

# August 23, 2022

## 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 23, 2022 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 23, 2022 at 8:30 a.m.

Present: Chairperson: John Culver  
Members: Misty Ahmic, Bob Vrbka, Ken Schmieding, Darrell Zabrocki  
County Clerk: Sherry Schweitzer  
County Assessor: Marilyn Hladky

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 Zabrocki and seconded by Vrbka to approve the minutes of August 9, 2022.

Affirmative Vote: Zabrocki, Vrbka, Ahmic, Schmieding, Culver Motion Carried

Hladky updated the Commissioners on activities of her office.

### **Known items on the agenda for Board of Equalization on September 13, 2022 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 23, 2022
4. Discuss/Action – Assessor Information Update

Moved by Vrbka and seconded by Schmieding to adjourn at 8:53 a.m.

Affirmative Vote: Vrbka, Schmieding, Zabrocki, Ahmic, Culver 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 13<sup>th</sup> day of September 2022.

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County Clerk

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Chairperson

# August 23, 2022

## 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 23, 2022 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 23, 2022 at 9:00 a.m.

Present: Chairperson: John Culver  
Members: Misty Ahmic, Bob Vrbka, Ken Schmieding, Darrell Zabrocki  
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 Ahmic and seconded by Zabrocki to approve the minutes of August 16, 2022.  
Affirmative Vote: Ahmic, Zabrocki, Schmieding, Vrbka, Culver Motion Carried

Raegan Hain, a member of the public, spoke to the Commissioners about a "GEO Charge" project that may be coming to Seward County. She said that she had been approached by members of the public about it.

Schweitzer updated the Commissioners on activities in her office.

### **Commissioners Reports:**

Commissioner Ahmic reported she has coordinated a meeting with the "Illuminate Seward" project representatives at 4:30 p.m. today, worked on grants, met with the 911 Director in regard to addressing, went to Milford Fun Days, met with the Planning & Zoning Commission, and received a call about a road project.

Commissioner Vrbka reported he fielded a lot of questions about the GEO Charge project and received questions about road issues.

Commissioner Culver reported he attended a Blue Valley Community Action meeting, dealt with various emails, received questions about a road project, and received complaints about cyclists on county roads. He also reported he was contacted by the City of Seward Representatives about possibly placing a historical marker near a county building.

Commissioner Schmieding reported he had a Visitors Committee meeting and met with a small committee in regard to a 4-H project.

Commissioner Zabrocki reported he went to the Seward City Council meeting, attended a Nebraska Intergovernmental Risk Management Association (NIRMA) Board Retreat and went to a BRIDGES meeting.

Terry Wicht, Highway Supt., and Mark Mainelli of Mainelli Wagner & Associates were present to give information about repairing 238<sup>th</sup> Road from Milford to the south county line. There

are certain areas of the paved road that need repaired. Mainelli gave an estimate of the repairs needed and suggested that repairs be done and the road closed one mile at a time. He stated the road is in pretty good shape, but hairline cracks need to be fixed along with a few sections that need to be replaced. After seeing what the budget could handle, they will prioritize the sections needing to be replaced along with crack sealing.

Kathy Ruzicka, Seward Aging Director, was present to give information about a Grant Sub Award with the City of Lincoln.

Moved by Ahmic and seconded by Zabrocki to authorize the Chairman to sign a Sub Award with the City of Lincoln for an Aging Services Grant in the amount of \$76,920.00

Affirmative Vote: Ahmic, Zabrocki, Schmieding, Vrbka, Culver Motion Carried

Katie Webster from the Attorney's Office was present to request use of the courthouse south lawn to display signs and pinwheels to promote Suicide Prevention Awareness from Sept 14 to Sept 28, 2022.

Moved by Ahmic and seconded by Schmieding to use the Courthouse south lawn to display signs and pinwheels to promote Suicide Prevention Awareness from Sept 14 – Sept 28, 2022.

Affirmative Vote: Ahmic, Schmieding, Vrbka, Zabrocki, Culver Motion Carried

The Commissioners recessed at 9:55 a.m.

The Commissioners re-convened at 10:00 a.m.

Moved by Vrbka and seconded by Zabrocki to open a Public Hearing at 10:00 a.m. to hear comments and concerns about changing the Accessory Apartment and Accessory Living Quarters in the Seward County Zoning Regulations.

Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver Motion Carried

No one spoke at said public hearing.

Moved by Vrbka and seconded by Zabrocki to close the Public Hearing at 10:01 a.m.

Affirmative Vote: Vrbka, Zabrocki, Schmieding, Ahmic, Culver Motion Carried

Moved by Zabrocki and seconded by Vrbka to adopt Resolution No. 3704 in regard to changing the Accessory Apartment and Accessory Living Quarters in the Seward County Zoning Regulations.

### Resolution # 3704 of the Seward County Board of Commissioners

WHEREAS, the Seward County Board of Commissioners adopted the current Seward County Zoning Regulations ("Regulations") on June 26, 2007 by way of Resolution 2567;

WHEREAS, pursuant to Section 11.01 of the Regulations, the Board is authorized to make amendments to the Regulations upon motion of the Planning Commission and after public hearing;

WHEREAS, on July 18, 2022 the Seward County Planning Commission made and passed a motion to recommend amendments to the Regulations, section 2.03.04 through 2.03.08, regarding Accessory Buildings. The recommended changes are reflected Exhibit "A", which is attached hereto and incorporated herein by reference;

WHEREAS, the Planning Commission has recommended approval of these amendments, concluding they are compatible with the intent of the zoning regulations in that they will regulate and restrict the percentage of lot areas which may be occupied; the density of population; the uses of buildings; and the uses of the land for agriculture, forestry, recreation, residence, industry, and

trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses; and divide the County into districts of such number, shape, and area as may be best suited to carry out the purposes of this resolution to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of non-farm buildings or structures, and the use, conditions of use or occupancy of land in the unincorporated areas of the County;

WHEREAS, on July 18, 2022, after a public hearing, the Planning Commission vote 7 – 0, with 2 absent and not voting, to recommend approval of the amendments reflected in Exhibit "A";

WHEREAS, on August 23<sup>rd</sup> 2022, the Board, after publication of notice and public hearing, to approve the proposal with certain amendments made by the Board. The amended language is reflected in Exhibit "B", which is attached hereto and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED by the Board, that the Seward County Zoning Regulations are amended as described herein.

LET IT FURTHER BE RESOLVED that the contents of Exhibit "B" shall replace page 5 of the Seward County Zoning Regulations.

Dated this 23<sup>rd</sup> day of August 2022.

Moved by: Zabrocki                      Seconded by: Vrbka  
Ayes: Robert Vrbka, Misty Ahmic, Darrell J. Zabrocki, Ken Schmieding,  
John K. Culver, Chair of the Board  
Attest: Sherry Schweitzer, Seward County Clerk

## **EXHIBIT A**

### **ARTICLE 2: CONSTRUCTION AND DEFINITIONS**

#### **Section 2.03 Definition of Terms**

- 2.03.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.03.02 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley
- 2.03.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.
- ~~2.03.04 **ACCESSORY APARTMENT** shall mean a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or in conjunction with an accessory detached garage.~~
- 2.03.045 **ACCESSORY DWELLING** shall mean a separate building for use as a secondary dwelling which is incidental to the main dwelling. Any accessory dwelling on a parcel shall not exceed the maximum coverage allowed, nor be larger than the primary dwelling. Only one accessory dwelling allowed per parcel. The following provisions apply to any accessory dwellings within the district.
- a. The allowable area for an accessory dwelling shall be limited to 25% of the primary structures finished living space not to exceed 600 total square feet.
  - b. The accessory dwelling shall meet all applicable setbacks.
  - c. The accessory dwelling shall meet all applicable separation distances.
  - d. The accessory dwelling shall have shared utilities with the main dwelling.
  - e. The accessory dwelling shall have the same address as the primary residence.
- 2.03.05 **ACCESSORY BUILDING** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm

buildings, garages, carports, and small storage sheds.

- 2.03.06 ~~**ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.~~
- 2.03.07 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure. **An Accessory Structure shall not be used as a separate dwelling unit.**
- 2.03.08 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.03.09 **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- 2.03.10 **ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.
- 2.03.11 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.03.12 **ADULT CABARET** shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.
- 2.03.13 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.03.14 **ADULT ESTABLISHMENT** shall mean any business offering its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments,

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SEWARD COUNTY, NEBRASKA ■ ZONING RESOLUTION ■ 2007

## EXHIBIT B

### ARTICLE 2: CONSTRUCTION AND DEFINITIONS

#### Section 2.03 Definition of Terms

- 2.03.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.03.02 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley
- 2.03.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.
- 2.03.045 **ACCESSORY DWELLING** shall mean a building separate from the primary building for use as a secondary dwelling which is incidental to the main dwelling. Any accessory dwelling on a parcel shall not exceed the maximum coverage allowed, nor be larger than the primary dwelling. Only one accessory dwelling allowed per parcel. The following provisions apply to any accessory dwellings within the district:
- The allowable area for an accessory dwelling shall be limited to 25% of the primary structure's finished living space, not to exceed 600 total square feet.
  - The accessory dwelling shall meet all applicable setbacks.
  - The accessory dwelling shall meet all applicable separation distances.
  - The accessory dwelling shall not have separate utilities and shall share utilities with the primary dwelling.
  - The accessory dwelling shall have the same address as the primary residence and shall not have a separate unit or identifying number.
- 2.03.04 **ACCESSORY BUILDING** shall mean any detached subordinate building that serves a function customarily

incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

- 2.03.05 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure other than an Accessory Dwelling or Accessory Building that is located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. An Accessory Structure shall not be used as a separate dwelling unit.
- 2.03.06 **ACCESSORY USE** shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.03.07 **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
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- 2.03.12 **ADULT CABARET** shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.
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Affirmative Vote: Zabrocki, Vrbka, Ahmic, Schmieding, Culver          Motion Carried

Moved by Vrbka and seconded by Schmieding to authorize the Chairman to sign two District Court Surplus Property Disposal Reports.

Affirmative Vote: Vrbka, Schmieding, Zabrocki, Ahmic, Culver          Motion Carried

Commissioner Ahmic led discussion about a request from UNL to modify the stairs in the Missile Base Silo and to allow a Lidar Scan to be performed. She stated the work involved is being done by a 3<sup>rd</sup> party. Seward County has received a Certificates of Insurance from UNL and the 3<sup>rd</sup> party contractor. They plan to have students from UNL help with the process of the scan. Zabrocki stated he will touch base with NIRMA to make sure we have adequate coverage for the work being done.

Moved by Ahmic and seconded by Zabrocki to approve the modification of the stairs in the Missile Base Silo and allow a Lidar Scan to be performed.

Affirmative Vote: Ahmic, Zabrocki, Vrbka, Schmieding, Culver          Motion Carried

Ahmic led discussion about infrastructure related grants. She has looked at a website that lists grants and Seward County already has an account. She will work with the person who already has an account this next week and try to get into the website more thoroughly.

There was no update for the Disbursement of American Rescue Plan Act (ARPA) Funds.

Spencer Conratt, E911 Director, was present to discuss the addressing for the private drives in Seward County that have multiple residences. Currently, if there are multiple residences using one driveway, the various residences are given the same address and a "Unit" number. In order to give each residence its own specific address and not just a "unit" number, a procedure will need to take place. Ahmic stated she looked at the 89 private drives identified by the Zoning Director and found there are 29 private drives that need to be dealt with. Discussion about the different types and lengths of driveways was held and the procedure to

give these residences their own address. Letters will be sent out to the residents affected for those that want to change.

The Commissioners recessed at 10:29 a.m.

The Commissioners re-convened at 10:30 a.m.

The discussion of a new starting wage for a Detention Center Sergeant will be postponed until another meeting.

Carrina Sanchez, HR Director, and Roxanne Knutson, Asst. HR Director, were present to discuss the courthouse closure that happened on June 15, 2022. The City of Seward notified the County Friday afternoon, August 12, 2022 that water would be shut off for the Courthouse on Monday morning, August 15, 2022. Knutson stated that because it was found out just the Friday before, a decision had to be made quickly. Barb Armstead, Deputy County Attorney, said that more options should have been given. She stated that since other buildings with employees were open, it creates two groups of employees – one group of employees who came to work and got paid and another group of employees who didn't come to work and got paid. Discussion was had about what the Personnel Policy stated.

Moved by Ahmic and seconded by Schmieding that those affected by the four-hour closure of the courthouse on 8/15/2022 will get four hours of pay.

Affirmative Vote: Ahmic, Schmieding, Zabrocki, Vrbka, Culver                      Motion Carried

The Board directed the HR Director to make a suggestion for a policy change for future instances when this happens.

The Commissioners discussed the budget for 2022-2023.

**Known items on the agenda for Board of Commissioners on August 30, 2022 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 23, 2022
4. Discuss/Action – Claims for the period through August 19, 2022

**Other Business Matters to Address When Time Allows**

5. Discuss/Action – Public/Officials/Boards
6. Commissioners Reports
7. Discuss/Action – Budget Discussion for the 2022-2023 Budget
8. Discuss/Action – Infrastructure Related Grants
9. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
10. Discuss/Action – Agenda for September 6, 2022

9:30 a.m.      Discuss/Action – Matt Kasik, Region V Services – Annual Report and Request for Funding

Moved by Zabrocki and seconded by Vrbka to adjourn at 11:01 a.m.

Affirmative Vote: Zabrocki, Vrbka, Schmieding, Ahmic, Culver                      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 30<sup>th</sup> day of August 2022.

\_\_\_\_\_  
County Clerk

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Chairman