

**REGULAR MEETING OF THE SEWARD COUNTY PLANNING COMMISSION**  
**Monday February 26th, 2024**  
**Minutes**

Open the Meeting. Meeting called to order by Chairman Pekarek at 7:00 pm.  
Roll Call Members Present: Pekarek, Daniel, Eberspacher, Hargis, Krenk, Schuckebier, Lubbe.

Members Absent: Richert, Niemann.

Present: Misty Ahmic, John Culver, Jacob Jennings, Ben Earnest, Nick Glanzer, Chris Riha, Terri Dolezal.

Chairman Pekarek notified the public that the public meeting information is posted as required by law and is available for inspection.

Pekarek asked for a motion to approve the minutes from the last meeting.

Daniel noted an error in the minutes. Item 2 second paragraph. Word lever should be level. Pekarek noted the time of the meeting started at 7 p.m., not 7:31p.m.

Committee Report. Phil gave a report on a meeting with Lower Platte South, both Pekarek and himself attended in February. Phil stated that they met with Dick Erman representing Lower Platte South that covers most of the eastern 2/3rds of the county. Discussion about a public meeting in the future, possibly this summer on the water conservation district in the County. The Lower Platte South is finishing up a large groundwater study of the Dakota and all the eastern Nebraska. The two member reviewed a copy of the draft study at the meeting. Hargis spoke of a professional paper he is working on about the Dakota Aquifer of eastern Seward County. The Draft has been finished and a copy has gone to Misty Ahmic, and Scott Pekarek, Dick Erman, and his associate. Hargis is waiting for a peer review from Lower Platte South. Pekarek stated that this is good information for support of the Water Conservation District. Discussion.

New Business. None

**Item 1: Discussion:** For a REZONE from (TA-1 to C-2). Transitional Agriculture to Commercial. Parcel Id# 80016467 Owner: Earnest. 31.46 acres in Precinct O, Located in the Northwest ¼ of, Section 4, Township 9N, Range 3East, Seward County Nebraska.

**Item 2: Open Public Hearing:** open@7:08 Eberspacher made a motion to open, Luebbe seconded the motion. All in favor of voting yes.

Discussion. Paulsen read the information. The Landowner has made a request to rezone this quarter section of land from TA-1 to C-2. This application request is to rezone this ¼ section to C-2 to allow more commercial development. This quarter section is not in the water conservation district. This quarter section is not in the Floodplain.

Discussion. Nick Glazner spoke on behalf of the project. The design is to build a commercial building to hold about 17 businesses. Store fronts and warehouses with Agricultural retail, Ag Tech, and Ag Services. Some are

new businesses, and some are existing businesses that would like to expand and add new jobs. Mixed Ag business use. The setback of this project will be inline with Nebraska Harvest Center. Discussion. Eberspacher stated that if the rezone is approved, the businesses will not have to do a conditional use permit. Discussion. The matrix was looked at. Discussion. Pekarek asked for a motion to close the public hearing.

**Item 3: Close Public Hearing:** close @ 7:15 p.m. Schluckebier made a motion to close the public hearing. Eberspacher seconded the motion. All in favor voting yes.

**Item 4: Discussion/Action:** For a REZONE from (TA-1 to C-2).

Transitional Agriculture to Commercial. Parcel Id# 80016467 Owner: Earnest. 31.46 acres in Precinct O, Located in the Northwest ¼ of, Section 4, Township 9N, Range 3East, Seward County Nebraska.

Pekarek asked for a motion to approve or deny the Rezone. Daniel made a motion to approve the Rezone as presented. Eberspacher seconded the motion. Roll call voting. 7 for 0 against, 2 absent not voting.

**Item 5: Discussion:** Industrial Tower West, dba VIAERO, has applied for a DEVELOPMENT PERMIT to CONSTRUCT a TOWER, and a CONDITIONAL USE PERMIT to operate a Tower. Parcel ID: 800230125, Precinct A. In the Southwest ¼ of, Section 16, Township 12N, Range 4E Seward County Nebraska.

**Item 6: Open Public Hearing:** open @7:19 p.m. Eberspacher made a motion to open. Krenk seconded the motion. All in favor of voting yes.

Chris Riha representing Viaero Wireless spoke about the project. Location is 3 miles east of Bee. This is in the northeast of the County. 225 feet with the lightning rod. Chris went through the exhibits on the application.

Discussion. Hargis spoke to a couple of landowners in the Garland area. The signal is spotty in the area. The map represents an increase in the area.

Ahmic asked if there is a way to see where the towers are in the County.

Chris spoke about a website ASR. Antenna Structural Registration. This is an FCC site. Discussion.

**Item 7: Close public Hearing:** close @ 7:36 p.m. Pekarek asked for a motion to close. Eberspacher made a motion to close, and Luebbe seconded the motion. All in favor voting yes.

**Item 8: Findings of Fact/Discussion/Action:** Industrial Tower West, dba VIAERO, has applied for a DEVELOPMENT PERMIT to CONSTRUCT a TOWER,

and a CONDITIONAL USE PERMIT to operate a Tower. Parcel ID: 800230125, Precinct A. In the Southwest ¼ of, Section 16, Township 12N, Range 4E Seward County Nebraska. The Findings of Fact were reviewed with the board. Pekarek asked for a motion to approve or deny the Conditional Use. Eberspacher made a motion to approve the Development permit to build, and a Conditional Use permit to operate a tower as presented. Schuckebier seconded the motion. Roll call voting. 7 for 0 against, 2 absent not voting.

**Item 9: Discussion:** ATC Sequoia LLC, dba American Towers Corporation, has applied for a DEVELOPMENT PERMIT to CONSTRUCT a TOWER, and a CONDITIONAL USE PERMIT to operate a Tower.

Parcel ID: 800017021, Precinct O. In the Southwest ¼ of, Section 9, Township 9N, Range 3E Seward County Nebraska.

**Item 10: Open Public Hearing:** open @7:44 p.m. Pekarek asked for a motion to open. Eberspacher made a motion to open, and Schuckebier seconded the motion. All in favor voting yes. Terri Dolezal representing ATC sequoia LLC dba American Towers Corporation. This project is a replacement on the same parcel. The proposal is to build a new tower, move the equipment from the existing tower to the new tower, then decommission and remove the old tower. The new tower is a 300-foot self-supporting tower, replacing the 265-foot guy tower at full capacity. The existing tower is close to the County road. The construction design of the new tower will have a design standard to allow a strategic break at 60 feet in case of catastrophic failure. Discussion.

**Item 11: Close public Hearing:** close @7:55 p.m. Pekarek asked for a motion to close. Eberspacher made a motion to close, and Schuckebier seconded the motion. All in favor voting yes.

**Item 12: Findings of Fact/Discussion/Action:** ATC Sequoia LLC, dba American Towers Corporation, has applied for a DEVELOPMENT PERMIT to CONSTRUCT a TOWER, and a CONDITIONAL USE PERMIT to operate a Tower. Parcel ID: 800017021, Precinct O. In the Southwest ¼ of, Section 9, Township 9N, Range 3E Seward County Nebraska. The Findings of Fact were reviewed with the board. Pekarek asked for a motion to approve or deny the Conditional Use. Eberspacher made a motion to approve the Development permit to build, and a Conditional Use permit to operate a tower as presented. Schuckebier seconded the motion. Roll call voting. 7 for 0 against, 2 absent not voting.

**Item 13: Discussion:** AEM Airborne electromagnetic AEM survey. Lower Platte South is doing AEM surveys. This data is still being processed. Seward County has been surveyed with a helicopter with an antenna that hangs from the transport and sends waves into the ground and collects data on information underground. Ahmic spoke on AEM. This information and other data will be combined for a comprehensive update that Seward County can use in the future to better understand and educate. Discussion.

**Item 14: Discussion and updates on final draft:** Ahmic reported to the members that County Board Members have asked for a bid to see how much it would cost to put the regulations into a new format setting. The County Attorney is reviewing the Tower Regulations. Discussion.

**Item 15: Communication:** Next Meeting date. March 18<sup>th</sup>, 2024, 7 p.m. Seward County Extension Office. 322 South 14<sup>th</sup> Street, Seward Nebraska 68434

**Item 16: Adjourn:** @8:21 p.m. Pekarek asked for a motion to Adjourn. Eberspacher made a motion to Adjourn, and Luebbe seconded the motion. All in favor voting yes.