

February 11, 2020

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 11, 2020 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 11, 2020 at 8:30 a.m.

Present: Chairperson: John Culver
Members: Mike Mundhenke, Bob Vrbka, Ken Schmieding, Becky Paulsen
County Clerk: Sherry Schweitzer
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 Schmieding and seconded by Vrbka to approve the minutes of January 28, 2020.
Affirmative Vote: Schmieding, Vrbka, Paulsen, Mundhenke, Culver Motion Carried

Moved by Mundhenke and seconded by Vrbka to approve Tax List Correction 288-19R & 289-19R.
Affirmative Vote: Mundhenke, Vrbka, Paulsen, Schmieding, Culver Motion Carried

Hladky updated the Commissioners on activities of her office.

Known items on the agenda for Board of Equalization on February 25, 2020 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 11, 2020
4. Discuss/Action – Assessor Information Update

Moved by Paulsen and seconded by Mundhenke to adjourn at 8:56 a.m.

Affirmative Vote: Paulsen, Mundhenke, Schmieding, Vrbka, 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 25th day of February 2020.

County Clerk

Chairperson

February 11, 2020

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 11, 2020 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 11, 2020

Present: Chairperson: John Culver
Members: Mike Mundhenke, Bob Vrbka, Ken Schmieding, Becky Paulsen,
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 Paulsen and seconded by Vrbka to approve the minutes of February 4, 2020.

Affirmative Vote: Paulsen, Vrbka, Schmieding, Culver

Abstain: Mundhenke as was not in attendance at said meeting Motion Carried

Becky Paulsen, Weed/Zoning Administrator, updated the Commissioners of her office activities.

Commissioners Reports:

Commissioner Mundhenke reported that he thought the roads are looking good.

Commissioner Vrbka reported he visited the jail, had conversations about roads with constituents. He also reported he would be going to the NIRMA meeting in regard to jails.

Commissioner Culver reported he checked on some roads, visited with the Highway Supt. on several issues, visited with the 911 Director, visited with Commissioners of other counties, been working with the HR Dept. in regard to a salary committee.

Commissioner Schmieding reported he attended a Region V meeting and visited with several constituents.

Paulsen reported she attended a SCCDP meeting and worked on road issues and correspondences.

Moved by Paulsen and seconded by Schmieding to accept the County Clerk Fee Report for January 2020 in the amount of \$36,922.50.

Affirmative Vote: Paulsen, Schmieding, Vrbka, Mundhenke, Culver Motion Carried

Moved by Schmieding and seconded by Vrbka to accept the Clerk of the District Court Fee Report for January 2020 in the amount of \$7,553.85.

Affirmative Vote: Schmieding, Vrbka, Mundhenke, Paulsen, Culver Motion Carried

The Commissioners recessed at 9:13 a.m.
The Commissioners re-convened at 9:15 a.m.

Brea Ehmen, HR Director, was present to inform the Commissioners of an employee in the County that will accrue vacation in excess of the maximum accrual due to a resignation of his Supervisor. The employee will be beyond the stated maximum of 136 hours based on the employee's years of service and is being asked not to take vacation until a new employee is hired.

Moved by Vrbka and seconded by Schmieding to approve the exception to maximum vacation accrual for the Maintenance Technician due to extenuating circumstances and allow up 152 hours of accrual and to be re-evaluated April 30, 2020.
Affirmative Vote: Vrbka, Schmieding, Paulsen, Mundhenke, Culver Motion Carried

The Commissioners recessed at 9:28 a.m.
The Commissioners re-convened at 9:30 a.m.

Commissioner Paulsen removed herself from the Board at 9:30 a.m.

Moved by Vrbka and seconded by Mundhenke to open the Public Hearing at 9:30 a.m. for a Re-Zone application of a quarter section of land from A-1 to RR-1 District located in A Precinct in the W 1/2 SE 1/4 of Section 13 Township 12 North Range 4 East of the 6th p.m.
Affirmative Vote: Vrbka, Mundhenke, Schmieding, Culver Motion Carried

Becky Paulsen, Weed/Zoning Administrator, explained the details of the application and the Planning Commission's decision of 0 For; 5 against; and 3 absent and not voting. She read a letter from Karen Bickford who was not able to attend and opposes said application.

Tom Welstead spoke in opposition to said application. He asked that a letter from the Branched Oak Estates Homeowners Association be submitted which opposes the re-zoning.

Moved by Mundhenke and seconded by Vrbka to close the public hearing at 9:39 a.m.
Affirmative Vote: Mundhenke, Vrbka, Schmieding, Culver Motion Carried

Moved by Mundhenke and seconded by Vrbka to adopt Resolution No. 3501 in regard to denying the Re-Zone application of a quarter section of land from A-1 to RR-1 District located in A Precinct in the W 1/2 SE 1/4 of Section 13 Township 12 North Range 4 East of the 6th p.m.

RESOLUTION No. 3501 OF THE

SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Tim and Lori Suchy have applied for a Zoning District REZONE for a quarter section of land from A-1 Agricultural Preservation District to RR-1 Rural Residential, and

WHEREAS, This land is described as a tract in the West 1/2 of the South East 1/4 of, Precinct A. Section 13, Township 12N, Range 4E, Seward County, Nebraska, and

WHEREAS, Notice of Public Hearing by the Seward County Planning Commission was published in the Seward County Independent and,

WHEREAS, the Planning Commission held a Public Hearing on the Zoning District REZONE on January 20th, 2020, and

WHEREAS, Based on the Findings of Facts, the Planning Commission gave a recommendation to Deny with a vote of 0 in favor, 5 against, and 3 absent and not voting.

WHEREAS, The Seward County Board of Commissioners held a Public Hearing on the Zoning Change on February 11, 2020, and

maps was published in the Seward County Independent on January 29, 2020 as required by law, and

WHEREAS, The Seward County Board of Commissioners held a Public Hearing regarding the 2020 revised edition of the Nebraska Floodplain maps on February 11, 2020. Said revised edition is in compliance with the National Flood Insurance Program Requirements and Regulations, and

WHEREAS, Seward County accepts all Panels on Index #31159C1NDOA, and

Statement added on March 31, 2020

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 either way of said amendments, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve , deny the adoption of the 2020 revised edition of the Nebraska Floodplain Maps in compliance with the National Flood Insurance Program Requirements and Regulations.

FURTHER, the official 2020 Nebraska Floodplain Maps shall be maintained in Seward County Zoning Office.

Paulsen was removed from the Board at the time this resolution was passed.

Moved by: Schmieding Seconded by: Vrbka 02/11/2020

Ayes: Robert Vrbka, Mike Mundhenke, Ken Schmieding,
John K. Culver, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Schmieding, Vrbka, Mundhenke, Culver

Motion Carried

The Commissioners considered a resolution for a Conditional Use Permit to operate a campground in a C-2 Highway Commercial District located in J Precinct in the SE ¼ SE ¼ of Section 20, Township 10 North Range 3 East of the 6th p.m.

Paulsen read the details of the permit application and the Planning and Zoning decision of approval with a vote of 5 for; 0 against; and 2 absent and not voting.

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3503 in regard to a Conditional Use Permit to operate a campground in a C-2 Highway Commercial District located in J Precinct in the SE ¼ SE ¼ of Section 20, Township 10 North Range 3 East of the 6th p.m.

The Finding of Facts document was completed and is a part of the resolution.

**RESOLUTION No. 3503 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Alyssa Hendrix has applied for a Conditional Use Permit for a Campground in a (C-2) Highway Commercial District; and

WHEREAS, the property is described as in the South East ¼ of the South East ¼ of, Section 20, Township 10N, Range 3E, Seward County, Nebraska; and

) RECOMMENDATIONS
)

Alyssa Hendrix
APPLICANT

THIS MATTER came before the Seward County Board of Commissioners on the recommendation of the Seward County Planning Commission for a Conditional Use Permit. Public Hearing was held on the 19th day of March 2019. Notice of said hearing was publicized on the 6th day of March 2019.

THE SEWARD COUNTY BOARD OF COMMISSIONERS recommended to:

- approve the conditional use permit
 deny the conditional use permit

upon the findings that:

1. Yes The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
Yes, it does conform with Matrix for Conditional Use
2. Yes The use has adequate water, sewer, and drainage facilities.
Yes
3. Yes The use is in harmony with the character of the area and the most appropriate use of the land.
Yes, this use fits within the Seward County Matrix
4. Yes 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.
Yes, it will not. A Review of the Campground Plans & State Regulations
5. Yes 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.
Yes, it does not. The value of the land increases as it is cleaned up and uses change
6. Yes 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 a C-2 district with a CUP
7. Yes The use has adequate utilities, access roads, and drainage facilities.
Yes
8. Yes 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.
Yes
9. Yes The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
Yes, electrical hookups/no generators

10. Yes 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.
Yes, it does not

11. Yes The use does not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
Yes, it does not

12. Yes 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.
Yes, it does not

13. Yes 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. Yes 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.
Yes, it does not

Specific Findings of Fact:

- Six (6) mobile homes are established. They will not be replaced.
- Nebraska State Water and Health Regulations
- Site Plan
- This is Mixed Use: Camping/Mobile Home (residential use)
- Mobile Home Park Permit/State Camping Permit
- Yearly Review and Update

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.

This is an Allowed Use per Seward County Matrix as a Conditional Use Permit in a C-2 Zoned Area.

Dated this 11th day of February 2020.

Robert Vrbka, Mike Mundhenke, Ken Schmieding, John K. Culver

Affirmative Vote: Vrbka, Schmieding, Culver
Voting No: Mundhenke

Motion Carried

Paulsen joined the Board at 10:01 a.m.

Terry Wicht, Highway Supt., and Marshall Pankoke, Asst. Highway Supt., were in attendance for the consideration of a contract for Project C-80(452) BRO-7748 South 2nd St., North of Izaak Walton Bridge Replacement.

Moved by Paulsen and seconded by Vrbka to authorize the Chairman to sign a Construction Engineering Contract for Project C-80(452) BRO-7748 South 2nd St., North of Izaak Walton Bridge Replacement.

Affirmative Vote: Paulsen, Vrbka, Schmieding, Mundhenke, Culver

Motion Carried

Wicht also notified the Commissioners that he was successful in attaining Certification for Bridge Inspections.

Known items on the agenda for Board of Commissioners on February 18, 2020 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 11, 2020
4. Discuss/Action – Claims for the period through February 7, 2020

Other Business Matters to Address When Time Allows

1. Discuss/Action - Public/Officials/Boards
2. Commissioners Reports
3. Discuss/Action – Agenda for February 25, 2020

9:15 a.m. Discuss/Action - Discuss/Action -Sharon Hambeck/4th of July Committee – Request permission to use the Courthouse Square for the 2020 July 4th Craft Show

9:45 a.m. Discuss/Action – Carrie Rodriguez/Probation Office – Intent to Expand Judge Stecker’s Problem Solving Court in Seward County

Moved by Mundhenke and seconded by Vrbka to adjourn at 10:13 a.m.
Affirmative Vote: Mundhenke, Vrbka, Schmieding, Paulsen, Culver

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 18th day of February 2020.

County Clerk

Chairman