

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