HITCHCOCK COUNTY PLANNING COMMISSION

January 16, 2025
Trenton, Nebraska

Pursuant to the adopted By-Laws and Rules of Procedure, the Hitchcock County Planning Commission met on Thursday, January 16, 2025 commencing at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska for its annual re-organizational meeting. Notice of the meeting was given in advance thereof by publication on January 2nd, 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 this 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.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair called the meeting to order at 7:03 p.m. and the roll was called. Those present were Aaron Kolbet, Dustin Ladenburger, Tom Monnahan, Wayne Merrill and alternate Member Austin Jensen. Member Dustin Webb was absent. Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the April 18, 2024 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the April 18, 2024 meeting minutes. Member Kolbet seconded the motion and the following members voted in favor of the motion: Kolbet, Ladenburger, Merrill, Monnahan and Jensen. Webb, Absent. Motion carried.

Chair opened the floor for nominations for Chair for the calendar year 2025. Kolbet moved to retain current officers, those being Dustin Ladenburger Chair, Dustin Webb Vice Chair and Wayne Merrill Secretary. Member Jensen seconded the motion and the following members voted in favor of the motion: Ladenburger, Kolbet, Merrill, Monnahan and Jensen. Webb, Absent. Motion carried and Dustin Ladenburger was declared Chair, Dustin Webb was declared Vice Chair and Wayne Merrill was declared Secretary for calendar year 2025.

Zoning administrator Mike Erickson gave his annual report.

Chair Ladenburger recessed the regular meeting at 7:15 p.m. to enter into a public hearing.

Chair Ladenburger opened the public hearing at 7:16 p.m. 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 Steven R. Fries for placement of a data mining structure being a part of Section 23, Township 4 North, Range 33 West, Hitchcock County, Nebraska. It was noted that applicant Steven R. Fries was not present nor represented by anyone present.

Zoning Administrator Mike Erickson presented the staff report relating to conditional use application #2-2024.

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none.

Chair Ladenburger asked if there were any comments from opponents of the application. There were none.

Cody Lashley provided printed information to all members present and the same was marked as Exhibit "A". Mr. Lashley stated he lives ¼ mile away from the proposed site and wants to be

neighborly and welcome new business and that he was not against progress, however noted concerns including but not limited to duration of noise, site security and maintenance, and potential traffic safety issues. Mr. Lashley noted Section 3 of the Zoning Administrator Staff report and Section 1008 of Hitchcock County's zoning regulations, concluding with the precedent that may be set based on the decision of the Planning Commission on this conditional use.

Lyndsay Lashley requested that the County not allow any permits for future bitcoin mining until there are safeguards in place to protect the citizens. Her written statement was received and marked as Exhibit "B".

Charles Wilcox advised he lives less than one mile away from the proposed site and has spoken with other area land owners who are against this as it affects and destroys the quality of life for people living in the area.

Mark Rouse advised he was a lifetime resident of the County and "seconds" everything that has been stated previously. In addition, the application is incredibly void of any detail and Mr. Rouse posed the question, "Are these companies taking advantage of small counties that lack regulations pertaining to data mining?"

Ashley Bogner advised they were new to Hitchcock County and are hoping that it will become their long-term home and desire to protect the life her family has. Noting concerns previously voiced, Mrs. Bogner asked to be placed on the record "in opposition" of the proposed conditional use.

John Varilek advised he lives near the propose site and voiced concerns relating to the residential internet service as this venture will most likely use every bit of internet capability.

Chair Ladenburger asked if there were any comments from those representing a neutral position.

Colyn Suda, General Manager of Southwest Public Power District SWPP addressed various comments and questions as follows:

- Nebraska has the 3rd lowest power rates in the nation and industries are locating here because of the power affordability
- Power would be supplied by the Beverly substation
- this data center would be another customer for Southwest Public Power
- This data center would be on their own circuit and if it goes down, it's only their circuit that goes down.
- 100% of cost to development
- would be off during peak load times, October to May operations, winter peaks will also be attempted to be avoided
- Empathized with safety concerns
- Data centers are lucrative and profitable ventures for companies pursing them
- This location would have four (shipping container size) structures
- Power usage would be close to that of the ethanol plant

Attorney Garner inquired of Mr. Suda if there was a written agreement with the data company as of today. Mr. Suda advised that the agreement was still in negotiations. Mr. Ganer asked if the company would share the agreement once signed and Mr. Suda indicated he didn't know why they would not.

Attorney Garner advised as to noncompliance enforcement.

Chair Ladenburger inquired as to the next steps should this application be approved. Zoning Administrator Erickson indicated building permits would be required.

Attorney Garner advised that this body can recommend approval, disapproval or approval with conditions to the County Board of Commissioners.

Chair received the following exhibits and the same were marked accordingly:

Exhibit “A” Literature presented by Cody Lashley
Exhibit “B” Written statement presented by Lyndsay Lashley
Exhibit “C” Bruce Licht letter of opposition
Exhibit “E” Email from Richard D. Leudtke in opposition
Exhibit “E” Hitchcock County Clerk’s *Certificate of Service* dated January 6th, 2025 relating to Notice of Public Hearings mailed to applicant Steven Fries.
Exhibit “F” Hitchcock County Clerk’s *Certificate of Service* dated January 6th, 2025 relating to Notice of Public Hearing mailed to land adjacent land owners and interested persons.
Exhibit “G” Zoning Administrator Mike Erickson’s *Staff Report* relating to Conditional Use Application #2-2024.

Chair Ladenburger closed the public hearing at 8:39 p.m. and re-entered regular Planning Commission proceedings.

Chair inquired if any board member had a conflict of interest regarding the application being considered. There were none.

Member Ladenburger moved to recommend to the County board of commissioners that the conditional use application filed by Steven R. Fries not be approved due to insufficient information regarding the proposed use including without limitation noise control, security measures, control of potential hazards, bandwidth use, power use, lack of compliance with zoning regulations at another location and consistency with the comprehensive plan. Member Kolbet seconded the motion and after consideration the following members voted in favor of the motion: Merrill, Kolbet, Jensen Monnahan, and Ladenburger. Member Webb Absent. Motion carried.

Member Jensen moved to authorize and direct Chair of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission to the Hitchcock County Board of Commissioners. The motion was seconded by Merrill. After discussion, the roll call was taken on the motion as follows: Ladenburger, Aye; Jensen, Aye; Monnahan, Aye; Merrill, Aye. Kolbet, Aye. Motion carried.

Chair Ladenburger asked if there was any old business. None was noted.

Under new business, Chair Ladenburger suggested this board hold a meeting in the near future to begin the process to update various regulations and the comprehensive development plan. Zoning administrator Erickson requested the board consider increasing the permitting fees across the board. It was the consensus of the board to hold it’s next meeting on Thursday, February 20th, 2025 at 7:00 p.m.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 9:13 p.m.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

February 20, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on February 20, 2025 commencing at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on February 13, 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 this 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.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 7:11 p.m. and the roll was called. Those present were Aaron Kolbet, Dustin Ladenburger, Tom Monnahan, and Dustin Webb. Members Wayne Merrill and Austin Jensen were absent. Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann. Patrons Cody Lashely and Ewan Lashley were also present.

The minutes of the January 16th, 2025 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the January 16, 2025 meeting minutes. Member Webb seconded the motion and the following members voted in favor of the motion: Webb, Kolbet, Ladenburger and Monnahan. Members Merrill and Jensen, Absent. Motion carried.

Under old business, Zoning Administrator Mike Erickson proposed increases in certain zoning permit fees.

Under new business, various Articles and Sections of the comprehensive plan were reviewed for amendment including but not limited to:

- Article 8 Section 804
- Article 2 Section 202
- Article 3 Section 302
- Article 5 Section 501, 502, 503

Attorney Garner advised as to various statues throughout the discussion.

A public hearing regarding the proposed amendments to Hitchcock County's Comprehensive Plan will be held on Wednesday, March 12th, 2025 at 7:00 p.m. and will be published accordingly

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 8:35 p.m.

_____ _____

Dustin Ladenburger, Chair Margare Pollmann, Recording Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

March 12, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on March 12, 2025 commencing at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on February 27, 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 this 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.

Vice Chair Dustin Webb advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Vice Chair Webb called the meeting to order at 7:01 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Dustin Webb and Wayne Merrill. Dustin Ladenburger and Austin Jensen were absent. Vice Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner, Paul Nichols, Cody and Ewan Lashley, Charles and Coleen Wilcox and Recording Secretary Margaret Pollmann.

The minutes of the February 20th, 2025 meeting were previously reviewed by the board. Vice Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the February 20th, 2025 meeting minutes. Member Merrill seconded the motion and the following members voted in favor of the motion: Merrill, Webb, Kolbet, and Monnahan. Ladenburger and Jensen, Absent. Motion carried.

Vice Chair Webb recessed the regular meeting at 7:04 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 the proposed zoning regulations.

Vice Chair Webb inquired if there were any comments from proponents of the proposed amendment(s) to Hitchcock County Zoning Regulations. Charles Wilcox spoke in favor of changes in zoning fees. Mr. Wilcox suggested adding to the amendment(s) something requiring companies who file zoning permits being required to divulge who they are and where they are from. Attorney Garner advised as to foreign and domestic entities doing business in the State of Nebraska along with federal law relating to the same. Discussion held on load management issues. Cody Lashely agreed with permit fee increases, stated he supports the proposed regulation and thanked the body for their diligent work on the issue.

Chair inquired if there were any comments from opponents of the proposed amendment(s). Coleen Wilcox inquired if one mile from a residence was far enough. Zoning Administrator Erickson advised as to facility shielding and his research as to decibel levels. Discussion held on the number of substations locations within the County.

Chair inquired if there were any comments from a neutral position. Paul Nichols commented that decibel levels will be hard to regulate. Discussion held on various issues relating to zoning regulations. Coleen Wilcox inquired if such facilities emit anything toxic and Zoning Administrator Erickson indicated his research indicated that it was no more than current substations. Ewan Lashley suggested concrete barriers around these types of facilities.

Vice Chair Webb inquired if there were any comments regarding specific articles and sections of the proposed amendment(s). Further discussion held on required decibel level studies.

Chair closed the public hearing at 8:03 p.m. this date and the public meeting that was previously recessed was re-opened.

Attorney Garner advised as to making findings regarding the proposed amendments.

Member Kolbet 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 Monnahan seconded the motion and after consideration, the following members voted in favor of the motion: Merrill, Kolbet, Webb and Monnahan. Ladenburger and Jensen, Absent. Motion carried.

Member Kolbet moved to amend the proposed Regulation 501.06 subparagraph 10. E. to specify a 6' (six foot) chain link fence with not less than three strands of barbed wire above said chain link fence. Member Monnahan seconded the motion and after consideration, the following members voted in favor of the motion: Webb, Monnahan, Kolbet, and Merrill. Ladenburger and Jensen, Absent. Motion carried.

Member Kolbet moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the proposed amendments to Hitchcock County Zoning Regulations as follows:

- Article 2 Section 202
- Article 3 Section 303
- Article 5 Section 501, 502, 503
- Article 8 Section 804
- Schedule of Zoning Permit Fees

as pages 1-3 inclusive and revision of Schedule of Zoning Permit Fees and marked Exhibit "A". Member Merrill seconded the motion and after consideration, the following members voted in

favor of the motion: Webb, Merrill, Kolbet, and Monnahan. Jensen and Ladenburger, Absent. Motion carried.

Member Merrill moved to authorize and direct Vice Chair of the Hitchcock County Planning Commission to execute the Recommendation of the Hitchcock County Planning Commission for and on behalf of the full body of the commission. Member Kolbet seconded the motion and after consideration the following members voted in favor of the motion: Merrill, Webb, Monnahan and Kolbet. Jensen and Ladenburger, Absent. Motion carried.

Discussion held on the next meeting date and time.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 8:20 p.m.

_____ _____

Dustin Webb, Vice Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

May 21, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on May 21, 2025 commencing at 7:30 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on May 8th, 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 this 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.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger informed those in attendance that the public meeting and public hearing were being recorded and asked that those in attendance speak one at a time so as to maintain a clear record of these proceedings. Jason Frederick of *Scoop Media News* was present and recorded the proceedings at the request of the Commission.

Chair Ladenburger called the meeting to order at 7:38 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Wayne Merrill, Dustin Ladenburger and Austin Jensen. Dustin Webb was absent. Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner, and Recording Secretary Linda Kerchal.

The minutes of the March 12, 2025 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the March 12, 2025 meeting minutes. Member Merrill seconded the motion and the following members voted in favor of the motion: Merrill, Kolbet, Monnahan, Ladenburger and Jensen. Webb, Absent. Motion carried.

Chair Ladenburger recessed the regular meeting at 7:39 p.m. and opened the public hearing for the purpose 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 Shane Rippen for an open feedlot confined animal feeding operation with aerobic waste handling facility, Category A Class III in Part of the W½ of the SE¼ Section 4, Township 3 North, Range 31 West, Hitchcock County, Nebraska.

Attorney D. Eugene Garner presented the question of whether the subject property was located within or without the extraterritorial jurisdiction of the Village of Culbertson. Exhibits "D" and "E" were received. After consideration and discussion, a roll call vote was had on the question of whether the subject property was located within the jurisdiction of the County. Kolbet, No, Monnahan, Yes, Jensen, Yes, Merrill, Yes Ladenburger, Yes.

The Commission having determined they have jurisdiction over this matter proceeded with the public hearing.

Travis Casperson, Engineer for Settje Agri-Service and Engineering, Inc. presented a power point, Exhibit "C1"

Applicant Shane Rippen presented his Application for Conditional Use and responded to questions posed by the board.

Zoning Administrator Mike Erickson presented the staff report relating to conditional use application #1-2025.

Chair received the following exhibits and the same were marked accordingly:

Exhibit “A” Hitchcock County Clerk’s *Certificate of Service* dated May 8th, 2025 relating to Notice of Public Hearing mailed to the applicant, adjacent land owners, public entity and public utility.
Exhibit “B” Zoning Administrator Mike Erickson’s *Staff Report*
Exhibit “C” Application for Conditional Use
Exhibit “C1” Feedlot Plan
Exhibit “D” Culbertson Ordinance
Exhibit “E” g Works Map
Exhibit “F” Odor Control
Exhibit “G” Moorhous Letter
Exhibit “H” Berndt Letter
Exhibit “I” Koebel Letter
Exhibit “J” Grafel Letter
Exhibit "K” Warren Letter

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none.

Chair Ladenburger asked if there were any comments from opponents of the application. Those recognized and speaking: Sandra Titus, Robin Lomax, Monty Cooper, Sherry Moorhous, Michael Farr, Deb Huss, Nick Erdman, Sonia Coldwell, Joy Farr, Nathan Hoyt, Jake Koebel. Concerns voiced included Village of Culbertson water wells and water usage, run off, dust, odor, bird and fly control, property values and proximity to the village of Culbertson City Limits.

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

Chair inquired if there were any further comments. Applicant Shane Rippen requested that the Commission review the requirements that have been met.

Chair closed the public hearing at 9:12 p.m. this date and the public meeting that was previously recessed was re-opened.

General discussion held on Exhibit “B”. Zoning Administrator Mike Erickson recommended approval of Application.

Chair inquired if any board member had a conflict of interest regarding the application being considered. There were none.

Member Jensen and Attorney Garner advised as to making findings regarding the proposed application.

Discussion was had regarding consistency of the proposed land use with the comprehensive plan. Roll call vote had regarding whether the proposed land use was consistent with Hitchcock County’s Comprehensive Plan: Kolbet, Yes, Monnahan, Yes, Jensen, Yes, Merrill, Yes Ladenburger, Yes.

Member Jensen moved to recommend to the Hitchcock County Board Commissioners, Approval of the Application for Conditional Use submitted by Shane Rippen. The motion died for lack of a second.

Chair Ladenburger asked for any other motions. Attorney Garner advised as the duty to make a recommendation to the County Board. Discussion on Section 1008 and 501.06 of the Zoning Regulations.

Member Kolbet moved to schedule a future meeting for continue discussion and consideration of the Conditional Use Application of Shane Rippen. Member Monnahan seconded the motion and after consideration, the following members voted in favor of the motion: Merrill, Kolbet, Monnahan, Ladenburger and Jensen. Webb, Absent. Motion carried.

Discussion held on the meeting date and time for further consideration on the Conditional Use Application of Shane Rippen and the MB Club Conditional Use Application #2-2025. Said meeting will be held Wednesday, June 11, 2025 commencing at 7:30 p.m. with the public

hearing on Conditional Use 2-2025 to commence as soon thereafter as said hearing can be held. Said meeting and hearing will be published accordingly.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 9:29 p.m.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

June 11, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on Wednesday, June 11, 2025 commencing at 7:30 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on May 29th, 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 this 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.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Jason Frederick of *Scoop Media News* was present and recorded the proceedings at the request of the Commission.

Chair Ladenburger called the meeting to order at 7:41 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Wayne Merrill, Dustin Ladenburger, and Austin Jensen. Member Dustin Webb was absent. Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner, and Recording Secretary Margaret Pollmann.

The minutes of the May 21st, 2025 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the May 21st, 2025 meeting minutes. Member Merrill seconded the motion and the following members voted in favor of the motion: Merrill, Kolbet, Monnahan, Ladenburger and Jensen. Webb, Absent. Motion carried.

Monte Cooper, member Village Board of Trustees, Village of Culbertson addressed the group and presented a survey performed by Miller and Associate Consulting Engineers PC entitled E.T.J. Location for the SE ¼ of Section 4-T3N-R31W, Hitchcock County, Nebraska. Mr. Cooper stated that the proposed conditional use of Shane Rippen was within the village limits of Culbertson and therefore within the Village of Culbertson's jurisdiction. Chair Ladenburger received said survey as Exhibit "L" to Conditional Use Application #1-2025) filed by Shane Rippen. Attorney Garner advised that Exhibit "D" which was received by the Commission at the May 21st, 2025 conditional use hearing of Shane Rippen was a copy of a Village ordinance and a "Zoning District Map" relating to the Village of Culbertson. Further Mr. Garner advised that with the newly acquired survey, a determination of whether and/or to what extent, this body has jurisdiction to further consider the application is in question. Chair Ladenburger tabled the matter so that further investigation into jurisdiction could be done.

Chair Ladenburger recessed the regular meeting at 7:48 p.m. and opened the public hearing for the purpose 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 Brandon Flannery on behalf of MB Club LLC for a data center on part of the SE¼ of Section 4, Township 1 North, Range 33 West, Hitchcock County, Nebraska.

The following Exhibits were received:

Exhibit "A" Hitchcock County Clerk's *Certificate of Service* dated May 23rd, 2025 relating to Notice of Public Hearing mailed to the applicant.

Exhibit "B" Hitchcock County Clerk's *Certificate of Service* dated May 23rd, 2025 relating to Notice of Public Hearing mailed to adjacent land owners.

Exhibit "C" Zoning Administrator Mike Erickson's *Staff Report* regarding Application for Conditional Use Application #2-2025.

Applicant Brandon Flannery presented the Application for Conditional Use and responded to questions posed by the board and those present.

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none.

Chair Ladenburger asked if there were any comments from opponents of the application. There were none.

Chair inquired if there were any comments from a neutral position. Attorney Garner offered a history of "how we got here today" and advised as to personal property tax revenues that will benefit the County.

Chair inquired if there were any further comments. There were none.

Zoning Administrator Mike Erickson presented his staff report relating to conditional use application #2-2025. Mr. Erickson advised as to conditions, those being the requirement of an impact easement with the owner of a residence within one mile of the data center location and the required filing by the applicant of a zoning permit.

Chair closed the public hearing at 8:27 p.m. this date and the public meeting that was previously recessed was re-opened.

Chair inquired if any commission member(s) had a conflict of interest regarding the application being considered. There were none.

The Commission made the following findings:

1. That the proposed conditional use is consistent with Section 501.06 (10) of the Hitchcock County zoning regulations;
2. That the proposed conditional use is consistent with Hitchcock County's Comprehensive Plan and is compatible with other uses in the AG-G General Agricultural District.

The roll was called on the above listed findings as follows: Ladenburger, Merrill, Kolbet, Monnahan and Jensen. Webb, absent.

Member Merrill moved to recommend to the Hitchcock County Board Commissioners, Approval of the Application for Conditional Use submitted by Brandon Flannery on behalf of MB Club LLC. with the conditions; (1) obtaining the appropriate impact easement(s); (2) filing for the proper zoning permit(s) and payment of appropriate permit fees. Member Jensen seconded the motion and after consideration the following members voted in favor of the motion: Monnahan, Ladenburger, Merrill, Jensen and Kolbet. Webb, Absent. Motion carried.

Member Merrill moved to authorize and direct Chair of the Hitchcock County Planning Commission to execute the Resolution/Recommendation of the Hitchcock County Planning Commission for and on behalf of the full body of the commission relating to the Conditional Use Application filed by MB Club LLC. Member Monnahan seconded the motion and after consideration the following members voted in favor of the motion: Merrill, Ladenburger, Monnahan, Jensen and Kolbet. Webb, Absent. Motion carried.

There was no discussion under old business.

Under new business, discussion was held regarding new jurisdictional information received this date relating to the Rippen conditional use application. Attorney Garner advised that he would be contacting the Village of Culbertson's legal counsel to discuss the matter.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 8:40 p.m.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

July 23, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on July 23, 2025 commencing at 1:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on July 10, 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 this 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.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger informed those in attendance that the public meeting and public hearing were being recorded and asked that those in attendance speak one at a time so as to maintain a clear record of these proceedings. Jason Frederick of *Scoop Media News* was present and recorded the proceedings at the request of the Commission.

Chair Ladenburger called the meeting to order at 1:00 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Wayne Merrill, Dustin Ladenburger, Austin Jensen and Dustin Webb. Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the June 11th, 2025 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the June 11th, 2025 meeting minutes. Member Webb seconded the motion and the following members voted in favor of the motion: Merrill, Kolbet, Monnahan, Ladenburger, Jensen and Webb. Motion carried.

Attorney Garner advised as to the letter received from Roger Benjamin requesting a continuance of conditional use proceedings relating to the application for conditional use, as amended submitted by Shane Rippen.

Member Jensen moved to deny the request/motion of Roger Benjamin for a continuance and to keep moving forward on the Amended Application for Conditional use filed by Shane Rippen. Member Webb seconded the motion and after consideration, the following members voted in favor of the motion: Webb, Jensen, Ladenburger, Monnahan and Merrill, Aye. Member Kolbet voted Nay. Motion carried.

Chair Ladenburger recessed the regular meeting at 1:08 p.m. and opened the public hearing for the purpose to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Amended Application for Conditional Use submitted by Shane Rippen for an open feedlot confined animal feeding operation with aerobic waste handling facility, Category A Class III in Part of the W½ of the SE¼ Section 4, Township 3 North, Range 31 West, Hitchcock County, Nebraska.

Chair received the following exhibits and the same were marked accordingly:

Exhibit "A" Hitchcock County Clerk's *Certificate of Service* dated July 7th, 2025 relating to Notice of Public Hearing mailed to the applicant, adjacent land owners, public entity and public utility.

Exhibit "B" Zoning Administrator Mike Erickson's *Staff Report*

Exhibit "C" Shane Rippen's Amended Application for Conditional Use

Exhibit "D" Zoning Administrator Mike Erickson's *Supplemental Zoning Administrator's Report* dated July 3rd, 2025.

Travis Casperson, Engineer for Settje Agri-Service and Engineering, Inc. offered a power point presentation and responded to questions posed by members of the Commission.

Attorney Steve Mossman, appeared on behalf of the applicant, Shane Rippen, and addressed the Commission as to legalities relating to the conditional use at issue and informed the Commission that the building permit issued by the Village of Culbertson was subsequent to the original application for conditional use submitted by Mr. Rippen and that the setback requirements should relate to the date of original filing, that being April 10th, 2025.

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none.

Chair Ladenburger asked if there were any comments from opponents of the application. Those recognized and speaking: Sam Eldridge; Sherry Moorhous (presented a letter to the Commission along with an odor footprint tool handout); Robin Lomax; Joy Farr (presented a letter to the Commission), Francis Friehe (indicated he was not opposing the application); Ron Bauer; Deb Huss (presented a question for applicant); Vicki Bauer; Sonia Caldwell (presented a question for applicant).

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

Chair inquired if there were any further comments or documents offered for consideration. There were none.

Chair read written questions presented from the public.

Chair asked for applicant rebuttal and Travis Casperson addressed questions posed in writing from the public and from the Commission.

Chair closed the public hearing at 2:27 p.m. this date and the public meeting that was previously recessed was re-opened.

Chair inquired if any board member had a conflict of interest regarding the application as amended being considered. There were none.

Attorney Garner advised the Commission that it was necessary to make a finding whether the application as amended was consistent/compatible with the Hitchcock County Comprehensive plan.

Member Jensen moved to find that the conditional use application as amended is consistent with Hitchcock County's comprehensive plan. Member Webb seconded the motion and after consideration the following members voted in favor of the motion: Webb, Kolbet, Monnahan, Ladenburger Jensen and Merrill. Motion carried.

Attorney Garner advised the Commission that it was necessary to make a finding whether the application as amended meets the standards and requirements set forth in Section 501.06 of the regulations. Attorney Garner presented Exhibit A-1 that being a copy of said section.

Zoning Administrator Erickson presented a proposed condition to be considered by the Planning Commission which would require owner/operator to have periodic water table measurements conducted and results presented to the Culbertson Village Board. Discussion was had. It was the consensus not to make it a condition.

Member Jensen moved to find that the conditional use as amended meets the standards and requirements of paragraph(s) A through J and L through N of Section 501.06 of the Regulations as set out in Exhibit A-1. Member Webb seconded the motion and after consideration the following members voted in favor of the motion. Ladenburger, Webb, Merrill, Jensen, Kolbet, Monnahan. Motion carried.

Attorney Garner advised the Commission that the next step is to make a recommendation to the Hitchcock County Board of Commissioners.

Member Jensen moved to recommend approval to the Hitchcock County Board of Commissioners of the Amended Application for Conditional Use with the following conditions

1. Completion and submission to Hitchcock County Zoning Administrator the "Nebraska Animal Feeding Operation Matrix" found on the NDA website;
2. Certificate of Zoning Compliance must be submitted and approved before any livestock be allowed to populate the feedlot; and
3. Those conditions and requirements set forth in Exhibit A-1.

Discussion was had regarding the timing of the amendment to the conditional use application and the permit issued by the Village of Culbertson.

Member Webb seconded the motion and after consideration a roll call vote was had as follows: Jensen, Yes; Merrill, Yes; Ladenburger, Yes; Kolbet, No; Monnahan, No; Webb, Yes. Motion carried.

Member Jensen moved to authorize and direct the Chair of the Hitchcock County Planning Commission to execute the recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission. The motion was seconded by Merrill and after discussion a roll call vote was had as follows: Webb, Yes; Kolbet; No; Monnahan, No; Ladenburger, Yes; Jensen, Yes; Merrill Yes. Motion carried.

Under old business, Zoning Administrator Erickson and Attorney Garner informed the Commission that representative from West Central Nebraska Development District would be meeting with Board of Commissioners on August 4th, 2025 to discuss updating the Comprehensive Plan and Zoning Regulations and possible grants available to assist in the funding.

Chair Ladenburger addressed those remaining in attendance and asked for participation in the updating of the comprehensive plan and zoning regulations by attending future published meetings and hearings.

New business None.

General Discussion - None

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 3:18 p.m. this date.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

August 1st, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on August 1st, 2025 commencing at 3:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on July 29th, 2025 in the *McCook Gazette*, the designated method for giving notice. Board agendas are posted on the County's website www.hitchcockcounty.ne.gov. Notice of this meeting was given to the Chair and all members of the Commission. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 3:02 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Wayne Merrill, Dustin Ladenburger, and Dustin Webb. Chair declared a quorum. Also present, Alternate Member Austin Jensen, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the June 23rd, 2025 meeting were previously reviewed by the Commission. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the June 23rd, 2025 meeting minutes. Member Merrill seconded the motion and the following members voted in favor of the motion: Merrill, Yes, Kolbet, Yes; Monnahan, Yes; Ladenburger, Yes and Webb, Yes. Motion carried.

Member Kolbet moved to ratify the July 23, 2025 denial of the Motion To Continue Application Hearing submitted by Attorney Roger Benjamin. Member Webb seconded the motion and there being no further discussion a roll call vote was had as follows: Webb, Yes; Ladenburger, Yes; Monnahan Yes; Merrill, Yes; Kolbet Yes. Motion carried.

Member Kolbet moved to review the conditional use application as amended filed by Shane Rippen. Member Webb seconded the motion and after discussion a roll call vote was had as follows: Webb, Yes; Kolbet, Yes, Monnahan, Yes, Ladenburger, Yes; Merrill, Yes. Motion carried.

Member Jensen moved to ratify the July 23rd, 2025 finding that the Amended Conditional Use application filed by Shane Rippen is consistent with Hitchcock County's Comprehensive Plan. Member Webb seconded the motion.

Patron Ron Bauer inquired as to the whether it was proper for Alternate Member Jensen to make motions. Attorney Garner advised as to the By-Laws of this Commission. Discussion held.

Member Jensen rescinded his motion.

Member Webb moved to ratify the July 23rd, 2025 finding that the Amended Conditional Use application filed by Shane Rippen is consistent with Hitchcock County's Comprehensive Plan. Member Merrill seconded the motion and there being no further discussion a roll call vote was had as follows: Ladenburger, Yes; Webb, Yes; Monnahan, Yes; Merrill, Yes; Kolbet, No. Motion carried.

Member Webb moved to ratify the July 23, 2025 finding that the Amended Conditional Use Application filed by Shane Rippen meets the standards and requirement(s) of paragraph(s) A through J and L through N of Section 501.06 of the Regulations as set out in Exhibit A-1. Member Kolbet seconded the motion and there being no further discussion a roll call vote was had as follows: Kolbet, Yes; Merrill, Yes; Monnahan, Yes; Ladenburger, Yes; Webb, Yes. Motion carried.

Member Webb moved to ratify the July 23, 2025 Recommendation of the Hitchcock County Planning Commission to the Hitchcock County Board of Commissioners on the Amended Application for Conditional Use with the following conditions

1. Completion and submission to Hitchcock County Zoning Administrator the "Nebraska Animal Feeding Operation Matrix" found on the NDA website;
2. Certificate of Zoning Compliance must be submitted and approved before any livestock be allowed to populate the feedlot; and
3. Those conditions and requirements set forth in Exhibit A-1.

Member Merrill seconded the motion and there being no further discussion a roll call vote was had as follows: Merrill, Yes; Ladenburger, Yes; Kolbet, No; Webb, Yes; Monnahan, No; Motion carried.

Member Webb moved to authorize and direct the Chair of the Hitchcock County Planning Commission to execute the recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission. The motion was seconded by Merrill and there being no further discussion a roll call vote was had as follows: Webb, Yes; Kolbet; No; Monnahan, No; Ladenburger, Yes; Merrill, Yes. Motion carried.

Old business: Attorney Garner informed the Commission that representatives from West Central Nebraska Development District contacted the Clerk this morning and rescheduled their meeting with the County Board from August 4th to August 18th in regards to the grant application for updating the County's Comprehensive Plan.

New business – Alternate Jensen suggested that the Commission review it's by-laws for possible revisions. It was the consensus of the Commission to make this an agenda item at a future meeting.

The next meeting of the Commission will be Thursday, August 28th, 2025 at 7:00 p.m.

There being no further business before the Commission, Member Monnahan moved to adjourn. Member Webb seconded the motion and a roll call vote was had as follows: Ladenburger, Yes; Merrill, Yes; Webb, Yes; Monnahan, Yes; Kolbet Yes. Motion carried.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

August 27th, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on August 27th, 2025 in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on August 21st, 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 this meeting was given to the Chair and all members of the Commission. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 7:03 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Dustin Ladenburger and Dustin Webb. Member Wayne Merrill and Alternate Member Austin Jensen were absent. Chair declared a quorum. Also present Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

Patrons Sherry Moorhous, Vicki Bauer, Linda Robbins, Joy Farr and Paul Nichols were present.

The minutes of the August 1st, 2025 meeting were previously reviewed by the Commission. Chair inquired as to any additions or corrections. A correction in paragraph 7 was noted. The 8-1-25 minutes read "*Member Jensen moved to ratify the July 23, 2025 find that the Amended Conditional Use application filed by Shane Rippen is consistent with Hitchcock County's Comprehensive Plan. Member Webb seconded the motion."* Said minutes, as published did not include a roll call vote which was as follows: Ladenburger, Yes; Webb, Yes; Monnahan, Yes; Merrill, Yes; Kolbet, No. Motion carried.

Member Monnahan moved to accept and approve the August 1st, 2025 meeting minutes as corrected. Member Webb seconded the motion and the following members voted in favor of the motion: Kolbet, Yes; Monnahan, Yes; Ladenburger, Yes and Webb, Yes. Merrill, Absent. Motion carried.

Chapter 2 – Rules of Procedure - Article 1 Section 5 of the of the Planning Commission's Bylaws and Rules of Procedure was reviewed and discussed.

Member Kolbet moved to propose the following amendment to the Hitchcock County Planning Commission Bylaws and Rules of Procedure:

> *CHAPTER 2 – RULES OF PROCEDURE - ARTICLE 1 – MEETINGS - Section 5 – Alternate Member: The alternate member of the Commission may participate and enter into discussion**(s)** **of matters before the commission*** ~~*as any public person*~~ *but may not **make motions or** vote unless he/she is replacing a regular member of the Commission due to absence of a regular member or a conflict of interest being declared by any regular Commission member. The alternate member shall make reasonable efforts to attend all meetings and public hearings in order to ensure a proper quorum is present so that the Commission can handle its business in a timely manner.*

Member Monnahan seconded the motion and after discussion a roll call vote was had as follows: Ladenburger, Yes; Webb, Yes; Kolbet, Yes; Monnahan, Yes. Merrill, Absent. Motion carried.

Attorney Garner offered a history of the makeup of the planning commission.

Wayne Merrill joined the meeting at 7:37 p.m.

Attorney Garner and County Commissioner Paul Nichols advised that the County is in the process of applying for a Community Development Block Grant (CDBG) for updates to the County's Comprehensive Plan and Zoning Regulations. A public hearing regarding the application to the Nebraska Department of Economic Development for said grant will be held on Tuesday, September 2nd, 2025 at 10:30 a.m. in the County Commissioner's room in the courthouse. Attorney Garner further advised that the West Central Nebraska Development District, of which the County is a member, will be writing the grant, will gather pertinent information and prepare proposed updates on the Comprehensive Plan and Zoning Regulations for Planning Commission and County Board consideration.

Under new business Zoning Administrator Mike Erickson advised as to Nebraska Attorney General's opinion #25-003 regarding liability for non-consensual, warrantless entries on private property by County Assessors, in summary*: County tax assessors are not exempt from the general law of trespass*. Erickson proposed amending the zoning permit application to include "I further acknowledge that the Hitchcock County Assessor's office will inspect such structure for assessment purposes". Attorney Garner advised that to approve said amendment, the Planning Commission and the Board of Commissioners must hold public hearings.

A Special Meeting and Public Hearing is scheduled for Wednesday, September 17th, 2025 at 7:00 p.m.

There being no further business before the Commission, Member Ladenburger moved to adjourn at 8:15 p.m. Member Webb seconded the motion and a roll call vote was had as follows: Ladenburger, Yes; Webb, Yes; Monnahan, Yes; Kolbet Yes. Merrill, Yes. Motion carried.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

September 17, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on September 17, 2025 commencing at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on September 4, 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 this 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.

Secretary Wayne Merrill advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Secretary Wayne Merrill called the meeting to order at 7:05 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, and Wayne Merrill. Chair Dustin Ladenburger, Vice Chair Dustin Webb and Alternate Austin Jensen were absent.

Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann. Patrons present Brendan Erickson, Joy Farr, Sherry Moorhous, Robin Lomax, Ron Bauer, Vicki Bauer and Paul Nichols.

Attorney D. Eugene Garner advised as to Chapter 2- Rules of Procedure contained in the Hitchcock County Planning Commission Amended By-Laws and Rules of Procedure. Article 1 – Meetings Section 3 – Quorum and Section 4 – Cancellation of Meetings.

Secretary Merrill declared that the meeting could not be held due to lack of a quorum and that all petitions which were to have been presented to the Commission shall be continued to Wednesday, October 8th, 2025 at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska.

Secretary Merrill dispensed of the meeting at 7:15 p.m. this date.

_____ _____

Wayne Merrill, Secretary Margaret Pollmann, Recording Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

October 8, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on October 8th, 2025 in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on September 19, 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 this meeting was given to the Chair and all members of the Commission. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 7:05 p.m. and the roll was called. Those present were Members Aaron Kolbet, Tom Monnahan, Dustin Ladenburger, and Wayne Merrill. Member Dustin Webb and Alternate Member Austin Jensen were absent. Chair declared a quorum. Also present Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann. Patrons present Sherry Moorhous, Paul Nichols, Joy Farr, Ron and Vicki Bauer.

The minutes of the August 27th, 2025 and September 17th, 2025 meetings were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Kolbet moved to waive the reading of said minutes, and accept and approve the August 27th, 2025 and September 17th, 2025 meeting minutes. Member Monnahan seconded the motion and a roll call vote was had as follows: Merrill, Yes; Kolbet, Yes; Monnahan, Yes; Ladenburger, Yes; Webb, Absent. Motion carried.

Chair Ladenburger recessed the regular meeting at 7:07 p.m. and opened the public hearing for the purpose to hear all comments thereon from the public in attendance and to receive evidence regarding amendments to Hitchcock County's Zoning Permit and Conditional Use Applications.

Chair received the following exhibits and the same were marked accordingly:
Exhibit "A": Proposed revisions to Hitchcock County's Zoning Permit Application
Exhibit "B": Proposed revisions to Hitchcock County's Application for Conditional Use
Exhibit "C": Publisher's Affidavit for Special Meeting and Public Hearing

Attorney Garner and Zoning Administrator Erickson advised as to changes in said forms.

Vicki Bauer asked for clarity on the addition of "I further acknowledge that the Hitchcock County Assessor's Office will inspect such structure for assessment purposes" on the zoning permit application. Attorney Garner addressed points of law. Discussion had on the issue.

Chair Ladenburger asked if there were any comments from proponents of the proposed amendments to the Zoning Permit Application.

Regarding the proposed amendments to the Zoning Permit Application, Joy Farr commented it was an essential position to take for the assessment function.

Chair Ladenburger asked if there were any comments from opponents of the proposed amendments to the Zoning Permit Application.

Chair inquired if there were any comments from a neutral position regarding the proposed amendments to the Zoning Permit Application. There were none.

Chair asked if there were any comments from proponents of the proposed amendments to the Conditional Use Application. There were none.

Chair asked if there were any comments from opponents of the proposed amendments to the Conditional Use Application. There were none.

Chair asked if there were any comments from those representing a neutral position in relation to the proposed amended Conditional Use Application. Paul Nichols inquired as to who has the responsibility to ascertain that all information on #2 (a) through (k) is provided by the applicant upon the filing of a conditional use application. Attorney Garner referenced #2 of said proposed amended Conditional Use Application "*Provide: a site plan (a scaled sketch on the reverse side of this form or attach a scaled drawing) which describes the use proposed which includes ALL of the following information:* (a) through (k)" and stated "it's clear that the applicant needs to fill out ALL information on the application. Group discussion held.

Chair inquired if there were any further comments. There were none.

Chair closed the public hearing at 7:45 p.m. this date and the public meeting that was previously recessed was re-opened.

Chair inquired is there were any Commission members having a conflict in relation to the proposed Zoning Permit and Conditional Use Application amendments. There were none.

Member Monnahan moved to recommend that the Hitchcock County Board of Commissioners amend the zoning permit application by adopting and implementing the Zoning Permit Application as proposed with the additional change to reflect the recent merging of the NDNR and NDEE to create the Nebraska Department of Water, Energy, and Environment (NDWEE) and to include at the bottom of the application and above the signature line the following language: "*I further acknowledge that the Hitchcock County Assessor's office will inspect such structure for assessment purposes*." Member Kolbet seconded the motion and after discussion/consideration a roll call vote was had as follows: Merrill, Yes; Ladenburger, Yes; Kolbet, Yes; Monnahan, Yes; Webb, Absent. Motion carried.

Member Kolbet moved to recommend that the Hitchcock County Board of Commissioners amend the Application For Conditional use by adopting and implementing the Conditional Use Application as proposed with the additional change to reflect the recent merging of the NDNR and NDEE to create the Nebraska Department of Water, Energy, and Environment (NDWEE). Member Monnahan seconded the motion and after discussion/consideration a roll call vote was had as follows: Merrill, Yes; Ladenburger, Yes; Kolbet, Yes; Monnahan, Yes; Webb, Absent. Motion carried.

Member Merrill moved to authorize and direct the Chair of the Hitchcock County Planning Commission to execute the recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission for amendments to the Zoning Permit application and the Application for Conditional Use. The motion was seconded by Monnahan and after discussion a roll call vote was had as follows: Kolbet; Yes; Monnahan, Yes; Ladenburger, Yes; Merrill Yes; Webb, Absent. Motion carried.

The amendment to the bylaws and rules of procedure was taken up. The Commission noted that that the proposed amendment(s) were previously presented in writing to the full Commission at the meeting held on August 27th, 2025. The proposed amendment is as follows:

CHAPTER 2 – RULES OF PROCEDURE - ARTICLE 1 – MEETINGS - *Section 5 – Alternate Member:* The alternate member of the Commission may participate and enter into discussion**(s) of matters before the commission** ~~as any public person~~ but may not **make motions or** vote unless he/she is replacing a regular member of the Commission due to absence of a regular member or a conflict of interest being declared by any regular Commission member. The alternate member shall make reasonable efforts to attend all meetings and public hearings in order to ensure a proper quorum is present so that the Commission can handle its business in a timely manner.

Member Kolbet moved to adopt and implement the amendment to Chapter 2 – Rules of Procedure – Article 1 – Meetings – Section 5 – Alternate Member: as follows:

The alternate member of the Commission may participate and enter into discussion(s) of matters before the commission but may not make motions or vote unless he/she is replacing a regular member of the Commission due to absence of a regular member or a conflict of interest being declared by any regular Commission member. The alternate member shall make reasonable efforts to attend all meetings and public hearings in order to ensure a proper quorum is present so that the Commission can handle its business in a timely manner.

Member Merrill seconded the motion and after discussion/consideration a roll call vote was had as follows: Monnahan, Yes; Ladenburger, Yes; Merrill, Yes; Kolbet, Yes; Webb, Absent. Motion carried.

Old business – Discussion held on the status of the grant application for updates to Hitchcock County's Comprehensive Plan and Zoning Regulations. Zoning Administration Erickson and Attorney Garner advised that the grant application has been submitted by West Central Nebraska Development District (WCNDD). Discussion held as to possible timelines and procedures for completion of updates if the grant is approved.

There was no new business.

The next regularly scheduled meeting will be Thursday January 15, 2026 at 7:00 p.m. however, meetings may be called by the Chairperson at other times as the Commission determines it is necessary to conduct its affairs, responsibilities and duties.

There being no further business before the Commission, Chair Ladenburger moved to adjourn the meeting at 8:00 p.m. this date. Member Kolbet seconded the motion and a roll call vote was had as follows: Ladenburger, Yes; Kolbet, Yes; Merrill, Yes, Monnahan, Yes; Webb, Absent. Motion carried.

_____ _____

Dustin Ladenburger, Chair Wayne Merrill, Secretary