

Seward County Board of Commissioners

December 20, 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 9:00 a.m. on December 20, 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 20, 2016 at 9:00 a.m.

Present:	Chairman:	Roger E. Glawatz
	Members:	Mike Luebbe, Diana Garske, Eugene Gausman, Whitney Fleischman
	County Clerk:	Sherry Schweitzer

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.

Moved by Luebbe and seconded by Gausman to approve the minutes of December 13, 2016.

Affirmative Vote: Luebbe, Gausman, Garske, Fleischman, Glawatz Motion Carried

Mike Janssen, Supt. of Buildings and Grounds updated the Commissioners on activities of his department.

Commissioners Reports:

Commissioner Luebbe reported he attended the Nebraska Association of County Officials (NACO) Conference the past week. He also reported on some Road Dept. issues with the Holidays.

Commissioner Fleischman reported she met with Beckenhauer Construction Dept. heads, attended the NACO Conference, and also talked with officials concerning the Justice Center move.

Commissioner Gausman reported he also attended the NACO Conference.

Commissioner Garske reported she attended various Seward County Chamber Development Partnership meetings and events and dealt with various correspondences.

Commissioner Glawatz reported he attended the NACO Conference and dealt with various correspondences.

Moved by Garske and seconded by Fleischman to accept the Sheriff Fee and Mileage Report for November, 2016 in the amount of \$1,151.00 and \$648.93 respectively.

Affirmative Vote: Garske, Fleischman, Gausman, Luebbe, Glawatz Motion Carried

Commissioner Luebbe led discussion on the Seward County Driveway Policy. In the policy, the landowner would be responsible for buying the culvert, installation, any future maintenance along with permission from Seward County for occupying the right of way. There is a \$50 fee for the application and a \$500 deposit that is returnable upon satisfactory installation.

Moved by Luebbe and seconded by Garske to adopt the Seward County Driveway Policy as follows:

**SEWARD COUNTY, NEBRASKA
DRIVEWAY INSTALLATION POLICY**

Sections:

1. Definitions.
2. Driveway/Culvert required; provided by Land Owner.
3. Additional driveway/culverts; maximum allowed.
4. Additional driveway/culverts; application; procedure; priority.
5. Additional driveway/culvert; culverts: damaged or non-functioning; replacement
6. Additional driveway/culverts; damaged or non-functioning; replacement; responsible party.
7. Inspection; notification to landowner/lessee; effect.
8. Non-compliance; effect.
9. Appeals; procedure.

The following policy, shall apply to all residents of Seward County, Nebraska (*not within municipal boundaries of Seward, Nebraska*).

1. Definitions.

- a) "Application" means the form document, used by the Seward County Roads Department in the normal course of business, upon which the applicant requests an inspection for authorization to install a new and/or additional driveway/culvert.
- b) "Board" refers to the Seward County Board of Commissioners.
- c) "County" means all areas within the political boundaries of Seward County, Nebraska.
- d) "Culvert" means an approved 16 gage minimum corrugated steel culvert allowing water to flow underneath a road, driveway, railroad, trail, or other such similar obstruction. This includes bridge-like structures surrounded by earth typically used to allow access to real property otherwise surrounded by a ditch.
- e) "Damage" means any physical alteration of a culvert, not including obstructions or intentional alterations designed to improve the flow or structure of the culvert, which restricts the normal flow of water through the culvert.
- f) "Ditch" ; Water drainage part of Row, approximately 21 feet to each side of a 24' road on a 66 foot right of way.
- g) "Inspection" means an examination by the superintendent for the Seward County Department of Roads, or someone designated by the superintendent, of an existing driveway/culvert or the site of a proposed driveway/culvert. Said inspection includes any and all activities regarding the determination of a proper driveway/culvert location; the necessary type of culvert; the proper materials for a particular kind of culvert.
- h) "Section" means one square mile (640 acres) of ground.

2. Driveway/Culvert required; provided by Property owners/Seward County.

In order to maintain proper drainage and adequately manage runoff, one driveway/culvert is required by Seward County on each home residence or quarter section of ground. Said culvert will be twenty-four (24) feet minimum in length in whatever diameter of culvert is necessary for the particular location (as determined by the Seward County Roads Department) 18" minimum. The cost for the materials and labor for the required culvert will be borne by the Land Owner. Application procedures and requirements would apply.

Exception: Major road reconstruction project, the county will provide replacement driveway culverts as needed.

3. Additional driveway/culverts; maximum number allowed.

A landowner shall be allowed additional culverts reasonable to the location. Said additional culverts shall be subject to the application procedures, requirements, and approval as indicated in section four (4) of this policy.

4. Additional driveway/culverts; application; procedure; priority.

Any driveway/culverts beyond those required by section two (2) of this policy shall first be approved by the Seward County Roads Department. An application form can be picked up from the Roads Department's office, located at 320 S. 14th St., Suite 1, Seward, NE 68434. A landowner may submit the completed form and driveway location map to the Roads Department and it will be reviewed. Upon review the Roads Department superintendent, or one of his/her designees, may conduct an inspection of the proposed location of the culvert to determine feasibility and necessary materials. It shall be the responsibility of the landowner/lessee to contact the "**Digger's Hotline**" (tel. #: 811) to determine the location(s) of any nearby cables, wires, pipelines, etc. that may be present in the immediate area of the proposed location. The land owner will have 6 months to complete the driveway installation. An application extension can be granted or a new application can be submitted at a later date. In addition, approval to occupy county ROW must be granted. The land owner/contractor will maintain construction signage during driveway installation. The county will inspect the driveway staking location provided by the land owner and provide installation expectations. **Note:** All driveway surface material will be of dirt or aggregate material only on county right of way. Hard surface driveways constructed before policy implementation must be identified with approved reflective signage. The land owner will be assessed a \$50 non-refundable application fee along with a \$500 damage deposit to be returned within 45 days of final inspection, less any amount withheld due to road damage.

5. Additional driveway/culverts; cost to landowner.

Any landowner wishing to install driveway/culverts in addition to the required one driveway/culvert per *residence*/quarter section may apply to do so in accordance with section four (4) of this policy. If approved for installation, all installation/future maintenance costs associated with the driveway project shall be borne by the landowner (or lessee with landowner's approval).

6. All culverts; damaged or non-functioning; replacement; responsible party.

The land owner will be responsible for all future driveway/culvert damage and replacement cost, this includes hard surface replacement from property line to road edge.

7. Inspection; notification to landowner/lessee; effect.

Roads Department personnel shall make reasonable efforts to give a landowner or lessee notice that an inspection will occur and employees of Seward County (or private contractors/sub-contractors as authorized by Seward County) will be entering their land. Upon the determination that an inspection is needed, per notification from the landowner/contractor directly to the Seward County Roads Department office (402-643-3170) that further installation direction is needed or that the project is complete, reasonable efforts will be made by the Roads Department to complete the inspection within a reasonable time. However, due to the nature of the work and the overall duties of the Roads Department, external factors such as weather or other emergency matters requiring immediate action, inspection within the given date may not be possible.

8. Non-compliance; effect.

Upon county awareness of a non-compliant driveway/culvert installation or failure to meet inspection requirements, the county will notify property owners that they will have 30 calendar days to comply. In the event that a landowner/lessee does not comply with the procedures set out in this policy, the Roads Department may be required to repair, modify, alter, or remove said non-compliant driveway/culvert. In such case, the landowner/lessee shall bear *all costs* associated with said repair, modification, alteration, or removal including, but not limited to, materials, labor, and/or equipment costs.

9. Appeals; procedure; standard of review.

If a landowner applies for an additional culvert or culverts and is denied a permit for the request(s), he/she may appeal the decision to the Seward County Board. In order to do so, a landowner must contact the Seward County Clerk within fourteen (14) calendar days from the date of the denial and request that the issue be put on the agenda for the next Board meeting (or the one following, depending on the timeliness of the appeal request).

At the Board meeting the landowner will be able to present his/her case through argument and any reasonably related evidence he/she chooses to submit. The superintendent of the Roads Department, or someone designated by him/her, shall be present at said Board meeting and will present the reasons for denial of the request to the Board. This is not a court proceeding and the formal rules of evidence do not apply. The decision rendered by the Board affirming or overturning the denial of the landowner’s application for additional culverts shall be deemed final.

Approved by Seward County Board of Commissioners on Dec. 20, 2016.

Signed,

ATTEST:

Roger Glawatz

Sherry Schweitzer

Roger Glawatz, Chairman
Seward County Board of Commissioners

Sherry Schweitzer
Seward County Clerk

Date: December 20, 2016

Date: December 20, 2016

Affirmative Vote: Luebbe, Garske, Fleischman, Gausman, Glawatz Motion Carried

Casey Tiemann of the County Attorney’s Office presented grant papers for the Commissioners consideration.

Moved by Garske and seconded by Fleischman to authorize the Chairman to sign the Grant Award for the JAG Grant.

Affirmative Vote: Garske, Fleischman, Gausman, Luebbe, Glawatz Motion Carried

Moved by Fleischman and seconded by Garske to authorize the Chairman to sign the 2017-2019 Community Based Juvenile Services Grant.

Affirmative Vote: Fleischman, Garske, Luebbe, Gausman, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to authorize the Chairman to sign the Enhancement Grant Application.

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to approve the Special Designated Liquor Permit for JUNTO LLC for an event on January 23, 2017.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Commissioner Fleischman led discussion on the Justice Center. She stated the Fire Marshall inspected it yesterday and it passed pending one small issue dealing with a 2nd egress. Jail Standards is inspecting the building today. The 911 Office is tentatively moving December 22, 2016. Tentatively, the Sheriff and Jail is moving Dec 27, 2016.

Georgia Stockley of the Road Dept. presented several documents for the Commissioners consideration.

Moved by Luebbe and seconded by Fleischman to approve the right of way request for Windstream in the S ½ of Section 5 Township 9 North, Range 1 East of the 6th p.m.

Affirmative Vote: Luebbe, Fleischman, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to adopt Resolution No. 3283 to authorize the Chairman to sign the Preliminary Engineering Service Agreement Supplement No. 1 between Seward County and Olsson Associates, Inc. for the Seward South Project No. BRO-7080(27) C.N. 11781.

RESOLUTION

PRELIMINARY ENGINEERING SERVICES AGREEMENT – BK1307 SUPPLEMENTAL AGREEMENT NO. 1

SEWARD COUNTY

Resolution No. 3283

Whereas: Seward County and Olsson Associates, Inc. have previously executed a preliminary engineering services agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

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

Whereas: Seward County and Olsson Associates, Inc. wish to enter into a supplemental preliminary engineering services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Seward County, Nebraska that:

Roger Glawatz, Chair of the Seward County Board of Commissioners is hereby authorized to sign the attached preliminary engineering services Supplemental Agreement No. 1 between Seward County and Olsson Associates, Inc.

Seward County is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: BRO-7080(27)

NDOR Control Number: 11781

NDOR Project Description: Seward South

Motion by: Fleischman

Seconded by: Gausman

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

Whitney Fleischman, Diana L. Garske, Eugene Gausman,

Dated: December 20, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to award the proposal from Thiesen Construction Inc. for Truss Bridge Repair No. C008000120.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to award the proposal from Thiesen Construction, Inc. for Truss Bridge Repair No. C008001410.

Affirmative Vote: Fleischman, Gausman, Garske, Luebbe, Glawatz Motion Carried

Dean Uhlenberg and Austin Funk from Beckenhauer Construction were present to discuss Change Request/Orders.

Moved by Fleischman and seconded by Luebbe to approve Change Request #56 (PR34) to delete the Ceiling in Room 030.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to approve Change Order # 60 (PR42) for an additional booking phone outlet.

Affirmative Vote: Fleischman, Gausman, Garske, Luebbe, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to approve Owner Change Order # 16 (Change Requests 48-55, 57-58)

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

Discussion was held for Change Order GGA #14. Approving this could increase the Gross Maximum Price (GMP). Funk stated that winter conditions requires extra costs for equipment, etc. due to having to work in the winter weather. He stated that when plans were made at the beginning of the project, it was not planned to work with concrete in the winter. Commissioner Fleischman stated that she thought that the allowance was already in the Gross Maximum Price (GMP) and wondered why this was needed. Funk stated that due to the problem with the steel beams, facing the possible winter construction conditions could not be anticipated. Deputy County Attorney Dalton stated that without the Goldberg Group Architect's (GGA) approval of the change order, Seward County could be in a difficult position. GGA was asked to attend a meeting and has not responded to the invitation. The Chairman stated his displeasure with GGA for not responding to an invitation to a meeting to discuss this.

Moved by Fleischman and seconded by Luebbe to postpone action to December 27, 2016 on Change Order # GGA 14.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Don Olson and Garry Dittmar representing the Village of Utica were present to discuss ownership of land around the Utica Road Shop. Currently, the county owns land around the shop building that has a drainage ditch. The Village would like to exchange ownership of this land in order to maintain this ditch and to also put a new water main on it. Deputy Attorney Dalton suggested that an easement be given for the water main and the County should be responsible for keeping the drainage ditch clear. He also stated that if the County has a public auction in order to sell the land, it could not be guaranteed to the Village of Utica. Dittmar stated that the Village has been mowing the property for quite some time. It was also mentioned that the Coop in the area is planning a big project near this land. Commissioner Glawatz stated that Economic Development is very important to Seward County. Olson and Dittmar will have their utility company draw up an easement for the Commissioners to consider at a later meeting.

The Commissioners discussed the Seward County audit. Chairman Glawatz stated that an audit letter needs to be signed as requested by the Nebraska Auditor's Office.

Moved by Fleischman and seconded by Gausman to authorize the Chairman to sign the audit letter.

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Chairman Glawatz led discussion on insurance for the courthouse. He stated that we have been given a quote for the Courthouse for *Reproduction value* which is quite a bit higher. Currently, there is coverage for *Replacement value*. After discussion, it was suggested that *Replacement value* is in the best interest of the county.

Moved by Gausman and seconded by Garske that we stay with *Replacement value* instead of *Reproduction value* for the Courthouse.

Affirmative Vote: Gausman, Garske, Fleischman, Luebbe, Glawatz Motion Carried

Known items on the agenda for Board of Equalization on December 27, 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 December 13, 2016
4. Discuss/Action - Assessor Information Update

Known items on the agenda for Board of Commissioners on December 27, 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 20, 2016
4. Discuss/Action – Claims for December 2016

Other Business Matters to Address When Time Allows

5. Discuss/Action – Public/Officials/Boards
6. Commissioner’s Reports
7. Discuss/Action - Justice Center Update

9:15 a.m. Discuss/Action – Justice Center Change Order- GGA #14-Winter Conditions

9:30 a.m. Discuss/Action – Open bids for new 2017 Belly Dump Trailer

9:45 a.m. Discuss/Action - Public Hearing – Seward County General Assistance Guidelines

Discuss/Action - Resolution – Adoption of Seward County General Assistance Guidelines

Moved by Fleischman and seconded by Luebbe to adjourn at 11:25 a.m.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz 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 on this 27th day of December 2016.

County Clerk

Chairman