

Minutes

January 23, 2023

Planning Commission Special Meeting

The agenda for this meeting was posted in the legal paper of record, the Plattsmouth Journal, on January 12, 2023. The Chairman, Alan Mueller, opened the public meeting at 7:00 pm & stated that the open meetings act is posted on the wall in the back of the room. The Pledge of Allegiance was recited. Roll call for the Planning Commission Members: Althouse, Staben, Tesar, Oehlerking, Mueller, Sullivan, Felthousen, Dennis, Crofoot and Widick (late arrival) met as advertised.

Mueller opened the public hearing @ 7:05 pm with the **only item** on the agenda, Conditional Use Permit # CU-2023-0001 – Isotropic Satellite Communications – Property Owner, Zbierski Endeavors, LLC – 31619 Hwy 1, Murdock, NE – Legal Description: TL3 NE1/4 23-11-10 – Satellite Dish

Mueller asked Mike Jensen, the Zoning Administrator, to introduce this item. Jensen introduced the Conditional Use application with information on the parcel number, the address location, the zoning of the property and the surrounding properties, the legal description, the exhibits. He then gave his

Administrative Remarks:

This application has completed Engineering review. Zoning staff requested additional information regarding Frequency disturbance. This information has been provided by applicant to staffs satisfaction.

Mueller then asked about the Frequency disturbance and what he was looking for on this. Jensen stated they were missing the frequency analysis and they provided that. One additional item needed still was the decommissioning statement – which they provided at the meeting.

He then introduced Hank Zbierski, owner of the property and owner/applicant of Zbierski Endeavors, LLC and Isotropic Networks for the Conditional Use permit. Zbierski discussed the company and the fact that it has been a private family owned business for going on 31 years. They operate on seven US satellites, offering 50-state US coverage as well as coverage in the Gulf of Mexico, Central and South American, Canada and the Bahamas and Caribbean. They are headquartered out of Lake Geneva, Wisconsin. Murdock is an ideal place for this satellite because of the topography as it sits - similar to their Lake Geneva - in a natural RF shield location for noise and would receive a very good signal. They will build and manage the facility – employing local people. He then stated he would answer any questions. Questions and discussion followed about the number of employees, who would manage what comes through the satellite, tracking, reference to BGS (British Geological Survey) when digging the footings, no crossing of major roads or highways with signals, effects on GPS satellite systems or home satellites, what the primary purpose of the satellite is, the RF interference number, whether this is a single satellite location, what the employee duties are, why the dishes are white, the possibility of adding more satellite dishes in the future and if this would affect the one reliable cell service in the area. Mueller then asked if there were any more questions. Since there were none, he opened the hearing up for public comment at 7:36 pm.

Seven people came up to speak with the following concerns/questions:

- Not conducive to the Comprehensive Plan.
- Impact the natural beauty of the area.
- This is done on a Conditional Use permit because it is not a permitted use in this area.
- This will inhibit future development.
- Screening will not hide the dish.
- This will be placed near a historic home.
- Effects on current internet service – which is limited at best. **This would not affect the current service – if anything, it will greatly enhance what they currently have.**
- What are the benefits to the Murdock school and and Cass County residents? **Increase tax income, local resources for everything, particularly preventative maintenance, aesthetics for the area are above and beyond the normal, valuation would in part be based off of the 2 million dollars being put into the satellite equipment alone – this does not include the value of the land.**
- Any security issues or terroristic threats to worry about? **None at all**
- Will this increase the tax base? **Yes**
- Isn't a good fit in the Agricultural district.
- No benefit to the local community.
- Noise from the moving of the dish an issue. **Noise in immeasurable. Very little sound to it.**
- This project will help with the fiber optic growth in this area.
- Potential growth for existing and other carriers.

- Potential Wifi boost within a 4 – 5 mile radius of the satellite.
- Existing local companies involved in the process.
- Why in that particular location? **Satellites like quiet – they don't function well with interference from high noise areas or highly populated areas.**
- People exposed to RF frequency experience headaches, fatigue, dizziness, concentration difficulties, face red from being near a 5-G satellite.

Mueller asked if anyone else wished to speak. Since there were no more comments or questions, he asked Zbierski to come back up and address some of the questions/concerns. These are addressed above in red. Mueller asked if there was any more discussion from the Board. Jensen stated that protecting the tax base by ensuring that there is little to no secondary effects for county residences. Based on the interference study, this should have no effect on anyone's internet or cell service at all. Zbierski stated that it would have no effect whatsoever. Jensen stated that – in the event that there is interference – and it can be documented – how would this be handled? Zbierski stated that they would be obligated to mitigate it. They never want to get to the point where they have to shut it down. Felthousen asked if they decide to add on to this in the future, would they have to come back to the County and reapply? Jensen stated they would. Mueller asked about FCC regulating the number of Earth stations allowed per county. He had heard that – regardless of county size, the limit was three. Zbierski stated that this is correct. He asked how many Cass County currently has. Zbierski stated that this would be the first one. Mueller then asked if there were any other questions or comments. Since there were none, he closed the hearing at 8:03 pm. Mueller stated that the decommissioning statement wasn't in the packet – do we require a bond for decommissioning on this? Jensen stated that we do – we require the same \$100,000.00 bonding that a cell tower does. He asked if this is included in the Conditional Use agreement. Jensen stated that this would have to be an addendum added to the agreement. Mueller asked if this was approved by our consultant. Jensen stated that it had been run through our consultant, Robert Naumann and he had found it to be satisfactory from an engineering standpoint. Mueller then asked for a motion on this Conditional Use application. Tesar made a motion to approve this Conditional Use application with the added requirement for a \$100,000.00 bond to be set up for decommissioning. Seconded by Dennis. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Staben – nay; Mueller – aye; Widick – nay; Oehlerking – nay; Sullivan – aye; Felthousen – aye; Dennis - aye. Motion to recommend carried with a 6 to 3 vote. The hearing will go before the Cass County Board of Commissioners on February 14 at 8 am. Since there was no further business, Mueller made a motion to adjourn. Seconded by Tesar. A voice vote followed with all voting aye.

Meeting closed at 8:10 pm.

Linda Brouhard
Recording Secretary

*These minutes will not be approved until the next Planning Commission Meeting and are subject to change.