

DAKOTA COUNTY PLANNING & ZONING: January 19, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:01 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Tim Decker, Ron Gill, Jeanine Grove, Christy Henjes, Dick McCabe, Harold Moes and Martin Rohde. Absent: Paul Ireland, Dakota County Commissioner Larry Albenesius. Also, present: Planning and Zoning Administrator Joe O'Neill. Public: Marci Broyhill

Notice was made regarding the Open Meeting Act posted on the West wall.

First item on the agenda is to approve the November 17, 2020 minutes. Motion made by Harold Moes, second by Scott Bosquet. Roll call vote: Unanimous. Motion carried

Next item on the agenda is Marci Broyhill to discuss making changes to Dakota County's wind energy regulations. The regulations need to protect the health, safety, property value and the finances of the citizens of the county. The regulations she would like to address pertain to setbacks, the decommissioning, the line of credit and escrow, noise and interference. She would like to see the setbacks expanded and the decommissioning time to be shortened and the whole structure removed, not just 4' below ground surface. Our escrow account is 10% and should be greater. Noise levels should be re-evaluated along the regulations regarding interference. Another issue that should be addressed is the toll it takes on the roads when these turbines are being constructed. Road conditions should be documented before construction starts and the companies return road back to original condition.

Next on the agenda is to discuss issuing Jorge Villalpando a conditional use permit for 546 200th Street, Dakota City to work on his own trucks. Joe will see if Jorge will be available next month for a public hearing and the board will need to think about what they want for conditions on the conditional use permit.

Next item on the agenda is discuss the wording for the Section 640.5 Occupancy. It currently reads as follows.

Occupancy of each site is limited to one (1) recreational vehicle, two (2) automobiles or truck, and one (1) miscellaneous recreational vehicle including but not limited to boats and all-terrain vehicles, accommodating one camping party. Recreational vehicle parks shall be allowed to operate from April through October in a calendar year, being closed for the remainder of the year. Private recreational vehicle parks may establish their own times of operation, but they must fall between the months of April through October each year. Recreational vehicle parks must close and all vehicles must be removed from the grounds by October 31 of each year and shall open no earlier than April 1 of each year. No permanent or year around occupancy is allowed in recreational vehicle parks.

Tent camping shall be allowed in recreational vehicle parks. No more than two (2) tents shall be allowed on each lot. Tent camping shall be allowed under the same date guidelines stated above for recreational vehicles.

Portable storage sheds are permitted in recreational vehicle parks. All sheds shall be constructed of wood products, painted and have asphalt shingled roofs. Sheds shall not exceed one hundred twenty (120) total square feet. Sheds must be portable and removed under the same guidelines for removal as recreational vehicles.

The last meeting the board discussed making the following changes:

Occupancy of each site is limited to one (1) recreational vehicle, two (2) automobiles or truck, and one (1) miscellaneous recreational vehicle including but not limited to boats and all-terrain vehicles, accommodating one camping party. Recreational vehicle parks shall be allowed to operate from April through October in a calendar year, being closed for the remainder of the year. Private recreational vehicle parks may establish their own times of operation, but they must fall between the months of April through October each year. Recreational vehicle parks must close **and all vehicles must be removed from the grounds** by October 31 of each year and shall open no earlier than April 1 of each year. No permanent or year around occupancy is allowed in recreational vehicle parks **and all vehicles must be licensed and road worthy**.

Tent camping shall be allowed in recreational vehicle parks. No more than two (2) tents shall be allowed on each lot. Tent

camping shall be allowed under the same date guidelines stated above for recreational vehicles.

Portable storage sheds are permitted in recreational vehicle parks. All sheds shall be constructed of wood products, painted and have asphalt shingled roofs. Sheds shall not exceed one hundred twenty (120) total square feet. Sheds must be portable and removed under the same guidelines for removal as recreational vehicles.

The board agreed to these changes and will have a public hearing next month to adopt these changes.

Next on the agenda is to discuss adding a definition for Consanguinity to the zoning regulations. Joe gave the board 4 definitions to review and decide which definition they liked. The board discussed the options. Motioned made by Christy Henjes, second by Tim Decker to define Consanguinity as follows: Relationship by descent from a common ancestor; close relationship or connection. Roll Call Vote. Unanimous. Motion carried. There will be a public hearing next month to change the regulations to include this definition.

Next item on the agenda is to hold a discussion regarding cabins on the same parcel as a permanent dwelling. We have a resident that built a cabin to live in while he remodels the existing farm house. He said once the farm house is remodeled, he will use the cabin as a guest house or possibly a place for a parent to stay and at that point he would get a consanguinity permit. We do not have anything in our regulations regarding a guest house or cabin. It was decided that for now since only the cabin was being occupied that he was fine with a building permit and once both places were livable, he would need to apply for consanguinity.

Next on the agenda is miscellaneous and old business. The issue of the Farmsteads was brought up. Joe said that the first meeting will be either February 2nd or 9th. It has been hard to get everyone together. William Corkin has been replaced by Jim Dorcey since Mr. Corkin did not want to be on the committee anymore. Joe went over new permits. Sue Rooney – consanguinity permit in Hubbard. Rick Dahl -storage shed in Farmsteads and Randy and Kathy Jessen – storage shed in Hubbard. Andersen Farms has a business permit for golf course storage shed for the new course by Homer.

More discussion was held on the wind energy regulations. Next meeting the board will go through the wind energy regulations to make additional changes.

Marty opened up the floor for public comment. No comment

Moved by Harold Moes, second by Christy Henjes, to adjourn. Motion carried

Meeting was duly adjourned at 8:34 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: February 16, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Ron Gill, Tim Decker (7:05), Paul Ireland, Dick McCabe, Harold Moes and Martin Rohde. Absent: Scott Bousquet, Jeanine Grove, Christy Henjes. Also, present: Dakota County Commissioner Larry Albenesius and Planning and Zoning Administrator Joe O'Neill. Present from the public: Jose Campos, David Campos, Marci Broyhill.

Notice was made regarding the Open Meeting Act posted on the wall.

First item on the agenda is the re-organization of the board. Nomination made by Harold Moes, second by Paul Ireland to keep all offices the same. Roll call vote: Unanimous. Motion carried. Marty Rohde will remain Chairman, Harold Moes vice-Chair, and Dick McCabe secretary.

Moved by Paul Ireland, second by Ron Gill to approve the minutes of the January 19, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

Marty moved to agenda item #5. Jose Campos to address the board regarding his business on Elma Rd, Homer. Mr. Campos stated that his brother stores junk cars and waits for the iron prices to go up and then he sells them. He does not part them out. He tows them out there and some he needs to wait 90 days before he can take the steps to legally take possession. He currently has 20-25 cars. The board advised him to fill out an application for a conditional use permit for a towing service.

Next item on the agenda is a Public Hearing to hold discussion on adding Consanguinity to the zoning regulations. Regular meeting was closed and the public hearing opened. As discussed in previous meetings, Consanguinity to be defined as: Relationship by descent from a common ancestor; close relationship or connection. Motion made by Paul Ireland, second by Harold Moes to send the definition of Consanguinity to the Board of Commissioners for approval. Roll Call Vote: Unanimous. Motion Carried.

Next item on the agenda is a Public Hearing to amend Section 640.5. Recreational Vehicle Parks Occupancy. As discussed in previous meeting to change the regulations to read as:

Occupancy of each site is limited to one (1) recreational vehicle, two (2) automobiles or truck, and one (1) miscellaneous recreational vehicle including but not limited to boats and all-terrain vehicles, accommodating one camping party. Recreational vehicle parks shall be allowed to operate from April through October in a calendar year, being closed for the remainder of the year. Private recreational vehicle parks may establish their own times of operation, but they must fall between the months of April through October each year. Recreational vehicle parks must close ~~and all vehicles must be removed from the grounds~~ by October 31 of each year and shall open no earlier than April 1 of each year. No permanent or year around occupancy is allowed in recreational vehicle parks and **all vehicles must be licensed and road worthy.**

Tent camping shall be allowed in recreational vehicle parks. No more than two (2) tents shall be allowed on each lot. Tent camping shall be allowed under the same date guidelines stated above for recreational vehicles.

Portable storage sheds are permitted in recreational vehicle parks. All sheds shall be constructed of wood products, painted and have asphalt shingled roofs. Sheds shall not exceed one hundred twenty (120) total square feet. Sheds must be portable. ~~and removed under the same guidelines for removal as recreational vehicles.~~

Motion made by Paul Ireland, second by Harold Moes to send the revised regulations to the Board of Commissioners for approval. Roll Call Vote: Ayes: Decker, Ireland, McCabe, Harold Moes, & Rohde. Nays: None. Abstaining: Gill. Motion Carried. Board moved from public hearings back to regular meeting.

Next on the agenda is to review and discuss changes to the wind energy regulations Section 900.2. The board reviewed some regulations from other counties. They all have packets of regulations from other counties and

will review them and highlight what they would like to see in Dakota County's regulations and bring that information back with them at the next meeting for further discussion.

Next on the agenda is miscellaneous and old business. Joe had a meeting with the Farmstead committee which consisted of farmstead residents Bobbi Jo Stapleton and Gordon Hegge, along with planning and zoning board members Marty Rohde, Paul Ireland and Jeanine Grove. They decided to leave the regulations as is. The resident that was causing issue with his animals will put up a privacy fence on his side of the property and keep his animals in. He will have a chance to keep his animals in and if it continues to be a problem the regulations will be reviewed again. Now that we are moving forward with the consanguinity definition Joe will contact the resident on F Ave regarding his intentions with his property.

Marty opened up the floor for public comment. No comment

Moved by Harold Moes, second by Ron Gill, to adjourn. Motion carried

Meeting was duly adjourned at 8:00 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: March 16, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:02 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Tim Decker, Ron Gill, Christy Henjes, Harold Moes, and Martin Rohde. Absent: Jeanine Grove, Paul Ireland, Dick McCabe and Planning and Zoning Administrator Joe O'Neill. Also, present: Dakota County Commissioner Larry Albenesius. Present from the public: See attached list.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Tim Decker to approve the minutes of the February 16, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda was a public hearing to give citizens the opportunity to offer their support, opposition or neutral comments regarding the application for a Conditional Use permit from Jorge Villalpando for a service shop located at 546 200th Street, Dakota City, NE. Chair Rohde opened the public hearing at 7:03pm. The board members discussed with the public what conditions to put on the property. One issue was that Mr. Villalpando was not sure of his property lines. There were also concerns about the amount of junk currently on the property. Mr. Villalpando said with the new building all the stuff outside would be put inside. Chair Rohde closed the public hearing at 7:11pm. The board felt it would be hard to put conditions on the property without knowing what the setbacks for the new building for his service shop would be. Motion made by Tim Decker, second by Christy Henjes to table issuing the conditional use permit until Mr. Villalpando was sure of his property lines and a full board was present to set conditions. Roll Call Vote. Unanimous. Motion Carried.

Next item on the agenda was a public hearing too give citizens the opportunity to offer their support, opposition or neutral comments regarding the application for a Conditional Use permit from Jose and Juan Campos for a towing service located at 2107 Elma Road, Homer, NE. Chair Rohde opened the public hearing at 7:37 p.m. Several members of the public were present to voice their opposition to having a towing yard near their property. They were upset about the number of cars he had on his property that created an eye sore and the fact that he started the business without getting permission first. Chair Rohde closed the public hearing at 8:00. The board discussed the impact the business would have on the surrounding landowners. Motion made by Ron Gill, second by Tim Decker to deny the conditional use permit to Jose & Juan Campos for a towing service. Roll Call Vote. Unanimous. Motion Carried. Since Mr. Campos has started this business and there are currently a number of cars on the property, motion made by Tim Decker, second by Christy Henjes to send Mr. Campos a letter stating his conditional use permit was denied and that he had 3 months to have all the vehicles removed from the property. Roll Call Vote. Unanimous. Motion Carried.

Next on the agenda was reviewing and discussing changes to be made to the wind energy regulations. The board discussed what they would like to see changed and would have further discussion at the next meeting on these changes.

Next item on the agenda is miscellaneous and old business. Only 1 new building permit was issued which was for Jason & Jamie Schlotman for an attached garage. Joe will contact the resident on F Avenue to see what his intentions are now that we have consanguinity in our regulations.

Marty opened up the floor for public comment. No comment

Moved by Harold Moes, second by Scott Bousquet, to adjourn. Motion carried

Meeting was duly adjourned at 8:58 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: April 20, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:02 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Tim Decker, Ron Gill, Gordon Hegge, Paul Ireland, Dick McCabe, Harold Moes, and Martin Rohde. Absent: Christy Henjes, Also present Planning and Zoning Administrator Joe O'Neill, Dakota County Commissioner Larry Albenesius. Present from the public: Marci Broyhill.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Paul Ireland to approve the minutes of the March 16, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

With no issues brought before the board regarding these permits, moved by Scott Bousquet, second by Paul Ireland to renew the Conditional Use Permits for Curtis Arndt, Robb Nelson, and Lynch Properties. Roll Call Vote, Unanimous vote. Motion carried

Joe was unable to reach the resident at 1709 F Avenue to discuss his consanguinity permit. Motion made by Tim Decker, second by Scott Bousquet to table the issue until next meeting. Roll Call Vote. Unanimous. Motion carried.

Discussion was held regarding revising regulations to include penalties for not getting a building permit before construction. Board seemed in favor of implementing a fine for building without getting a permit. Joe will contact the county attorney for clarification on wording and implementing penalties.

The board reviewed the current wind energy regulations and made changes they would like to see adopted. Motion made by Tim Decker, second by Scott Bousquet to accept the changes. Roll call vote. Unanimous. Motion carried. Next month the board will have a public hearing on these changes.

Joe discussed making changes to our solar regulations since more homeowners in the area are inquiring about them. Joe will bring more information to the next meeting on what other counties are doing.

Next item on the agenda is miscellaneous and old business. Zoning Permits: Kevin Chambers-solar panels on his home- Homer and Tim Boeckenhauer – solar panels on his home – Hubbard. Informational Statement: Alex Langseth – garage- Waterbury – granted by variance. Joe read a letter from a resident concerned about a couple different properties. One is the property on F Avenue that the board is currently working with the owner. Joe will stop and check on the other property mentioned.

Marty opened up the floor for public comment. No comment

Moved by Harold Moes, second by Paul Ireland, to adjourn. Motion carried

Meeting was duly adjourned at 7:28 P.M.

Respectfully submitted,
Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: May 18, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:02 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Tim Decker, Ron Gill (arrived at 7:23), Gordon Hegge, Paul Ireland, Dick McCabe, Harold Moes, and Martin Rohde. Absent: Scott Bousquet, Christy Henjes, Also present Planning and Zoning Administrator Joe O'Neill, Dakota County Commissioner Larry Albenesius. Present from the public: Marci Broyhill.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Tim Decker to approve the minutes of the April 20, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

Public hearing was opened at 7:08 pm to give citizens the chance to voice their opinions proposed changes to the wind energy regulations. The board reviewed the changes. Marci Broyhill stated how pleased she was with the changes. Public hearing closed at 7:19. Motion made by Paul Ireland, second by Harold Moes to approve changes to the wind energy regulations and send a recommendation to accept the changes to the Board of Commissioners for final approval. Roll Call Vote. Unanimous. Motion carried.

Joe has spoken with Kim Watson, county attorney, regarding penalties for not getting a building permit. She wants more time to review them and come up with something that will hold up in court.

Joe discussed making changes to our solar regulations since more homeowners in the area are inquiring about them. Joe spoke with other counties and if they are attached to the house they are allowed under permitted uses. If it is not attached to the house and on the ground, they require and conditional use permit. If they get over 40 kW, they become commercial. Motion made by Tim, second by Paul to table solar panel discussion until next meeting.

Joe reviewed the zoning permits: Ken Baker-solar panels on the ground- Homer and Lonnie Wheeler – solar panels on his home – Homer.

Marty opened up the floor for public comment. Marci Broyhill brought up that there are issues with decommissioning solar panels. Joe stated that they will do more research on solar energy.

Moved by Tim Decker, second by Harold Moes, to adjourn. Motion carried

Meeting was duly adjourned at 7:39 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: June 15, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:03 P.M. by vice-Chairman Harold Moes and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Tim Decker, Ron Gill, Gordon Hegge, Dick McCabe, Harold Moes, and Martin Rohde (7:01). Absent: Paul Ireland. (Christy Henjes recently passed away, her position has not been filled). Also, present Planning and Zoning Administrator Joe O'Neill, Dakota County Commissioner Larry Albenesius.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Tim Decker, second by Scott Bousquet to approve the minutes of the May 18, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

Martin Rohde opened up discussion on revising regulations to include penalties for not getting a building permit before construction. Joe met with Kim Watson, county attorney for suggestions. The revision will read as follows with possible changes made by Kim Watson.

The owner or agent of the building or premises in or upon which a violation of lack of building permit has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist. A \$100 fine will be assessed for lack of building permit. For each and every day that the violation continues shall constitute as a separate offense.

Motion made by Harold Moes, second by Ron Gill to hold a public hearing at the next meeting to approve the penalty revision. Roll Call Vote. Unanimous. Motion carried.

Discussion was held on solar energy regulations. Joe reviewed other counties regulations. If it is on the house, they have to get a building permit. If they are on the ground, they have to get a conditional use permit. The solar regulations would have to cover residential and commercial systems.

Motion made by Tim Decker, second by Harold Moes to have a public hearing at the next meeting to approve Hamilton County's solar regulations for Dakota County. Roll Call Vote. Unanimous. Motion Carried.

Miscellaneous and old business: After receiving a complaint Joe visited the property on F Avenue that he has been dealing with for several months. There was a contractor on the property pouring cement. Joe told him to finish pouring the cement, but he was not to proceed with any building until permits are acquired. On the way out, Joe noticed that there were 2 more new structures on the property as well. He still has not taken out a permit to connect his house to his garage or apply for consanguinity for the relatives living in the barn. Joe contacted the Sheriff's office to have them issue a citation. Joe reviewed the zoning permits: Bryce Andersen took out 2 permits – one for the club house and one for a storage shed for the new golf course by Homer. Joe stopped by a resident on Hwy 110 putting up a building. He tore down an old building and is putting up a new one in the same place. Joe told him he would be ok, but he still needs to get a permit which he did the following day.

Marty opened up the floor for public comment. No public

Moved by Tim Decker, second by Harold Moes, to adjourn. Motion carried

Meeting was duly adjourned at 7:48 P.M.

Respectfully submitted,
Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: August 17, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:04 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Tim Decker (7:07), Ron Gill (7:09), Gordon Hegge, Dick McCabe, Harold Moes, and Martin Rohde. Absent: Paul Ireland. Also, present Planning and Zoning Administrator Joe O'Neill.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Scott Bousquet to approve the minutes of the June 15, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

Bob Malcom addressed the board regarding rezoning property from AG to Business at 645A and 645B Hwy 35. Right now, it is a duplex with a Morton building beside it. Property is surrounded by farm ground. The duplex is need of significant repairs. He is considering tearing it down and putting up an outside storage unit. He would rent out about 5-6 spaces in the Morton building as well. He would put up a 10' chain link fence, security cameras, street lights and an automatic gate and a gravel lot. May possibly put an office building up on the north side of the fence or within the existing building. The board did not have any problems with his proposal and told him to proceed with filling out the paperwork to start the rezoning process.

Agenda item number 3, board to discuss solar energy regulations. After Joe reviewed the Hamilton County regulations again, he found they included the information he was looking to add in. Since they are complete with what the board wanted there will be a public hearing next month to adopt the Hamilton County solar regulations.

Discussion was held on revising regulations to include penalties for not getting a building permit before construction. Penalty shall read as follows:

The owner or agent of the building or premises in or upon which a violation of lack of building permit has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist. A \$100 fine will be assessed for lack of building permit. For each and every day that the violation continues shall constitute as a separate offense.

Discussion was held on where in the regulations to put it. They agreed to put it at the end of Section 509. Enforcement unless the county attorney suggested otherwise.

Discussion was held on who would like to attend the NPZA conference in Kearney in September. If anyone wants to attend, they need to contact Jolene as soon as possible.

Miscellaneous and old business: Zoning permits: Brandon Cox – addition, Hubbard. Informational Statements: Andy Servine- storage shed, Jackson. Jason Scholtman – storage shed (variance granted), Dakota City. Anselmo Padilla – storage shed, Dakota City. Rod Rohde – pool and pool storage shed, Emerson. Business permits: Northern Natural Gas- pipeline maintenance structure on F Ave, Homer, L Ave, Jackson, and Lynch Ave (closed portion) Jackson. The gentleman on F Avenue has been cited and appeared in court. He will have to come before the board to explain the rest of his intentions with his property.

Joe explained to the board that he is running into issues with properties not fitting the acreage requirements and/or buildings that have been built on or too close to the property line. From here on, when he finds an acreage not meeting the requirements, he will have the assessor list it as non-conforming in the legal description.

Marty opened up the floor for public comment. No public

Moved by Harold Moes, second by Ron Gill, to adjourn. Motion carried
Meeting was duly adjourned at 7:47 P.M.

Respectfully submitted,
Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: September 21, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:04 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Ron Gill, Paul Ireland (7:04), Dick McCabe, Harold Moes, and Martin Rohde. Absent: Tim Decker, Gordon Hegge. Also, present Planning and Zoning Administrator Joe O'Neill, Dakota County Commissioner Larry Albenesius. Present from the public: Bob Malcom, Sy Sayasone, Nang Sayasone, Kmine Senethachith.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Ron Gill to approve the minutes of the August 17, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

7:01 Public Hearing: for the purpose of hearing support, opposition, criticism, suggestions or observations relating to Robert Malcom rezoning property from AG to Business at 645A and 645B, Hwy 35 for the purpose of an outdoor storage facility. Robert spoke with Bill Haafke whose field surrounds the property and he did not have a problem with the rezoning for a storage structure. Public hearing was closed at 7:04
Motion made by Ron Gill, second by Paul Ireland to approve the rezoning from AG to Business. Roll Call Vote. Unanimous. Motion carried. Board of Commissioners will hold a public hearing and make the final decision on rezoning

Public Hearing opened at 7:07pm for the purpose of hearing support, opposition, criticism, suggestions or observations relating to adding solar regulations to the zoning ordinances. After some discussion the public hearing was closed at 7:09pm
Motion made Harold Moes, second by Scott Bousquet to adopt the solar regulations. Roll Call Vote. Unanimous. Motion Carried. Board of Commissioners will hold a public hearing and make the final decision on adding the solar regulations to the Dakota County Zoning Ordinances.

Public Hearing was opened at 7:12 for the purpose of hearing support, opposition, criticism, suggestions or observations relating to adding penalties to the zoning ordinances for not getting a building permit before construction. Kim Watson, county attorney cleaned up the wording a little bit to eliminate any confusion. It shall read as: **Any owner or agent of a building or premises who fails to obtain a building permit before beginning construction will be assessed a \$100 fine. For each and every day that the violation continues shall constitute a separate offense.** It will be placed at the end of regulation 509.
The public hearing was closed at 7:13pm.

Motion made Ron Collins, second by Ron Gill to add penalties for not getting a building permit to the zoning ordinances. Roll Call Vote. Unanimous. Motion Carried. Board of Commissioners will hold a public hearing and make the final decision on adding penalties to the Dakota County Zoning Ordinances.

Sy Sayasone discussed with the board his plans with his property located at 1709 F Avenue, Dakota City. He apologized for building without getting a permit before he started making changes to his property. He got rid of the people living in the chicken coop. Joe explained he can use that for storage, but nobody can live in it. He is going to combine the house and garage to make it one structure since he has people living in the garage. He has people living in a portion of a barn and he will have to apply for a consanguinity permit so people can live in the building (family members only). He has poured a cement slab on the west side of the barn that he needs to get a permit for that. He has also built a tool shed that he needs to get a building permit for.
The board was in agreement with everything that he plans to do as long as he gets all his permits.

Discussion was held on amending the Towing and Wrecker regulations L (a) & (b) to reference the Board of Adjustment instead of the Board of Commissioners. The way it is it is in conflict with the rest of the regulations.

Miscellaneous and old business: Zoning permits: None. Informational Statements: None. Business permits: Andersen Farms – cabins at golf course – Homer. Larry Albenesius asked what the public notice sign was along Hwy 77. Joe explained that there is a resident at 2174 that want to have an addition on his house but needed a variance to do so since he did not meet the setbacks from his property lines. Public hearing was held earlier in the evening and approved the variance.

Marty opened up the floor for public comment. No public

Moved by Scott Bousquet, second by Harold Moes, to adjourn. Motion carried

Meeting was duly adjourned at 7:41 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: October 19, 2021 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Ron Collins, Tim Decker, Ron Gill (7:06), Gordon Hegge, Paul Ireland, Harold Moes, and Martin Rohde. Absent: Scott Bousquet, Dick McCabe. Also, present Planning and Zoning Administrator Joe O'Neill, Dakota County Commissioner Larry Albenesius. Present from the public: Shane McIntyre, Marci Broyhill.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Paul Ireland to approve the minutes of the September 21, 2021 meeting. Roll Call Vote. Unanimous. Motion carried.

Public Hearing opened at 7:03pm for the purpose of hearing support, opposition, criticism, suggestions or observations relating to a request for a Conditional Use Permit from Gary Kent/AMG Technology Investment Group dba Nextlink to build a 120-foot Mono Pole at the property located at Section 3, Township 27N, Range 7E formally known as 2229 M Avenue, Hubbard, NE for the purpose of providing high speed internet to rural areas with line of sight technologies where service is limited or there are gaps in coverage. Shane McIntyre with Nextlink explained to the board that a mono pole is a free-standing pole with no guy wires. There is a steel cylinder with cement poured inside that goes down about 15-20 feet and about 10-12 feet above ground for the base and the tower slips over that and it is crimped and turned and that secures it. It is approximately 3 feet wide. Then antennas are attached to the top of the 120-foot tower. Residents can then subscribe to their service. The company will lease a 20x20 area of land from the landowner and in exchange the landowner will get free service for the life of the lease. Nextlink was awarded a CAF (Connect America Fund) grant through the government and Nextlink has to meet a certain percentage of coverage every year to secure the grant. The government gives them a census block for every county in several states and they have to fulfill a certain percentage of census blocks the government deems to have poor coverage. Without the government's help the Nextlink could not afford to do this type of program since being out in rural areas and the towers being line of sight (the signal can penetrate trees, but not hills) they only have a handful of customers per tower. They try to reach customers within 4-6 miles from a tower. With distance greater than that, the quality of the signal diminishes and they can't deliver a consistent product and they will deny coverage to a resident at that point. Joe reviewed the information sent with the conditional use permit application and everything was in order for soil conditions and setbacks. Since it is under 150 feet, they will not need a light on it per FFA regulations. They will run power to it and follow all the guidelines and regulations from the power company. Public hearing was closed at 7:11

Motion made by Paul Ireland, second by Harold Moes to approve the request for a conditional use permit for a mono tower on Gary Kent's property. Roll Call Vote. Unanimous. Motion carried. Board of Commissioners will hold a public hearing and make the final decision on granting the permit.

Public Hearing opened at 7:14pm for the purpose of hearing support, opposition, criticism, suggestions or observations relating to a request for a Conditional Use Permit from Nick Nieman/AMG Technology Investment Group dba Nextlink to build a 120-foot Mono Pole at the property located at Section 10, Township 28N, Range 8E formally known as 1681 Hamlin Avenue, Dakota City, NE for the purpose of providing high speed internet. Location of the tower was discussed. With the mono tower being the same as the one previously discussed no further discussion was needed. Public Hearing was closed at 7:16pm

Motion made Ron Collins, second by Paul Ireland to approve the request for a conditional use permit for a mono tower on Nick Nieman's property. Roll Call Vote. Unanimous. Motion Carried. Board of Commissioners will hold a public hearing and make the final decision on grant the permit.

Public Hearing was opened at 7:21pm for the purpose of hearing support, opposition, criticism, suggestions or observations relating to revising regulations to amend Section 600.3 Conditional Uses 17. Towing & Wrecker Service L (a) & (b) by replacing the Board of Commissioners with the Board of Adjustment for the purpose of maintaining consistency throughout the regulations. The portion of Section 600.3 Conditional Uses 17. Towing & Wrecker Service L (a) & (b) regulations with changes shall read as follows:

L. Hearing on Granting, Denying, Renewing, or Revoking of Conditional Use Permit.

- (a) Any person aggrieved by an order of the Joint Planning Commission granting, denying, renewing, or revoking a conditional use permit for a proposed or existing business or activity subject to the provisions of this section may file a written request for a hearing before the Board of **Commissioners Adjustment** within ten (10) days after issuance of such order. The Board of **Commissioners Adjustment** shall give notice of a public hearing upon this request to be held in not less than fifteen (15) days after service of the notice on the person requesting the hearing. The Board of **Commissioners Adjustment** shall also give notice of the hearing to other persons directly interested in the order in question. At such hearing, the Board of **Commissioners Adjustment** shall determine whether granting, denying, renewing, or revoking of the conditional use permit was in accordance with the provisions of this article and shall issue written findings of fact, conclusions of law, and an order to carry out its findings and conclusions. These findings of fact, conclusions of law, and order shall be filed with the County Clerk and served by the County Clerk upon all parties appearing or represented at the hearing.
- (b) The County Attorney shall furnish such assistance and advice to the Board of **Commissioners Adjustment** as the Board of **Commissioners Adjustment** shall request.

Joe explained to the board that to be consistent with the rest of our regulations that the wording needs to be changed to the Board of Adjustment instead of the Board of Commissioners. Public hearing was closed at 7:26pm

Motion made by Harold Moes, second by Paul Ireland to revise the wording on the towing regulations. Roll Call Vote. Unanimous. Motion Carried. Board of Commissioners will hold a public hearing and make the final decision on revising Section 600.3 Conditional Uses 17. Towing & Wrecker Service L (a) & (b) of the Dakota County Zoning Regulations.

Sy Sayasone is requesting a consanguinity permit at his property located at 1709 F Avenue, Dakota City, for his relatives to live in. He is up to date on all his permits.

Motion made by Ron Gill, second by Tim Decker to approve consanguinity permit. Roll Call Vote. Unanimous. Motion Carried.

Discussion was held on revising the newly adopted solar regulations to add more details surrounding the decommissioning of the solar panels. Marci Broyhill has done some research on this topic. She suggested that the board requires a certain percentage of the value of the panels be put in an escrow account for abandonment since the values will change in the coming years. She also suggested that the regulations state that the solar panels must be recycled as part of the decommissioning plan. These panels contain toxic materials that we do not want to end up in ditches or landfills. Marci also questioned the time frame of 12 months. The owner could run the system a few months out of the year and still keep it. She suggested maybe changing the wording to include a yearly output to prove its usefulness and that it is in fact being used. Questions were also asked about the escrow account and change of ownership. The board will do more research on decommissioning and continue this discussion.

Miscellaneous and old business: Zoning permits: Patrick Dorsey – new home- Hubbard, Sy Sayasone- addition and shed for consanguinity – Dakota City, Jose Villalpando – attached garage and solar panels – variance granted – Homer, Chance Bracht – new home – Dakota City, Nolan Georgesen – addition – Hubbard. Informational Statements: Jim Nelson – storage shed – Jackson, Sy Sayasone – storage shed and cement slab – Dakota City, Barry Krusemark – storage shed – Dakota City, Jose Orozco – storage shed – Dakota City.

Business permits: None. At the Board of Commissioner meeting on October 18, 2021 they approved the rezoning of Bob Malcom's property, the wording for penalties and adopted the solar regulations.

Marty opened up the floor for public comment. No comment.

Moved by Harold Moes, second by Ron Gill, to adjourn. Motion carried

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

Respectfully submitted,

Jolene Gubbels