



# **Hall County Regional Planning Commission**

**Wednesday, December 2, 2015  
Regular Meeting**

## **Item E1**

### **Meeting Minutes**

**Staff Contact: Chad Nabity**



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,  
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN,  
NEBRASKA

Minutes  
for  
November 4, 2015

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The meeting of the Regional Planning Commission was held Wednesday, November 4, 2015 in the Council Chambers - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" October 24, 2015.

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|----------------------|---------------|
| Present: Pat O'Neill | Carla Maurer  |
| Derek Apfel          | Terry Connick |
| Les Ruge             | Greg Robb     |
| Dean Sears           | Dean Kjar     |
| Mark Haskins         | Jaye Monter   |
| Jerry Huismann       | John Hoggatt  |

Absent:

Other:

Staff: Chad Nabity, Rose Rhoads

Press:

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**1. Call to order.**

Chairman O'Neill called the meeting to order at 6:00 p.m.

O'Neill stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting are posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

O'Neill also noted the Planning Commission may vote to go into Closed Session on any Agenda Item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

**2. Minutes of October 7, 2015 meeting.**

A motion was made by Connick and seconded by Kjar to approve the Minutes of the October 7, 2015 meeting.

The motion carried with 12 members present and all voting in favor (O'Neill, Ruge, Connick, Maurer, Sears, Kjar, Robb, Haskins, Hoggatt, Apfel, Huismann and Monter) and no member abstaining.

**3. Request Time to Speak.**

Austin McKillip, 233 S Lincoln St, Lincoln NE 68508 #4; Glen Witte, 6120 Havelock, Lincoln NE 68507 # 4; and Chad Ruda #4.

**4. Public Hearing** – Concerning an application for Mid America Wash Out, located at 9551 S Locust Street, in Hall County, Nebraska. Resolution No. 2016-02. (C-04-2016HC)

O'Neill opened the Public Hearing.

Nabity briefed the commission on the Public Hearing. Nabity offered into record the Hall County Comprehensive Plan, a letter from Austin L. McKillip, including a petition and facts regarding the "Second Application" concerning the livestock trailer washout facility and manure pond proposed to be built at 9551 S Locust Street, Doniphan, NE.

Nabity did note the term "truck wash service" is a broad category, not one meant to be specific and exclusive.

Glen Witte, attorney for the Stange's spoke in favor of the truck washout. With this washout it would help to solve excess manure problems in Grand Island. Witte stated area residents would suffer minimally. Witte also said Ruda follows the rules and maintains a clean facility.

Chad Ruda told the commission that he would like to build a truck washout facility near Grand Island. He has been looking for land for approximately 3-6 years. When he found the former race track land he thought this former race track would be ideal.

Ruda plans to cap the water well under the track to prevent leaching into the groundwater table. The washout itself is just clean water, water pressure and a sloped floor. Solids that are washed from the trailers are temporarily stored in an enclosed building until they are trucked out to land apply as fertilizer on area crop ground. The wash water goes to the lagoon where it is circulated and aerated before being applied to the land as a liquid fertilizer.

"I don't wash anything out of the back of a trailer that a farmer doesn't go off and put on his ground in a different process," Ruda said. "Mine's way more diluted and it's a valuable commodity."

Ruda said the South Sioux City facility which he bought and is rehabbing, would be the most comparable to the proposed Doniphan facility. A new housing subdivision with \$250,000 to \$300,000 homes is going up around that facility so any valuation change would likely be an increase, not a decrease because of the washout.

“This is a \$2 million investment and I won’t lose it (by running it badly),” Ruda said. “I know what I’m going to build.”

Ruda also covered briefly the odor, the environmental, the local highway impacts and the noise.

Lincoln attorney Austin McKillip said he was hired by Doniphan area residents who would be “adversely affected” by the washout. He cited concerns of odor, groundwater contamination, noise, increased traffic and the devaluation of neighboring properties.

McKillip submitted a petition with the signatures of 490 people opposed to the washout saying that showed strong opposition from the Doniphan population of 800.

McKillip also submitted letters of opposition from Doniphan-Trumbull Public School Superintendent Kirk Russell and Giltner Public School Principal Kurt Polt, who both raised traffic safety concerns for busses of school children on routes frequented by semi-trailers headed to the washout at 9551 S. Locust St.

McKillip argued that the washout was not eligible for a conditional use permit because only “truck wash services” are allowed by conditional use permit on land zoned AG-3 transitional agricultural uses. Trailers would be washed out, not trucks, so the facility should be prohibited, he said.

McKillip also said the livestock washout was not needed because there are two already in Hall County that he found on a Google search.

The application before the Regional Planning Commission Wednesday night was filed by property owner Doug Stange and was identical to a livestock washout plan submitted by Fremont business owner Chad Ruda in May and denied in June by the Hall County board.

“Somebody doesn’t get two chances to go up and relitigate issues that have already been decided,” McKillip said.

When Commission Chairman Pat O’Neill asked for local legal direction on that, Hall County Attorney Jack Zitterkopf said he would provide legal advice since the commission doesn’t have its own attorney, but he would only do so in a closed session.

A motion was made by Robb and seconded by Monter to enter into executive session at 6:58 p.m.

A motion was made by Monter and seconded by Ruge to enter out of executive session at 7:16 p.m.

O’Neill closed the Public Hearing.

A motion was made by Ruge to deny the application for a trailer washout facility at this location finding that “res judicata” applies in this case and further finding that the exhibits and information presented by the Stange’s make it very clear that application is substantially the same application for a livestock trailer washout operation that was considered for approval and rejected by the Hall County Board on June 16, 2015. Based on the standards adopted by the Hall County Board in Section 10.01 of the Hall County Zoning Resolution regarding amendments to the zoning regulations a substantially similar application cannot be acted upon for at least 1 year after a decision has been made. The motion was seconded by Huismann. Upon roll call vote the motion carried with 12 members present and all voting in favor to deny the application (O’Neill, Ruge, Connick, Maurer, Sears, Kjar, Robb, Haskins, Hoggatt, Apfel, Huismann and Monter) and no member abstaining.

5. **Final Plat – Landell Second Subdivision** – located north of Capital Ave and east of Gunbarrel Rd., in the 2 mile jurisdiction of the City of Grand Island, in Hall County, consisting of 1 lot and 3.736 acres.
6. **Final Plat – Devore Second Subdivision** – located south of Guenther Road and east of Schauppsville Road, in Hall County, consisting of 2 lots and 7.41 acres.
7. **Final Plat – Englehart Acres Subdivision** – located north of Husker Highway and east of Cameron Road, in Hall County, consisting of 1 lot and 5.56 acres.

A motion was made by Haskins and seconded by Monter. The motion carried with 12 members present and voting in favor (Connick, Kjar, Hoggatt, Apfel, Maurer, Robb, O’Neill, Haskins, Ruge, Monter, Sears and Huismann) and no member abstaining.

8. Election of Officers.

A motion was made by Ruge and seconded by Sears to elect Pat O’Neill as chair, Jaye Monter as Vice-Chair and Les Ruge as Secretary.

The motion carried with 12 members present and voting in favor (Connick, Kjar, Hoggatt, Apfel, Maurer, Robb, O’Neill, Haskins, Ruge, Monter, Sears and Huismann) and no member abstaining.

9. **Next Meeting December 2, 2015**

10. **Adjourn**

Chairman Pat O’Neill adjourned the meeting at 7:30 p.m.

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Leslie Ruge, Secretary  
By Rose Rhoads