

# December 5, 2023

## 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 December 5, 2023 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 December 5, 2023 at 8:30 a.m.

Present: Chairperson: John Culver  
Members: Misty Ahmic, Ken Schmieding, Darrell Zabrocki  
County Clerk: Sherry Schweitzer  
Absent: Member: Raegan Hain

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.

Those officials updating the Commissioners on activities of their office/department were Terry Wicht, Eric Hofer and Sherry Schweitzer.

Moved by Zabrocki and seconded by Ahmic to approve the minutes of November 28, 2023.

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

Moved by Ahmic and seconded by Schmieding to approve claims for the period through November 24, 2023.

### SEWARD COUNTY CLAIMS THROUGH NOVEMBER 24, 2023

ACCURATE CONTROLS	EQ	\$1,856.36	SOARIN GROUP	SE	\$9,065.31
ADVANCED OFFICE AUTOM	SU	\$189.11	ST OF NE DAS ST ACCNTNG	SE	\$910.50
AMERICAN UNION VENTURES	FE	\$35.00	ST OF NE DAS COMMUN	SE	\$1,382.40
AMERITAS LIFE INS	FE	\$22,427.27	SUMMIT FOOD SERVICE	SE	\$7,679.98
BLACK HILLS ENERGY	UT	\$1,901.87	SVEHLA LAW OFFICES	SE	\$125.00
BLUE RIVER ELECTRIC	SE	\$75.00	THOMSON REUTERS-WEST	EQ	\$1,142.91
BOB BARKER COMPANY	SU	\$123.16	UPS	SE	\$53.31
BRENNAN, NIELSEN...LAW	SE	\$57.00	US BANK EQUIP FINANCE	EQ	\$167.99
CAMPBELL CLEANING	SE	\$4,460.00	VERIZON WIRELESS SERV	UT	\$1,149.27
CAPITAL BUSINESS SYS	EQ	\$39.14	VISA	FE	\$2,615.99
CHARTER COMMUNIC	UT	\$310.97	WINDSTREAM	UT	\$2,274.09
COMFORT INN	TR	\$449.80	WYTHERS LAW	SE	\$3,095.50
CONNER PSYCH SERV	SE	\$425.00	DALE JOHNSON ENT	SU	\$43,516.45
DHHS	SE	\$500.00	FRONTIER COOP	SU	\$25,846.46
E 911	SE	\$44,869.17	G & P DEVELOP LANDFILL	SE	\$20.41
EAKES OFFICE PLUS	SU	\$229.98	HEARTLAND TIRES	EQ	\$451.90
ES&S	SU	\$667.65	JOHN DEERE FINANCIAL	SE	\$23.27
FARMERS COOP	SU	\$1,887.18	NEBRASKA TRUCK REPAIR	SE	\$29.75
FIRST WIRELESS	UT	\$291.60	TROYER CONCRETE	SU	\$400.00
GARCIA CLINICAL LAB	SE	\$56.00	TRUCK CENTER COMPANIES	EQ	\$287.82
GBE CPA	SE	\$17,812.50	JOHNSON SAND & GRAVEL	SU	\$18,655.70
GREAT PLAINS COMM	UT	\$1,513.74	CATTLE BANK & TRUST	FE	\$578,180.00
HERPOLSHEIMERS	SE	\$339.96	THE VERDIN COMPANY	SE	\$23,700.00
HOMETOWN LEASING	FE	\$338.73	MILFORD AGING SERV	SE	\$255.50
INDOFF INC	SU	\$647.88	SEWARD AGING SERV	SE	\$452.90

JENNIFER JOAKIM	SE	\$250.00	UTICA AGING SERV	SE	\$175.00
JONES BANK (FICA)	FE	\$22,175.47	HOBSON AUTO AND TIRE	SE	\$327.48
KIWANIS CLUB OF SEWARD	SE	\$170.00	JONES BANK	SE	\$100.00
KOTIK & MCCLURE...LAW	SE	\$358.75	LINCOLN POLICE GARAGE	SE	\$1,451.50
MEMORIAL CLINIC	SE	\$143.26	NORRIS PUB POWER DIST	UT	\$254.89
MEMORIAL HOSPITAL	SE	\$26.00	SECURITY EQUIPMENT INC	EQ	\$12,322.49
NE ASSN OF CO ASSESSORS	FE	\$25.00	UTICA BODY & PAINT	SE	\$1,000.00
NE ASSN OF CO OFFICIALS	FE	\$600.00	DEBT SERVICE JUSTICE CNTR	FE	\$225,000.00
NEBRASKA DEPT OF LABOR	FE	\$6,111.76	SIGN SOLUTIONS USA	SU	\$49.90
NE HLTH & HUMAN SERV	SE	\$93.00	APCO INTL	SE	\$375.00
NE WEED CONTROL ASSN	FE	\$210.00	SALARIES		\$314,578.25
OREILLY AUTOMOTIVE	SU	\$8.99	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
PETTY CASH FUND	FE	\$81.56	COLONIAL SUPPLEMENTAL INSURANCE		
POLLACK AND BALL	SE	\$712.75	MID AMERICAN CO WISCONSIN		
REGION V SYSTEMS	SE	\$3,210.00	DELTA DENTAL		
SEWARD SMILES	SE	\$373.00	VSP VISION		
JOY SHIFFERMILLER	SE	\$900.00	WADDELL & REED		

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

### **Commissioners Reports:**

Commissioner Zabrocki reported he participated in a Zoom call with Congressman Mike Flood, attended the Emergency E911 Meeting, the Highway Supt. interviews, and met with the E911 Director, followed up on Nebraska Intergovernmental Risk Management Association (NIRMA) commitments and attended the Four Corners Health Dept. Meeting.

Commissioner Schmieding reported he helped the Visitors Committee with a project, participated in the Highway Supt. interviews, received a constituent call about a bridge project, and met with the County Treasurer.

Commissioner Culver reported he participated in the Zoom call with Congressman Mike Flood, attended the Emergency E911 Meeting, participated in the Highway Supt. interviews, received calls from constituents, checked roads during snowstorm on Sunday and contacted the Road Dept. about the road issues.

Commissioner Ahmic stated she felt the Road Dept. needed to respond to road conditions earlier than they did in regard to the Sunday Night snowstorm, did get a phone system problem worked out with Allo, attended the Zoom call with Congressman Mike Flood and will reach out to Milford representatives on a grant application. She also participated in Highway Supt. interviews, met with the Detention Center Director and attended the Utica Board of Trustees meeting.

Commissioner Ahmic led discussion on adding some electrical services on the Courthouse lawn. Recently, participation in Operation Green Light and other events would have been easier if there were more outlets around the courthouse square. The Commissioners discussed where the power would come from – the lamp posts or the courthouse. Ahmic will get a quote for electrical outlets trenched from the courthouse for both statues on the North side of the courthouse.

Gary Petersen, Seward/York Emergency Manager, was present to give information about a siren near the Seward I-80 Exit. Alyssa Hendrix, owner of the property where the siren has been located, was also in attendance. Petersen said the siren is old, parts cannot be bought for it and is a 3-phase electrical service. Hendrix gave information about the location of the current siren and about an easement in the northwest corner of her property close to where the siren is located.

Moved by Zabrocki and seconded by Ahmic to direct the Emergency Management Director to secure bids to replace the tornado siren at the Seward I-80 Interchange with a 110 System and include trenching of new electrical service with the cost to come out of Fund 2501 – Emergency Manager Grant Fund.

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

The Commissioners recessed at 9:33 a.m.

The Commissioners re-convened at 9:36 a.m.

Moved by Zabrocki and seconded by Ahmic to open the Public Hearing at 9:37 a.m. to amend the Seward County Zoning Regulations to include and define combination dwellings to be consistent with the Seward County Comprehensive Plan.

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

Becky Paulsen, Zoning Administrator gave information about the proposed amendment.

No comments were received at said hearing.

Moved by Zabrocki and seconded by Ahmic to close the Public Hearing at 9:40 a.m.

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

Moved by Ahmic and seconded by Zabrocki to adopt Resolution No. 3790 in regard to approving the amendment to the Seward County Zoning Regulations to include and define combination dwellings to be consistent with the Seward County Comprehensive Plan.

### **RESOLUTION NO 3790 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS** Seward County Board of Commissioners desires to amend its Zoning Regulation, and the proposed amendments are consistent with the Seward County Comprehensive Development Plan and,

**WHEREAS** A Public Notice setting forth the Notice of Public Hearing by the Seward County Planning Commission on the amendments incorporated herein, was published in the Seward County Independent, and the Milford Times on June 6, 2023, as required by law, and the Planning Commission held a public hearing on the amendments incorporated herein, June 26, 2023, and the Planning Commission recommended Approval of the amendments incorporated herein, with a vote of 7 in favor, 0 against, and 2 absent, and

**WHEREAS** A Public Notice setting forth the Notice of Public Hearing by the Seward County Board of Commissioners on the amendments incorporated herein, was published in the Seward County Independent, and the Milford Times on November 21, 2023, as required by law, and the Seward County Board of Commissioners held a public hearing on the attached amendments incorporated by reference herein, August 15, 2023, and

**WHEREAS** The proposed amendments would affect Section 2.03. of the existing regulations and would add a new Section for Combined Dwelling(s). Included are the regarding amendments to the Zoning Regulations of Seward County Nebraska, consistent with the Seward County Comprehensive Plan. Pursuant to Article 2, Definition of Terms, Section 2.03 of the Seward County Nebraska Zoning Regulations. The proposed amendments relate to regulations for Combined Dwelling

**2.03.161.01 DWELLING, COMBINATION** shall mean a combination of a dwelling unit and a machine shed under a common or connecting roofing system. A Combination Dwelling shall not be classified as a farm building. The residence portion of the facility shall meet the minimum standards for Single-Family Dwelling. In addition, the Combination Dwelling must meet the following standards:

- The Combination Dwelling shall have no less than 600 square feet of finished living space to include a kitchen, bathroom, and living/sleeping quarters.
- Combination Dwelling cannot have wheels, axels, transporting lights, or removeable towing apparatus attached.

- Allowable in: A-1, TA-1, RR-1 MU-1

**WHEREAS** X No one appeared to oppose said amendments.  
     Individuals appeared to oppose said amendments.  
X No one appeared to support said amendments.  
     Individuals appeared to support said amendments.  
     Individuals appeared without commitment of said amendments, and

**NOW, THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby.

approve 4 deny 0 Resolution NO 3790 and the adoption of the amendments incorporated herein.

Moved by: Ahmic                      Seconded by: Zabrocki                      December 5, 2023  
Ayes: Darrell J. Zabrocki, Ken Schmieding, Misty Ahmic,  
John K. Culver, Chair of the Board  
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Zabrocki and seconded by Schmieding to accept the Zoning Administrator's Fee Report for July 2023 in the amount of \$1,200.00.

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

Moved by Zabrocki and seconded by Schmieding to accept the Zoning Administrator's Fee Report for August 2023 in the amount of \$1,875.00.

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

Moved by Zabrocki and seconded by Schmieding to accept the Zoning Administrator's Fee Report for September 2023 in the amount of \$1,725.00.

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

Moved by Schmieding and seconded by Ahmic to accept the Zoning Administrator's Fee Report for October 2023 in the amount of \$1,275.00.

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

The Commissioners recessed at 9:55 a.m.

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

Moved by Zabrocki and seconded by Ahmic to open the Public Hearing at 10:00 a.m. to add a Group Rate to Public Transit fares.

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

Brandy Hafer, Public Transit Director, gave information about the new proposed group fares. She stated she has been asked to take groups for trips and developing a group rate would be a good idea.

Gale Jungemann-Schulz, Jolynn Moesta and Teresa Schoen, all spoke in favor of adding a group rate for Public Transit.

Moved by Zabrocki and seconded by Ahmic to close the Public Hearing at 10:09 a.m.

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

Moved by Ahmic and seconded by Schmieding to add a Group Rate as follows to the Public Transit Fares.

Group Rate:

**Lincoln and surrounding Seward County–**

Group up to 12 at a rate of \$175 for out-of-town transportation (3 stops included as per current rates) The trip would include 5 hours of time, including drive time round trip.

- Can add two-wheel chairs to the group (which is not wheelchair seating) is \$5 each
- Each hour over 5 hours of service would be \$25/hour.
- Additional stops above the 3 would go as:
  - 4 stops \$50
  - 5 stops \$75
  - 6 stops \$90
  - Additional stops above 6 would be \$30/stop

**Omaha –**

Group up to 12 at a rate of \$225 for out-of-town transportation (3 stops included as per current rates) The trip would include 5 hours of time, including drive time into Lincoln and back.

- Can add two-wheel chairs to the group (which is not wheelchair seating) is \$5 each
- Each hour over 5 hours of service would be \$25/hour.
- Additional stops above the 3 would go as:
  - 4 stops \$60
  - 5 stops \$90
  - 6 stops \$100
  - Additional stops above 6 would be \$30/stop

**Grand Island –**

Group up to 12 at a rate of \$200 for out-of-town transportation (3 stops included as per current rates) The trip would include 5 hours of time, including drive time into Lincoln and back.

- Can add two-wheel chairs to the group (which is not wheelchair seating) is \$5 each
- Each hour over 5 hours of service would be \$25/hour.
- Additional stops above the 3 would go as:
  - 4 stops \$60
  - 5 stops \$90
  - 6 stops \$100
  - Additional stops above 6 would be \$30/stop

**Reviewed and approved by Seward County Board of Commissioners:**

**John Culver, Chairman**

**12/05/2023**

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

Moved by Zabrocki and seconded by Ahmic to approve the updated Public Transit Drug and Alcohol Policy.

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

The Commissioners recessed at 10:13 a.m.  
The Commissioners re-convened at 10:15 a.m.

Highway Supt., Terry Wicht, and Asst. Highway Supt., Jon Regnier were in attendance to discuss using County Road 238 (Matzke Highway) and then Highway 34 heading east from Seward to Lincoln as a Detour Route for the State of Nebraska Dept. of Transportation (NDOT). The Commissioners expressed worry about using Matzke Highway as a detour for interstate traffic which includes many semi-trucks. The Commissioners asked Wicht to communicate to the NDOT questions that arose during discussion such as using Highway 6 as a detour rather than Matzke Highway. The resolution and agreement will be considered after questions have been answered.

HR Director, Roxanne Knutson was present to discuss the request to change to Employee Only Contribution for Health Insurance Premium. She explained that because of the Affordable Care Act (ACA) rules, the IRS has stated that Seward County has to offer "affordable" plans for its employees. She gave information about a formula that the IRS uses to calculate if our program is affordable. Although our plan has good benefits, according to the IRS, our plan is potentially not affordable for some who choose the single option. Her suggestion was to change the employee share of health insurance for the single option from 80/20 cost share (80% of the premium paid by the county and the employee pay 20%), to a 90/10. Commissioner Zabrocki asked Knutson what the financial cost would be if the cost share would be changed yearly by increments. Knutson will find out the information and report next week.

Commissioner Ahmic led a discussion about additions to the new phone system. She stated two departments have asked for additional phone capabilities such as phones that record and an app phone. She has asked Allo what the costs are for those additions and has not received concrete figures. Sheriff Mike Vance gave information about his office requests. Ahmic will bring back solid numbers from Allo and report next week.

Moved by Ahmic and seconded by Zabrocki to authorize the Chairman to sign the Cost Allocation Plan Contract Agreement with Maximus US Services, Inc.  
Affirmative Vote: Ahmic, Zabrocki, Schmieding, Culver          Motion Carried

Commissioner Ahmic led discussion about grants and stated there are individuals at state offices that can help with grants. There was also discussion about using Lancaster County to help bundle projects for grants.

Moved by Zabrocki and seconded by Ahmic to go into Executive Session at 11:18 a.m. to discuss strategy.  
Affirmative Vote: Zabrocki, Ahmic, Schmieding, Culver          Motion Carried

The Chairman re-stated the Executive Session was for strategy.

Moved by Zabrocki and seconded by Schmieding to go out of Executive Session at 12:35 p.m.  
Affirmative Vote: Zabrocki, Schmieding, Ahmic, Culver          Motion Carried

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

**Known items on the agenda for Board of Equalization on December 12, 2023 are as follows:**

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of November 28, 2023
4. Discuss/Action – Assessor Information Update

**Known items on the agenda for Board of Commissioners on December 12, 2023 are as follows:**

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of December 5, 2023

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

1. Discuss/Action - Public/Officials/Boards
2. Commissioners Reports
3. Discuss/Action – Appoint Dentist Member to Four Corners Health Dept.
4. Discuss/Action – Infrastructure Related Grants
5. Discuss/Action – Agenda for December 19, 2023

9:30 a.m.      Discuss/Action – Open Bids for Road Dept. Truck and Pup

Moved by Zabrocki and seconded by Ahmic to adjourn at 12:38 p.m.  
Affirmative Vote: Zabrocki, Ahmic, Schmieding, 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 12<sup>th</sup> Day of December 2023.

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County Clerk

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Chairperson