

HAMILTON COUNTY BOARD OF ADJUSTMENT MINUTES

TUESDAY 5/28/19

The Hamilton County Board of Adjustment held a public meeting on May 28, 2019 at 8:00pm at the 4-H Building, Hamilton County Fairgrounds, Aurora, NE.

Scott Stuhr, Administrative Manager, called the meeting to order at 8:02 pm, stating that the open meetings act was posted at the table with the sign in sheet, and is available for public inspection.

Members Present: Pirnie, Jacobsen, Paschke, Schuster, Hinrichs

Members Absent: Bankson

Also present were: Jeremy Brandt-Zoning Administrator, Mike Powell-County Attorney, Scott Stuhr-Administrative Manager.

Doug & Pat Anderson, Roger & Pam Epp, Patrick & Charyse Harvey, Audra & Todd Joyce, Marcellus Wall, Greg & Leanne Gimpel, Eric Oberle, Steve & Debra Mead, Todd & Marlene Hanson, Roger Nunnenkamp, Joan & Paul Pfiefer, and other members of the public.

The public notice of the meeting was read into the record.

It was asked if there was any conflict of interest on any agenda items. No conflict of interest.

Hinrichs moved to approve the agenda. Schuster seconded the motion. All yes by voice vote. Motion passed.

Item #1 – Election of Officers.

Stuhr called for nominations or volunteers for chair. Paschke nominated. Moved by Jacobsen and seconded by Hinrichs that nominations cease, and a unanimous ballot be cast for Paschke as chairperson.

Voting For: Pirnie, Jacobsen, Paschke, Schuster, Hinrichs

Voting Against: None

Paschke called for nominations or volunteers for vice-chair. Jacobsen volunteered.

Moved by Hinrichs and seconded by Schuster that nominations cease, and a unanimous ballot be cast for Jacobsen as vice-chair.

Voting For: Hinrichs, Schuster, Pirnie, Jacobsen, Paschke

Voting Against: None

Moved by Hinrichs and seconded by Jacobsen that the zoning administrator be appointed as secretary of the Board.

Voting For: Schuster, Jacobsen, Pirnie, Hinrichs, Paschke

Voting Against: None

Item #2 – Discussion /Consideration for an appeal of decision of the Zoning Administrator.

The Public Notice was read into the record.

Bob Sullivan, attorney for Patrick Harvey, addressed the board.

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*Mr. Sullivan spoke for the Harvey family. He hopes for a compromise in front of a possible litigation. He spoke of washout/lagoon litigation across the state of Nebraska. Mr. Sullivan asked the public to raise their hands "Who doesn't want the lagoon where it is?" All raised their hands except 1 who stated he was neutral.

Public comment:

Mrs. Pat Anderson asked about pipe memorandums would to have been approved by the county board. The odor affects her home and quality of life.

Mr. Wall, stated this spring there was a leak on O road. It was fixed a couple times and last fall the sprinklers were running and spraying the road and washing down the road and ditch towards the creek.

Mrs. Joan Pfeifer stated she liked the development but now will not use 9th Rd due to the smell. Now this is getting closer and closer to our homes and concerning.

A gentleman asked if the Corps of Engineers were contacted about boring under the Beaver Creek? (Scott Stuhr stated that the Corps was contacted and approved).

Mr. Doug Anderson asked with all this rain, surely no one will shut down this truck wash all while DEQ watches this happen.

Mr. Patrick Harvey spoke. He spoke with DEQ

Mr. Todd Hansen stated that property values will begin to diminish and why was no one contacted in the area?

Todd Joyce spoke that he had to tell DEQ where the pit is. He is also concerned that the lagoon is not lined.

Scott Stuhr, Hamilton County Administrative Manager and prior Zoning Administrator addressed the Board. Shared his reasoning for issuing a zoning permit for the lagoon. Believes the lagoon is a permitted use and/or accessory use to a farming operation in the Agricultural District. Receives water from livestock (agricultural in nature) trailer washout, a farmer uses the water to fertilize and water his crops (agriculture in nature).

Mr. Sullivan, Attorney for the Harvey's addressed the board for his final comments. He notices some loop holes by the business owner using many agencies against each other.

Moved to close the public hearing. by Hinrichs and seconded by Pirnie

Voting For: Hinrichs, Pirnie, Schuster, Jacobsen, Paschke

Voting Against: None

Jacobsen moved to appoint 2 committee members and the county attorney along with 2 county officials (Brandt and Stuhr) to come up with wording for compliance of the lagoon. Seconded by Schuster.

Discussion: Stuhr shared that it may be in the best interest to not have him serve on this committee.

Since his decision is being called into question, he doesn't want the look of impropriety.

Voting For: Jacobsen, Schuster, Hinrichs, Paschke

Voting Against: None

Not Voting: Pirnie

Hinrichs moved to have the committee meet and come up with wording by the end of the week and the next meeting for a decision to be held June 17 at 8pm at the 4-H Building. Seconded by Jacobsen.

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Voting for: Hinrichs, Jacobsen, Schuster, Paschke

Against: None

Not Voting: Pirnie

Chairman Paschke appointed Jacobson and Hendricks to serve on the committee.

Item #3 – Discussion/Consideration bylaws and rules of the Board of Adjustment.

Stuhr shared the situation surrounding the request.

Moved by Schuster and seconded by Jacobson to adopt the presented bylaws and rules of the Board of Adjustment.

Voting For: Pirnie, Hinrichs, Schuster, Jacobsen, Paschke

Voting Against:

Item #4 – Zoning Administrator Report

Obtained contact information from the board. Shared that we are updating the comprehensive plan and will be getting copies to the Board when approved. Introduced Jeremy Brandt as the new Zoning Administrator and Noxious Weed Superintendent.

Hendricks moved to adjourn the meeting at 11:09 pm. Pirnie seconded the motion. All yes by voice vote. Motion passed.

Chairman, Hamilton County Board of Adjustment

Date