

Minutes
October 16, 2023
Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Sarpy County Times, on September 20, 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. Pledge of Allegiance was said. Roll call for the Planning Commission Members Althouse, Dennis, Felthousen, Mueller, Crofoot, Staben and Grotrian met as advertised. Tesar and Sullivan were absent.

Approval of minutes: A motion was made by Crofoot, seconded by Dennis to approve the minutes from the April 10, 2023 meeting. A voice vote followed with all voting aye.

Mueller then asked Mike Jensen, Cass County Zoning Administrator, to introduce the item on the agenda.

Jensen introduced item CU-2023-0005 – Whetrock, Inc. This Conditional Use application is for expansion of the existing mining on property owned by Michael Klein. There is a representative from Whetrock here along with the property owner. The parcel involved are 130150312 & 130151521. The zoning of this property is Agricultural and all properties surrounding it are also Agricultural.

Administrator Remarks:

This application is for an existing quarry that is operating in good standing. Based on the Business Plan that has been submitted, I have no concerns regarding this application.

Jensen then invited the representative for Whetrock, Inc – Roger Whetstine - up to speak. Mueller opened the hearing up at 7:03 pm.

Whetstine stated their plan is to expand an existing quarry that's already located at the premises. They don't anticipate any negative impacts from the expansion of the quarry – traffic or dust - or any increase in the rock sales. Their main goal is to ensure that they don't run out of rock so they can continue to stay in business. They have a plan for water control in their SWPPP plan. A berm will be placed along the road to control the site and safety of the traffic. Jensen stated that he drove down by it and asked if a berm would be enough. If needed, would he consider the placement of trees? Whetstine stated he wasn't opposed to planting trees if needed. He also stated that he has a dust control plan with the Roads Department for the residences along 24th Avenue.

Mueller asked if the board had any questions. Felthousen asked if they would have a new route for access. Whetstine stated they would be using the same route. Althouse asked what the current dust control plan is. Whetstine stated that when the Road Department thinks dust control is required, they come out and take care of it and bill him. Crofoot asked about the berm height. Whetstine stated that it is flexible – he wants it tall enough to stop a vehicle if it goes off of the road. The berms will be built from the topsoil on the property. Grotrian asked what the anticipated life extension would be. Whetstine stated that it could be up to 20 years or more depending on sales. Mueller asked if there were any other questions from the board. Since there were none, he opened up the public hearing at 7:12 pm.

Two members from the gallery came up to speak with the following concerns/comments:

- Dust control along 24th Avenue where there are no residences. Heavy dust from traffic makes it hard to see and unsafe for people turning off of 24th Avenue.
- Whetstone Inc has been a great neighbor and they have no issue with this CU application.

Whetstine came back up and stated that the dust control was done basically in front of the houses. However, if this was brought up to the Roads Dept., he's sure they would take care of this. He has no objection to more dust control. Jensen asked him if this is a prescribed route. Whetstine stated that it is and it would stay the only prescribed route. Mueller asked if there were any more public comments. Since there wasn't, the public hearing was closed at 7:17 pm. A voice vote followed with all voting aye.

Mueller asked if there was any more discussion from the board. He asked if anyone wished to make a motion. A motion was made by Felthousen to approve Conditional Use permit CU-2023-0005 with expansion of the dust control along 24th Avenue. Seconded by Grotrian. A roll call vote followed with the following votes: Althouse – aye; Mueller – aye; Felthousen - aye; Dennis – aye; Staben – aye; Crofoot – aye; Grotrian - aye. Motion to approve carried with a 7 to 0 vote.

The hearing will go before the Cass County Board of Commissioners on Tuesday, November 7th at 8 am. Mueller asked if there was any more business. Jensen stated that a new agenda item will be added to the agenda. This will be Administrative Action – for review of administrative subdivisions before going to the County Board. Also, a few changes will be addressed after a discussion between the County Attorney, Chris Perrone and Jensen about clarification on Agricultural Preservation easements. Althouse requested a discussion about dust control in the subdivisions and Felthousen asked if the Homeowners Association would be responsible for this. Jensen stated that the Subdivision Regulations were not looked at yet by the Planning Commission but that they can be added to the agenda for the next meeting.

A motion was made by Althouse to close the meeting. Seconded by Mueller. A voice vote followed with all members voting aye. Meeting closed at 7:23 pm.

Linda Brouhard
Recording Secretary

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