MINUTES OF THE
KEARNEY COUNTY PLANNING COMMISSION
July 13, 2026

Notice of meeting was advertised in Minden Courier, Calendar of Kearney County website. The agenda was kept continuously current at the office of the Kearney County Zoning Administrator.

A meeting of the Kearney County Joint Planning Commission was called to order by Chairman Dawn Thompson in the Assembly Room of the Kearney County Courthouse in Minden, Nebraska Kearney County at 6:03 pm on July 13, 2026. Announced that a copy of the Open Meeting Act was posted on the wall for anyone that wishes to review, and a copy of the board packet was available for review and 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: Dawn Thompson, John Harris, Patty Lundeen, Bennett Petersen, Tom Anderson
Members Absent: Kevin Raun, Jody Casper, Malcom Dornhoff, Terry Buettner
Also, present: Kearney County Zoning Administrator Carrie Favinger & Kearney County Attorney Melodie Bellamy

Chairman Dawn Thompson asked if everyone had a chance to review the minutes from the previous meeting held on May 18, 2026. After reviewing the minutes Bennett Petersen made a motion to approve the minutes seconded by John Harris.
No Further discussion
Aye: Dawn Thompson, John Harris, Patty Lundeen, Bennett Petersen, Tom Anderson
Nay: NONE
Members Absent: Kevin Raun, Jody Casper, Malcom Dornhoff, Terry Buettner

Call was made to Open Public Hearing for Special Use Permit Application made by Werner Construction/ Terry Wilhelms for property located in the NE ¼ of Section 24, Township 8, Range 15W of Kearney County for the purposes of gravel mining operations. Motion made by John Harris, Bennett Petersen seconded the motion.
Kearney County Attorney, Melodie Bellamy, cited a possible conflict of interest due to owning property within 1 mile of the application site. Mr. Wilhelms did not feel there was a conflict of interest and the Kearney County Planning Commission did not feel there was a conflict of interest.
Aye: Dawn Thompson, John Harris, Patty Lundeen, Bennett Petersen, Tom Anderson
Nay: NONE
Members Absent: Kevin Raun, Jody Casper, Malcom Dornhoff, Terry Buettner

KC Planning and Zoning Administrator provided the board with a summary of the application which includes the application & receipt, Notice of public hearing with run dates on 5/7/26 & 5/14/26, gworks map of the location, Previous Special Use Application File including- Application for Special Use Permit dated 12/26/2013, Site location map, Letter dated 1/21/2014 from Joe Anderson to Terry Wilhelms, Letter dated 2/3/2014 from Joe Anderson to Terry Wilhelms, Affidavit of Philip F. Werner, Jr., Application for Special Use Permit dated 10/2/2014, Administrative Report dated 10/6/2014, Minutes of the Kearney County Planning Commission dated 10/20/2014, response letter to Barbara A. Horner, Email dated 11/03/2014

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between Joe Anderson and Terry Wilhelms, Administrative report dated 10/29/2014, Resolution No. 2014-037 dated 12/02/2024.

Mr. Terry Wilhelms spoke on behalf of Werner Construction providing that 12 years ago they were here previously requesting the same special use permit. There are no jurisdictional wetlands on the property. They will mine to the setback but will back fill. Bennett Petersen asked what the plans were once they are done mining. Mr. Wilhelms said there was no plan right now. Bennett Petersen asked if there is a fence and Mr. Wilhelms stated there is already a fence. Bennett Petersen asked if there were plans for more fencing that what is there now. Mr. Wilhelms said they will comply as necessary. Mr. Wilhelms stated hours of operation are 6 am -9 or 10 pm and they would come to the board for approval for hours on weekends. 9-1-1 address is already in effect. According to Mr. Wilhelms, MSHA (Mine Safety and Health Administration) requirements are for berms to be constructed in lieu of silt barrier. Water is used for pumping aggregate and put right back down. They will pump year-round weather permitting (no freezing temps) Monday – Friday unless necessary on weekends. Bennett Petersen asked about sandhill crane migration issues and Mr. Wilhelms said there has never been a problem. They also have a mining operation on the north side of I-80 in Buffalo County. John Harris asked if the mining would stay clear of the South Channel of the Platte River and Mr. Wilhelms said they would. John Harris inquired to the depth of the mining, production of the pit, and length of time. Mr. Wilhelms said at the pit over the Buffalo County line they go 50-60 ft in depth. Mr. Wilhelms continued they do not know the production of the pit and in other counties they pump 10-25 years. Patty Lundeen stated she has a farmer very concerned about runoff. Mr. Wilhelms stated all runoff goes right back into ponds. Patty Lundeen asked about dust created. Mr. Wilhelms shared they have water trucks to spray everything down and they report to DEQ which required dust minimization standards. Patty Lundeen inquired to the height of the berms and Mr. Wilhelms responded they would be approximately 4 ft high. Bennett Petersen stated it's not a very dusty aggregate there and Mr. Wilhelms agreed, he does not expect much dust.

No one from the public was attending in support.

Public Members in opposition include the following:
Steve Younkin – property owner to the west and south
Mr. Younkin asked how far the berm is situated from the existing property line, if they pump 60 ft deep, how far is cave off? His Dad had a fence pumped out years ago. Who is responsible for that and in what time frame is reclamation of property? He also has concerns about junk equipment ending up on old pits. Mr. Younkin stated setback should be 150 feet plus.

With no one else speaking, a motion to close the public hearing was made by Tom Anderson and seconded by Patty Lundeen. Near the start the hearing board member Jody Casper arrived.

Aye: Dawn Thompson, John Harris, Patty Lundeen, Bennett Petersen, Tom Anderson, Jody Casper
Nay: NONE
Members Absent: Kevin Raun, Malcom Dornhoff, Terry Buettner

Melodie Bellamy stated the board would need to comply with guidelines established in Article 6 Special Use Permit Section 6.2 numbers 1-4 (page 44 of KC zoning regulations)

With a vote of 6-0, The Kearney County Planning Commission Recommends the Special Use Permit go before the Board of Commissioners based on the following:

1. This is a permitted use in RC – Rural Conservation zoning district and does not require re-zoning

2. Gravel mining is compatible with the stated intended and permitted uses of the district.
3. The stated intended use to mine sand and gravel was approved in 2014 and does not change the character of the district.
4. Sand & Gravel extraction fits in accordance with the KC Comp Plan

In addition, the board found the following to be required conditions:

- No borrow material shall be piled any closer than 150 feet from any abutting property and no excavation shall be within 150 feet from Highway 10 Right-Of-Way on the East and within 100 feet of all other property lines.
- Mining operations shall only take place between hours of 6:00 a.m. and 10:00 p.m. Monday – Friday and some Saturdays.
- Sand and gravel extraction shall only be accomplished through use of water and aggregate pumping machinery and equipment.
- 9-1-1 emergency contact number and address shall be posted at the location.
- Special Use Permit is effective for 5 years and it may be extended another five years with no major operational changes and no problems or issues have occurred.
- No non-working or abandoned equipment will be on the property longer than six (6) months.

Call was made to Open Public Hearing for Special Use Application made by Brian Shafer/ Triple S Rentals for property located in the NW ¼ of Section 26, Township 8, Range 14 with the intended use as a millwright business and cold storage. Motion was made by Patty Lundeen and seconded by John Harris

Aye: Dawn Thompson, John Harris, Patty Lundeen, Bennett Petersen, Tom Anderson, Jody Casper
Nay: NONE
Members Absent: Kevin Raun, Malcom Dornhoff, Terry Buettner

KC Planning and Zoning Administrator provided the board with a summary of the application which includes the application & receipt, survey, notice of public hearing with run dates on 7/2/26 & 7/9/26, and gWorks map of location.

Brian Shafer, owner of Triple S. Rentals, spoke to the board and provided that the property / commercial building will be used as a shop and equipment would be behind the building or fence if outside for 24 hours. This is a welding and cutting operation with hours M-F 8am-5pm. He is in need of a large shop to operate his business.

Bennett Petersen inquired about the right of way since the land has/ is being split up. There is a road easement in place. Mr. Shafer included the shelterbelt will remain and the building use – 100 feet +/- will be a heated shop and approx. 300 feet is not heated, and he plans to rent space for boat owners and such. There is adequate well and septic for his uses.

No one from the public was speaking in support

Members of the Public speaking in opposition include the following:

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Theresa Delaet #5 El Charman

- Has concerns about increased traffic, growth potential including more equipment, more traffic, larger, louder trucks

Kirby Wilson #13 El Charman

- Has concerns regarding the sound carrying over to the residents at the lake, they live on a quiet, no party lake, and felt the issue is the whole area is supposed to be residential.

Cindy Dean #26 El Charman
-stated the shelter belt does nothing to keep out noise. She believes the grinding and cutting will be loud.

Concluding public comment, Bennett Petersen asked about the work hours. Brian Shafer stated it is Monday thru Friday 8 am – 5 pm with 99% of work done during business hours and / or offsite.
Patty Lundeen inquired about the work causing noise. Mr. Shafer said it was cutting torch, grinding and welding. This is not a manufacturing location – they build things but do not make and sell products.

Call was made to move out of Public Hearing. Moved by Bennett Petersen and seconded by John Harris.

The board then discussed the application and use to determine if it meets the criteria established in Article 6 – Special Use Permit Section 6.2 Procedures numbers 1-4.

With a vote of 6-0, The Kearney County Planning Commission Recommends the Special Use Permit go before the Board of Commissioners based on the following

1. The use does not require the location to be rezoned
2. It is compatible thru 5.24 #7 – commercial and industrial uses without outside storage of materials and equipment.
3. This does not change the characteristics of the district due to prior use as a commercial facility.
4. This is in accordance with the KC Comprehensive Plan

In addition, the board found the following to be required conditions:

- Hours of Operation to be Monday – Saturday 7 am – 6 pm
- Approved uses of millwright business and cold storage.

With the conclusion, Jody Casper made a motion to adjourn with Patty Lundeen seconding the motion.
Aye: Dawn Thompson, John Harris, Patty Lundeen, Bennett Petersen, Tom Anderson, Jody Casper
Nay: NONE
Members Absent: Kevin Raun, Malcom Dornhoff, Terry Buettner

The next public meeting Date to be determined.

Meeting Adjourned at 8:00 pm

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