

MINUTES OF PLANNING & ZONING COMMISSION  
APRIL 12, 2007  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Rick Pope called the special meeting to order at 7:04 o'clock P.M. with a quorum present on April 12, 2007 at the Buffalo County Highway Department Building in Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Karin Covalt, Marlin Heiden, Willie Keep, Rick Pope, Leonard Skov, Paul Steinbrink, Sr. and Loye Wolfe. Absent: Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and eight members of the public.

Chairperson Pope announced there was a copy of the open meetings act posted on the bulletin board. The public forum was opened at 7:04 P.M. There were a number of people present from the Ravenna area. Chairperson Pope explained to the members in the audience they would only be able to speak during the citizen's forum and than discussion would be among the Planning & Zoning Commission members unless the Commission asked them a specific question.

Elizabeth Lockhorn expressed concern with what is being dumped in this area east of Ravenna. She explained there is more than paunch being dumped. She also has concerns with the fat content which kills vegetation and also the biological effect it has on the ground.

Harly Schroeder questioned who has authority, doesn't DEQ? Why can Hall County stop this but we can't. Buffalo County is not enforcing our existing laws.

Ken Erickson expressed concern because of the water table and also questioned why six counties can outlaw this but Buffalo County cannot? They are also dumping "floor wash" in this area and it is also being dumped in the wetlands. Both wet and dry material is being dumped. The material is being dumped 24/7, the roads are being deteriorated and run off from the area where this is being dumped is also running across the roads into other property owners' fields.

Chairperson Pope explained that when Buffalo County first looked at zoning regulations at the public hearings, people wanted less and less restrictions on zoning regulations.

Elizabeth Lockhorn also questioned why she can't run water from her washing machine onto her lawn, but this continuous dumping from another county can continue. It's being dumped in wetlands and there are loads after loads being dumped.

Sherry Schroeder reiterated that there is a major problem. She stated we are all farm people and it is deteriorating our life style. This is not a third world country. It is affecting our quality of life.

Deb Stickney questioned why the guidelines aren't being enforced.

Elizabeth Lockhorn stated we do need new laws. All the audience members agreed something needs to be done as soon as possible.

The public forum closed at 7:45 P.M.

Klein noted she has been out to this area a number of times and observed the dumping of both liquid and dry material and it always seems to be dumped in the same area of the field where they are currently dumping.

Chairperson Pope disclosed that when he visited the area with Zoning Administrator Klein, he also spoke to Elizabeth Lockhorn, Mark Muhlbach, Mark Vacek and David Luth at the site on March 28, 2007.

Buss Biehl questioned why DEQ regulations are not being enforced. It is a big problem.

Chairperson Pope stated he had talked to Dave Johnson with DEQ and was told the ten ton limit is dry matter which is currently 17% moisture but if you go beyond the ten ton limit than a permit is required. Rick was told that DEQ had never issued a permit. Pope also had talked to someone from the USDA who was a soil scientist and was told excessive dumping would be very high in salt content. You could have a salt build up in the soil which would affect the nitrogen level.

Klein told the Commission of how adjoining Counties handle this and what their procedures are.

The Commission discussed this at length and they agreed this is a major problem and something needs to be done. Paunch and liquid are two separate issues and each should be addressed.

Pope asked each Commission member to express their concern to see what direction we should take on this matter.

Keep asked if we should take soil samples from these areas. He also asked if there is abuse by just one packing facility.

Biehl questioned how long it will take to implement the new zoning regulations.

Covalt has concerns of destroying natural resources and we need to act as quickly as possible.

Wolfe stated we need to be aggressive; we need to protect the air, soil, and water of our Buffalo County residents. We have problems when we get into commercial and industrial areas and we need to move on this immediately.

Steinbrink agreed we need to stop this immediately.

Heiden reiterated we need to outlaw this completely and stop it today. I think there is some good to the soil if paunch is applied correctly. We might also look at other Counties and see how they have handled this problem.

Skov said we need to follow the health issue, we need to put a draft together and we need to clarify enforcement.

Pope said there is an opportunity to use paunch in a proper manner and there are some cases where that is done but we do have abuse that is happening. We need to discuss the health concern and ask that the County Attorney's office come up with suggested amendments.

The next meeting of the Planning & Zoning Commission will be April 19, 2007 at 7:00 P.M. to continue this discussion on the paunch issue and set the date for a public hearing.

Motion was made by Covalt, seconded by Wolfe to adjourn at 9:15 P.M.