

HAMILTON COUNTY BOARD OF ADJUSTMENT MINUTES

MONDAY 6/17/19

The Hamilton County Board of Adjustment held a public meeting on June 17, 2019 at 8:00pm at the 4-H Building, Hamilton County Fairgrounds, Aurora, NE.

Chairman Byron Paschke, called the meeting to order at 8:04 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: Jacobsen, Paschke, Schuster, and Hinrichs

Members Absent: Pirnie, Bankson

Also present were: Jeremy Brandt-Zoning Administrator, Mike Powell-County Attorney, Scott Stuhr-Administrative Manager. Also included, Patrick & Charyse Harvey, Roger & Pam Epp, Marcellus Wall, Buzz Oswald, Dennis Egle, Kent Tucker, Todd & Mrs. Joyce, Attorney Bob Sullivan, and three 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.

Jacobsen moved to approve the agenda.

Schuster seconded the motion.

Roll Call:            Voting For: Jacobsen, Paschke, Schuster, Hinrichs            Voting Against: None  
Motion Passed.

Approve the previous minutes:

Schuster made the motion.

Hinrichs Seconded the motion

Roll Call:            Voting For: Jacobsen, Paschke, Schuster, Hinrichs

Item #1 – Discussion/Consideration for an appeal of decision of the Zoning Administrator.

Jacobsen read the committee's recommendation:

#1 The committee recommends that the Board of Adjustment uphold the decision of the Zoning Administrator.

#2 The committee recognizes that the Zoning Administrator may cancel the zoning permit issued to the truck wash at his discretion and that it is within his authority to cancel the permit.

3# The committee directs that the County Attorney send a letter to request that the Nebraska Department of Environmental Quality investigate the violations alleged to have happened at the Griess Truck Wash, the operation of the truck wash and the lagoon associated with it and enforce the law if violations are found.

Schuster motioned to accept the recommendation.

Seconded by Hinrichs

Paschke asked if there was any discussion.

\*Pat questioned the counties decision. Pat read some current zoning regulations to the board. There was much discussion by the Harvey's, The Joyce's, Mr. Wall, and Attorney Sullivan. Many board members commented as well.

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Schuster commented that we needed to add some wording to the 3<sup>rd</sup> part of the recommendation...(Added Truck Washout/Pivots and waste distribution.)

Paschke asked for the vote on the amendment.

Roll Call: Voting For: Jacobsen, Paschke, Schuster, Hinrichs

Voting Against: None

Motion Passed

#3 will now read: The committee directs that the County Attorney send a letter to request that the Nebraska Department of Environmental Quality investigate the violations alleged to have happened at the Griess Truck Wash, the operation of the truck wash out, the lagoon associated with it, the pivots, and the waste distribution and enforce the law if violations are found.

Vote for the original motion as amended:

Voting For: Jacobsen, Paschke, Schuster, Hinrichs

Item #2 – Zoning Administrator Report

Hamilton County has posted a website online for the public to view our comprehensive plan and draft copy of revised zoning regulations for the county and villages. We also have launched a facebook page to keep the public awareness and what's new in Noxious Weeds and Zoning/Planning for Hamilton County.

Byron asked if the Zoning Administrator has the power to shut this down. It was advised that the Zoning Administrator has the power to monitor and advise the county attorney of any violations. The County Attorney is the enforcer for the county.

The Zoning Administrator can not trespass without the owners permission to monitor on the premise. Does the city have the capacity to take all of the waste from the washout?

Hinrichs moved to adjourn the meeting at 9:44 pm.

Jacobsen seconded the motion.

Roll Call: Voting For: Jacobsen, Paschke, Schuster, Hinrichs

Motion passed.

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Chairman, Hamilton County Board of Adjustment

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Date