



Nance County Board Minutes



November 28th, 2023

A meeting of the County Board of Supervisors of Nance County, Nebraska was convened in open session on November 28th, 2023 in the Supervisor's Room, Nance County Courthouse, Fullerton, Nebraska.

Chairman called the meeting to order at 9:00 am with the following members present- Timothy Cornwell, Andrew Ditter, Ralph Horacek, Steve Crouse, Darren Nelson, and Gary Juracek; Absent- Robert Voichoskie. Also present is County Clerk, Adrian Chlopek. Chairman advised those present of the open meetings act and its posting in the Supervisor's Room.

Notice of the meeting was given thereof by publication in the Genoa Leader Times on November 22nd, 2023.

Notice of the meeting was given to the Board and a receipt of their acknowledgment is on file in the Clerk's office.

The Pledge of Allegiance is recited.

Moved by Juracek and seconded by Crouse to approve the agenda. Roll call vote: AYES-Ditter, Horacek, Crouse, Voichoskie, Juracek, Cornwell; NAYS-None; ABSENT-Voichoskie. ABSTAIN: None. Motion carried.

Moved by Nelson and seconded by Ditter to approve minutes of the November 14th, 2023, meeting. Roll call vote: AYES-Ditter, Horacek, Crouse, Nelson, Juracek, Cornwell; NAYS-None; ABSENT- Voichoskie. ABSTAIN: None. Motion carried.

Moved by Horacek and seconded by Crouse to approve all claims submitted. Roll call vote: AYES-Ditter, Horacek, Crouse, Juracek, Nelson, Cornwell; NAYS-None; ABSENT- None. ABSTAIN: Voichoskie, Motion carried.

9:00 am Ben Bakewell, County Sheriff present.

9:08 am Rodney Wetovick, County Attorney present.

GENERAL FUND

Antelope County Sheriff, housing; \$80.00; Applied Connective Tech, svcs and equip. -\$4,458.30; Black Hills Energy, svcs-\$410.00; Blue Line Designs, svcs-\$175.00; Boone County Clerk, Dispatching-\$37,595.00; Boone County Sheriff, housing-\$1,105.00; Ashley Boryca, mileage-\$31.44; Capital Business Sys., lease-\$136.48; Capital Business Sys, Contract-\$180.00; Central Community College, Training-\$23.90; Central Nebraska Youth Services, contract-\$4,000.00; Adrian Chlopek, Mileage-\$119.21; Ciancio Hardware, supplies-\$71.75; City of Fullerton, ambulance -\$250.00; City of Genoa, ambulance-\$250.00; Clearly, phone svc-\$667.72; Crowne Plaza, Kearney, lodging-\$121.95; Culligan, reverse osmosis-\$73.99; D & H Truck & Auto Parts, parts & supplies-\$258.82; Eakes, supplies -\$494.99; Ecolab, svcs-\$223.38; SuAnn Engel, mileage-\$56.33; DeeAnn Epley, prior svcs-\$72.00; First Concord, buy down-\$6,647.71; Genoa Leader Times, pub-\$366.00; Sonya Glup, mileage -\$193.38; Hann: Keelan Associates, PC, svcs-\$3,750.00; Heartland Disposal, svcs-\$110.00; Hometown Leasing, svcs-\$745.34; Konexus, renewal-\$2,662.00; Lisa Lassek, notary-\$115.00; Len & Jo's, supplies-\$78.30; Loup Power Dist, elect. -\$785.01; MIPS, svcs-\$2,479.99; Mitch Friedrichsen Lawn Service, svcs-\$540.00; John Morgan, Title VI & ADA salary-\$200.00; NACO, dues-\$1,432.40; Nance County Sheriff, Dist. Court/ County Court Cost-\$122.82/\$266.84; Nance County Treasurer, reg.-\$150.00; NACo, dues-\$450.00; NE Assoc. Of Co. Assessors, meal-\$25.00; NE Weed Control Association, dues-\$125.00; Olsson, svcs-\$1,368.00; Paper Tiger Shredding, svcs-\$30.00; Pappy's Place, fuel-\$63.33; Steve Pritchard, mileage-\$100.14; Purchase of Cash-Sheriff, meals & postage-\$177.19; Purchase of Cash-Clerk, postage-\$ 67.55; Purchase of Cash- Attorney, postage- \$77.23; ServiceMaster, svcs-\$3,658.00; Sparrow Publication, pub-\$270.48; State of

NE-Central Finance, network svcs -\$1,157.60; Stealth Broadband, svcs-\$15.00; Thomas Reuters- West, supplies-\$953.00; Trina Treffer Sign & Design, svcs- \$880.00, US Bank, supplies/fuel & travel-\$2,113.42/ \$1,388.08; US Cellular, wifi backup-\$12.54; United States Post Office, postage-\$639.00/\$198.00; Verizon, phone-\$91.65; Rodney Wetovick, mileage & travel-\$200.29; Wex, fuel-\$1,410.18; WJE Consulting, LLC, allocation plan-\$195.18 Brandi Yosten, atty. fees-\$2,350.00; Megan Zoucha, mileage-\$141.48; **Health Insurance-\$20,967.98; Retirement-\$7,836.93; Social Security-\$8,024.93; Disability-\$24.97; Life Insurance-\$28.52; First Concord-\$97.50; prior service-\$72.00;**

ROAD FUND

Ag Spray Equipment, parts- \$1,779.70; Appeara, supplies-\$171.45; Applied Connective Tech, svcs-\$30.60; Black Hills Energy, svcs-\$313.80; Capital One Trade Credit, tools- \$199.99; Casey's, fuel-\$1,176.47; Cedar Valley Lumber Company, supplies -\$90.34; Ciancio Hardware, parts & tools-\$108.38; City of Genoa, water/sewer-\$28.00; Clearfly, svcs-\$45.84; Community Feed & Seed, supplies-\$3,348.90; Cornhusker Cleaning Systems Inc, supplies-\$81.58; Cornhusker PPD, electricity-\$67.62; D&H Truck & Auto Parts, parts & supplies-\$2,016.77; Dinkels, rental-\$12,337.60; Filter Care, svcs-\$679.15; Garrett Enterprises, Tires & repair-\$578.35; Genoa Leader Times, pub-\$48.00; Grainger, parts & tools-\$1,675.64; Heartland Disposal, svcs-\$ 56.25; Hometown Leasing, equip-\$71.55; Kayton International, Inc., supplies-\$190.40; Kerford Limestone Co., rock- \$5,927.02; Loup Power Dist., electricity-\$342.18; Medical Enterprises, Inc., testing-\$120.00; Miller Used Tire Warehouse, supplies-\$616.00; MIPS, svcs-\$116.23; Nebraska Machinery Co., parts & svcs-\$8,091.48; O'Reilly Auto Parts, supplies-\$25.96; Pappy's, fuel-\$8,681.28; Platte Valley Communications, equip-\$1,072.92; Prairie Creek Township, road maint.-\$2,500.00; Purchase of Cash-Clerk, postage- \$10.55; Riverside Portables, repairs-\$170.00; Sapp Brothers, fuel & supplies-\$12,066.89; Sparrow Publications, LLC-\$102.00; Speece Lewis Engineers, svcs- \$2,117.92; Tom's Auto Care, parts & repair-\$250.77; US Bank-HR, supplies- \$42.58; US Cellular, svcs-\$69.69; Verizon, svcs-\$47.87; Verizon Connect NWF, INC, svcs-\$220.35; Village of Belgrade, water & sewer svc-\$30.00; Vontz, gravel-\$22,094.40; **Health Insurance-\$12,479.18; Retirement-\$4,974.67; Social Security-\$5,585.76; Disability-\$15.89; Life Insurance-\$22.05; First Concord-\$70.00;**

VISITORS PROMOTION

SINKING BRIDGE FUND

HWY BRIDGE/ROAD BUYBACK PROGRAM FUND

SINKING ROAD EQUIPMENT FUND

Bell Bank, equipment payment- \$56,829.90; Caterpillar Financial Svcs Corp., equipment payment- \$85,676.27;

APPRAISAL FUND

REGISTER OF DEEDS FUNDS

VMP FLOW THROUGH FUND

Loup Power Dist., elect. -\$122.00;

CANINE FUND

Countryside Vet Clinic, svcs-\$52.51;

DISASTER FUND

COVID AMERICAN RESCUE PLAN FUND

SINKING ECONOMIC DEVELOPMENT FUND

INHERITANCE TAX FUND

Lisa Lassek, supplies-\$128.63; US Bank, supplies-\$21.77; Weathcraft Co. of Lincoln, road roof-\$9,037.00;

911 EMERGENCY MANAGEMENT FUND

Century Link, phone-\$521.48; Clearfly, phone-\$22.92; Frontier Citizens, phone-\$61.83; Loup Public Power, electricity-\$29.06;

BUILDING FUND

Cedar Valley Lumber, supplies-\$96.13; Hellbusch Electric, svcs-\$653.98;

SALARY CLAIMS	\$87,683.22
GENERAL FUND	\$89,657.39
ROAD FUND	\$89,811.97

9:20 am Robert Voichoskie, County Supervisor present.

The Board reviewed and approved the County Treasurer's Miscellaneous Receipts #23090033 through #23090085 in the amount of \$405,819.10 for the month of October 2023.

9:26 am, Moved by Crouse and seconded by Juracek to open public hearing for the review of the updated Comprehensive Plan and Zoning Regulations. Roll call vote: AYES- Voichoskie, Ditter, Horacek, Crouse, Juracek, Nelson, Cornwell; NAYS-None; ABSENT- None. ABSTAIN: None. Motion carried. Dan Cornwell, Zoning Administrator, along with Keith Carl and Tim Keelan from Hanna:Keelan Associates, P.C. presented the updated comprehensive plan. D. Cornwell reviewed the title pages and the 6 sections of the comprehensive plan. Explained that though this is a 10-year plan, it can be amended as we move forward or if decided that this is not having a positive result, it can be changed. Discussion held on population, stated the population is stable and the goal is the preservation of agriculture, yet encouragement of residential development while preserving existing housing stock. During the discussion on Section 4, there was a discussion on the Future Land Use Map. The state highways were reviewed to determine the potential impact of rural development adjacent to those corridors. Currently the density is 1 residence for every 40 acres. With the proposed plan it would be changed to 1 residence for every 20 acres along state highways. The proposed change also includes a 1 mile on each side of state highways for potential development. It was suggested by Wetovick, County Attorney to move the 1 mile to ½ mile as of concern for access. Discussion held on non-agricultural residences, needing conditional use permits and will be discussed in the zoning regulations. D. Nelson brought up a concern about how this would affect the County's Livestock friendly status, having non-ag residences being under the conditional use section for zoning would keep this is line while also preserving agriculture. Wetovick, brought up defining Ag business and non-ag vs ag residential better in the plans. Public presents were John, Andrew and Susan Nelson, Jason Melcher, Marc Mahoney, and Tim Konz. Melcher voiced concerns of the impact of allowing housing outside of city limits. Melcher talked of being progressive without any negative effects. He had concerns about nuisance complaints from individuals if an agricultural producer could be grandfathered in to continue use without complaints if residential were to move near producer. He stated that if we are considered livestock friendly but having residential move out to rural area, would it infringe on rural agriculture, do we want to allow residential properties to come in and infringe on the taxes from agriculture or do we want residential to come take over the agriculture sector. He also questioned if doing this would have a negative impact on cities, need to choose where to make residential areas where it would have a positive effect. Keelan addressed stating making non-ag residences a conditional use would help to avoid any negative effects. Keith Carl reminded that the future land use map, just noted the favorable areas throughout the county. J. Nelson asked about house wells being a certain distance from irrigation well. Keelan explained that is regulated by other agencies, but something could be added to the initiatives section of the Comprehensive plan. Recommendation was stated to work with the cities with comprehensive plan and zoning, so that the whole county is on the same page. D. Cornwell presented the updated Zoning Regulations. He went over the changes that the planning and zoning

committee proposed to change: **1.)** Change the “Future Land Use Map” and “desired development areas” to 1 mile on each side of the State Highways t/o the County except for south of highway 22 from Fullerton to Genoa and west of highway 39 from Genoa to County Line (due to floodplain concern) and also change/increase density from 1 resident every 40 acres to every 20 acres along all State Highways: **2.)** Change setbacks from 83 feet to 63 feet (33 feet from center of road and 30 feet from property line. **3.)** Add zoning regulations for Solar Energy Conversion Systems. **4.)** Change the “Nebraska Department of Environmental Quality” (DEQ) to the new proper name of “Nebraska Department of Environment and Energy” (NDEE. **5.)** Add the following definitions: Barndominium, also referred to as “Shop House (Shouse),” shall mean a combination of a dwelling unit and machine shed under a common or connect roofing system. For purposes of a Barndominium, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of “Dwelling.” **6.)** Add definitions for Personal vs. Real property: “Personal” property shall mean movable property and anything subject to current or transfer of ownership except land (e.g. pivot points, cattle bunks, movable greenhouses/temporary buildings, etc.). “Real” property shall mean a parcel of land and all that is immovable and permanently attached to the land to where the owner has all rights of ownership to possess, sell, lease and use the land or property. **7.)** Add clearer language of when a certified survey is required for lot splits and change of boundaries. **8.)** Clarify the Fullerton and Genoa Extraterritorial Jurisdiction (ETJ) definition, location, responsibilities, and zoning requirements (first right of refusal, ultimate responsibility, etc., etc. **9.)** Delete the following language (The lot shall be in a square or rectangular shaped three (3) acre tract) in the AGR Zoning District that was previously amended/deleted in the AG Zoning District. 10:37am, Moved by Horacek and seconded by Nelson to close public hearing of the review of the updated comprehensive plan and zoning regulations. Resolutions will be approved and signed once changes requested at this meeting are made. Moved by Juracek and seconded by Horacek to approve the comprehensive plan with the following changes: Change from 1 mile along the corridor to ½ mile and add that non-agricultural residences will be required to have a conditional use permit. Discussion held, Voichoskie on house and irrigation wells being to close if water table is low, discussed that is a NRD regulation but would be addressed with the conditional use permit. Roll call vote: AYES-Voichoskie, Ditter, Horacek, Crouse, Juracek, Cornwell; NAYS-Nelson; ABSENT- None. ABSTAIN: None. Motion carried.

Moved by Ditter and seconded by Voichoskie to approve updated zoning regulations. Discussion held. Roll call vote: AYES-Voichoskie, Ditter, Horacek, Crouse, Juracek, Nelson, Cornwell; NAYS-None; ABSENT- None. ABSTAIN: None. Motion carried.

D. Cornwell discussed the rezoning of 29 acres in the SW ¼ Section 28-Township18-Range 4 along Highway 39. JoAnn Thomazin is the landowner, along with her son John Thomazin applying for the change of zoning. Would like it rezoned from Agriculture (AG) to Agriculture-Residential (AGR). They are proposing to split the 29 acres into 2-acre residential lots. In the subdivision regulations, the minimum would be 3 acres if private sewage and water used. This is the first of many steps in the process, this would come before the board of supervisors 2 more times as a draft request to change the plat and a final request to change the final plat. Moved by Horacek to approve to rezone from ag to ag-residential. Horacek then rescinded the motion. John Thomazin stated that the subdivision is conceptual at this time, there is concerns with drainage and slopes on the south boundary that he will have to address. J. Thomazin stated that each residence would have private septic and domestic water. At 10:59 am, moved by Juracek and seconded by Voichoskie to open public hearing on the rezoning of 29 acres from ag to ag-residential. Roll call vote: AYES-Voichoskie, Ditter, Horacek, Crouse,

Juracek, Nelson, Cornwell; NAYS-None; ABSENT- None. ABSTAIN: None. Motion carried. Landowners within 1000 feet and the school district were sent letters of the public hearings on the rezoning of the land. During the public hearing of the Planning and Zoning Committee there were concerns of drainage and general ag concerns. Voichoskie questioned if this is approved, would there be a chance for expansion, J. Thomazin stated that there is no other room for expansion. At the planning and zoning committee meeting, it was recommended for approval by the committee to be brought in front of the Board of Supervisors. J. Nelson asked how this would affect his manure hauling. Explained that it only affects the stock piling of manure. He noted he was worried about unintended consequences. J. Nelson wanted to make note that the support for this project was coming from zoom from Florida. Concerns were discussed for hog and cattle producers in the area, if residential was allowed. J. Melcher noted he would like to make sure everyone is protected, including the agricultural sector and his concern of future annexing. Discussion held on potential of changing stock piling animal waste from platted residential area, currently 1 mile with potential to change to ½ mile. J. Melcher noted that there is a difference between born and raised agricultural and born and raised city, he noted there will be complaints when city comes out to agriculture, would like everyone to remember the taxes received from the agriculture sector. Moved by Juracek and seconded by Horacek to close public hearing on the rezoning of 29 acres from ag to ag-residential. Roll call vote: AYES-Voichoskie, Ditter, Horacek, Crouse, Juracek, Nelson, Cornwell; NAYS-None; ABSENT- None. ABSTAIN: None. Motion carried. Horacek reinstated his previous motion and seconded by Juracek to approve rezoning stated above. Roll call vote: AYES-Voichoskie, Ditter, Horacek, Crouse, Juracek, Cornwell; NAYS- Nelson; ABSENT- None. ABSTAIN: None. Motion carried.

D. Cornwell, Zoning Administrator presented Lot Split Application for Lane and Justine Knopik. Splitting off 5.22 acres from the SW ¼ of Section 33- Township 17- Range 7 from land currently owned by Kathy Dolan. Discussion held. Moved by Horacek and seconded by Crouse to approve said lot split application.

Tony Bernt, Highway Superintendent gave updates on the road department. Bid letting for Genoa West Bridge bid letting date set for December 14th, 2023. NDOT will take care of rerouting traffic and closure of road. All the grass has been sowed from the recent projects. There is a retirement party today for 3 road employees, Scott Russell, Duane Goelz, and Jim Borgheiinck. Scott Russell addressed the board and thanked the board for all the support and appreciated all his years that he has been with the county. Looking into a double walled fuel barrel for on-road diesel, did get a quote from Sapp Bros. for one (1000 gal around \$5640 and pump \$1400). Will put it on the next agenda for discussion. The land around the west shed, that the landowner was concerned about the trucks driving on. County Agreed to purchase about ½ acre, for the purchase of \$5,000. A continuous fence will be placed on 2 sides (south and east), county will purchase panels and landowner will purchase posts. The landowner will put posts in, would like a locate done and to get posts in before ground freezes. County will make landowner a driveway on the south side of county property. County will put up panels. County Attorney will get deed drawn up for purchase of ground.

Prairie Creek Township Road Maintenance Agreement discussed. This agreement will go from January 1, 2024, to December 31, 2024. Prairie Creek Township will grade the roads in Prairie Creek Township for Nance County. There are approximately 47 miles of road to be graded. In return, Nance County will pay Prairie Creek Township \$30,000.00: in twelve monthly payments in the amount of \$2,500.00, first payment being made in January 2024. Moved by Voichoskie and seconded by Horacek to approve and sign Road Maintenance Agreement. The full agreement can be viewed in the Clerk's Office during normal business hours.

The agreement between the Administrative Office of the Courts and Probation and Nance County, Nebraska was reviewed and discussed. At the November 14th meeting, an agreement was approved and then noted by the AOCB that it was the wrong agreement. Agreement for the parties wish to set forth an agreement wherein the Clerk Magistrate as Clerk of the County Court for County shall be the Ex Officio Clerk of the District Court for County. The term of this agreement is in effect from January 1, 2024, through December 31, 2024. The county shall reimburse AOCB for 50% of 40 hours per week at the rate of the salary of the Assistant Clerk Senior during the time of the contract. Moved by Voichoskie and seconded by Nelson to approve and sign the agreement. The full agreement can be viewed in the Clerk's Office during normal business hours.

Moved by Horacek and seconded by Voichoskie to adjourn.

All motions, except where specified, had the following roll call vote: AYES-Ditter, Horacek, Crouse, Voichoskie, Juracek, Nelson, Cornwell; NAYS-None; ABSENT- None. Motion carried.

 Timothy C. Cornwell
Chairman

 Adrian F. Chlopek
County Clerk