



# Nance County Board Minutes



December 26, 2023

A meeting of the County Board of Supervisors of Nance County, Nebraska was convened in open session on December 26, 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 Robert Voichoskie; Absent- Gary Juracek. 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 December 20<sup>th</sup>, 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 Nelson and seconded by Voichoskie to approve the agenda.

Moved by Voichoskie and seconded by Nelson to approve minutes of the December 12th, 2023, meeting.

Moved by Horacek and seconded by Crouse to approve all claims submitted.

9:15 am Ben Bakewell, County Sheriff present.

9:20 am Rodney Wetovick, County Attorney present.

## **GENERAL FUND**

Mark D. Albin, atty fees-\$949.59, Applied Connective Tech, svcs and equip.-\$3,166.07; Shannon Bernt, reimb.-\$26.14; Black Hills Energy, svcs-\$235.73; Boone County Health Center, prescip.-\$6.62; Boone County Sheriff, housing-\$260.00; Marcy Brown, atty fees-\$69.65; Capital Business Sys., lease-\$132.50; City of Fullerton, ambulance/water & sewer -\$250.00/\$216.59; City of Genoa, ambulance-\$250.00; Clearly, phone svc-\$667.62; Comfort Inn, lodging-\$35.06; Cornhusker Lincoln Marriot, lodging-\$250.00; Country Mile Catering, emp. Appreciation-\$615.00; Culligan, reverse osmosis-\$73.99; D & H Truck & Auto Parts, parts & supplies-\$138.38; Douglas County Sheriff, svcs-\$8.69; Eakes, supplies & copies -\$551.34; Ecolab, svcs-\$111.69; SuAnn Engel, mileage-\$118.56; Farm & Home Publishers, Plats-\$280.00; First Concord, buy down-\$11,510.02; Front Runner Fab, rental-\$50.00 Genoa Leader Times, pub-\$270.00; Sonya Glup, mileage -\$275.69; Hall County Veteran's Service, quart. pay.-\$5,235.75; Heartland Disposal, svcs-\$170.63; Hometown Leasing, svcs-\$741.89; Christal McDonald, atty fees-\$50.00; Len & Jo's, supplies-\$400.53; Loup Power Dist, elect.-\$958.45; Ronda Malander, mileage-\$124.45; Matthew Milby, supplies-\$377.13; MIPS, svcs-\$2,479.99; John Morgan, Title VI & ADA salary-\$200.00; Nance County Court, court costs list 288 & 289-\$151.44; Nance Co. District Court, court cost list 322- \$110.00; Nance County Journal, renewal-\$40.00; Nance County Treasurer, postage/tax-\$712.00/ \$9.44; NE Law Enforcement Training Center, training fees-\$142.00; NE Sec. of State, supplies-\$10.00; NE Supreme Court, quarterly agree.-\$8,421.61; Olsson, svcs-\$356.00; Paper Tiger Shredding, svcs-\$30.00; Pappy's Place, fuel-\$73.70; Platte County Detention Facility, housing-\$150.00; Steve Pritchard, mileage-\$86.85; Purchase of Cash-Clerk, postage-\$ 45.00; Region 4 Behavioral Health, contrib.-\$2,850.25; Region IV, Inc., quarterly payment-\$1,128.75; ServiceMaster, svcs-\$3,658.00; State of NE-Central Finance, network svcs -\$709.60; Stealth Broadband, svcs-\$15.00; Ryan Stover, atty fees-\$94.65; Trouba Law office, atty fees-\$3,178.25; US Bank, supplies/fuel-\$318.71/ \$176.86; US Cellular, wifi backup-\$24.55; United States Post Office, postage-

\$384.00/\$264.00/\$396.00/\$132.00; Verizon, phone-\$91.65; Wex, fuel-\$883.02; **Health Insurance-\$20,967.98; Retirement-\$7,043.11; Social Security-\$7,304.64; Disability-\$24.97; Life Insurance-\$28.52; First Concord-\$97.50;**

### **ROAD FUND**

Ag & Industrial Equip., parts- \$2,493.90; Appeara, supplies-\$176.23; Applied Connective Tech, svcs-\$30.60; B's Enterprises, Inc., supplies-\$4,338.00; Anthony Bernt, reimb.-\$244.32; Black Hills Energy, svcs-\$313.80; Casey's, fuel-\$419.63; Cedar Valley Lumber Company, supplies - \$87.24; Ciancio Hardware, parts & tools-\$419.00; City of Fullerton, water & sewer-\$71.43; City of Genoa, water/sewer-\$28.00; Clearly, svcs-\$45.84; Cornhusker PPD, electricity-\$78.87; D&H Truck & Auto Parts, parts & supplies-\$3,131.97; Eakes, supplies-\$195.76; Extreme Glass, parts & labor-\$795.50; Filter Care, svcs-\$215.15; Marilyn & Lowell Foland, land purchase-\$5,000.00; Front Runner Fab, supplies-\$180.00; Garrett Enterprises, Tires & repair-\$2146.14; Heartland Disposal, svcs-\$50.00; Heartland Rental, machine rent-\$137.15; Hometown Leasing, equip-\$71.55; Lawson Products, parts-\$764.69; Loup Power Dist., electricity-\$400.11; Michael Todd & Co., parts & supplies-\$167.08; Midwest Services & Sales, supplies-\$977.50; Mike's Machine, supplies-\$55.92; MIPS, svcs-\$116.53; Nebraska Machinery Co., parts & svcs-\$7,852.05; Prairie Creek Township, road maint.-\$2,500.00; Purchase of Cash-Clerk, postage- \$37.60; Riverside Portables, repairs-\$35.00; Scott Russell, clay-\$117.60; Sapp Brothers, fuel & supplies-\$16,629.03; Sempek Sand & Gravel, gravel-\$20,598.20; Sharples Heating & Cooling, repair-\$1,262.00; Split Ear Ranch, fencing-\$2,750.00; US Bank-HR, supplies & equip.- \$1,095.17; US Cellular, svcs-\$69.69; United States Post Office, postage-\$132.00; Verizon, svcs-\$47.87; Verizon Connect NWF, INC, svcs-\$220.35; Village of Belgrade, water & sewer svc-\$45.50; Vontz, gravel-\$3,998.40; Weldon Parts, Inc., parts-\$312.05; Winzer, supplies-\$138.74; **Health Insurance-\$11,676.59; Retirement-\$4,571.70; Social Security-\$5,191.09; Disability-\$18.16; Life Insurance-\$25.20; First Concord-\$62.50;**

### **VISITORS PROMOTION**

### **SINKING BRIDGE FUND**

### **HWY BRIDGE/ROAD BUYBACK PROGRAM FUND**

### **SINKING ROAD EQUIPMENT FUND**

### **APPRAISAL FUND**

### **REGISTER OF DEEDS FUNDS**

### **VMP FLOW THROUGH FUND**

Loup Power Dist., elect. -\$113.00;

### **LOCAL ASSISTANCE & TRIBAL CONSISTENCY FUND**

Dana Safety Supply, equipment-\$2988.94; Kustom Signals, Inc., equipment-\$1,140.74;

### **CANINE FUND**

### **DISASTER FUND**

Nance County Treasurer, bond interest payment-\$11,707.50;

### **COVID AMERICAN RESCUE PLAN FUND**

### **SINKING ECONOMIC DEVELOPMENT FUND**

Broken Arrow Seeds, NCDA grant-\$5,000.00; Fullerton's Future, Inc., NCDA grant-\$5,000.00;

### **INHERITANCE TAX FUND**

### **911 EMERGENCY MANAGEMENT FUND**

Century Link, phone-\$406.90; Clearly, phone-\$22.92; Frontier Citizens, phone-\$61.83; Great Plains Communication, phone-\$ 164.80; Loup Public Power, electricity-\$28.65;

### **BUILDING FUND**

Hellbusch Electric, svcs-\$485.99;

SALARY CLAIMS	\$76,539.32
GENERAL FUND	\$55,901.08
ROAD FUND	\$80,993.16

Daryl Guthard, owner of Bud's Sanitation had sent the Board of Supervisor's information on joining the Northeast Nebraska Solid Waste Coalition. Board Members reviewed and discussed the information provided. At this time a request for membership letter needs to be signed and emailed to Northeast Nebraska Solid Waste Coalition. Phone call made to Daryl Guthard with some questions the board had to liability if a member. Guthard explained that liability in a disaster would be rare and it is a per capita cost, he stated he had the same questions, but stated that trash goes through the haulers transfer station before going to the landfill, to avoid issues. Guthard explained that if Membership is not requested, trash would still be picked up, but rates would have to go up, as the haulers would have to haul to a different landfill. After a discussion, moved by Nelson and seconded by Crouse to approve signing membership request letter to the Northeast Nebraska Solid Waste Coalition. Roll call vote: AYES-Ditter, Horacek, Crouse, Nelson, Cornwell; NAYS- Voichoskie; ABSENT- Juracek. Motion Carried.

Rodney Wetovick, County Attorney and Ben Bakewell, County Sheriff, brought before the Board some concerns with Faith Regional Hospital Issues. Nance County is contracted through the region, to take EPC'ed patients to Faith Regional. Faith Regional requires that the patient is medically cleared at a local hospital before admission to Faith Regional. Wetovick stated that he was unable to find anything in the Statutes that would require medical clearance from another hospital before admission. Ditter, who is on the Region IV Committee Board, gave contact information to Wetovick and Bakewell for them to be able to call and get more information.

#### **RESOLUTION #23-32**

WHEREAS, there has been signed by the COUNTY OF NANCE on the 25th day of June, 2019, and the State on the 1st day of July, 2019, an agreement providing for the construction of a Federal Aid County Project at the following location: GENOA WEST, NOW THEREFORE, in consideration of the above facts, the NANCE COUNTY BOARD OF SUPERVISORS, by this resolution, takes the following official action: 1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the County hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid. 2. The Board hereby concurs in the selection of the above-mentioned Contractor(s) for the items of work listed, to whom the contract(s) should be awarded. 3. The Board hereby approves of the final plans and specifications that were used in the bidding process for this project. 4. The Board hereby authorizes the Board Chairperson to sign the contract(s) with the above-mentioned Contractor(s) for the above-mentioned work on behalf of the County using State's standard contract signing process, including when applicable, an electronic or digital signing process such as DocuSign®. Discussion held.

Moved by Nelson and seconded by Horacek to approve said Resolution. Full resolution can be viewed at the Nance County Clerk's Office during business hours.

#### **RESOLUTION #23-33**

BE IT RESOLVED BY THE NANCE COUNTY BOARD OF SUPERVISORS to authorize the County Treasurer to make the following transfer in accordance with the adopted 2023-2024 budget: transfer \$218,000.00 from the General fund to the Road fund. Moved by Voichoskie and seconded by Horacek to approve said resolution. Roll Call: AYES-Voichoskie,

Horacek, Crouse, Nelson, Ditter, Cornwell; NAYS- NONE; ABSENT- Juracek; ABSTAIN- None. Motion Carried.

Eddie Bomar, Sales for NMC CAT, was present with the sales agreement for two motor graders for a total of \$800,120.00 after trade in allowance of two machines. Discussion held on interest; CAT Financial will set once machines are delivered. Delivery after the first of the year. Discussion held. Moved by Nelson and seconded by Crouse to sign the sales agreement for 2 motor graders. Sales agreement for the purchase of another motor grader, for the price of \$471,340.00. Delivery date would be around 10 months from time of order, tentatively. Discussion held. Moved by Nelson and seconded by Voichoskie to approve signing sales agreement for motor grader.

Cody Kutschkau, Road Foreman gave updates on the road department. Six employees came in on Christmas to check emergency roads for any concerns from the snow. Noted a concern of a line-of-sight issue at the corner of N 550<sup>th</sup> St and N 120<sup>th</sup> Ave, the southwest corner of intersection, on John Oeltjen's property (NE ¼ 20-16-8). Motion tabled until the next meeting by Horacek and seconded by Ditter, giving Board members time to inspect the intersection before the next meeting.

### **RESOLUTION #23-34**

In order to provide better and safer roads for the residents of Nance County, the Nance County Board of Supervisors deems it appropriate to periodically evaluate areas where roads may not be maintained and graveled uniformly or up to acceptable standards for the current usage.

When such issues come to the attention of the County Board of Supervisors, the road will be evaluated and reviewed with the Highway Superintendent and the Township Board where the road is located. If it is agreeable with the County Board of Supervisors, and the Township Board consents, the County Board will assume responsibility for maintenance of the identified road (or section of road) going forward.

THEREFORE, BE IT RESOLVED, that the Nance County Board of Supervisors proposes to formally take over the responsibility for care and maintenance of the following road in Cottonwood Township:

2.25 miles of N 550<sup>th</sup> St., from N 120<sup>th</sup> Ave to .25 miles east of N 140<sup>th</sup> Ave.

That the Cottonwood Township Board consented to the above proposal as of December 21<sup>st</sup>, 2023 meeting.

Moved by Voichoskie and seconded Crouse to adopt said Resolution. Roll call vote: AYES-Ditter, Horacek, Crouse, Voichoskie, Nelson, Cornwell; NAYS-None; ABSENT- Juracek. Motion carried.

Elaine Menzel, NACO Legal Representative postponed her visit to give NACO updates until January 23, 2024 due to the weather.

Dan Cornwell, Zoning Administrator presented the appointments/reappointments for the Planning and Zoning Commission and the Board of Adjustments. On the Planning and Zoning Commission Chuck Delancey, Jon Epley and Delmer Wondercheck; their terms expire December 31,2023. All three said they would stay on. Discussion held. Moved by Ditter and seconded by Crouse to reappoint all three. Discussion held. Guy Imus has shown interest in being on the Planning and Zoning Commission. Motion by Ditter rescinded. New motion by Ditter and seconded by Crouse to reappoint Chuck Delancey and Jon Epley and appoint Guy Imus to Planning and Zoning Commission for a three-year term. Sending Thanks to Delmer Wondercheck for all his years of service on the Planning and Zoning Commission. On the Board of Adjustments, Dan Wetovick's term expires December 31,2023. He is willing to stay on

the Board of Adjustments. Discussion held. Moved by Ditter and seconded by Crouse to reappoint Dan Wetovick for a three-year term.

**RESOLUTION #23-35**

**A RESOLUTION TO ADOPT**

**NANCE COUNTY COMPREHENSIVE PLAN, 2033**

WHEREAS the duly appointed Planning and Zoning Commission of Nance County, Nebraska held a public hearing on November 15, 2023 with proper notice given and has recommended through majority vote the adoption of an updated Nance County Comprehensive Plan; and

WHEREAS the County Board of Supervisors had given public notice as required by Nebraska State Statutes of a public hearing held on November 28, 2023 in the Nance County Courthouse on the proposed adoption of the Comprehensive Plan; and

WHEREAS the public hearing was held pursuant to said notice and all statements received at the hearing were duly considered by the County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nance County, Nebraska that an updated Nance County Comprehensive Plan, spanning the period of 2023-2033, be adopted.

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

**RESOLUTION #23-36**

**A RESOLUTION TO ADOPT**

**THE UPDATED AND AMENDED NANCE COUNTY ZONING REGULATIONS –  
NOVEMBER 2023**

WHEREAS the duly appointed Planning and Zoning Commission of Nance County, Nebraska held a public hearing on November 15, 2023 with proper notice given and has recommended through majority vote the adoption of the updated and amended Nance County Zoning Regulations; and

WHEREAS the County Board of Supervisors had given public notice as required by Nebraska State Statutes of a public hearing to be held on November 28, 2023 in the Nance County Courthouse on the proposed updated and amended Zoning Regulations; and

WHEREAS the public hearing was held pursuant to said notice and all statements received at the hearing were duly considered by the County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nance County, Nebraska that the Nance County Zoning Regulations have been updated and amended as follows:

1. **Changed the “Future Land Use Map” and “desired development areas”** (as noted in the 2033 Comprehensive Plan) to 1/2 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:

- **Pages 16 and 20: After the following sentence:** Minimum Lot Area and Density: A. Single family dwellings, including mobile homes – Three (3) acres excluding road R.O.W. and at a density of no more than four (4) residences per U.S. Government surveyed quarter section. **Added the following sentence:** However, within ½ mile along all State Highways, the density can be increased to no more than eight (8) residences per U.S. Government surveyed quarter section at a minimum of twenty (20) acres per residential development. (*amended November 2023*)
- 2. Changed setbacks from 83 feet to 63 feet (33 feet from center of road and 30 feet from property line):**
- **Pages 17, 21, 25, 27, 31, and on the last page (Summary of District Regulations):** Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than ~~eighty-three (83)~~ **sixty-three (63) feet** from the center of the road when such yards are contiguous to a county road or State Highway. (*amended March 2009 and November 2023*)
- 3. Added zoning regulations for Solar Energy Conversion Systems:**
- **Pages 55 through 58:** Article 19 Solar Energy Conversion Systems (*added November 2023*)
- 4. Changed the “Nebraska Department of Environmental Quality” (DEQ) to the new proper name of “Nebraska Department of Environment and Energy” (NDEE):**
- **Pages 8, 24, 27, 31 and 40:** Changed the name of Nebraska Department of Environmental Quality (DEQ) to Nebraska Department of Environment and Energy (NDEE). (*amended November 2023*)
- 5. Added the Barndominium definitions:**
- **Page 67:** 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.” (*amended November 2023*)
- 6. Added Dwelling (non-agriculture-residential) and Dwelling, farmstead (agricultural-residential):**
- **Page 70:** Dwelling (non-agricultural-residential) shall mean a building or a portion thereof that provides living facilities for one or more families, but not including hotels, motels, boarding or lodging houses and shall include manufactured dwellings located on a tract of land not less than three (3) acres, has been lawfully occupied within the last twelve (12) month period as a single family residence, and is not necessary or

incidental to the normal conduct of a farm or agricultural operation, or generating less than \$1,000 annual income on agricultural-related crops and product.

- Dwelling, farmstead (agricultural-residential) shall mean a building or a portion thereof that provides living facilities for one or more families, but not including hotels, motels, boarding or lodging houses and shall include manufactured dwellings located on a tract of land not less than three (3) acres, has been lawfully occupied within the last twelve (12) month period as a single family residence, and is necessary or incidental to the normal conduct of a farm or agricultural operation, or generating \$1,000 or more in annual income on agricultural-related crops and product.

**7. Added definitions for Personal vs. Real property:**

- **Page 79:** “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.). (*amended November 2023*)
- **Page 80:** “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. (*amended November 2023*)

**8. Added clearer language of when a certified survey is required for lot splits and change of boundaries:**

- **Page 34: After the following sentence:** No lot, lots, tracts, or parcels of land shall be split nor subdivided which would create a nonconforming lot or tract in the district in which it is located. A minimum of three (3) acres, excluding road Right-Of-Way, is required for future lot splits in all zoning districts. **Added the following sentence:** A survey from a certified surveyor is required for each lot split/change of boundary. (*amended November 2023*)

**9. Clarified the Fullerton and Genoa Extraterritorial Jurisdiction (ETJ) definition, location, responsibilities, and zoning requirements (first right of refusal, ultimate responsibility, etc., etc.):**

- **Page 72: After the following sentence:** Extraterritorial Jurisdiction (ETJ) shall mean the area beyond the corporate limits, in which a city or village has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. **Added the following sentence:** ETJ boundaries are determined by the respective City or Village and are illustrated in each City or Village’s Comprehensive Plan and/or Zoning Regulations, or on the Nance County GIS website. (*amended November 2023*)

**10. 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:**

- **Page 24:** ARTICLE 14: AGR AGRICULTURAL RESIDENTIAL DISTRICT, Section 5. LOT REQUIREMENTS AND INTENSITIY OF USE: **After the following sentence:** The minimum lot requirements shall be as follows: 5.1 Minimum Lot Area and Density: A. Single family dwellings, including mobile homes – Two (2) acres excluding road R.O.W., except as herein exempted or on non [1] conforming lots of record. Lots less than three (3) Acres must also obtain a sewer permit review from the Nebraska Department of Environment and Energy (NDEE). **The following sentence was deleted:** ~~(1) The lot shall be in a square or rectangular shaped three (3) acre tract. (amended November 2023)~~

**11. Added the following language under Section 3. Permitted Conditional Uses, regarding Single Family Non-Agriculture Residential Dwellings:**

- Section 3. PERMITTED CONDITIONAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a conditional permit for such use has been obtained in accordance with Article 8 of these regulations:

3.17 Single family non-agricultural residential dwellings, including mobile homes, on an improved road, meaning a road above county minimum maintenance road classification or a public street within an approved subdivision; in addition, single family dwellings must be located minimum distances from a livestock feeding operation in conformance with Article 17 - Section 19, when not of the same property and with Sanitary Requirements of Article 17 – Section 11 of these Regulations.

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

D. Cornwell, Zoning Administrator presented Lot Split Application for Donald and Janelle Carlson. Splitting 4.89 acres more or less from SE ¼ of the SW ¼ of 12-17-5. Discussion held. Moved by Voichoskie and seconded by Nelson to approve said lot split application.

SuAnn Engel, HR/Budget presented a 6-month Budget Review for fiscal year 2023-2024. She presented the Board with a 6-month expenditure report and a summarized version to review. The Survey budget, HRA deductible buy-down line item, and the gravel line item were concerns. Engel talked about increasing cash reserve when we can to help with cash flow.

Moved by Horacek and seconded by Ditter to adjourn.

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

Timothy C. Cornwell  
Chairman

Adrian F. Chlopek  
County Clerk