

DAKOTA COUNTY PLANNING & ZONING: February 19,2008

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: Gene Cantrell, Jim Jepsen, Dick McCabe, Dick McNear and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Dakota County Commission Jackie Hartnett, Dakota County Attorney Ed Matney and see attached list.

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

Adam and Tonya Beermann approached the commission concerning an additional building to their hog confinement operation. The proposed building would be identical to the building they constructed a year ago and would increase their herd from 2400 to 4800. They agreed to install a compo sting sight for disposal of dead animals. The commission instructed that all they needed to do was to submit a building permit.

Scott Bousquet approached the commission concerning his plans to build a hog confinement constructor on property he owns on K Avenue. A public hearing will be held at the next regular Planning and Zoning Commission meeting concerning this issue.

Stan and Linda Jump approached the commission concerning a proposed storage unit complex to be located at Highway 77 and 200th Street. They were instructed to submit a building permit.

County Attorney Ed Matney reported to the commission on zoning regulations language. He felt the wording of the regulations needed to be reviewed. The commission will attempt to do a portion of the review at each meeting.

The commission discussed the open meeting laws and will have the necessary posting in place shortly.

Discussion was held on designating a business development area and this issue will be further discussed at future meetings.

Moved by Gene Cantrell, second by Martin Rohde to issue a conditional use permit for the Law Enforcement Center's tower at L P Gill Landfill. Roll call vote: yes - Cantrell, Jepsen, McCabe, McNeal, and Rohde. Motion carried.

Moved by Martin Rohde, second by Dick McNeal to table the election of officers until the next meeting. Motion carried.

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

Meeting was duly adjourned at 8:40 P.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. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Gene Cantrell, Jim Crosgrove, Jim Jepsen, Dick McNear, Marlan Millard, Joe O'Neill, and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Dakota County Commission Jackie Hartnett, and see attached list.

Moved by Gene Cantrell, second by Dick McNear to approve the minutes of the February 2008 meeting. Motion carried.

Vice President Jim Jepsen declared the Public Hearing open at 7:03 P.M.

The Public Hearing closed at 7:22 P.M. and the regular meeting of the Planning and Zoning Commission reopened.

Moved by Jim Crosgrove, second by Martin Rohde, to grant a conditional use permit for Scott Bousquet's swine feeding operation on to the County Commissioners level. Roll Call vote: voting aye – Joe O'Neill, Jim Jepsen, Dick McNear, Jim Crosgrove, Marlan Millard, Martin Rohde: voting nay – Gene Cantrell: absent Dick McCabe and Neil Miller. Motion carried.

The next item on the agenda is a communications tower N.W. of Hubbard. The land deal fell through so the company S&C Structures is looking for a new location in the Hubbard area and will contact the Board when they have acquired a new location.

Marlan Millard reported on his Planning & Zoning conference. He stated that at the meeting there was a big emphasis on having a map of the county plotted out for development. This would be just a guideline to go by to suggest to companies and individuals where the county has good places for them to build. Dixon County has a similar map and it was suggested to get a copy of theirs to use as an example and develop such a map for Dakota County. Jackie suggested getting SIMPCO involved. Marlan Millard also passed out an information sheet on closed sessions. Another issue at the P&Z convention was the conservation easement. This does not affect our County now, but could in the future. Marlan and Jim Jepsen both have information on this if anyone is interesting in looking at it.

The board reviewed the State of Nebraska's Law's & Regulations on Livestock Composting Regulations. The State of Nebraska is using the Pork Producers book as a guideline.

The next item on the agenda regarded the use of words Board and Commission in their appropriate context in the P&Z regulations. The Board asked Dennis Reinert to bring back some examples that would show where this is unclear in the regulations. Redoing the book would be too expensive, but adding in amendments might work out if more clarity was needed in certain areas of the book.

Next up was the election of the Planning and Zoning Officers. This issue was tabled from the last meeting since there weren't many members present. The idea was brought up to rotate these positions so that the same people aren't picked over and over. Joe O'Neill made a motion to rotate the officers' positions. There was no second. Joe O'Neill made a motion, second by Gene Cantrell to table the issue until next meeting when the full Planning Board is present. All aye – motion carried.

Moved by Gene Cantrell, second by Marlan Millard to adjourn. Motion carried
Meeting was duly adjourned at 8:18 P.M.
Respectfully submitted,

Jolene Gubbels

PUBLIC HEARING

Public Hearing was called to order at 7:03 P.M. concerning a conditional use permit for a proposed swine feeding operation

Scott Bousquet presented to the commission his plans for his swine feeding operation located in the SE1/4 of the NE1/4 of Section 12, T-28-N, R-7-E in Dakota County, Nebraska. His swine feeding operation will be a 2400 head unit and will be identical to that of Adam Beermann's operation which was built in 2007 along Hwy 35. The building will have an 8ft deep pit under the building that will hold all the manure which will be continuously vented which should help minimize any offensive odors. This will be cleaned out every fall and he will inject the fertilizer directly into the soil and take soil samples annually. The DEQ has been out and has done a site inspection. Bousquet had applied for EQUIP (Environmental Quality Incentive Program) funding, a government incentive program that is based on the correct management of the facility. There will be a manure management plan that will be sent to the DEQ annually along with the soil sampling and deep pit sampling. This operation would be heavily regulated by the government and the DEQ. The manure will cover 160-200 acres a year on a rotational basis which will be determined by the soil sampling. There are currently no plans for any additional buildings on this site since Bousquet does not have enough acres to support any expansion. Comments were brought up from the public regarding odor, flies, and the distance from homes. Jim Jepsen vice president suggested that if the public still had any concerns or interest, to drive out by Adam Beermann's facility on Odell Avenue off of Hwy 35.

After no comment from the floor, the public hearing was closed at 7:22 P.M.

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: Jim Crosgrove, Dick McCabe, Jim Jepsen, Neil Miller, Joe O'Neill, and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Dakota County Commissioner Jackie Hartnett.

Moved by Jim Jepsen , second by Martin Rohde to approve the minutes of the March 2008 meeting. Motion carried.

Christy Quinn was present from SIMPCO to discuss doing a map study for Dakota County. In the State of Nebraska, in order for Dakota County to change any kind of zoning, it needs to be included in our Comprehensive Plan. The Comprehensive Plan for Dakota County is 11 years old. The portion dealing with land use and maps is only about 1 paragraph. So if Dakota County is looking into doing any rezoning with our maps, that part of the Comprehensive Plan would have to be changed to be utilized in the State of Nebraska. With the Comprehensive Plan being 11 years old, it should all be updated. It should be looked at every year to be revised and to see what goals and objectives have been accomplished. The entire Comprehensive Plan should be updated every 5 years. The Comprehensive Plan should show existing land use, future land use and maps showing both. In the State of Nebraska, you can't do any mapping and change your zoning unless it is included in your Comprehensive Plan. A Comprehensive Plan is also necessary for quite a bit of State and Federal funding. With an old Comprehensive Plan, we can still plan and put together maps, but to adopt them and put them in force, we need to have them in our Comprehensive Plan. A new Comprehensive Plan costs a lot of money, but there is a grant available to help pay for some of it. It generally takes a year to 14 months to complete a Plan and approximately \$14,000. There is grant money available that will pay 47% of the Economic Development part of it and once it is done, a yearly update would be about \$200 to \$300.

The board members stated that they had started on a Comprehensive Plan Draft a few years ago and that it might be easier to look into that and update and adopt that version.

Next on the agenda was discussion of swine mortality composting facilities. Adam would prefer to use composting instead of burying the animals. Right now, Adam has a 30 foot trench, 15 foot deep that he is putting the dead animals in. If Adam used a rendering service, the rendering truck would not be allowed within a half mile of his swine feeding operation per his contract with his Producers. Adam would have to haul the dead animals to the highway and wait for them to be picked up. After much discussion and input from Adam Beerman, the board is letting Adam Beerman experiment with different composting plans. The Planning Commission would like to have feedback and documentation on his progress. Dennis will consult the County Attorney on this issue. Jackie stated that it would be nice to have a composting plan in place based on what is working for Adam to help ensure that people will be doing it correctly.

Next on the agenda is Bill Haafke selling his mother's acreage at the Junction of Hwy 35 and 110. He is selling off 2.16 acres. The Planning board stated that they did not have a problem with that. Bill stated that he will be getting an easement from the new owners to get into the field there and a shed that the owners have given him permission to use.

Jackie left the meeting at 8:00 P.M.

The next item on the agenda was the election of the officers. The Board wants to look into having the Road Department secretary take the minutes at the meeting. If she can't make it to a meeting, have the meeting recorded and take minutes from that with additional help from some of the board members if needed. Dennis will look into asking her about filling in when possible to take minutes.

Neil Miller made a motion, second by Jim Crosgrove to table the election of officers until next meeting since 3 members were missing.

Jim Jepsen brought up the issue of buying wind rights. Nebraska is the 6th state in line for having the most wind. The community needs to be aware of potential buyers in the state of Nebraska and warned against selling their wind rights. You can sell them, but the seller must be cautious in the process.

Moved by Neil Miller , second by Gene Cantrell to adjourn. Motion carried.

Meeting was duly adjourned at 8:16 P.M.

Respectfully submitted,

Jolene Gubbels

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, Dick McCabe, Jim Jepsen, Marlan Millard, Neil Miller, Joe O'Neill, and Martin Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, Dakota County Commissioner Jackie Hartnett, and County Attorney Kim Watson.

In reviewing the minutes, Gene Cantrell was named for the second motion to adjourn the meeting. Gene was not at the meeting; name for second motion on adjournment was changed to Jim Crogrove. Moved by Jim Jepsen, second by Martin Rohde to approve the amended minutes of the April 2008 meeting. Motion carried

Dennis Reinert spoke with the Planning Board about his meeting on June 10th with the Dakota County Economic Development Board. He presented the planning members with a map on the proposed map for the Hwy 35 project. South Sioux City is looking at the area around Hwy 110 as an area for commercial development. Dennis talked with the board about updating the Comprehensive Plan. The Planning Board stated that they have a Comprehensive Plan from 1998 that they approved, but not sure if the Board of Commissioners approved it. This issue will be on the agenda for the next Board of Commissioners meeting on June 30, 2008 to discuss getting it approved. Once approved the Planning Commission can make the needed updates concerning the Hwy 35, & 110 development.

Next on the agenda is the County Attorney Kim Watson to discuss salvage yards and composting. There had been some concerns brought to Dennis on the towing service owned by Curtis Arndt. When Dennis looked into it, he felt that proper procedure was not done in authorizing Curtis Arndt a Conditional Use permit. There is no definition on our bylaws concerning towing. It was previously discussed by the planning commission, a proposal sent to the Board of Commissioners and then sent back to the Planning Commission for some additional work. The Planning Commission had SIMPCO help them with there definition and regulations. It was approved by the Planning Commission and Curtis Arndt was issued a Conditional Use permit, without the Board of Commissioners approval. After much discussion the Planning and Zoning board decided that Curtis Arndt's Conditional Use Permit for towing and salvage yard fell under the old regulations and it did not need to go back to the Board of Commissioners for approval.

Motion made by Neil Miller, second by Jim Jepsen to leave permit as is. Roll call vote. Unanimous. Motion carried.

The Board will look into amending its regulations to add towing regulations to the book if someone else in the County wants a towing business. The board will also wait on feedback from Adam Beermann on how they want to approach making any rules and regulations on composting.

Discussion was brought up by Marlan Millard on how often we have meetings. It was general consensus that if there was items on the agenda that we would have a meeting. If there were no agenda items, no meeting. If one of the board members wanted to discuss something at a meeting, they should call Joe O'Neill so we are sure to have a meeting that month.

Discussion was held by members on hiring a secretary. Motion made by Jim Jepsen, second by Gene Cantrell to hire Jolene Gubbels with pay. Roll call vote. Unanimous. Motion carried. Issue will be brought to the Board of Commissioners for final approval.

Next up was election of officers. Motion made by Neil Miller, second by Marty Rohde to keep existing officers. Unanimous vote, Motion carried. Joe O'Neill will remain chairman, Jim Jepsen – vice chair, and Dick McCabe secretary when Jolene is unavailable.

New business brought before the board was a Consanguinity permit for Cindy Ford at 553 164th Street in the Millis Beach area. She and her husband live there on 1.89 acres. She would like a consanguinity permit. It looks like she would fall under South Sioux City's planning and zoning and will be referred to them.

Motion made by Gene Cantrell, second by Marty Rohde to adjourn. Motion carried.

Meeting was duly adjourned at 8:19 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: Special Meeting Friday July 11, 2008

A special meeting to include regular meeting items 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, and Joe O'Neill. Also present: Planning and Zoning Administrator Dennis Reinert, and Dakota County Commissioner Jackie Hartnett and see attached list.

Moved by Jim Jepsen, second by Gene Cantrell to approve the minutes for the June 2008 meeting. Motion carried.

Mitch Lowe approached the board regarding a variance. Joe O'Neill excused himself from this issue since the variance involved a family member. They are requesting a variance of 20ft off the property line instead of 50ft so they can build a home on flat land. The neighboring land owner has no objections. The property is located on a county road off of Hwy 12 on and the proposed building site is 1400ft from a county road. They have an easement for their lane to get to their property. Motion made by Jim Jepsen, second by Gene Cantrell to issue a variance. Roll call vote: Unanimous. Motion carried.

Next on the agenda is finalizing the towing regulations. County Attorney Watson had some input, but was unable to attend at the last minute. Joe O'Neill referenced a meeting with the assistant County Attorney, Dennis Reinert, Jackie Hartnett and himself. At this meeting, the assistant County Attorney stated that she felt that Board of Commissioners needed to approve the issuance of Conditional Use Permits. Jim Jepsen made the comment that this rule applied to the new book, not the old book. Joe stated that in the assistant County Attorney's opinion that if a Conditional Use Permit is reissued on a yearly basis that it should fall under the new rules. The question was brought up if the Conditional Use Permits needed to be renewed yearly. Jim Jepsen stated that if the permit holder stayed within the guidelines that were set, then the permit was permanent unless the property changed hands. Jim Jepsen thought that Tom Lynch's RV park was the only permit issued with any restrictions of being renewed yearly since a lot of continuing work needed to be done to the grounds. The P&Z board all seemed to agree that the Conditional Use Permit that was issued for the towing service should be valid as is. Joe stated that a clerical error was made on the permit on file and that it needed to be corrected and a new one signed and issued to Mr. Arndt with the original date. Dennis stated that after the meeting he had with the assistant county attorney that Joe had previously mentioned, that he did not feel comfortable with signing Mr. Arndt's permit without consulting her first. Jackie suggested that when they add the towing regulations into the new book that they clarify what they want and be sure to state if and when a conditional use permit would need to be renewed.

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

Meeting was duly adjourned at 7:43P.M.

Respectfully submitted,

Jolene Gubbels

A regular meeting 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, Neil Miller, Joe O'Neill and Marty Rohde. Also present: Planning and Zoning Administrator Dennis Reinert, and Dakota County Commissioner Jackie Hartnett, Dakota County Attorney Kim Watson, and see attached list.

After reviewing the minutes from the July meeting, Jim Jepsen had a correction for the following sentence: Jim Jepsen made the comment that this rule applied to the new book, not the old book and that no Conditional Use Permits fall under the new book yet. This sentence should be changed to: **Jim Jepsen made the comment that this rule applied to the old book, not the new book.** Moved by Jim Jepsen, second by Gene Cantrell to approve amended minutes for July's meeting. Motion carried.

First item was Richard and Angela Coan to address the board regarding a storage building between Nodaway and Sivill Way north of Jackson by the river. This area is zoned recreational and is in an odd shaped triangular piece between these two roads. They are requesting a variance because they do not meet the minimum setback from the county roads. The Planning and Zoning Board referred them to the Board of Adjustments since the variance is from the county road, not another property line.

Second item on the agenda is to make a recommendation to the Board of Commissioners regarding whether Conditional Use permits should be issued by the Planning and Zoning Board or by the County Board of Commissioners. After much discussion, it was decided that the Planning and Zoning Board would make a recommendation for a Conditional Use Permit and let the Board of Commissioners have the final ruling on whether to issue one or not.

The third item on the agenda was to develop rules for a Towing Service. After much discussion and some changes made to their previous draft the Planning & Zoning Board decided on a set of regulations. Motion made by Jim Jepsen, second by Marlan Millard to accept changes made to the towing regulations draft. Roll Call Vote. Motion carried. Due to conflict of interest, Marlan Millard will present the regulations to the Board of Commissioners instead of Dennis Reinert. The Board of Commissioners will review the regulations and hold a public hearing before they approve/disapprove the new regulations.

Fourth item on the agenda was the Planning and Zoning Administrator. After input from some of the board members, they decided to recommend to the Board of Commissioners to remove Dennis Reinert as the Planning & Zoning Administrator and have Marlan Millard do building inspections until a new Administrator could be hired. Motion made by Jim Jepsen, second by Marty Rohde. Roll call vote unanimous. Motion carried.

Motion made by Gene Cantrell , second by Neil Miller to adjourn. Motion carried.

Meeting was duly adjourned at 8:48P.M.

Respectfully submitted,

Jolene Gubbels

A regular meeting 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: Dick McCabe, Dick McNear, Marlan Millard, Neil Miller, Joe O'Neill and Marty Rohde. Also present: Dakota County Commissioner Jackie Hartnett, Dakota County Attorney Kim Watson, and Ed Lewon, Dennis Reinert, Lue Franco, and Matt Roost.

Moved by Dick McNear, second by Neil Miller to approve minutes for the August meeting. Motion carried. Jim Jepsen arrived at 7:05p.m.

First item on the agenda was Matt Roost. He is sectioning off the building site from the rest of his Grandparents farm to buy the house. He only has 4.77 acres because of a road, 2 creeks and a neighboring fence line. With this being an existing acreage and having natural borders the Board could see no problems with approving it even though it was less than 5 acres. The existing site was grandfathered in. A motion was made by Dick McNear second by Martin Rohde. Roll Call vote unanimous. Motion carried. Matt was asked to fill out an Informational Statement to send into the assessor's office.

Second item on the agenda Ed Lewon to discuss adding another storage building to his business site along Hwy 20. He spoke with Dan Sayre from the State of Nebraska about his 90foot setback and said he would be back far enough from the Hwy. Ed will also have to put in a grade and rock that. There is a drainage ditch by the Hwy so the water would drain in the ditch and not on the Hwy. The board discussed the rest of his boundaries and told him as long as he was able to establish his proper setbacks he can go ahead with it.

Next item was to review and recommendation of Planning Administrator resumes. There were a total of 4 applicants. The board discussed and reviewed their resumes. Motion was made by Jim Jepsen second by Neil Miller to recommend Joe Conley to the Board of Commissioners to be the Planning & Zoning Administrator. Joe Conley would contract with the County through the city of South Sioux City. Roll call vote: aye, Jim Jepsen, Dick McCabe, Neil Miller, Joe O'Neill, Martin Rohde; nay, Dick McNear and Marlan Millard. Motion carried. Specifics of the contract will be worked out at a later date with the city of South Sioux City and the county. If the Planning and Zoning Board does not like the contract, they will go back and look at the other resumes and start over finding a new Administrator.

Last item on the agenda was to review the bylaws. Jim Jepsen recommended that it be put on future agendas to continually be going over the book. Joe O'Neill also requested that everyone go over the bylaws and come to the next meeting with suggestions of areas in the book to cover.

Motion made by Marlan Millard, second by Marty Rohde to adjourn. Motion carried.

Meeting was duly adjourned at 7:38 P.M.

Respectfully submitted,

Jolene Gubbels

A regular meeting 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 Gene Cantrell. Absent: Joe O'Neill, Jim Crosgrove, and Martin Rohde. Also present: interim-Planning and Zoning Administrator Arnie Mellick, Dakota County Commissioner Jackie Hartnett, Dennis Reinert, Lue Franco, Aaron Kraft, Mike Madsen and Milo Birkley.

Moved by Neil Miller, second by Marlan Millard to approve minutes for the September meeting. Motion carried.

First item on the agenda was Aaron Kraft from Waste Water Management to address the board about sludge. He is seeking a one time only need to knife in the waste in Dakota County. After that, Gill Landfill will take the waste and make use of it at there facility. After discussion by the planning and zoning members, it was decided that since there was nothing in the regulations pertaining to this, Waste Water Management would need to seek approval from the Board of Commissioners at their next meeting.

Next on the agenda, is the Towing and Wrecker service. For some reason the regulations that they agreed upon in August, never made it to the Board of Commissioners for approval. Motion was made by Neil Miller second by Marlan Millard to send the towing regulations back to the Board of Commissioners for approval. Roll Call vote: Motion carried. It was also discussed that if the Board of Commissioners make a motion regarding sludge at their next meeting, that they could send a recommendation back to the P&Z commission to incorporate sludge into their regulations.

Neil Miller made a motion second by Gene Cantrell to correct the typo on Curtis Arndts conditional use permit and reissue it. Roll Call vote: Motion carried.

Next on the agenda is discussion of zoning administrator. Jackie stated that Arnie Mellick will be the interim-administrator until January when the new commissioners decide what to do. Jackie said that he gets off work at 3:30 and can take planning and zoning questions after that.

Next on the agenda is reviewing the bylaws. The board briefly discussed membership terms and that if someone wants off the Planning and Zoning board, they need to send in a letter of resignation. The next meeting, they would like to have reviewing the book on the agenda.

For old business, Rod Krahmer was issued a building permit, but he is in Jackson's town limits, so he was refunded his building permit.

For public comment, Dennis Reinert addressed the board on 2 issues. First, Dennis stated that if the P&Z board is to do anything with sludge that they need to have a public hearing for the purpose of making new regulations. Secondly, Dennis stated that reissuing a new Conditional Use permit with the typo error corrected for Curtis Arndt should not be done until a definition for towing regulations and conditions of that permit are established. He referred back to a letter from the county attorney that was sent out earlier this year advising this. The board stated that as far as the sludge is concerned, that they have had many public hearings in the past discussing sludge and that before anything is added to the books, that there would be more public hearings. As for Curtis Arndts conditional use permit, Arnie will be speaking the county attorney on this matter.

Motion made by Gene Cantrell, second by Neil Miller to adjourn. Motion carried.

Meeting was duly adjourned at 8:10 P.M.

Respectfully submitted,

Jolene Gubbels

PUBLIC HEARING

Public Hearing was called to order at 7:05 P.M. regarding Towing and Wrecker Service Regulations. The Planning and Zoning Board presented a set of regulations to the public for comment. Joe O'Neill opened up the floor for public comment

Sally Reinert from Dakota City stated that she felt the regulations were too vague to be acceptable. It talks about storing vehicles but no time frame on how long they can stay there. It talks about trees and shrubs, walls and fences, but gives no indication of what the business is and isn't allowed to do behind the bushes. At one point towing is mentioned together with salvage, junk yard and wrecking yard. These other businesses are relegated to areas zoned as heavy manufacturing. You have given no indication as to the zoning district where towing services will be allowed.

The Planning and Zoning board addressed a few of Sally's concerns. The time limit on keeping the vehicle depends on the value of the car. The county follows the state guidelines on such issues. Mrs. Reinert stated that she would like to see that added to the regulations. Joe O'Neill stated that the towing, salvage, and junkyard are being lumped in is pertaining to everyone of those different applications need to have a conditional use permit. We are not saying towing can be salvage. That is why there are definitions for towing and wrecker. They would have a separate permit for those applications. Sally Reinert asked if the regulations could make that more clear.

Tom Bousquet said that it would be nice to have a true definition of a towing service. Towing a car to a certain location for storage and maybe a time frame and if the vehicle should be stored inside or outside and whether or not it needed to be licensed or not.

Jim Bliven wanted to know if anyone would be checking on if the regulations were being followed.

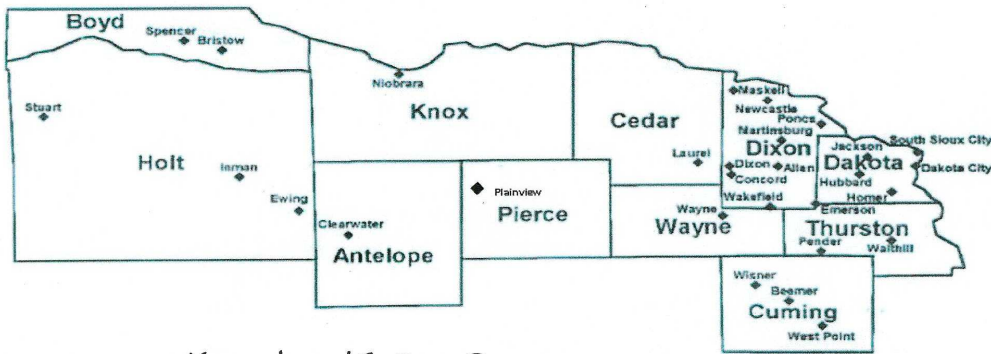
Jim Jepsen said that if we adopt the towing wrecker service, you would still need to get a conditional use permit. In the conditional use permit is were you can write in all the regulations.

Sharon Orr Hoffman would like her area to remain agricultural. She is also concerned about the environmental impact to the area

Chuck Beermann is concerned about the wording and enforcement of the regulations. He wants to make sure the wording for a towing service doesn't open up a door for a salvage yard.

Dick Leitschuck with Keep Northeast Nebraska Beautiful stated that his board feels that recycling and reusing of parts and disabled vehicles is a prudent activity and can be done according to Dakota County Planning and Zoning ordinances only in heavy manufacturing zoning. Keep Nebraska beautiful would not like to see junk vehicles in Nebraska's landscape. They have written a letter to the planning and zoning board and is as follows:

KEEP NORTHEAST NEBRASKA BEAUTIFUL



November 18, 2008

Board Members

- Dick Leitschuck, President
- Frank Morse, Vice-President
- Nanci Walsh, Treasurer
- Jackie Hartnett-Secretary
- Leonard Gill
- Lance Hedquist
- Charlene Jensen
- Denise Peterson
- Sally Reinert

Dear Dakota County Planning and Zoning Board:

Keep Northeast Nebraska Beautiful (KNNB) is committed to the environmental betterment and beautification of the area. In keeping with this mission, the organization urges the board to remain vigilant in defending the zoning codes specifically addressing areas of county nuisances, particularly those focusing on junk and abandoned vehicles.

It has come to the attention of the Board of Directors of KNNB; businesses operating in the unincorporated areas of Dakota County are housing junk and abandoned vehicles on the company premises. The KNNB Board urges the Dakota County Planning and Zoning Board to defend the code and work toward eliminating refuse, especially nuisance vehicles, throughout the county.

Having an environmentally sound and attractive county, not only provides a safe home for residents and businesses but encourages economic growth. KNNB supports the Dakota County Planning and Zoning Board's efforts to contain litter and nuisance.

Kristi Quinn
SIMPCO
Coordinator
712-279-6286
FAX-712-279-6920
kquinn@simpc.org

Thank you for your consideration in this matter.

Sincerely,

Dick Leitschuck
Keep Northeast Nebraska Beautiful
Board of Directors President
(402) 494-3701



Financing provided through the Litter Reduction and Recycling Grant Program, Nebraska Department of Environmental Quality.*



Willis Buell is concerned that adopting these regulations would open the door to a junkyard anywhere in the county. An original draft had some rules that he wished were not taken out and should be put back in. Some of these rules applied to weeds, time limits and records and licenses for the business.

Helen Orr read a letter to the board and is as follows:

2267 South 135 Avenue
Omaha, NE 68144-2419
November 17, 2008

Planning and Zoning Board Members
Dakota County Courthouse
Dakota City, NE 68731

Dear Board Members

I grew up in rural Dakota County in the '40's and '50's. At that time, nearly all of the farmland was owned by the farmers and their families who lived on the land.

These landowner/farmers all took pride in their crops, their homes, and the environment in which they lived and worked with blood, sweat, and tears. They kept their home and buildings painted, kept their tractors and other equipment operational, stored their equipment when not in use, and repaired fences, just to name a few of their many chores. Their ancestors loved the land and they, too, as descendants, cared for it. They even chided each other if their rows of corn were not straight. They were a very proud, innovative, productive, hard-working group of men and women taught by their forefathers.

Since that time, it appears that **major negative changes have occurred in Dakota County**—many of the original farm sites have been turned into acreages. (The land has been either retained by the offspring, or it has been sold to other large landowners.) There are some properties that have been abandoned or left to deteriorate. Many old cars and pickups are being left to sit in the sun or are hidden in the trees to rust and fall apart--destroying the beauty of the countryside. Outbuildings are badly in need of repair and paint.

One such location looks like a junk yard on the west side of G Street north of 200th Street. It is "an eyesore" or better yet—a dump! Horses wander in between the junk cars—what about their health? Is there no pride in the landowner's ownership of his property? Where is the owner's community spirit? This past summer there was a field south of the former barnyard (approximately 2 – 3 acres) totally filled with extremely huge "button weeds"—a menace to the local farmers in attempting to keep their fields and ditches free from weeds. Unfortunately, it looks like the owner is expanding his property!!!

Have the members of the P and Z Board driven around the County to actually see what has been taking place?

1. Has anyone noticed the property located on G Street between 190th and 200th Street on the west side of the road? Debris is strewn about in the front yard, back yard, and in the north grove. (Formerly owned by State Senator Hal Bridenbaugh.)
2. Between 210 Street and the drainage ditch on the west side of G Street is a house that needs to be torn down. It has not been inhabited for at least 40 years or more. (The Art Luesebrink house)
3. Another site is south of 200th Street and adjacent west of the Burlington RR. Old cars and pickups are scattered about--to be left for eternity?
4. What about the property south of 210 Street and visible east from Highway 77? Old cars, pickups, and diesel truck beds are "hiding" in the grove of trees. (Previously owned by the Harris family.) What impression does this create for visitors to the County or for persons driving through?

5. Additionally, has anyone on the Board noticed the three totally deteriorating houses located on the Blyburg Road east of Homer? How very sad and embarrassing to County residents that out-of-state visitors from Iowa and South Dakota, and other counties in Nebraska visiting the historic O'Connor House are forced to view these houses that depict no pride of ownership nor any salvage value. These houses appear to be uninhabitable!
6. There is a former farm site property east of Jackson on the north side of Highway 20 that is also in extreme disrepair.
7. Surely there are other properties that have not been identified and listed above!

It has been said that the towns in Dakota County have made laws to protect the "town" property—junk isn't allowed! Where are the laws to protect the "country" property? As members of the Planning and Zoning Board, is it not your responsibility to strengthen the rules—the laws—that state specifically what is acceptable and what is not in country living? Please take positive action to strengthen the laws to upgrade and improve the land sites that many of us love.

What else can be done? Why not promote a rural County campaign—"Love the Land!"—in order to get rid of junk? Advertise with fliers some ideas, encouragement, and help for acreage property owners. Create a list of junk dealers that are available to help haul the unused and unneeded machinery, vehicles, etc., with the dealer and the owner sharing the proceeds. Try to instill personal pride in property ownership—paint, clean up, throw away, toss, get rid of. Be ambassadors for Dakota County in a positive manner! Talk it up! Have a contest! Let's compete with Iowa in keeping Dakota County land sites picturesque and pastoral!

Sincerely yours,



Carolyn K. Orr

P. S. My two sisters and I own a very small portion of Dakota County land, and I visit the farm/home site three or four days each week. It has been in our ancestral family for over 140 years!!! Even though I am not currently an official resident, I still am very proud of Dakota County—as you can tell by my writing, my heart will always live here!

Chairman O'Neill opened up the floor for comments that were in favor of the towing regulations. Pam Banta spoke in favor of the regulations.

Curtis Arndt spoke of all the improvements he has done to the property. He bought a machine to pump the refrigerant out of the vehicles so the salvage yards would take them. He has put up trees and kept the weeds down. He is in the process of cleaning out his building so he can put the stuff in it he wants to keep and get rid of the rest to help clean up the property. He planted 200 trees this last summer.

Chairman O'Neill closed the floor and opened up comments from the board. Marlan Millard spoke of the time limits that a car can stay in the towing yard. He said that sometimes it depends on whether a car has been involved in an accident or crime. In these cases the cars have to stay put until the investigation is done. With that being said, it makes it hard to put a time limit on how long a car can sit at a towing yard.

Curtis Arndt stated that he has a van sitting at his property at the current time that is being held for an insurance company.

Jim Jepsen explained that if the towing regulations are passed, it does not mean that a bunch of towing services will go up in the county. The individual would still have to apply for a conditional use permit and it would go before the Planning and Zoning Board and then Board of Commissioners would vote on it.

Joe O'Neill asked Mr. Arndt if the state regulated the licensing and insurance and Mr. Arndt said it did.

After some more discussion Joe O'Neill closed the public hearing.

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. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Gene Cantrell, Jim Crosgrove, Jim Jepsen, Dick McNear, Marlan Millard, Joe O'Neill, Neil Miller and Martin Rohde. Also present: interim-Planning and Zoning Administrator Arnold Mellick, Dakota County Commission Jackie Hartnett, and see attached list.

Moved by Gene Cantrell, second by Jim Jepsen to approve the minutes of the October 2008 meeting. Motion carried.

President Joe O'Neill declared the Public Hearing open at 7:05 P.M.

The Public Hearing closed at 8:05 P.M. and the regular meeting of the Planning and Zoning Commission reopened.

Motion made by Gene Cantrell, second by Dick McNear to table the regulations until next meeting. Roll Call Vote. Motion carried. The Board will meet with the county attorney and Simpco to work on the regulations.

Next item on the agenda is the planning and zoning administrator. A motion was made by Neil Miller and second by Gene Cantrell to recommend to the Board of Commissioners that Arnie Mellick remain as planning and zoning administrator for 1 year. Roll call vote. Unanimous. Motion carried.

Next on the agenda review planning and zoning bylaws and regulations. Jim Jepsen asked about the sludge that was sent to the Commissioners. Jackie stated that it was passed by the Commissioners for the one time application.

Dick McNear wanted to clarify that some of the areas in the county that were listed earlier as having junk were inside some of the town limits and that the county didn't have any jurisdiction over it.

Motion made by Gene Cantrell, second by Neil Miller to adjourn. Motion carried.

Meeting was duly adjourned at 8:15 P.M.

Respectfully submitted,

Jolene Gubbels