

Burt County Planning Commission
March 3rd, 2024 at 6:30pm
Meeting/Public Hearing

Minutes

Visitors signing in: Lindsey Mouw, Kurt Potadle, Bret Brodersen, Mark & Dorcas VanDerHart, Tielar Jacobsen, Kolton Fleischman, Phyllis Trumble, ?, Mike Degan, Alex Chandler, Bev Lydick, Wally Lydick, Al W?, John Hundahl, Rusty Hike, Joanna Jack Hike, Nick Orsi, Rich Orsi, Cindy Chatt, Chris Meeks, Cale Giese, Ted Connealy, Not signing in Jeff Kutchera, and Paul Richards.

Notices of the meeting was given in advance thereof by publication in the Lyons Mirror Sun February 20, 2025 edition, on the Burt County Webpage, and on the 1st floor bulletin board within the courthouse.

The meeting was Called to Order at 6:28 P.M. by Chairman Rodney Bromm

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Absent**, Jay Hovendick **Present**, Don Johnson **Present**, Jill Spenner **Present**, Tyler Weitzenkamp **arrived at 6:31**, Dean Carlson **Present**, Roger Pond **Absent**, Scott Ronnfeldt **Present**

Quorum present **yes**.

It was noted where the Open Meetings Act was located.

Bromm stated that the minutes from February 3, 2025 were received and reviewed.

With no changes being made, Ronnfeldt made a motion to approve the minutes from the February 3, 2025 meeting 2nd by Hovendick

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, and Spenner Nays- None, Absent- Pond, Cull, and Weitzenkamp

Minutes were signed by Chairman Bromm and Administrator Chytka.

Public Hearings:

At 6:30 pm Chairman Bromm opened the public hearing on Conditional Use Permit for KAMO INC to place a building with office space along with education space and kennels on 3.589ACTR SESE4 17-22-11 RIVERSIDE TWP

John Hundahl spoke said that he would like to place a building that would contain kennels, an office, 2 bathrooms, and a foyer. There will be no lodging and will employ a part-time employee.

With no other public comments Bromm closed the public hearing at 6:41 and went back in to regular meeting.

There was some discussion. Spenner made a motion at approve the Conditional Use Permit for KAMO to place an office space, along with education space, and kennels 2nd by Weitzenkamp.

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

At 6:42 Bromm opened the public hearing on Conditional Use Permit for Rich Orsi to place a large metal building used as a nursery and storefront on TR NW4NE4 19-21-10 SUMMIT TWP.

Rich Orsi spoke and stated that they will be using a pre-existing building for the nursery and would like have a store front for people to come and buy the products they will grow. They have been selling berries at farmers markets and would like to draw people to Burt County.

Having no other public comments Bromm closed the public hearing at 6:47 and went back into regular meeting.

There was some discussion. Carlson made a motion to approve the Conditional Use Permit for Rich Orsi to use an existing building to have a nursery and storefront 2nd by Spenner

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

At 6:49 Bromm opened the public hearing for Section 6.15 Solar Energy Conversion Systems. He stated that we are reviewing:

Setbacks from Roads and non-participating landowners

Sale of facility to tax exempt entity

Discuss total acres of solar in Burt County. (Max acres)

Review Bond Requirement to make same as wind

And add retention of an expert

There were 13 people that spoke during the Public Hearing-

In Favor- Rusty Hike, Joanna Hike, Cindy Chatt, Lindsay Mouw, Kurt Potadle, Bret Broderson, Wally Lydick, and Bev Lydick.

Opposed- Mark Van Der Hart

Neutral- Cale Giese, Alex Chandler.

Left Blank-John Hundahl and Gregg Smith.

Each of the above had 2 minutes to speak.

Public Hearing closed at 7:20 and went back into regular meeting.

Bromm read the wording that was received from County Attorney for sale of the facility to a tax-exempt entity: Section 6.15 C. Solar Facilities (Solar Farm) 2) Solar Farm Applicant Requirements

d. Facility owner/operator shall not be allowed to transfer the ownership or operations of the facility to the Federal Government, the State, a Public Power District, a Public Power and Irrigation District, a Municipality, a Registered Group of Municipality, a Registered Group of Municipalities, an Electric Membership Association or a Corporation; or Owned by a Customer-Generator. This provision may be waived by a unanimous vote of the Board of the

Supervisors and must consider the loss of the “name plate capacity tax” that was important to the original grant for the Solar Facility (Solar Farm).

Weitzenkamp made a motion to approve C.2) d. as written by County Attorney:

d. Facility owner/operator shall not be allowed to transfer the ownership or operations of the facility to the Federal Government, the State, a Public Power District, a Public Power and Irrigation District, a Municipality, a Registered Group of Municipality, a Registered Group of Municipalities, an Electric Membership Association or a Corporation; or Owned by a Customer-Generator. This provision may be waived by a unanimous vote of the Board of the Supervisors and must consider the loss of the “name plate capacity tax” that was important to the original grant for the Solar Facility (Solar Farm). 2nd by Ronnfeldt

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

Bev Lydick called Point of Order for roll call that it should be individual. Chairman Bromm said that individual was not needed.

There was public concern that the public did not have the changes prior to the public hearing. It was noted what topics were going to be discussed on the public notice.

Bromm continued and read Retention of Expert which is the same as what is in the Wind section in Section 6.15 C. Solar Facilities (Solar Farm) E. Retention of Expert

E. Retention of Expert

- 1) The Planning Commission and County Board may hire an engineer and/or expert to oversee all aspects of the project including, but not limited to, conditional use permit application, roads, application requirements, electrical, and any other process that occurs during preconstruction, construction, decommissioning, and reclamation. The applicant shall reimburse Burt County for the actual costs of such engineer and/or expert used during any of the phases of planning, development, decommissioning, and reclamation.
- 2) The total amount of the costs to be reimbursed to Burt County for engineer or expert services may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review and analysis.
- 3) Burt County Engineer, County Attorney, and the Planning and Zoning Administration shall have the discretion to determine when an application is deemed complete and sufficient administrative review has been conducted before scheduling of a public hearing before the Planning Commission.
- 4) Said cost shall be reimbursed within 30 days of billing.

Carlson made a motion to place Retention of Expert in the Solar Facilities regulations 2nd by Hovendick

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

The Commission discussed total acres of solar in Burt County. (Max acres) with no changes to regulation no motion was needed.

The Commission then discussed Setbacks from Roads and non-participating landowners. As it is now the setbacks would fall back to what is currently in place 83' from center of the road and then rear yard 25' side 15' for A-1 zoning. After more discussion.

Scott made a motion to have a setback of 100' from a non-participating residence. Scott withdrew his motion.

Carlson made a motion for the setback for the solar panels be 83' from the property line or 200' from the exterior wall of a residence whichever is greater. The residence would be able to sign a waiver 2nd by Hovendick

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

Bromm then discussed that typos needed to be corrected and the word "commission" needs to be replaced with Board of Supervisors.

Hovendick made a motion to fix typos and replace commission with Board of Supervisors 2nd by Spenner

Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

Bromm discussed that if the owner was to file bankruptcy they would have to turn over the Certificate of Deposit.

Ronnfeldt made a motion to delete M. Certificate of Deposit under 6.15 C. Solar Facilities 2nd by Spenner

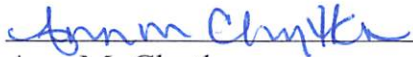
Roll call vote Ayes- Bromm, Carlson, Hovendick, Johnson, Ronnfeldt, Spenner, and Weitzenkamp Nays- None, Absent- Pond, and Cull

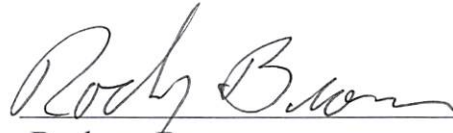
Reports from Administrator: January and February Zoning reports were given out.

Correspondence: None

Next meeting will be held: TBD- The above public hearings will go before the Board of Supervisors on March 12, 2025 at 9:00 am.

Adjournment: Being no additional business Ronnfeldt made a motion to adjourn at 8:34 pm 2nd by Spenner


Ann M. Chytka
Burt County Planning and Zoning Administrator


Rodney Bromm
Burt County Planning and Zoning Chairman

Please note that there was an objection
regarding the procedure used for the
meeting of 3/3/2025



