MINUTES OF THE
KEARNEY COUNTY BOARD OF ZONING ADJUSTMENT
October 20, 2026
Kearney County Courthouse
6:30 P.M.

Notice was published in the local paper, sign posted on the property, posted on Kearney County Website Calendar and landowners received writing notice. A copy of the proof of publication is on file in the Zoning Administrator's Office. The agenda was kept continuously current at the office of the Kearney County Zoning Administrator.

A meeting of the Kearney County Board of Zoning Adjustment was called to order by Chairman Patty Lundeen in the Assembly room of the Courthouse in Minden, Nebraska Kearney County at 6:32 pm on October 20, 2026.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public and in accordance with the Open Meeting Act.

Roll Call:
Members Present: Patty Lundeen, David McCroden, Mike Miller, Paul Steen, Dale Blum
Members Absent: Dave Raffety
Also, present: Kearney County Zoning Administrator Carrie Favinger and Kearney County Attorney Melodie Bellamy

Chairman Patty Lundeen asked if everyone had a chance to look over the minutes from the previous meeting on 0326/2026. After reviewing minutes Dale Blum made a motion to approve the minutes seconded by Mike Miller.
Aye: Patty Lundeen, David McCroden, Mike Miller, Paul Steen, Dale Blum
Nay: NONE
Members Absent: Dave Raffety

Chairman Patty Lundeen stated that this meeting was called to hold a public hearing for a variance application made by Mike Huizenga for proposed construction of a 300' telecommunication tower facility in Section 21, Township 6N Range 13W Lot Number 0002554.00 zoning district AGR. Anyone from the public wishing to speak would need to sign in so we have accurate information for minutes and each person would be limited to 5 minutes.
Dale Blum made a motion to open public hearing, seconded by Paul Steen
Aye: Patty Lundeen, David McCroden, Mike Miller, Paul Steen, Dale Blum
Nay: NONE
Members Absent: Dave Raffety
Public Hearing Opened at 6:41 pm

Zoning Administrator, Carrie Favinger, provided a summary of the application and subsequent documents submitted by applicant. Additionally, the zoning office received several letters of opposition and an informal petition signed by residents around the proposed site. Of record, those submitting letters of

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opposition include Thomas & Julia Hoyt, Kevin Smith, John Amick, Gunnar Tomsen, Dawn Thompsen. 25 Signatures appear on the opposition petition.

Applicant Mike Huizenenga walked through the process, initially beginning with a Special Use Application, which was denied by Zoning Administrator, Carrie Favinger due to the language in zoning district AGR and the interpretation of radio and television towers and transmitters by County Attorney Bellamy, which led to applicant seeking a variance on the advice of County Attorney Melodie Bellamy. Mr. Huizenga stated Kearney County has broadcast towers as permitted uses in other districts, and he felt radio tower would fit the requirement. Norman has AGR surrounding the village. Mr. Huizenga provided two exhibits: a zoning map of the area, and the Kearney County zoning districts.

Ralph Wyngarden with Great Plain Towers spoke on the interpretation of power and using a variance to allow use in AGR district. Radio tower / radio frequency is regulated by the FCC. 9-1-1 calls, emergency messages, live weather broadcast is a benefit to the community. BOA member Dave McCroden inquired to whether there was a gap in coverage. Mr. Huizenga/ Ralph Wyngarden stated location is determined by complaints from users, drive tests conducted, performance engineers. A tower is proposed when there is a need. Mr. Huizenga stated they receive a general area from carrier. Verizon hires great plain/GSS Hemphill (Mike's team) for site acquisition. Mr. Huizenga goes through the local regulations. In this case Jesse Johnson sent 11 letters to area property owners. There was no other engagement from other property owners. There may have been other locations more appropriate, but he can't move forward with other property owners that don't engage. BOA member Patty Lundeen inquired about the 11 property owners and where they were located. Mr. Huizenga said all properties were located in AGR district. Patty Lundeen stated if there is no coverage, why did 11 property owners not step up? Do they have coverage? Mr. Huizenga stated the hardest job is convincing people it's not a scam. Some people are anti-tower and there's a lot of negative press with push back on health and safety concerns and negative effects on property values. Mr. Huizenga went on to state there's a site outside Afton, MN with a need for coverage determined by carriers. Over 40 letters were sent out and he received only 1 response. BOA member Dave McCroden inquired about enhanced 9-1-1 coverage and how you find out if there's a need. Did the Sheriff's Dept bring something to you about 9-1-1 issues? Mr. Huizenga stated they are not the people that provide coverage, only the site acquisition. He stated Verizon doesn't spend hundreds of thousands of dollars when there isn't a need. He addresses acquisition, right-of-way, DOT, zoning permits, FAA, FCC, environmental and due diligence. In addition to Verizon need, other carriers need antennas on towers for coverage too. BOA member Dave McCroden inquired whether Verizon uses other towers. Mr. Huizenga stated yes that they collocate. The closest antenna is 4.6 miles to the NE and nothing remotely near this location. BOA member Dave McCroden inquired about the distance of coverage. BOA member Patty Lundeen asked what the coverage was and height of tower. Mr. Wyngarden stated the proposed tower height is 300feet and coverage extends 2.5-3 miles in the core and up to 5-6 miles in a car or outdoors. BOA member Patty Lundeen stated US Cellular has a tower near Heartwell and they have no coverage. She went on to ask about the closest residence. Mr. Wyngarden stated approximately 1300 feet to the west. BOA member Patty Lundeen inquired about the lighting. M. Wyngarden stated white day lighting and intermittent red light at night. BOA member Paul Steen inquired about moving this location to the East to AG-1 or another district. Mr. Huizenga said it goes back to those that he can negotiate with, are those that call him. Going too far east doesn't provide coverage in the gap from Minden to the East and Southeast.

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First member of the public speaking was Dawn Thompson. She provided a letter in opposition on 10/16/26 and read from that letter. In addition, she provided a photograph showing the proposed site which is less than ¼ mile to the residence. In addition to her letter, she stated the Village Board relinquished control of the county and expected the same consideration would be given to the Village.

Julia Hoyt spoke as an area resident and stated the site is directly adjacent to the home and property she owns. Julia also provided a letter in opposition on 10/16/26 along with signatures of 25 area residents, nearly all living in the AGR district. She stated the property owner, who owns the proposed site, owns 3 other sites in an AG-1 district where telecommunication towers are allowed. She stated this is not a legal hardship; it is a low-density agricultural development. A commercial/industrial tower does not qualify. The board has a clear legal obligation to uphold the zoning code.

Larry Wilcox spoke next and thanked the public for concern. He provided an exhibit of a photograph from his home in Minden showing 3 towers in sight. He stated he owns 3 parcels of ground and there is a void in the area. Stated he responded to the letter they received. He saw a need due to an incident in his pastureland when he was stuck and had terrible cell service and thought there would be a need. They looked at other property he owned and determined this site was the best location. He spoke with neighbors in the area. He discussed his residence in Minden and looks out at 3 towers and someone building a 1.5-million-dollar home right near those towers in Minden. The tower company came to him and said this parcel is the ideal location.

John Amick spoke and stated he lives in Doniphan but owns farmland across the road from this site and another 2 miles straight west in Section 21 of May Township and another ¼ in Section 19 & K Road. BOA Member Patty Lundeen inquired whether he had been contacted. He stated there was a transfer in owner/operators when Renee Amick passed away and if she received letters, he did not know.

Bob Burchell spoke and stated he never heard anyone state anything about receiving letters. He wanted to know which residents got the letters because he has land on 42 &43 road on the North side of HWY 74 and wanted to know if that's within the area they are considering.

Mr. Huizenga & Ralph Wyngarden, applicants were able to speak to the questions presented by the other attendees speaking. They stated it was common for people to push back, and people think 500 feet, ½ mile, 1 mile is too close. Property value and quality of life are common pushbacks too. Most of the times it's "not in my back yard". They stated they try to work with property owners and minimize the impact on area owners. Lighting towers is required by the FCC. They don't want to seem inconsiderate and that it's all about money. Mr. Wyngarden stated the undue hardship would be the area around the service area. Pivot corners were ruled out based on setbacks. He stated there were different uses in the district with 3 grain elevators in the heart of the town. BOA Chair Patty Lundeen stated we call it Ag. The population of Norman was 32 at the last census. BOA member Dale Blum stated some variances are needed, but Planning Commission is for Special Uses, and they don't have the authority as the BOA to determine.

Larry Wilcox then spoke stating NE of Fredericksburg they farm around guyed wires from a cell tower. He stated he would contact Pheasants forever and get a habitat set up on this parcel.

BOA Chair Patty Lundeen then called for closing the public hearing The motion was made by Dave McCroden and seconded by Dale Blum.
Aye: Patty Lundeen, David McCroden, Mike Miller, Paul Steen, Dale Blum
Nay: NONE
Members Absent: Dave Raffety

Dale Blum stated it is not with the BOA's power to decide on this request for variance. Mike Miller stated it was too high of a hurdle to qualify all 4 points. Patty Lundeen stated she didn't feel comfortable granting a variance due to problems in the regulations with the definition – radio towers or broadcast tower is broad.

County Attorney Melodie Bellamy stated they can decide if this meets the radio and television transmitter definition.

Chair Patty Lundeen stated they have to determine the 4 findings of fact:

- The strict application of the regulation would produce undue hardship:

-Is there undue hardship? No, there is coverage on this parcel and in the area according to all who testified and live there.

- Such hardship is not shared generally by other properties in the same zoning district and the same vicinity?

-No, those people who testified have stated they have coverage

- The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance?

-while the board did not feel adjacent properties would be affected, they did think the character of the district could be changed.

- The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice?
- 1 person testified of hardship being in the gap. Are there enhanced 9-1-1 "we're in danger here" or sheriff stating any issues? No. Larry will get a lease payment which is for profit.

Patty Lundeen stated the regulation language is inconsistent and the process isn't right, it should go through the Planning Commission.

Melodie Bellamy stated they could reject the variance and kick it back to Planning Commission to revisit the zoning regulations. She stated she directed ZA Carrie Favinger on the definition and process. But it is in their jurisdiction to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or Planning Commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.
Dale Blum moved to deny the variance and send it to the Planning commission for interpretation. Seconded by Mike Miller.
Aye: Patty Lundeen, David McCroden, Mike Miller, Paul Steen, Dale Blum

Nay: NONE
Members Absent: Dave Raffety

Motion to adjourn made by Dave McCroden, seconded by Dale Blum.
All in favor say AYE
Aye: Patty Lundeen, David McCroden, Mike Miller, Paul Steen, Dale Blum
Nay: NONE
Members Absent: Dave Raffety

Meeting adjourned at 8:15 pm

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