

Seward County Board of Commissioners

August 15, 2017

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 15, 2017 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 15, 2017 at 9:00 a.m.

Present: Chairman: Roger E. Glawatz
Members: John Culver, Whitney Fleischman, Eugene Gausman,
Diana Garske
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 Gausman and seconded by Culver to approve the minutes of August 8, 2017.

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

Moved by Fleischman and seconded by Culver to approve the claims for the following:

SEWARD CO. SPECIAL CLAIMS AUG. 2017					
AMERITAS LIFE INS CORP	FE	\$193.85	MID-AMERICAN INS GROUP INC	FE	\$393.12
COLONIAL SUPPLEMENTAL INS	FE	\$28.97	NAT'L INS COMPANY OF WISCONSIN	FE	\$13.86
JONES NATIONAL BANK	FE	\$20.52	PRINCIPAL LIFE GROUP	FE	\$15.64
JONES NATIONAL BANK	FE	\$59.54	SEWARD CO HEALTH CLAIM FUND	FE	\$1,033.83
JONES NATIONAL BANK & TRUST CO	FE	\$213.24	SALARIES	FE	\$1,115.68

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

Marilyn Hladky, County Assessor asked questions about cleaning her future office now that County Court and District Court has moved out.

Mike Janssen, Building and Grounds Supt. discussed some current problems/questions about the Justice Center.

Gary Petersen, Seward/York Emergency Manager presented 2 documents for the Commissioners consideration.

Moved by Culver and seconded by Fleischman to authorize the Chairman to sign the Everbridge/Nixle-Mass Notification System 3 Year Contract.

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

Moved by Garske and seconded by Gausman to approve the Southeast Region Emergency Management Interlocal Agreement.
Affirmative Vote: Garske, Gausman, Culver, Fleischman, Glawatz Motion Carried

The Commissioners discussed contributing financially for new servers for Connect Seward. Seward County is no longer using the servers for Connect Seward.

Moved by Garske and seconded by Culver to not invest in the Connect Seward request for helping with the purchase of servers.
Affirmative Vote: Garske, Culver, Gausman, Fleischman, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to open the public hearing at 9:19 a.m. for a request to rezone from A-1 to TA-1 a quarter section on land located in P Precinct in the E½ SE ¼ of Section 24, Township 9 North, Range 4 East of the 6th p.m.
Affirmative Vote: Fleischman, Gausman, Culver, Garske, Glawatz Motion Carried

Becky Paulsen, Weed/Zoning Administrator gave information about the Planning and Zoning Commission recommendation.

Jim Mobray spoke against said request.

Mrs. Carol Daniels also spoke against the request.

Moved by Fleischman and seconded by Gausman to close the public hearing at 9:24 a.m.
Affirmative Vote: Fleischman, Gausman, Culver, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Garske to adopt Resolution No. 3324 in regard to denying a request to rezone from A-1 to TA-1 a quarter section on land located in P Precinct in the E½ SE ¼ of Section 24, Township 9 North, Range 4 East of the 6th p.m. upon the recommendation of the Planning and Zoning Commission.

RESOLUTION NO 3324 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Mr. and Mrs. Rod Douglass have applied for a Zoning District change for a quarter section of land from (A-1) Agricultural Preservation District to (TA-1) Transitional Agriculture, and

WHEREAS, The land is described as a tract in the East 1/2 of the South East 1/4 of, Precinct P. Section 24, Township 9N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is Mr. and Mrs. Rod Douglass, and

WHEREAS, Notice of Public Hearing by the Seward County Planning Commission was published in the Seward County Independent, the Milford Times, and was posted on the property, and

WHEREAS, the Planning Commission held a public hearing on the Zoning District change on July 17, 2017, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 7 against, 0 for, and 0 absent and not voting.

WHEREAS, The Seward County Board of Commissioners held a public hearing on the Zoning Change on August 15, 2017, and

WHEREAS, Notice of Public Hearing by the Seward County Board of Commissioners was published in the Seward County Independent, the Milford Times, and was posted on the property, and

WHEREAS, ___ No one appeared to oppose said amendment

Individuals appeared to oppose said amendment

No one appeared to support said amendment

Individuals appeared to support said amendment

Individual appeared without commitment, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby adopt Resolution 3324 to approve_____, deny the Zoning District Change from A-1 to TA-1.

Motion by: Fleischman

Seconded by: Garske

Ayes: Whitney Fleischman, Diana L. Garske, Eugene Gausman, John K. Culver, Roger Glawatz, Chairman, Board of Commissioners

Dated: August 15, 2017 ATTEST: Sherry Schweitzer, Seward County Clerk

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

Moved by Garske and seconded by Gausman to open the public hearing at 9:25 for a request to rezone a quarter section of land located in O Precinct in the NW ¼ SW ¼ of Section 24 Township 9 North, Range 3 East of the 6th p.m. from TA-1 to RR-1 District.

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

Paulsen then informed the Commissioners the recommendation of the Planning and Zoning Commission.

No one spoke in favor or against said request.

Moved by Fleischman and seconded by Culver to close the Public Hearing at 9:30 a.m.
Affirmative Vote: Fleischman, Culver, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to adopt Res. 3325 in regard to denying a request to rezone a quarter section of land located in O Precinct in the NW ¼ SW ¼ of Section 24 Township 9 North, Range 3 East of the 6th p.m. from TA-1 to RR-1 District.

**RESOLUTION NO 3325 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Austin Schweitzer has applied for a Zoning District change for a quarter section of land from TA-1 Transitional Agricultural District to RR-1 Rural Residential District, and

WHEREAS, The land is described as a tract in the North West 1/4 of the South West 1/4 of, Precinct O. Section 24, Township 9N, Range 3E, Seward County, Nebraska, and

WHEREAS, the owner of record is Austin Schweitzer, and

WHEREAS, Notice of Public Hearing by the Seward County Planning Commission was published in the Seward County Independent, the Milford Times, and was posted on the property, and

WHEREAS, the Planning Commission held a public hearing on the Zoning District change on July 17, 2017, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 7 in favor, 0 against, and 0 absent and not voting.

WHEREAS, The Seward County Board of Commissioners held a public hearing on the Zoning Change on August 15, 2017, and

WHEREAS, Notice of Public Hearing by the Seward County Board of Commissioners was published in the Seward County Independent, the Milford Times, and was

posted on the property, and

WHEREAS, XNo one appeared to oppose said amendment

 Individuals appeared to oppose said amendment

XNo one appeared to support said amendment

 Individuals appeared to support said amendment

 Individuals appeared without commitment, and,

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby adopt Resolution 3325 to approve , denyX the Zoning District Change from A-1 to TA-1.

Motion by: Fleischman Seconded by: Gausman
Ayes: Whitney Fleischman, Eugene Gausman, John K. Culver,
Diana L. Garske, Roger Glawatz, Chairman, Board of Commissioners
Dated: August 15, 2017 ATTEST: Sherry Schweitzer, Seward County Clerk

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

Moved by Garske and seconded by Fleischman to open the public hearing at 9:37 a.m. to consider a Conditional Use Permit for Grow with the Flow Nursery to operate a Licensed Nursery Stock Farm in P Precinct in the SW ¼ SW ¼ of Section 24, Township 9 North, Range 4 East of the 6th p.m.

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

Paulsen gave information about the Planning and Zoning Commission recommendation.

Jeff Jirovec, owner of Grow with the Flow Nursery spoke in favor of the request.

Moved by Fleischman and seconded by Gausman to close the Public Hearing at 9:45 a.m.

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

The Commissioners completed the Findings of Facts for the Board.

BEFORE THE COUNTY BOARD OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)
)
CONDITIONAL USE PERMIT)
REQUEST BY:)
)
)
Jeff Jirovec/Grow With The Flow)
APPLICANT)

NO. 3326

FINDINGS OF FACTS/RECOMMENDATIONS

THIS MATTER came before the Seward County Board of Commissioners on the request of the Applicant for a CONDITIONAL USE PERMIT. Public hearing was held on the 15th day of August, 2017. Notice of said hearing was publicized on 7/27 & 8/2, 2017.

THE COUNTY BOARD OF COMMISSIONERS recommended to
 X 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 Wholesale/Retail Licensed Nursery System, and therefore subject to Seward County’s Comprehensive Plan and Land Use Matrix of the Seward County Zoning Regulations, which states:

A Licensed Nursery Stock Business shall be permitted as a Conditional Use within any district where the use is listed and allowed.

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
2. Y The use has adequate water, sewer, and drainage facilities. CURRENTLY IN PLACE
3. Y The use is in harmony with the character of the area and the most appropriate use of the land.
4. Y 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. Y 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. Y The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. Y 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.
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.
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

1. A Multi directional sign is required for the Business

The following special conditions have been considered:

1. The effects on the adjacent property, traffic.
2. The immediate and long term effect on the environment and the public.
3. The concern for public safety.
4. The application includes documents to indicate conformance to all applicable governmental regulations and standards. (Nursery License)
5. The application includes affidavits, and or permits from Seward County, EPA and/or the NDEQ, 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 15th day of AUGUST, 2017.

Whitney Fleischman
John K. Culver
Eugene Gausman
Diana L. Garske
Roger Glawatz, Chairman, Board of Commissioners

Moved by Fleischman and seconded by Culver to adopt Resolution No. 3326 in regard to consider a Conditional Use Permit for Grow with the Flow Nursery to operate a Licensed Nursery Stock Farm in P Precinct in the SW ¼ SW ¼ of Section 24, Township 9 North, Range 4 East of the 6th p.m.

**RESOLUTION NO 3326 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Jeff Jirovec has applied for a Conditional Use Permit for the Installation and Use of a Wholesale/Retail Operation of a Licensed Nursery System, and

WHEREAS, The property is described as an Irregular tract in the South West 1/4 of the South West 1/4 of Section 24, Township 9 North, Range 4 East, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting July 17, 2017, and

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

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

WHEREAS, The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting August 1, 2017, and

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

WHEREAS, No one appeared to oppose said Conditional Use

Individuals appeared to oppose said Conditional Use

No one appeared to support said Conditional Use

Individuals appeared to support said 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 Conditional Use Permit for Jeff Jirovec, for the Installation and Use of a Wholesale/Retail Operation of a Licensed Nursery System, on an irregular tract of ground located in part of the South West 1/4, of the South West 1/4 of, Section 24, Township 9N, Range 4E Seward County, Nebraska.

Motion by: Fleischman Seconded by: Culver
Ayes: Whitney Fleischman, John K. Culver, Eugene Gausman, Diana L. Garske,
Roger Glawatz, Chairman, Board of Commissioners

Dated: August 15, 2017 ATTEST: Sherry Schweitzer, Seward County Clerk

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

Wendy Elston, County Attorney and Jacque Stewart, Clerk of the District were present to explain an agreement for child support enforcement through their offices.

Moved by Garske and seconded by Fleischman to authorize the Chairman to sign the Agreement for Child Support Enforcement Service from 10/1/2017 through 9/30/2018 for the County Attorney's Office.

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

Moved by Garske and seconded by Fleischman to authorize the Chairman to sign the DHHS Sub-Grant Agreement/Amendment for Child Support Service Effective 10/1/2017 through 9/30/2018 for Clerk of the District Court.

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

Elston also gave information for an Equitable Sharing Agreement she has on the agenda for the Commissioners consideration.

Moved by Fleischman and seconded by Gausman to authorize the Chairman to sign the Seward County Attorney's Annual Federal Equitable Sharing Agreement and Certification.

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

Mike Janssen was present to discuss adding/changing staff for the Buildings and Grounds Dept. at the Justice Center. He explained that he is requesting some additional staff because of the need at the Justice Center. He is requesting an 8 hr/week staff member to replace a 2 hr/week employee. Michaela Tuttle, HR Director said it may be hard to find someone to only fill a position for 8 hours a week. Discussion led to possibly hiring someone from a cleaning agency.

Moved by Fleischman and seconded by Garske to add 6 more hours a week to a staff member position for the Building and Grounds Dept. with the guidance of Human Resources to fill the position.

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

Georgia Stockley, Highway Supt. presented 2 Right of Way Documents for the Commissioners consideration.

Moved by Garske and seconded by Fleischman to approve the right of way request for John Siebert in the N ½ SW ¼ of Section 34 Township 11 North Range 4 East of the 6th p.m. for electricity.

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

Moved by Fleischman and seconded by Gausman to approve the right of way request for John Siebert in the N ½ SW ¼ of Section 34 Township 11 North Range 4 East of the 6th p.m. for access.

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

Moved by Fleischman and seconded by Gausman to go into Executive Session at 10:28 a.m. to discuss Justice Center Security, it being a confidential subject.

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

The Chairman stated that the Executive Session is for Security purposes and needs to be confidential.

Moved by Gausman and seconded by Fleischman to go out of Executive Session at 10:58 a.m.

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

The Chairman stated that while in Executive Session, Security was discussed and no action was taken.

Tuttle discussed Security Protocols for County buildings. She stated that all county employees, when entering the Justice Center, need to have their ID cards on them so that the Security Officer knows the person is an employee. She said she wanted to get a notice out to all employees out as soon as possible.

Moved by Garske and seconded by Culver to approve the Security Protocol as presented by the HR Director and the County Sheriff.

During the discussion period, Jacque Stewart, Clerk of the District Court asked if the Judges had been notified and said she had not been able to access email to see if a sample protocol was sent out.

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

Tuttle then discussed the Salary Study Recommendation item on the agenda. Both Yocum and Elston were in attendance. Tuttle said she had contacted 3 different agencies and had narrowed it down to Morrow & Associates and Essman & Associates. She said Essman was a bit cheaper at \$16,000 with a possible extra cost of \$3,000 for a Step Pay Plan. Last year he completed the salary study which costs \$17,000. He quoted \$16,000 this time. Morrow & Associates suggested \$20,000-\$25,000. Elston made some remarks after looking over a contract with Morrow and Associates. Glawatz said he would like to have someone different than previous years.

Moved by Fleischman and seconded by Culver to accept the recommendation of the Salary Study Committee and move ahead with the salary study proposal from Morrow & Associates, Inc.

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

The agenda items concerning the Certification of Substantial Completion Documents for the Justice Center is postponed as recommended by Joe Dalton, Deputy County Attorney.

Chairman Glawatz led discussion on the Bailiff Position for the 2017-2018 Budget. He stated that York County was also considering the issue. Garske said she had suggested the Court Reporter be his bailiff, and he said their duties would occur at the same time. Judge Stecker was in attendance and reported how he would use a bailiff. Fleischman said the concern is the change in costs. Stewart was present and said that she thought it was always a plan to have a bailiff. It was suggested that the salary that Judge Stecker suggested was too high. Judge Stecker said that he needs a bailiff and that the responsibility is more than that of a Clerk 1. Fleischman said she does not know the statutes concerning the bailiff position. More discussion will follow in the next few weeks.

During Justice Center Update, Commissioner Fleischman stated she has been looking at monitors for the District Court area. She mentioned the Sheriff has been getting things ready for security issues.

Commissioner Garske said there are 2 TV's in the courtrooms of the courthouse that will probably be used by the Commissioners and other offices.

The Commissioners recessed at 12:00 p.m.

The Commissioners re-convened at 12:50 p.m.

The Commissioners discussed several budgets.

Known items on the agenda for Board of Equalization on August 22, 2017 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 8, 2017
4. Discuss/Action - Assessor Information Update

Known items on the agenda for Board of Commissioners on August 22, 2017 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of August 15, 2017

Other Business Matters to Address When Time Allows

4. Discuss/Action – Public/Officials/Boards
5. Commissioner’s Reports
6. Discuss/Action - Bailiff Position for 2017-2018 Budget
7. Discuss/Action - Justice Center Update
8. Discuss/Action – Budget Discussion

9:15 a.m.

Discuss/Action – Misc. District Levy Authority w/
Seward Ag Society & Seward Fire Dist.

Moved by Fleischman and seconded by Culver to adjourn 3:14 p.m.

Affirmative Vote: Fleischman, Culver, Garske, Gausman, 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 22nd day of August 2017.

County Clerk

Chairman