

December 7, 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 8:30 a.m. on December 7, 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 December 7, 2021 at 8:30 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.

Sherry Schweitzer updated the Commissioners of activities in her office.

Harrison Helmer, Executive Director of BRIDGES, gave an update of the Seward County Chamber & Development Partnership organization.

Moved by Zabrocki and seconded by Vrbka to approve the minutes of November 30, 2021.

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

Moved by Vrbka and seconded by Ahmic to approve the claims through the period of November 26, 2021.

SEWARD COUNTY CLAIMS THROUGH NOVEMBER 26 2021

| | | | | | |
|-----------------------|----|--------------|-------------------------|----|-------------|
| ADVANCED OFFICE AUTOM | SU | \$312.13 | THOMSON REUTERS-WEST | SE | \$667.80 |
| ALL COPY PRODUCTS | SU | \$24.75 | U S POSTAL SVC - HASLER | SU | \$10,000.00 |
| AMAZON CAPITAL SERV | SU | \$129.00 | UNL PRINT & COPY SERV | SE | \$145.34 |
| AMERITAS LIFE INS | FE | \$17,834.57 | US BANK EQUIP FINANCE | FE | \$167.99 |
| BLUE RIVER ELECTRIC | SE | \$592.00 | VERIZON WIRELESS | UT | \$2,067.24 |
| BRYAN PHYSICIAN NTRK | SE | \$302.00 | VISA | FE | \$4,447.64 |
| CAMPBELL CLEANING | SE | \$4,380.00 | WINDSTREAM | UT | \$4,486.49 |
| CAPITAL BUSINESS SYS | SU | \$29.00 | YORK CO SHERIFF | SE | \$20.50 |
| CATTLE BANK & TRUST | FE | \$561,941.50 | BLACK HILLS ENERGY | UT | \$581.47 |
| CHARM-TEX | SU | \$1,258.80 | DALE JOHNSON ENT | SU | \$16,805.03 |
| CITY OF SEWARD | UT | \$3,972.15 | HYDRAULIC EQUIP SERV | SE | \$253.03 |
| DOUGLAS CO SHERIFF | SE | \$22.95 | INLAND TRUCK PARTS | EQ | \$5,683.59 |
| EAKES OFFICE PLUS | SU | \$105.74 | KRIHA FLUID POWER CO | SU | \$90.80 |
| EQUIFAX WORKFORCE | SE | \$139.96 | LANCASTER CO ENG DEPT | SE | \$1,522.00 |
| FARMERS COOP | SU | \$1,724.20 | LINCOLN CLUTCH & BRAKE | SE | \$86.62 |
| ANNA FOLTZ | SE | \$75.00 | MEDICAL ENTERPRISES | SU | \$140.00 |
| GALLS LLC | SU | \$344.47 | NE EQUIPMENT INC | SU | \$42.13 |
| GRAHAM TIRE LINCOLN | SE | \$1,159.85 | NE PUBLIC POWER DIST | UT | \$52.89 |
| HOMETOWN LEASING | SE | \$97.43 | ROCKMOUNT RESEARCH | SE | \$638.89 |
| HOPE CRISIS CENTER | FE | \$11,980.00 | SEWARD LUMBER | SU | \$121.41 |
| INDOFF INC | SU | \$33.96 | VILLAGE OF UTICA | UT | \$53.48 |
| JONES BANK | SE | \$300.00 | GERHOLD CONCRETE | SU | \$166.65 |
| JONES BANK (FICA) | FE | \$17,997.02 | JOHNSON SAND & GRAVEL | SU | \$185.88 |

| | | | | | |
|-------------------------|----|------------|---------------------------------------|----|--------------|
| KONICA MINOLTA PREM FIN | SE | \$131.48 | FLATWATER FILM FESTIVAL | FE | \$1,000.00 |
| LAUBER FUNERAL SERVICE | SE | \$540.00 | HUMANITIES NEBRASKA | FE | \$300.00 |
| MEMORIAL CLINIC | SE | \$41.80 | SEWARD CO HLTH CLM FND | FE | \$123,952.70 |
| MEMORIAL HOSPITAL | SE | \$26.00 | DEPT OF HLTH &HUMAN SERV | SE | \$350.00 |
| MIDWEST OFFICE AUTOM | SU | \$39.99 | GREAT PLAINS COMM | UT | \$605.00 |
| MIDWEST SPECIAL SERV | SE | \$1,188.00 | ICON HEALTH & FITNESS | SU | \$3,498.00 |
| NAT DIST ATTYS ASSOC. | FE | \$105.00 | NEBRASKA SHERIFFS ASSN | FE | \$540.00 |
| NE PUB HLTH ENV LB | SE | \$105.00 | J CHAD PROF TRAINING | SE | \$39.00 |
| NE STATE BAR ASSN | FE | \$262.00 | OWL LABS INC | SE | \$3,038.00 |
| OFFICENET | SU | \$71.81 | SOARIN GROUP | SE | \$4,879.00 |
| OREILLY AUTOMOTIVE | SU | \$201.51 | GEOCOMM INC | SE | \$10,296.00 |
| PAPER TIGER SHREDDING | SE | \$35.00 | ST OF NE DAS STATE ACCTNG | SE | \$115.00 |
| PETTY CASH FUND | FE | \$5.00 | BIZCO INC | SE | \$7,393.10 |
| POTTER REPAIR | SE | \$133.27 | ENCARTELE INC | SE | \$2,472.80 |
| PPCT MANAGEMENT SYS | SE | \$57.31 | SALARIES | | \$259,976.75 |
| RADWEN INC | SE | \$1,000.00 | GROSS SALARIES INCLUDE DEDUCTIONS TO: | | |
| REGION V SERVICES | SE | \$2,484.58 | COLONIAL SUPPLEMENTAL LIFE INSURANCE | | |
| RR DONNELLEY | SE | \$72.71 | MID AMERICAN CO WISCONSIN | | |
| SEWARD CO INDEPENDENT | SE | \$4.50 | DELTA DENTAL | | |
| ST OF NE DAS COMM | SE | \$1,152.00 | VSP VISION | | |
| SUMMIT FOOD SERVICE | SE | \$6,178.40 | WADDELL & REED | | |

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

Commissioners Reports:

Commissioner Ahmic reported she was working with an individual on an easement, worked with Ehlers getting the audio/video project started and has been working on American Rescue Plan Act (ARPA) funds.

Commissioner Vrbka reported he attended a Roads Dept. meeting.

Commissioner Culver reported he attended a Roads Dept. meeting and the Seward County Appreciation party.

Commissioner Schmieding reported he was contacted about a roads issue and attended the Appreciation Party.

Commissioners Zabrocki reported he attended interviews for the E911 Center, attended a SENDD meeting, the Appreciation Party, and received a call from a constituent.

Moved by Vrbka and seconded by Zabrocki to accept the County Clerk Fee Report for November 2021 in the amount of \$36,272.00.

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

Moved by Schmieding and seconded by Ahmic to accept the Clerk of the District Court Fee Report for November 2021 in the amount of \$3,534.71.

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

Ahmic led discussion on the Disbursement of American Rescue Plan Act (ARPA) funds. She reported all the work she is doing to gather the information for the reports that are required. She has been working on a Premium Pay issue.

The Commissioners recessed at 8:55 a.m.

The Commissioners re-convened at 9:15 a.m.

The Commissioners discussed naming Nancy Kavulak as the Interim E911 Director. Zabrocki stated that since Shannon Arena, former Interim Director, left employment, a new employee needs to be named.

Moved by Zabrocki and seconded by Vrbka to appoint Nancy Kavulak as the Interim E911 Director.

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

Carina Sanchez, Human Resource Director, was present to give information about a wage for the Interim Director.

Moved by Ahmic and seconded by Schmieding to go into Executive Session at 9:19 a.m. to discuss personnel, it being necessary to protect the reputation of the Individual(s).
Affirmative Vote: Ahmic, Schmieding, Zabrocki, Vrbka, Culver Motion Carried

The Chairman stated the Executive Session was for personnel.

Moved by Vrbka and seconded by Zabrocki to go out of Executive Session at 9:23 a.m.
Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver Motion Carried

Sanchez continued to give information about the duties and wage suggested for the Interim E911 Director position.

Moved by Zabrocki and seconded by Ahmic to set the wage for the Interim E911 Director at \$22.40 per hour effective December 4, 2021.
Affirmative Vote: Zabrocki, Ahmic, Schmieding, Vrbka, Culver Motion Carried

The Commissioners recessed at 9:27 a.m.
The Commissioners re-convened at 9:30 a.m.

Bob Dahms, County Treasurer, and Sherry Leising, Deputy County Treasurer, were present to discuss an email Dahms had received from the Chairman and email changes. Dahms and Leising discussed the costs of IT service for his office. They gave a timeline of events related to email and IT issues followed by reasons why they chose to use a different email provider.

Dahms requested permission to change emails for the Treasurer and Assessor Offices.

Moved by Vrbka and seconded by Schmieding to approve email changes for the Treasurer's and Assessor's Offices to Google Business.

During discussion time, Commissioner Zabrocki stated he was not in favor of multiple platforms for emails for Seward County.

Affirmative Vote: Vrbka, Schmieding
Voting No: Zabrocki, Ahmic, Culver Motion Failed

Moved by Vrbka and seconded by Zabrocki to open a Public Hearing at 10:00 a.m. in regard to a Conditional Use Permit/Development Permit to operate and construct a tower with Industrial Tower West being the contractor and Daehling being the landowner in the NW ¼ of Section 35 Township 12 N Range 2 East of the 6th p.m.

Chris Riha, Site Acquisition Specialist for Viaero, spoke in favor of said permit.

Moved by Vrbka and seconded by Zabrocki to close said public hearing at 10:05 a.m.
Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver Motion Carried

Becky Paulsen, Weed/Zoning Administrator, read the Planning Commission's Recommendation and Findings of Facts.

BEFORE THE BOARD OF COMMISSIONERS OF SEWARD COUNTY,
NEBRASKA

CONDITIONAL USE/DEVELOPMENT PERMIT

RECOMMENDATIONS

INDUSTRIAL TOWER WEST

APPLICANT

THIS MATTER came before the Board of Commissioners on the request of the Applicant for a CONDITIONAL USE/ DEVELOPMENT PERMIT.

Public hearing was held on the 7th day of December 2021. Notice of said hearing was publicized on the 23rd day of November 2021.

THE SEWARD COUNTY BOARD OF COMMISSIONERS recommends to

Approve the Conditional Use Permit
 Deny the Conditional Use Permit

With a Roll Call Vote of: 5 For 0 Against 0 Absent Not Voting

Upon Review of all necessary facts, the Seward County Board of Commissioners makes the following findings that the application is for the Installation and Use of a Telecommunication Tower, and therefore subject to Seward County's Comprehensive Plan and Land Use Matrix of the Seward County Zoning Regulations,

which states: Article 8: Section 8.01 Radio, Television and Wireless Communication towers. 8.01.01 Intent. To regulate towers, telecommunications facilities, and antennas in the county in conformance with the Communications Act without prohibiting or tending to prohibit any person from providing wireless service. promote and encourage shared use.

Upon Review of all the necessary facts, the Seward County Board of Commissioners makes the following findings that:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located. Applicant went through the Zoning process
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. Land is currently used as a follow field
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 daily

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 X Allowable in TA-1 District.

Currently Zoned TA-1

This Conditional Use Permit is applicable to the Tower Only.

Every item, dish or antenna mounted on this tower, or boxes mounted on the ground requires a Separate Development Permit Each.

A Conditional Use Permit may be granted for a Telecommunication Tower in the designated zoning district: The following special conditions have been considered:

- 1.____ The effects on the adjacent property, traffic.
- 2.____ The public necessity and advantage.
- 3.____ The immediate and long-term effect on the environment and the public.
- 4.____ The concern for public safety.
- 5.____ The application includes documents to indicate conformance to all applicable governmental regulations and standards.
- 6.____ The application includes any affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, FAA and FCC in the event an approval is required by these agencies.
- 7.____ A decommission plan

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 7th day of December, 2021.

John K. Culver, Board Chair

Misty Ahmic, Robert Vrbka, Ken Schmieding, Darrell J. Zabrocki

Moved by Vrbka and seconded by Zabrocki to adopt Resolution No. 3650 in regard to a Conditional Use Permit/Development Permit to operate and construct a tower with Industrial Tower West being the contractor and Daehling being the landowner in the NW ¼ of Section 35 Township 12 N Range 2 East of the 6th p.m.

**RESOLUTION NO 3650 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Industrial Tower West has applied for a Conditional Use Permit to operate and a Development Permit to construct a 195' telecommunications tower, and

WHEREAS the property is described as the West ½ of the Northwest ¼ of, Section 35, Township 12N, Range 2E, Seward County, Nebraska, and

WHEREAS The Planning Commission held a public hearing to consider the application at a regular meeting November 15, 2021, and

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

WHEREAS The Planning Commission recommended to Accept the Conditional Use and Development Permit, with a vote of 7 In Favor, 0 Against, and 1 Absent and Not Voting, and

WHEREAS The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting December 7, 2021, and

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

WHEREAS X No one appeared to oppose said Conditional Use/Development

 Individuals appeared to oppose said Conditional Use/Development

X No one appeared to support said Conditional Use/Development

 Individuals appeared to support said Conditional Use/Development

 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 for Industrial Tower to construct and operate a telecommunications tower in the West1/2 of the Northwest ¼ of, Section 35, Township 12N, Range 2E Seward County, Nebraska.

Moved by: Vrbka Seconded by: Zabrocki 12/07/2021

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

Attest: Sherry Schweitzer, Seward County Clerk

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

The Commissioners then discussed a Resolution for the Westervelt Conservation Easement in the N ½ NE ¼ of Section 19 Township 11 North, Range 1 East of the 6th p.m.

Will Duggins, a representative of Westervelt Ecological Services spoke in favor of the easement.

Paulsen gave information of the Planning Commission's recommendation of approval.

Moved by Vrbka and seconded by Ahmic to adopt Resolution No. 3651 in regard to the approval of the Westervelt Conservation Easement in the N ½ NE ¼ of Section 19 Township 11 North, Range 1 East of the 6th p.m.

**Resolution # 3651 of the
Seward County Board of Commissioners**

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR WESTERVELT ECOLOGICAL SERVICES, LLC.

WHEREAS, WESTERVELT ECOLOGICAL SERVICES, LLC. is the owner of the following described real estate:

The North 69.72 (Sixty-nine Point Seventy-Two) Acres of the Northeast Quarter (NE¼), Section Nineteen (19), Township Eleven (11) North, Range One (1) East of the 6th P.M., Seward County, Nebraska

WHEREAS, USDA-Natural Resources District is desirous of obtaining a conservation easement from Westervelt Ecological Services, LLC., on the real property legally described hereinabove and Westervelt Ecological

Services, LLC., is desirous of granting a conservation easement to USDA-Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Westervelt Ecological Services, LLC and USDA-Natural Resources District have submitted a request to Seward County for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to *Neb. Rev. Stat. §76-2,112* (2018) on November 15, 2021, the Seward County Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

WHEREAS, the Seward County Board of Commissioners, on December 7, 2021, conducted a public meeting on the granting of this easement and no one from the public spoke in disfavor of granting this easement, and

WHEREAS, the Seward County Board of Commissioners finds that the proposed acquisition is consistent with (a) the Seward County Comprehensive Development Plan, (b) any national, state, regional, or local program furthering conservation or preservation, to the best of their knowledge, and (c) any known proposal by a governmental body for use of the land, to the best of their knowledge, and

WHEREAS, pursuant to *Neb. Rev. Stat. §76-2, 112* (2018) the Seward County Board of Commissioners is authorized only to approve said portion of property that falls into the zoning jurisdiction of Seward County. The Seward County Board of Commissioners understands that a portion of the 69.72 acres falls within the territorial jurisdiction of the Village of Utica. The Seward County Board therefore, has no power to authorize approval of the property that falls in the extraterritorial zoning jurisdiction of the Village of Utica, Seward County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners approves the grant of the designated conservation easement that is within the territorial jurisdiction of the County, not to include the portion within the jurisdiction of the Village of Utica. Said approval is for only said portion of the real estate, legally described as follows:

The North 69.72 (Sixty-nine Point Seventy-Two) Acres of the Northeast Quarter (NE¹/₄), Section Nineteen (19), Township Eleven (11) North, Range One (1) East of the 6th P.M., Seward County, Nebraska

Together with conditions of the easement and other matters as more particularly described and set forth in the Agricultural Mitigation Bank Easement Agreement filed with the Seward County Register of Deeds on the 26th day of October, 2021, incorporated into this Resolution by reference as if fully set forth herein.

RESOLVED FURTHER, that proponent or proponents of the easement is authorized to file a copy of the Resolution against described properties and/or attach copy of this Resolution to any deed, easement, and/or other document associated with it, should they so desire.

Dated this 7th day of December, 2021.

Moved by: Vrbka Seconded by: Ahmic 12/07/2021
Ayes: Darrell J. Zabrocki, Robert Vrbka, Misty Ahmic, Ken Schmieding,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Zabrocki and seconded by Ahmic to authorize the Chairman to sign the Sworn Statement in Proof of Loss Regarding a Road Dept. Equipment Vandalism and Theft Insurance Claim.

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

The Commissioners recessed at 10:27 a.m.
The Commissioners re-convened at 10:30 a.m.

Katrina Ramer of the County Attorney's Office was present to discuss the 2023 Community Based Juvenile Grant.

Moved by Ahmic and seconded by Zabrocki to authorize the Chairman to sign the 2023 Community Based Juvenile Grant Application.

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

Known items on the agenda for Board of Equalization on December 14, 2021 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 23, 2021
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on December 14, 2021 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 7, 2021

Other Business Matters to Address When Time Allows

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Res. – Set Salaries for Elected Officials
7. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
8. Discuss/Action – Agenda for December 21, 2021

9:15 a.m. Discuss/Action – Appoint Peggy Oborny for the At-Large Extension Board Member and Jenn Nantkes for District 3 Extension Board

Moved by Zabrocki and seconded by Vrbka to adjourn at 10:38 a.m.

Affirmative Vote: Zabrocki, Vrbka, 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 14th day of December 2021.

County Clerk

Chairperson