

# July 2, 2024

## 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 July 2, 2024 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 July 2, 2024 at 8:30 a.m.

Present: Chairperson: Misty Ahmic

Members: Raegan Hain, John Culver, 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.

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership (SCCDP), updated the Commissioners on activities of his organization.

Sherry Schweitzer updated the Commissioners on activities of her office.

Moved by Zabrocki and seconded by Hain to approve the consent agenda consisting of the minutes of June 25, 2024 and the Emergency Manager's Annual Return of Disposed items.

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

Moved by Zabrocki and seconded by Schmieding to approve the claims for the period through June 21, 2024.

### SEWARD COUNTY CLAIMS THROUGH JUNE 21, 2024

ADP INC	SE	\$2,760.45	WYTHERS LAW	SE	\$8,199.50
ADVANCED OFFICE AUTOM	SE	\$269.21	AKRS EQUIPMENT	EQ	\$2,160.00
AMERITAS LIFE INS CORP	FE	\$21,198.83	BLACK HILLS ENERGY	UT	\$41.51
REGION V SERVICES	SE	\$2,484.58	HEARTLAND TIRES	EQ	\$4,402.19
CAPITAL BUSINESS SYS	SE	\$39.14	MAINELLI WAGNER	SE	\$87,088.56
CHARTER COMM	UT	\$333.59	NE EQUIPMENT	EQ	\$8,839.04
CROWNE PLAZA KEARNEY	TR	\$559.80	SAPP BROS PETROLEUM	SU	\$20,766.82
EAKES OFFICE PLUS	SU	\$476.87	SEWARD CO INDEPENDENT	SE	\$251.58
JENNIFER EICKHOFF	SE	\$14.74	BURDEN SALES COMPANY	EQ	\$366.70
FIRST WIRELESS	UT	\$3,807.50	TRUCK EQUIP SERV	SE	\$130.56
GAGE COUNTY CLERK	SE	\$59.50	DALE JOHNSON ENT, INC	SU	\$30,223.64
GALLS LLC	SE	\$533.90	BASEPOINT BUILDING	SE	\$3,845.00
GREAT PLAINS COMM	UT	\$1,230.99	CHAPTERS BOOKS	SU	\$36.77
HELMINK PRINTING	SU	\$902.00	KOLTERMAN, CLARK	SE	\$33.37
HERPOLSHEIMERS	EQ	\$1,522.78	NE NATL GUARD MUSEUM	SE	\$50.00
HOMETOWN LEASING	EQ	\$574.03	PAC N SAVE	SU	\$1,175.75
INDOFF INC	SU	\$16.99	RED PATH GALLERY	SE	\$40.00
JONES BANK (FICA)	FE	\$21,458.36	SEWARD CO CHAMBER	SE	\$1,500.00
KONICA MINOLTA FINANC	FE	\$131.48	VALENTINO'S SEWARD	SU	\$392.75
KOTIK & MCCLURE, ATTYS	SE	\$1,025.00	BAUDVILLE	SE	\$326.16
LIBERTY LAW GROUP	SE	\$4,312.50	CELLEBRITE INC	FE	\$6,450.00
LINCOLN POLICE GARAGE	SE	\$20.80	CENTRALSQUARE TECH	EQ	\$1,130.50

MEMORIAL HOSPITAL	SE	\$3,219.74	COVERTTRACK GROUP	FE	\$4,800.00
MIPS INC	SE	\$2,264.46	NORRIS PUB POWER DIST	UT	\$490.43
NE HLTH & HUMAN SERV	SE	\$93.00	NE DAS STATE ACCNTNG	SE	\$738.50
NE WEED CONTROL ASSN	FE	\$150.00	URIBE REFUSE SERVICES	SE	\$156.00
OREILLY AUTOMOTIVE	SE	\$39.94	US BANK EQUIP FINANCE	EQ	\$167.99
PAPER TIGER SHREDDING	SE	\$148.80	VIGILANT SOLUTIONS	SE	\$6,006.00
PETTY CASH FUND	FE	\$1,378.85	MOTIVATE 2 COMMUNICAT	FE	\$150.00
RAMADA MIDTOWN	TR	\$214.00	CENTURYLINK	EQ	\$1,557.66
REDWOOD TOX LAB	SE	\$48.00	PATRICK HOTOVY	SE	\$1,000.00
SEWARD CO SHERIFF	SE	\$31.20	ST OF NE DAS COMM	SE	\$844.80
SEWARD CO TREASURER	SE	\$15.00	LANGUAGE LINE SERVICES	SE	\$68.44
SOARIN GROUP, LLC	SE	\$193.00	SALARIES		\$305,361.90
SPARETIME	SU	\$94.01	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
SUMMIT FIRE PROTECTIO	SE	\$196.00	AMERITAS DENTAL		
SUMMIT FOOD SERVICE	SE	\$6,215.30	AMERITAS VISION		
SVEHLA LAW OFFICES	SE	\$512.50	COLONIAL SUPPLEMENTAL INSURANCE		
TARGETS ONLINE	SU	\$60.86	MID AMERICAN CO WISCONSIN		
U S TREASURY	FE	\$570.00	POINT C FSA		
VERIZON WIRELESS SERV	UT	\$811.83	WADDELL & REED		
VISA	FE	\$1,251.47			

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

### **Commissioners Reports:**

Commissioner Zabrocki reported he attended a SouthEast Nebraska Development District (SENDD) meeting. He has a Seward City Council meeting tonight.

Commissioner Schmieding reported he attended a Visitors Committee Meeting. He reported he has a Tree Board meeting and a Park & Rec meeting in the coming weeks.

Commissioner Ahmic reported she completed the Public Defender budget, helped complete the information for the county wide budget meeting project, sent Senator Kauth an invite for county budget meetings, worked with Soarin' Group on switching internet for the Extension Office, set up the Policy Board for the Public Defender's position, met with Nebraska Association of County Officials (NACO) via Zoom in regard to the Public Service Commission, attended a Community Safety Action Plan (CSAP) meeting with Commissioner Hain and a meeting for the tire recycling event.

Commissioner Culver reported he attended a Blue Valley Community Action (BVCA) meeting, gave evaluations for two appointed officials last week, attended a Court Appointed Special Advocate (CASA) meeting and a Seward Saline Solid Waste meeting.

Commissioner Hain reported she met with Commissioner Ahmic about details for the tire recycling event, worked on the Opioid Settlement Funds, attended a Community Safety Action Plan (CSAP) meeting, completed the Criminal Justice survey, attended the Village of Utica Board meeting, has a meeting scheduled with the County Attorney in regard to Juvenile Justice grants. She also has been in contact with Senator Hughes about details regarding traffic counts, contacted Detention Center personnel for information for the Nebraska Association of County Officials (NACO).

Schweitzer explained that the May 21, 2024 meeting minutes had an error in them.

Moved by Culver and seconded by Hain to the amend the previously adopted minutes of May 21, 2024 minutes to correct the typographical error in the motion to approve the Zoning Administrator's wage from \$27.76 an hour to the correct wage of \$27.56 an hour.

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

Commissioner Hain led discussion about the Nebraska Dept. of Environment & Energy Waste Tire Grant.

Moved by Zabrocki and seconded by Culver to allow Commissioner Hain to sign the amended agreement with the Nebraska Dept. of Environment & Energy Waste Tire Grant.

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

Commissioner Ahmic led discussion about the agreement with Oliver Borchers Williams for the Seward County Broadband Task Force.

Moved by Hain and seconded by Zabrocki to authorize the Chair sign the agreement with Oliver Borchers Williams for Contract/Data collection work for the Seward County Broadband Task Force.

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

The Commissioners discussed an invoice received from Mainelli Wagner for grant preparation costs. The assistance was for the Smart Streets and Road Grant. After discussion, it was decided that the invoice be paid out of the American Rescue Plan Act (ARPA) fund.

Moved by Hain and seconded by Zabrocki to approve to pay the invoice to Mainelli Wagner for grant preparation costs in the amount of \$390 with the costs to come out of the American Rescue Plan Act (ARPA) fund.

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

Commissioner Culver led discussion on the two appointments to the Veteran's Service Committee. Commissioner Ahmic said she had a name submitted to her and Culver had six names. The names submitted for consideration were: Marvin Schulz, Dave Pankoke, Dan Schweitzer, Tom Sieck, Joe Zochol, Roger Hanseling and Evan Eberspacher.

Moved by Zabrocki and seconded by Culver to appoint Tom Sieck and Dave Pankoke to the Veteran's Service Committee.

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

Moved by Hain and seconded by Schmieding to open the bids for rock at 9:30 a.m.

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

No bids were received.

Moved by Hain and seconded by Zabrocki to authorize the Chair sign the Preliminary Engineering Agreement with Mainelli Wagner for BRO-7080 (55) Beaver Crossing Southeast Bridge Agreement

Voting No: Hain, Zabrocki, Culver, Schmieding, Ahmic Motion Failed

Moved by Zabrocki and seconded by Culver to authorize the Chair sign the Preliminary Engineering Agreement with Mainelli Wagner for BRO-7080 (55) Beaver Crossing Southeast Bridge Agreement and adopt resolution 3812 in regard to said project.

## **RESOLUTION**

### **PRELIMINARY ENGINEERING SERVICES AGREEMENT – BK2259 SUPPLEMENTAL AGREEMENT NO. 1**

SEWARD COUNTY  
Resolution No. 3812

Whereas: Seward County and Mainelli Wagner & 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; and

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 Mainelli Wagner & 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:

Misty Ahmic, 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 Mainelli Wagner & Associates, Inc.

NDOT Project Number: BRO-7080(55)  
NDOT Control Number: 13521  
NDOT Project Description: Beaver Crossing Southeast

Adopted this 2<sup>nd</sup> day of July, 2024 at Seward Nebraska.

The Board of Commissioners of Seward County, Nebraska:  
Misty Ahmic, Darrell J. Zabrocki, John K. Culver, Ken Schmieding, Raegan Hain

Board/Council Member Zabrocki  
Moved the Adoption of said resolution  
Member Culver Seconded the Motion  
Roll Call: 5 Yes, 0 No, 0 Abstained, 0 Absent  
Resolution adopted, signed, and billed as adopted

Sherry Schweitzer, County Clerk

Exhibit "C"

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

Discussion was held about the Road Dept. purchasing a pickup from the Building and Grounds Dept., who is not needing it at this time. Jon Regnier, Highway Supt., said his department could use a pickup and have offered \$2,000 for it. Regnier said that in the near future, he would like to purchase another pickup and be able to give a current pickup to the new Weed Supt. in his department. Commissioner Ahmic stated that the current Weed/Zoning pickup will stay with the Zoning Dept. Regnier stated he will pay for this pickup out of the Special Road Fund.

Moved by Zabrocki and seconded by Culver to authorize the Highway Dept. to purchase a pickup from the Building & Grounds Dept. for \$2,000 with the funds coming out of the Special Road Fund and the money going into the Building & Grounds Dept. sinking fund.

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

Roxanne Knutson and Brandy Johnson, representing the Employee Appreciation Committee, asked the Commissioners for funds for the coming year. The law states that \$50 per employee can be allowed. Previously, the Board allowed up to \$50 per employee for appreciation events.

Moved by Hain and seconded by Zabrocki to approve the request for funds for employee appreciation events for Seward County in the amount of \$50 per employee.

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

The Commissioners recessed at 9:52 a.m.  
The Commissioners re-convened at 10:00 a.m.

Moved by Culver and seconded by Zabrocki to open the Public Hearing at 10:00 a.m. to receive comments in regard to the purchase of a new Public Transit Vehicle.

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

No comments were offered in regard to the purchase of a new van for Public Transit.

Moved by Zabrocki and seconded by Culver to close the Public Hearing at 10:02 a.m.  
Affirmative Vote: Zabrocki, Culver, Schmieding, Hain, Ahmic                      Motion Carried

The Commissioners discussed the conditions and repairs for abandoned cemeteries in Seward County. Fencing and signage and any other repairs were discussed. Currently 4-H Clubs do adopt the cemeteries but not repairs that are costly. Each individual cemetery was visited by a Commissioner and the Board discussed if new signage/fencing/repairs are needed.

The Commissioners discussed the Courthouse Library Use Policy and application. Commissioner Hain led discussion on the use of it. It was discussed last week but questions about it were mentioned and the County Attorney's Office were going to look into it. There were no questions mentioned at this time.

Moved by Hain and seconded by Schmieding to approve the courthouse Library Use Policy and Application.

#### **RULES FOR USE OF SEWARD COUNTY COURTHOUSE LIBRARY**

1. Use of the courthouse library requires submission of an application and approval of the Board of Commissioners after consideration at a public meeting. The application shall be signed by the responsible party and will include an acknowledgment of responsibility for payment for any damage occurring to the courthouse library during the dates used.
2. The courthouse library shall not be used for any unlawful purpose.
3. Please be aware that the Seward County Courthouse Library is located within a government building. County offices will be open for business and normal county government operations will be conducted during the library's available hours of use. The courthouse and its offices operate Monday through Friday, from 8:00 a.m. until 5:00 p.m., excluding county holidays. The library will not be available for use in the event the courthouse is closed for any reason.
4. Nothing shall be attached or hung with fasteners that could damage the walls or flooring of the courthouse grounds or building.
5. The responsible party is responsible for cleaning the Courthouse Library and returning it to its pre-event condition immediately after the event.
6. Any individual or group using the Courthouse Library is required to provide the county with proof of an insurance liability policy naming Seward County as an additional insured in an amount of at least \$1 million.
7. Any individual or group using the Courthouse Library shall be responsible to reimburse the county for all damages occurring during the event.
8. The Board of Commissioners reserves the right to refuse use of the Courthouse Library for any event that may compromise the security of the courthouse or the safety of courthouse employees or the general public.
9. Only organizations that generally benefit any member of the public without bias will be approved. Any advertising or promoting of the event must clearly state that it has no affiliation with Seward County.

The Courthouse Library is not available to political groups or for political events.

10. Any disruptive behavior or other conduct that interferes with county business or the normal functioning of the courthouse will not be tolerated. Such behavior includes, but is not limited to, loud noise, disturbances, or actions that impede the work of courthouse staff or public access to services. If any individual or group engages in disruptive behavior, the responsible party will be contacted by building and grounds personnel and the entire group will be asked to cease use of the library and leave the premises immediately
11. Violation of any of these rules may be cause for Seward County to deny an application for future use of the Courthouse Library by the same group or organization.
12. No firearms, concealed weapons, alcohol, tobacco, vaping, or illegal substances are permitted on or around courthouse grounds.

*Adopted by the Seward County Board of Commissioners the 2nd day of July, 2024.*

Affirmative Vote: Hain, Schmieding, Zabrocki, Ahmic

Voting No: Culver

Motion Carried

The Commissioners continued to talk about repairs for the abandoned cemeteries. They considered the costs involved with the repairs, but Commissioners said they do not want to burden the taxpayers of Seward County with these costs. Commissioner Ahmic identified a grant that could be applied for, but it needs to be sponsored by someone who belongs to "Daughters of the American Revolution" organization. Currently, an individual belonging to that organization has not been located. Commissioner Hain will find out how much money may be needed for signage, etc. and bring that information back to the Board.

Wendy Elston, Seward County Attorney, was present to ask permission to sign a grant document for the Child Support Enforcement.

Moved by Zabrocki and seconded by Culver to authorize the County Attorney to sign the 24-25 DHHS Grant for Child Support Enforcement via electronic signature.

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

Motion Carried

During the grant fund subject on the agenda, Commissioner Ahmic said she has looked into the "Daughters of the American Revolution" organization for the abandoned cemetery grant and also updated the rest of the Board about the Bridge Investment Project (BIP) grant. Commissioner Hain also gave information about assistance retained for writing the grants for Seward County.

The Commissioners recessed at 10:55 a.m.

The Commissioners re-convened at 11:00 a.m.

Maria' Scamehorn, 911 Director, was present to discuss the 911 budget. She had appeared before the Board last week and made a few changes after discussion.

The jail inspection was not taken. It will be on next week's agenda.

**Known items on the agenda for Board of Equalization on July 9, 2024 are as follows:**

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of June 25, 2024
4. Discuss/Action – Motor Vehicle Exemption Application from St. John Lutheran School for a 2024 Chevrolet Express Van
5. Discuss/Action – Assessor Information Update

8:30 a.m. Discuss/Action – Valuation Protests Hearings

Discuss/Action – Decisions on Valuation Protest Hearings

**Known items on the agenda for Board of Commissioners on July 9, 2024 are as follows:**

9:00 a.m.

6. Convene and announce Open Meetings Law
7. Pledge of Allegiance
8. Consent Agenda:
  - a) Approve minutes of July 2, 2024

**Other Business Matters to Address When Time Allows**

9. Discuss/Action - Public/Officials/Boards
10. Commissioners Reports
11. Discuss/Action – Decide Date & Time for Postcard Hearing and Designate Print Shop for the Printing Postcards
12. Discuss/Action – Employing a Grant Writer for Seward County
13. Grant Funds being Sought by Seward County
14. Discuss/Action – Jail Inspection
15. Discuss/Action – Agenda for July 16, 2024

10:00 a.m. Discuss/Action – Utility Permits

- a. Windstream to relocate existing facilities at Seward County Bridge Replacement for Beaver Crossing South Project # BRO-7748(1) located at 413 Rd on Pioneer Rd
- b. Windstream to Place Fiber Terminal at 3657 Pioneers Road

10:30 a.m. Discuss/Action – Upgrade PREA/Programs Corporal Job Description to Programs Sargeant

Moved by Hain and seconded by Zabrocki to adjourn at 11:12 a.m.

Affirmative Vote: Hain, Zabrocki, Culver, Schmieding, Ahmic 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 9<sup>th</sup> day of July 2024.

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County Clerk

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Chairperson