

# Seward County Board of Commissioners

## December 6, 2016

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 6, 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 December 6, 2016 at 8:30 a.m.

Present:	Vice Chairman:	Diana Garske
	Members:	Eugene Gausman, Whitney Fleischman
	County Clerk:	Sherry Schweitzer
Absent:	Chairman:	Roger Glawatz
	Member:	Mike Luebbe

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.

Officials present for their monthly meeting with the Commissioners were Gary Petersen, Jeff Baker, Maria Hatfield, Michaela Tuttle, Shelly Stitt, Nikki Tegtmeier, Joe Yocum & Sherry Schweitzer.

Moved by Fleischman and seconded by Gausman to approve the minutes of November 29, 2016.

Affirmative Vote: Fleischman, Gausman, Garske

Motion Carried

### **Commissioner Reports:**

Commissioner Fleischman reported she attended a meeting involving Beckenhauer Construction, Goldberg Group Architects (GGA) and other representatives concerning the construction timeline of the jail. She also attended the County Appreciation Party and spent time on various correspondences.

Commissioner Gausman reported he attended the County Appreciation Party and drove various county roads after the snow storm.

Commissioner Garske reported she attended the Board meeting for Seward County Chamber Development and Partnership, the meeting with Beckenhauer and GGA, and the County Appreciation Party.

Moved by Fleischman and seconded by Gausman to accept Clerk of The District Court Report for November, 2016 in the amount of \$11,872.22.

Affirmative Vote: Fleischman, Gausman, Garske

Motion Carried

Moved by Fleischman and seconded by Gausman to authorize the Chairman to sign the Generator Fuel Tank Permit for the new Justice Center.  
Affirmative Vote: Fleischman, Gausman, Garske Motion Carried

Moved by Fleischman and seconded by Gausman to authorize the Chairman to sign the Midwest Storage Documents as listed: Order and Completion Checklist, Terms & Conditions, District Court Revision # 7 Approval, County Court Revision # 6 approval.  
Affirmative Vote: Fleischman, Gausman, Garske Motion Carried

The Commissioners recessed at 8:58 a.m.  
The Commissioners re-convened at 9:01 a.m.

During Justice Center Update, Fleischman stated that the payment that was to be received was supposed to be remitted today. She reported on training, furniture and fixture budget and has been working on the West Wing area for the Extension Office to move into.

The Commissioners recessed at 9:07 a.m.  
The Commissioners reconvened at 9:30 a.m.

Becky Paulsen presented 2 resolutions for the Commissioners consideration.

Moved by Fleischman and seconded by Gausman to adopt Resolution # 3281 in regard to approving the Short Form Plat to create McCormick Addition located in the W 1/2 SW 1/4 of Section 2 Township 9 North Range 4 East of the 6th p.m.

**RESOLUTION NO 3281 OF  
THE SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, Donald J. McCormick and Nicole McCormick, Timothy L Masek and Amanda Lee Masek, owners of the property, have applied for a Short Form Plat Subdivision of property, and described as a tract of land in the West 1/2 of the South West 1/4, Section 2, Township 9N, Range 4E, Seward County, Nebraska, and

**WHEREAS**, The subdivision shall be called McCORMICK ADDITION, and

**WHEREAS**, The Seward County Planning Commission held a meeting on November 21st, 2016 to consider the Short Form Plat, and

**WHEREAS**, the Planning Commission recommended Approval of the BORCHERS ADDITION Short Form Plat with a vote of 6 For, 0 against, and 1 Absent and Not Voting, and

**WHEREAS**,  No one appeared to oppose the subdivision  
 Individuals appeared to oppose the subdivision  
 No one appeared to support the subdivision  
 Individuals appeared to support the subdivision  
 Individuals appeared without commitment, and

**THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby approve  X , Deny \_\_\_\_\_ the McCORMICK ADDITION Short Form Plat with Resolution NO: 3281.

Motion by: Fleischman Seconded by: Gausman  
Ayes: Whitney Fleischman, Eugene Gausman, Diana L. Garske  
Absent: Michael Luebbe, Roger Glawatz, Chairman, Board of Commissioners  
Dated: December 6, 2016 ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Fleischman, Gausman, Garske Motion Carried

Moved by Fleischman and seconded by Gausman to adopt Resolution # 3282 in regard to approving the Amendments to the Seward County Zoning Regulations to include Airport Hazard Area Regulation and an Airport Hazard Area map pursuant to Neb. Rev. Statutes 3-303.

**RESOLUTION NO 3282 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS,** Seward County Board of Commissioners desires to amend its Zoning Regulations to include Airport Hazard Area Regulation and an Airport Hazard Area Map pursuant to Neb. Rev. Stat. 3-303.

**WHEREAS,** The proposed amendments are consistent with the Seward County Comprehensive Development Plan, and

**WHEREAS,** The 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 October 5th, 2016 as required by law, and

**WHEREAS,** The Planning Commission held a public hearing on the amendments incorporated herein, October 24, 2016, opening at 8:18pm and closing at 8:21 pm, and

**WHEREAS,** the Planning Commission recommended Approval of the amendments incorporated herein, with a vote of 5 in favor, 0 against, and 2 absent, and

**WHEREAS,** The 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 9, 2016 as required by law, and *(Supporting documentation is attached in file.)*

**WHEREAS,** The Seward County Board of Commissioners held a public hearing on the attached amendments incorporated by reference herein, November 29, 2016 opening at 11:13 a.m., and closing at 11:24 a.m.

**WHEREAS,** The amendments include Airport Zoning Regulations consisting of the following:

- Airport Hazard Area Description
- Zone Description
- Height Restrictions
- Location Sketch and Zoning Map
- Permit Required, Exceptions, Application Forms, and Permit Fees
- Non-Conforming Structures
- Marking of Non-Conforming Structures
- Administrative Agency, and
- Zoning Board of Adjustment.

**WHEREAS,**  No one appeared to oppose said amendments  
 Individuals appeared to oppose said amendments  
 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 , deny  Resolution NO\_3282\_ and the adoption of the amendments incorporated herein.

Motion by: Fleischman

Seconded by: Gausman

Ayes: Whitney Fleischman, Eugene Gausman, Diana L. Garske

Absent: Michael Luebbe, Roger Glawatz, Chairman, Board of Commissioners

Dated: December 6, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Fleischman, Gausman, Garske

Motion Carried

The Commissioners recessed at 9:37 a.m.

The Commissioners reconvened at 10:00

Mr. Austin Funk and Dean Uhlenberg of Beckenhauer Construction presented GGA Change Request # 12 and # 13.

Moved by Fleischman and seconded by Gausman to approve GGA Change Request 12 for General Conditions for Time Extension along with a letter received from Goldberg Group Architects which is below.

805 N. 36th Street, Suite B  
St. Joseph, Missouri 64506  
p: 816.233.9300 f: 816.233.9399  
e-mail: info@gga-pc.com  
web: www.gga-pc.com



December 5, 2016

**Seward County Board of Commissioners**  
Seward County Courthouse  
261 8<sup>th</sup> Street  
Seward, NE 68434

**Re: Seward County Justice Center**  
**Re: Meeting – December 2, 2016**  
**Beckenhauer GMP Estimated Increase Request**

Dear Commissioners:

Based upon our impression at the Friday, Dec. 2, 2016 meeting; we conclude the following:

- Beckenhauer's intention at this time is to get only an *estimated* increase to their original Guaranteed Maximum Price (GMP) in the amount of \$128,305.00; this increase was presented as an estimate at the meeting, based upon an estimated *average* of \$1,675.00 per diem for General Conditions for an estimated 71 days plus CM's profit, etc.
- Beckenhauer suggests that actual construction costs, time-delays, etc. may not amount to these maximum estimates as the project continues towards, and reaches Completion;

We understand that any applications for payment of a portion of the \$128,305 will be based on actual number of days of delay and actual costs, that with any such applications, Beckenhauer will submit appropriate supporting documentation for both number of days of delay and costs, including, but not limited to, Superintendent's daily logs, applicable sub-contractor documentation and impacted vs. non-impacted construction schedules, and that such applications and supporting documentation will be subject to review and approval by GGA and the County as to both number of days of delay and costs.

If the forgoing accurately represents Beckenhauer's position we could approve. Our approval however, would not acknowledge nor approve any specific number of days of delay or costs at this time.

It should be noted, that the written Change Order GGA #12 materials that Beckenhauer has submitted reflect only a stipulated-sum Change Order in the amount of \$128,305, to which we responded verbally and in writing (letters dated July 8, 2016 and Sept. 8, 2016). As Beckenhauer's current position differs from what is stated in the written GGA #12 materials, we expect that the previously submitted GGA #12 will be withdrawn (or at least not acted on by the County) and a new written proposal that accurately reflects Beckenhauer's current position will be substituted.



We find Beckenhauer's position at Friday's meeting more reasonable than in the past and look forward to working with their staff along with County officials, to bring this matter to a constructive conclusion as rapidly as possible.

We want to remind Seward County officials that the Change Order percentage this project has enjoyed (even with GGA #1-#10) is well below what should be expected on a project of this nature and we look forward to bringing this project to successful completion.

Best Holiday wishes.  
Goldberg Group Architects, PC

  
Lawrence T. Goldberg, AIA, NCARB, ASC  
President

Cc: Joe Dalton, Asst. County Attorney  
Austin Funk, Beckenhauer Construction, Inc.  
Dean Uhlenberg, Beckenhauer Construction, Inc.  
Joe Yocum, Sheriff  
File

Affirmative Vote: Fleischman, Gausman, Garske

Motion Carried

Moved by Fleischman and seconded by Gausman to approve GGA Change Request # 13 for the Subcontractor Rental Cost.

Affirmative Vote: Fleischman, Gausman, Garske

Motion Carried

Known items on the agenda for Board of Equalization on December 13, 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 November 22, 2016
4. Discuss/Action - Assessor Information Update

Known items on the agenda for Board of Commissioners on December 13, 2016 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 6, 2016

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

4. Discuss/Action – Public/Officials/Boards
5. Commissioner's Reports
6. Discuss/Action – Accept County Clerk Fee Report for November, 2016 - \$15,852.25
7. Discuss/Action - Justice Center Update

Moved by Fleischman and seconded by Gausman to adjourn at 10:07 a.m.  
Affirmative Vote: Fleischman, Gausman, Garske 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 December, 2016.

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

\_\_\_\_\_  
Chairman