



Hitchcock County Board Minutes



Hitchcock County Board of Commissioners

Trenton, Nebraska

April 5, 2021

A meeting of the County Board of Commissioners of Hitchcock County, Nebraska was held at the Hitchcock County Courthouse Commissioner’s Room, 229 East D Street, Trenton, Nebraska on Monday, the 5th, day of April, 2021 commencing at 9:00 o’clock a.m. Present were Chair Paul Nichols, Commissioners Ron Wertz and Scott McDonald, County Clerk Margaret Pollmann, and County Attorney D. Eugene Garner. Notice of the meeting was given in advance thereof by publication in the Hitchcock County News, the designated method for giving notice. Board agendas are posted on the County’s website www.hitchcockcounty.ne.gov. Notice of the meeting was given to the Chair and all members of the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The Open Meetings Act was available for review and Chair indicated the location of such copy in the room where the meeting was being held.

Chair Paul Nichols called the meeting to order at 9:00 a.m.

Member Nichols moved to approve the consent agenda consisting of the following items: Approval of the April 5th, 2021 agenda and the March 15th, 2021 meeting minutes. Member Nichols seconded the motion and after consideration the following members voted in favor of said motion: McDonald, Wertz, and Nichols. Motion carried.

Member Wertz moved to approve the following claims. Member McDonald seconded the motion and after consideration, the following members voted in favor of said motion: Wertz, McDonald, and Nichols. Motion carried.

GENERAL FUND:

General Fund Payroll -----	\$15,368.45
Planning Commission 3-15-21 meeting per diem/mileage -----	\$ 142.64
Capital Business Systems, lease -----	\$ 28.00
Jordan Carfield, mileage -----	\$ 18.67
Clerk, Dist. Court, adv. costs -----	\$ 66.00
Community 1 st Bank, FICA/OASI/Fed. -----	\$ 4,954.13
Kimberly Cook, mileage/communications -----	\$ 193.41
Cornhusker State Industries, jail provisions/supply -----	\$ 312.75
Dollar General, supply -----	\$ 15.60
Eakes Office Solutions, supply -----	\$ 304.38
Nancy Frecks, mileage/communications -----	\$ 93.92
Government Forms & Supplies, supply -----	\$ 1,239.43
Great Plains Comm., service -----	\$ 1,151.31
Hitchcock Co. Clerk, recording lis pendens -----	\$ 16.00
Hitchcock County Court, costs -----	\$ 6.00
ICS, supply -----	\$ 166.90
Lindemeier Law Office, ct. appt. counsel -----	\$ 2,761.86
Midwest Connect, supply -----	\$ 210.00
NACO, registrations -----	\$ 105.00
NACT, registration -----	\$ 100.00
NE Dept. Rev., state tax -----	\$ 742.62
Paul Nichols, mileage -----	\$ 353.92



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O'Brien Electric Inc., repair -----	\$ 654.44
Postage -----	\$ 1,000.00
Protex Central, inspection -----	\$ 160.00
Quality Urgent Care, inmate medical -----	\$ 186.00
Retirement Plans Division, Ameritas, retirement -----	\$ 2,276.30
Scoop Media, publications -----	\$ 2,151.70
Andrea Seefus, depositions -----	\$ 382.50
SW Public Power, utility -----	\$ 37.77
Walmart, supply -----	\$ 473.95
Ryan R. Wilcox, public defender contract -----	\$ 3,000.00

ROAD FUND:

Road Fund Payroll -----	\$13,807.61
Community 1 st Bank, FICA/OASI/Fed. -----	\$ 3,983.25
Great Plains Comm., service -----	\$ 258.23
Hagan Transport LLC, repair -----	\$ 539.50
Lakeside Sand & Gravel, gravel -----	\$ 2,771.70
NE Dept. of Rev., motor fuels tax -----	\$ 170.00
NE Dept. Rev., state tax -----	\$ 666.10
Retirement Plans Division, Ameritas, retirement -----	\$ 2,012.97
Richards Gravel Pit, gravel -----	\$ 2,524.50
SW Public Power, utility -----	\$ 45.22
US Bank, tow ropes -----	\$ 588.23
Village of Stratton, utility -----	\$ 145.30

E-911 PSC FUND:

CenturyLink, service -----	\$ 466.98
Frontier Comm., service -----	\$ 25.98
Great Plains Comm., service -----	\$ 52.23

911 EMERGENCY SERVICES FUND:

CenturyLink, service,-----	\$ 147.47
Frontier Comm., service -----	\$ 8.21
Great Plains Comm., service -----	\$ 16.50

April Kendall joined the meeting regarding Hitchcock County becoming a 2nd Amendment Sanctuary County. Also present, Stanley Faimon. Discussion held as to the language contained in the proposed resolution and attorney Garner advised as to the same.

Member Nichols offered Resolution #21-10 and moved for its' adoption. Member Wertz seconded the motion and after consideration the roll was called thereupon and the following members voted in favor of the motion: McDonald, Nichols, and Wertz. Said resolution having been consented to by a majority of all members elected to said County Board, was by the Chair declared passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION #21-10

WHEREAS, the Second Amendment to the United States Constitution provides that it is the right of the people to keep and bear arms, and that right shall not be infringed; and



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WHEREAS, Article I, Section 1-1 of the Nebraska Constitution also provides the right to keep and bear arms, specifically “for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes,” and all provides that such right shall not be infringed; and

WHEREAS, the United States Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, it is the desire of the Hitchcock County Board of Commissioners to declare its support of the Second Amendment to the United States Constitution and Article I, Section 1-1 of the Nebraska Constitution; and

WHEREAS, the members of the Hitchcock County Board of Commissioners took an oath to support and defend the United States and Nebraska constitutions.

NOW, THEREFORE, BE IT RESOLVED, that the Hitchcock County Board of Commissioners hereby declare that we support the rights and liberties of all Hitchcock County citizens guaranteed by the United States and Nebraska Constitutions.

BE IT FURTHER RESOLVED that this Board affirms its support for the duly appointed Sheriff of Hitchcock County, Nebraska, and his continuing efforts to uphold the United States and Nebraska Constitutions.

PASSED AND APPROVED this 5th day of April, 2021.

VOTING FOR THE MOTION: Wertz, Nichols and McDonald

VOTING AGAINST THE MOTION: None

ABSTAINING: None

ABSENT: None

The Resolution is hereby adopted.

Paul Nichols, Chair

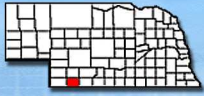
ATTEST:

Seal

Margaret M. Pollmann, County Clerk

The Board was in receipt of the Resolution/Recommendation of the Hitchcock County Planning Commission on the application for conditional use submitted by SMJ International, LLC.

Chair Nichols opened the public hearing at 10:00 a.m. as published, to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted by SMJ International, LLC for a cellular communications monopole tower being 199’ high with lightening rod within 100’ by 100’ lease area to be located beginning at the Northeast corner of the Southwest Quarter (SW¼) of Section Twelve (12), Township Two (2) North, Range Thirty-five (35) West of the 6th P.M., Hitchcock County, Nebraska on approximately 15 acres owned by the Village of Stratton. Deb Brown for SMJ International, LLC joined the meeting via phone conference. Also present Stratton Village Clerk, Tara Hedrick.



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Chair asked for comments from those in favor of granting the conditional use. Tara Hedrick advised the Village of Stratton is in favor of the proposed conditional use. Chair asked for comments from those in opposition of granting the conditional use. There were none. Chair asked for those representing a neutral position. Attorney Garner advised that the Village of Stratton requested that the County consider the application because of a conflict of interest. Chair closed the public hearing at 10:10 a.m.

The Board finds that the requested conditional use of said land is consistent with the Hitchcock County Comprehensive Plan and is permitted as a conditional use in the AG-G General Agricultural District pursuant to Section 501.06 (3) on the following condition

Member Nichols offered Resolution #21-8 and moved for its' adoption. Member Wertz seconded the motion and after consideration the roll was called thereupon and the following members voted in favor of the motion: Nichols, Wertz, and McDonald. Said resolution having been consented to by a majority of all members elected to said County Board, was by the Chair declared passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION #21-8

WHEREAS, the Hitchcock County Board of Commissioners having held a public meeting on April 5th, 2021, for the purpose of reviewing the Application for Conditional Use submitted by SMJ International, LLC for a cellular communications monopole tower to be located on the NE corner of the SW $\frac{1}{4}$ of Section 12, Township 2 North, Range 35 West, Hitchcock County, Nebraska, and after review and research of said application, to act to approve or disapprove the same; and

WHEREAS, the Hitchcock County Board of Commissioners having held a public hearing on April 5th, 2021, for the purpose of hearing said application and for hearing comments thereon from the public in attendance and to receive information and documents, in relation thereto; and

WHEREAS, the Notice of said Public Hearing was published in the *Hitchcock County News* on March 25, 2021; and

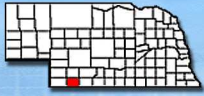
WHEREAS, a copy of the notice of said Public Hearing was duly mailed on March 4th, 2021 by U.S. Mail, proper first class postage prepaid, to all adjacent landowners as evidenced by the Certificate of Service on file in the office of the Hitchcock County Clerk; and

WHEREAS, the Hitchcock County Board of Commissioners have received the recommendation of the Hitchcock County Planning Commission recommending approval of said application; and

WHEREAS the Hitchcock County Board of Commissioners, having found that the requested conditional use of said land is consistent with the Hitchcock County Comprehensive Plan and is permitted as a conditional use in the AG-G General Agricultural District pursuant to Section 501.06 (3) on the following conditions to wit:

CONDITION(S):

1. Said tower shall comply with any applicable airport hazard height limitations and shall be setback from the right-of-way of any public roadway, from the nearest property line of any undeveloped lot of record of less than 20 acres in area or any public use area and from the nearest wall of any neighboring church, school, or residential dwelling unit by a distance equal to or exceeding the height of said tower;



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2. The applicant shall exercise and take all reasonable necessary steps to insure that there is no interference for adjoining residential landowners and to correct any interference if it occurs;
3. Refer to *Memorandum* dated February 24, 2021, submitted by Darin Morgan, Hitchcock County Zoning Administrator, attached hereto as “Exhibit A” and incorporated herein by this reference; and
4. Letter from legal counsel for Village of Stratton representing/certifying that the proposed use is permitted by the applicable Village zoning ordinance(s)/zoning regulations(s), and/or that the Village of Stratton does not exercise jurisdiction over the area of the proposed site.

EXCEPTION(S): None

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Application of SMJ International, LLC for a cellular communications monopole tower to be located on the NE corner of the SW $\frac{1}{4}$ of Section 12, Township 2 North, Range 35 West, Hitchcock County, Nebraska, on the conditions and exceptions, if any, set forth hereinbefore be approved.

PASSED AND APPROVE THIS 5th day of April, 2021

Paul Nichols, Chair

ATTEST:

Margaret M. Pollmann, Hitchcock Co. Clerk

VOTING FOR THE MOTION: Wertz, Nichols and McDonald

VOTING AGAINST THE MOTION: None

ABSTAINING: None

ABSENT: None

Victoria Bauer joined the meeting and inquired as to the county’s position regarding the presidential executive order which includes the “30 x 30 program”. Discussion was held and Mrs. Bauer offered to provide her research on the issue.

Member Wertz offered Resolution #21-9 and moved for its’ adoption. Member Nichols seconded the motion and after consideration the roll was called thereupon and the following members voted in favor of the motion: Wertz, Nichols, and McDonald. Said resolution having been consented to by a majority of all members elected to said County Board, was by the Chair declared passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 21-9

WHEREAS, NEB. REV. STAT. §76-2,112 requires that each conservation or preservation easement shall be approved by the appropriate governing body. Such approving body shall first refer the proposed acquisition to and receive comments from the local planning commission with jurisdiction over such property; and

WHEREAS, Clint R. Schafer and Kayla M. Schafer, husband and wife (Grantors) , have applied to the Middle Republican Natural Resources District (Grantee) for a Conservation Easement (71 certified irrigated acres only) for the real estate legally described as the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-nine (29), Township Four (4) North, Range Thirty-two (32) West of the 6th P.M., Hitchcock



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County, Nebraska, except that part deeded to the State of Nebraska in Deed Book 39, Page 318, recorded November 1, 1939; and

WHEREAS, the Hitchcock County Board of Commissioners referred said proposed acquisition to the Hitchcock County Planning Commission on March 15, 2021; and

WHEREAS, the Hitchcock County Board of Commissioners is in receipt of the following finding from the Hitchcock County Planning Commission:

The Hitchcock County Planning Commission finds that the proposed conservation easement relating to the sale of (71 certified irrigated acres water only) by and between Clint R. and Kayla M. Schafer, husband and wife (Grantors) and the Middle Republican Natural Resources District (Grantee) from a well on the W ½ of the SW ¼ of Section 29, Township 4 North, Range 32 West of the 6th P.M. in Hitchcock County, Nebraska conforms with Hitchcock County's Comprehensive Zoning Plan.

WHEREAS, the Board finds that the proposed conservation easement conforms with Hitchcock County's Comprehensive Zoning Plan.

NOW, THEREFORE BE IT RESOLVED that the Hitchcock County Board of Commissioners approve the application for a conservation easement by and between Clint R. Schafer and Kayla M. Schafer, husband and wife (Grantors) and the Middle Republican Natural Resources District on (71 certified irrigated acres water only) from a well on the real estate legally described as the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Twenty-nine (29), Township Four (4) North, Range Thirty-two (32) West of the 6th P.M., Hitchcock County, Nebraska, except that part deeded to the State of Nebraska in Deed Book 39, Page 318, recorded November 1, 1939.

PASSED AND APPROVED this 5th, day of April, 2021.

VOTING FOR THE MOTION: Scott McDonald, Paul Nichols and Ron Wertz.

VOTING AGAINST THE MOTION: None

ABSTAINING: None

ABSENT: None

The Resolution is hereby adopted.

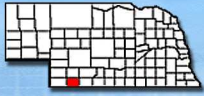
ATTEST:

Paul Nichols, Chair

Margaret M. Pollmann, County Clerk

Member Nichols offered Resolution #21-11 and moved for its' adoption. Member Wertz seconded the motion and after consideration the roll was called thereupon and the following members voted in favor of the motion: McDonald, Nichols, and Wertz. Said resolution having been consented to by a majority of all members elected to said County Board, was by the Chair declared passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION #21-11



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WHEREAS, the Hitchcock County Board of Commissioners desires to provide maximum protection to the users of roads in Hitchcock County; and

WHEREAS, said Board of Commissioners acknowledges the State of Nebraska has adopted the Manual on Uniform Traffic Control Devices (MUTCD) as published by the Federal highway Administration; and

WHEREAS, in accordance with the Manual of Local Control Devices which states, local authorities in their respective jurisdiction shall place and maintain the traffic control devices on roads under their jurisdiction as they deem necessary to indicate and to carry out local traffic ordinances or to regulate, warn or guide traffic. All traffic control devices erected shall conform to the manual and specifications; and

WHEREAS, official recognition of the proper position of regulatory types of signs is required to provide legal enforcement.

WHEREAS, in the interest of public safety, the board is considering reducing the speed limit on the North ¼ mile of Road 376 between Sections Twenty-six (26) and Twenty-seven (27), Township Four (4), Range Thirty-one (31) and Road 722 between Sections Twenty-three (23) and Twenty-six (26), Township Four (4), Range Thirty-one (31) West of the 6th P.M. in Hitchcock County, Nebraska and for the permanent placement of regulatory speed limit signs on said roads accordingly.

NOW THEREFORE, BE IT RESOLVED that the County Highway Superintendent, is hereby directed to perform a traffic study on North ¼ miles of Road 376 between Sections Twenty-six (26) and Twenty-seven (27), Township Four (4), Range Thirty-one (31) and Road 722 between Sections Twenty-three (23) and Twenty-six (26), Township Four (4), Range Thirty-one (31), West of the 6th P.M. in Hitchcock County, Nebraska and to submit in writing to the county board, a traffic study report relating to permanent placement of regulatory signs on said road establishing speed limit of not more than 35 MPH.

PASSED, APPROVED AND ADOPTED this 5th day of April, 2021, at Hitchcock County, Nebraska.

VOTING FOR THE MOTION: Scott McDonald, Ron Wertz, Paul Nichols

VOTING AGAINST THE MOTION: None

ABSTAINING: None

ABSENT: None

The Resolution is hereby adopted.

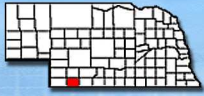
Paul Nichols, Chair

ATTEST:

SEAL

Margaret M. Pollmann, County Clerk

Member Wertz moved to appoint Shaila Latta, Valerie Paschall, and Stephanie Malcolm to the Hitchcock County Visitor's Committee for 4 year terms expiring April 1, 2025. Member McDonald seconded the motion and after consideration, the following members voted in favor of the motion: McDonald, Wertz, and Nichols. Motion carried.



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Member McDonald moved to approve an Application To Occupy County Road Right of Way filed by Berexco, LLC for an underground oil production line in Section 35, Township 3, Range 35 West in Hitchcock County running from west to east approximately 207' south of a box culvert North of Stratton on Veterans Highway. Member Wertz seconded the motion and after consideration, the following members voted in favor of the motion: Nichols, McDonald, and Wertz. Motion carried.

The First Quarter 2021 Sheriff's report was on file.

Member McDonald moved to adjourn at 11:05 a.m. and to meet for the next regular meeting on Monday, April 19th, 2021 at 9:00 a.m. Member Nichols seconded the motion and the roll was called with the following members voting in favor of said motion: Nichols, McDonald, and Wertz. Motion carried.

ATTEST:

Paul Nichols, Chair
Hitchcock County Board of Commissioners

Margaret M. Pollmann, County Clerk