

# August 31, 2021

## 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 31, 2021 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 31, 2021 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 Vrbka and seconded by Ahmic to approve the minutes of August 24, 2021.

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

Moved by Ahmic and seconded by Zabrocki to approve the claims through the period of August 20, 2021.

### SEWARD COUNTY CLAIMS THROUGH AUGUST 20, 2021

ADP LLC	FE	\$5,041.55	US BANK EQUIPMENT FINANCE	FE	\$167.99
ADVANCED OFFICE AUTOM	SU	\$479.43	VERIZON WIRELESS SERV	UT	\$944.22
AMAZON CAPITAL SERVICES	SU	\$174.83	VIRTUAL IMPRESSIONS INC	SU	\$20.00
AMERITAS LIFE INS CORP	FE	\$16,273.84	VISA	FE	\$13,652.10
BLUE VALLEY BEHAV HLTH	SE	\$292.50	WATER ENGINEERING INC	SE	\$420.00
BLUESTEM NETWORK LLC	UT	\$220.00	WINDSTREAM	UT	\$4,851.78
JENNIFER CIMPL BOHN	SE	\$285.00	YORK COUNTY EMA	FE	\$24,357.28
CAMPBELL CLEANING	SE	\$3,755.00	BLACK HILLS ENERGY	UT	\$116.34
CAPITAL BUSINESS SYS	SU	\$25.00	DALE JOHNSON ENT, INC	SU	\$24,561.51
COBBLESTONE HOTEL	TR	\$182.00	FASTENAL COMPANY	SU	\$6.06
CONSOLIDATED MGT CO	SE	\$60.07	JOHN DEERE FINANCIAL	EQ	\$388,357.68
CULLIGAN	SE	\$29.75	JOHNSON SAND & GRAVEL	SU	\$13,072.60
GREGORY C. DAMMAN	SE	\$190.00	KRIHA FLUID POWER CO	SE	\$27.38
ANN DOBESH	SE	\$35.00	MIDWEST SERVICE & SALES	SE	\$1,864.00
EAKES OFFICE PLUS	SU	\$500.57	NE EQUIPMENT INC	SE	\$45.43
EQUIFAX WORKFORCE	SE	\$223.92	OSCEOLA IMPLEMENT	SE	\$189.75
FARMERS COOPERATIVE	SU	\$367.68	POWERPLAN	SE	\$2,420.49
GRAHAM TIRE LINCOLN	SE	\$989.31	ROCKMOUNT RESEARCH	SE	\$230.96
GREAT PLAINS COMM	UT	\$868.90	VERIZON CONNECT NWF	UT	\$744.74
HEARTLAND AUTO BODY	SE	\$551.35	VILLAGE OF UTICA	UT	\$53.36
HELMINK PRINTING	SU	\$236.00	ACE IRRIGATION & MFG CO	EQ	\$10,544.40
INDOFF INC	SU	\$1,554.82	NE DEPT OF TRANSPORTATION	FE	\$7,735.00
JONES BANK (FICA)	FE	\$15,221.01	CHAPTERS BOOKS & GIFTS	SU	\$350.97
LYNELLE KRIZ	SE	\$285.00	GERKENSMEYER FARM LLC	SU	\$150.00
LEE'S REFRIGERATION	SE	\$734.86	HOLLY MATZKE	SE	\$75.00
MARLIN MATULKA	SE	\$19.50	ROBERT MATZKE	SE	\$75.00
MEMORIAL HOSPITAL	SE	\$6,051.06	NEB TOURISM COMMISSION	FE	\$450.00
MILLS & REITER	SU	\$850.25	PAC N SAVE	SU	\$321.36
MIPS INC	SE	\$297.96	SCHMIEDING STUDIO	SE	\$150.18
NE CHILD SUPP ENF ASSOC	FE	\$100.00	JOANN SIECK	SE	\$150.00
NE HHS	SE	\$437.25	VALENTINO'S SEWARD	SU	\$112.77
OREILLY AUTOMOTIVE	SU	\$141.51	SEWARD CO HLTH CLM FUND	FE	\$340,542.70
ORKIN LLC	SE	\$122.00	PETERS, BRIAN	SE	\$336.46

REDIGER AUTOMOTIVE	SE	\$109.89	SEILER INSTRUMENT	EQ	\$30,595.00
REDWOOD TOX LAB	SE	\$12.50	JONES AUTOMOTIVE	FE	\$324.00
RUMERY LANDSCAPE	SU	\$9.58	JONES BANK	SE	\$100.00
SEWARD CO INDEPENDENT	SE	\$237.33	WESTERN OIL II LLC	SU	\$210.13
SEWARD LUMBER	SU	\$12.00	MOTOROLA	EQ	\$27,783.32
SOARIN GROUP, LLC	SE	\$543.76	ST OF NE DAS COMM	SE	\$704.00
ST OF NEB DAS ST ACCT	SE	\$93.00	SALARIES		\$271,228.72
ST OF NE HHSS LAB	SE	\$39.00	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
SHARILYN K STEUBE	SE	\$285.00	COLONIAL SUPPLEMENTAL INSURANCE		
SUMMIT FOOD SERVICE	SE	\$4,970.42	MID AMERICAN CO WISCONSIN		
TCA OUTDOOR POWER	SE	\$224.99	DELTA DENTAL		
THOMSON REUTERS	FE	\$1,017.38	VSP VISION		
TWIN RIVERS HLTH CARE	SE	\$25.00	WADDELL & REED		
UNIVERSITY OF NEBRASKA	FE	\$255.00			

Affirmative Vote: Ahmic, Zabrocki, Vrbka, Culver

Abstain: Schmieding as he has a reimbursement claim in said claims. Motion Carried

During Public Comment time on the agenda, Andrew Matney, E911 Director, updated the Commissioners on radios he received for his dept.

Sherry Schweitzer stated she submitted the required Interim Report for the American Rescue Act Fund.

### **Commissioners Reports:**

Commissioner Ahmic reported she met with the Veterans Services Director about the telehealth room at the West Wing specifically for Veterans, met with Extension Office staff about an Owl Conference Video System, met with the Zoning Director about the zoning update, met with the HR Director about training, and listened in on the Community Sector briefing with Four Corners Health District.

Commissioner Vrbka reported he worked with the 911 Director about staffing.

Commissioner Culver reported he had two driveway issues he worked with and dealt with various correspondences.

Commissioner Schmieding reported he received a few calls about various community events.

Commissioner Zabrocki reported he attended the CPR training through NIRMA and dealt with an email about flags around the courthouse.

The Commissioners discussed the resolution involving pledged securities. It was noted that Jones Bank did pledge the securities listed in the below resolution on August 23, 2021.

Moved by Schmieding and seconded by Vrbka to adopt Resolution No. 3626 in regard to allowing Jones Bank to pledge additional securities.

### Resolution No. 3626 of the Seward County Board of Commissioners

WHEREAS, the Jones Bank desires to pledge the following securities:

FNCT—CUSIP #31418DXS6 in the amount of \$1,000,000.00

FNCT-- CUSIP #31418DW65 in the amount of \$1,000,000.00

FNCT—CUSIP #3133KYUZ0 in the amount of \$1,000,000.00

Whereas: County deposits need to be fully insured. Therefore, let it be resolved, the above pledging, as of 8/23/2021, by the Jones Bank is approved by this County Board.

Moved by: Schmieding      Seconded by: Vrbka      08/31/21  
Ayes: Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell J. Zabrocki, John K. Culver, Chair of the Board



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.
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.
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.
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.

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  
DATED THIS 31st day of August 2021.

**RESOLUTION No. 3627 OF THE  
SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS** SCHULZ POULTRY LLC. has applied for a Conditional Use Permit for a Livestock Feeding Operation, and

**WHEREAS** the property is described as part of the Northwest 1/4 of Section 18, Township 10 North, Range 2 East, Seward County, Nebraska, and

**WHEREAS** The Planning Commission held a public hearing to consider the application at a special meeting August 9, 2021, 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 conditions, by a vote of 6 In Favor, 0 Against, and 2 Absent and Not Voting, and

**WHEREAS** The conditions of approval are.

1. A County Road Department assessment of Route(s) on County Roads.
2. Any future development or expansion would require another Conditional Use Permit.
3. No vehicles would be allowed to park on the County Road or right-of-way.
4. Findings of Facts and Specific Findings attached.

**WHEREAS** The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting August 31, 2021, and,

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

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

**NOW, THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby approve  X  or      deny the Conditional Use Permit, along with the conditions of approval, for SCHULZ Poultry LLC. for a Conditional Use in the Ag District, on a tract of ground located in part of the Northwest 1/4 of, Section 18, Township 10N, Range 2E. Precinct K, Seward County, Nebraska.

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

The Commissioners recessed at 9:50 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. for a recommendation for a Development Permit to Construct a Tower in the Village of Cordova which is in the SE ¼ of Section 30, Township 9 North, Range 1 East of the 6th p.m.  
Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver                      Motion Carried

Paulsen gave information about the Development Permit and that the Planning Commissioner's recommendation for approval of the location was 5 for; 0 Against, 2 Absent and not voting. She stated that this public hearing is per county regulations, but final approval will be made by the Village of Cordova Board of Trustees.

Rick Bailey of Industrial Tower West, LLC spoke in favor of said permit.

Moved by Zabrocki and seconded by Ahmic to close said public hearing at 10:07 a.m.  
Affirmative Vote: Zabrocki, Ahmic, Vrbka, Schmieding, Culver                      Motion Carried

The Commissioners completed the Findings of Fact document.

Moved by Vrbka and seconded by Ahmic to adopt Resolution No. 3628 in regard to giving a recommendation for a Development Permit to Construct a Tower in the Village of Cordova which is in the SE ¼ of Section 30, Township 9 North, Range 1 East of the 6th p.m.

BEFORE THE SEWARD COUNTY BOARD OF COMMISSIONERS,  
SEWARD NEBRASKA

IN THE MATTER OF )  
 )  
 CONDITIONAL USE PERMIT )  
 REQUEST BY: ) FINDINGS OF FACT

INDUSTRIAL TOWER WEST  
 APPLICANT

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 31st day of August 2021. Notice of said hearing was publicized on the 17th day of August 2021.

THE BOARD OF COMMISSIONERS recommends to:

    X     approve the conditional use permit recommendation  
           deny the conditional use permit

upon the findings that:

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.
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.
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.
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.

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.

Dated this 31<sup>st</sup> day of August 2021.

John K. Culver, Chair of the Board  
Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell J. Zabrocki

**RESOLUTION No. 3628 OF THE  
SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS** INDUSTRIAL WEST LLC. has applied for a Conditional Use and a Development Permit to construct a new Telecommunications Tower, within the Village Limits of Cordova. The Village of Cordova has asked that Seward County review the application and give a recommendation based on Seward County Regulations.

**WHEREAS**, the property is described as Precinct M, in the Southeast ¼ of, Section 30, Township 9N, Range 1E, Seward County, Nebraska, and

**WHEREAS** The Planning Commission held a public hearing to consider the application and recommendation at a special meeting August 9, 2021, and

**WHEREAS** notice of the public hearing was published in the Seward County Independent, and

**WHEREAS** The Planning Commission recommended Approval of the Conditional Use and Development Permit to Construct a Tower, with a vote of 5 for In Favor, 0 Against, 1 Abstain, and 2 Absent and Not Voting, and

**WHEREAS** The Seward County Board of Commissioners held a public hearing to consider the recommendation of the application at a regular meeting August 31st, 2021, and the Seward County Board of Commissioners reviewed the Findings of Facts on August 31st, 2021.

**WHEREAS** notice of the public hearing was published in the Seward County Independent, and

**WHEREAS**  X  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  
 X  Individuals appeared to support said Permitted Conditional Use,  
 X  Individuals appeared without commitment, and

**NOW, THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby Approve  X  or     Deny the recommendation to the Village of Cordova Conditional Use Permit and Development and construct a new Telecommunications Tower for Industrial Tower West LLC. in the Southeast ¼ of, Section 30, Township 9N, Range 1E, Seward County, Nebraska.

Moved by: Vrbka                      Seconded by: Ahmic                      08/31/2021  
Ayes: Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell J. Zabrocki  
John K. Culver, Chair of the Board  
Attest: Sherry Schweitzer, Seward County Clerk

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

The Commissioners then discussed fees for the Seward County Zoning regulations. It has been discussed to change the fees for the different permits it issues.

Paulsen gave information about the new suggested fees. After discussion on the various increases in fees, it was decided to pass a resolution next week after changes were made to the resolution form.

The Commissioners recessed at 10:28 a.m.  
The Commissioners re-convened at 11:30 a.m.

Maria Hatfield, Detention Center Director, presented the Board with an Amendment to the Food Service Agreement for the Center.

Moved by Zabrocki and seconded by Ahmic to authorize the Chairman to sign Amendment # 6 to the Food Service Partnership Agreement with Summit Food Service for the Detention Center.

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

Moved by Vrbka and seconded by Schmieding to authorize the Chairman to sign two Surplus Property Disposal Requests for the Detention Center.

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

**Known items on the agenda for Board of Commissioners on September 7, 2021 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 31, 2021

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

5. Commissioners Reports
6. Discuss/Action – Disbursement of American Rescue Act Funds
7. Discuss/Action – Agenda for September 14, 2021

9:15 a.m. Discuss/Action – Demonstration of Owl Video Conferencing Equipment

10:00 a.m. Public Hearing – Application to Re-zone the NE 1/4 in H Precinct - from A-1 District to TA-1 District in Section 11 Township 11 North Range 4 East of the 6th p.m.

Discuss/Action – Res. - Application to Re-zone the NE 1/4 in H Precinct - from A-1 District to TA-1 District in Section 11 Township 11 North Range 4 East of the 6th p.m.

**Known items on the agenda for Board of Commissioners Meeting on September 7, 2021 at 11:00 a.m. are as follows:**

11:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
- Public Hearing – Budget for Seward County for 2021-2022 Fiscal Year
- Discuss/Action- Res.- Budget for Seward County for 2021-2022 Fiscal Year

Following the Public Hearing for the Seward County Budget:

- Public Hearing- Setting the Tax Request Different than the Prior Year
- Discuss/Action-Res.-Setting the Tax Request Different than the Prior Year

Moved by Schmieding and seconded by Zabrocki to adjourn at 10:39 a.m.

Affirmative Vote: Schmieding, Zabrocki, Vrbka, 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 7<sup>th</sup> day of September 2021.

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

\_\_\_\_\_  
Chairperson