

Hitchcock County Board of Commissioners

Trenton, Nebraska
August 7, 2023

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 7th day of August 2023 commencing at 9:00 o’clock a.m. Present were Chair Paul Nichols, Commissioners Ron Wertz and Scott McDonald and County Clerk Margaret Pollmann. 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 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 July 17th, 2023 meeting minutes; Approval of the August 7th, 2023 agenda. Member Wertz seconded the motion and after consideration, the following members voted in favor of the motion: McDonald, Wertz and Nichols. Motion carried.

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

GENERAL FUND:

General Fund Payroll -----	\$19,397.24
Anna Lambert, grounds maint. -----	\$ 405.00
Byron Alberts, refund Inheritance Tax overpayment -----	\$ 1,280.72
Applied Connective, IT/email service -----	\$ 2,573.35
BC&BS, alleged balance due -----	\$ 2,784.46
Capital One, supply -----	\$ 643.86
Clerk District Court, adv. costs -----	\$ 72.00
Common Scents, tree spraying -----	\$ 250.00
Community 1 st Bank, FICA/OASI/Fed. -----	\$ 5,866.80
Consolidated Mgmt. Co., meals -----	\$ 82.50
CVSOAN, registration -----	\$ 60.00
Dollar General, supply -----	\$ 8.30
Eakes Office Solutions, supply/lease -----	\$ 438.60
First Net/AT&T Mobility, service -----	\$ 385.28
Suhr Enterprises, Inc., supply -----	\$ 702.79
Hitchcock Co. Court, costs -----	\$ 67.00
Hitchcock Co. Sheriff, service fees -----	\$ 55.32
Kayla Hodges, reimb. supply -----	\$ 8.10
Hometown Leasing, equip. lease -----	\$ 209.62
Lincoln Co. Clerk, annual probation cost -----	\$ 4,200.81
MASA, suppl. ins. -----	\$ 6.25
MIPS, Inc., data process. -----	\$ 1,965.09
Mousel, Brooks, Schneider & Mustion, ct. appt. counsel -----	\$ 510.51
National Assoc. Vet. Serv. Officers, dues -----	\$ 50.00
NE Dept. Rev., state tax-----	\$ 979.04
Paul Nichols, mileage -----	\$ 277.07
Quality Urgent Care, inmate medical -----	\$ 130.00
Red Willow Co. Treasurer, District Judge annual costs-----	\$ 157.11
Lincoln Co. Treasurer, emergency mgmt. contact -----	\$ 6,283.75
Retirement Plans Division Ameritas, retirement -----	\$ 2,859.16
Terra Riggs, reimb. bldg.. repair/postal services -----	\$ 106.28
Rippen Oil LLC, repair -----	\$ 118.50
Scoop Media LLC, publications -----	\$ 974.29

SW Public Power, utility -----	\$ 40.98
Amanda Speichert, ct. appt. counsel -----	\$ 630.00
Kenneth M. Adams, pest control service -----	\$ 75.00
Trails West Texaco, fuel -----	\$ 66.01
Village of Trenton, utility -----	\$ 2,217.58
Haley Walker, mileage -----	\$ 158.51
Ryan R. Wilcox, public defender contract -----	\$ 3,500.00

ROAD FUND:

Road Fund Payroll -----	\$16,440.75
AKRS Equipment, repair -----	\$ 784.69
Bud's Tire Repair Inc., repair -----	\$ 156.50
Community 1 st Bank, FICA/OASI/Fed. -----	\$ 4,631.60
Hagan Transport LLC, repair -----	\$ 2,515.11
Heartland New Holland, repair/blades -----	\$ 441.32
JA Automotive & Repair LLC, repair -----	\$ 214.95
Lakeside Sand & Gravel LLC, gravel -----	\$ 7,999.20
MASA, suppl. ins. -----	\$ 6.25
Medical Enterprises, Inc., DOT Testing -----	\$ 35.00
NE Dept. Rev., state tax -----	\$ 799.54
PowerPlan JD Financial, repair -----	\$ 4,551.10
Retirement Plans Division Ameritas, retirement -----	\$ 2,386.14
Richards Gravel Pit, Inc., gravel -----	\$ 6,120.00
Rippen Oil LLC, fuel -----	\$ 177.75
SW Farm & Auto Supply, repair/supply -----	\$ 686.99
SW Public Power, utility -----	\$ 35.33
Village of Culbertson, utility -----	\$ 178.78
Village of Stratton, utility -----	\$ 121.06
Village of Trenton, utility -----	\$ 152.76

REGISTER OF DEEDS P&M FUND:

MIPS Inc., data process. -----	\$ 253.32
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911 EMERGENCY SERVICES

CenturyLink, service -----	\$ 775.01
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E-911 PSC FUND:

CenturyLink, service -----	\$ 2,454.18
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Region 51 Emergency Manager Brandon Myers provided the agencies quarterly report. EM Myers advised as to an Orion damage assessment program and its benefits in the event of a natural disaster. Initial cost is \$2,000 with a \$1,000 monthly fee. It was the consensus of the board to budget for this damage assessment program.

Member McDonald moved to direct Chair to execute a letter of support regarding the Western Republican River Basin Riparian Habitat Project for the 2024-2025 grant period. Member Nichols seconded the motion and after consideration, the following members voted in favor of the motion: McDonald, Nichols, and Wertz. Motion carried.

Member Wertz moved to designate the State Print Shop for LB 727 postcards. Member Nichols seconded the motion and after consideration, the following members voted in favor of the motion: McDonald, Wertz, and Nichols. Motion carried.

Letters of solicitation for informal quotes for propane for the 2023/2024 winter season for the courthouse and county shops were signed by Chair Nichols.

The board acknowledged and approved the Veteran's Service Committee members effective 7-1-23 as follows: Todd Wagner, Dennis Kennedy, Richard Baxter, Thomas Jones and Cliff Johnson.

Discussion held on District Court bailiff salary increase.

Attorney D. Eugene Garner joined the meeting.

The Board acknowledged receipt of the *Recommendation/Resolution of the Hitchcock County Planning Commission* this date.

Chair Nichols recessed the regular meeting at 10:09 a.m. and opened the public hearing for the purpose of receiving comments from the public in attendance and receive evidence regarding the proposed amendment(s) to Hitchcock County Zoning Regulations. Said proposed amendment(s) address oil storage and lease tanks within the AG-G District, specifically including permitting and setbacks thereof. Those present Assessor Terra Riggs, Zoning Administrator Mike Erickson, and Leonard Paxton.

Chair Nichols asked if there were any comments from proponents of the proposed amendment(s) to Hitchcock County Zoning Regulations. John Rundel inquired as to permitting existing tank batteries. Leonard Paxton offered and the Board received Exhibit #1, an Oil and Gas Lease specifically referencing the following paragraph: “*All express or implied covenants of this lease shall be subject to all Federal and State Laws, Executive Orders, Rules or Regulations, and this lease shall not be terminated in whole or in part, nor lessee held liable in damages, for failure to comply therewith, if compliance is prevented by, or if such failure is the result of any such Law, Order, Rule or Regulation.*” Mr. Paxton inquired if said paragraph applied to local zoning and attorney Garner advised as to the same. Nebraska Oil and Gas Commissioner John Rundel stated he supports the amendments as they are reasonable and not an undue burden and further said commission will advise operators that county has zoning regulations pertaining to placement of tank batteries in Hitchcock County.

Chair asked if there were any comments from opponents of the proposed amendment(s). Leonard Paxton inquired if permitting applied to all existing tank batteries and Attorney Garner affirmed. Commissioner Rundel advised that the Oil and Gas Commission has maps of all wells and tank batteries.

Chair inquired if there were any comments from a neutral position. Assessor Riggs suggested a spreadsheet approach in the permitting process. Attorney Garner offered a synopsis of the Planning Commission’s August 3rd, 2023 meeting.

Chair closed the public hearing at 10:55 a.m. and the regular meeting that was previously recessed was re-opened.

Extensive discussion held on current tank batteries and county road right of ways.

Member Wertz offered Resolution #23-11 incorporating the proposed amendments from the planning commission and moved for its’ adoption. Member McDonald 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 and is on file in the office of the County Clerk and on the County’s website: www.hitchcockcounty.ne.gov.

RESOLUTION #23-11
(Amendment to *Hitchcock County Zoning Regulations*)

WHEREAS, the County of Hitchcock County, Nebraska, hereinafter referred to as “COUNTY”, is a duly organized political subdivision, existing pursuant to the laws of the State of Nebraska and acting by and through the Hitchcock County Board of Commissioners (hereinafter referred to as the “BOARD”); and

WHEREAS, COUNTY previously adopted and implemented the *Hitchcock County Zoning Regulations*, which are on file in the office of the Hitchcock County Clerk; and

WHEREAS, the Hitchcock County Planning Commission did on August 3rd, 2023, having first held the requisite public hearing(s) and public meeting(s) did recommend to COUNTY, approval of amendments to the *Hitchcock County Zoning Regulations*, as set forth in the

Resolution/Recommendation of the Hitchcock County Planning Commission which recommendation was presented to the COUNTY on August 7th, 2023; and

WHEREAS, the COUNTY held a public hearing August 7th, 2023 to hear comments and to receive evidence regarding the proposed amendments to the *Hitchcock County Zoning Regulations*; and

WHEREAS, notice of said hearing was first duly provided in accordance with law by publishing notice thereof in the *Hitchcock County News*, a newspaper of general circulation in the County, on July 27, 2023; and

WHEREAS, a true and complete copy of the proposed amendments to the *Hitchcock County Zoning Regulations* was available for inspection during the regular business hours at the office of the County Clerk and on the County's website at least ten days prior to said hearing; and

WHEREAS, a true and complete copy of the proposed amendments to the *Hitchcock County Zoning Regulations*, is attached hereto as Exhibit "A", is entitled *Hitchcock County Zoning Regulations* and is incorporated herein by this reference as if set forth at length at this point; and

WHEREAS, the COUNTY, having first duly considered said recommendation and the public comments offered at said public hearing by the parties in interest and the citizens of the COUNTY in attendance thereat, and being fully advised in the premises, finds that the amendment to the *Hitchcock County Zoning Regulations* as recommended by the Hitchcock County Planning Commission are appropriate, are in furtherance of the *Hitchcock County Comprehensive Development Plan* previously adopted and are in the best interests of the COUNTY and are designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the COUNTY.

WHEREAS, the BOARD finds that the Hitchcock County Planning Commission recommends the amendments to the *Hitchcock County Zoning Regulations*; and

WHEREAS, the BOARD being first duly advised and satisfied in the premises, finds that it is in the best interests of the COUNTY to adopt and implement the proposed amendment to the *Hitchcock County Zoning Regulations*.

NOW, THEREFORE, BE IT RESOLVED that the BOARD does hereby amend the *Hitchcock County Zoning Regulations*, accordingly and the same are hereby adopted to become effective August 8th, 2023.

BE IT FURTHER RESOLVED that this Resolution does not effect, amend, modify or otherwise terminate in any manner whatsoever, the Hitchcock County Zoning Regulations or the Hitchcock County, Nebraska Official Zoning Map which became effective June 1, 2001, as subsequently amended, except as specifically set forth herein, and the same shall continue in full force and effect subject to amendment as specifically set forth herein.

PASSED AND APPROVED on this 7th day of August, 2023.

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

ABSTAINING: None.

VOTING AGAINST THE MOTION: None.

The Resolution is hereby adopted.

Paul Nichols, Chairman
Board of Commissioners
Hitchcock County, Nebraska

ATTEST:

Margaret M. Pollmann, County Clerk

Discussion held on zoning permit fees. Zoning Administrator Erickson advised as to area permitting fees.

Member Wertz moved to set a zoning fee of \$10.00 per location for those tank battery facilities existing as of August 8th, 2023 and not previously permitted. Member McDonald seconded the motion and after consideration, the following members voted in favor of the motion. McDonald, Nichols, and Wertz. Motion carried.

The following inventories were acknowledged by the Board: Clerk, District Court, Board, Assessor, County Court, Weed Superintendent, County Real Estate, Attorney, District Judge, and Sheriff.

Sheriff Gerry Hunter discussed personnel and equipment with the Board.

Member McDonald moved to adjourn at 12:42 p.m. and to meet for the next regular meeting on Monday, August 21st, 2023 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: McDonald, Wertz, and Nichols. Motion carried.

ATTEST:

Paul Nichols, Chair
Hitchcock County Board of Commissioners

Margaret M. Pollmann, County Clerk