

City Council Regular Meeting  
Tuesday, October 24, 2023 7:00 PM

Hickman Community Center/City Hall 115  
Locust Street, Room 128 Hickman, Nebraska

1. Call to Order

1.A. This is an Open Meeting of the Hickman Nebraska Governing Body. The City of Hickman abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is on display in this meeting room as required by Nebraska State Law. Notice of meeting and copies of this agenda have been publicly posted prior to the meeting at the Hickman City Hall, Hickman U.S. Post Office, U-Stop Market and the City of Hickman website.

1.B. Participant Sign-In Sheet Available & Disclosure of Meeting Recording Process Notice Posted.

1.C. Registered Agenda Speakers: All individuals requesting to be Registered Agenda Speakers must fill out a Registered Speaker Card & submit to Recording Clerk. The Mayor or Presiding Meeting Officer reserves the right to deny this request, or will call you to the podium when your agenda item is ready to be heard. Presentations, if allowed, may be limited to five (5) minutes per person, with a limit of three (3) individuals speaking per topic position. Please come to the podium, and clearly state your name and address for the record and the agenda topic you wish to speak upon in a professional manner. All individuals requesting to hand out documents to City Council Members must deliver them directly to the City Clerk for distribution.

1.D. The City Council may vote to go into Executive Closed Session on any agenda item as allowed by Nebraska State Law. The Governing Body may be excused and re-enter the City Council meeting room at any time after reconvening open session.

2. Pledge of Allegiance

3. Roll Call

4. Mayor Communications

5. Consent Agenda

5.A. Approval of October 10, 2023 City Council Meeting Minutes

5.B. Claims and Accounts Payable Report

- 5.C. Statement of Accounts and Budget Cash Report as of September 30, 2023
- 5.D. Monthly City Sales Tax Report
- 6. Proclamations, Presentations, Appointments, Affirmations & Introductions - None
- 7. Reports
  - 7.A. Public Works and Parks and Recreation Department
  - 7.B. City Code Violations, Abatements, Nuisances and Permits
  - 7.C. Water Plant Improvements Update
  - 7.D. Wastewater Plant Improvements Update
- 8. Public Hearings
  - 8.A. The purpose of the hearing is to provide an opportunity for Public Comment on a request from Wizkidz, LLC and Rebecca & Van O'Connor for the annexation of properties generally located North of Hickman Road and East of 68th Street, with the legal descriptions as follows: Parcel ID: 1527300002000 Legal Description: S27, T8, R7, 6th Principal Meridian, Lot 3 SW; Parcel ID: 1527321001000 Site Address: 18610 S 68TH ST, HICKMAN, NE 68372 Legal Description: Wizkidz Addition, Lot 1; Parcel ID: 1527321002000 Legal Description: Wizkidz Addition, Lot 2. And to extend the Extraterritorial Jurisdiction (ETJ) upon approval of the annexation of said properties, and to amend the Official Zoning Map of the City of Hickman to reflect said changes.
  - 8.B. One & Six Year Street Improvement Plan
- 9. Unfinished Business
  - 9.A. Resolution 2023-15, Interlocal Agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and City of Hickman for the purpose of providing health regulation inspection and enforcement within the corporate limits of the City of Hickman and its extra-territorial jurisdiction (ETJ).
  - 9.B. Ordinance 2023-12 - An ordinance to adopt the standards and regulations of Lincoln- Lancaster County Health Department regarding on-site wastewater treatment systems, solid waste, property transfers and air pollution control, in order to meet the requirements for an interlocal agreement with the Lincoln-Lancaster County Health Department, for the purpose of providing health regulation inspection and enforcement within the corporate limits of the City of Hickman, Nebraska and its extra-territorial jurisdiction (ETJ).

10. New Business
  - 10.A. Discussion of Broadband Infrastructure and Franchise Fees
  - 10.B. Resolution 2023-19 - One in & Six Year Street Improvement Plan
  - 10.C. Resolution 2023-20, NMPP Members Council Appointments
  - 10.D. Resolution 2023-21, Utility Easement
  - 10.E. Ordinance 2023-14, Annexation of Wizkidz Addition
  - 10.F. Consideration of Land Acquisition for Municipal Wells, Water Department
11. City Administrator's Report
12. Governing Body Comments & Council Correspondence
  - 12.A. Annual Trick or Treat on the Trail, Thursday October 26, 2023
  - 12.B. City Office Closed for Veterans' Day November 10, 2023
13. Meeting Adjournment

## MINUTES OF THE HICKMAN CITY COUNCIL MEETING HELD OCTOBER 10, 2023

Mayor Phil Goering called the meeting to order at 7:00 pm on October 10, 2023 and referenced the meeting recording process, optional sign in sheet, and open meeting law posting. All those present stood and recited The Pledge of Allegiance. Council Members Travis Borchardt, Chad Parker, John Meese, Steve Noren, Doug Wagner, and Justina Ziemann were present for Roll Call. Prior notice of the meeting and agenda were provided to the Mayor and all members of the Governing Body. Notice of the meeting was distributed and posted at Hickman City Hall, U.S. Post Office-Hickman, U-Stop Market and the City of Hickman Website.

### Mayor Communications

Mayor Goering discussed that the meeting would be recorded and placed on YouTube starting this meeting and could be viewed from the city website.

### Consent Agenda

City Administrator presented and discussed the September 26, 2023 Meeting Minutes, and line-item content of Claims Report with the Governing Body. Motion by Council Member Noren and a second by Ziemann to approve the consent agenda. The following Council Members voted "YEA": Borchardt, Parker, Meese, Noren, Wagner, Ziemann. The following Council Members voted "NAY": None. Motion passed 6-0.

### Proclamations, Presentations, Appointments, Affirmations & Introductions – None

### Reports

Planning Commission Member Josh Maurer presented and discussed the Planning Commission Report with the Governing Body. Motion by Council Member Parker and a second by Wagner to approve the Planning Commission Report. The following Council Members voted "YEA": Borchardt, Parker, Meese, Noren, Wagner, Ziemann. The following Council Members voted "NAY": None. Motion passed 6-0.

Deputy Buchheister presented the Lancaster County Sheriff's Report to the Governing Body. Motion by Council Member Ziemann and a second by Meese to approve the Lancaster County Sheriff's Report. The following Council Members voted "YEA": Borchardt, Parker, Meese, Noren, Wagner, Ziemann. The following Council Members voted "NAY": None. Motion passed 6-0.

City Administrator presented and discussed the September 2023 Community Center Report with the Governing Body. No action taken.

### Public Hearings

Mayor presented the Public Hearing for declaration of the following areas of the City as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law: Lots One (1) and Two (2), Wizkidz Addition, Lancaster County, Nebraska (Parcel ID numbers: 1527321001000 and 1527321002000).

Mayor Goering opened the Public Hearing at 7:12 PM.

Andrew Willis with Cline Williams spoke in favor of the blighted and substandard study for Wizkids Addition. Mr. Willis stated that the study was the first step with the process of requesting Tax Increment Financing and looking at if it meets the requirements within the terms of state law. Currently 23 percent of the city is considered blighted and if the study passed it would increase to 31.6 percent. Mr. Willis also stated that it is normal for a developer to pay for a Blighted and Substandard Study and has seen this done in multiple cities throughout Nebraska.

Jane Raybould with B&R Stores spoke in favor of the blighted and substandard study for Wizkids Addition. Ms. Raybould stated that this would be the fourth development with TIF being involved that the developer paid for the Blighted and Substandard Study. Ms. Raybould discussed that TIF is a wonderful economic development tool for cities to use. With the cost of the development and the percentage that is paid for by the developer TIF is a needed tool to make this size of project happen. No comments by the public in a neutral capacity or against the Public Hearing. Motion by Council Member Parker and a second by Wagner to close the Public Hearing at 7:34 PM. The following Council Members voted "YEA": Borchardt, Parker, Meese, Noren, Wagner, Ziemann. The following Council Members voted "NAY": None. Motion passed 6-0.

## **Unfinished Business – None**

### **New Business**

Mayor Goering presented Discussion of areas as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law. Legal Descriptions: Lots One (1) and Two (2), Wizkidz Addition, Lancaster County, Nebraska. The City Administrator discussed that the city has four other TIF projects developed in town and the financials of those TIF projects: Haven Manor, former Hickman high school, Andy's Auto, and Long-Range Investments. Andrew Willis with Cline Williams to address the Governing Body. Mr. Willis discussed upon request what kind of reviews the State does on blight studies and what State Auditor reports exist for review. Mr. Willis discussed that the reservoir area would be included in blighted area per the study presented. If the city is wanting to de-blight an area once the TIF project is completed and not active by resolution.

Upon request by City Council Members Jane Raybould with B&R Stores spoke on how it would affect the project if the City Council Members decided to deny the blight study. Ms. Raybould discussed that if the blight study is denied it would have a devastating impact on the entire development project. Part of this development is with a residential developer for affordable housing and with construction costs to keep it affordable housing the TIF is needed. The civil engineer presented costs to B&R Stores to complete the grocery store and commercial center development. Those development costs for just phase 1 included 68<sup>th</sup> Street turn lanes for traffic control would be \$444,000.00, to do a roundabout on 68<sup>th</sup> Street would be \$1,048,000.00, local streets on the west and east side of the reservoir would be \$920,000.00, and grading on the west side of the dam. Phase 3 and 4 which is the residential project would be sewer, storm water, grading, electrical, street lighting which would be around \$2,000,000.00. Ms. Raybould stated that without the TIF there is no way that this project can be done due to costs.

No action taken.

### **City Administrator's Report**

City Administrator discussed that the insurance claim that was reported to insurance was approved for the lightning strike of the Water Plant and the \$18,000 check was received. Work had started this week with the Water Treatment Plant. The final pay certificate to Bauer Underground for the Roundabout Project was completed. There was \$147,000.00 in liquidated damages assessed and a retainage of \$132,000.00, making the final payment amount of \$236,484.03.0. There were no new updates with the Wastewater Plant project. Motion by Council Member Wagner and a second by Ziemann to approve the City Administrator's Report. The following Council Members voted "YEA": Borchardt, Parker, Meese, Noren, Wagner, Ziemann. The following Council Members voted "NAY": None. Motion passed 6-0.

## **Governing Body Comments and Correspondence**

Mayor Goering discussed Annual Trick or Treat on the Trail will be Thursday October 26, 2023 and that the City Office Closed for Veterans' Day November 10, 2023. No action taken.

## **Adjournment**

Motion by Council Member Parker and a second by Ziemann to adjourn the meeting at 8:13PM. The following Council Members voted "YEA": Borchardt, Parker, Meese, Noren, Wagner, Ziemann. The following Council Members voted "NAY": None. Motion passed 6-0.

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Mayor Phil Goering

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Jaala Johnson, CMC, City Clerk

DRAFT

**City Council Meeting October 24, 2023**  
**Accounts Payable as of October 23, 2023**

Vendor	Memo	Amount	Check No.
A-1 Total Home Pest Control	INV# 17858- Pest Treatment	\$80.00	
AKRS Equipment (John Deere)	Inv# 3647108 - Sweeper Broom Brush for Tractor	\$836.52	
Al's Johns	INV# 78925 - Porta Potty for Flag Football & Soccer	\$200.00	
Alexander Jasa	2023 Referee Flag Football (5)	\$200.00	
Bizco Technologies	Inv# 817591 - 10.01.2023 - 12.31.2023 Monitoring Service & Proofpoint, Virtual Servers, Training	\$4,230.00	
BOK Financial	HICKCURB18 - CURR BONDS SERIES 2018 (T. View \$1.22mil)	\$17,432.50	
Brad Perkinson	Deposit Refund	\$100.00	
Brody Stone	Referee Services - Sept. 2023 (11), Parks Dept,	\$440.00	
Capital City	Inv # 292774- Refuse and Recycling Monthly Service	\$120.00	
CarQuest (Advance Auto Parts	INV# 7185-486692 - Battery Encore Mower (2)	\$338.52	
Credit Bureau Services	Inv# 1357 - Quarterly Membership Credit Checks	\$45.00	
Culligan of Lincoln	Account 662916 Salt/Water Softener September	\$96.00	
Cummins Central Power	Inv # J3-9302- Preventative Maintenance Sewer Dept.	\$414.62	
Electronic Contracting Company	Skate Park Camera Equipment - Final Payment	\$7,876.33	
Electronic Contracting Company	Inv# 49317- Community Center/City Hall Fire Alarm System Trouble Alarm Repairs	\$437.50	
Executive Answering Service	Inv# 222400023- Answering Service 9.19.2023-10/16/2023	\$104.50	
Folkerts, Macoy	Flag Football Referee 2023 (2 Games)	\$80.00	
Hawkins, Inc.	Invoice #6602993 Water Treatment Chemicals	\$10.00	
Hickman True Value	September 2023 Invoices - Batteries, Toilet Repair, Funnels, Anti Seize	\$132.75	
Ian McDaniel	Referee Fees 2023 (2)	\$80.00	
JEO Consulting Group, Inc.	Inv# 145223- Project No. R230102- ArcGIS Online Payment #2	\$11,012.50	
JoshBCreative,LLC	Inv# 1347 - Economic Video	\$2,350.00	
Lancaster County Sheriff's Office	Inv# C3336- September 2023 Extra Duty	\$775.86	
Lancaster County Sheriff's Office	Inv# C3337 - October Contractual Services	\$11,792.00	
Lancaster County Treasurer	License 2022 Chevy Truck	\$10.00	34048
League Association of Risk Management	Inv # 108746- Policy Adjustment to Add 2022 Chevy PW Truck	\$2,720.71	
Lee Newspapers (LJS)	Publication Sept. 21	\$111.53	
Lincoln Winwater Works	Inv# 097185-01 - Sewer Clean Out Cover & Fernco Cap	\$434.43	
Max I Walker's Uniform Rental	Acct# 417 - Community Center Rugs, Mops, Brooms, Towels, Uniforms PW	\$285.70	
Municipal Supply, Inc. of Omaha	Inv# 0888201-IN - 1 Inch Water Meters	\$3,344.00	
Oelke Austin	Flag Football Referee 2023 (10 Games)	\$400.00	
Olsson	Inv# 473642- Project # B20-31290 T. View 5th Addition Construction Services	\$1,920.80	
Olsson	Inv# 473144-Hickman Electrical System Map Preparation	\$116.52	
Power Manager	VSP Billing Software 1.1.2024-12.31.2024	\$3,235.32	
Quadient Leasing USA, Inc.	Inv# Q1010005- Postage Machine Lease	\$1,470.81	
Rice, Cooper	Flag Football Referee 2023 (10 Games)	\$400.00	
Sperling, Conner	Flag Football Referee 2023 (6 Games)	\$240.00	
Tractor Supply Co.	Inv# 17892 - Nylon, Hose Sprayer	\$75.97	
Wesco	Inv# 254231 - Electrical Elbows	\$7,798.00	
Wesco	Inv# 258106 - Gloves Lineman Rubber	\$14.00	
Wesco	Inv# 254232 - Wire	\$10,400.00	
Wesco	Inv# 262084 - Wire 4/0 2750ft	\$14,300.00	
Wyatt Fortner	Flag Football Referee 2023 (3 Games)	\$120.00	
<b>TOTAL</b>		<b>\$106,582.39</b>	

**City Council Meeting October 24, 2023  
Accounts Payable as of October 23, 2023**

<b>Vendor</b>	<b>Memo</b>	<b>Payment</b>	<b>Check No</b>
Ameritas Life Ins., Corp.	Employee Pension Plans	\$3,406.18	ACH
Blue Cross/Blue Shield of NE	October 2023 Employee Premiums	\$6,625.37	ACH
IRS	Payroll Taxes	\$6,647.06	EFTPS
ICMA Mission Square	Employee Retirement Contribution	\$513.70	ACH
State of NE	Employee Liabilities	\$217.85	ACH
Nebraska Department of Revenue	Income Tax	\$2,944.81	ACH
Nebraska Department of Revenue	Local Sales & Use Tax	\$17,382.84	ACH
Payroll Distribution (Net Pay)	City Staff 10.20.2023	\$21,437.63	ACH
Unum	November 2023 Employee Premiums	\$230.75	ACH
Windstream	Acct# xxxx9853 - Wastewater Plant Phone	\$103.55	ACH
<b>TOTAL</b>		<b>\$ 59,509.74</b>	
<b>TOTAL CLAIMS REPORT</b>		<b>\$ 166,092.13</b>	

**Reviewed and Approved on October 24, 2023**

_____ Mayor Phil Goering	_____ Council Member Ziemann
_____ Council President Wagner	_____ Council Member Noren
_____ Council Member Parker	_____ Council Member Borchart
_____ Council Member Meese Jr.	

**CITY OF HICKMAN  
BUDGET CASH REPORT  
As of September 30, 2023**

Fiscal Year Completed:  
100.00%

	September Receipts	September Expenditures	Expenditures to Date	Expenditures Budget	Budget Available	% of Budget Spent
GENERAL FUND	97,733.08	115,099.57	1,268,152.08	1,046,535.00	-221,617.08	121.18%
STREET FUND	29,300.00	349,966.72	2,426,926.83	2,642,338.00	215,411.17	91.85%
WATER FUND	166,226.68	99,215.54	853,122.43	2,355,795.00	1,502,672.57	36.21%
ELECTRIC FUND	350,754.83	315,653.10	1,803,868.01	1,920,063.00	116,194.99	93.95%
SEWER FUND	139,440.94	315,352.30	1,079,865.02	1,925,652.00	845,786.98	56.08%
POLICE FUND	0.00	12,184.60	145,126.52	141,063.00	-4,063.52	102.88%
PARK FUND	-12.50	49,397.83	220,153.67	254,843.00	34,689.33	86.39%
<b>TOTAL FUNDS</b>	<b>783,443.03</b>	<b>1,256,869.66</b>	<b>7,797,214.56</b>	<b>10,286,289.00</b>	<b>2,489,074.44</b>	<b>75.80%</b>

	Principal Balances as of 10/01/22	September Expenditures	Loan Payments to Date	Expenditures Budget	Budget Available	% of Budget Spent
<b>DEBT SERVICE</b>						
2017 SEWER GO REFI	1,325,000.00		238,132.50	238,132.50	0.00	100.00%
2021 WATER GO REFI	1,265,000.00		149,057.50	149,057.50	0.00	100.00%
NDEE #317887 CLEAN WATER UV	458,680.23		45,150.13	45,150.13	0.00	100.00%
2018 ELEC/SEWER REFUNDING BOND	940,000.00		161,262.50	161,262.50	0.00	100.00%
2018 ELEC/SEWER NEW REVENUE (T.View)	1,040,000.00		80,790.00	80,590.00	-200.00	100.25%
2021 COPS (Community Center)	3,190,000.00		175,272.50	174,897.50	-375.00	100.21%
<b>TOTAL DEBT SERVICE</b>	<b>8,218,680.23</b>	<b>0.00</b>	<b>849,665.13</b>	<b>849,090.13</b>	<b>-575.00</b>	
<b>TIF LOANS</b>						
AUTO CENTER	7,052.56		3,080.24	3,080.24	0.00	100.00%
FORMER SCHOOL HOUSE	10,971.68		4,792.00	4,792.00	0.00	100.00%
<b>TOTAL TIF LOANS</b>	<b>18,024.24</b>	<b>0.00</b>	<b>7,872.24</b>	<b>7,872.24</b>	<b>0.00</b>	

<b>UTILITY ENTERPRISE</b>	September BILLING	REVENUE TO DATE	% of Budget Met
ELECTRIC	177,184.17	1,760,362.05	111.01%
WASTEWATER	69,489.37	796,883.62	116.10%
WATER	92,821.72	747,623.32	144.62%
MISC (ie: SERVICE CALL, RETURNED CHECK FEE)	145.00	2,253.55	-
<b>TOTAL UTILITIES</b>	<b>339,640.26</b>	<b>3,307,122.54</b>	<b>118.57%</b>

	<u>1-Sep</u>	<u>Monthly In/Out</u>	<u>30-Sep</u>
CUSTOMER DEPOSITS	77,298.26	600.00	77,898.26

**City of Hickman  
Statement of Cash Bank Accounts  
FY2022/2023**

<b>Account #</b>	<b>Account Name</b>	<b>July 2023</b>	<b>August 2023</b>	<b>September 2023</b>
	Cash on Hand	\$200.00	\$200.00	\$200.00
...8760	General Fund Checking	\$1,069,424.96	\$1,786,264.04	\$1,764,937.71
...1586	Linear Park Fund	\$9,948.75	\$9,948.75	\$9,948.75
...7412	Reading-Tech & Historical Center	\$3,605.16	\$4,147.16	\$4,147.16
...4500	Arts Council	\$3,116.59	\$2,931.80	\$2,931.80
...2843	Keno Revenue	\$90,444.42	\$93,674.57	\$96,880.94
...7578	Electrical Reserve <small>(Baylor Heights Reserve)</small>	\$74,103.70	\$74,119.43	\$74,134.15
...0938	TIF Account	\$630.84	\$630.84	\$630.84
...0863	Parks & Recreation Activities	\$43,053.35	\$51,059.98	\$45,362.98
...7420	Debt Service Reserve <small>(CURR Series 2018 Bond Reserve)</small>	\$156,123.58	\$156,223.03	\$156,316.12
...7479	Sewer Reserve Acct	\$60,691.76	\$60,704.65	\$60,716.71
...2883	CUR Revenue Series 2018 <small>(Terrace View Reserve)</small>	\$276,221.00	\$276,511.90	\$276,784.32
...4664	Street Sinking Fund	\$205,747.18	\$205,834.55	\$30,910.77
...5333	Sales Tax Revenues	\$923,538.04	\$978,112.79	\$1,039,475.58
...0215	GO Water Revenue 2023	\$1,511,347.38	\$1,346,673.59	\$1,348,792.11
...5-201	GO Sewer Revenue 2023			\$3,974,807.14
	Total Funds Available	\$4,428,196.71	\$5,047,037.08	\$8,886,977.08
...7404	Hickman Area Economic Dev. Association	\$25,941.97	\$25,941.97	\$25,941.97
	Total HAEDA Funds Available	\$25,941.97	\$25,941.97	\$25,941.97

NEBRASKA DEPARTMENT OF REVENUE

LOCAL OPTION SALES AND USE TAX

REMITTED TO CITIES

COLLECTION MONTH*	SALES/USE TAX	CONSUMERS USE TAX	SALES TAX ON MOTOR VEHICLES	CURRENT MONTH'S REFUNDS TO TAXPAYERS	3% ADMIN FEE	ALLOCATION TO CITY	***SETTLEMENT AMOUNT	NEXT MONTH'S REFUNDS TO TAXPAYERS	**SETTLEMENT DATE
AUGUST	54,370.04	216.10	10,428.31	0.00	(1,637.58)	52,948.56	52,948.56	0.00	10.21.2022
SEPTEMBER	58,211.07	(122.83)	9,977.08	0.00	(1,742.65)	56,345.59	56,345.59	0.00	11.22.2022
OCTOBER	47,162.43	635.82	9,953.93	0.00	(1,433.95)	46,364.30	46,364.30	0.00	12.22.2022
NOVEMBER	43,383.57	633.86	10,032.61	0.00	(1,621.50)	52,428.54	52,428.54	0.00	1.23.2023
DECEMBER	41,490.83	1,366.86	10,496.61	0.00	(1,600.63)	51,753.67	51,753.67	0.00	2.22.2023
JANUARY	36,800.15	255.49	9,133.75	0.00	(1,385.68)	44,803.71	44,803.71	0.00	3.22.2023
FEBRUARY	36,404.00	448.26	11,330.12	0.00	(1,445.47)	46,736.91	46,736.91	0.00	4.22.2023
MARCH	38,924.18	160.19	11,331.55	0.00	(1,512.48)	48,903.44	48,903.44	0.00	5.22.2023
APRIL	34,727.77	332.58	12,861.02	0.00	(1,437.64)	46,483.73	46,483.73	0.00	6.22.2023
MAY	46,106.22	384.54	12,625.50	(28.22)	(1,772.64)	57,315.40	57,315.40	0.00	7.19.2023
JUNE	40,687.80	2,026.79	11,917.31	0.00	(1,638.96)	52,992.94	52,992.94	0.00	8.22.2023
JULY	43,411.46	1,300.83	12,191.56	0.00	(1,707.12)	55,196.73	55,196.73	(1.72)	9.22.2023
TOTALS	521,679.52	7,638.49	132,279.35	(28.22)	(18,936.30)	612,273.52	612,273.52	(1.72)	

\* This is the tax month for which the local option sales and use tax was collected by retailers or paid by taxpayers.

\*\*This is the date that payment will be electronically deposited into the bank account.

\*\*\*This is the amount of the payment that will be received after refunds to taxpayers and administrative fees have been deducted.

TOTAL SALES TAX (RESTRICTED FUNDS)

Register: 104.1 - Cash in Bank - SALES TAX REVENUE

Date	Number	Payee	Memo	Payment	Deposit	Balance
9/30/2022			FYE2022 Balance			\$930,940.53
10/21/2022			Aug 2022 Sales Tax Revenues		\$52,948.56	\$983,889.09
10/31/2022			Interest		\$1,008.27	\$984,897.36
11/18/2022			Remaining Oakview Park Expenses	\$210,917.09		\$773,980.27
11/22/2022			Sept 2022 Sales Tax Revenues		\$56,345.59	\$830,325.86
11/30/2022			Interest		\$935.35	\$831,261.21
12/6/2022			Transfer from KENO Acct for Oakview Park Expenses		\$50,000.00	\$881,261.21
12/22/2022			Oct 2022 Sales Tax Revenues		\$46,364.30	\$927,625.51
12/30/2022			Interest		\$911.13	\$928,536.64
1/23/2023			Nov 2022 Sales Tax Revenues		\$52,428.54	\$980,965.18
1/31/2023			Interest		\$1,033.73	\$981,998.91
2/22/2023			Dec 2022 Sales Tax Revenues		\$51,753.67	\$1,033,752.58
2/28/2023			Interest		\$1,138.13	\$1,034,890.71
3/1/2023			Transfer for Comm Center Bond Pmnts (8/21 to 2/23)	\$361,823.06		\$673,067.65
3/22/2023			Jan 2023 Sales Tax Revenues		\$44,803.71	\$717,871.36
3/31/2023			Interest		\$875.88	\$718,747.24
4/21/2023			Feb 2023 Sales Tax Revenues		\$46,736.91	\$765,484.15
4/28/2023			Interest		\$1,111.99	\$766,596.14
5/22/2023			Mar 2023 Sales Tax Revenues		\$48,903.44	\$815,499.58
5/31/2023			Interest		\$1,398.84	\$816,898.42
6/22/2023			Apr 2023 Sales Tax Revenues		\$46,483.73	\$863,382.15
6/30/2023			Interest		\$1,352.11	\$864,734.26
7/22/2023			May 2023 Sales Tax Revenues		\$57,315.40	\$922,049.66
7/31/2023			Interest		\$1,488.38	\$923,538.04
8/22/2023			June 2023 Sales Tax Revenues		\$52,992.94	\$976,530.98
8/31/2023			Interest		\$1,581.81	\$978,112.79
9/22/2023			July 2023 Sales Tax Revenues		\$59,798.12	\$1,037,910.91
9/30/2023			Interest		\$1,564.67	\$1,039,475.58

\$0.00

# Public Work & Parks Department Report

## October 2023

### Public Works

- 811 Locate Tickets
- We got a sneak peek at our new GISARC. Can't wait to get to using it.

### Water & Wastewater

- Meters for new builds.
- Data logged a handful of water meters by request of the residents. Residents were surprised at how much water they used while watering and amazed at the info it shows.
- Changed out meters for a few residents by request.
- Routine sampling
- Water treatment plant has started construction on new skid.
- The wastewater plant is just getting started on head works upgrade and the fence install is complete.
- Johnson Services completed the sewer lining project.

### Electric

- Great Plains has pulled in all the wire and starting the process of hooking things up.
- Schmader Electric has started installing the electricity for Terrace View 5th addition.
- We had another outage Monday October 16<sup>th</sup> that affected residents on east side of cedar and west side of maple from 4th street to 7th street, Schmader got the power restored.
- Due to the faults on A phase Great Plains is going to concentrate on the area from the switch at 3rd & Main to the fuse junction box west of 305 Maple first, this will get the feed back to normal status.
- Repaired a few streetlights and a trail light.
- Removed the light pole, ballard, and electric hookup from the middle of the north parking lot.

### Streets

- Sealed joints on the new concrete repairs.
- Speed advisory signs should be done this week to replace the no salting signs on roundabout.

### Parks

- Mowing and edging along the trail in preparation for Trick or Treat on the Trail.
- Sprinklers up & running, and grass planted on softball field.
- Prep/made flag football and soccer fields at the main park as well as at Shepards of the Hills.

OPEN CODE VIOLATIONS REPORT

**NEW VIOLATIONS**

**Updated October 18, 2023**

Address	Reason	Date Contacted	Person Contacted	Follow Up Date	Result	Notes
Locust Street	feral cats	8/23/2023	rescue organization with Hickman Volunteers	10/18/2023	action complete	The last feral cat in the area of Locust and 3rd Streets was removed. 34 cats were spayed or neutered. About half were tame enough to be adopted into homes and the other half became barn cats.
6880 Hickman Rd	litter	10/17/2023	property owner	11/17/2023	in process	Certified letter sent asking for cleanup of property. Will check on 11/17/23 after noon.
7000 Hickman Rd	litter	10/17/2023	property owner	11/17/2023	in process	Certified letter sent asking for cleanup of property. Will check on 11/17/23 after noon.
Address	Reason	Date Contacted	Person Contacted	Follow Up Date	Result	Notes
Pioneer Ct	dead trees	8/28/2023	property owner	11/15/2023	in process	Phone Complaint. Dead trees and heavy under growth. Property owner contacted a tree service. Verified with tree service a November date for removal and clean up. Will follow up for progress.
W. 6th Street Garrett Place	Mowing	9/2/2023	property owner	9/27/2023	action complete	Mowing completed.
Main St	weeds along alley fence	9/5/2023	property owner	9/27/2023	action complete	Mowing completed.
Brentwood	mowing	9/20/2023	property owner	9/27/2023	action complete	Mowing completed.

27 new single family building permits have been issued to date in 2023 compared to 66 this date 2022; 55 in 2021; 40 in 2020; 27 in 2019.  
 Location: 7 in Baylor Heights. 15 in Terrace View. 3 in Walters Ridge. 2 in Salt Creek Reserve.



# MEETING MINUTES

## CONSTRUCTION PROGRESS MEETING

	Overnight
	Regular Mail
	Hand Delivery
X	Other: Email

<b>NAME OF PROJECT:</b>	Hickman WWTF Improvements
<b>PROJECT LOCATION:</b>	Hickman, NE
<b>MEETING LOCATION:</b>	Hickman City Office, 115 Locust Street, Hickman, NE
<b>DATE &amp; TIME:</b>	Thursday October 19, 2023 - 11:30 AM
<b>PROJECT #:</b>	021-01497

- **Sign-In** See attached.
- **Approval of Previous Meeting Minutes**
  - Preconstruction Meeting Minutes 9/18/2023
- **Shop Drawing Status Report**
  - Submittals Reviewed:
    - A total of 15 have been submitted so far.
  - Submittals Returned for Correction, in the Past Month:
    - None
  - Submittals Approved, in the Past Month:
    - 32 31 13 Fencing
    - 03 20 00 Concrete Reinforcing
    - 22 05 17 Wall Sleeves
    - 31 05 16 Aggregates
    - 31 23 19 Dewatering
    - 40 05 19 Ductile Iron Fittings
    - 40 05 31 C-900 Pipe
    - 40 05 51 Common Requirements for Process Valves
  - Submittals Currently in for Review:
    - 7 Submittals
    - Any critical/short fuse items?
      - Bar screen and compactor coming soon.

- **Contractor's Schedule Status Report**
  - Review of Work Progress since the last meeting:
    - Site layout, limits of construction fencing.
    - Removal and installation of permanent fence.
    - Job trailer and tool containers have been moved on site.
  - Anticipated Progress During Next Work Period
    - Silt fence installation.
    - Final clarifier staking.
    - Piping under clarifier.
    - Clarifier base.
  - Items Which May Impede Planned Progress
    - Pressure relief valves requested in clarifier base slab.
      - Initial supplier discussion indicated 8-10 weeks lead time.
      - Neuvirth to update on lead time once details have been sent. (Details were sent on 10/23/2023.)
  - Other Progress Discussion Items
    - Additional details and plan revisions to be sent. (Sent on 10/23/2023).
      - Sump detail from RFI 002 and change to grout.
      - Piping change based on change in structure RFI 002.
      - Revised piping for RAS inside pump station based on existing utility location.
      - Site piping adjustments.
    - Concrete finish for final clarifier floor, for adhesion of grout, to be scratch finish per Specification Section 033000
    - City to follow up on Right of Way for temporary fencing and manhole along Hickman Road.
- **RFIs, RFPs, CPRs, Change Orders, etc.**
  - Field Orders – This Period
    - Field Order 001 – Trunk Sewer Reroute
  - RFIs – This Period
    - RFI 001- Sewer Reroute
    - RFI 002 – Clarifier Base Structure
    - RFI 003 – Clarifier Influent Piping
    - RFI 004 – Structural Questions
    - RFI 005 – 2-inch Grout Clarifier Floor
    - RFI 006 – Vertical Expansion Joint Headworks and Joints Final Clarifier
    - RFI 007 – Existing MH and Sanitary Sewer Removal
    - RFI 008 – Clarifier Dewatering
    - RFI 009 – Clarifier Operating Level Clarification
    - RFI 010 – Rebar connection bypass structure
  - CPRs
    - CPR 001 – Mow Strip, not proceeding.
  - WCDs
    - No WCDs to date.
  - Change Orders – This Period
    - No Change Orders to date.

- **Pay Applications**
  - No pay application submitted yet.
- **Next Progress Meeting**
  - Proposed Thursday, November 16th, 2023 @ 11:30 AM

**PUBLIC NOTICE**  
**City of Hickman, Nebraska**  
**City Council Meeting**

Notice is hereby given the Hickman City Council will be holding a public hearing on Tuesday, October 24, 2023, during the regular meeting beginning at 7:00 pm at the Hickman Community Center/City Hall  
115 Locust Street, Room 128 Hickman, Nebraska.

The purpose of the hearing is to provide an opportunity for Public Comment on a request from Wizkidz, LLC and Rebecca & Van O'Connor for the annexation of property generally located North of Hickman Road and East of 68th Street, with the legal descriptions as follows:

**Parcel ID: 1527300002000**

Legal Description: S27, T8, R7, 6th Principal Meridian, LOT 3 SW

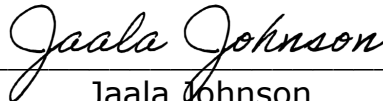
**Parcel ID: 1527321001000**

Site Address: 18610 S 68TH ST, HICKMAN, NE 68372  
Legal Description: WIZKIDZ ADDITION, Lot 1

**Parcel ID: 1527321002000**

Legal Description: WIZKIDZ ADDITION, Lot 2

And to extend the Extraterritorial Jurisdiction (ETJ) upon approval of the annexation of said property, and to amend the Official Zoning Map of the City of Hickman to reflect said changes.



---

Jaala Johnson  
City Clerk

# The Voice News

P.O. Box 148  
Hickman, NE 68372-0148  
402-792-2255

## INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	3029626	DUE DATE	11/11/2023
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<b>BILL TO</b>
City of Hickman ATTN: Clerk 115 Locust Street Hickman, NE 68372

THE STATE OF NEBRASKA } Darren P. Ivy, being duly sworn,  
County of Lancaster } ss. says that he is the publisher of

### VOICE NEWS

**News of Otoe, Johnson, Gage, Cass, Lancaster & Scotts Bluff, Douglas, Sarpy & Saunders Counties,**  
a legal newspaper which is published and is in general circulation in Lancaster, Gage, Johnson, Otoe, Cass, Scotts Bluff, Douglas, Sarpy, and Saunders Counties, Nebraska, and is printed in the English Language weekly at its office in Hickman, Nebraska; that said newspaper has been so published for more than fifty-two successive weeks prior to the publication of the annexed notice, and has a bona fide circulation of more than three hundred copies each issue. That to affiant's personal knowledge, the annexed notice was

#### PUBLIC NOTICE CITY OF HICKMAN, NEBRASKA CITY COUNCIL MEETING

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Legal Description: WIZKIDZ ADDITION, Lot 2

And to extend the Extraterritorial Jurisdiction (ETJ) upon approval of the annexation of said property, and to amend the Official Zoning Map of the City of Hickman to reflect said changes.

Jaala Johnson  
City Clerk

Oct. 12 - 45 lns  
ZNEZ

1	Successive Week(s)
Beginning with the issue of:	10/12/2023
and ending with the issue of:	10/12/2023
Publisher's fee at Legal Rate is:	<b>\$19.65</b>

*Handwritten signature of Darren P. Ivy*

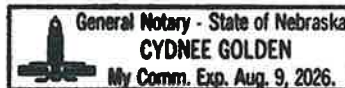
Darren P. Ivy, Publisher

Summary Information	Weekly Cost
Notice of Oct. 24 Public Hearing Annexation - Oct. 12	19.65 0.00

Subscribed and sworn before me, this 12 day of

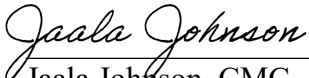
October, 20 23

*Handwritten signature of Cydnee Golden*  
Notary Public



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Hickman, Nebraska proposes to hold a public hearing on October 24, 2023, at 7:00 p.m. Local Time at the Hickman Community Center/City Hall, 115 Locust Street, Room 128 Hickman, Nebraska to consider the adoption of a long-range plan for a one-year and six-year street improvement program for the City of Hickman, Nebraska. Any interested persons are invited to attend this public hearing and to present pertinent information, data or views or to request additional information or background regarding said street improvements plans. The purpose of the hearing is to afford full and complete public knowledge and discussion of said street improvements plans prior to adoption according to law and as provided in Legislative Bill No. 1302 passed by the 1969 Nebraska State Legislature and approved by the Governor.

  
Jaala Johnson, CMC  
City Clerk



October 24, 2023

**ONE AND SIX YEAR  
STREET IMPROVEMENT PLAN  
2024-2029**

**THE CITY OF HICKMAN, NEBRASKA**

In 1970, the State of Nebraska initiated a program developed to provide an integrated system of public roads for the state, counties, and municipalities. The Department of Transportation and each county and municipality develops a long-range Six-Year plan of highway, road and street improvements.

The Six Year plan is required by law to be extended annually and kept on file with the City Clerk.

Along with the Six Year plan, a One Year plan shall be annually prepared and placed on file with the City Clerk for specific highway, road and street improvements for the current year.

These plans must first be approved and adopted by the Governing Body after a public hearing.

The 2024–2029 One and Six Year Street Improvement Plan includes the following and is described in more detail on the following pages.

- A. The One Year Street Improvement Plan for 2024 consists of general maintenance.
- B. The four projects on the Six Year Street Improvement Plan for 2024-2029 consist of approximately fourteen blocks of street paving and the construction of one roundabout. The total estimate for these projects is \$6,686,000. The cost for M-342(56) reflects only the city’s portion of the project.
- C. A location map and a summary of the individual projects and their estimated costs are included in this report.

F:\2020\3001-3500\020-3129\90-Closeout\Reports\Hickman 2024 1&6 Yr Plan\23-10-19\_ONEandSIX.docx



# One and Six Year Plan Summary

City: Hickman

Year: 2024

Plan Year	Project No.	Location	Description	Estimated Cost
One			General Maintenance	

**Cost of One Year Projects \$ -**

Six	M-342(38)	Wagontrain Avenue from Wagontrain Road to 1st Street	Replace existing road with 28' wide, 6" concrete street	\$ 317,000
Six	M-342(54)	Chestnut Street (68th St.) from 7th Street (Hickman Road) to 1st Street	Replace existing road with 3 lane, 9" concrete street. New street will have curb and gutter and a center two way lane left lane.	\$ 2,168,000
Six	M-342(55)	Chestnut Street (68th St.) from the north city corporate limits to 7th Street (Hickman Road) not including the intersection of Woodland Boulevard	Replace existing road with 3 lane, 9" concrete street. New street will have curb and gutter and a center two way lane left lane.	\$ 3,592,000
Six	M-342(56)	Intersection of Chestnut Street (68th St.) and Woodland Boulevard	Replace existing intersection with a new 9" concrete roundabout	\$ 609,000 *

**Cost of Six Year Projects \$ 6,686,000**

**Total For All One Year & Six Year Projects \$ 6,686,000**

**Projects Completed in 2023:**

The City completed general maintenance in 2023.

In 2023 the City completed Project M-342(32) and the Terrace View Developer completed Project M-342(53).

The City received \$329,066.60 in Highway Allocation from 10/1/22 to 9/30/23 and a \$4,000 incentive payment for hiring a Class A Street Superintendent.

The City received \$132,826.12 in Motor Vehicle Sales Tax from the Local Sales Tax option from 10/1/22 to 9/30/22.

\*The cost listed is the City's portion of the project - not the total project cost.

**CITY OF HICKMAN  
RESOLUTION 2023-15**

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF LINCOLN, NEBRASKA,  
on behalf of the Lincoln-Lancaster County Health Department, (“CITY”),  
and the CITY OF HICKMAN, NEBRASKA, having an address of 115 Locust Street, Hickman,  
Nebraska 68372, for the purpose of providing health regulation inspection and enforcement  
within the corporate limits of the City of Hickman and its extra-territorial jurisdiction.**

WHEREAS, the City of Hickman is desirous of contracting with the CITY, through the Lincoln-Lancaster County Health Department, in the interest of:

- Protecting the public’s health and the environment from pollution;
- Providing minimum standards regulating design, construction, installation, maintenance, and operation of individual sewage disposal systems within Lancaster County; and
- Providing investigation of public health nuisance conditions as defined by City of Hickman ordinances;
- Reviewing transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation established in City of Hickman ordinances as applicable; and
- Reviewing newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.

WHEREAS, the CITY is agreeable to rendering such services on the terms and conditions hereinafter set forth; and

WHEREAS, such services shall be provided within the corporate limits of the City of Hickman and its extra-territorial jurisdiction;

WHEREAS, such Interlocal Agreements are authorized and provided for by the provisions of Neb. Rev. Stat. §13-901 et. seq. hereinafter referred to as the Interlocal Cooperation Act; and

WHEREAS, the parties to this Interlocal Agreement enter into this cooperative Interlocal Agreement for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. Each party agrees that it shall remain a distinct and separate entity with its own rights and authorities and that no separate board shall be created to fulfill the obligations of this Interlocal Agreement.

NOW, THEREFORE, it is agreed as follows:

**1. SERVICES**

- i) The City of Hickman and the CITY enter into this Interlocal Agreement for the City of Hickman to:

- (1) Provide to the CITY any and all ordinances and regulations duly adopted by the City of Hickman related to individual sewage disposal systems, water supply systems, solid wastes, nuisances, air quality, open burning, and other health and safety hazards; and
  - (2) Act as the party primarily responsible for enforcement of the City of Hickman's ordinances, rules, and regulations related to the health and safety of the public.
- ii) The City of Hickman and the CITY enter into this Interlocal Agreement for the CITY to:
- (1) Investigate complaints presented by the City Clerk related to public health nuisance conditions, and other health and safety hazards;
  - (2) Generate necessary reports related to the findings of investigations conducted pursuant to this Interlocal Agreement and provide such reports to the City Clerk upon completion of each investigation;
  - (3) Cooperate with the City of Hickman Attorney in any enforcement actions brought by the City of Hickman involving any investigation conducted by the CITY according to the terms of this Interlocal Agreement;
  - (4) Appear as requested as a witness regarding the findings of investigations conducted according to the terms of this Interlocal Agreement.
  - (5) Review and permit all newly built or repaired on-site wastewater treatment systems within the corporate limits of the City of Hickman and its extra-territorial jurisdiction, assuring they meet minimum standards for design, construction, installation, maintenance, and operation as adopted by Ordinance.
  - (6) Review transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation as adopted by Ordinance.
  - (7) Review newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.
  - (8) Review and permit open burning requests to assure they do not create health risks and meet minimum standards as adopted by Ordinance.
  - (9) The CITY retains the right to limit the amount of staff time and other resources it expends to provide services identified in this Interlocal Agreement.
2. **TERM** – The term of this Interlocal Agreement shall commence upon execution and shall continue until completion all obligations of this Interlocal Agreement but in no event longer than ten (10) years after the date of execution by the City.
  3. **TERMINATION FOR CONVENIENCE** – Either party may terminate this Interlocal Agreement for any reason for its own convenience. If either party elects to terminate this Interlocal Agreement prior to its expiration, the terminating party shall provide the other party with sixty (60) days written notice of the termination.
  4. **DUTIES GENERALLY** – Both parties to this Interlocal Agreement agree as follows:
    - i) To timely and professionally complete the services as described for both parties above, and to furnish their labor and pay all their own costs, including any taxes, required to complete their services.

- ii) To furnish everything reasonably necessary to complete the services unless specifically provided otherwise in this Interlocal Agreement.
- iii) To apply for and obtain any and all necessary permits, certifications, licenses, variances, and approvals required by any applicable law or regulations that relate to the services.
- iv) To conduct all activities related to the services in a lawful manner.
- v) To provide and perform all necessary labor in a professional and workmanlike manner and in accordance with the provisions of this Interlocal Agreement.

5. **INDEPENDENT ENTITIES** – CITY has sole and exclusive charge and control of the manner and means of performance of the tasks required of it by this Interlocal Agreement. The CITY shall perform as an independent contractor, and it is expressly understood that neither the CITY nor any of its staff are employees of the City of Hickman and, thus they are not entitled to any City of Hickman benefits including, but not limited to, overtime, retirement benefits, workers' compensation insurance, sick leave, or injury leave. The CITY shall be responsible for maintaining workers' compensation insurance, unemployment insurance for its employees, and for all federal, state, local, and any other payroll taxes with respect to the CITY or its employees' compensation.

6. **INSURANCE**

- i) The City of Hickman shall maintain General Liability Insurance at its own expense during the life of this Interlocal Agreement, naming and protecting the City of Hickman and the City of Lincoln, its officials, employees, and volunteers as insured, against claims for damages resulting from (1) all acts or omissions, (2) bodily injury, including wrongful death, (3) personal injury liability, and (d) property damage which may arise from operations under this Interlocal Agreement whether such operations are by the City of Hickman and its employees, or those directly or indirectly employed by the City of Hickman. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:
  - (1) All Acts or Omissions - \$1,000,000 each Occurrence; \$2,000,000 Aggregate; and
  - (2) Bodily Injury/Property Damage - \$1,000,000 each Occurrence; \$2,000,000 Aggregate; and
  - (3) Personal Injury Damage - \$1,000,000 each Occurrence; and
  - (4) Contractual Liability - \$1,000,000 each Occurrence; and
  - (5) Products Liability and Complete Operations - \$1,000,000 each Occurrence; and
  - (6) Medical Expenses (any one person) - \$10,000.
- ii) The following shall be provided and attached to this Interlocal Agreement by the City of Hickman:
  - (1) A Certificate of Insurance for its General Liability Insurance. The City of Lincoln shall be specifically named as an additional insurance on the General Liability Insurance Policy. The City of Hickman may present evidence of equivalent self-insurance in place of a certificate of insurance for General Liability Insurance. The City of Lincoln shall be treated as an additional insured as if the City of Hickman possessed General Liability Insurance.
  - (2) Proof of Workers' Compensation Insurance, where appropriate.
- iii) The City of Hickman is required to provide the CITY with thirty (30) days notice of cancellation, non-renewal, or any material reduction in insurance as required by this

Interlocal Agreement. Further any General Liability Insurance Policy maintained in order to comply with this Interlocal Agreement shall specifically provide that the company from whom the policy is purchased will also provide the City of Lincoln thirty (30) days notice of cancellation, non-renewal, or any material reduction in insurance on the part of the City of Hickman.

iv) If the City of Hickman obtains General Liability Insurance during the term of this Interlocal Agreement, it shall add the City of Lincoln as an additional insured and provide a copy of the Certificate of Insurance and specific endorsement on the policy naming the City of Lincoln as an additional insured.

7. **INDEMNIFICATION** – To the fullest extent permitted by law, the City of Hickman shall indemnify, defend, and hold harmless the City of Lincoln, its officers, agents, and employees from and against claims, damages, losses, and expenses, including but not limited to attorney’s fees, arising out of or resulting from performance of this Interlocal Agreement, that results in any claim for damage whatsoever, including without limitation, any bodily injury, sickness, disease, death, or any injury to or destruction of tangible or intangible property, including any loss of use resulting therefrom that is caused in whole or in part by the intentional or negligent act or omission of the City of Hickman or anyone for whose acts any of them may be liable. This section will not require the City of Hickman to indemnify or hold harmless the City of Lincoln for any losses, damages, claims, and expenses arising out of or resulting from the sole negligence of the City of Lincoln. The City of Lincoln does not waive its governmental immunity by entering into this Interlocal Agreement and fully retains all immunities and defenses provided by law. This section survives termination of this Interlocal Agreement.
8. **AUDIT PROVISION** – The City of Hickman shall be subject to audit pursuant to Chapter 4.66 of the Lincoln Municipal Code and shall make available to a contract auditor, as defined therein, copies of all financial and performance records and materials germane to this Interlocal Agreement, as allowed by law.
9. **FAIR EMPLOYMENT** – The City of Hickman shall not discriminate against any employee (or applicant for employment) with respect to compensation, terms, advancement potential, conditions, or privileges of employment, because of such person’s race, color, religion, sex, disability, national origin ancestry, age, or marital status pursuant to the requirements of Lincoln Municipal Code Chapter 11.08 and Neb. Rev. Stat. §48-1122, as amended.
10. **FAIR LABOR STANDARDS** – The City of Hickman shall maintain Fair Labor Standards in the performance of this Interlocal Agreement, as required by Chapter 73, Nebraska Revised Statutes, as amended.
11. **NEBRASKA LAW** – This Interlocal Agreement shall be governed and interpreted by the Laws of the State of Nebraska without reference to the principles of conflicts of law.
12. **INTEGRATION, AMENDMENTS, ASSIGNMENT** – This Interlocal Agreement represents the entire Interlocal Agreement between the parties and all prior negotiations and representations are hereby expressly excluded from this Interlocal Agreement. This Interlocal Agreement may be amended only by written Interlocal Agreement of both parties. This Interlocal Agreement may not be assigned without the prior written consent of the other party.

13. **NEW EMPLOYEE VERIFICATION** - In accordance with Neb. Rev. Stat. 4-108 through 4-114, the City of Hickman agrees to register with and use a federal immigration verification system, to determine the work eligibility status of new employees performing services within the state of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324 a, otherwise known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986. City of Hickman shall not discriminate against any employee or applicant for employment to be employed in the performance of this section pursuant to the requirements of state law and 8 U.S.C.A. 1324b. The City of Hickman may require any subcontractor to comply with the provisions of this section. For information on the E-Verify Program, go to [www.uscis.gov/everify](http://www.uscis.gov/everify).
14. **SEVERABILITY & SAVINGS CLAUSE** – Each section and each subdivision of a section of this Interlocal Agreement is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the acceptance of this Interlocal Agreement and invalidity of any section or subdivision of a section of this Interlocal Agreement shall not invalidate any other section or subdivision of a section thereof.
15. **CAPACITY** – The undersigned persons representing the City of Hickman and the City of Lincoln do hereby agree and represent that he or she is legally capable and authorized to sign this Interlocal Agreement and to lawfully bind the City of Hickman or the City of Lincoln to this Interlocal Agreement.

IN WITNESS WHEREOF, the City of Hickman and the City of Lincoln do hereby execute this Interlocal Agreement.

---

Phil Goering  
 Mayor of Hickman  
 115 Locust Street  
 Hickman, Ne 68372

---

Leirion Gaylor Baird  
 Mayor of Lincoln  
 555 South 10<sup>th</sup> Street  
 Lincoln, Nebraska 68508

---

Date of Execution

---

Date of Execution

## Kelly Oelke

---

**From:** Kelly R. Hoffschneider <kelly@hoffschneiderlaw.com>  
**Sent:** Friday, September 22, 2023 12:45 PM  
**To:** Kelly Oelke  
**Cc:** Carrie Woodbury; Connor Madsen  
**Subject:** City of Hickman/Lincoln-Lancaster County Health Department Interlocal Agreement

Dear City of Hickman City Council Members:

You have asked for my review of the proposed updated Interlocal Agreement (“Agreement”) with the Lincoln-Lancaster County Health Department.

I have reviewed and I do not interpret the Agreement to be so broad and expansive to allow for a mandate of a pandemic-like health measure universally throughout the City of Hickman (“City”) and its extra-territorial jurisdiction (ETJ). The City went through the COVID-19 pandemic without the previous version of this Agreement causing any interference to my knowledge. This Agreement is limited to the Services identified in Paragraph 1. If, in the future, the City disapproves of the Lincoln-Lancaster County Health Department’s actions in connection with the Agreement, the City may choose to terminate the Agreement for any reason for its own convenience upon 60 days written notice. See Paragraph 3.

Also, the City continues to have in place a Board of Health whose duty is to enact rules and regulations to safeguard the health of the residents of the City. Furthermore, it is the duty of the Board to work closely with the County in protecting the health and welfare of the residents of the City. Finally, I have reviewed and have no concerns with the Fair Employment, Fair Labor Standards, and New Employment Verification provisions as I’m confident the City is already abiding by these requirements. I approve of their inclusion so as to not potentially jeopardize any future governmental funding of projects relating to this Agreement that might mandate inclusion of these provisions.

Should you have any questions concerning this review, please let me know.

Kelly

Kelly R. Hoffschneider, Attorney  
1120 K Street, Suite 200  
Lincoln, NE 68508  
402.261.7677 (Lincoln)  
402.643.4581 (Seward)  
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LINCOLN-LANCASTER COUNTY  
HEALTH DEPARTMENT  
3131 "D" Street Lincoln, NE 68510-1514  
402-441-8000 fax: 402-441-6229



October 24, 2023

City of Hickman City Council  
115 Locust Street  
Hickman, NE 68372

RE: Interlocal Agreement

Dear City of Hickman City Council,

The attached draft interlocal agreement is focused on providing services to the City of Hickman relating to environmental public health. This draft interlocal agreement is solely for the renewal of the existing interlocal agreement, which has been in place for approximately ten years. While much has changed in the past decade, the existing interlocal agreement has functioned as intended, providing benefits to the City of Hickman. The agreement states that the City of Hickman will act as the party primarily responsible for enforcement of the City of Hickman's ordinances, rules, and regulations related to the health and safety of the public. As the draft interlocal stands, the purpose of the agreement is for the Lincoln-Lancaster County Health Department (LLCHD) to provide environmental public health services for the City of Hickman and its extra-territorial jurisdiction, in the form of:

- (1) Investigating complaints presented by the city clerk related to public health nuisance conditions, and other health and safety hazards;
- (2) Generating necessary reports related to the findings of investigations conducted pursuant to this Interlocal Agreement and provide such reports to the city clerk upon completion of each investigation;
- (3) Cooperating with the City of Hickman Attorney in any enforcement actions brought by the City involving any investigation conducted by the City according to the terms of this Interlocal Agreement;
- (4) Appearing as requested as a witness regarding the findings of investigations conducted according to the terms of this Interlocal Agreement.
- (5) Reviewing and permitting all newly built or repaired on-site wastewater treatment systems within the corporate limits and extra-territorial jurisdiction of the City of Hickman, assuring they meet minimum standards for design, construction, installation, maintenance, and operation as adopted by ordinance.
- (6) Reviewing transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation as adopted by ordinance.




- (7) Reviewing newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.
- (8) Reviewing and permit open burning requests to assure they do not create health risks and meet minimum standards as adopted by ordinance.

The aforementioned services are provided at the request of the City of Hickman to protect and promote the public's health while ensuring local and state requirements are met. The advantages of this agreement include no-cost access to LLCHD environmental health specialists possessing a wide array of credentials, certifications, and substantial experience. Furthermore, the agreement incorporates a termination for convenience clause, affording either party the ability to terminate the agreement at any time, subject to written notification.

A request to include language expressly affirming the City of Lincoln/Lancaster County authorities shall refrain from intervening or attempting to override any decisions made by the Hickman Board of Health or City Council in potential future pandemic situations is deemed to fall outside the purview of this agreement's intended scope and cannot be incorporated.

Sincerely,

  
Patricia D. Lopez, RN MSN  
Health Director

Attachment

PDL/gkr  
EPH/Interlocal.letter.hickman.102423

**ORDINANCE NO. 2023-12**

AN ORDINANCE TO ADOPT THE STANDARDS AND REGULATIONS OF LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT REGARDING ON-SITE WASTEWATER TREATMENT SYSTEMS, SOLID WASTE, INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER OR CONVEYANCE OF PROPERTY, AND AIR POLLUTION CONTROL, IN ORDER TO MEET THE REQUIREMENTS FOR AN INTERLOCAL AGREEMENT WITH THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE PURPOSE OF PROVIDING HEALTH REGULATION INSPECTION AND ENFORCEMENT WITHIN THE CORPORATE LIMITS AND EXTRA-TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF HICKMAN, NEBRASKA, WHICH AGREEMENT IS TO BE APPROVED AND ADOPTED, AND TO PROVIDE THE EFFECTIVE DATE HEREOF, AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HICKMAN, NEBRASKA;

**Section 1.** Except as provided by specific amendment, the standards and regulations set forth in Lancaster County Onsite Wastewater Treatment System Resolution R-15-004, as amended by R-22-014, as amended by R-22-086 (Exhibit A); Lancaster County Solid Waste Resolution R-87-4308 (Exhibit B); Lancaster County Property Transfer Resolution R-13-064, as amended by R-22-013, as amended by R-22-084 (Exhibit C); and Lancaster County Air Pollution Control Resolution R-13-073, as amended by R-22-0085 (Exhibit D); copies of which are attached hereto and incorporated herein by this reference, and as amended from time to time, are hereby adopted by reference and incorporated into the City of Hickman ordinances and municipal code.

**Section 2.** The Interlocal Agreement (Hickman RES2023-15) between the City of Lincoln, Nebraska, on behalf of the Lincoln-Lancaster County Health Department, ("City"), and the City of Hickman, Nebraska, for the purpose of providing health regulation inspection and enforcement within the corporate limits and extra-territorial jurisdiction of the City of Hickman, drafted September 12, 2023, as amended, is hereby approved and adopted by the City of Hickman, a copy of which is attached hereto (Exhibit E) and incorporated herein by this reference.

**Section 3.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting in pamphlet form as required by law.

Passed and approved this 24th day of October, 2023.

---

Phil Goering, Mayor, City of Hickman

ATTEST:

---

Jaala Johnson, CMC, City Clerk

(SEAL)

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING VARIOUS	)	
SECTIONS OF COUNTY RESOLUTION NO.	)	
R-13-0062 , PROCEDURES FOR THE	)	RESOLUTION NO. <b>R - 15 - 0004</b>
REGULATION OF ON-SITE WASTEWATER	)	
TREATMENT SYSTEMS IN LANCASTER	)	
COUNTY, AS PROVIDED IN ATTACHMENT	)	
“A,” AND RESCINDING COUNTY	)	
RESOLUTION NO. R-02-31	)	

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted procedures for the regulation of on-site wastewater treatment systems in Lancaster County on April 2, 2002, under County Resolution No. 02-31 and on October 15, 2013, under County Resolution No. R-13-0062; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended various amendments to the procedures for regulating on-site wastewater treatment permits, as provided in Attachment “A,” attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended rescinding County Resolution R-02-31, Design Standards for the Regulation of Onsite Wastewater Treatment Systems in Lancaster County, as Attachment “A,” incorporates the Nebraska Department of Environmental Quality (NDEQ) Title 124 – Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems; and

WHEREAS, on January 13, 2015, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to County Resolution No. R-13-0062, Regulating On-Site Wastewater Treatment Systems, as provided in Attachment “A”; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-13-0062, Regulating On-Site Wastewater Treatment Systems, as provided in Attachment “A,” are hereby adopted, and shall become effective January 13, 2015.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lancaster County that County Resolution No. R-02-31, Design Standards for the Regulation of Onsite Wastewater Treatment Systems in Lancaster County is hereby rescinded.

BE IT FURTHER RESOLVED that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 13 day of January, 2015, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

Todd Watkins  
[Signature]  
[Signature]  
Bill Aleny  
**Hudkins Absent**

APPROVED AS TO FORM  
this 13 day of  
January, 2015.

[Signature]  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

## **REGULATING ON-SITE WASTEWATER TREATMENT SYSTEMS**

The procedures outline herein define and regulate on-site wastewater treatment systems within the unincorporated areas in Lancaster County outside of the incorporated cities and villages and their jurisdictional areas, requiring maintenance and operation of individual sewage disposal systems; authorizing the issuance of permits and certificates; and to repeal any previous resolution or section thereof in conflict herewith; providing for penalties for violations and declaring an emergency.

### **Section I. PURPOSE**

The Board of County Commissioners finds that properly planned, constructed, installed, operated and maintained on-site wastewater treatment systems:

- A. Promote the health and welfare of the citizens of Lancaster County by preventing the pollution of ground and surface water;
- B. Prevent nuisance;
- C. Eliminate hazards to the public health by minimizing pollution of water supplies and hazards to recreational areas; and
- D. Minimize disease transmission potential.

It is, therefore, declared to be the public policy of Lancaster County to eliminate and prevent health and safety hazards by regulating the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems, requiring registration of those who clean systems and dispose of wastes therefrom; and providing penalties for violations

### **Section II. DEFINITIONS**

**CERTIFIED PROFESSIONAL** shall mean a private onsite wastewater treatment system professional certified under the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act to perform the tasks defined in Nebraska Title 124, Chapter 20, for which the certification has been issued.

**CHEMICAL TOILET** shall mean a portable structure containing toilet facilities which discharge into a holding tank containing bactericidal liquid.

**CLEANER** shall mean a person who removes and transports for disposal the contents, including sludge and septage, from on-site wastewater treatment systems, wastewater lagoons, or wastewater works as defined hereinafter or who hauls special or industrial wastes of a liquid nature or of a nature that it can be pumped.

**COMMUNITY SEWAGE SYSTEM** shall mean a wastewater works.

**COUNTY** shall mean the County of Lancaster, Nebraska

**DEPARTMENT** shall mean the Lincoln-Lancaster County Health Department ~~hereinafter referred to as LLCHD.~~

**DEVELOPMENT AREA** shall mean an area of land subdivided into lots where an on-site wastewater treatment system will be used. Such subdivision shall include the dividing of an area of land into smaller areas to be sold, transferred, leased, rented, or allowed to be used for the purpose of constructing or locating a dwelling, ~~establishment, or other development feature~~ or non-dwelling facility that generates wastewater.

**DOMESTIC WASTEWATER** ~~or DOMESTIC WASTEWATER~~ shall mean human body waste and household type wastes including bath and toilet wastes, laundry wastes, kitchen wastes, and other similar wastes from a dwellings and establishments, or a non-dwelling facility. Domestic Waste or wastewater does not include drainage from roofs; footing or foundation drains; process waste from any industrial, agricultural, or commercial establishment; automotive or industrial chemicals or petroleum products; kitchen waste or wastewater from a restaurant or food preparation facility; water carrying animal waste or commercial process water or wastewater; or similar waste.

**GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in rock or soil materials such that they may be considered saturated.

**HEALTH DIRECTOR** shall mean the Director of Health of the Lincoln-Lancaster County Health Department or his or her authorized representative.

**INDUSTRIAL WASTES** shall mean wastewater not otherwise defined as domestic wastewater, including the runoff and leachate from areas that received pollutants associated with industrial or commercial storage, handling or processing.

**INSPECTOR** ~~shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Inspector Specialist and is validly registered as an Inspector, pursuant to Section IX.~~

**JOURNEYMAN INSTALLER** ~~shall mean any person who is a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Journeyman Installer and is validly registered as a Journeyman Installer, pursuant to Section IX and who is employed by and works under the general supervision of a Master Installer.~~

**LAYOUT SPECIALIST** ~~shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Layout Specialist and is validly registered as a Layout Specialist, pursuant to Section IX.~~

**LOT** shall have the same definition of the term "lot, buildable" as set forth in the "Revised Zoning Resolution of Lancaster County Article 2 Definitions Section 231."

~~**MASTER INSTALLER** shall mean any person who is a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Master Installer and is validly registered as a Master Installer, pursuant to Section IX.~~

**NON-STANDARD ON-SITE WASTEWATER TREATMENT SYSTEM** shall mean a system which does not meet the requirements of design standards adopted pursuant to this chapter or generates over 1,000 gallons per day.

~~**ON-SITE WASTEWATER TREATMENT SYSTEM** shall mean any system of piping, treatment devices, or other appurtenances that convey, store, treat, or dispose of domestic or non-domestic wastewater, but not including wastewater from a livestock waste control facility, on the property where it originates, or on nearby property under the control of the user, where the system is not connected to a wastewater works, public sewer system. All systems are limited to a maximum size of 1000 gallons per day to be considered an on-site wastewater treatment system. An onsite wastewater treatment system begins at the end of the building drain. A system using a lagoon is limited to a maximum design flow of 1,000 gallons per day to be considered an onsite wastewater treatment system. The word "onsite" used in this resolution is equivalent to the word "on-site".~~

**PERSON** shall mean an individual, firm, partnership, company, corporation, trustee, association, organization, or other public or private entity.

**PRIVY OR EARTH PIT PRIVY** shall mean a device or structure for the disposal of human excreta in a pit in the earth; the pit is covered by a structure affording privacy and shelter and containing a riser and seat.

~~**PROFESSIONAL ENGINEER** shall mean a person licensed by the State of Nebraska as a Professional Engineer.~~

~~**REGISTERED ENVIRONMENTAL HEALTH SPECIALIST** shall mean a person who has the educational requirements and experience in the field of environmental sanitation required by Nebraska Revised Statutes 71-3703 and is registered with the Nebraska Board of Registration for Environmental Health Specialists in accordance with Nebraska Revised Statutes 71-3702 through 71-3715.~~

**REPAIR** shall mean the correction of a mechanical, electrical, or minor structural defect in an existing onsite wastewater system component such as, but not limited to, sealing a crack in a tank lid, repairing or replacing a tank baffle or access manhole riser, repairing or replacing a pump or electrical switch, leveling a distribution box, replacing a building sewer pipe, or replacing a cracked pipe between the septic tank and soil absorption system. Repair does not include replacement, reconstruction or modification of a tank or soil absorption system; extension or enlargement of a soil absorption component and system; replacement of a distribution pipe; or repair or replacement of a metal or concrete block tank.

**SEPTAGE** shall mean those solids and liquids removed during periodic cleaning of a septic tank.

~~**SEPTIC TANK** shall mean a watertight covered receptacle designed and constructed to receive wastewater from a building sewer, separate solids from liquids, digest organic matter, store digested solids through a period of detention, and allow the clarified liquid to discharge to a soil absorption system or other approved system.~~

~~**SITE EVALUATOR** shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Site Evaluator Specialist and is validly registered as a Site Evaluator, pursuant to Section IX.~~

~~**SOIL EVALUATOR** shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Soil Evaluator Specialist and is validly registered as a Soil Evaluator, pursuant to Section IX.~~

**SLUDGE** shall mean the accumulated settled solids deposited from wastewater and containing water to form a semi-liquid mass.

**STANDARD ON-SITE WASTEWATER TREATMENT SYSTEM** shall mean a system which meets the requirements of this resolution and ~~design standards~~ and regulations adopted pursuant to this resolution.

**TANK** shall mean a watertight structure or container used to hold wastewater for such purposes as aeration, dilution, disinfection, equalization, mixing, sedimentation, storage, collection for transport, treatment, or addition of chemicals.

**THREE-MILE ZONE** shall mean that area within three miles of the corporate limits of the City of Lincoln.

**WASTEWATER LAGOON** shall mean a shallow body of water in which organic wastes are decomposed by bacteria in the presence of free oxygen and which meets the requirements of this resolution and standards and regulations adopted pursuant to this resolution.

**WASTEWATER WORKS** shall mean facilities for collecting, transporting, pumping and treating wastewater and the disposal of treated effluent and sludges.

**WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, water courses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

### **Section III. REQUIREMENTS FOR ON-SITE WASTEWATER TREATMENT SYSTEMS.**

Minimum requirements are hereby prescribed in this resolution together with ~~design~~ standards and regulations adopted pursuant to this resolution governing the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems. All standards

and regulations for the design, operation and maintenance of on-site wastewater treatment systems referred to herein shall be adopted and amended by the County Board by resolution, filed with the County Clerk. Except as hereinafter provided by specific amendment, the standards and regulations set forth in Neb. Rev. Stat. §§ 81-1505(8), and Nebraska Department of Environmental Quality, Title 124 Rules and Regulations For The Design, Operation and Maintenance of Onsite Wastewater Treatment Systems chapter 1, chapters 5 through 19, and chapter 20 sections 001 to 006, as amended from time to time, are hereby adopted by reference and incorporated into this resolution. No person shall construct an on-site wastewater treatment system on a property which is less than three (3) acres in size. No person shall construct, alter, extend, operate, or clean any on-site wastewater treatment system within the County of Lancaster contrary to the provisions of this resolution or design standards adopted pursuant to this resolution; no privies shall be constructed or installed for use after the effective date of the ordinance codified in this resolution. Any on-site wastewater treatment system that does not conform to the requirements of this resolution and design standards adopted pursuant to this resolution shall be designed by a Registered Master Installer or Professional Engineer (P.E.) licensed in the State of Nebraska as defined by the Title 124 of the Nebraska Administrative Code.

#### **Section IV. ON-SITE WASTEWATER TREATMENT SYSTEMS; CONSTRUCTION PERMIT; ALTERATION PERMIT.**

No person shall construct a new on-site wastewater treatment system or cause the same to be done without an on-site wastewater treatment system construction permit issued by the Health Director, ~~to the owner or lessee of the lot on which the work is to be done, and on the condition that he be responsible for all of the labor in connection with the job.~~ No person shall resize or alter the dike of a lagoon, replace tanks, soil absorption, infiltrative or evaporative systems, or extend the laterals to an existing system or cause the same to be done without an on-site wastewater treatment system alteration repair permit issued by the Health Director, ~~to the owner or lessee of the lot property on which the work is to be done.~~ ~~A repair permit is not needed to repair existing structural components, including distribution boxes, mechanical devices, pumps, blowers and electrical equipment.~~ An alteration permit shall not be required for a repair as defined in this resolution.

- A. Application for a permit to construct or alter repair an on-site wastewater treatment system shall be submitted to the Health Director on forms furnished by the Health Director and shall include information as required by Section 4 of the Design Standards, information specified in the application form, and any other necessary information to determine whether the construction, alteration, or extension will conform to the provisions of this resolution and the design standards adopted pursuant to this resolution. The application shall include evidence to demonstrate to the satisfaction of the Health Director that there is no community sewer (wastewater works) or other part of the community sewage system within 300 feet of such building or premises into which the sewage can be discharged.
- B. When, upon review of the application, the Health Director determines that the proposed design meets the requirements of this chapter and all applicable fees have been paid, a written construction or alteration repair permit shall be issued.

- C. The on-site wastewater treatment system must be constructed according to the Health Director approved design.
- D. When, upon review of the application, the Health Director determines the proposed design does not meet the requirements of this resolution, or soil or geological conditions are such as to preclude safe and proper operation of the desired installation or installations, a construction or alteration repair permit shall be denied.
- E. A construction or alteration repair permit shall be valid for one year after the date of issuance. A construction or alteration repair permit can be extended for a period of six months with the payment of applicable fees.

**Section V. REQUIREMENTS FOR CERTIFICATION TO CONSTRUCT ON-SITE WASTEWATER TREATMENT SYSTEM.**

~~After October 1, 2002, it shall be unlawful for any person other than a registered Master Installer or a registered Journeyman Installer to construct any on-site wastewater treatment system or similar waste treatment, holding, or disposal facility; or replace tanks, soil absorption, infiltrative or evaporative systems; to cause the same to be done. No such work shall be performed unless a registered Master Installer or Journeyman Installer is present on-site. No person other than a Certified Professional or a person under their direct supervision who holds a valid registration certificate issued by the Health Director may engage in the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, closure or otherwise changing of an onsite wastewater treatment system~~

**Section VI. RESERVED**

**Section VII. REGISTRATION OF CERTIFIED PROFESSIONALS; APPLICATION.**

~~After October 1, 2002, Application for a certificate of registration of a Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator Certified Professional shall be made to the Health Director on forms furnished by the Health Director for such purpose. Such forms shall require the name, address, business address, daytime phone number of the applicant, which certificate of registration the applicant is applying for, and such other relevant information as may be required by the Health Director. The applicant shall complete the required forms.~~

**Section VIII. REGISTRATION OF CERTIFIED PROFESSIONALS; REQUIREMENTS.**

- A. Before a registration certificate shall be issued, the applicant, ~~after October 1, 2002,~~ shall be required to satisfactorily complete a training and testing program approved by the Health Director to determine their qualifications and fitness for executing the work ~~necessary for to be performed by a Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator. Certified Professional.~~ The Health Director shall issue a registration certificate if:
  - 1. The applicant has properly completed the required application forms;

2. The registration fee has been paid pursuant to Section XIII;
  3. The training and testing program has been satisfactorily completed;
  4. The applicant agrees to update all pertinent registration data as it changes, including applicant's address, business address, daytime phone number, and such other information as the Health Director requires.
- B. Once issued, said registration certificate shall ~~remain in force~~ be valid for two years from its date of issue, except that the certificate may be revoked as provided for in Section IX.

**Section IX. CERTIFICATION OF REGISTRATION; REVOCATION.**

- A. The Health Director, after conducting a hearing as herein provided, shall have the power to revoke the certificate of registration of a ~~Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator~~ Certified Professional registered pursuant to this title if the same was obtained by error or fraud, or if the holder thereof is shown to be no longer qualified, or if such holder fails to comply with the provisions of law.
- B. Where the Health Director has reason to believe a revocation of a ~~registered~~ Certified Professional's ~~Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator~~ certificate of registration is warranted, the Health Director may serve written notice as follows:
1. By personal service to the ~~registrant installer~~ Certified Professional, or
  2. By certified mail, postage prepaid, return receipt requested to the ~~registrant's~~ Certified Professional's last known business address.
- C. The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date and manner of service as proof of service.
- D. The notice shall set forth a time, place and date for said hearing before the Health Director and shall identify the facts alleged to constitute revocation of the certificate of registration.
- E. The Health Director shall conduct hearings within ten days of the date of notice.
- F. The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.
- G. The hearing need not be conducted according to the technical rules of evidence relating to evidence and witnesses. At such hearing, the Health Director and all parties concerned may:
1. Call and examine witnesses on any matter relevant to the issues of the hearing;
  2. Introduce documentary and physical evidence;

3. Cross-examine opposing witnesses on any matters relevant to the issues of the hearing; and
4. Rebut evidence.

The Health Director shall, within ten days after the hearing, render a final written decision, setting forth his or her findings and conclusions. If a certificate is revoked, holder of the same shall not apply for a new registration until one year after the date of such revocation. Decisions of the Health Director are final and may be appealed to the District Court as provided by state law.

### **Section X. INSPECTIONS.**

It shall be the duty of the ~~holder of a permit issued pursuant to Section IV Certified Professional~~ acting as a representative of the property owner to notify the Health Director when the installation is ready for inspection. The Health Director may make inspections during construction to determine compliance with this resolution. No part of any installation shall be covered until inspected or given final written approval by the Health Director. If any part of an installation has been covered prior to final approval, the Health Director may order it uncovered or require probing, excavation, or any other reasonable action necessary to assure the system meets the requirements of this resolution. Final written approval of the system as constructed, ~~or altered, or repaired~~ shall not be given until all pertinent data required has been submitted

### **Section XI. RESERVED ANNUAL OPERATING PERMIT FOR NON-STANDARD ON-SITE WASTEWATER SYSTEM.**

~~No person shall operate or utilize a non-standard on-site wastewater system without first obtaining an operating permit for each non-standard on-site wastewater treatment system. Applications for the operating permit shall be submitted to the Health Director on forms furnished by the Health Director and shall include a signed written assurance from the owner that the system is in proper operating condition, and shall be accompanied with payment of the annual operating fee. Upon receipt and review of applications submitted in the proper form and with all pertinent information as determined by the Health Director, and payment of the fee, the Health Director shall cause an operating permit to be issued to the applicant.~~

### **Section XII. CLEANER'S AND LIQUID WASTE HAULER'S PERMIT.**

No person shall engage in the business or the act of cleaning on-site wastewater treatment systems or similar waste facilities and community sewage systems, or hauling and disposing of the waste therefrom without a permit issued by the Health Director as provided below. In addition, no person shall engage in the business or the act of hauling or disposing of any liquid waste or waste of a nature that it can be pumped, including industrial wastes and wastewater, industrial wastewater, or special waste without a permit issued by the Health Director. Any permit issued pursuant to this section shall not be transferable, shall be issued on an annual basis (all such permits expire on May 31 of each year) and shall remain in force upon payment of the annual fee so long as the registrant complies with the applicable requirements of this resolution. Any person may file an application for a permit under this section with the Health Director in writing upon forms provided for that purpose by the County. The Health Director shall issue such permit upon the completion and filing of such forms at the Health Department and upon

compliance by the applicant with the terms and conditions of this section and any other applicable law. Failure of the registrant to comply with all the applicable requirements of this resolution shall be sufficient grounds for revocation or denial of such permit by the Health Director. No permit shall be granted to any such applicant until such applicant shall execute and file with the County Clerk a bond in the sum of \$500.00 with one or more sufficient sureties thereon to be approved by the County Attorney, which bond indemnifies and saves harmless the county from any damage or injury due to any act of such applicant. At all times the permittee shall act in accordance with the following requirements:

- A. The name, address and permit number of the permittee shall be legibly lettered with not less than three-inch high letters on the cab doors on both sides of each vehicle used for permitted purposes.
- B. Every vehicle used in conjunction with the activities for which a permit has been issued shall be suitably equipped for the safe transport and disposal of the applicable waste. Tank trucks or vehicles shall be equipped with a completely enclosed watertight tank or body and be maintained in a clean, well-painted, and sanitary condition and stored, when not in use, in a building provided for that purpose. Sewage wastes shall not be transported in an open-body vehicle. All tanks on vehicles shall be cleaned immediately following each use.
- C. All tanks, pumps, hose lines, containers, and other appurtenances shall be maintained and secured at all times so as to prevent rupture, damage, or leakage.
- D. The permittee shall obtain approval from the Health Director for every site at which the permittee plans to dispose of the waste material collected. Such approval may be in the form of a valid special waste permit. Waste material collected by the permittee shall not be discharged into ditches, watercourses, lakes, ponds, or at any point where it can pollute any water supply, recreation area, or where it may create a nuisance or health hazard.

Any person authorized by Lancaster County to engage in activities otherwise requiring a permit under this section shall not be required to obtain a separate permit.

**Section XIII. FEES.**

**SCHEDULE OF COSTS FOR SEPTEMBER 1, 2014 TO AUGUST 31, 2015**

The following fees for permits are required:

- A. On-site wastewater treatment system construction permit fee
 

Standard System .....	\$375.00
<del>Non-standard System .....</del>	<del>\$540.00</del>
- B. On-site wastewater treatment system ~~repair~~ alteration permit fee ..... \$205.00
- C. Cleaner’s permit (annual) ..... \$420.00
 

This permit is issued on an annual basis, expires on May 31 of each year, and is renewable on payment of the annual fee and demonstrated compliance with the requirements of this resolution.
- D. Any person who secures a registration certificate pursuant to this resolution, including the following:

Certified Professional .....	\$35.00
<del>1. Master Installer</del>	
<del>2. Journeyman Installer</del>	
<del>3. Inspector</del>	
<del>4. Soil Evaluator</del>	
<del>5. Multiple category</del>	
E. Permit Extension Fee.....	\$110.00
F. Variance Fee.....	\$205.00
G. Reinstatement Fee .....	\$205.00
H. Development area review fees	
A base fee and a per lot fee shall be paid for Health Director review of any development area as follows:	
Base Fee .....	\$375.00
Per Lot Fee .....	\$30.00
Maximum combined base fee and per lot fee.....	\$1,270.00
I. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund. <del>No fees will be refunded</del>	

**SCHEDULE OF COSTS FOR SEPTEMBER 1, 2015 TO AUGUST 31, 2016**

The following fees for permits are required:

A. On-site wastewater treatment system construction permit fee	
Standard System .....	\$385.00
B. On-site wastewater treatment system repair permit fee .....	\$210.00
C. Cleaner's permit (annual).....	\$430.00
This permit is issued on an annual basis, expires on May 31 of each year, and is renewable on payment of the annual fee and demonstrated compliance with the requirements of this resolution.	
D. Any person who secures a registration certificate pursuant to this resolution, including the following:	
Certified Professional .....	\$35.00
E. Permit Extension Fee.....	\$110.00
F. Variance Fee.....	\$210.00
G. Reinstatement Fee .....	\$210.00
H. Development area review fees	
A base fee and a per lot fee shall be paid for Health Director review of any development area as follows:	
Base Fee .....	\$385.00
Per Lot Fee .....	\$30.00
Maximum combined base fee and per lot fee.....	\$1,305.00
I. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.	

**Section XIV. GENERAL PROVISIONS.**

- A. Sewage from any building or premises shall be discharged directly into the community ~~sewerage~~ sewage system when the system is available and within 300 feet from the building or premises measured along a street, alley, or easement to the encasement of the

sewer system. Availability shall be determined by the community sewage system owner or operator.

- B. When the conditions of “A” above do not exist, an on-site wastewater treatment system, except privies and the restricted use of chemical toilets, may be used.
- C. Whenever conditions change and the conditions of “A” above can be met, an on-site wastewater treatment system existing at that time shall be abandoned and the building or premises served shall discharge its sewage directly into the community sewage system; such connection to the community ~~sewerage~~ sewage system shall be accomplished in compliance with the applicable plumbing regulations, and shall be completed within six months of the day the community sewage system becomes available.
- D. Any person who abandons or discontinues the use of an on-site wastewater treatment system shall, within thirty days of the abandonment or discontinuance of use, have the contents of tanks or pits or such systems removed and disposed of in compliance with Section 17 of the design standards adopted pursuant to this resolution. Any part of a discontinued system shall be abandoned in such a manner as not to create a health or safety hazard

#### **Section XV. DESIGN STANDARDS AND REGULATIONS.**

All ~~On-site~~ wastewater treatment systems shall be constructed, altered or repaired in conformance with this resolution and the design standards and regulations adopted pursuant to this resolution governing the design ~~standards~~, construction, operation, and maintenance of on-site wastewater treatment systems.

#### **Section XVI. CHEMICAL TOILETS.**

Chemical toilets may be used only on a temporary basis under the following conditions or circumstances: when water-carriage systems are not available (such as construction projects, emergencies, or similar situations), and where there is no prohibitive ordinance or resolution.

When permitted, chemical toilets shall comply with the following constructional and operational details:

##### A. CONSTRUCTION DETAILS.

1. Provide a leakproof receiving tank of acid-resisting material with an opening easily accessible for cleaning.
2. The bowl must be constructed of nonabsorbent material and be sufficiently elevated above the receiving basin.
3. The tank and bowl shall be vented with at least a three-inch pipe, extending above the roof line of the superstructure.

##### B. OPERATIONAL DETAILS.

1. The facility shall be maintained in a sanitary condition so as not to create a health hazard or nuisance.
2. The tank shall be recharged at proper intervals, with chemicals of a bactericidal nature and concentration.
3. Contents of the chemical toilet shall be removed as often as may be required or whenever the contents are within six inches of the underside of the floor.
4. Chemical toilet waste shall be disposed of in compliance with Section VII of this resolution. Only persons holding a cleaner's registration certificate pursuant to this resolution shall be allowed to collect and transport chemical toilet waste.

#### **Section XVII. NON-STANDARD ON-SITE WASTEWATER TREATMENT SYSTEMS.**

Other types of on-site wastewater treatment systems which do not meet the requirements of this resolution or the design standards adopted pursuant to this resolution, or which generate over 1,000 gallons per day, shall be reviewed and approved or disapproved by the Health Director, ~~on a separate basis. Such systems must be designed by a Professional Engineer licensed in the State of Nebraska.~~ Information describing such other types of on-site wastewater treatment systems shall be submitted on application forms with all information as required in Section IV, and any additional information the Health Director deems necessary to determine if the on-site wastewater treatment system will treat sewage adequately to protect the public's health and safety, prevent nuisance conditions, and prevent pollution of air, land and waters of the state. ~~When additional information is provided or requested, three sets shall be submitted to the Health Director including stamped and signed drawings.~~ The non-standard on-site wastewater treatment system shall be constructed according to the Health Director approved design. The Health Director may require, as a condition of approval, groundwater monitoring for any on-site wastewater treatment system if there is a significant potential for groundwater pollution. The Health Director may require, as a condition of approval, an operation and maintenance manual to insure proper operation of the on-site wastewater treatment system. The ~~permittee~~ property owner shall operate and maintain his/her on-site wastewater treatment system in compliance with this resolution and design standards adopted pursuant to this resolution. Fees shall be assessed as provided for in Section XIII.

#### **Section XVIII. OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS.**

~~All standard and non-standard~~ On-site wastewater treatment systems shall be operated and maintained so as not to create a nuisance or a health hazard and not to pollute air, land, or water, including but not limited to the following: the emission of offensive odors, pollution of water supplies and recreational areas, pollution of groundwater, surface waters, or waters of the state, affording access to untreated sewage by insects, rodents, or humans; the unregulated discharge of sewage onto the ground surface. Any person responsible for violation of the conditions described herein shall be subject to the penalties hereinafter set forth.

#### **Section XIX. INSPECTIONS AND ENFORCEMENT.**

The Health Director is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this resolution and the design standards adopted pursuant to this resolution.

Upon presentation of proper credentials issued by the Board of County Commissioners, the Health Director may enter at reasonable times any building, structure, or premises in Lancaster County to determine compliance with the requirements of this resolution, and it shall be unlawful for any owner or occupier of the premises or person in charge of the premises to deny right of entry to the Health Director to make such inspection.

Whenever the Health Director has reasonable grounds for believing that there has been a violation of this resolution or the design standards adopted pursuant to this resolution, the Health Director shall give written notice to the person or persons alleged to be in violation. Such notice shall identify the provision of this resolution alleged to be violated and the facts alleged to constitute such violation. Should such violation create a nuisance or a health hazard, the Health Director may cause abatement of such conditions in accord with County Resolution 4308.

### **Section XX. VARIANCE.**

~~Whenever it has been demonstrated to the Health Director that compliance with this resolution cannot be effectively and promptly made, the Health Director may grant a variance as provided in Section 3 of the design standards adopted pursuant to this resolution and after payment of applicable fees.~~

Any person who owns or is in control of any on-site wastewater treatment system or property on which an on-site wastewater treatment system exists or is proposed may apply to the Health Director for a variance from regulations and standards. Such variance request must be accompanied by the appropriate fee. The Director may grant such variance if he or she finds that:

- A. The proposed variance will not substantially reduce the capability or capacity of the on-site wastewater treatment system to treat sewage;
- B. The discharges occurring or proposed to occur do not (or will not) pose an imminent or substantial risk to public health or safety or create or contribute to pollution of air, land or water; and
- C. Compliance with the regulations and standards from which variance is sought would produce serious hardship without equal or greater benefits to the public.

### **Section XXI. STOP ORDERS.**

Whenever any on-site wastewater treatment system is being installed, replaced, extended or repaired contrary to the provisions of this resolution or design standards, the Health Director shall order the work stopped by notice served on any person or persons engaged in the doing or causing such work to be done, and any such work shall forthwith stop until the Health Director has authorized the work to proceed again.

### **Section XXII. REVOCATION OR SUSPENSION OF PERMIT.**

Any permit granted under this resolution shall be subject to revocation or suspension in the following manner:

- A. The Health Director shall notify the property owner as provided in Section XXVI.

- B. If the Health Director determines that the permit holder is in violation of this resolution or design standards adopted pursuant to this resolution, the Health Director may revoke the permit or the Health Director may suspend the permit for an appropriate period of time not to exceed ninety days.
- C. The Health Director shall conduct the hearing in accordance with Section XXIII.

**Section XXIII. ENFORCEMENT HEARINGS.**

- A. Unless this resolution provides otherwise, the Health Director shall conduct hearings allowed or required under this resolution as soon as practicable, but in no event later than:
  - 1. Three (3) working days after a request for hearing under Section XXIV; or
  - 2. Ten (10) working days after any other request.
- B. The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.
- C. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:
  - 1. Call and examine witnesses on any matter relevant to the issues of the hearing;
  - 2. Introduce documentary and physical evidence;
  - 3. Cross examine opposing witnesses on any matter relevant to the issues of the hearing; and
  - 4. Rebut evidence.
- D. The Health Director may uphold, reverse, or modify the act or findings prompting the request or the Health Director may take such other reasonable action as the Health Director may determine proper related to the request.
- E. The Health Director shall make a final determination within ten (10) days after the hearing.
- F. The Health Director's decision shall be final and binding upon the County and upon the person making the request. The Health Director's decision may be appealed to the district court as provided by state law.

**Section XXIV. IMMEDIATE SUSPENSION.**

- A. The Health Director may suspend any permit issued under this resolution if the Health Director finds that a permit holder, installer, or other person in charge of constructing or operating an on-site wastewater treatment system is in serious violation of this chapter or permit conditions approved by the Health Director whereby such violation causes an imminent health hazard.

- B. The Health Director shall provide the notice required in Section XXVI. The suspension shall be effective immediately upon notice and the period of time shall not exceed 90 days.
- C. It shall be unlawful to operate or cause, permit or allow any permitted operations under a suspended permit after service upon the permit holder.

**Section XXV. APPLICATION FOR REINSTATEMENT AFTER SUSPENSION.**

- A. Any person whose permit has been suspended may apply for reinstatement of such permit. The application shall include a statement signed by the applicant that the conditions causing suspension of the permit have been corrected.
- B. The Health Director shall inspect or review the application as for a new permit except that the Health Director shall make the inspection within three working days after receiving the application for reinstatement and the applicable fees.
- C. The Health Director shall reissue the permit if the conditions causing suspension of the permit have been corrected. The permit shall be reinstated upon payment of any reinstatement fee provided in this resolution.
- D. Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension provided in this section in any manner.

**Section XXVI. NOTICE; SERVICE.**

- A. The Health Director may serve notice authorized or required by this resolution as follows:
  - 1. By personal service to the permit holder, installer, or other person in charge of the on-site wastewater treatment system; or
  - 2. By certified mail, postage prepaid, return receipt requested to the permit holder's or permittee's last known address.
- B. The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.
- C. If the service is to a person other than the permit holder, the Health Director may send a copy of the notice to the permit holder by certified mail. The copy is not required as a part of the notice, and receipt of the copy does not affect the notice.
- D. The notice shall set forth a time, place and date for said hearing before the Health Director and shall identify the provisions of this resolution, design standard or permit condition alleged to be violated and the facts alleged to constitute such violation.

**Section XXVII. APPEAL.**

- A. Any person whose application for a permit under this resolution has been denied shall be notified in writing as to the reasons for denial and such person may within ten working days after official notification of such action file a written request for a hearing before the Health Director. Such hearing shall be held within ten working days after the receipt of the request by the Health Director and upon reasonable notice to the applicant. The Health Director shall affirm, modify, or revoke the denial, or issue the permit on the basis of the evidence presented at the hearing.
  
- B. Any person aggrieved by any final decision of the Health Director in the administration or enforcement of this chapter may appeal such decision to the district court as provided by state law.

**Section XXVIII. PENALTY.**

Any person who is found to have violated any provision of this resolution or any design standard adopted in County Resolution No. 02-31 hereunder shall be subject to the penalties provided in Neb. Rev. State. 23-174 and 23-114.04 as amended. ~~a fine of no more than \$500.00, or imprisonment in the county jail for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation of this chapter continues is punishable as a separate and distinct offense.~~ In addition to any penalty sought or obtained under this resolution or other applicable law, the County Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations of this chapter.

**Section XXIX. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution.

**Section XXX.**

That all other resolutions and parts of resolutions in conflict herewith be and they are hereby replaced.

**Section XXXI.**

This resolution shall take effect and be in force on .....

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING SECTIONS )  
II AND III OF COUNTY RESOLUTION NO. )  
R-15-0004, REGULATION OF ON-SITE ) RESOLUTION NO. R-22-0014  
WASTEWATER TREATMENT SYSTEMS IN )  
LANCASTER COUNTY, AS PROVIDED IN )  
ATTACHMENT "A." )

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted procedures for the regulation of on-site wastewater treatment systems in Lancaster County on January 13, 2015, under County Resolution No. 15-0004; and

WHEREAS, on January 11, 2022, the Lincoln-Lancaster County Health Department has recommended an amendment to the procedures for regulating on-site wastewater treatment permits, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on February 15, 2022, the Board of Commissioners of Lancaster County, Nebraska conducted a public hearing regarding the adoption of the amendments to Resolution No. R-15-0004, as provided in Attachment "A"; and

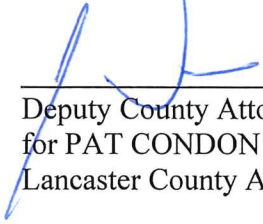
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-15-0004, Regulating On-Site Wastewater Treatment Systems, as provided in Attachment "A" are hereby adopted, and shall become effective February 15, 2022.

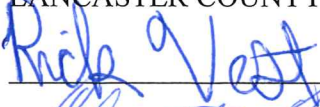




BE IT FURTHER RESOLVED that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 15 day of February, 2022, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 15<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
Deputy County Attorney  
for PAT CONDON  
Lancaster County Attorney

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

**Section II. DEFINITIONS.**

CERTIFIED PROFESSIONAL shall mean a private onsite wastewater treatment system professional certified under the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act to perform the tasks defined in Nebraska Title 124, Chapter 20, effective August 11, 2012, for which the certification has been issued.

**Section III. REQUIREMENTS FOR ON-SITE WASTEWATER TREATMENT SYSTEMS.**

Minimum requirements are hereby prescribed in this resolution together with standards and regulations adopted pursuant to this resolution governing the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems. All standards and regulations for the design, operation and maintenance of on-site wastewater treatment systems referred to herein shall be filed with the County Clerk. Except as hereinafter provided by specific amendment, the standards and regulations set forth in Neb. Rev. Stat. §§ 81-1505(8), and Nebraska Department of Environmental Quality, Title 124 Rules and Regulations For The Design, Operation and Maintenance of Onsite Wastewater Treatment Systems chapter 1, chapters 5 through 19, and chapter 20 sections 001 to 006, ~~as amended from time to time,~~ effective August 11, 2012 are hereby adopted by reference and incorporated into this resolution. No person shall construct an on-site wastewater treatment system on a property which is less than three (3) acres in size. No person shall construct, alter, extend, operate, or clean any on-site wastewater treatment system within the County of Lancaster contrary to the provisions of this resolution or design standards adopted pursuant to this resolution; no privies shall be constructed or installed for use after the effective date of the ordinance codified in this resolution. Any on-site wastewater treatment system that does not conform to the requirements of this resolution and design standards adopted pursuant to this resolution shall be designed by a Registered Master Installer or Professional Engineer (P.E.) licensed in the State of Nebraska as defined by Title 124 of the Nebraska Administrative Code.

**Hickman ORD2023-12**  
**Exhibit B**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF )  
ESTABLISHING A SOLID ) RESOLUTION NO. 4308  
WASTE RESOLUTION )

WHEREAS it is hereby declared to be the public policy of Lancaster County, Nebraska, to achieve and maintain certain standards with regard to the disposal of solid waste in order to protect human health and safety, by working cooperatively with industries and individuals to prevent injury to plant, animal life and property, and to promote the public health and welfare of its inhabitants; and

WHEREAS, the need to establish solid waste regulations exists in the area of Lancaster County (except the City of Lincoln and the area over which it exercises zoning jurisdiction), and the results and effects on the public health and welfare, require adoption of a comprehensive and integrated solid waste resolution; and

WHEREAS, the County of Lancaster finds it necessary and desirable to make appropriate regulations to provide rules for the disposal and control of solid waste disposal by exercising its powers to promote the public health and welfare of its inhabitants in accordance with Neb.Rev.Stat. §,23-174.10 (Reissue 1983)

NOW, THEREFORE, BE IT RESOLVED, by the Board of the County Commissioners of Lancaster County, Nebraska, as follows:

1. Title.

This Resolution shall be known and referred to as "The Lancaster County Solid Waste Resolution of 1987."

2. Definitions. For the purpose of this Resolution, the following definitions shall prevail:
- (a) HEALTH DIRECTOR: The term "health director" shall mean the director of the Lincoln-Lancaster County Health Department or his/her duly authorized representative.
  - (b) PERSON: The term "person" shall mean and include any individual, firm, corporation, association, or partnership.
  - (c) GARBAGE: The term "Garbage" shall mean all animal, fruit, or vegetable wastes resulting from the handling, preparation, cooking, or consumption of food.
  - (d) REFUSE: The term "refuse" shall mean and include garbage as hereinbefore defines, and all sweepings, ashes, paper, cardboard, feathers, rags, glass, dishes, bottles, crockery, pans, utensils of every kind and nature, pasteboard boxes, food containers, tin cans, and any other waste matter of material not herein designated as garbage which accumulates in the conduct of a household, business establishment, shop or factory of any kind or nature.
  - (e) SOLID WASTE: The term "solid waste" shall mean all putrescible and non-putrescible wastes whether in solid or liquid form and includes garbage, scavenger matter, rubbish, ashes, refuse, fill dirt, sewage sludge, street refuse, commercial and industrial wastes, demolition debris and all used construction material, building rubbish, discarded automobile and other types of vehicle body parts or portions thereof, machinery or parts thereof, discarded home or industrial appliances, iron, steel and other old or metal scrap material, manure, human excrement, vegetable or animal solids and semi-solid wastes, hazardous waste, infectious waste, lawn waste, dead animals or parts thereof, and other discarded solid materials.
  - (f) REFUSE VEHICLE: The term "refuse vehicle" shall mean any vehicle with or without a packing unit or mechanisms used to collect, haul, or convey refuse. This shall include vehicles used to transport roll-off containers.
  - (g) AUTHORIZED PRIVATE RECEPTACLE: The term "authorized private receptacle" shall mean a litter storage and collection receptacle as required and authorized by Lancaster County.
  - (h) SOLID WASTE DISPOSAL SITES: The term "solid waste disposal site" shall mean a site, location, tract of land, area, dump, dump site, landfill or landfill site, or premises used or intended to be used for partial and/or total solid waste disposal.
  - (i) SOLID WASTE PROCESSING FACILITY: The term "solid waste processing facility" shall mean an incinerator, compost plant, transfer station, or any other location where solid wastes are physically or chemically changed, temporarily stored, or salvaged prior to being transferred to a solid waste disposal area or to a secondary materials recovery facility.
  - (j) COUNTY: The term "county" shall mean Lancaster County, Nebraska but shall not include the City of Lincoln and the area of its zoning jurisdiction or any city or village which has applicable zoning jurisdiction.
  - (k) PUBLIC PLACE: The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
  - (l) PRIVATE PROPERTY: The term "private property" shall mean any privately owned which is not a public right-of-way, street, alley, highway, park or other state, county or municipally owned property.

- (m) HAZARDOUS MATERIAL: The term "hazardous material" shall mean any substance which is flammable, corrosive, chemically reactive, radioactive or toxic including, but not limited to, petroleum products, alcohols, caustic materials, acids, pesticides, and poisons. This shall also include the container of any hazardous material as herein defined.
- (n) HEALTH AND SAFETY HAZARD: The term "health and safety hazard" shall mean any annoying, unpleasant, hazardous, obnoxious, unsafe, unhealthy, unsanitary conditions or practice causing or capable causing an unreasonable threat to the health, safety, and welfare of persons living or passing in the vicinity thereof or capable of causing a direct transmission of pathogens to one or more persons.
- (o) HAZARDOUS VEHICLE: The term "hazardous vehicle" shall mean any vehicle declared a health and safety hazardous by the health director because the vehicle has been found to be:
- (1) A potential breeding ground or harborage for mosquitoes or other insects, mice, rats or other pests; or
  - (2) A point of heavy growth of weeds or other noxious vegetation over (12) inches in height; or
  - (3) A point of collection for stagnant water; or
  - (4) A point of concentration of gasoline, oil or other flammable or explosive materials; or
  - (5) So located that there is a danger of the vehicle falling or turning over; or
  - (6) A place in which junk, garbage, refuse or hazardous material is discarded and is present within the vehicle; or
  - (7) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or through injury from exposed surfaces of metal, glass or other ridged materials; or
  - (8) A potential source of contamination of the soil from petroleum products being discharged from the vehicle; or
  - (9) Creating any other similar conditions or circumstances which exposes the general public to a safety or health hazard.
- (p) VEHICLE: The term "vehicle" shall mean any motor vehicle, trailer, cabin trailer, semi-trailer, truck, motorcycle, passenger car, or mobile home.
- (q) BOARD: The term "board" shall mean the Lancaster County Board of Commissioners.
- (r) LITTER: The term "litter" shall mean "garbage", "refuse", and "rubbish", as defined herein, and all other solid waste material.
- (s) LIMITED LANDFILL: The term "limited landfill" shall mean a type of operation in which only building rubbish and demolition debris are deposited by plan on a specified portion of land, and compacted by force applied by mechanical equipment and then covered with dirt or other approved material to a depth of not less than six (6) inches over individual cells of said waste material so deposited and to a depth of not less than twenty-four (24) inches over the finished landfill.

3. Disposing of Solid Waste at Unapproved Sites Prohibited.

It shall be unlawful for any person to dump, deposit, or otherwise dispose of any solid waste, hazardous waste, offensive or obnoxious substances within the County, upon any ground, premises, or place other than at a solid waste disposal site or solid waste processing facility approved by the Health Director or State of Nebraska.

4. Vehicle Loads Causing Litter

No person shall drive or move any vehicle within the County unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any thoroughfare, roadside, ditch, watercourse or public place.

5. Owner or Occupant of Premises; Disposal of Solid Waste

It shall be unlawful for any person to cause or suffer any solid waste, hazardous waste, industrial waste, or any foul or nauseous liquors to be discharged out of or flow from any premises owned or occupied by him/her, or to be left in or thrown into, deposited, or placed upon any thoroughfare, roadside, ditch, ravine, watercourse or public place within the County.

5.5 Disposal of Hazardous Materials; Permit Required

It shall be unlawful to dispose of any hazardous material in the County without first obtaining a permit to do so from the Health Director.

6. Owner or Occupant of Premises; Disposal of Substances Liable to Become Offensive

It shall be unlawful for any person to permit or suffer any substance of the nature mentioned in Paragraph 5 which is liable to become putrid, offensive, or injurious to the public health to remain on any premises owned or occupied by him/her within the County longer than a twenty-four (24) hour period after notification by the Health Director to remove and properly dispose of said substance. Said notification shall be made in writing and personally delivered or sent by certified mail, return receipt requested.

7. Commercial and Industrial Businesses to Provide Receptacles or Containers

The owner, agent, or manager having charge of a commercial or industrial business shall furnish the same with containers or receptacles for solid waste for the purposes of receiving such wastes from his/her place of business. Such receptacles or containers shall comply with all the specification set forth in Paragraph 8 hereof.

If the commercial or industrial establishment disposes of infectious waste materials, the waste receptacle shall be provided with a locking assembly so as to maintain controlled access to the container for depositing and removing the infectious waste.

It shall be the responsibility of the owner, agent, or manager having charge of the business to provide for the collection and disposal of all solid waste generated by said establishment. Solid waste accumulated by the establishment shall be removed from the establishment premises at intervals necessary to maintain proper sanitary conditions but not less than twice a week.

## 8. Receptacles to be Provided for Solid Waste; Specifications

It shall be the duty of every owner, agent, or manager of rented or leased residential units and private residences in residential subdivisions or commercial and industrial property, or tenants responsible according to written agreement, to provide and maintain one or more of the following receptacles or containers for the holding of solid wastes:

- (a) Garbage can: A container or receptacle constructed of a metal treated to prevent rusting, or heavy duty plastic for garbage and refuse, of substantial construction with a matching overhanging, tight-fitted lid and provided with handles sufficient for safe and convenient handling. Such receptacles or containers shall be water-tight and fly-tight, having a capacity of not more than thirty-two (32) gallons and shall be kept in serviceable conditions at all times.
- (b) Front and/or rear-loading bulk container: A container or receptacle, constructed of 14-gauge or heavier metal treated to prevent rust, or heavy-duty rigid plastic, of water-tight construction with doors or lids opening on sides or top and constructed such that it can be emptied mechanically by special trucks. Doors and lids must be manufactured from 12-gauge or heavier metal or heavy-duty rigid plastic.
- (c) Roll-off: A metal container or receptacle, treated to prevent rust, designed for collecting, storing, and transporting building rubbish, demolition debris, or hazardous industrial waste. Those roll-offs used to collect, store, or transport refuse shall in addition be of water-tight construction or the refuse stored therein shall be stored in such a manner so as to prevent leakage of liquid wastes from the roll-off. The unit may or may not use an auxiliary stationary packing mechanism for compaction of material into container or receptacle and is picked up and transported to the disposal site by specially equipped truck.
- (d) Poly-kart, roll-out, or toter: A container or receptacle constructed of a metal frame with molecular stabilized polyethylene body, or a total unit constructed of a heavy polyethylene plastic alloy, thus being "water-tight." Such containers shall have lids so constructed as to prevent insect and rodent entry. Each container shall have at least two (2) wheels and a handle for each and safe mobility.
- (e) Plastic bags: Plastic bags shall not be used for storage of solid waste containing garbage and shall not be used in place of the aforementioned receptacles. Plastic bags may be used in the following ways:
  - (1) As a liner for garbage cans;
  - (2) to hold and contain garbage and refuse which is placed in one of the aforementioned containers;
  - (3) to hold and contain lawn wastes.

A sufficient number of containers shall be provided to store all solid waste materials prior to removal from the premises and shall be kept in a sanitary and serviceable condition. All containers used for garbage shall be kept covered or closed to prevent the entrance of insects and rodents. The location of the containers or receptacles shall be kept clean and well-maintained.

## 9. Depositing Refuse and Garbage: Places Prohibited; Liability of Occupant of Premises.

If any garbage or refuse is found upon any private premises other than in such container or receptacle as set forth in Paragraph 8 and a prosecution follows for such offense, it shall be presumed in such proceedings that such garbage and/or refuse was deposited there by the occupant of such premises.

10. Depositing Refuse Matter on Premises of Another.

It shall be unlawful for any person within the County to willfully, maliciously or negligently, place or throw, or cause to be placed or thrown, upon the premises of another, any filth, refuse matter or other thing, to the annoyance of the owner or occupant thereof.

11. Noxious or Offensive Use of Building or Premises.

No building or premises in any part of the County shall be used for any trade, industry, or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, water, spray, or other substance or residue, and that is detrimental to the public health, safety, or welfare, and the use of such building or premises for such purposes is hereby declared to constitute a public nuisance.

12. Deposit and Accumulation of Offensive Substances Prohibited.

Within the County, it shall be unlawful for any person to deposit or to permit the accumulation of any foul, decaying, or putrescent substances or other offensive matter, in or upon any lot, street, or public way, or in or upon any public or private place, to permit the overflow of any foul liquids or the escape of any gas to such an extent that the same, or any of them, shall become, or be likely to become, hazardous to health, or that the same shall by reason of offensive odors, become a source of discomfort to persons living or passing in the vicinity thereof; and such conditions and things, as aforesaid, and each and all of them are hereby declared to be a public nuisance.

13. Offensive Substances Prohibited—Notices to Remove.

- (a) It shall be the duty of every owner, lessee, tenant or occupant of any lot or parcel of ground within the County to keep said premises owned, leased, or occupied by him, free from garbage and any other offensive or unwholesome matter, and it shall be unlawful for such owner, lessee, tenant, or occupant of such lot or parcel of ground to permit, keep or maintain thereon any such condition liable to become putrid or injurious to the public health, or any such condition liable to produce disease, or which is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria, or any other rodents or insects. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance and shall constitute a misdemeanor punishable as hereinafter provided in this Resolution.
- (b) Whenever it shall come to the knowledge of the director of health or his agents or employees that there exists upon such lot or parcel of ground such nuisance, then and in that event said director of health or such agents or employees shall cause a notice to abate and remove said nuisance within five (5) days to be served upon the owner or his authorized agent, and upon the tenant or occupant of said premises. Said notice shall be served either

in person or by mailing such notice by certified or registered mail. If such owner, lessee, tenant or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the date fixed in such notice, the director of health may cause such nuisance to be removed from such parcel or lot, and from any roads, streets, or alleys abutting thereon.

- (c) If the director of health determines that there exists upon any lot or parcel of ground the conditions described above in such a manner as to constitute an immediate nuisance and hazard to the public health and safety, he shall request the Board to declare that such an immediate public nuisance exists, and after any such declaration, the director shall cause to be issued a written notice to abate and remove such public nuisance from such lot or parcel of land within twenty-four (24) hours. Said notice shall be served by personal service upon the owner or his authorized agent, and to any tenant, lessee, or occupant of the premises. If such owner, tenant, lessee or occupant shall have failed or refused to abate and remove such nuisance at the expiration of twenty-four (24) hours from delivery of notice, the director of health shall cause such nuisance to be removed from such parcel or lot and from any, roads, streets, or alleys abutting thereon.

14. Report to the Board Assessment of Cost-Collection of Assessment.

The director of health shall, not later than the 15<sup>th</sup> day of September of each year, report to the Board on all real estate cleared of a public nuisance since September 1 of the previous year under the provisions of this Resolution, together with the costs thereof. Whereupon, the Board, after public hearing at a regular board meeting, shall by resolution assess the costs against such real estate; provided, that notice of the time of such meeting of the Board for making such assessment and for the purpose of such meeting shall be published once in a newspaper published and of general circulation in the county at least five (5) days before said meeting of the board is held, or in lieu thereof, notice may be given to the owners of such real estate by personal service thereof five (5) days before such hearing. Any such assessment, when assessed as provided in this section, shall be a lien upon such real estate from the date of assessment and shall be collected in the same manner as general taxes. Such assessment shall be delinquent after December 1 following the date of assessment and shall draw interest at the rate of seven percent (7%) per annum from said date until paid.

15. Litter Thrown by Persons in Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any thoroughfare, roadside, ditch, watercourse, public space, or private property in the County.

16. Keeping of Hazardous Vehicles Unlawful; Exceptions.

It shall be unlawful for any person in charge or control of any private property within the County, whether as owner, tenant, occupant, lessee, or otherwise, to allow any hazardous vehicle, to remain on the property longer than fifteen (15) days; provided, that this section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

It shall be unlawful for the owner of any hazardous vehicle, to leave or allow said vehicle to remain on any private property within the County for more than fifteen (15) days, except as provided in the above paragraph (A) of this section.

When a vehicle is declared a health and safety hazard and found to be in violation of this Resolution, the health director shall place a notice on the vehicle citing the violation and stating that the vehicle must be removed within 15 days. The director shall also issue a written notice to the property owner and to the vehicle owner of record citing the violation and ordering that the vehicle be removed within 15 days of receipt of said notice. The notice shall be served either in person or by certified mail, return receipt requested. If the health director is unable to determine the property owner, notice shall be given by publication in a newspaper of general circulation. Notice to the vehicle owner need not be given if the vehicle does not display a license plate or does not have an identification number traceable to the owner through the Nebraska Department of Motor Vehicles.

17. Health and Safety Hazards Prohibited.

- (a) It shall be unlawful for any person, whether they be the owner, lessee, tenant or occupant of any lot or parcel of ground within the County to permit, keep, maintain, or allow to exist on any private or public property any of the following things, practices, or conditions which shall be hereby declared health and safety hazards:
- (1) Stagnant water which emits an obnoxious odor or which is a source or potential source of mosquito breeding or otherwise presents a threat to the public health, safety and welfare.
  - (2) An open pit, well, quarry, cistern, excavation or other hole that has not been safely or properly sealed or abandoned without reasonable safeguards or barriers to prevent them from being accessible to humans.
  - (3) Failure to secure areas, buildings, or places against unauthorized access where such access is an attractive nuisance to children and other humans.
  - (4) Any property, whether vacant or improved which is infested by vectors or rodents.
  - (5) Uncontrolled or uncultivated growth of weeds, brush, vines, grasses, or other vegetation which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, or unreasonably interfere with the use and enjoyment of abutting public or private property.
  - (6) Any building or other structure which is in such a dilapidated condition that it is unfit for human occupancy or kept in such an unsanitary condition that it presents a threat to the public health, safety and welfare.
  - (7) Defective sewage systems in or about any structure used for human occupancy. (For the purpose of this section, "human occupancy" shall mean a place where humans reside, work, carry on recreational activities or frequent for any purpose.)
  - (8) Any condition on private property which endangers the public or neighboring individuals or their property from damage caused by falling objects.

(9) Any man-made condition or structure which is not secure from the public and could be attractive to children and which is a potential source of danger through:

- (A) entrapment in areas of confinement;
- (B) injury caused by exposed sharp or pointed metal surfaces, glass, or other rigid surfaces;
- (C) injury from falling objects or collapse of structures;
- (D) injury resulting from falls from heights greater than six feet, or;
- (E) loss of life by drowning.

(10) The improper use, storage or disposal of any hazardous material which creates a potential hazard to the public or the environment except as provided in 40 C.F.R. §262.51.

(b) The enumeration of health and safety hazards in subsection (a) of this section shall not limit the power of the health director to investigate or declare any other condition a health and safety hazard which is detrimental to health or causing an unreasonable threat to the safety and welfare of the public.

18. Permit Required for Limited Landfill.

It shall be unlawful for any person to place, deposit or dump, building rubbish or demolition debris on grounds, premises, property or land for the purpose of filling within the County without having procured a permit therefore as hereinafter provided. Filling shall be considered the placement, without significant voids, of earth, building rubbish, and demolition debris for the purpose of providing a stable raised grade of the property on which it is placed.

Application. The application for a permit shall be to the director, in writing and shall contain:

- (a) A description and plat of the land to be used for the landfill;
- (b) A description of the sequence and plan of operation;
- (c) The type and capacity of equipment to be used for operations;
- (d) Existing and proposed roadways and easements;
- (e) Existing topography and water courses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations – including final elevations;
- (f) Proposed measures to control storm drainage;
- (g) Estimated volumes of limited refuse and demolition debris, and trees or parts of trees, to be placed in the landfill;
- (h) Approximate date of completion;
- (i) Types of materials to be placed in the landfill;
- (j) Whether it will be a private landfill used exclusively by the applicant for his materials or a public landfill, operated by the applicant and receiving materials from others;
- (k) Days and hours of the week the landfill will be in operation;
- (l) The names and addresses of the last known owners of the property within three hundred (300) feet of the location for which a permit is requested, as shown by the county real property tax records; and

- (m) The addresses of any occupied buildings on property within three hundred (300) feet of the location for which a permit is requested.

19. Review actions Required.

The following review action shall be required of any application for a limited landfill:

- (a) Action by Health Director. Upon receipt of an application for a permit required by the provisions of this Resolution, the health director shall examine the premises of the proposed landfill site to determine whether:
  - (1) The land is suitable;
  - (2) Proposed drainage is satisfactory; and
  - (3) The granting of the permit would not create a hazard to the public health or create a nuisance.

The health director shall forward this application and his findings and recommendations to the planning department and the County Engineer for their study, findings and recommendations.

- (b) Action by County Engineer. The County Engineer shall determine the effects the operation of the limited landfill may have on roads and traffic in the County.
- (c) Action by Planning Director. The Planning Director shall determine the effects the operation of the limited landfill may have on the neighborhood and other matters pertaining to the general welfare of the County and advise the County Board as to whether public convenience and necessity will be served by granting a permit to the applicant.

20. Application to Board.

After the studies, examinations, findings and reports have been completed by the health director, planning department and County Engineer, the application for a permit required by this division shall be forwarded to the County Board with their reports and recommendations attached.

21. Hearing Required.

Upon receipt of this application for a permit required by the provisions of this Resolution, together with the required findings and recommendations attached hereto, the County Clerk shall set a hearing date, which date shall be the date of the third board meeting following the date upon which the documents are received, at which time all parties interested in the granting or denying of the limited landfill permit may appear before the Board and be heard.

22. Notice of Hearing.

The Clerk shall notify, or cause to be notified by certified mail, every occupant and owner of any building and/or property within three hundred (300) feet of the location for which a permit has been requested under the provisions of this Resolution, that a hearing thereon has been set before the Board. The notice shall state therein the date, time, place and purpose of such hearing, and shall be mailed not less than fourteen (14) days prior to the date of said hearing.

The County Clerk shall publish such notice in the official newspaper of the County not less than fourteen (14) days set for the hearing. Failure to send notice is not recorded or where an address is unknown, shall not invalidate any proceedings in connection with the application. Any other notice as may be deemed desirable and practical may be given.

23. Action by Board.

If, after consideration of all the evidence produced at the hearing, provided for by this section, the Board shall find and determine that the location of the premises for which a permit has been requested shall not constitute a hazard to the public health, general welfare, or public safety of the residents within three hundred (300) feet of such location, or to the County as a whole, the Board may order and direct the Director to issue a limited landfill permit upon receipt of the yearly permit fee and bond certificate as required in Paragraph 24 and 25 hereof, notwithstanding the provisions of the County's zoning ordinance to the contrary. In no event shall the Board order or direct the issuance of a permit until after a public hearing as herein provided or shall have been held.

24. Bond.

No permit required by the provisions of this Resolution shall be issued until the applicant shall deliver to the County a cash or corporate bond in the amount of five thousand (\$5,000.00) per acre, conditioned as follows:

- (a) That the permittee, his agents and servants, will faithfully operate the landfill for which the permit is issued in accordance with the provisions of this Resolution.
- (b) That the permittee, his agents and servants, will comply with all the terms, conditions, provisions and regulations contained in this Resolution.
- (c) That the permittee, his agents and servants, will save harmless the County from any expense incurred through the failure of the permittee, his agents and servants, to operate and maintain the limited landfill as required by this Resolution including any expense the County may be put to for correcting any condition or violation of this Resolution by the County's own labor and equipment whenever the Board determines it is necessary for the County to correct any unsanitary condition or conditions violative of this Resolution or from any damages arising out of the negligence of the permittee or his agents or servants.
- (d) Bond shall run for a period of three (3) years after the limited landfill site has been finished and brought to final grade.

The amount of the bond required may be revised annually by the Health Director to reflect any increased costs of closing the site.

25. Permit Fee.

Before any permit for a limited landfill is issued, the applicant shall pay a permit fee of one hundred dollars (\$100.00) for each acre of land or part thereof utilized as a limited landfill.

26. Term of Permit; Not Transferable.

All permits issued under this Resolution shall expire one year following the date of issuance, unless sooner revoked and no permit shall be assignable or transferable.

27. Permit Renewal.

The permit shall be automatically renewable by the applicant, unless the Director has determined violations of this Resolution have occurred and the re-issuance of the permit should be reviewed by the Board.

28. Manner of Issuance.

Whenever the Board authorized the issuance of a limited landfill permit, it shall consist of an original and duplicates. A duplicate shall be recorded in the office of the Register of Deeds and returned to the Clerk, who shall keep a permanent file of all such original permits issued. The original shall be delivered to the applicant as evidence of his authority to operate a limited landfill. The permit shall state any restrictions or limitation.

29. Regulations.

The following regulations shall be followed by any person to whom a permit is granted by the County for operation of a limited landfill, and it shall be unlawful not to follow these regulations.

- (a) When building rubbish and demolition debris exists on the site at the time the permit is issued, such building rubbish and demolition debris shall be collected, compacted and covered with dirt or other material at least two (2) feet in depth at the finished grade, or with a cover of six (6) inches over areas on which the landfilling operations will be conducted.
- (b) No waste material other than building rubbish and demolition debris and trees or part of trees or earth may be put in a limited landfill. All burning is prohibited.
- (c) No limited landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.
- (d) The permittee shall provide for surface drainage on the limited landfill site which will permit the drainage of storm water within six (6) hours after the last precipitation.
- (e) The permittee shall take the necessary measures to eliminate dust on the limited landfill site. Access to the limited landfill shall be controlled by proper fencing, gates, locks and other measures approved by the Director necessary to control access.
- (f) Routes used by trucks to and from the limited landfill site shall be approved by the County Engineer.
- (g) The limited debris, trees or parts of trees, shall be spread out on the working face so that the depth does not exceed a maximum of four (4) feet prior to its compaction. Tree part shall not exceed a size that cannot be worked into the limited landfill by the equipment used for spreading and compacting the working face of the site.
- (h) The compacting and leveling equipment must traverse all of the area where building refuse and demolition debris is deposited. When the slope of a bank is too steep to traverse, then the fill must proceed from the base of the slope.
- (i) The limited landfill shall be built in cells to minimize fire hazards. At the end of the day the active faces of the limited landfill shall be covered with a minimum of six (6) inches of dirt or sand when wood or other combustibles are placed in the fill. When the fill material is made

mainly of non-combustibles and there are no voids in the fill it shall be covered with dirt or sand at least weekly or more frequently when required by the enforcing officer.

- (j) When the limited landfill has been brought up to two (2) feet of the desire grade, it shall be covered with at least twenty-four (24) inches of compacted dirt and seeded in such a manner to prevent erosion. The finally graded and seeded surface shall be maintained at final grade free from erosion and in a well seeded manner for a period of three (3) years after filling operations have been completed.
- (k) Existing top soil shall be used for cover material, when possible, by removing the dirt prior to filling and by placing this dirt directly over the completed section of the limited landfill or by stockpiling this dirt until needed. Otherwise, the source of cover material shall be designated when application for a permit is made.
- (l) No materials other than those stated on the application shall be placed in the landfill without permission from the Board, and any such improper materials shall be immediately removed at the direction of the Health Department.
- (m) Materials shall not be placed on land without using the proper filling methods, or without following the requirements for salvage material storage. Materials placed in this manner will not be in violation of any anti-dumping prohibitions of this or any other ordinance.
- (n) The operation shall be in compliance with all applicable laws, ordinances, rules and regulations.

### 30. Suspension, Revocation, or Reinstatement of Permits; Appeals.

The health officer shall have the power to order the suspension or revocation of any permit for the violation of the terms and provisions of this Resolution; except that prior to such suspension or revocation, there shall be in addition to the inspection by the environmental health sanitarian, an inspection by one (1) or more of the following supervisory staff; supervisor of solid waste section, chief of the division of environmental health, or the health director. Any action of suspension or revocation shall be personally reviewed and approved by the Health Director. Notification of the order of suspension or revocation shall be made in writing and personally delivered or sent by registered or certified mail. Such order shall not become effective until the expiration of the time for appeal. Pending the determination of such appeal, the operation of any order of suspension or revocation shall be stayed.

Notwithstanding the other provisions of this Resolution, whenever the health authority finds insanitary or other conditions in the operation of a landfill which, in his judgment, constitute a substantial hazard to the public health, he may, without prior warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended or revoked, and any landfill operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority, shall be afforded a hearing as soon as possible, by a hearing board consisting of the Health Director and the chief of the division of environmental health. If the revocation or suspension is upheld, the aggrieved party may appeal as hereinafter provided. Any person whose permit has been suspended or revoked may, at any time, make application for reinspection for the purpose of reinstatement of

the permit upon a form to be provided for that purpose and shall pay a reinspection fee in the sum of fifty and 00/100 dollars (\$50.00), which shall not be refundable. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing suspension or revocation of the permit have been corrected, the health authority shall make a reinspection. If the applicant has corrected conditions so as to comply with the requirements of this Resolution, the permit shall be reinstated. Should such reinstatement be denied, the applicant may appeal as provided below.

Any person aggrieved by the denial, suspension, or revocation of any permit provided for in this Resolution may, within five (5) days of the receipt of written notice of the entry of such order, appeal to the Lincoln-Lancaster Board of Health.

31. Enforcement.

The enforcement of the provisions of this Resolution shall be under the direction of the Health Director and the Sheriff. For the purpose of enforcing this Resolution or abating any nuisance existing hereunder, the Health Director or any Health Department sanitarian or Sheriff may enter private property.

32. Penalty for Violations.

- (a) Any persons upon whom a duty is placed by the provisions of this Resolution who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Resolution, shall be deemed guilty of a misdemeanor pursuant to Neb.Rev.Stat. §71-1631.01 (Reissue 1986), as amended.
- (b) Each day that a violation of any section in this Resolution continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this Resolution provided.

33. Severability and Savings Clause.

- (a) Each section and each subdivision of this section of this title is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this Resolution is concerned and invalidity of any section or subdivision of a section of this title shall not invalidate any other section or subdivision of a section thereof.
- (b) This title shall in no manner affect pending actions either civil or criminal founded on or growing out of any ordinance or part of any ordinance hereby repealed and this title shall in no manner affect rights or causes of action either civil or criminal not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed.

DATED this 29<sup>th</sup> day of September, 1987, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY NEBRASKA

APPROVED AS TO FORM  
THIS 24<sup>TH</sup> DAY OF  
September, 1987.  
Patrick M. Heng  
for MICHAEL G. HEAVICAN  
Lancaster County Attorney

Leo Scherer  
Marcia Malone  
Kathy Campbell  
Larry Hudkins  
Jan Gauger

MGH/PMH/jp  
9/22/87



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING )  
PROCEDURES FOR THE INSPECTION OF )  
ON-SITE WATER SUPPLY SYSTEMS AND ) RESOLUTION NO. R-13-0064  
ON-SITE WASTEWATER TREATMENT )  
SYSTEMS PRIOR TO THE SALE, TRANSFER, )  
OR CONVEYANCE OF PROPERTY IN )  
LANCASTER COUNTY, NEBRASKA )

WHEREAS, pursuant to Neb.Rev.Stat. §23-174.10 (Reissue 2007), the Lancaster County Board of Commissioners has authority to adopt regulations to promote the public health, safety and welfare, which shall apply to all of the county except within the limits of any incorporated city or village and except within the unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction; and

WHEREAS, the County Board adopted procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County on February 28, 2006, under County Resolution No. R-06-0005; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended that Resolution No. R-06-0005 be updated in its entirety to reflect the most current version of the procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on October 15, 2013, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of




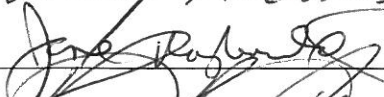

Lancaster County, that the procedures for inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska, as provided in Attachment "A," are hereby adopted, and shall become effective November 5, 2013.

BE IT FURTHER RESOLVED, that County Resolution No. R-06-0005 is hereby superseded and that all other resolutions and parts of resolutions in conflict herewith be and they are hereby replaced.


BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 15 day of October, 2013, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

  
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APPROVED AS TO FORM  
this 15 day of  
October, 2013.

  
\_\_\_\_\_  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

**Attachment "A"**

**PROCEDURES FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY IN LANCASTER COUNTY, NEBRASKA**

The procedures outlined herein define and regulate the inspection of on-site systems prior to the sale, transfer or conveyance of property within the unincorporated areas in Lancaster County outside of the incorporated cities and villages and their jurisdictional areas; authorize the issuance of permits; repeal any previous resolution or section thereof in conflict herewith; require registration of those who inspect on-site systems; and provide penalties for violations.

**Section I. PURPOSE**

The Board of County Commissioners of Lancaster County finds that properly planned, constructed, installed, operated and maintained on-site water supply systems and on-site wastewater treatment systems:

- A. Promote the health and welfare of the citizens of this county by preventing the pollution of ground and surface water;
- B. Prevent nuisances;
- C. Eliminate hazards to the public health by minimizing pollution of water supplies and hazards to recreational areas;
- D. Minimize disease transmission potential; and
- E. Minimize economic impact to the county and the public resulting from on-site water system and on-site wastewater treatment system failures.

It is therefore, declared to be the public policy of this county to ensure a safe and adequate supply of drinking water for those homes served by an on-site water supply system, ensure the adequate treatment and disposal of sewage from premises served by an on-site wastewater treatment system and eliminate and prevent health and safety hazards by regulating the operation and maintenance of on-site water supply systems and on-site wastewater treatment systems, requiring permitting of those who inspect on-site systems; and providing penalties for violations.

The intention of this resolution is not to cause existing permitted on-site systems that are in substantial conformance (pose a minimal likelihood of degradation of groundwater or surface water, or risk to public health) to be brought into compliance with County Resolution R-13-0062 On-site Wastewater Treatment Systems, and any amendments thereto (hereinafter referred to as R-13-0062) and County Resolution 02-31 Regulations for Operation and Maintenance of On-site Wastewater Treatment Systems, and any amendments thereto (hereinafter referred to as C.R. 02-31).

## **Section II. DEFINITIONS**

Definitions for purposes of this resolution shall include definitions provided in R-13-0062 and C.R. 02-31; and shall also include the following:

AUTHORIZED AGENT shall mean a real estate agent, Property Transfer Inspector, or any individual or corporation authorized, in writing, to act as the legal representative in all matters authorized by the owner.

BUSINESS DAY shall mean any day, Monday through Friday, except official county holidays or a day during which the county does not operate for any reason.

FAILURE OF AN ON-SITE WATER SUPPLY SYSTEM shall mean (1) an unsafe water sample; (2) substantial nonconformance with water well construction requirements in Title 178 NAC 12; (3) substantial nonconformance with water well location from contamination source requirements in Title 178 NAC 12.

ON-SITE SYSTEM (OS) shall mean an On-site Wastewater Treatment System (OWWTS) and/or an On-site Water Supply System (OWSS).

ON-SITE WATER SUPPLY SYSTEM (OWSS) shall mean a private or shared well for domestic purposes.

OWNER shall mean any person who is an owner of record or a trustee under a deed of trust or similar trust document.

PROPERTY TRANSFER INSPECTOR shall mean any person meeting the requirements of a Property Transfer Inspector per this resolution and possessing a valid permit issued by the Lincoln-Lancaster County Health Director.

PUMPER shall mean a person that is certified by the Nebraska Department of Environmental Quality under Title 124 NAC as an On-site Wastewater Treatment System Professional in the category of Pumper.

TITLE 124 NAC shall mean the Nebraska Administrative Code Title 124 (Nebraska Department of Environmental Quality Title 124 - Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems).

TITLE 178 NAC 10 shall mean the Nebraska Administrative Code Title 178 Chapter 10 (Nebraska Department of Health and Human Services Title 178 Environmental Health, Chapter 10 - Regulations Governing Licensure of Water Well and Pump Installation Contractors and Certification of Water Well Drilling and Pump Installation Supervisors, and Water Well Monitoring and Natural Resources Ground Water Technicians).

TITLE 178 NAC 12 shall mean the Nebraska Administrative Code Title 178 Chapter 12 (Nebraska Department of Health and Human Services Title 178 Environmental Health Chapter 12 - Water

Well Construction, Pump Installation and Water Well Decommissioning Standards).

TITLE 179 NAC 3 shall mean the Nebraska Administrative Code Title 179 Chapter 3 (Nebraska Department of Health and Human Services Title 179 Public Water Systems Chapter 3 - Monitoring and Analytical Requirements).

UNSAFE WATER SAMPLE shall mean a water sample which tests positive for coliform bacteria, or exceeds 10 mg/l Nitrate-Nitrogen, or which exceeds the Maximum Contaminant Level (MCL) for any other contaminant as established by the U.S. Environmental Protection Agency or Nebraska Department of Health and Human Services for a public water supply.

### **Section III. INSPECTION REQUIRED; EXCEPTIONS**

Prior to the sale, transfer or conveyance of property upon which an OS is located, it shall be the duty of the owner to have each OS inspected per this resolution by a Property Transfer Inspector and secure a determination letter as provided in Section VII of this resolution. An inspection is not required for the following:

- A. When a determination letter approving an OS was issued within the preceding 36 months of the transfer.
- B. When a new OS was installed in compliance with R-13-0062 and C.R. 02-31 within the preceding 36 months of the transfer.
- C. A transfer creating or ending a joint tenancy or tenancy in common if at least one person is an original owner of the property or his or her spouse, including a transfer from one spouse to another, or a change in ownership solely to exclude a spouse.
- D. Where structures on the property will not be occupied and are to be demolished after property is sold, transferred, or conveyed.
- E. A transfer to establish, release, or foreclose a security interest.
- F. A transfer by intestate, will, or trust to an heir, devisee, or beneficiary.
- G. A transfer by warranty deed or quitclaim deed between immediate family members, including parents, grandparents, grandchildren, siblings, and children (including adopted children and stepchildren).

### **Section IV. INSPECTION OF ON-SITE WASTEWATER TREATMENT SYSTEMS (OWWTS)**

- A. An inspection of an OWWTS by a OWWTS Property Transfer Inspector shall consist of determining compliance with R-13-0062, C.R. 02-31, Title 124 NAC, and the following:
  - 1. The septic tank shall be inspected to determine the depth of the sludge layer and scum layer; and
  - 2. The soil absorption field shall be visually inspected for signs or evidence of

- failure; and
  - 3. The soil absorption field shall be probed to determine the location of laterals and to check for excess effluent.
- B. An inspection of a wastewater lagoon by an OWWTS Property Transfer Inspector shall consist of determining compliance with R-13-0062, C.R. 02-31, Title 124 NAC, and the following:
  - 1. The dike shall be inspected for the presence of animal burrows, damage, cracks or crevices, and evidence of wastewater lagoon overflow or over-the-ground surface water inflow; and
  - 2. The wastewater lagoon shall be inspected for the presence of cattails, other emergent plants, and trees that might damage the wastewater lagoon seal or dike construction.

**Section V. INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS (OWSS)**

- A. An inspection of an OWSS by an OWSS Property Transfer Inspector shall consist of:
  - 1. Determining compliance with Title 178 NAC 12; and
  - 2. Taking water samples from the OWSS and having such water samples analyzed for coliform bacteria, fecal coliform bacteria and Nitrate-Nitrogen to determine compliance with Title 179 NAC 3.
- B. Further water analysis may be required by the Health Director in cases of unsafe water samples, or in areas known or suspected to have contamination which could impact human health. Analysis may include testing for organic or inorganic chemicals. All such sampling and analysis shall be in compliance with Title 179 NAC 3.

**Section VI. INSPECTION REPORTS; REQUIREMENTS**

- A. The Property Transfer Inspector shall submit to the Department a signed property inspection report on forms approved by the Health Director. Inspection reports shall include, but are not limited to:
  - 1. The street address and the legal description of the property.
  - 2. The parcel identification number.
  - 3. The name of the owner or authorized agent.
  - 4. The location of the OS.
  - 5. Proximity to sources of contamination.
  - 6. A description of the current operational or functional status of the OS.
  - 7. Identification of any necessary repairs or replacement of all or portions of the OS.
  - 8. Results of the OWSS water analysis, where applicable.
  - 9. Other relevant observations related to the system(s), and potential health or environmental hazards, or nuisance conditions.
  - 10. Signature of Property Transfer Inspector.

- B. In the event that a complete inspection of the OWWTS cannot occur prior to the sale, transfer, or conveyance of property due to inclement weather conditions, the Property Transfer Inspector shall submit to the Health Director a signed written statement indicating what elements of the inspection could not be completed.
- C. The Property Transfer Inspector shall provide a copy of the inspection report to the owner or authorized agent.
- D. The inspection report filed with the Department shall be considered a public record.

**Section VII. REVIEW OF INSPECTION REPORT BY HEALTH DIRECTOR;  
DETERMINATION LETTER**

- A. Upon receipt of an inspection report and review fee, the Health Director will:
  - 1. Document the day of receipt of the inspection report.
  - 2. Review and evaluate the inspection report.
  - 3. Provide a written or electronic determination letter to the owner or authorized agent within five (5) business days after receipt of the inspection report and review fee. The determination letter will issue:
    - i. The approval of the OS to mean the structure and operational status are in substantial conformance with R-13-0062, C.R. 02-31, Title 124 NAC and/or Title 178 NAC 12; or
    - ii. The denial of the OS to mean the OS adversely affects or may adversely affect the public health and/or the environment; or
    - iii. An inability to approve or deny the OWWTS based upon receipt of a signed
- B. The owner or authorized agent is considered notified of the determination letter when the Health Director sends it by U.S. mail to the owner's or authorized agent's last known mailing address.
- C. If the owner or authorized agent disputes the Health Director's determination, the owner or authorized agent shall have the right to a hearing and appeal as provided in this resolution. A hearing or appeal does not stay the effect of the Health Director's determination.

**Section VIII. INSPECTIONS AND ENFORCEMENT; RIGHT OF ENTRY**

- A. The Health Director is hereby authorized and directed to make such inspections as are necessary to determine compliance with this resolution.
- B. Upon presentation of proper credentials the Health Director may enter at reasonable times any building, structure, or property in the county to determine compliance with the requirements of this resolution. It shall be unlawful for any owner or occupier of the property or person in charge of the property to deny right of entry to the Health Director to make such inspection.

**Section IX. PROPERTY TRANSFER INSPECTOR PERMIT; REQUIREMENTS**

- A. Application for a permit for a Property Transfer Inspector shall be made to the Health Director on forms furnished by the Health Director. Such forms shall require the name, address, business address, daytime phone number of the applicant, which permit the applicant is applying for, and such other relevant information as may be required by the Health Director. The applicant shall complete the required forms.
- B. A Property Transfer Inspector may be permitted in two categories: On-site Water Supply Systems (OWSS) and/or On-site Wastewater Treatment Systems (OWWTS).
  - 1. OWSS Property Transfer Inspector. A person shall be certified in the State of Nebraska under Title 178 NAC 10 as a Water Well Contractor, a Water Well Drilling Supervisor, a Pump Installation Contractor or a Water Well Monitoring Technician.
  - 2. OWWTS Property Transfer Inspector. A person shall be certified by the State of Nebraska under Title 124 NAC as a Site Evaluator or Inspector, shall be a Journeyman Installer or Master Installer under R-13-0062.
- C. The applicant shall be required to take a Property Transfer Inspector training program and the Property Transfer Inspector Exam. Both the training program and exam must be approved by the Health Director.
- D. The Health Director shall issue a permit if:
  - 1. The applicant has properly completed the required application forms; and
  - 2. The applicant possesses the required certification requirements for the permit; and
  - 3. The applicant has paid the required permit fee; and
  - 4. The applicant has provided proof insurance meeting the requirements of this resolution; and
  - 5. The applicant has satisfactorily completed the training program and passed the exam.
  - 6. The applicant agrees to supplement all pertinent information, including applicant's address, business address, phone number, and such other information as the Health Director requires.
- E. The permit shall remain in force for two (2) years from its date of issue, unless suspended or revoked. The permit may be renewed without an exam, by paying the required fee, and providing documentation of required certification. Any person who does not renew their permit prior to or on the date of expiration shall complete a new permit application, pay the required fee, and pass the exam.
- F. Any person whose application for a Property Transfer Inspector permit has been denied by the Health Director shall be notified in writing as to the denial. Such person may within ten (10) business days after receipt of denial request a hearing before the Health Director to be held in compliance with this resolution.

**Section X. CERTIFICATE OF INSURANCE**

- A. Before any Property Transfer Inspector may be issued a permit under the provisions of this resolution, such Property Transfer Inspector shall be required to purchase and maintain a

policy of insurance sufficient in coverage and amount to fully satisfy any judgments and pay any and all liabilities, judgments, claims, and related expenses that may arise in connection with services provided under the provisions of this resolution. At a minimum, such insurance shall include:

1. Workers' Compensation Insurance fully insuring its employees as required by law. Said insurance shall be obtained from an insurance company which is authorized to do business in the State of Nebraska.
2. Commercial or Comprehensive General Liability Insurance, naming and protecting the Property Transfer Inspector, Lancaster County, and the Lincoln-Lancaster County Health Department against claims for damages resulting from (i) bodily injury, including wrongful death; (ii) personal injury liability; and (iii) property damage which may arise from services provided under the provisions of this resolution. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:

\$1,000,000 Each Occurrence  
 \$1,000,000 Personal Injury  
 \$2,000,000 Aggregate

- B. All Certificates of Insurance shall be subject to review and approval by the County Attorney's Office. All Certificates of Insurance shall be filed with the Health Department on the standard ACCORD Certificate of Insurance form showing the specific limits of insurance required by the preceding subsections A and B, and showing Lancaster County and the Lincoln-Lancaster County Health Department as additional insured. Such certificate shall specifically state that insurance policies are to be endorsed to require the insurer to provide the County and the Health Department with thirty (30) days notice of cancellation, non-renewal or any material reduction of insurance coverage. Any termination, reduction, or lapse of such insurance shall be grounds for suspension or revocation of the Property Transfer Inspector's permit, unless other insurance satisfying the requirements of this section is provided and is in full force and effect at the time of such expiration or cancellation.

**Section XI. FEES**

- A. Fee for evaluation and review of Property Transfer Inspector reports and any necessary site visits by Health Director \$200.00
- B. Property Transfer Inspector permit fees:
 

On-site Wastewater Treatment System (OWWTS) Property Transfer Inspector	\$30.00
On-site Waste Supply System (OWSS) Property Transfer Inspector	\$30.00
Both OWWTS & OWSS	\$30.00

All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund. No fees will be refunded.

**Section XII. PROPERTY TRANSFER INSPECTION; PERMIT REQUIRED**

It shall be unlawful for any person other than a Property Transfer Inspector or an authorized representative of the Health Director that is currently a Registered Environmental Health Specialist in the State of Nebraska to inspect any OS prior to transfer, sale or conveyance of property as required by this resolution.

**Section XIII. PROPERTY TRANSFER INSPECTOR PERMIT; SUSPENSION, REVOCATION**

It shall be a condition of the Property Transfer Inspector permit issued under this resolution that it may be suspended or revoked at any time by the Health Director for a violation of Title 124 NAC, Title 178 NAC 10, Title 179 NAC 3, or any of the provisions of this resolution. A permit granted under this resolution shall be subject to suspension or revocation in the following manner:

- A. The Health Director shall notify the person holding the Property Transfer Inspection Permit to be suspended or revoked as provided in Section XVI.
- B. The Health Director may suspend the permit for an appropriate period of time not to exceed ninety (90) days.
- C. The suspension or revocation shall be effective immediately upon notice.
- D. This person has a right to a hearing in which the Health Director shall conduct the hearing in accordance with this resolution.
- E. It shall be unlawful to inspect an OS after receiving notice of suspension or revocation.
- F. Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension or revocation in any manner.

**Section XIV. PROPERTY TRANSFER INSPECTOR PERMIT; REINSTATEMENT OF PERMIT**

- A. Any person whose Property Transfer Inspector Permit has been suspended may apply to have the permit reinstated after the suspension period has expired. The person shall pass the exam and provide a statement signed by the person that the conditions causing suspension of the permit have been corrected.
- B. Any person whose Property Transfer Inspector Permit has been revoked may apply for a new permit after 90 days. The person shall complete a new permit application, pay the required fee, pass the exam, and provide a statement signed by the person that the conditions causing revocation of the permit have been corrected.

**Section XV. ENFORCEMENT HEARINGS**

- A. Unless this resolution provides otherwise, the Health Director shall conduct hearings allowed or required under this resolution as soon as practicable, but in no event later than:
  - 1. Three (3) business days after a request for hearing to appeal a permit suspension or revocation; or
  - 2. Five (5) business days after any other request; or

3. At an agreed upon time frame if such is requested by the person for whom the hearing is being held.
- B. The Health Director shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.
- C. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:
  1. Call and examine witnesses on any matter relevant to the issues of the hearing;
  2. Introduce documentary and physical evidence;
  3. Cross examine opposing witnesses on any matter relevant to the issues of the hearing; and
  4. Rebut evidence.
- D. The Health Director may uphold, reverse, or modify the act or findings prompting the request or the Health Director may take such other reasonable action as the Health Director may determine proper related to the request.
- E. The Health Director shall make a final determination within ten (10) business days after the hearing.
- F. The Health Director's decision shall be final and binding upon the County and upon the person making the request. The Health Director's decision may be appealed to the district court as provided by state law.

**Section XVI. NOTICE; SERVICE**

- A. The Health Director may serve notice authorized or required by this resolution as follows:
  1. By personal service to the person holding the Property Inspector Permit; or
  2. By certified mail, postage prepaid, return receipt requested to the last known address of the person holding the Property Inspector Permit.
- B. The person making personal service may provide a written declaration, under penalty of perjury, identifying the person served and the time, date, and manner of service as proof of service.
- C. After a request for a hearing, the Health Director shall provide notice of the time, place and date for said hearing and shall identify the provisions of this resolution alleged to be violated and the facts alleged to constitute such violation.

**Section XVII. PENALTY**

Any person who is found to have violated any provision of this resolution shall be subject to the penalties provided in Neb. Rev. Stat. § 23-174 and § 23-114.05, as amended. In addition to any penalty sought or obtained under this resolution or other applicable law, the County Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations of this resolution.

**Section XVIII. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution.

**Section XIX. EFFECTIVE DATE**

This resolution shall take effect and be in full force on November 5, 2013.

# FACT SHEET

**TITLE:**

County Resolution amending CR No. R-06-0005 Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska

**SPONSOR:**

Health Department

**OPPONENTS:**

None specifically identified

**STAFF RECOMMENDATION:**

For

**OTHER DEPARTMENTS AFFECTED:**

None

**APPLICANT:**

Health Department

**REASON FOR LEGISLATION:**

To update County Resolution CR No. R-06-0005 Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska by amending Section X. Fees and re-adopting all of the sections of the existing regulations to provide a single document with all current regulations and fees.

## DISCUSSION

Incremental fee increases are proposed for the review cost for regulation of property transfers with onsite systems, which address operational costs. No increase is proposed for individual Property Transfer Inspector permit fees. This revenue will allow the Department to provide required services, including reviews, inspections, education, and investigations, and to protect the public from illness and the spread of disease. This revenue was part of the FY 13/14 Budget that was approved by the joint budget committee.

In addition, we are asking the County Board to re-adopt the entire set of regulations so that the official record consists of a single document with all regulations and current fees.

**POLICY OR PROGRAM CHANGE:** No

**COST OF TOTAL PROJECT:** Projected revenue change will be a total of \$1055.

**SOURCE OF FUNDS:** User Fees

**FACT SHEET PREPARED BY:** Scott E. Holmes, REHS, MS  
Environmental Public Health Division Manager

**REVIEWED BY:** Judith A. Halstead, MS, Health Director

**CR No. R-06-0005**

**Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska**

**Section X. FEES**

- (a) Fee for evaluation and review of Property Transfer  
Inspector reports and any necessary site visits by Health Director ~~.\$195.00~~\$200.00
  
- (b) Property Transfer Inspector permit fees:
  - On-site Wastewater Treatment System  
(OWWTS) Property Transfer Inspector ..... \$30.00
  
  - On-site Waste Supply System (OWSS)  
Property Transfer Inspector ..... \$30.00
  
  - Both OWWTS & OWSS ..... \$50.00

All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund. No fees will be refunded.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING SECTION II )  
OF COUNTY RESOLUTION NO. R-13-0064, ) RESOLUTION NO. R-22-0013  
PROCEDURES FOR THE INSPECTION OF )  
ON-SITE WATER SUPPLY SYSTEMS AND )  
ON-SITE WASTEWATER TREATMENT )  
SYSTEMS PRIOR TO THE SALE, TRANSFER, )  
OR CONVEYANCE OF PROPERTY IN )  
LANCASTER COUNTY, AS PROVIDED IN )  
ATTACHMENT "A." )

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County on October 15, 2013, under County Resolution No. R-13-0064; and

WHEREAS, on January 11, 2022, the Lincoln-Lancaster County Health Department has recommended an amendment to those procedures, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on February 15, 2022, the Board of Commissioners of Lancaster County, Nebraska conducted a public hearing regarding the adoption of the amendment to Resolution No. R-13-0064, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendment to County Resolution No. R-13-0064, procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, as provided in Attachment "A" is hereby adopted, and shall become effective February 15, 2022.

BE IT FURTHER RESOLVED that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 15 day of February, 2022, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

Rick Vest

Christa Spakum

Deb Scher

Anna Adams

Frankly

APPROVED AS TO FORM  
this 15 day of February, 2022.

[Signature]  
Deputy County Attorney  
for PAT CONDON  
Lancaster County Attorney

**Section II. DEFINITIONS**

TITLE 124 NAC shall mean the Nebraska Administrative Code Title 124 (Nebraska Department of Environmental Quality Title 124 - Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems, effective August 11, 2012).

BEFORE THE BOARD OF COUNTY COMMISSIONS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING )  
THE LANCASTER COUNTY AIR ) RESOLUTION NO. R-13-0073  
POLLUTION CONTROL RESOLUTION )

WHEREAS, it is hereby declared to be the public policy of Lancaster County to achieve and maintain reasonable levels of air quality which will protect human health and safety, by working cooperatively with industries and other entities to prevent injury to plant, animal life, and property; and to promote the public safety, health and welfare of its inhabitants; and

WHEREAS, the need to prevent excessive emission potential air contaminants in the area of Lancaster County (except the City Lincoln and the area over which it exercises zoning jurisdiction), and the resultant effect upon the public safety, health and welfare, requires adoption of a comprehensive and integrated air pollution control program; and

WHEREAS, to achieve the above stated goals, the Lancaster County Board of Commissioners adopted the Lancaster County Air Pollution Control Resolution of 1993 on November 16, 1993 under County Resolution No. 5069; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended that the previously adopted Lancaster County Air Pollution Control Resolution of 1993, Resolution No. 5069, be updated in its entirety to reflect the most current version of the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A," attached hereto and incorporated by this reference.

WHEREAS, on December 10, 2013, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the updated Lancaster County Air Pollution Control Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, that the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A," is hereby adopted, and shall become effective upon execution of this Resolution by the Board.


BE IT FURTHER RESOLVED, that County Resolution No. 5069 is hereby superseded and that all other resolutions and parts of resolutions in conflict herewith be and they are hereby replaced.


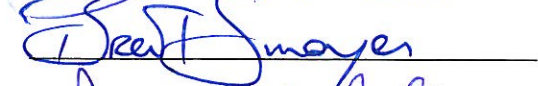


BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this \_\_\_\_ day of December, 2013, in the County-City Building, Lincoln,  
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 10 day of  
December, 2013.

  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

  
  
  
  
Hudkins Absent

ATTACHMENT "A"

LANCASTER COUNTY AIR POLLUTION  
CONTROL RESOLUTION

Section 1. Title. This Resolution shall be known and referred to as "The Lancaster County Air Pollution Control Resolution." Resolution Number 5069 entitled "The Lancaster County Air Pollution Control Resolution of 1993" and any amendments thereto are hereby rescinded.

Section 2. Purpose. It is the intent and purpose of this Resolution to provide methods and procedures for the control of air pollution; to achieve and maintain the National Ambient Air Quality Standards; to empower the Director to investigate and abate violations of said standards and regulations; to prescribe the duties of the Director and the Air Pollution Control Advisory Board; and to prescribe penalties for violations of this Resolution as adopted in accordance therewith. In addition to powers conferred elsewhere in the laws of the state and notwithstanding any other law of the state, the Director shall have the power to implement and enforce an air pollution control program within the Lancaster County under subsection (23) of Section 81-1504 or subsection (1) of Section 81-528 which program shall be consistent with the Clean Air Act (Act), as amended (42 U.S.C. 7401 et seq.). This Resolution together with the Lincoln-Lancaster County Air Pollution Control Program adopted by Resolution No. R-13-\_\_\_\_\_, and all amendments thereto, implemented by an interlocal agreement with the City of Lincoln comprise the Lancaster County Air Pollution Control Program.

Section 3. Definitions. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases shall have the following meanings:

**Act** shall mean the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

**Air contaminant or air contamination** shall mean the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, odor, vapor, gas, or other gaseous fluid, or particulate substance matter differing in composition from or exceeding in concentration the natural components of the atmosphere.

**Air pollutant or air pollution** shall mean the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof present in the atmosphere in such quantities and of such duration as are or may tend to be injurious to human, plant, or animal life.

**Air Pollution Control Program** shall mean this Resolution and the Lincoln-Lancaster County Air Pollution Control Program adopted by Resolution No. R-13-\_\_\_\_\_, and all amendments thereto, and implemented by an interlocal agreement by the City of Lincoln and County of Lancaster to implement and enforce the Act.

**Ambient air** shall mean the portion of the atmosphere, external to buildings, to which the general public has access.

**Board of Health** shall mean the Lincoln-Lancaster County Board of Health.

**Complaint** shall mean any charge, however informal, to or by the Department that any person or agency, private or public, is polluting the air or is violating the provisions of the Air Pollution Control Program.

**Control and controlling** shall mean prohibition of contaminants as related to air pollution.

**Department** shall mean the Lincoln-Lancaster County Health Department.

**Director** shall mean the Health Director of the Lincoln-Lancaster County Health Department, or any representatives, agents, or employees of the Director.

**Emissions** shall mean releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

**Garbage** shall mean all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in, or storage of meats, fish, fowl, fruits, vegetables, cereals, or grains for human consumption, and coffee or tea grounds.

**Odor** shall mean that property of an air contaminant detectable by the Department, beyond the boundary line of the property on which the source is located.

**Odorous emission** shall mean any objectionable odor detectable upon investigation by the Department beyond the boundary line of the property on which the source of the emission is located. Odorous emission shall not include odors from:

- (1) Single family dwellings;
- (2) Restaurants other establishments for the purpose of preparing food employing less than five persons;
- (3) Materials with odors added for safety purposes;
- (4) Necessary materials where no suitable substitute is available and where the best modern practices to minimize odor are employed.

**Open burning** shall mean the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

**Owner or operator** shall mean any person who owns, leases, operates, controls, or supervises a stationary source.

**Person** shall mean any individual, partnership, limited liability company, firm, association, public or private corporation, trustee, receiver, assignee, estate, public, or private institution, group, public or private agency, municipality or other governmental subdivision, political subdivision of this state, any other state or political subdivision or agency thereof of any legal successor, representative, agent or agency of the foregoing.

**Refuse** shall mean and include garbage, rubbish, ashes, street refuse, dead animals, vehicles and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves and grass, and any other waste matter or material which accumulates in the conduct of a household, business establishment, shop, or factory of any kind or nature, and any other combustible waste material containing carbon in a free or combined state.

**Salvage operation** shall mean any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

**Source** shall mean any factory, grain elevator, machine, industrial plant, real or personal property, or person contributing to air pollution.

**Stationary source** shall mean any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation by the Act or by the Lincoln Lancaster County Air Pollution Control Program Regulations and Standards.

#### Section 4. Director Powers and Duties.

- (a) The duties of the Director shall include the investigation, prevention, and abatement of air pollution from any source and enforcing the provisions of the Air Pollution Control Program.
- (b) The Director shall have the power and duty to:
  - (1) Make such inspections and tests as the Director deems necessary to determine compliance with the provisions of the Air Pollution Control Program and to require the submission of air contaminant emission information in connection with such inspections, tests, and studies.
    - (i) Reports shall be made on forms furnished by the Department.
    - (ii) Director shall determine what information is required for reporting purposes, the persons to submit the information required, and the means maintaining current status of the information. All emission data furnished to or obtained by the Department concerning one or more air contaminant sources shall be made

available during business hours for inspection by the public as provided by the Act.

- (2) Exercise general supervision of the administration and enforcement of the Act and the Air Pollution Control Program;
- (3) Develop comprehensive programs for the prevention, control, and abatement of new or existing sources of air pollution;
- (4) Advise, consult, and cooperate with other agencies of the state, the federal government, and with affected groups, political subdivisions, and industries;
- (5) Act as the local air pollution agency, for all purposes of the Act and any other federal legislation pertaining to loans or grants for environmental protection and from other sources, public or private, for carrying out any of its functions, which loans and grants shall not be expended for other than the purposes for which provided;
- (6) Collect and disseminate information and conduct educational and training programs relating to air pollution and the prevention, control, and abatement of such pollution;
- (7) Issue, modify, or revoke orders:
  - (i) Prohibiting or abating discharges of air pollutants;
  - (ii) Requiring the construction of control systems or any parts thereof or the modification, extension, or adoption of other remedial measures to prevent, control, or abate air pollution;
- (8) Perform the following:
  - (i) Hold hearings required by the Air Pollution Control Program and give notice thereof,
  - (ii) Administer oaths, and
  - (iii) Make such testimony as the Director deems necessary.
  - (iv) Any of these powers may be exercised on behalf of the Director by a hearing officer designated by the Director;
- (9) Require under such conditions as the Director may prescribe, the submission of such plans, specifications, and other information as the Director deems necessary to carry out the Air Pollution Control Program. When deemed necessary by the Director, such plans and specifications shall be prepared and submitted by a professional engineer duly registered to practice in the State of Nebraska. Nothing in this section shall be construed to authorize the Director to specify the type, design, method of installation, or type of construction of any equipment of manufacturing processes;

- (10) Issue, continue in effect, revoke, modify, or deny permits, under such conditions as the Director may prescribe and consistent with the Act and the Air Pollution Control Program:
  - (i) To prevent, control, or abate air pollution,
  - (ii) For the discharge of air pollutants, and
  - (iii) For the installation, modification, or operation of control systems or any parts thereof;
- (11) Require proper maintenance and operation of control systems;
- (12) Exercise all incidental powers necessary to carry out the purposes of the Act and the Air Pollution Control Program;
- (13) Require access to existing and available records relating to:
  - (i) Emissions or discharges which cause or contribute to air pollution; or
  - (ii) The monitoring of such emissions or discharges;
- (14) Obtain such scientific, technical, administrative, and operational services including laboratory facilities, by contract or otherwise, as the Director deems necessary;
- (15) Encourage voluntary cooperation by persons and affected groups to achieve the purposes of the Act and the Air Pollution Control Program;
- (16) Consult with any person proposing to construct, install, or otherwise acquire an air contaminant source or a device or system for control of such source, upon request of such person, concerning the efficacy of such device or system or concerning the air, land, or water pollution problem which may be related to the source, device, or system. Nothing in any such consultation shall be construed to relieve any person from compliance with the Act or the Air Pollution Control Program, or any other provision of law;
- (17) Require all persons engaged or desiring to engage in operations which result or which may result in air pollution to secure a permit prior to installation or operation or continued operation;
- (18) Enter and inspect or cause to be inspected, during reasonable hours, any building, facility, or place, as provided in the Uniform Inspections Code;
- (19) Receive or initiate complaints of air pollution, hold hearings in connection with air pollution, and institute legal proceedings for the control or prevention of air, water, or land pollution, and for the recovery of penalties, in accordance with the Act and the Air Pollution Control Program;

- (20) Conduct tests and take samples of air contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source, giving the owner or operator a receipt for the sample obtained;
- (21) Develop and enforce compliance schedules, under such conditions as the Director may prescribe and consistent with the Act and the Air Pollution Control Program to present, control, or abate air pollution;
- (22) Advise planning agencies regarding air use aspects of plans and planning functions in order to prevent land use conflicts with air quality needs;
- (23) Conduct studies to determine what is necessary to meet assigned responsibilities;
- (24) Advise bodies with zoning responsibilities and make recommendations concerning both proposed and adopted zoning regulations affecting air pollution control;
- (25) Make recommendations for revisions of this Resolution and the Air Pollution Control Program;
- (26) Administer grants or other funds or gifts received for the purpose of carrying out any of the purposes of the Air Pollution Control Program, subject to the laws, regulations and resolutions of the State of Nebraska and the County of Lancaster; and
- (27) Consult with the Air Pollution Control Advisory Board and the Lancaster County Board of Commissioners on matters pertaining to the Air Pollution Control Program.

#### Section 5. Air Pollution Control Advisory Board; Appointment and Duties

As provided for in the Lincoln-Lancaster County Air Pollution Program:

- (a) The Mayor of the City of Lincoln shall appoint, with approval of the Lincoln City Council and the Lancaster County Board of Commissioners, an advisory board of nine members, four of whom shall be from industry. The Director and a member of the Lancaster County Board of Commissioners shall be ex officio members of the advisory board, and the Director shall serve as secretary to the advisory board. The City Attorney or a designated representative, and the Planning Director or a designated representative, shall advise the advisory board as necessary.
- (b) The members of the advisory board shall serve for a period of three years. Three original appointees to the advisory board shall serve a term of one year each; three original appointees to the advisory board shall serve a term of two years each; and three original appointees to the advisory board shall serve a term of three years each. Thereafter, all

appointments to the advisory board shall be for a term of three years each. Annually, the advisory board shall organize itself by the election from its membership of a president and vice-president who shall not be an ex officio member. The advisory board shall adopt its own rules and regulations for the conduct of its meetings. The advisory board shall meet at least annually and in addition, shall meet at the call of its president, the Mayor, the City Council, the Lancaster County Board of Commissioners, and the Board of Health, or upon written request signed by five of its members and filed with the secretary of the board.

- (c) The advisory board shall advise the Mayor, City Council, the Lancaster County Board of Commissioners, and the County Board of Health with respect to needed revision in this or any other resolution and on matters concerning the Air Pollution Control Program, and when necessary submit written evaluations of both the Air Pollution Control Program and the Department to the Mayor, City Council, the Lancaster County Board of Commissioners, and the Board of Health.

#### Section 6. Procedure for Abatement.

If the Director has determined by observation or tests that any act violates the provisions of this Resolution, a violation notice may be issued to the owner, operator, or the agent of either the owner or operator of any source of air pollution. The violation notice shall state the violation and specify the date by which the violation shall be corrected.

If the conditions causing the violation have not been rectified by the time described in the violation notice, the Director may refer the matter to the office of the County Attorney, and the County Attorney may institute the necessary legal proceedings in a court of competent jurisdiction for the purposes of assessing penalties or obtaining an injunction, or both, to secure compliance with the provisions of this Resolution.

#### Section 7. Appeal Procedure.

- (a) Any person who is aggrieved by a decision, notice, or order of the Director may appeal such decision, notice, or order
- (b) Enforcement of any decision, notice, or order of the Director shall be stayed during the pendency of any appeal properly and timely filed except in cases of emergency as defined by the Air Pollution Control Program or other applicable law.

#### Section 8. Variance.

Whenever it has been demonstrated to the Director that compliance with this Resolution cannot be effectively and promptly made, the Director may grant a variance as provided in the Air Pollution Control Program.

#### Section 9. Inspections; How Conducted.

All inspection, survey and examinations of premises conducted pursuant to the provisions of this Resolution relating to air pollution control shall be conducted in accordance with the provisions of the Uniform Inspections Code.

#### Section 10. Issuance of Building Permit.

No building permit to commence construction or modification of any source for which an application is required under the Air Pollution Control Program shall be issued by the Department of Building and Safety until the Director has issued a permit for construction or modification of the source.

#### Section 11. Odor Nuisances Prohibited.

- (a) It shall be unlawful to cause or permit odorous emissions from any source except animal confinement and feeding operations. Such violation may be established as follows:
  - (1) Upon complaint of the Director that the odorous emission endangers or tends to endanger the health or safety of the public, or that such emission is unreasonably offensive or objectionable causing unreasonable interference with the use or enjoyment of affected property; or
  - (2) Upon complaint of three or more unrelated people within a thirty-day period at their residences that any detectable odor endangers or potentially endangers health, safety or welfare or is unreasonably offensive or objectionable causing unreasonable interference with the use or enjoyment of the complainant's property.
- (b) It shall be unlawful to cause or permit odorous emissions from animal confinement and feeding operations. Such emissions shall not be a violation where:
  - (1) The owner or operator has employed all reasonable techniques to minimize odor;
  - (2) The operation is in compliance with all applicable regulations adopted by the state and zoning regulations of the County;
  - (3) The complaint is filed by a person other than a person in lawful possession of the land claimed to be affected by the odor; and

- (4) The complaint is filed by a person who acquired lawful possession of the affected land after the owner or operator began lawful operation.

#### Section 12. Open Burning.

- (a) Within Lancaster County, except the City of Lincoln and the area over which the City of Lincoln exercises zoning jurisdiction, the open burning of refuse and salvage materials shall be regulated as follows:
  - (1) Residential, rural residential, agricultural, and common-carrier right-of-way open burning:
    - (i) It shall be unlawful to cause, suffer, allow or permit open burning of refuse on residential, rural residential, agricultural (farm) property or common-carrier right-of-way, when the nearest boundary of the burning site is within one hundred (100) yards of an occupied dwelling, an occupied business structure, school or other institution, park or recreational area, other than what is located on the property where proposed open burning is to take place without first obtaining a Burn Permit as hereinafter provided in Section 13 of this Resolution.
    - (ii) Any refuse burned shall be indigenous to the property of the owner or person in lawful possession of the land.
  - (2) Industrial, commercial (other than salvage operations), institutional (to include schools, hospitals, churches, and related facilities), governmental and community solid waste disposal open burning:
    - (i) It shall be unlawful for governmental, industrial or commercial enterprise, or institutions, or on community solid waste disposal sites, to cause open burning of refuse without having a permit to do so issued by the Director as hereinafter provided in Section 13 of this Resolution.
  - (3) It shall be unlawful to intentionally burn any house, barn, shed and other structure without having a permit to do so issued by the Director as hereinafter provided in Section 13 of this Resolution.
- (b) Except as herein provided, regardless of whether a permit for open burning has been issued or not, and regardless of whether neighboring properties are affected or not, it shall be unlawful for any person, or industrial, commercial, government or institutional facility, or

solid waste disposal site within Lancaster County to cause, permit, or allow any of the following:

- (1) Burn any garbage or salvage material. Permits shall not be issued for the burning of such materials.
  - (2) Conduct any open burning which allows smoke from the fire to travel onto any street, road or highway in such a way as to obscure the vision of any person operating a vehicle on that street, road or highway.
  - (3) Except as permitted by the Director for fire training purposes, burn or use to start the burning process, any of the following materials:
    - (i) Gasoline, diesel oil, heavy oil, solvents, or other flammable petroleum products.
    - (ii) Treated wood of any kind including railroad ties, treated posts, utility poles, wood paneling and particle board.
    - (iii) Plastic and items containing plastic of any kind.
    - (iv) Rubber and asphaltic products including rubber tires roofing shingles, tar paper, asphaltic siding and sheeting and items containing rubber or asphaltic compounds.
    - (v) Any material being burned for the purpose of salvaging all or part of said material.
    - (vi) Any other chemical material which produces highly toxic smoke or fumes which may endanger the public or firefighters called to extinguish the fire.
  - (4) Conduct open burning which permits smoke from the fire to travel onto a neighboring property, park or recreational area where it becomes a public nuisance to people who occupy the neighboring dwelling, business structure, or are using the park or recreational area.
- (c) The Director or the chief of the appropriate fire department may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous to health, welfare or safety of persons or property, and all permits for burning shall be subject to such prohibition or cancellation.
- (d) Any person who conducts open burning in Lancaster County must be present at the immediate site of the open burning at all times while the burning occurs. No person shall leave said site unattended until there are no smoldering embers or the fire has been completely extinguished, or both.

- (e) Within Lancaster County, it shall be prima facie evidence that the person who owns, controls, or occupies property on which open burning occurs has caused or permitted said open burning.

### Section 13. Open Burning Permits.

- (a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of \$140.00 per day on which burning is to take place. Said fee shall be credited to the Health Fund.
- (b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.
- (c) The Director is authorized to issue a permit only if:
  - (1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and
  - (2) The appropriate fire department has approved the application as meeting their fire safety requirements.
  - (3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.
- (d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.
- (e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

### Section 14. Air Pollution Nuisance. Prohibited.

- (a) The emission or escape into the open air from any source or sources whatsoever of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety, or ,welfare of the public, or is unreasonably offensive and objectionable to the public, or shall cause unreasonable injury or damage to property or interfere with the comfortable enjoyment of property or normal conduct of business, is hereby declared to be a public nuisance. It shall be unlawful for any person to cause, permit, or maintain any such public nuisance.
- (b) Nothing in any section of the Air Pollution Control Program shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance as described in this section of this Resolution.

#### Section 15. Penalty.

Any person who violates any of the provisions of this Resolution or who fails to perform any duty imposed by the same shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not to exceed three months or by a fine of not to exceed \$500.00 recoverable with costs, or both such fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable as such. In default of the payment of such fine and costs, the person or, if such person is a corporation, the officers of such corporation may be imprisoned in the county jail for a period of not more than sixty days and in addition thereto may be enjoined from continuing such violation.

#### Section 16. Severability.

If any clause, paragraph, subsection or section of this Resolution is held invalid, it shall be conclusively presumed that the Lancaster County Board of Commissioners would have enacted the remainder of this Resolution not directly related to such clause, paragraph, subsection or section.

#### Section 17. Effective Date.

This Resolution shall take effect upon its execution by the Lancaster County Board of Commissioners.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING THE )  
LANCASTER COUNTY AIR POLLUTION )  
CONTROL RESOLUTION, TO INCREASE ) RESOLUTION NO. R-22-0085  
THE FEE FOR OPEN BURNING PERMITS, AS )  
PROVIDED IN ATTACHMENT "A" )

WHEREAS, pursuant to Neb. Rev. Stat. § 23-174.10, the Lancaster County Board of Commissioners adopted the Lancaster County Air Pollution Control Resolution on November 16, 1993 and again on December 10, 2013, under County Resolution No. R-13-0073, for the purpose of achieving and maintaining reasonable levels of air quality which will protect human health and safety and promote the public safety, health, and welfare of Lancaster County; and

WHEREAS, pursuant to Neb. Rev. Stat. §13-801, et seq., Lancaster County and the City of Lincoln entered into an Interlocal agreement for the purpose of providing for the establishment of the 1993 Lincoln-Lancaster County Air Pollution Program, which resolution was readopted at Lancaster County Resolution No. R-13-0072; and

WHEREAS, the Lancaster County Board of Commissioners amended the Lancaster County Air Pollution Control Resolution on August 9, 2016 under County Resolution No. R-16-0048, on September 18, 2018 under County Resolution No. R-18-0061 and on September 8, 2020 under County Resolution No. R-20-0056;

WHEREAS, pursuant to Neb. Rev. Stat. § 71-1630 and § 71-1635, Lancaster County cooperated with the City of Lincoln in the establishment and maintenance of a City-County Health Department; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended amendments to the Lancaster County Air Pollution Control Resolution to increase the cost for a burn permit, as provided in Attachment "A," attached hereto and incorporated by this reference; and






WHEREAS, on September 13, 2022, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-20-0056, Lancaster County Air Pollution Control Resolution, as provided in Attachment "A," are hereby adopted, and shall become effective September 13, 2022. These amendments shall supersede all previous amendments not in conformance herewith.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 20 day of September, 2022, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

  
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APPROVED AS TO FORM  
this 20<sup>th</sup> day of  
September, 2022.

  
\_\_\_\_\_  
Deputy County Attorney  
for PAT CONDON  
Lancaster County Attorney

**SCHEDULE OF COSTS FOR SEPTEMBER 1, 2022 TO AUGUST 31, 2023**

**Section 13. Open Burning Permits.**

- (a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of ~~\$180.00~~ \$185.00 per day on which burning is to take place. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.
- (b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.
- (c) The Director is authorized to issue a permit only if:
  - (1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and
  - (2) The appropriate fire department has approved the application as meeting their fire safety requirements.
  - (3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.
- (d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.
- (e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

**SCHEDULE OF COSTS FOR SEPTEMBER 1, 2023 UNTIL SUCH TIME AS UPDATED BY RESOLUTION**

**Section 13. Open Burning Permits.**

- (a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of ~~\$185.00~~ \$190.00 per day on which burning is to take place. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.

- (b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.
- (c) The Director is authorized to issue a permit only if:
  - (1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and
  - (2) The appropriate fire department has approved the application as meeting their fire safety requirements.
  - (3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.
- (d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.
- (e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

**CITY OF HICKMAN**  
**RESOLUTION 2023-15**

**INTERLOCAL AGREEMENT BETWEEN**  
**THE CITY OF LINCOLN, NEBRASKA,**  
**on behalf of the Lincoln-Lancaster County Health Department, (“CITY”),**  
**and the CITY OF HICKMAN, NEBRASKA, having an address of 115 Locust Street, Hickman,**  
**Nebraska 68372, for the purpose of providing health regulation inspection and enforcement**  
**within the corporate limits of the City of Hickman and its extra-territorial jurisdiction.**

WHEREAS, the City of Hickman is desirous of contracting with the CITY, through the Lincoln-Lancaster County Health Department, in the interest of:

- Protecting the public’s health and the environment from pollution;
- Providing minimum standards regulating design, construction, installation, maintenance, and operation of individual sewage disposal systems within Lancaster County; and
- Providing investigation of public health nuisance conditions as defined by City of Hickman ordinances;
- Reviewing transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation established in City of Hickman ordinances as applicable; and
- Reviewing newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.

WHEREAS, the CITY is agreeable to rendering such services on the terms and conditions hereinafter set forth; and

WHEREAS, such services shall be provided within the corporate limits of the City of Hickman and its extra-territorial jurisdiction;

WHEREAS, such Interlocal Agreements are authorized and provided for by the provisions of Neb. Rev. Stat. §13-901 et. seq. hereinafter referred to as the Interlocal Cooperation Act; and

WHEREAS, the parties to this Interlocal Agreement enter into this cooperative Interlocal Agreement for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. Each party agrees that it shall remain a distinct and separate entity with its own rights and authorities and that no separate board shall be created to fulfill the obligations of this Interlocal Agreement.

NOW, THEREFORE, it is agreed as follows:

1. **SERVICES**
  - i) The City of Hickman and the CITY enter into this Interlocal Agreement for the City of Hickman to:

- (1) Provide to the CITY any and all ordinances and regulations duly adopted by the City of Hickman related to individual sewage disposal systems, water supply systems, solid wastes, nuisances, air quality, open burning, and other health and safety hazards; and
  - (2) Act as the party primarily responsible for enforcement of the City of Hickman's ordinances, rules, and regulations related to the health and safety of the public.
- ii) The City of Hickman and the CITY enter into this Interlocal Agreement for the CITY to:
- (1) Investigate complaints presented by the City Clerk related to public health nuisance conditions, and other health and safety hazards;
  - (2) Generate necessary reports related to the findings of investigations conducted pursuant to this Interlocal Agreement and provide such reports to the City Clerk upon completion of each investigation;
  - (3) Cooperate with the City of Hickman Attorney in any enforcement actions brought by the City of Hickman involving any investigation conducted by the CITY according to the terms of this Interlocal Agreement;
  - (4) Appear as requested as a witness regarding the findings of investigations conducted according to the terms of this Interlocal Agreement.
  - (5) Review and permit all newly built or repaired on-site wastewater treatment systems within the corporate limits of the City of Hickman and its extra-territorial jurisdiction, assuring they meet minimum standards for design, construction, installation, maintenance, and operation as adopted by Ordinance.
  - (6) Review transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation as adopted by Ordinance.
  - (7) Review newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.
  - (8) Review and permit open burning requests to assure they do not create health risks and meet minimum standards as adopted by Ordinance.
  - (9) The CITY retains the right to limit the amount of staff time and other resources it expends to provide services identified in this Interlocal Agreement.
2. **TERM** – The term of this Interlocal Agreement shall commence upon execution and shall continue until completion all obligations of this Interlocal Agreement but in no event longer than ten (10) years after the date of execution by the City.
  3. **TERMINATION FOR CONVENIENCE** – Either party may terminate this Interlocal Agreement for any reason for its own convenience. If either party elects to terminate this Interlocal Agreement prior to its expiration, the terminating party shall provide the other party with sixty (60) days written notice of the termination.
  4. **DUTIES GENERALLY** – Both parties to this Interlocal Agreement agree as follows:
    - i) To timely and professionally complete the services as described for both parties above, and to furnish their labor and pay all their own costs, including any taxes, required to complete their services.

- ii) To furnish everything reasonably necessary to complete the services unless specifically provided otherwise in this Interlocal Agreement.
- iii) To apply for and obtain any and all necessary permits, certifications, licenses, variances, and approvals required by any applicable law or regulations that relate to the services.
- iv) To conduct all activities related to the services in a lawful manner.
- v) To provide and perform all necessary labor in a professional and workmanlike manner and in accordance with the provisions of this Interlocal Agreement.

5. **INDEPENDENT ENTITIES** – CITY has sole and exclusive charge and control of the manner and means of performance of the tasks required of it by this Interlocal Agreement. The CITY shall perform as an independent contractor, and it is expressly understood that neither the CITY nor any of its staff are employees of the City of Hickman and, thus they are not entitled to any City of Hickman benefits including, but not limited to, overtime, retirement benefits, workers’ compensation insurance, sick leave, or injury leave. The CITY shall be responsible for maintaining workers’ compensation insurance, unemployment insurance for its employees, and for all federal, state, local, and any other payroll taxes with respect to the CITY or its employees’ compensation.

6. **INSURANCE**

- i) The City of Hickman shall maintain General Liability Insurance at its own expense during the life of this Interlocal Agreement, naming and protecting the City of Hickman and the City of Lincoln, its officials, employees, and volunteers as insured, against claims for damages resulting from (1) all acts or omissions, (2) bodily injury, including wrongful death, (3) personal injury liability, and (d) property damage which may arise from operations under this Interlocal Agreement whether such operations are by the City of Hickman and its employees, or those directly or indirectly employed by the City of Hickman. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:
  - (1) All Acts or Omissions - \$1,000,000 each Occurrence; \$2,000,000 Aggregate; and
  - (2) Bodily Injury/Property Damage - \$1,000,000 each Occurrence; \$2,000,000 Aggregate; and
  - (3) Personal Injury Damage - \$1,000,000 each Occurrence; and
  - (4) Contractual Liability - \$1,000,000 each Occurrence; and
  - (5) Products Liability and Complete Operations - \$1,000,000 each Occurrence; and
  - (6) Medical Expenses (any one person) - \$10,000.
- ii) The following shall be provided and attached to this Interlocal Agreement by the City of Hickman:
  - (1) A Certificate of Insurance for its General Liability Insurance. The City of Lincoln shall be specifically named as an additional insurance on the General Liability Insurance Policy. The City of Hickman may present evidence of equivalent self-insurance in place of a certificate of insurance for General Liability Insurance. The City of Lincoln shall be treated as an additional insured as if the City of Hickman possessed General Liability Insurance.
  - (2) Proof of Workers’ Compensation Insurance, where appropriate.
- iii) The City of Hickman is required to provide the CITY with thirty (30) days notice of cancellation, non-renewal, or any material reduction in insurance as required by this

Interlocal Agreement. Further any General Liability Insurance Policy maintained in order to comply with this Interlocal Agreement shall specifically provide that the company from whom the policy is purchased will also provide the City of Lincoln thirty (30) days notice of cancellation, non-renewal, or any material reduction in insurance on the part of the City of Hickman.

iv) If the City of Hickman obtains General Liability Insurance during the term of this Interlocal Agreement, it shall add the City of Lincoln as an additional insured and provide a copy of the Certificate of Insurance and specific endorsement on the policy naming the City of Lincoln as an additional insured.

7. **INDEMNIFICATION** – To the fullest extent permitted by law, the City of Hickman shall indemnify, defend, and hold harmless the City of Lincoln, its officers, agents, and employees from and against claims, damages, losses, and expenses, including but not limited to attorney’s fees, arising out of or resulting from performance of this Interlocal Agreement, that results in any claim for damage whatsoever, including without limitation, any bodily injury, sickness, disease, death, or any injury to or destruction of tangible or intangible property, including any loss of use resulting therefrom that is caused in whole or in part by the intentional or negligent act or omission of the City of Hickman or anyone for whose acts any of them may be liable. This section will not require the City of Hickman to indemnify or hold harmless the City of Lincoln for any losses, damages, claims, and expenses arising out of or resulting from the sole negligence of the City of Lincoln. The City of Lincoln does not waive its governmental immunity by entering into this Interlocal Agreement and fully retains all immunities and defenses provided by law. This section survives termination of this Interlocal Agreement.
8. **AUDIT PROVISION** – The City of Hickman shall be subject to audit pursuant to Chapter 4.66 of the Lincoln Municipal Code and shall make available to a contract auditor, as defined therein, copies of all financial and performance records and materials germane to this Interlocal Agreement, as allowed by law.
9. **FAIR EMPLOYMENT** – The City of Hickman shall not discriminate against any employee (or applicant for employment) with respect to compensation, terms, advancement potential, conditions, or privileges of employment, because of such person’s race, color, religion, sex, disability, national origin ancestry, age, or marital status pursuant to the requirements of Lincoln Municipal Code Chapter 11.08 and Neb. Rev. Stat. §48-1122, as amended.
10. **FAIR LABOR STANDARDS** – The City of Hickman shall maintain Fair Labor Standards in the performance of this Interlocal Agreement, as required by Chapter 73, Nebraska Revised Statutes, as amended.
11. **NEBRASKA LAW** – This Interlocal Agreement shall be governed and interpreted by the Laws of the State of Nebraska without reference to the principles of conflicts of law.
12. **INTEGRATION, AMENDMENTS, ASSIGNMENT** – This Interlocal Agreement represents the entire Interlocal Agreement between the parties and all prior negotiations and representations are hereby expressly excluded from this Interlocal Agreement. This Interlocal Agreement may be amended only by written Interlocal Agreement of both parties. This Interlocal Agreement may not be assigned without the prior written consent of the other party.

13. **NEW EMPLOYEE VERIFICATION** - In accordance with Neb. Rev. Stat. 4-108 through 4-114, the City of Hickman agrees to register with and use a federal immigration verification system, to determine the work eligibility status of new employees performing services within the state of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324 a, otherwise known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986. City of Hickman shall not discriminate against any employee or applicant for employment to be employed in the performance of this section pursuant to the requirements of state law and 8 U.S.C.A. 1324b. The City of Hickman may require any subcontractor to comply with the provisions of this section. For information on the E-Verify Program, go to [www.uscis.gov/everify](http://www.uscis.gov/everify).
14. **SEVERABILITY & SAVINGS CLAUSE** – Each section and each subdivision of a section of this Interlocal Agreement is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the acceptance of this Interlocal Agreement and invalidity of any section or subdivision of a section of this Interlocal Agreement shall not invalidate any other section or subdivision of a section thereof.
15. **CAPACITY** – The undersigned persons representing the City of Hickman and the City of Lincoln do hereby agree and represent that he or she is legally capable and authorized to sign this Interlocal Agreement and to lawfully bind the City of Hickman or the City of Lincoln to this Interlocal Agreement.

IN WITNESS WHEREOF, the City of Hickman and the City of Lincoln do hereby execute this Interlocal Agreement.

---

Phil Goering  
 Mayor of Hickman  
 115 Locust Street  
 Hickman, Ne 68372

---

Leirion Gaylor Baird  
 Mayor of Lincoln  
 555 South 10<sup>th</sup> Street  
 Lincoln, Nebraska 68508

---

Date of Execution

---

Date of Execution

**CITY OF HICKMAN  
RESOLUTION NO. 2023-19**

WHEREAS, The City of Hickman, Nebraska, has conducted a public hearing in accordance with the requirements of the Board of Public Roads Classification and Standards, NOW, THEREFORE, be it resolved by the Mayor and City Council that the One and Six Year Plan for streets as presented at said public hearing has been accepted and approved.

Public hearing for said plan was held on October 24, 2023.

**CERTIFICATE OF RECORDING OFFICER**

The undersigned, duly qualified and acting City Clerk of the City of Hickman, Nebraska, does hereby certify that the above resolution was adopted at a legally convened meeting of the City held on the 24th day of October 2023 and further, that such a resolution has been fully recorded in the proceedings and records in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of October 2023.

\_\_\_\_\_  
Mayor Phil Goering

\_\_\_\_\_  
Jaala Johnson, CMC, City Clerk

Notice of the public hearing was posted in three (3) public places in the City in the locations listed below at least ten (10) days prior to the public hearing.

Attest:

\_\_\_\_\_  
Jaala Johnson, CMC, City Clerk

Locations where the Public Hearing Notice was posted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The notices were posted on \_\_\_\_\_



October 24, 2023

**ONE AND SIX YEAR  
STREET IMPROVEMENT PLAN  
2024-2029**

**THE CITY OF HICKMAN, NEBRASKA**

In 1970, the State of Nebraska initiated a program developed to provide an integrated system of public roads for the state, counties, and municipalities. The Department of Transportation and each county and municipality develops a long-range Six-Year plan of highway, road and street improvements.

The Six Year plan is required by law to be extended annually and kept on file with the City Clerk.

Along with the Six Year plan, a One Year plan shall be annually prepared and placed on file with the City Clerk for specific highway, road and street improvements for the current year.

These plans must first be approved and adopted by the Governing Body after a public hearing.

The 2024–2029 One and Six Year Street Improvement Plan includes the following and is described in more detail on the following pages.

- A. The One Year Street Improvement Plan for 2024 consists of general maintenance.
- B. The four projects on the Six Year Street Improvement Plan for 2024-2029 consist of approximately fourteen blocks of street paving and the construction of one roundabout. The total estimate for these projects is \$6,686,000. The cost for M-342(56) reflects only the city's portion of the project.
- C. A location map and a summary of the individual projects and their estimated costs are included in this report.

F:\2020\3001-3500\020-3129\90-Closeout\Reports\Hickman 2024 1&6 Yr Plan\23-10-19\_ONEandSIX.docx



# One and Six Year Plan Summary

City: Hickman

Year: 2024

Plan Year	Project No.	Location	Description	Estimated Cost
One			General Maintenance	

**Cost of One Year Projects \$ -**

Six	M-342(38)	Wagontrain Avenue from Wagontrain Road to 1st Street	Replace existing road with 28' wide, 6" concrete street	\$ 317,000
Six	M-342(54)	Chestnut Street (68th St.) from 7th Street (Hickman Road) to 1st Street	Replace existing road with 3 lane, 9" concrete street. New street will have curb and gutter and a center two way lane left lane.	\$ 2,168,000
Six	M-342(55)	Chestnut Street (68th St.) from the north city corporate limits to 7th Street (Hickman Road) not including the intersection of Woodland Boulevard	Replace existing road with 3 lane, 9" concrete street. New street will have curb and gutter and a center two way lane left lane.	\$ 3,592,000
Six	M-342(56)	Intersection of Chestnut Street (68th St.) and Woodland Boulevard	Replace existing intersection with a new 9" concrete roundabout	\$ 609,000 *

**Cost of Six Year Projects \$ 6,686,000**

**Total For All One Year & Six Year Projects \$ 6,686,000**

**Projects Completed in 2023:**

The City completed general maintenance in 2023.

In 2023 the City completed Project M-342(32) and the Terrace View Developer completed Project M-342(53).

The City received \$329,066.60 in Highway Allocation from 10/1/22 to 9/30/23 and a \$4,000 incentive payment for hiring a Class A Street Superintendent.

The City received \$132,826.12 in Motor Vehicle Sales Tax from the Local Sales Tax option from 10/1/22 to 9/30/22.

\*The cost listed is the City's portion of the project - not the total project cost.

**RESOLUTION NO 2023-20  
APPOINTMENT TO NMPP MEMBERS' COUNCIL**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Hickman, State of Nebraska, that:

1. The City of Hickman, Nebraska is a member of the Nebraska Municipal Power Pool;
2. The Mayor of the City of Hickman does hereby appoint Doug Wagner as a representative\* of the City of Hickman to the Members' Council of the Nebraska Municipal Power Pool;
3. The Mayor of the City of Hickman does hereby appoint Kelly Oelke as an alternative representative\* of the City of Hickman to the Members' Council of the Nebraska Municipal Power Pool;

\*Pursuant to Article V of the Amended and Restated Bylaws of the Nebraska Municipal Power Pool, "Any person appointed as Representative or Alternate Representative shall be a resident of the area receiving services from the appointing Member."

This is to certify that the appointments set out above were approved by the Mayor and City Council of the City of Hickman, State of Nebraska at their meeting on May 14, 2019.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Mayor Phil Goering

Attest:

\_\_\_\_\_  
Jaala Johnson, CMC, City Clerk

(SEAL)

**RESOLUTION NO. 2023-21  
CITY OF HICKMAN, NEBRASKA**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HICKMAN, NEBRASKA  
AUTHORIZING THE ACQUISITION OF PERMANENT EASEMENT ON REAL PROPERTY FOR USE  
BY THE CITY.**

**Recitals**

- A.** LOHILL, LLC, a Nebraska Limited Liability Corporation, owns certain real property located in Hickman, Lancaster County and more particularly described as follows:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 39 I.T. AND A PORTION OF LOT 74 I.T, LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF HICKMAN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 39 I.T.; THENCE, NORTH ON THE WEST LINE OF SAID LOT 39 I.T., ON AN ASSUMED BEARING OF N00°33'16"W, A DISTANCE OF 46.96' TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING, N00°33'16"W, ON SAID LINE, A DISTANCE OF 10.16' TO A POINT; THENCE S80°26'28"E, A DISTANCE OF 21.71' TO A POINT; THENCE N88°34'35"E, A DISTANCE OF 30.85' TO A POINT; THENCE N89°55'27"E, A DISTANCE OF 42.84' TO A POINT; THENCE N83°15'17"E, A DISTANCE OF 39.85' TO A POINT; THENCE N59°36'53"E, A DISTANCE OF 38.32' TO A POINT; THENCE N41°01'09"E, A DISTANCE OF 53.17' TO A POINT; THENCE N29°24'32"E, A DISTANCE OF 22.86' TO A POINT; THENCE N31°02'50"E, A DISTANCE OF 8.37' TO A POINT; THENCE N26°38'47"E, A DISTANCE OF 11.00' TO A POINT; THENCE N23°26'05"E, A DISTANCE OF 55.80' TO A POINT; THENCE N19°35'31"E, A DISTANCE OF 29.49' TO A POINT; THENCE S70°24'29"E, A DISTANCE OF 10.00' TO A POINT; THENCE S19°35'31"W, A DISTANCE OF 29.82' TO A POINT; THENCE S23°26'05"W, A DISTANCE OF 56.42' TO A POINT; THENCE S26°38'47"W, A DISTANCE OF 11.67' TO A POINT; THENCE S31°02'50"W, A DISTANCE OF 10.36' TO A POINT; THENCE S42°12'03"E, A DISTANCE OF 4.08' TO A POINT; THENCE S69°03'27"E, A DISTANCE OF 85.78' TO A POINT ON THE EAST LINE OF SAID LOT 74 I.T.; THENCE S00°21'58"E, ON THE EAST LINE OF SAID LOT 74 I.T., SAID LINE BEING THE WEST LINE OF LOTS 3 AND 4, BLOCK 2, MCNEESE ADDITION, A DISTANCE OF 10.73' TO A POINT; THENCE N69°03'27"W, A DISTANCE OF 92.07' TO A POINT; THENCE N42°12'03"W, A DISTANCE OF 3.09' TO A POINT; THENCE S29°24'32"W, A DISTANCE OF 11.43' TO A POINT; THENCE S41°01'09"W, A DISTANCE OF 55.82' TO A POINT; THENCE S59°36'53"W, A DISTANCE OF 42.05' TO A POINT; THENCE S83°15'17"W, A DISTANCE OF 42.53' TO A POINT; THENCE S89°55'27"W, A DISTANCE OF 43.30' TO A POINT; THENCE S88°34'35"W, A DISTANCE OF 31.69' TO A POINT; THENCE N80°26'28"W, A DISTANCE OF 20.89' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 4,528.72 SQUARE FEET OR 0.10 ACRES, MORE OR LESS. *MAP ATTACHED AS EXHIBIT A.*

- B.** The City's permanent easement acquisition of the above-described real property for the purpose of the right to use, construct, build, maintain, and repair utilities, together with all appurtenances, which will benefit the City of Hickman for the purposes of, but not limited to, inspection, observation, measurement, repair, and maintenance of any portion of the electrical works lying within said easement.

- C. Neb. Rev. Stat. § ..... authorizes the City to acquire permanent easement upon approval of the acquisition by action taken in a public meeting after notice.
- D. The City desires to acquire permanent easement on the real property and held the public meeting on October 24, 2023.

NOW THEREFORE, be it resolved by the City of Hickman, Nebraska:

1. The City hereby approves the acquisition of permanent easement on real property from LOHILL, LLC, a Nebraska Limited Liability Corporation, in accordance with the authority under Nebraska law and the Hickman Municipal Code.

2. The Mayor of the City is hereby authorized execute and to take all actions necessary to effectuate the acquisition of permanent easement on real property from LOHILL, LLC, a Nebraska Limited Liability Corporation.

This has been approved as of the 24th day of October, 2023. CITY OF HICKMAN, NEBRASKA

By: \_\_\_\_\_  
Phil Goering, Mayor

ATTEST: \_\_\_\_\_  
Jaala Johnson, City Clerk

(Seal)

N



HICKMAN ROAD

LOT 74 I.T.

LOT 39 I.T.

MCNEES ADDITION, BLOCK 2

C.H. BIRT'S FIRST ADDITION, BLOCK 4

OUTLOT 'A'

REDWOOD CIRCLE

LOT 68 I.T.

INST. NO. 78-17746  
15' WATER EASEMENT

INST. NO. 2016-51893  
TRAIL EASEMENT

INST. NO. 90-26605  
10' UTILITY EASEMENT

S70°24'29"E  
10.00'

N19°35'31"E 29.49'

10' UTILITY  
EASEMENT

S19°35'31"W 29.82'

N23°26'05"E 55.80'

S23°26'05"W 56.42'

N26°38'47"E 11.00'

S26°38'47"W 11.67'

N31°02'50"E 8.37'

S31°02'50"W 10.36'

N29°24'32"E 22.86'

S42°12'03"E 4.08'

S69°03'27"E  
85.78'

N41°01'09"E  
53.17'

N42°12'03"W  
3.09'

N69°03'27"W  
92.07'

S80°26'28"E  
21.71'

N00°33'16"W  
10.16'

P.O.B.

N00°33'16"W  
46.96'

P.O.C.

N88°34'35"E  
30.85'

N89°55'27"E  
42.84'

N59°36'53"E  
38.32'

N83°15'17"E  
39.85'

S59°36'53"W  
42.05'

S83°15'17"W 42.53'

S89°55'27"W 43.30'

S88°34'35"W 31.69'

N80°26'28"W 20.89'

INST. NO. 95-23184  
CHANNEL EASEMENT

INST. NO. 2016-51893  
TRAIL EASEMENT

DWG: F:\2020\3001-3500\020-3129\305 Fencerock Easement\40-Design\Survey\SRV\Xref\Utility\_easement\_0203129.dwg  
DATE: Oct 06, 2023 12:17pm  
USER: abroeker  
V\_EASEMENTS\_173213 HICKMAN\_2004

PROJECT NO: 020-3129  
DRAWN BY: ALB  
DATE: 10/2/2023

10' UTILITY EASEMENT  
LOTS 39 I.T. AND 74 I.T.  
NORTHEAST QUARTER OF SEC. 33 T8N R7E

**olsson**  
601 P Street, Suite 200  
P.O. Box 84608  
Lincoln, NE 68508  
TEL 402.474.6311

EXHIBIT  
1

After recording please return to:  
City of Hickman  
115 Locust Street, P.O. Box 127  
Hickman, NE 68372

**ORDINANCE NO. 2023-14**

AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE CITY OF HICKMAN, LANCASTER COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HICKMAN, LANCASTER COUNTY, NEBRASKA:

Section 1. Pursuant to Neb. Rev. Stat. Section 18-3301, and at the request of the owners thereof, the real property described below is hereby annexed into the corporate limits of the City of Hickman, Lancaster County, Nebraska:

Property Description: The real property located and as described on the legal description of WIZKIDZ ADDITION, Lot 1 and Lot 2, and S27, T8, R7, 6th Principal Meridian, LOT 3 SW, Hickman, NE 68372 aka Parcel ID 1527321001000, 1527321002000, and 1527300002000, attached hereto and made a part hereof as Exhibit "A";

Section 2. The City Clerk is directed to file a certified copy of the ordinance and a map certified by the engineer or surveyor with the records of the Lancaster County Register of Deeds Office.

Section 3. Upon such filing, the property described above shall be deemed and held to be a part of the City of Hickman and entitled to the privileges and benefits and subject to the ordinances and regulations thereof.

Section 4. The Extraterritorial Jurisdiction (ETJ) shall be extended upon approval of annexation of said property and the Official Zoning Map of the City of Hickman shall be amended to reflect said changes.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

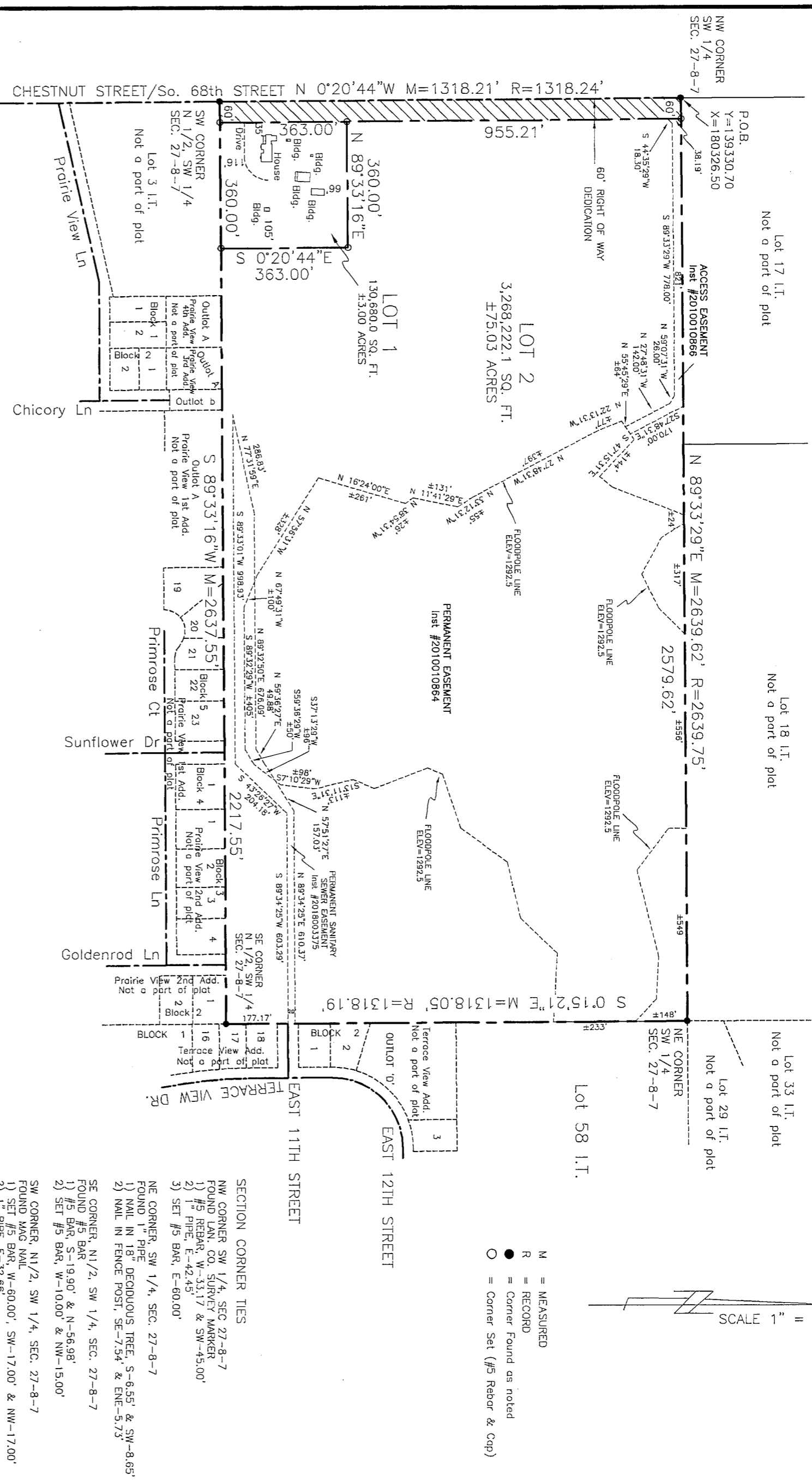
CITY OF HICKMAN

(SEAL)

\_\_\_\_\_  
Phil Goering, Mayor

\_\_\_\_\_  
ATTEST: Jaala Johnson, CMC City Clerk

# WIZKIDZ ADDITION ADMINISTRATIVE PLAT



- M = MEASURED
- R = RECORDED
- = Corner Found as noted
- = Corner Set (#5 Rebar & Cap)

- SECTION CORNER TIES**
- 1) NW CORNER SW 1/4, SEC. 27-8-7
  - 2) NW CORNER SW 1/4, SEC. 27-8-7
  - 3) NW CORNER SW 1/4, SEC. 27-8-7
  - 4) NW CORNER SW 1/4, SEC. 27-8-7
  - 5) NW CORNER SW 1/4, SEC. 27-8-7
  - 6) NW CORNER SW 1/4, SEC. 27-8-7
  - 7) NW CORNER SW 1/4, SEC. 27-8-7
  - 8) NW CORNER SW 1/4, SEC. 27-8-7
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  - 17) NW CORNER SW 1/4, SEC. 27-8-7
  - 18) NW CORNER SW 1/4, SEC. 27-8-7
  - 19) NW CORNER SW 1/4, SEC. 27-8-7
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  - 97) NW CORNER SW 1/4, SEC. 27-8-7
  - 98) NW CORNER SW 1/4, SEC. 27-8-7
  - 99) NW CORNER SW 1/4, SEC. 27-8-7
  - 100) NW CORNER SW 1/4, SEC. 27-8-7



APPROVAL OF CITY OF HICKMAN  
THIS ADMINISTRATIVE PLAT WAS APPROVED BY THE CITY OF HICKMAN  
ON THIS 21st DAY OF August 2023  
*Luigi Ilesca*  
ZONING ADMINISTRATOR

ACCEPTANCE BY HICKMAN CITY ENGINEER  
THIS ADMINISTRATIVE PLAT WAS REVIEWED AND APPROVED BY THE HICKMAN CITY ENGINEER  
ON THIS 24th DAY OF August 2023  
*John R. Stahl*  
HICKMAN CITY ENGINEER

ACCEPTANCE BY LANCASTER COUNTY REGISTER OF DEEDS  
RECORDED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

LANCASTER COUNTY REGISTER OF DEEDS  
REVIEW OF LANCASTER COUNTY SURVEYOR  
THIS ADMINISTRATIVE PLAT OF ADDITION WAS REVIEWED BY THE LANCASTER COUNTY SURVEYOR  
ON THIS 22nd DAY OF Aug. 2023  
*David B. B...*  
LANCASTER COUNTY SURVEYOR

COUNTY TREASURER'S CERTIFICATIONS  
THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY RECORDS OF LANCASTER COUNTY TREASURER  
RECORDED BY *NR*  
AUG 24 2023  
COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

ACKNOWLEDGMENT OF NOTARY  
STATE OF NEBRASKA  
LANCASTER COUNTY  
ON THIS 21st DAY OF August 2023, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME TO ME, JEFF WISKER, & REBECCA A. O'CONNOR, HUSBAND AND WIFE, KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS FIXED TO THE DEDICATION TO THE FOREGOING PLAT AND THEY ACKNOWLEDGES THE SAME TO BE THEIR VOLUNTARY ACT AND DEED.  
MY COMMISSION EXPIRES THE 26th DAY OF June 2025  
*Jeff Wisker*  
NOTARY PUBLIC  
My Comm. Exp. June 26, 2025

ACKNOWLEDGMENT OF NOTARY  
STATE OF NEBRASKA  
LANCASTER COUNTY  
ON THIS 21st DAY OF August 2023, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME TO ME, JEFF WISKER, WIZKIDZ, MANAGING MEMBER, KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS FIXED TO THE DEDICATION TO THE FOREGOING PLAT AND SHE ACKNOWLEDGES THE SAME TO BE HER VOLUNTARY ACT AND DEED.  
MY COMMISSION EXPIRES THE 26th DAY OF June 2025  
*Seth Patrick*  
NOTARY PUBLIC  
My Comm. Exp. June 26, 2025

ACKNOWLEDGMENT OF NOTARY  
STATE OF NEBRASKA  
LANCASTER COUNTY  
ON THIS 21st DAY OF August 2023, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME TO ME, BARBARA K. PESTER, WIZKIDZ, MANAGING MEMBER, KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS FIXED TO THE DEDICATION TO THE FOREGOING PLAT AND SHE ACKNOWLEDGES THE SAME TO BE HER VOLUNTARY ACT AND DEED.  
MY COMMISSION EXPIRES THE 26th DAY OF June 2025  
*Barbara K. Pester*  
NOTARY PUBLIC  
My Comm. Exp. June 26, 2025

Inst # 2023025426 Thu Aug 24 11:34:12 CDT 2023  
Filing Fee: \$52.00  
Lancaster County, NE Assessor/Register of Deeds Office  
Section 27, Township 8 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, Plat  
Pages: 1  
# 6230

WIZKIDZ

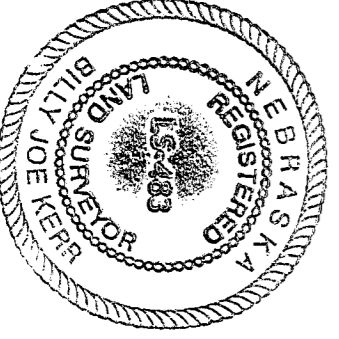
**PERMETER DESCRIPTIONS**  
ALL OF LOTS 50 AND 51, IRREGULAR TRACTS, LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 51, AND THE NORTH LINE OF SAID SOUTHWEST QUARTER, ON AN ASSIGNED BEARING OF N 89°33'29"E, 2639.62', TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER, S 0°15'21"E, 1318.05', TO THE SOUTHEAST CORNER OF THE NORTH HALF OF SAID SOUTHWEST QUARTER; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTH HALF, S 89°33'16"W, 2637.55', TO THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHWEST QUARTER, N 0°20'44"W, 1318.21', TO THE POINT OF BEGINNING; SAID TRACT CONTAINING AN AREA OF 5,477,994.62 SQUARE FEET OR 73.84 ACRES, MORE OR LESS.

**OWNERS CERTIFICATION**  
I, THE UNDERSIGNED, VAN A. O'CONNOR & REBECCA A. O'CONNOR, OWNERS; BARBARA K. PESTER AND JEFF WISKER, WIZKIDZ LLC, MANAGING MEMBERS, OWNERS; OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OUT, PLATTED, AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.  
CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED. ANY ENCUMBRANCES OR SPECIAL ASSESSMENTS ARE EXPLAINED AS FOLLOWS:  
THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE, AND MAINTAIN ITS INSTALLATIONS.  
THE 60' WIDE RIGHT OF WAY SHOWN ALONG CHESTNUT STREET AND OR SOUTH 68th STREET IS HEREBY DEDICATED TO THE PUBLIC.  
DIRECT VEHICLE ACCESS INTO LOT 2, FROM EAST 11TH STREET, GOLDENROD LANE, SUNFLOWER DRIVE, AND OUTLOT B, PRAIRIE VIEW 3RD ADDITION IS NOT ALLOWED UNTIL LOT 2 IS SUBDIVIDED.  
THE CONSTRUCTION OR LOCATION OF ANY FENCE OR OTHER IMPROVEMENT WHICH OBSTRUCTS DRAINAGE SHALL BE PROHIBITED OVER, UPON, OR UNDER ANY DRAINAGE EASEMENT SHOWN THEREON.  
THE BUILDING SETBACKS WILL COMPLY WITH THE ZONING DISTRICT IN WHICH THE STRUCTURE WILL BE LOCATED.  
ONE NEW COMMERCIAL/RESIDENTIAL ACCESS POINT OFF CHESTNUT STREET AND OR SOUTH 68th STREET IS ALLOWED.  
NATIONAL WETLANDS INVENTORY SHOWS FRESHWATER WETLANDS THROUGHOUT LOT 2.

LOT 2 CONTAINS THE UPPER SALT CREEK DAM AND PERMANENT EASEMENT THIS EASEMENT IS GRANTED FOR THE PURPOSE OF AND IN CONNECTION WITH THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, AND INSPECTION OF A FLOODWATER RETARDING STRUCTURE, TO INCLUDE A SITE WHERE THE SUITABLE BORROW MATERIALS CAN BE OBTAINED, FOR THE INSTALLATION AND MAINTENANCE OF WILDLIFE HABITAT; AND FOR THE PURPOSE OF THE FLOWAGE OF ANY WATERS IN, OVER, UPON, OR THROUGH SUCH STRUCTURE; AND FOR THE PERMANENT STORAGE AND TEMPORARY DETENTION, EITHER OR BOTH, OF ANY WATERS THAT ARE IMPOUNDED, STORED OR DETAINED BY SUCH FLOODWATER RETARDING STRUCTURE DESIGNATED AS SITE 35-A OF THE UPPER SALT CREEK WATERSHED PROJECT.

*Van A. O'Connor*  
VAN A. O'CONNOR, husband  
*Rebecca A. O'Connor*  
REBECCA A. O'CONNOR, wife  
*Barbara K. Pester*  
By: BARBARA K. PESTER  
WIZKIDZ LLC, MANAGING MEMBER  
*Jeff Wisker*  
JEFF WISKER  
WIZKIDZ LLC, MANAGING MEMBER  
*Barbara K. Pester*  
By: BARBARA K. PESTER  
WIZKIDZ LLC, MANAGING MEMBER

**SURVEYORS CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION ON JANUARY 27, 2023, THAT ANY CHANGES FROM THE DESCRIPTION APPEARING IN THE LAST RECORDED TRANSMISSION OF LAND CONTAINED IN THE FINAL PLAT ARE SO INDICATED, THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED OR WILL BE INSTALLED AND THEIR POSITION IS CORRECTLY SHOWN AND THAT ALL DIMENSIONAL AND GEODETIC DATA IS CORRECT.  
SIGNED THIS 18th DAY OF AUGUST, 2023.  
*Billy Joe Kier*  
BILLY JOE KIER, LS #483  
K & M LAND SURVEYING INC.



# 2023 Hickman Trick or Treat on the Trail & Halloween Parade

## TRICK OR TREAT

October 26, 2023

6:00 PM - 8:00 PM

Halloween Parade @ 5:15 PM

Pre-Sale Option with PayPal! Just show your receipt via phone or printout at event. PayPal Link is on the City's website. Cash & PayPal will also be accepted at the event. Donate \$2 (or more) per trick or treater for entrance.

The trail fun starts at 1st & Walnut Street on the linear path. There will be several booths set up for your Ghouls and Goblins to collect treats and treasures from local businesses.

Hickman True Value will be hosting a Halloween Parade Contest in the Butherus-Maser & Love Funeral Home drive, starting at 5:15 PM.

Contest will be for the most creatively decorated wagon or stroller. Top 3 winners will receive a \$100, \$50, and \$25 gift card from Hickman True Value.

Register by emailing  
[HickmanArtsCouncil@gmail.com](mailto:HickmanArtsCouncil@gmail.com)