

Bartlett, Nebraska

January 6, 2020

The Wheeler County Planning Commission met in regular session on this date at 7:00 p.m. Notice of the meeting was published and posted as required by law. Answering roll call were Chairman Patrick Mahony, Doug Allemang, Pete Asche, David Durre, Adam Miller, Dean Miller, Jean Niemeyer, and Ellis Schrunk. Deb Eschliman, Curtis Lemburg, and Dean Pokorny were absent. County Attorney Joe McNally was also present.

Allemang made a motion to recommend to reappointment Tom Asche, Patrick Mahony, and Jean Niemeyer, for a 3 year term, seconded by Durre. Voting aye: Allemang, Durre, Asche, A. Miller, D. Miller, Niemeyer and Schrunk. Voting nay: none. Absent: Eschliman, Lemburg, and Pokorny.

Snider had asked for nominations for Chairman. Asche made a motion to keep Patrick Mahony as Chairman and Schrunk as Vice Chairman, and to cease nominations, seconded by Allemang. Unanimous vote was held and the motion carried.

Allemang made a motion to amend the minutes from "After long discussion the majority of the public that was present would like to see the setbacks of the wind towers reviewed." With the amendment Allemang wanted to also approve the minutes, seconded by Asche. Unanimous vote was held and the motion carried.

McNally shared information that he had found in Antelope County's zoning regulations on setbacks for structures and obstructions. Antelope County's setbacks for any structure or obstruction are: 83 feet from the centerline of a county road; 50 feet from any state or federal highway right-of-way; and at roadway intersections, a line connecting intersecting roadway right-of-way lines which is 70 feet 8 inches from the intersecting right-of-way lines.

Allemang made a motion to approve the setbacks similar to Antelope County's zoning regulation for setbacks from rights-of-way, seconded by A. Miller. Voting aye: Allemang, A. Miller, Asche, Durre, D. Miller, Niemeyer, and Schrunk. Members absent: Eschliman, Lemburg, and Pokorny. Voting nay: none. Motion passed.

The Board felt that the stock piling of manure and the application of manure setbacks were reasonable and didn't feel the need to revisit the setbacks.

McNally expressed his opinion about the county implementing applications for burying underground lines and pipe in the county right-of-way, and stated that if the Board felt the need to implement this application he would present specific regulations at the next meeting. The item will be on the next meeting agenda.

Ache made a motion to add to the policy that it is the applicant's responsibility to provide all required documents to be presented to each member of the Board along with paying any expenses or fees that are associated with the application, seconded by Allemang. On roll call by the secretary voting aye: Ache, Allemang, Durre, A. Miller, D. Miller, Niemeyer, and Schrunk. Voting nay: none. Motion passed.

A lengthy discussion was held on the wind towers. McNally advised the board to think about adding the term "Clustering" to the policy which would prohibit having more than 2 turbines within 2,400 to 3,500 feet apart from one another.

Allemang made a motion to leave the wind tower regulations with the current setbacks, seconded by Niemeyer. Before roll call was taken Allemang withdrew his motion.

Allemang made a motion to revisit the setback requirements on the wind towers at a subsequent meeting, seconded by Durre. On roll call by the secretary voting aye: Durre, Asche, A. Miller, D. Miller, Niemeyer, and Schrunk. Voting nay: Allemang. Motion passed.

The Board discussed dates to have the next meeting and felt that it would be beneficial to publish in the Bronco Buzz in addition to the legal newspaper. The next meeting date will be February 24, 2020 at 7:30 pm and will include a public hearing for the Board to discuss modifying the current wind tower setbacks.

With no other business to come before the Board, D. Miller made a motion to adjourn the meeting at 8:16 pm, seconded by Allemang with all members voted in favor.

Cara Snider  
Zoning Secretary

Bartlett, Nebraska  
March 2, 2020

The Wheeler County Planning Commission met in public session on this date at 7:30 p.m. at the Wheeler Central Gymnasium. Notice of the meeting was published and posted as required by law. Answering roll call were Chairman Patrick Mahony, Doug Allemang, Pete Asche, David Durre, Deb Eschliman, Dean Miller, Jean Niemeyer, Dean Pokorny and Ellis Schrunk, and Alternates Curtis Lemburg and Adam Miller. County Attorney Joe McNally was also present.

D. Miller made a motion to approve the minutes as presented seconded by Allemang. On roll call by the Clerk voting aye: D. Miller, Allemang, Asche, Durre, Eschliman, Mahony, Niemeyer, Pokorny and Schrunk. Voting nay: none.

The public hearing was opened at 8:12 p.m. Comments from the public were heard on the proposed changes to the zoning ordinance. Schrunk made a motion to close the public hearing portion of the meeting at 9:33 p.m., seconded by Eschliman. On roll call by the Clerk voting aye: Schrunk, Eschliman, Allemang, Asche, Durre, Mahony, D. Miller, Niemeyer, and Pokorny. Voting nay: none.

Chairman Mahony asked if there were any concerns regarding Poultry and Livestock Facility setbacks. With no concerns from the board or the public Allemang made a motion to leave the setbacks unchanged, seconded by D. Miller. On roll call by the Clerk voting aye: Allemang, D. Miller, Asche, Durre, Eschliman, Mahony, Niemeyer, Pokorny, and Schrunk. Voting nay: none.

Chairman Mahony asked about possible changes for the General Setbacks of any other building structure except for the wind turbines. Eschliman made a motion to recommend establishing setbacks of 50 feet from the right-of-way plus 33 feet from the middle of the road for a setback of any structures to be 83 feet from the center of the road; and for road intersections, establishing that at all roadway intersections, trees, grain bins, buildings or other structures shall not be located within the triangular area formed by the intersecting right-of-way lines and a line connecting points on said right-of-way lines which are 70 feet 8 inches from the intersection of said right-of-way lines, seconded by Niemeyer. On roll call by the Clerk voting aye: Eschliman, Niemeyer, Allemang, Asche, Durre, Mahony, D. Miller, Pokorny, and Schrunk. Voting nay: none.

On the topic of establishing cost recovery for fees and expenses incurred by the County for approved Conditional Use Permits, Eschliman made a motion to table this topic until the next meeting when they can have proposed language to review, seconded by Allemang. On roll call by the Clerk voting aye: Eschliman, Allemang, Asche, Durre, Mahony, Niemeyer, Pokorny, and Schrunk. Voting nay: none.

Mr. McNally recommended implementing a late fee for failing to obtain a building permit prior to commencement of construction which can be established by the County Board. Asche made a motion to recommend implementation of a late fee policy to the Commissioners, and that there needs to be time to get the word out to all the land owners, seconded by D. Miller. On roll call by the Clerk voting aye: Asche, D. Miller, Allemang, Durre, Eschliman, Mahony, Niemeyer, Pokorny, and Schrunk. Voting nay: none.

Eschliman made a motion to table the consideration of revision of the wind tower setbacks and other wind tower regulations until the April meeting, seconded by Asche. On roll call by the Clerk voting aye: Eschliman, Asche, Durre, D. Miller, Niemeyer, and Pokorny. Voting nay: Allemang, Mahony, and Schrunk.

The next meeting date will be April, 2020 at 7:30 pm at the Wheeler Central Gymnasium.

With no other business to come before the Board, D. Miller made a motion to adjourn the meeting at 10:18 pm, seconded by Allemang with all members voting in favor.

Cara Snider  
Zoning Secretary



Bartlett, Nebraska  
August 10, 2020

The Wheeler County Planning Commission met in public session on this date at 7:30 p.m. at the Wheeler County Courthouse. Notice of the meeting was published and posted as required by law. Answering roll call were Chairman Patrick Mahony, Doug Allemang, Pete Asche, Dean Miller, Jean Niemeyer, Dean Pokorny and Ellis Schrunk, and Alternates Curtis Lemburg and Adam Miller. Members absent were David Durre, Deb Eschliman, Dean Pokorny. County Attorney Joe McNally was also present.

Chairman Mahony called the meeting to order and identified the location of the Nebraska Open Meetings Act poster on the Court Room West wall and made reference to open law literature available for the public.

Pledge of Allegiance was recited.

D. Miller made a motion to approve the minutes as presented seconded by Asche. On roll call by the Clerk voting aye: D. Miller, Asche, Allemang, Lemburg, Mahony, A. Miller, Niemeyer, and Schrunk. Voting nay: none. Absent: Durre, Eschliman, and Pokorny.

The public hearing was opened at 7:30 p.m. Michele Wells, on behalf of Cabin Realty, took the floor to explain the proposed change of property classification that is a tract of land .242 Acres located in the NE ¼ NW ¼ of Section 25 Township 21 Range 12, that is adjacent to the Ericson Lake properties. The current land owner had bought the "ag" property as a leech field. The property is up for sale and the new potential buyer is unable to purchase this property where, there are 2 different classifications. Wells had stated that the potential buyer has no intentions of changing or adding to the property as they are just wanting the classification changed so they are able to proceed with their loan. Allemang made a motion to recommend, to the County board for the propose change of classification of the one parcel from Agriculture to Residential so it is classified as one classification, seconded by Asche. On roll call by the Clerk voting aye: Allemang, Asche, Lemburg, Mahony, A. Miller, D. Miller, Niemeyer, and Schrunk. Absent: Durre, Eschliman, and Pokorny.

Mr. McNally had suggested to the board to table the topic of establishing cost recovery for fees and expenses incurred by the County for approved Conditional Use Permits, after the study that he had done, and advised the board to either discuss the topic at a later date or even potentially adding such language to the Conditional Use Permits. The board had verbally agreed to potentially adding it to the Conditional Use Permit Application.

Chairman Mahony had opened the floor to the board to discuss regulations of the wind towers, the topics that were discussed but not agreed upon were Potential Clustering factors, setback factors from dwellings, depth of cables being buried.

Asche made a motion to table the dwelling setbacks until August 31, 2020, seconded by D. Miller. On roll call by the Clerk voting aye: Ache, D. Miller, Allemang, Lemburg, Mahony, A. Miller, Niemeyer, and Schrunk. Absent: Durre, Eschliman, and Pokorny.

After a short discussion of the current process of filing a Conditional Use Permit where Mr. McNally had advised the board and the public that as of right now a Road Use Agreement is supposed to be filed before the Conditional Use Permit is approved. Mr. McNally advised the board of changing the order so that a Conditional Use Permit is filed and then a Road Use Agreement is filed, as there would be more authority given to the county to specify the roads that can/cannot be used. Asche made a motion to have the Road Use agreement submitted after the Conditional Use Permit has been accepted, seconded by A. Miller. On roll call by the Clerk voting aye: Asche, A. Miller, Allemang, Lemburg, Mahony, D. Miller, Niemeyer and Schrunk. Absent: Durre, Eschliman, and Pokorny.

After the discussion of clustering of the wind towers Niemeyer had made a motion to table this topic until they were able to come up with setback regulations, seconded by Lemburg. On roll call by the Clerk voting aye: Niemeyer, Lemburg, Allemang, Asche, Mahony, A. Miller, D. Miller, and Schrunk. Absent were: Durre, Eschliman, and Pokorny.

Public comment that was asked was if the board had ever thought of adding to the conditions of the Conditional Use Permit, that if the wind towers came in that they were to supply the county with free electricity, so then everyone would have the option to benefit from the wind towers.

Allemang made a motion to amend the property line and road setbacks to 1.1 times the total vertical height of tower plus the blade length, seconded by Niemeyer. On roll call by the Clerk voting aye: Allemang, Niemeyer, Lemburg, Mahony, A. Miller, D. Miller. Voting nay: Asche. Abstaining to the vote: Schrunk. Absent: Durre, Eschliman, and Pokorny.

asked about possible changes for the General Setbacks of any other building structure except for the wind turbines. Eschliman made a motion to recommend establishing setbacks of 50 feet from the right-of-way plus 33 feet from the middle of the road for a setback of any structures to be 83 feet from the center of the road; and for road intersections, establishing that at all roadway intersections, trees, grain bins, buildings or other structures shall not be located within the triangular area formed by the intersecting right-of-way lines and a line connecting points on said right-of-way lines which are 70 feet 8 inches from the intersection of said right-of-way lines, seconded by Niemeyer. On roll call by the Clerk voting aye: Eschliman, Niemeyer, Allemang, Asche, Durre, Mahony, D. Miller, Pokorny, and Schrunk. Voting nay: none.

The next meeting date will be August 31, 2020 at 7:30 pm at the Wheeler Central Gymnasium.

With no other business to come before the Board, Niemeyer made a motion to adjourn the meeting at 9:18 pm, seconded by Allemang with all members voting in favor.

Cara Snider  
Zoning Secretary