

August 5, 2025

Seward County Board of Commissioners

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Commissioners was convened in open and public session at 8:30 a.m. on August 5, 2025 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board, on the Commissioner's Room door, on the Seward County website: sewardcountyne.gov and published in the Seward County Independent and the Milford Times. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Commissioners has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on August 5, 2025 at 8:30 a.m. a.m.

Present: Chairperson: Misty Ahmic
Members: Raegan Hain, Darrell Zabrocki, Ken Schmieding,
Scott Pekarek
County Clerk: Sherry Schweitzer

The Chairperson noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Hain and seconded by Zabrocki to approve the consent agenda consisting of:

- a. Minutes of July 29, 2025
- b. Surplus Property Disposal Request from District Court
- c. Authorize the Emergency Manager to submit Emergency Manager Performance Grant Document to the State of Nebraska
- d. Accept resignations of Mary Reetz and Stephanie Meyer from the Seward County Aging Service Committee

Affirmative Vote: Hain, Zabrocki, Schmieding, Pekarek, Ahmic Motion Carried

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership (SCCDP), updated the Commissioners on activities of his organization.

Commissioner Reports:

Commissioner Pekarek reported he attended a meeting with the animal feeding operation producers, visited with the Veteran Service Officer, also met with a representative of the Sheriff's Office about surplus property.

Commissioner Schmieding reported he has a Visitors Committee meeting and a Blue Valley Community Action (BVCA) meeting soon. He also met with constituents about the Commercial Animal Feeding Operations item on the agenda.

Commissioner Ahmic reported that an aide from Senator Hughes office was present last week for budget meetings, was contacted by a representative of the railroad regarding a crossing closing. She spoke with a representative of the Village of Garland about zoning, followed up on budget questions that came up during last week's meeting, was contacted by a constituent about his Windstream bill being billed city tax, checked roads and said right of way areas need attention, attended the meeting with Commissioner Pekarek with agricultural commercial producers, spent time on helping other county's officials. Also noted that gravel had been put over an area where dust control was applied.

Commissioner Zabrocki reported he attended a SouthEast Nebraska Development District (SEND) meeting, attended Gale Pankoke's retirement event and visited with his depts. in which he is liaison to.

Commissioner Hain reported she contacted people to help with the Aging Services Board, met with a poultry barn producer, received phone calls about roads and chicken barns, received a call from a Village of Utica resident about meeting minutes.

Sherry Schweitzer, County Clerk, gave information about appropriating levy authority to "Miscellaneous Districts" as defined per statute. The "districts" in Seward County are the Seward Ag Society, Seward Fire District, Pleasant Dale Cemetery District and the J Precinct Cemetery District. After a brief discussion, it was decided that the Board will not request a representative from the districts to come and explain their request and a resolution will be on the agenda before Sept. 1, 2025.

Chair Ahmic led discussion about the moratorium on Commercial Animal Feeding Operations item on the agenda. She stated it would be for 180 days and give time to examine and research several issues that have been brought up throughout the hearings for the recent applications. It would start for any applications submitted after July 31, 2025.

Moved by Zabrocki and seconded by Hain to adopt Resolution No. 3870 regarding setting a moratorium on Commercial Feed Animal Operations.

Resolution #3870

Seward County Board of Commissioners

WHEREAS, the authority to make, adopt, amend, extend, and implement county zoning regulations is conferred upon the County Board of Commissioners in each county pursuant to Neb. Rev. Stat. §23-114;

WHEREAS, the Board of Commissioners of Seward County, Nebraska ("Board"), recognizes the critical role agriculture plays in the county's economy and identity and affirms its continued support for responsible agricultural development;

WHEREAS, Seward County has recently seen an increase in the number of conditional use permit applications for large-commercial poultry Confined Feeding Operations, specifically, chicken confinement facilities and related processing activities;

WHEREAS, the Board has approved several such applications and operations have commenced production, resulting in significant and observable impacts on local infrastructure and communities;

WHEREAS, these operations have led to increased commercial truck traffic on county roads, necessitating more frequent and costly maintenance, and raising concerns about long-term wear and infrastructure sustainability;

WHEREAS, concerns have been raised about air quality, odor, dust, and the potential aggravation of respiratory or other health conditions for individuals living in proximity to such operations;

WHEREAS, environmental concerns have also been expressed, including but not limited to: the runoff and disposal of poultry litter, composting and disposal of deceased poultry, and the cumulative environmental effects of concentrated poultry operations;

WHEREAS, there is a need to conduct further study and gather data on the overall impact of large-scale poultry operations on health, safety, welfare, infrastructure, and environmental quality in Seward County;

WHEREAS, the Board believes it is necessary to ensure that current zoning and regulatory provisions adequately address the size, scale, spacing, and operation of poultry facilities, and to assess whether updates or new standards are necessary to protect the public interest;

WHEREAS, a temporary moratorium is necessary to protect the public interest by pausing new development while the County assesses the health, environmental, and infrastructure implications of large-scale poultry operations;

NOW, THEREFORE, BE IT RESOLVED by the Seward County Board of Commissioners that a temporary moratorium is hereby imposed, effective immediately, on the following actions in Seward County:

1. Consideration by the Planning Commission or Board of Commissioners of applications for conditional use permits for approval of any new large Confined Feeding Operation (as defined by the Seward County Zoning Regulations) involving animal units consisting of chickens, turkeys, geese, or ducks. This moratorium shall not apply to applications pending or submitted on or before July 31, 2025.
2. Consideration by the Planning Commission or Board of Commissioners of applications for conditional use permits seeking to expand any existing large Confined Feeding Operation involving animal units consisting of chickens, turkeys, geese, or ducks. This moratorium shall not apply to applications pending or submitted on or before July 31, 2025.

This moratorium shall not apply to any Small or Medium Confined Feeding Operation for which a conditional use permit is not required.

BE IT FURTHER RESOLVED that the Seward County Zoning Department shall coordinate with legal counsel, public health agencies, the road department, and other relevant entities to facilitate enforcement of this moratorium and lead a comprehensive review of related zoning regulations and impacts.

This moratorium shall remain in effect until February 1, 2026, unless extended by resolution of the Board following appropriate notice and public hearing.

Dated this 5th day of August 2025.

Moved by Zabrocki Seconded by: Hain

Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board of Commissioners
Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Zabrocki, Hain, Pekarek, Schmieding, Ahmic

Motion Carried

The Commissioners recessed at 9:13 a.m.

The Commissioners re-convened at 9:15 a.m.

Trever Trebilcock, Assistant Highway Supt., was present to give his department's recommendation for awarding the bid for Project C-80 (510) Staplehurst Southwest which is on Raymond Road West of 350th Road.

Moved by Hain and seconded by Pekarek to award the bid to Midwest Infrastructure for Project C-80 (510) Staplehurst Southwest which is on Raymond Road West of 350th Road with a start date of 2/1/2026 and a cost of \$805,556.05.

Affirmative Vote: Hain, Pekarek, Zabrocki, Schmieding, Ahmic Motion Carried

Moved by Hain and seconded by Pekarek to adopt Resolution No. 3871 regarding reporting the Annual certification of Program Compliance for the Nebraska Board of Public Roads Classifications and Standards.

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Failure to **return both pages of the original document** by the filing deadline (October 31, 2025) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

SIGNING OF THE COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2025

Resolution No. 3871

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

Be it resolved that the County Board Chairperson of Seward County is hereby authorized to sign the County Annual Certification of Program Compliance.

Adopted this 5th day of August, 2025 at Seward Nebraska.

County Board Members

Ken Schmieding, Raegan Hain, Darrell J. Zabrocki, Scott Pekarek
Misty Ahmic, Chair of the Board

County Board Member Hain

Moved the adoption of said resolution

Member Pekarek seconded the Motion

Roll Call: 5 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed, and billed as adopted.

Attest: Sherry Schweitzer, County Clerk

Page 1 of 2

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COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS 2025

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the County of Seward hereby certifies that it:

- ✓ Has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ Meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ Expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ Uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ Uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ Uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ Uses an accounting system that tracks equipment operation costs;
- ✓ Has included in its public records the information required under subsection (2) of section 39-2510; and
- ✓ **Has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the County Board Chairperson.**

Misty Ahmic, County Board Chairperson 08/05/2025

Jon Regnier, County Highway Superintendent 08/05/2025

Return the completed original signing resolution and annual certification of program compliance by October 31, 2025 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759, Lincoln NE 68509

Page 2 of 2

Affirmative Vote: Hain, Pekarek, Schmieding, Zabrocki, Ahmic Motion Carried

The Commissioners recessed at 9:20 a.m.

The Commissioners re-convened at 9:30 a.m.

The Commissioners started budget hearings with officials and callback budget meetings.

The first budget meeting was with Sheriff Vance for the Sheriff's Office. Blair Yoder, Admin. Asst., as well as Deputy Lisa Borges were also in attendance.

Moved by Zabrocki and seconded by Pekarek to go into Executive Session at 10:23 a.m. for strategy.

Affirmative Vote: Zabrocki, Pekarek, Schmieding, Hain, Ahmic Motion Carried

The Chair restated the reason for Executive Session was for strategy.

Moved by Zabrocki and seconded by Pekarek to go out of Executive Session at 10:34 a.m.

Affirmative Vote: Zabrocki, Pekarek, Hain, Schmieding, Ahmic Motion Carried

The Chair stated that only strategy was discussed during Executive Session.

The budget hearing for the Sheriff's Office continued after Executive Session.

The Commissioners recessed at 11:02 a.m.

The Commissioners re-convened at 11:12 a.m.

The next meeting was a budget call back for the Jail.

The Commissioners recessed at 11:59 a.m.

The Commissioners re-convened at 12:04 p.m.

The next callback meeting was for the County Attorney's Office. County Attorney, Wendy Elston, and Office Manager, Casey Tiemann were present at the meeting.

Alison Rook, Aging Services Director, was present at her call back meeting.

Brandy Hafer, Public Transit Director, was present for her budget call back.

Marilyn Hladky, Assessor, was present for her callback meeting.

Known items on the agenda for Board of Equalization on August 12, 2025 are as follows:
8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action – Approve Minutes of July 22, 2025
4. Discuss/Action – Assessor Information Update

8:30 a.m. Hearing – Protest Valuation Hearing
Discuss/Action – Decision on Protest Hearing

8:35 a.m. Hearing – Permissive Exemption for Mercy City Church, Inc.
Discuss/Action – Decision on Permissive Exemption-Mercy City Church Inc.

Known items on the agenda for Board of Commissioners on August 12, 2025 are as follows:
9:00 a.m.

5. Convene and announce Open Meetings Law
6. Pledge of Allegiance
7. Consent Agenda
 - a. Minutes of August 5, 2025
 - b. County Clerk Fee Report for July 2025 - \$51,959.46
8. Discuss/Action – Approve Claims for the Period Through August 1, 2025

Other Business Matters to Address When Time Allows

9. Discuss/Action - Public/Organizations/Officials
10. Commissioner Reports
11. Discuss/Action – Budget for 2025-2026 Fiscal Year
12. Discuss/Action – Agenda for August 19, 2025

9:15 a.m. Discuss/Action – Road Dept. Proposed Contractor for Assistance in Maintaining County Roads
Discuss/Action – Road Dept. Proposed Contractor for Tree Removal along County Roads
Discuss/Action – Road Dept. Request Consideration of Senior Equipment Operator Job Description and Wage

Moved by Zabrocki and seconded by Hain to adjourn at 1:01 p.m.

Affirmative Vote: Zabrocki, Hain, Schmieding, Pekarek, Ahmic Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 12th day of August 2025.

County Clerk

Chairperson