

August 9, 2016

Seward County Board of Equalization

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Equalization was convened in open and public session at 8:30 a.m. on August 9, 2016 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's room door. 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 Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Equalization convened on August 9, 2016 at 8:30 a.m.

Present: Chairperson: Whitney Fleischman
Members: Mike Luebbe, Diana Garske, Eugene Gausman,
Roger E. Glawatz
County Clerk: Sherry Schweitzer
County Assessor: Marilyn Hladky

The Chairman 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 Glawatz and seconded by Garske to approve the minutes of July 26, 2016.
Affirmative Vote: Glawatz, Garske, Gausman, Luebbe, Fleischman Motion Carried

Hladky updated the Commissioners on activities of her office.

Moved by Garske and seconded by Glawatz to open the Public Hearing for a Permissive Exemption for Concordia University at 9:35 a.m.
Affirmative Vote: Garske, Glawatz, Luebbe, Gausman, Fleischman Motion Carried

Hladky explained the request and recommended approval.

Kurth Brashear General Counsel for Concordia University was present and recommended approval.

Moved by Garske and seconded by Gausman to close the Public Hearing at 9:36 a.m.
Affirmative Vote: Garske, Gausman, Luebbe, Glawatz, Fleischman Motion Carried

Moved by Garske and seconded by Gausman to grant the Permissive Exemption for Concordia University for the East of the 6th p.m. 1/2 of Lot 8, all of 9, Block F, College View Add., Seward, NE per the recommendation of the County Assessor.
Affirmative Vote: Garske, Gausman, Glawatz, Luebbe, Fleischman Motion Carried

Known items on the agenda for August 23, 2016 are as follows:

- 8:30 a.m. 1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of August 9, 2016
4. Discuss/Action - Assessor Information Update

Moved by Luebbe and seconded by Glawatz to adjourn at 9:37 a.m.
Affirmative Vote: Luebbe, Glawatz, Garske, Gausman, Fleischman 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 23th day of August, 2016.

County Clerk

Chairman

August 9, 2016 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 9:00 a.m. on August 9, 2016 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's room door. 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 9, 2016 at 9:00 a.m.

Present:	Chairman:	Roger E. Glawatz
	Members:	Mike Luebbe, Diana Garske, Eugene Gausman, Whitney Fleischman
	County Clerk:	Sherry Schweitzer

The Chairman 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 Luebbe and seconded by Gausman to approve the minutes of August 2, 2016.

Affirmative Vote: Luebbe, Gausman, Fleischman, Garske

Abstain: Glawatz as he was not in attendance at said meeting Motion Carried

Commissioners Reports:

Commissioner Luebbe reported he has been dealing with engineers, contractors associated with road projects. He attended the Village Board Meetings in Bee and Garland.

Commissioner Fleischman reported she had been spending time with budgets of different departments and with CASA work.

Commissioner Gausman reported he attended the 4 Corners Budget Meeting, met with the Veterans Service Officer, received an email about an abandoned cemetery, and attended the Vickey Duey Retirement event.

Commissioner Garske met with various offices about budget items.

Commissioner Glawatz reported he spent time on communications.

Moved by Garske and seconded by Fleischman to accept the County Clerk Fee Report for July 2016 in the amount of \$18,223.51.

Affirmative Vote: Garske, Fleischman, Gausman, Luebbe, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to accept Clerk of the District Court Fee Report for July 2016 in the amount of \$5,720.69

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Maria Hatfield, Detention Center Director was present to give information for 2 contracts.

Moved by Fleischman and seconded by Luebbe to authorize the Chairman to sign the contract with CBM Managed Services for Commissary Services at the Jail.

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

Moved by Garske and seconded by Fleischman to authorize the Chairman to sign the Agreements with Tech Friends and Rapid Financial Solutions for automatic debits and credits from the jail bank account in regard to the Commissary Fund.

Affirmative Vote: Garske, Fleischman, Gausman, Luebbe, Glawatz Motion Carried

Georgia Stockley of the Road Dept. presented several documents for the Commissioners consideration.

Moved by Garske and seconded by Fleischman to authorize the Chairman to sign the Scope of Services for Revisions to Bridge Plans for Project BRO-7080(27) Seward South.

Affirmative Vote: Garske, Fleischman, Gausman, Luebbe, Glawatz Motion Carried

Moved by Luebbe and seconded by Gausman to authorize the Chairman to sign Change Order No. 1 for the In-Bee Project C80 (613).

Affirmative Vote: Luebbe, Gausman, Garske, Fleischman, Glawatz Motion Carried

Moved by Luebbe and seconded by Gausman to authorize the Chairman to sign the Application and Certificate for Payment No. 1 for the In-Bee Project C-80(613).

Affirmative Vote: Luebbe, Gausman, Garske, Fleischman, Glawatz Motion Carried

Bob Dahms, Treasurer and Susan Blumenberg, Deputy Treasurer were present to give information about the report they submitted for Collected and Uncollected Distress Warrants. Dahms believes there are times when taxes could be collected. The report from the Sheriff's Office to collect the taxes from Distress Warrants indicates "that due to diligent search, no property was located." Currently, Seward County has a number of Distress Warrants that have not been collected even though the taxpayer has property. Dahms stated more effort needs to take place to collect the amount due. The Commissioners decided to obtain further information and will discuss it at a future meeting.

Moved by Luebbe and seconded by Garske to award the bid to Hartman Construction for \$343,010.41 for the McKelvie Road Project C-80 (603) with payment coming from the Road Buyback Fund and the Road Budget.

Affirmative Vote: Luebbe, Garske, Fleischman, Glawatz

Abstain: Gausman as William Hartman of Hartman Construction is a close relative.

Motion Carried

Becky Paulsen, Zoning Administrator was present to give information about the Conditional Use Permit to construct a Renewable Energy Installation and Operation of

a 1700 KW/1.7 MW Wind Energy Conversion System on a tract of land located in F Precinct in the NW ¼ of Section 27, Township 11 North, Range 2 East of the 6th p.m. The Commissioners discussed the request and completed the Finding of Facts Document.

**BEFORE THE COUNTY BOARD OF COMMISSIONERS
OF SEWARD COUNTY, NEBRASKA**

IN THE MATTER OF)	
)	<u>NO. 3259</u>
CONDITIONAL USE PERMIT)	
REQUEST BY:)	Findings of Fact
)	
<u>Seward Wind LLC</u>		
APPLICANT		

THIS MATTER came before the Planning Commission on the request of the Applicant for a CONDITIONAL USE PERMIT. Public hearing was held on the 18th day of July, 2016. Notice of said hearing was publicized on the 27th day of July, 2016.

THE COUNTY BOARD OF COMMISSIONERS recommends to

- approve the Conditional Use Permit
- deny the Conditional Use Permit

Upon Review of all necessary facts, the Board of Commissioners makes the following findings that the application is for the Installation and Operation of a 1700KW/1.7MW Wind Energy Conversion System, and therefore subject to Section 8.04.03 of the Seward County Zoning Regulations, which states:

Commercial/Utility Grade Wind Energy Systems shall be permitted as a Conditional Use within any district where the use is listed and allowed.

Upon Review of all the necessary facts, the Board of Commissioners makes the following findings that:

1. The use, in all other respects, conforms to the applicable regulations of the district in which it is located. Applicant went through the Zoning process
2. The use has adequate water, sewer, and drainage facilities.
 Currently in Place
3. The use is in harmony with the character of the area and the most appropriate use of the land. land is currently used as a follow field
4. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the county.
5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood. no evidence of property value diminishing
6. The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. The use has adequate utilities, access roads, and drainage facilities.

-
8. Y That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. _____
-
9. Y The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled. _____
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10. Y The use does not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation. _____
-
11. Y The use does not involve any malodorous gas or matter, which is discernible on any adjoining lot or property. _____
-
12. Y The use does not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway. _____
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13. Y The use does not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. Traffic flow will not increase on a daily basis
14. Y The use does not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments. Electrical grid is in place

Specific Findings of fact Allowable in A-1 District.
 Currently Zoned A-1

A Conditional Use Permit may be granted for a Wind Energy Conversion System operations in the designated zoning district: The following special conditions have been considered:

1. Y The effects on the adjacent property, traffic.
2. Y The public necessity and advantage.
3. Y The immediate and long term effect on the environment and the public.
4. Y The concern for public safety.
5. Y The application includes documents to indicate conformance to all applicable governmental regulations and standards.
6. Y The application includes affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, FAA and FCC in the event an approval is required by these agencies.

FURTHER recommend specific conditions that are necessary or desirable to address the most appropriate use of the land, the conservation and stabilization of the value of property, the provision of adequate open space for light and air, concentration of populations, congestion of public streets, and the promotion of the general health, safety, welfare, convenience, and comfort of the public NONE

DATED THIS 9TH day of August , 2016

Diana L. Garske, Michael Luebbe, Whitney Fleischman, Eugene Gausman, Roger Glawatz

Moved by Garske and seconded by Luebbe to adopt Resolution No. 3259 in regard to a Conditional Use Permit to construct a Renewable Energy Installation and Operation of a 1700 KW/1.7 MW Wind Energy Conversion System on a tract of land located in Fleischman Precinct in the NW ¼ of Section 27, Township 11 North, Range 2 East of the 6th p.m.

**RESOLUTION NO 3259 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Seward Wind LLC has applied for a Permitted Conditional Use Permit for the Installation and Operation of a Wind Energy Conversion System, and

WHEREAS, The property is described as the NW1/4, Section 27, Township 11N, Range 2E, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting July 18, 2016, and

WHEREAS, Notice of the public hearing was published in the Seward County Independent, the Milford Times, and

WHEREAS, The Planning Commission recommended to approve the Permitted Conditional Use Permit, with a vote of 7 In Favor, 0 Against, and 0 Absent and Not Voting, and

WHEREAS, The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting August 02, 2016, and

WHEREAS, Notice of the public hearing was published in the Seward County Independent, Milford Times, and

WHEREAS, No one appeared to oppose said Permitted Conditional Use
 Individuals appeared to oppose said Permitted Conditional Use
 No one appeared to support said Permitted Conditional Use
 Individuals appeared to support said Permitted Conditional Use,
 Individuals appeared without commitment, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve or deny the Permitted Conditional Use Permit for Seward Wind LLC to construct and operation of a Wind Energy Conversion System in the NW1/4, Section 27, Township 11N, Range 2E Seward County, Nebraska.

Motion by: Garske Seconded by: Luebbe
Ayes: Diana L. Garske, Michael Luebbe, Whitney Fleischman, Eugene Gausman, Roger Glawatz, Chairman, Board of Commissioners,
Dated: August 9, 2016 ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Garske, Luebbe, Gausman, Fleischman, Glawatz Motion Carried

Dennis Richters was in attendance to ask for more information about the McKelvie Road Project bids and comparison to other roads. He said he was concerned about safety of a road near Tamora that leads into the elevator. He said the Tamora road has been on the 1 & 6 Year Road Plan for 10 years and wondered what the criteria for implementing a road project is. Commissioner Garske stated that Commissioner

Luebbe gives information about many projects and the Commissioners decide what projects get implemented.

The Commissioners then discussed budget call backs.

Tina Marroquin was present to discuss her budget as well as the following:
Marilyn Hladky for the County Assessor's Office.

The Commissioners recessed at 10:45 a.m.
The Commissioners re-convened at 10:55 a.m.

The Commissioners continued budget discussion with various offices:
Jeff Baker for the County Veteran's Service budget and Public Transit
Mike Janssen for the Building and Grounds Budget
Michaela Tuttle for the HR budget
Maria Hatfield for the Detention Center
Joe Yocum for the Sheriff's Office

Fred Kozisek, a constituent, spoke to the Board and expressed a comment of appreciation for the flags around the courthouse.

The Commissioners discussed contracts (in General) for the County. Commissioner Garske stated that per state statute no contracts are to be signed without first being examined by the County Attorney's office.

Moved by Garske and seconded by Fleischman that a memo needs to be sent out to all Department Heads that all contracts should be examined by the County Attorney's Office.

Affirmative Vote: Garske, Fleischman, Luebbe, Gausman, Glawatz Motion Carried

Garske led discussion about the new phone system for the county. She stated that since landline phone costs are going to come out of a centralized budget starting with this fiscal year, any department who wants a new phone needs to come before the Board with their request.

Moved by Fleischman and seconded by Gausman that any request for an additional phone/lines are to come to the Board of Commissioners for approval.

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Garske to approve the increase of 1% of Restricted Funds for 2016-2017 Fiscal year.

Affirmative Vote: Fleischman, Garske, Luebbe, Gausman, Glawatz Motion Carried

The Commissioners recessed at 1:20 p.m.
The Commissioners re-convened at 2:05 p.m.

The Commissioners continued to discuss budgets.

Commissioners Gausman is absent at 4:20 p.m.

Known items on the agenda for Board of Commissioners on August 16, 2016 are as follows:

- 8:30 a.m.
1. Convene and announce Open Meetings Law
 2. Pledge of Allegiance
 3. Discuss/Action – Public/Officials/Boards
 4. Discuss/Action - Approve minutes of August 9, 2016

Other Business Matters to Address When Time Allows

5. Commissioners Reports

- 6. Discuss Only - Proposal for Waverly Road Design from Plum Creek to 252nd
- 7. Discuss/Action - Justice Center Update
- 8. Discuss/Action - Budget discussion/callbacks
- 9:45 a.m. Discuss/Action – Misc. District Levy Allocation for Seward County Ag Society
- 10:00 a.m. Discuss/Action - Misc. District Levy Allocation for Seward County Fire District
- 10:30 a.m. Discuss/Action - Distress Warrant Collection

Moved by Garske and seconded by Fleischman to adjourn at 5:53 p.m.
Affirmative Vote: Garske, Fleischman, Luebbe, Glawatz 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 16th day of August 2016.

County Clerk

Chairman