Board of Commissioners that they deny Gary Smith a Conditional Use Permit to hold a rodeo.

Roll Call Vote: Cantrell- yes; McCabe – absent; McNear – yes; Crosgrove – absent; Millard – yes; Miller – abstain; Rohde – yes; O’Neill – yes, Jepsen – yes. Motion carried.

Chair O’Neill reiterated that this was a recommendation only and the Board of Commissioners would make the final decision at the December 31st meeting.

Chair O’Neill thanked everyone who attended and stated their view on the rodeo.

Gary Smith asked on what point was the decision made? Jackie Hartnett stated discussion in executive session could not be revealed.

Dennis Reinert asked if any members would be willing to forego their \$15 meeting attendance fee and stated they would still get their mileage.

Jim Jepsen motioned, Gene Cantrell seconded, to adjourn the meeting. All aye. – 7:53 p.m.

Respectfully submitted,
Joan Spencer