

MINUTES OF PLANNING & ZONING COMMISSION  
APRIL 19, 2007  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:05 o'clock P.M. with a quorum present on April 19, 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., Craig Wietjes and Loye Wolfe. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and twenty one 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 7:05 P.M. There were a number of people present with concerns on the paunch and other liquids being dumped in the northeast part of the County. 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.

Joyce Sears asked what exactly was in the floor wash currently being dumped.

Wes Hodge was present representing Gibbon Pack. He explained the process of how they handle paunch. He stated they have applied this for over 30 years. They dry the paunch through a compression process so no liquid is present when it is hauled to area farms. They also do an analysis of the material, a copy which the Commission had already received. They lease acres from area farmers on which the contractor spreads the paunch and incorporates into the soil. They alternate the acres every year. In the winter time when the contractor cannot incorporate this matter into the soil, the contractor stores this. Hodge said it looks like loaves of cornstalks. Gibbon Pack use to compost but no longer does that process. With the fertilizer prices high, it makes it advantageous for farmers to use this process.

Hoffmeister asked how many cattle they kill and to define exactly what is paunch. Hodge replied they average between 385,000-400,000 head of cattle per year. He described paunch as being undigested grain or grass. Hodge said they handle livestock waste through rendering, which is the entire animal that is not used for the meat. They do get three items from rendering which are bone meal, tallow and blood meal, of which all three products are sold. They reclaim the hay and grain from the stomach but there would be no intestines in the paunch. The floor wash from the kill floor goes directly through the City of Gibbon's treatment plant. Their contractor picks fields that are sandy and applies the paunch to these fields to raise the humus. Hoffmeister asked what type of spreader is used. Hodge said a rotary spreader is used to spread the paunch.

Pope asked what the beginning moisture would be. Hodge responded it would be in the high 90's depending on how much water the animal has consumed. They would end up with about 80% moisture.

Heiden asked how much paunch is applied to area fields. Hodge told him they have data that determines exactly how much has been applied.

Keep asked if the paunch is toxic. Hodge told the Commission it is similar to potting soil.

Hoffmeister asked how many loads are put out each day which Hodge responded 4-5 loads in 15 yard trucks daily.

Robert Urwiller told the Commission they are tearing up the roads, the trucks are not covered and the chemicals from the floors are running into the creeks.

Steve Shrader has lived close to where the dumping has occurred. He stated he has found everything from fetuses, horns and bones from the animal. Odor and diseases are a big concern. Other Counties have outlawed this excessive dumping, why can't we?

Christy Urwiller has also seen cow hides, plastic sleeves and a lot of other things in the paunch.

Christy Sweet has toured area packing plants and she always sees a blue film on the floor. She asked how this blue chemical can be separated from the body parts of the animal.

Bea Urwiller asked who does the monitoring of the regulations. Pope responded the zoning administrator or the public can contact the County.

Larry Urwiller uses the paunch. He started applying the paunch over seven years ago. He has sandy soil and his yields have increased. His organic matter kept going down every year and he has seen the benefits of the paunch. Urwiller said they should be putting on ten tons per acre. He said when he first started, they were applying too much paunch on his fields and it did affect his yields. He puts on both the liquid and the dry. He also had problems in the past with twine, plastic sacks and other items being put on his fields. They also apply grits to his fields and this has help cut down on wind erosion.

Wayne Urwiller also puts the paunch on his fields. He agreed the grits does help to stop wind erosion. There is a problem when the paunch is applied in too wet of conditions because it packs the fields. The liquid cannot be put in piles so it is applied on top of frozen fields. Pope asked if they have a choice of what is applied. Urwiller responded both liquid and dry is being applied. Urwiller said he was told by the people applying the paunch that the liquid is actually the paunch and the dry is considered grits. They are trying to be good stewards of the land. It has added needed nutrients to the soil.

Scott Sweet asked how much the farmers are being paid. Pope responded he has heard from between \$50-\$80 per acre.

Barbara Urwiller asked if the two farmers have had this applied close to their residence.

Robert Urwiller asked if the increase in yields is worth the odor and what is it doing to the environment. Why are these other Counties stopping this process? What good is it doing to Buffalo County?

Christy Sweet asked if any tests have been done to see what it is doing to the ground water.

Deb Stickney stated no medical facility can dump blood anywhere they choose, why is it okay to dump blood from cattle everywhere?

Joyce Sears questioned what is in this floor wash and can you do the test. Pope responded he didn't think this Commission had the authority to request what is in the floor wash.

Pope asked Hodge what the process was for cleaning the kill floor. Hodge responded there are a variety of chemicals they use to clean the kill floor.

Cory Cronin asked what are the requirements for discharging into the sewage system? There should be a lot of State requirements for discharge. This has to be reported to the State of Nebraska.

Bea Urwiller stated that about 10 years ago when the paunch was dumped close to their property, there were aborted fetuses, livers, signs and everything else they were told was paunch. They had contacted the Sheriff at that time.

Christy Urwiller suggested to the Commission that Gibbon Pack is doing it the right way and questioned if we could eliminate any dumping from outside the County.

Allen Shultz stated these trucks are dumping 24/7, seven days a week and this is malicious dumping.

Hodge said they operate from approximately 7:30 A.M. to 6:30 P.M. Monday to Friday.

The public forum closed at 8:05 P.M.

Hoffmeister explained the County Board had referred this back to the Planning & Zoning Commission to see if any change was necessary.

Wolfe appreciates the work the County Attorney's office has done. She stated that Hamilton County requires paunch not be allowed within 1000' from a residence.

Biehl said the Nebraska Department of Environmental Quality apparently is not enforcing their rules so the County needs to. We need to ask Swift how they are handling this.

Klein responded Swift and Chamness will be notified when the County holds the public hearing.

Skov questioned do we eliminate this procedure or are we looking at establishing standards. We don't need to take drastic measures. It appears Gibbon is a good example and is doing it correctly.

Pope questioned if we can change the product that is coming into the County. Is this grandfathered in?

Skov agreed it is doing damage to the people and the property. If we build a new road and the speed limit is 50 miles per hour, there is nothing that says we can't lower the speed limit. Let us focus on how this process is done and do we have the ability to say this is how it should be? We can enforce the distance requirements that are currently in the zoning regulations. Bellamy responded enforcement is a problem because someone would have to be at the location 24/7. We need to enforce what we have on the books. We could write the strictest regulations and it's not going to help the people in the Ravenna area. We also should be able to enforce the wetlands area where dumping has occurred.

Covalt asked what happens if they don't comply with the per cent of moisture for the paunch?

Hoffmeister explained there is a health regulation that can be enforced.

Biehl asked what encouraged Gibbon Pack to do what they do. Hodge responded Gibbon Pack received an environmental award in 1980 and also an award from EPA. They have done a lot of research on this.

Heiden responded that some paunch is good for the soil to a certain extent. He agreed that the liquid is a problem.

Keep said if liquid is injected, the odor would be eliminated but you can't pile the liquid.

Pope responded that level ground is more advantageous because than you don't have the problem with run off.

Skov asked when this dumping had started. Have the problems increased?

Bea Urwiller responded this dumping has occurred since 1998. The dumping has increased and the problems have gotten worse.

Pope said that by regulating the product, such as moisture content we would eliminate some of the problems. Pope asked Wayne Urwiller if banning the liquid would be a problem. Urwiller told him the dry would be a more acceptable product.

Steinbrink questioned if any new applying would require a special use permit.

Hoffmeister explained we can't require a special use permit for dumping that is already grandfathered in. We can eliminate this on the health issue but it is not very easy to defend in the Courts. It requires additional manpower and monitoring.

Wietjes complimented the people in attendance from Ravenna. He was not able to attend last week's meeting. We need to solve this problem. We need to figure out what floor wash is and what is paunch.

Pope stated odor is the biggest problem and the amount of paunch being dumped is another problem.

Wolfe said the people in the agricultural areas do have just as much right to health and safety.

Pope said it appears we have two solutions to the problem, either ban it altogether or handle the paunch like Gibbon Pack is doing. The Commission was in agreement that controlling the dumping and handling it in such a way as Gibbon Pack is the answer. If we could control the amount of paunch that is being applied and eliminating the liquid being applied.

The Commission instructed the County Attorney's office to look at the Hamilton County Resolution and come up with a health regulation to stop the dumping of the paunch. They also instructed the County Attorney's office to come up with a process that allows dumping only during daylight hours and applying paunch that is only 80% in moisture. The Commission agreed we need to enforce the rules that we currently have. This is not a good health environment for anyone to live in.

Old Business: Moved by Heiden, seconded by Biehl to approve the minutes of the February 15, 2007 and April 12, 2007 meetings as mailed. Voting yes were Heiden, Biehl, Covalt, Keep, Pope, Skov, Steinbrink, Wietjes and Wolfe. Absent: none. Motion passed.

The next special meeting of the Planning & Zoning Commission will be April 26, 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 Skov, seconded by Steinbrink to adjourn at 10:20 P.M.