

February 9, 2021

Seward County Board of Equalization

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Equalization was convened in open and public session at 8:30 a.m. on February 9, 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 Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Equalization convened on February 9, 2021 at 8:30 a.m.

Present: Chairperson: John Culver
Members: Misty Ahmic, Bob Vrbka, Ken Schmieding,
Darrell Zabrocki
Deputy County Clerk: Brandy Johnson
County Assessor: Marilyn Hladky

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 Zabrocki and seconded by Ahmic to approve minutes of January 12, 2021.

Affirmative Vote: Zabrocki, Ahmic, Schmieding

Abstain: Vrbka, Culver as they were not present at said meeting Motion Carried

Bob Dahms, County Treasurer, presented a vehicle exemption for Memorial Health Care Systems for their consideration.

Moved by Ahmic and seconded by Vrbka to approve the following vehicle exemption:

Memorial Health Care Systems 2018 Nissan Altima 1N4AL3AP8JC271693

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

Hladky updated the Commissioners on activities of her office.

Known items on the agenda for Board of Equalization on February 23, 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 February 9, 2021
4. Discuss/Action – Assessor Information Update

Moved by Zabrocki and seconded by Schmieding to adjourn at 8:51 a.m.

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

State of Nebraska)
County of Seward) ss.

I, Brandy Johnson, the undersigned Deputy 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 23rd day of February 2021.

Deputy County Clerk

Chairperson

February 9, 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 9:00 a.m. on February 9, 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 February 9, 2021 at 9:00 a.m.

Present: Chairperson: John Culver
Members: Misty Ahmic, Bob Vrbka, Ken Schmieding,
Darrell Zabrocki
Deputy County Clerk: Brandy Johnson

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 Zabrocki and seconded by Vrbka to approve the minutes of February 2, 2021.

Affirmative Vote: Zabrocki, Vrbka, Ahmic, Culver

Abstain: Schmieding, as he was absent at said meeting

Motion Carried

Terry Wicht, Highway Superintendent, updated the Commissioners on activities of his department with the current weather conditions.

Commissioner Updates:

Commissioner Ahmic reported that she attended a Four Corners Board Meeting, visited with a constituent with a zoning concern, reviewed the JEO Comprehensive Plan, attended a Seward County Chamber & Development Partnership work group, and visited with the County Attorney.

Commissioner Vrbka reported that he visited with several constituents and received some compliments about the roads.

Commissioner Culver reported that he dealt with various correspondence regarding roads and checked on several roads.

Commissioner Schmieding reported he attended a Region Five Meeting and dealt with emails from constituents.

Commissioner Zabrocki reported he attended a Seward City Council Meeting, spent time in the E911 Center learning about the Zuercher system and meeting staff, and started a training program with the Nebraska Association of County Officials for new officials.

Moved by Vrbka and seconded by Ahmic to Adopt Resolution No. 3559 in regard to Allowing Jones Bank to Withdraw Pledged Securities.

**Resolution No. 3559 of the
Seward County Board of Commissioners**

WHEREAS, the Jones Bank desires to withdraw the following security:

DESCRIP	CUSIP#	MARKET VALUE
SALINE CO NE ED FACS	79517RDS6	200,000.00
CUMING CO	23087RE27	200,000.00
TOTAL MARKET VALUE		400,000.00

Whereas: County will still be fully protected. Therefore, let it be resolved, the above withdrawal by the Jones Bank is approved by this County Board.

Moved by: Vrbka Seconded by: Ahmic 02/09/2021
Ayes: Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell Zabrocki,
John K. Culver, Chair of the Board
Attest: Brandy Johnson, Deputy County Clerk

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

Moved by Ahmic and seconded by Zabrocki to Adopt Resolution No. 3560 in regard to Allowing Cattle Bank to Pledge Additional Securities.

**Resolution No. 3560 of the
Seward County Board of Commissioners**

WHEREAS, the Cattle Bank and Trust Co. desires to make additional pledging of securities as follows:

FHLMC REIM POOL SB0446—CUSIP #3132CWP73
MARKET VALUE 332,987.85

Whereas: County deposits need to be fully insured. Therefore, let it be resolved, the above additional pledging, as of 2/01/2021, by the Cattle Bank & Trust Co. is approved by this County Board.

Moved by: Ahmic Seconded by: Zabrocki 02/09/2021
Ayes: Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell Zabrocki,
John K. Culver, Chair of the Board
Attest: Brandy Johnson, Deputy County Clerk

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

Moved by Vrbka and seconded by Zabrocki to Accept the Clerk of the District Court Fee Report for January 2021 in the amount of \$3,444.61.

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

Moved by Vrbka and seconded by Schmieding to Accept the County Clerk Fee Report for January 2021 in the amount of \$28,354.15.

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

Recessed at 9:19 a.m.
Reconvened at 9:30 a.m.

Moved by Vrbka and seconded by Zabrocki to open public hearing at 9:46 a.m. to hear comments on the Conditional Use Permit for a Livestock Feeding Operation in the name of Wehrs Feed Yard LLC located in N Precinct in the W 1/2 SE 1/2 of Section 12, Township 9 North, Range 2 East of the 6th p.m.

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

Becky Paulsen, Zoning Administrator, gave information on the Conditional Use Permit Application. She noted that the issue was discussed at the Planning Commission’s meeting with a recommendation to approve the application with a vote of 7 in favor, 0 against, and 1 absent and not voting.

No one was present to speak in favor of or against the Conditional Use Permit Application.

Moved by Zabrocki and seconded by Vrbka to close the Public Hearing at 9:33 a.m.

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

The Commissioners completed the Findings of Facts document in connection to said Conditional Use Permit Application.

BEFORE THE PLANNING COMMISSION OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)	
)	No. <u>3561</u>
CONDITIONAL USE PERMIT)	
REQUEST BY:)	
)	RECOMMENDATIONS
)	
<u>WEHRS FEED YARD</u>		
Applicant		

THIS MATTER came before the Seward County Board of Commissioners on the request of the Applicant for a Conditional Use Permit. Public Hearing was held on the 9th day of February 2021. Notice of said hearing was publicized on the 27th day of January 2021.

THE SEWARD COUNTY BOARD OF COMMISISONERS recommend to

 X approve the conditional use permit

 deny the conditional use permit

Upon the findings that:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
Does conform with the Matrix for Conditional Use

2. Y The use has adequate water, sewer, and drainage facilities.

3. Y The use is in harmony with the character of the area and the most appropriate use of the land.
Yes, it fits with the Nebraska Livestock Matrix and the Seward County Matrix

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.
6. Y The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
This use is allowed in an A-1 district with a CUP
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.
No parking or staging will be allowed on the highway.
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.

Specific Finding of Fact

- *NDEE Construction and Operating Permit
- *Nebraska State Water and Health Regulations
- *Site Plan
- *Comprehensive Nutrient Management Plan Packet
- *Letters of Support

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

Y This is an Allowed Use per Seward County Matrix as a Conditional Use Permit in an A-1.

Dated this 9th day of February 2021.

Moved by Zabrocki and seconded by Ahmic to Adopt Resolution No. 3561 in Regard to the Conditional Use Permit Application for a Livestock Feeding Operation in the name of Wehrs Feed Yard LLC, Located in N Precinct in the W 1/2 SE 1/4 Section 12, Township 9 North, Range 2 East of the 6th p.m.

**RESOLUTION No. 3561 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, WEHRS FEED YARD LLC. has applied for a Conditional Use Permit for a Livestock Feeding Operation, and

WHEREAS, the property is described as part of the West 1/2 of the South East 1/4 and the East 1/2 of the South West 1/4 of, Section 12, Township 9N North, Range 2 East, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting January 18, 2021, and

WHEREAS, notice of the Public Hearing was published in the Seward County Independent, the Milford Times, and

WHEREAS, The Planning Commission recommended Approval of the Conditional Use Permit, with specific Findings of Facts by 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 February 09, 2021, and,

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

WHEREAS, x No one appeared to oppose said Conditional Use

 Individuals appeared to oppose said Conditional Use

 x No one appeared to support said Conditional Use

 Individuals appeared to support said Conditional Use

 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, along with the Findings of Facts for WEHRS FEEDYARD LLC. for a Conditional Use in Agricultural District, on a tract of ground located in part of the West 1/2, of the South East 1/4 & the East 1/2 of the South West 1/4 of, Section 12, Township 09N, Range 2E. Precinct N, Seward County, Nebraska.

Moved by: Zabrocki Seconded by: Ahmic 02/09/2021

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

Attest: Brandy Johnson, Deputy County Clerk

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

Motion Carried

Recessed at 9:40 a.m.
Reconvened at 9:45 a.m.

Paulsen gave information on a Short Form Plat application to create KaroVan Addition in J Precinct in the SE ¼ of Section 20 Township 10 North, Range 3 East of the 6th p.m.

Moved by Vrbka and seconded by Zabrocki to Adopt Resolution No. 3562 in regard to approving a Short Form Plat to create KaroVan Addition in J Precinct in the SE ¼ of Section 20, Township 10 North, Range 3 East of the 6th p.m.

**RESOLUTION No. 3562 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Alyssa Hendrix owns 43.0 acres of land and have applied for a REPLAT, and described as a tract of land in the South East ¼ of, Section 20, Township 10N, Range 3E, Seward County, Nebraska, and

WHEREAS, the REPLAT shall be called KAROVAN ADDITION REPLAT, and

WHEREAS, The Seward County Planning Commission held a meeting on January 18th, 2021 to consider the KAROVAN ADDITION REPLAT, and

WHEREAS, the Planning Commission recommended Approval of the KAROVAN ADDITION REPLAT with a vote of 7 For, 0 Against, and 1 Absent,

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 , Deny the KAROVAN ADDITION REPLAT with Resolution No: 3562.

Moved by: Vrbka Seconded by: Zabrocki 02/09/2021
Ayes: Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell Zabrocki,
John K. Culver, Chair of the Board
Attest: Brandy Johnson, Deputy County Clerk

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

Recessed at 9:51 a.m.
Reconvened at 10:00 a.m.

Carrie Rodriguez and Morgan Campbell, District 5 Probation, were present to discuss an Interlocal Agreement for Problem Solving Court Expansion into Seward County. Problem Solving Court in York has been successfully operating for five years. Rodriguez addressed the terms of the agreement. She stated that Probation would provide the personnel and the county will not have to pay for additional staff members. There will be a monthly fee for the people using Problem Solving Court. This money will then be used solely for the program. The employee who is hired will travel between York and Seward with Judge Stecker.

Moved by Zabrocki and seconded by Vrbka to Approve the Interlocal Agreement for Problem Solving Court Expansion into Seward County.

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

Rodriguez stated that the Problem Solving Court program will have fees that participants will pay once they've reached a certain level in the program. These funds will be collected and then spent entirely on the program, with there being no profit from said fees. Brandy Johnson, Deputy County Clerk, asked if it is a fund within a particular department's budget, such as the County Attorney. Rodriguez stated that each county that currently has Problem Solving Court handles the income and expense process differently. Rodriguez said that some counties include this fund in their budget and some counties do not. The amount that would need to be budgeted would depend on the number of clients utilizing the program. Culver suggested Johnson contact surrounding counties that have Problem Solving Court to see how they handle these funds. It was decided to put this item on next week's agenda after more information has been collected.

Terry Wicht, Highway Superintendent, was present to request a date be set for the 1 & 6 Year Road Plan Presentation. He stated that the chosen date has to be advertised for two weeks. Culver said he has a list of people who would like to be notified of when this will take place. He suggested doing it March 9th at 10:00 a.m.

Moved by Vrbka and seconded by Schmieding to Authorize the Highway Superintendent to Advertise the 1 & 6 Year Road Plan Presentation to be held on March 9th at 10:00 a.m.
Affirmative Vote: Vrbka, Schmieding, Zabrocki, Ahmic, Culver Motion Carried

Wicht led the discussion regarding the need to purchase a trench compactor. He said that compacting culverts keeps them in place and helps to keep them from eroding. He's talked to several rental places that sell used compactors. Wicht stated that he thinks a used one would be a good investment for the county, as it would pay for itself in very little time.

Moved by Schmieding and seconded by Ahmic Allow the Purchase of a used Trench Compactor for the Road Department.
Affirmative Vote: Schmieding, Ahmic, Vrbka, Zabrocki, Culver Motion Carried

Known items on the agenda for Board of Commissioners on February 16, 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 February 9, 2021

Other Business Matters to Address When Time Allows

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Agenda for February 23, 2021

9:15 a.m. Discuss/Action – Carrie Rodriguez, District 5 Probation -Request for Fund or Line Item into which Clients Can Pay Fees for Problem Solving Court

Moved by Vrbka and seconded by Schmieding to adjourn at 10:34 a.m.
Affirmative Vote: Vrbka, Schmieding, Zabrocki, Ahmic, Culver Motion Carried

State of Nebraska)
County of Seward) ss.

I, Brandy Johnson, the undersigned Deputy 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 16th day of February 2021.

Deputy County Clerk

Chairman