

December 19, 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 9:00 a.m. on December 19, 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 19, 2023 at 9:00 a.m.

Present: Chairperson: John Culver

Members: Misty Ahmic, Raegan Hain, 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 Schmieding and seconded by Zabrocki to approve the minutes of December 12, 2023.

Affirmative Vote: Schmieding, Zabrocki, Ahmic, Culver

Abstain: Hain

Motion Carried

Moved by Ahmic and seconded by Hain to approve the claims through the period of December 8, 2023.

SEWARD COUNTY CLAIMS THROUGH DECEMBER 8, 2023

ADVANCED CORR HLTHCR	SU	\$6,976.59	VERIZON WIRELESS SERV	SE	\$2,184.90
ADVANCED OFFICE AUTOM	SU	\$153.85	VISA	FE	\$5,465.29
AMAZON CAPITAL SERVICES	SU	\$47.65	VISUAL EDGE IT	SE	\$44.94
AMERITAS LIFE INS	FE	\$20,612.46	WINDSTREAM	UT	\$10,000.94
AWARDS UNLIMITED	SU	\$82.68	CANDICE C WOOSTER LAW	SE	\$20,253.79
BERN'S BODY SHOP	SE	\$224.00	WYTHERS LAW	SE	\$458.00
BLACK HILLS ENERGY	UT	\$2,185.76	BADGER BODY & TRUCK	EQ	\$500.92
BLUE RIVER ELECTRIC	SE	\$1,721.02	BAUER BUILT INC	EQ	\$1,294.24
BLUE VALLEY BEHAV HLTH	SE	\$480.00	BEAVER HARDWARE	SU	\$93.01
CHARTER COMM	UT	\$310.97	DALE JOHNSON ENT	SU	\$51,787.33
CITY OF SEWARD	UT	\$5,623.75	FASTENAL COMPANY	SU	\$263.72
CLERK OF DIST COURT	SE	\$468.00	BRIAN FORAL	SE	\$1,517.29
CORI J STAVA	SE	\$439.50	HEARTLAND TIRES & TREADS	EQ	\$12,346.68
CULLIGAN	SU	\$29.50	JOHN DEERE FINANCIAL	EQ	\$107.16
DIAMOND DRUGS	SU	\$383.44	KRIHA FLUID POWER CO	SE	\$51.04
EAKES OFFICE PLUS	SU	\$3,272.97	LANCASTER CO ENGINEERING	SE	\$1,522.00
ES&S	SU	\$577.61	MIDWEST AUTO PARTS	SE	\$515.76
FARMERS COOP	SU	\$8,517.00	NE PUBLIC POWER DIST	UT	\$94.95
G & P DEVELOP LANDFILL	SE	\$47.37	NEBR STATE FIRE MARSHAL	SE	\$360.00
GALLS LLC	SE	\$310.13	NEWMAN SIGNS	SU	\$2,983.78
GREAT PLAINS UNIFORMS	SE	\$1,159.00	NEXTLINK AIS	UT	\$39.95
GUARDIAN RFID	EQ	\$6,696.00	NMC, INC	SE	\$1,460.78
HELMINK PRINTING	SU	\$952.00	NORRIS PUB POWER DIST	UT	\$1,173.00
HERPOLSHEIMERS INC	EQ	\$719.23	PAC N SAVE	SU	\$833.91
HOBSON AUTO AND TIRE	SE	\$154.00	PENNER'S TIRE & AUTO	SE	\$268.50
HOMETOWN LEASING	EQ	\$204.33	POWERPLAN	EQ	\$2,385.26
JONES BANK (FICA)	FE	\$20,376.44	RDO TRUCK CENTERS	EQ	\$844.05
LANCASTER CO SHERIFF	SE	\$32.74	SACK LUMBER	SU	\$125.92

LANGUAGE LINE SERVICES	SE	\$33.40	TRUCK CENTER COMPANIES	EQ	\$289.84
LEE'S REFRIGERATION	SE	\$220.00	UTICA PARTS & SERVICE	SE	\$36.24
RELX INC	SE	\$213.00	VERIZON CONNECT NWF	UT	\$713.80
LINCOLN POLICE GARAGE	SE	\$99.49	VILLAGE OF GARLAND	UT	\$48.50
MATAGORDA CO SHERIFF	SE	\$75.00	VILLAGE OF UTICA	UT	\$56.84
MCKESSON MED SURG	SU	\$201.08	MIDWEST ENGINEERING	SE	\$2,425.50
MID AMERICAN BENEFITS	FE	\$90.00	JOHNSON SAND & GRAVEL	SU	\$30,551.75
MID-AMERICAN INS GRP	FE	\$47,386.08	AKRS EQUIPMENT	EQ	\$9,957.14
SPORTS EXPRESS	SU	\$6,215.85	CHAPTERS BOOKS	SU	\$362.77
MMC CONTRACTORS	SE	\$800.50	MILES PARTNERSHIP	FE	\$1,500.00
MY CENTRAL SUPPLY	SU	\$536.75	NEBR RURAL RADIO ASSOC	FE	\$1,109.58
NAT'L ASSN OF COUNTIES	FE	\$450.00	CONCORDIA UNIVERSITY	FE	\$1,000.00
NEBRASKA.GOV	SE	\$7.50	RIVOLI THEATRE	FE	\$2,500.00
ONESOURCE	SE	\$242.00	DELTA DENTAL OF NEBR	FE	\$234.53
OREILLY AUTOMOTIVE	SE	\$72.97	VSP INSURANCE CO	FE	\$15.57
PAPER TIGER SHREDDING	SE	\$195.00	MILFORD AGING SERV	SE	\$178.50
PETTY CASH FUND	FE	\$92.50	MOMS MEALS	SE	\$137.50
POLLACK & BALL	SE	\$1,539.50	SEWARD AGING SERVICES	SE	\$465.50
QUADIANT, INC	SU	\$2,340.00	UTICA AGING SERVICE	SE	\$227.50
RADWEN INC	SE	\$1,200.00	GREAT PLAINS COMMUN	UT	\$605.00
JENNIFER REES	SE	\$132.97	JONES BANK	FE	\$50.00
REGION V SERVICES	SE	\$2,484.58	JR AUDIO	FE	\$3,300.00
RIXSTINE TROPHY CO	SU	\$42.09	MARLIN MATULKA	SE	\$867.82
SEWARD CO COURT	SE	\$948.00	TRANSUNION RISK & ALT	FE	\$436.00
SEWARD CO HLTH CLM FND	FE	\$408,962.70	WESTERN OIL II LLC	SU	\$318.13
SEWARD CO INDEPENDENT	SE	\$1,138.78	REED TRAILER SALES	EQ	\$8,850.00
SEWARD CO SHERIFF	SE	\$53.62	FIRST WIRELESS, INC	UT	\$619.07
SEWARD CO SHRF UNCOLL FEES	FE	\$298.00	NATL EMERGENCY # ASSN	FE	\$147.00
SEWARD LUMBER	SU	\$162.58	CIDNET	SE	\$2,837.18
SOARIN GROUP	SE	\$4,632.00	LINCOLN JOURNAL STAR	SE	\$5,884.99
ST OF NEBR DAS ST ACCNTNG	SE	\$172.00	WELLBEING INITIATIVE	FE	\$1,000.00
ST OF NEBR DEPT OF CORR.SERV	SE	\$2,800.85	SALARIES		\$291,493.34
SUMMIT FIRE PROTECTION	SE	\$110.00	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
SUMMIT FOOD SERVICE	SE	\$7,919.72	COLONIAL SUPPLEMENTAL INSURANCE		
SVEHLA LAW OFFICES	SE	\$775.00	MID AMERICAN CO WISCONSIN		
TCA OUTDOOR POWER	EQ	\$262.09	DELTA DENTAL		
THIES & COOK PLLC	SE	\$1,692.00	VSP VISION		
TREGG LUNN LAW	SE	\$759.00	WADDELL & REED		
VANGUARD APPRAISALS	EQ	\$7,325.00			

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

Moved by Zabrocki and seconded by Ahmic to accept the Zoning Administrator's Fee Report for November 2023 in the amount of \$300.00.

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

Moved by Zabrocki and seconded by Schmieding to authorize Chairman Hain to sign Acceptance of the Waste Reduction and Recycling Incentive Grant.

Affirmative Vote: Zabrocki, Schmieding

Voting No: Ahmic, Hain, Culver Motion Failed

Moved by Zabrocki and seconded by Ahmic to authorize Commissioner Hain to sign Acceptance of the Waste Reduction and Recycling Incentive Grant.

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

Maria Hatfield, Detention Center Director, brought an agreement for the Commissioners consideration. The agreement dealt with medication for inmates.

Moved by Hain and seconded by Ahmic to authorize the Chairman to sign the Master Service agreement with RxServices, LLC DBA InMedRx for the Release Medication Program.

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

During public comment time, Marlin Luebke, a Seward County resident, commented that he lives on Matzke highway and requested that the Nebraska Dept. of Transportation (NDOT) find an alternate route for the road project on the Interstate in the near future. Commissioner Ahmic reported that the project will take a year to

complete and the detour would only be for 8 days. The Commissioners are working with the NDOT to have advance notice of the days so that appropriate measures are taken.

Eric Hofer, Building and Grounds Supt., handed out a quote for the installation of outlets near the statues in the Courthouse lawn. The quote was for \$3,985.00 from Blue River Electric. It was decided that besides outlets, having the statues lit up continuously would be appropriate. Hofer will get a new quote for outlets and lighting.

Dave Pankoke, a member of the public, spoke to the Board about fiber installation for internet near his residence. He stated they were close to his residence and wondered if they were going to be placing fiber near his residence. He also asked about road maintenance past his residence.

Seward County resident, Delayne Eberspacher also spoke to the Board about the Cordova Road Shop. He said he owns the property around it and is wondering if the Board would be interested in selling it. He would like to purchase it and build a shop on it. The Commissioners said the building is currently being used for storage and would keep his request in mind if they ever felt Seward County had no use for it.

Highway Supt., Terry Wicht and Asst. Highway Supt., Jon Regnier were present to give their recommendation for awarding the truck and pup bid. Wicht's recommendation was to award the bid to RDO for a 2025 Mack truck and pup. Logan Mahalek of RDO was present to answer questions about horse power, warranty, etc.

Moved by Zabrocki and seconded by Culver that we award the truck and pup bid to RDO for a 2025 Mack Truck in the amount of \$263,570.29 with delivery to be on or around June 2024.

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

The Commissioners recessed at 9:46 a.m.

The Commissioners re-convened at 9:50 a.m.

Wicht and Regnier were also present for discussion about a road project and the request from the Nebraska Dept. of Transportation (NDOT) to use Matzke Highway as a detour for 8 days of the project due to the Interstate being closed for intermittent periods.

Moved by Ahmic and seconded by Hain to adopt Resolution No. 3792 in regard to authorizing the Chairman to sign the agreement with the Nebraska Dept. of Transportation (NDOT) to use Matzke Highway as a detour for an I-80 project for 8 nights in the next 3 years.

RESOLUTION 3792

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION FOR:

NDOT Project Number: NH-80-8(103)

NDOT Control Number: CN 12591

NDOT Project Name: Pleasant Dale – NW 56th Street

Whereas: The County of Seward has been asked by the Nebraska Department of Transportation (NDOT) to enter into an Agency Agreement with NDOT for the above Project for the purpose of highway improvements on Highway Interstate 80 (I-80) within the boundaries of the County; and

Whereas: The County understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this project; and

Whereas: The County and NDOT wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the project; and

Be it resolved: the following is the official action taken by the County Board of the County of Seward, Nebraska:

1. **The chairperson of the County Board is hereby authorized and directed to execute said Project Program Agreement on behalf of the County of Seward and the County Clerk is authorized to attest said execution.**
2. This resolution will be marked Exhibit "B" and a copy attached to each Original Agreement.

PASSED AND APPROVED THIS 19TH DAY OF DECEMBER 2023.

John K. Culver

Chairperson of the County Board

ATTEST:

Sherry Schweitzer

County Clerk

EXHIBIT "B"

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

Motion Carried

The Commissioners also considered the request for implementing a Tier 1 hiring bonus for a Mechanic Position in the Road Dept. The Commissioners decided that with Wicht retiring, that it not be implemented until a new Highway Supt. is hired.

Zoning Administrator, Becky Paulsen presented a short form plat for the Commissioners' consideration.

Moved by Zabrocki and seconded by Ahmic to adopt Resolution No. 3793 in regard to approving the Rohren 2023 Subdivision Short Form Plat in K Precinct in the SE ¼ of Section 3 Township 10 North, Range 2 East of the 6th p.m.

RESOLUTION NO 3793 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS Rohren Family Farms LLC, Dennis H. Rohren owns 160.0 acres of land and has applied for a Short Form Plat, subdividing 8.05 acres with the remainder of 151.95 acres, and is described as a tract of land in the Southeast 1/4 of, Section 3, Township 10N, Range 2E, Seward County, Nebraska, and

WHEREAS the Short Form Plat shall be called the ROHREN 2023 SUBDIVISION Short Form Plat and

WHEREAS The Seward County Planning Commission held a meeting on October 23rd, 2023, to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the ROHREN 2023 SUBDIVISION Short Form Plat, with a vote of 7 For, 0 Against, and 2 Absent Not Voting, and

WHEREAS X No one appeared to oppose the subdivision.

 Individuals appeared to oppose the subdivision

X 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 or Deny the ROHREN 2023 SUBDIVISION Short Form Plat, with Resolution NO: 3793.

Moved by: Zabrocki Seconded by: Ahmic December 19, 2023

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

Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Hain and seconded by Ahmic to open a Public Hearing at 10:01 a.m. to consider a proposed change in the status of the Seward County Public Defender from an Elected Official to a contracted status.

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

No one spoke at the public hearing.

Moved by Hain and seconded by Zabrocki to close the public hearing at 10:03 a.m.

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

The Board then considered changing the status of the Public Defender. No change could happen in the status of the position in 2023 due to the salary resolution passed in 2019. Ahmic stated in 2024 a Policy Board would need to be created to help develop a contract to offer to the legal community in 2025. Two attorneys would need to be on the Board along with others as appointed. Ahmic would work with the County Attorney's Office to go forward with the Policy Board.

Moved by Zabrocki and seconded by Schmieding to approve the proposed change of the status of the Seward County Public Defender from an Elected Official to a contracted official status and authorize Commissioner Ahmic to move forward to establish a Policy Board and work in conjunction with the County Attorney's Office to provide further guidance and direction to this Board as we move forward.

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

Commissioners Reports:

Commissioner Zabrocki reported he attended the suicide prevention meeting, spent time with E911 Director, went to Nebraska Association of County Officials (NACO) conference, attended the retirement reception for Sheila Beins, County Court Clerk Magistrate, and visited with Probation Office.

Commissioner Schmieding reported he checked on progress of Road Dept. projects, attended a Goehner Fire Dept. program, and checked on a constituent request.

Commissioner Culver reported he attended the Nebraska Association of County Officials (NACO) conference, attended the retirement reception for Sheila Beins, County Court Clerk Magistrate, visited with the Sheriff, received road concerns, and dealt with various emails.

Commissioner Hain reported she met with the HR office, spoke with the Asst. Highway Supt. about a current road problem, continues to work on the Aging Advisory Board, contacted an engineering firm about a bridge project, met with the Sheriff's Office Operations Manager, and is continuing to work with the offices that she is liaison with.

Commissioner Ahmic reported she attended the Nebraska Association of County Officials (NACO) conference, noted she applied for a water conservation class to gain more knowledge about aquifers, and has information about new possible Planning Board meeting. She also gave information about the Allo installation of the new phone system at the Justice Center.

Sheriff Vance was present to update the Commissioners about staffing at the Detention Center due to the resignations of the Detention Center Director and Assistant Detention Center Director. He stated he has talked to administrative and supervisory staff about work at the Detention Center during the time of the vacancy and has also visited with the HR Dept. He said he has received applications for the Director position and will wait to fill the Asst. Director position until a Director is hired. With the many Correctional Officer vacancies Seward County has had, the culture of the department was discussed. Temporarily, a Sheriff's Office Captain will oversee the jail. Sheriff Vance stated he does not spend a lot of time in the jail and it was suggested cross training Sheriff's Office deputies for help at the jail. He also said he is moving approximately 10 deputies out to the Task Force Building. It was discussed that there has been no formal item on the previous Commissioner meeting agendas that requested the change of offices between the Sheriff's Office and the Attorney's Office. Because of the change, there is concern about response time in case of emergency at the jail.

The Commissioners discussed the quotes/agreements offered for the purchase of a new siren at the Seward Interchange. Gary Petersen, Seward/York Emergency Manager, could not be in attendance at said meeting. Petersen supplied information with two quotes from Federal Signal Safety and Security Systems.

Moved by Ahmic and seconded by Hain to authorize the Chairman to sign the agreement for the purchase of a siren for the Seward Interchange in the amount of \$31,838.40 from Federal Signal Safety and Security Systems
Affirmative Vote: Ahmic, Hain, Zabrocki, Schmieding, Culver Motion Carried

The Commissioners discussed the McKinsey Opiate Class Action Lawsuit. Barb Armstead, Deputy County attorney, gave information about it. She stated that since it is a class action, the Board would not need to do anything. If we wanted to pursue a lawsuit ourselves, we would have to opt out of the suit. Questions arose about when funds are distributed from the lawsuit, can Seward County decide where the funds would go.

Moved by Ahmic and seconded by Hain to continue participation in the McKinsey Opiate Class Action Lawsuit.
Affirmative Vote: Ahmic, Hain, Zabrocki, Schmieding, Culver Motion Carried

During the Infrastructure Related Grants item on the agenda, Ahmic stated Seward County did not get a Safe Street and Road Grant. She also gave information on various other grants and stated the next time grants will be awarded of this nature will be in February.

Known items on the agenda for Board of Equalization on December 26, 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 December 12, 2023
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on December 26, 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 19, 2023

Other Business Matters to Address When Time Allows

- 4. Discuss/Action - Public/Officials/Boards
- 5. Commissioners Reports
- 6. Discuss/Action – Appoint Planning Commission Members
- 7. Discuss/Action – Request for Seward County to pay dues of Water Leaders Academy Class X
- 8. Discuss/Action – Infrastructure Related Grants
- 9. Discuss/Action – Agenda for January 2, 2024

Moved by Zabrocki and seconded by Hain to adjourn at 11:31 a.m.

Affirmative Vote: Zabrocki, Hain, 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 26th day of December 2023.

County Clerk

Chairperson