

Hitchcock County Board of Commissioners

Trenton, Nebraska
March 17th, 2025

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 17th day of March 2025 commencing at 9:00 o’clock a.m. Present were Chair Paul Nichols, Commissioners Christopher Baker and Ron Wertz and County Clerk Margaret Pollmann. Notice of the meeting was given in advance thereof by publication on February 13th, 2025 in *Scoop Media 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. Also present Bill Roddy.

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 March 17th, 2025 agenda and approval of the March 3rd, 2025 meeting minutes. Member Wertz seconded the motion and after consideration the following members voted in favor of said motion: Baker, Wertz, and Nichols. Motion carried.

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

GENERAL FUND:

General Fund Payroll -----	\$60,722.88
Planning Commission 3/12/25 meeting per diem/milage -----	\$ 94.00
AFLAC, suppl. ins. -----	\$ 696.51
Applied Connective Technologies, IT services -----	\$ 3,165.58
BC&BS, dental ins. -----	\$ 1,581.55
BC&BS, health ins. -----	\$26,750.45
Colonial Life & Accident Ins., Co., suppl. ins. -----	\$ 425.78
Community 1 st Bank, FICA/OASI/Fed. -----	\$20,637.00
Justin M. Daake, ct. appt. counsel -----	\$ 12.50
DAS State Accounting-Central Finance, data process. -----	\$ 150.00
Dewald, Deaver, L’Heureux PC, ct. appt. counsel -----	\$ 151.00
Eakes Office Solutions, supply -----	\$ 274.65
Mike Erickson, meals/lodging -----	\$ 197.13
Farmers Co-op Grain & Supply, fuel -----	\$ 1,225.22
First Net/AT&T Mobility, service -----	\$ 691.76
Furnas Co. Sheriff’s Dept., service fees -----	\$ 66.18
Suhr Enterprises, Inc., supply -----	\$ 470.22
Great Plains Communications, service -----	\$ 1,208.91
Hitchcock Co. Court, costs -----	\$ 49.00
Thomas W. Jones, reimb. inmate meal -----	\$ 10.46
MASA, suppl. ins. -----	\$ 56.25
Mid-American Benefits, Inc., admin. fees -----	\$ 128.00
Mid-State Organized Crime Info Cent., membership fees -----	\$ 100.00
MIPS, Inc., jury pool fees -----	\$ 244.16
Mousel Brooks Schneider & Mustion, ct. appt. counsel -----	\$ 653.20
NE Dept. Rev., state employment tax -----	\$ 3,159.38
NE State Patrol, licenses -----	\$ 224.50
New York Life, life ins. -----	\$ 75.00
Paul Nichols, mileage -----	\$ 431.20
Postage -----	\$ 500.00
Red Willow Co. Treasurer, baliff -----	\$ 1,279.47
Redfield Direct, supply -----	\$ 220.60
Retirement Plans Division, Ameritas, retirement -----	\$10,373.72

Rippen Oil Co., repair -----	\$ 1,644.00
Scoop Media LLC, publications -----	\$ 1,682.10
Ashley Spahn, ct. appt. counsel -----	\$ 925.00
TKO Pest Control, service -----	\$ 85.00
Trails West Texaco, fuel -----	\$ 16.11
USave Pharmacy & Medical Supply, inmate script. -----	\$ 263.96
Underground Vaults & Storage, microfilm storage -----	\$ 388.80
Village of Trenton, utility -----	\$ 1,253.47
VSP Insurance, vision insurance -----	\$ 490.72

ROAD FUND:

Road Fund Payroll -----	\$11,535.94
ARKS Equipment, repair -----	\$ 442.16
AFLAC, suppl. ins. -----	\$ 285.81
BC&BS, dental ins. -----	\$ 293.27
BC&BS, health ins. -----	\$ 6,321.39
C&K Distributors, shop supply -----	\$ 266.63
Colonial Life & Accident Ins., Co., suppl. ins. -----	\$ 26.49
Community 1 st Bank, FICA/OASI/Fed. -----	\$ 2,932.67
Dan's R Us Sanitation, service -----	\$ 27.35
Farmers Co-op Grain & Supply Co., supply/repair -----	\$ 1,773.41
Great Plains Communications, service -----	\$ 371.64
MASA, suppl. ins. -----	\$ 6.25
Mid-American Benefits, Inc., admin. fees -----	\$ 40.00
NE Dept. Rev. state employment tax -----	\$ 401.65
NE Machinery Co., repair -----	\$ 881.63
Powerplan JD Financial, repair -----	\$ 3,402.00
Rapid Fire Protection, bldg. repair -----	\$ 776.85
Retirement Plans Division, Ameritas, retirement -----	\$ 1,572.88
Rippen Oil LLC, repair/fuel -----	\$ 393.91
Sensel Welding & Repair & Used Cars, shop supply -----	\$ 40.25
DFC Company, signs -----	\$ 1,354.42
SW Farm & Auto Supply, repair/shop supply -----	\$ 1,005.10
SW Public Power, utility -----	\$ 65.01
Stratton Auto Parts, repair -----	\$ 107.94
Village of Culbertson, utility -----	\$ 52.00
Village of Stratton, utility -----	\$ 400.26
Village of Trenton, utility -----	\$ 170.69
VSP Insurance Co., vision ins. -----	\$ 48.24

REGISTER OF DEEDS P&M FUND:

Redfield Direct LLC, deed book/recording paper-----	\$ 540.60
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Extension Engagement Zone Coordinator Brandi Hilton-Hagemann, Ph.D introduced new Extension Instructor Baily Abbott and gave a synopsis of her general duties.

Member Wertz moved to accept and approve the Application To Occupy County Road Right of Way filed by McCook Public Power District for an underground electric line to be placed under part of Road 359 in Township 1, Range 33. Member Nichols seconded the motion and after consideration, the following members voted in favor of the motion: Baker, Nichols and Wertz. Motion carried.

County Attorney D. Eugene Garner joined the meeting.

Member Baker moved to add a road improvement project to the 1&6 Year Street Improvement Plan, said road being located on County Road 376 between County Road 710 and US Highway 17. Member Nichols seconded the motion and the following members voted in favor of the motion: Wertz, Baker and Nichols. Motion carried.

The Board approved the proposed Hitchcock County, Nebraska Regional Development Plan Community Development Block Grant Program publication as presented. It was the consensus

of the Board to publish said notice one time annually and to add said notice on the County's website on the Economic Development page.

Chair Nichols recessed the regular meeting at 10:02 a.m. and opened the public hearing for the purpose of receiving comments from the public in attendance and to receive evidence regarding the proposed amendment(s) to Hitchcock County Zoning Regulations. Said proposed amendment(s) address "crypto mining facilities" and "data centers" within the AG-G, RCI, and I Districts and amendment(s) to zoning permit fees for non-residential farm buildings and increasing the fees set forth in the Zoning Permit Fee Schedule.

Zoning Administrator Mike Erickson advised as to said proposed amendment(s) offering a history of happenings to date. Attorney Garner advised as to the same.

Chair inquired if there were any comments from proponents of the proposed amendment(s) to Hitchcock County Zoning Regulations. There were none.

Chair inquired if there were any comments from opponents of the proposed amendment(s) to Hitchcock County Zoning Regulations. There were none.

Chair inquired if there were any comments from a neutral position. There were none.

Chair inquired if there were any comments regarding specific articles and sections of the proposed amendment(s). Discussion held on clarification of fencing specification in the RCI and I Districts and the renumbering of paragraphs accordingly.

Chair Nichols closed the public hearing at 10:32 a.m. and the public meeting that was previously recessed was re-opened.

The Board was in receipt of the Hitchcock County Planning Commission's Recommendation(s) regarding "crypto mining facilities and "data centers" with the AG-G, RCI, and I Districts and amendments to zoning permit fees for non-residential farm buildings and increasing the fees set forth in the Zoning Permit Fee Schedule.

Member Wertz moved to amend the proposed Regulation(s) 502.05 and 503.02 to specify exterior security fencing around the facility to safely exclude unauthorized persons from entering the facility and consisting of a 6' (six foot) chain link fence with not less than three strands of barbed wire above said chain link fence in said districts, and to amend 501.06 (11) 502.05 (7) and 503.02 (5) to state that data centers comply with subparagraphs "A-F" rather than "A-E". Member Baker seconded the motion and after consideration, the following members voted in favor of the motion: Baker, Wertz and Nichols. Motion carried.

Member Nichols moved to make the following findings based upon comments and information provided during the public hearing:

- (1) that said proposed amendments are consistent with the Hitchcock County Comprehensive Plan as said Plan pertains to the AG-G, RCI, and I Districts within Hitchcock County, Nebraska; and
- (2) that it is necessary and in the best interests of the County to amend current regulations to clarify the process to be followed in relation to locating and maintaining "crypto mining facilities" and "data centers" within the AG-G, RCI, and I Districts in order to, among other purposes, (a) facilitate cooperation and communication by and between the operator(s) of said "crypto mining facilities" and "data mining centers" and the landowners; (b) promote orderly growth and development within the County; and (c) minimize adverse impacts upon adjoining land uses; and
- (3) that said proposed amendments properly clarify and address the permitting of "crypto mining facilities" and "data mining centers" within the AG-G, RCI, and I Districts; and
- (4) that it is necessary to remove "*but shall require a certificate of zoning compliance*" from Article 2, Section 202 (1.)
- (5) that it is necessary to clarify Article 8, Section 804 to add the word "fee" to "(1). *Non-residential farm buildings, as defined in Section 303.34 of this Resolution, shall*

- be subject to the requirements of this Resolution, but shall be exempt from the zoning permit “fee” requirements of this Resolution.”; and*
- (6) that it is necessary and in the best interests of the County to update the Schedule of Zoning Permit Fees as follows:
- (a) add a Zoning Permit Late Fee of \$30.00; and
 - (b) increase schedule of fees as follows:
 - (1) Application for rezoning or amendment to zoning regulation \$500.00,
 - (2) Application for conditional use \$500.00;
 - (3) Filing of appeal to decision of Zoning Administrator \$500.00;
 - (4) Application for variance \$500.00;
 - (5) Hitchcock County Comprehensive Development Plan Zoning Regulations Book \$500.00; and
 - (c) remove from the Schedule of fees ~~Check out of Hitchcock County Comprehensive Development Plan Zoning Regulations Book \$125.00 (refundable upon return of intact book)~~

Member Wertz seconded the motion and after consideration, the following members voted in favor of the motion: Wertz, Nichols and Baker. Motion carried.

Member Wertz offered Resolution #25-9 and moved for its’ adoption. Member Baker seconded the motion and after consideration the roll was called thereupon and the following members voted in favor of the motion: Nichols, Baker, 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 on file in the office of the County Clerk and on the County’s website www.hitchcockcounty.ne.gov.

RESOLUTION #25-9
(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 March 12, 2025 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 March 17th, 2025; and

WHEREAS, the COUNTY held a public hearing March 17th, 2025 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 *Scoop Media News*, a newspaper of general circulation in the County, on March 6th, 2025; 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 May 1, 2025.

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.

BE IT FURTHER RESOLVED that said amendment(s) shall become effective May 1, 2025.

PASSED AND APPROVED on this 17th day of March, 2025.

VOTING FOR THE MOTION: Christopher Baker, Ron Wertz, Paul Nichols

ABSTAINING: None.

VOTING AGAINST THE MOTION: None.

The Resolution is hereby adopted.

Paul Nichols, Chair
Board of Commissioners
Hitchcock County, Nebraska

ATTEST:

Margaret M. Pollmann, County Clerk

Member Nichols moved to direct Chair to execute the Nebraska Department of Agriculture 2024 Weed Control Compliance Report. Member Wertz seconded the motion, and after consideration the following members voted in favor of the motion. Wertz, Baker and Nichols. Motion carried.

Member Wertz moved to execute the Wire Transfer and ACH Services Agreement by and between the County and Henderson State Bank. Member Baker seconded the motion and after consideration the following members voted in favor of the motion. Nichols, Baker and Wertz. Motion carried.

Treasurer Jackie Drain offered the Return to the County Clerk/Board of Commissioners, the proceedings of the annual public tax sale on March 3, 2025 pursuant to NEB. REV. STAT. §77-1813.

Member Nichols moved to adjourn at 12:05 p.m. and to meet for the next regular meeting on Monday, April 7th, 2025 at 9:00 a.m. Member Baker seconded the motion and the roll was called with the following members voting in favor of said motion: Baker, Nichols and Wertz. Motion carried.

ATTEST:

Paul Nichols, Chair
Hitchcock County Board of Commissioners

Margaret M. Pollmann, County Clerk