

**Minutes  
Pierce County Planning Commission  
Pierce, Nebraska  
August 18, 2008**

The Pierce County Planning Commission Chairman Oestreich called the meeting to order, August 18, 2008 at 8:03 p.m. at the Pierce County Courthouse located at 111 W. Court Street, Pierce, Nebraska. Due to the size of the crowd the meeting was held in the District Court Room.

**PRESENT: Alexander, Anderson, Bloomquist, Gansebom, Hoffman, Krueger, Lingenfelter, Nathan, Rystrom, Wragge and Oestreich**

**ABSENT: none**

Also Present: Doug Murry, Kelly Dahl, Seth Harder, Mike Kenney, Ron Fich, Gerald Winter, Jim Hall, Leonard Wostrel, Fredrick J Knieval, Lonny Young, Susan Green, Dorthea Zern, Dustin Blair, Kyle Tarn, Craig Schoenfeldt, Lloyd Timmerman, Doug Hall, Kent Friedrich, Denise Friedrich, Debbie K White, Ronnie Christiansen, Warren Peterson, Randy Christiansen, Gerald Friedrich, Dale Robert Green, William D Michael, Richard Kill, Sgt Jordon Blon, Sandra Cumming, James H Cumming, Pookie Christiansen, Carle Christiansen, Larry Wacker, Kathy Brummels, Robert Brummels, Shaun Waldow, Millelle Rynes, Judy Rasmussen, Kent Lingenfelter, Delford Krueger, Kevin Elwood, Jennifer Elwood, Jody Springer, Merle Weber, David Bowman, Leilani Baller, Koren Baller, Dan Schmit, Kasey Richardson, Steve Smith, Conrad Geth, Apni Busr, Justin Short, Bernie Wrede, Kelly Hodson, Pat Meuret, John Meuret, Matt Werzyn, Jason Walton, Randy Helgren, Scott Burgess, Mike Gustman, Jim Kommoasky, Jim Maas, Verlyn Luebbe, Shannon Wragge and John Johnson.

Proofs of publication from the Pierce County Leader were read into the minutes by Oestreich.

Oestreich pointed out the posting of the "Public Meetings Act."

**PUBLIC HEARINGS**

The hearing scheduled for Jered Starkel rezoning was cancelled because it was discovered that a neighboring land owner was left off the Abstractor's List.

**Ellwood Complaint Against Husker Ag, Pierce County, NE**

Oestreich opened the Public Hearing at 8:05 pm.

County Attorney Verlyn Luebbe spoke and gave his interpretation of a conflict of interest and the procedures to date and afterward.

John Johnson, Planning Director gave a review of the situation to date including the original conditional use permit and conditions, Johnson's reasoning on not requiring a second CUP for the expansion and Elwood's complaints.

Kevin Elwood spoke and gave his version of the history of the plant, expansion and complaints. Elwood said that:

1. Husker Ag's recent expansion was not an expansion but an entirely new plant and therefore should have required a new conditional use permit because the addition of the new plant invalidated the original.
2. The noise from Husker Ag is 24 hours a day.
3. Exhaust fumes and steam make for a dangerous roadway
4. Stormwater runoff from the new expansion is more than what was normal and the water floods his field to the north.

He passed out a list of grievances against Husker Ag:

1. Eliminate use of driveway closest to our house.
2. Drainage water needs to be drained into retention pond and pumped to east plant.
3. No trucks in or out of the plant from 6pm to 6am and no Sundays.
4. No engine brakes at anytime.
5. Trucks need to be tarped before leaving plant.
6. Lights need to be turned off or shielded.
7. All backup warning devices eliminated.
8. There needs to be a barrier between the plant and our residence.
9. Distiller's grain area needs to be enclosed in a building.
10. Something needs to be done about the constant odor.
11. No expansion or building of any kind on this Husker Ag site.

Husker Ag was represented by their attorneys Kelly Dahl, Doug Murry, Plant Manager Seth Harder and Board Chairman Mike Kenney. They together explained their side of the story and passed out a large packet of information to the Planning Commission.

Husker Ag's attorneys responded to Elwood's allegations by saying:

1. The conditional use permit was for the production of ethanol at the plant and the expansion couldn't operate without the original plant.
2. Concessions have been made for reverse signals on equipment and lights have been put on schedules to be turned off at night and they explained Husker Ag has no control over the train or truck traffic.
3. The emissions from the plant are monitored and most of it is steam.
4. Husker Ag has done more than \$100,000 worth of tree planting.

Over 30 additional people spoke with most of them in support or sympathetic to Husker Ag.

The hearing was closed at 10 pm.

After a period of discussion by the Planning Commission and a suggestion by Johnson that the parties seek a mediator for their dispute and then report back.

Krueger moved, second by Rystrom to table the conditional use permit review until the parties had a chance to negotiate further and utilize a mediator.

Yes: Alexander, Anderson, Bloomquist, Gansebom, Hoffman, Krueger, Lingenfelter, Nathan, Rystrom, Wragge and Oestreich

No: None

Motion passed.

#### **Other Business**

#### **Administrator's Report**

Johnson gave a summary of his activity.

Lingenfelter moved, and Bloomquist seconded, to adjourn at 10:27 pm.

Motion carried.

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Byron Wragge, Secretary  
Pierce County Planning Commission