

June 3, 2025

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 June 3, 2025 in the Commissioner’s room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board, on the Commissioner’s Room door, on the Seward County website: sewardcountyne.gov and published in the Seward County Independent and the Milford Times. 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 June 3, 2025 at 8:30 a.m. a.m.

Present: Chairperson: Misty Ahmic
Members: Raegan Hain, Darrell Zabrocki, Ken Schmieding, Scott Pekarek
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 Zabrocki and seconded by Hain to approve the minutes of May 27, 2025.
Affirmative Vote: Zabrocki, Hain, Pekarek, Schmieding, Ahmic Motion Carried

There was a discussion on various claims that are requested to be paid.

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

Highway Supt., Jon Regneir, Assessor, Marilyn Hladky and County Clerk, Sherry Schweitzer gave information on activities of their respective offices.

The Commissioners recessed at 9:03 a.m.
The Commissioners re-convened at 9:05 a.m.

Moved by Hain and seconded by Zabrocki to approve claims for the period through May 23, 2025 except Claim No. 25060088 to GT Distributors, Inc and Claim No. 25060005 to Bizco.

SEWARD COUNTY CLAIMS THROUGH MAY 23, 2025					
ACCURATE CONTROLS	SE	\$2,002.61	KATI SCHWEITZER	SE	\$56.00
ADP INC	SE	\$2,915.95	SEWARD CO TREASURER	SE	\$10.00
AMAZON CAPITAL SERV	SU	\$49.18	SIRCHIE ACQUISITION CO	SE	\$175.22
AMERITAS LIFE INS	FE	\$21,407.17	ST OF NE DAS COMMUN	SE	\$537.60
BLUE VALLEY BEHAV HLTH	SE	\$360.00	SUMMIT FOOD SERV	SE	\$9,296.04
BRAVEBE CHILD ADV CNTR	SE	\$5,390.00	ULINE	SU	\$1,199.51
CAMPBELL CLEANING	SE	\$4,975.00	UNIV OF NEBRASKA	SE	\$1,295.00
CAPITAL BUSINESS SYS	SE	\$45.32	US BANK EQUIP FINANCE	EQ	\$167.99
CATALIS COURTS & LAND	SE	\$3,244.73	VERIZON WIRELESS SERV	UT	\$2,057.49
CENTURY BUSINESS PROD	SU	\$189.79	VIRTUAL IMPRESSIONS	SE	\$36.00
CHARTER COMMUNIC	UT	\$335.41	VISA	FE	\$626.63
COAST TO COAST COMP	EQ	\$741.96	WYTHERS LAW	SE	\$4,796.50
CROWNE PLAZA KEARNEY	TR	\$265.90	BARCO MUNICIPAL PROD	SU	\$3,206.09
DIVERSIFIED DRUG TEST	SE	\$55.00	BLACK HILLS ENERGY	UT	\$218.52

DODGE CO SHERIFF	SE	\$14.76	DALE JOHNSON ENT	SU	\$8,839.13
E 911	FE	\$39,183.83	EQUIPMENT BLADES	SU	\$350.00
FARM & HOME PUBLISH	SU	\$130.00	AMBER CROUCH	SE	\$84.00
FARMERS COOP	SU	\$92.18	GRAHAM TIRE LINCOLN	SE	\$1,168.92
FGH LAW	SE	\$4,807.70	HEARTLAND TIRES	SE	\$36.00
BRIAN FORAL	SE	\$6,877.55	HELENA AGRI-ENTERPR	SE	\$965.00
SIDNEY FREY	SE	\$524.25	HELMINK PRINTING	SU	\$232.00
GARCIA CLINICAL LAB	SE	\$40.00	INLAND TRUCK PARTS	SU	\$197.59
HERPOLSHEIMERS	EQ	\$600.29	JOHNSON SAND & GRAVEL	SU	\$20,946.42
KEARNEY INVEST CORP	SE	\$289.90	EVAN MEYER	SE	\$367.00
INDOFF INC	SU	\$794.85	SAPP BROS PETROLEUM	SU	\$20,956.01
INSIGHT PUB SECT SLED	SE	\$4,565.35	SOUTHWEST GRAVEL PROD	SU	\$3,710.94
JONES BANK (FICA)	FE	\$21,406.54	TRUCK CENTER CO	SE	\$194.36
RYAN KRENK	SE	\$67.20	TRUCK EQUIP SERVICE	EQ	\$660.91
LEE'S REFRIGERATION	SE	\$3,325.60	CATTLE BANK & TRUST	FE	\$72,805.00
LEVANDERS BODY SHOP	SE	\$1,485.20	KOLTERMAN, CLARK	SE	\$280.00
MCKESSON MED SURG	SU	\$72.72	COVERTTRACK GRP	SE	\$4,200.00
MEMORIAL HOSPITAL	SE	\$1,439.91	GREAT PLAINS COMMUN	UT	\$629.89
SPORTS EXPRESS	SU	\$439.60	NORRIS PUB POWER DIST	UT	\$212.24
MIDWEST DOOR	SE	\$1,894.00	SECURITY EQUIP INC	EQ	\$129.15
MIPS INC	SE	\$2,264.46	SUMMIT FIRE PROTECTION	SE	\$273.00
NIRMA	SE	\$864.00	UTICA BODY & PAINT	SE	\$1,000.00
NE ASSN TRANS PROVIDE	FE	\$105.00	LA QUINTA INN & SUITES	TR	\$499.80
NE CO ATTORNEYS ASSN	FE	\$2,200.00	NE JUVENILE JUSTICE ASSN	FE	\$175.00
DALE NIEMANN	SE	\$45.50	FELSBURG HOLT & ULLEVIG	SE	\$7,872.50
ONESOURCE	SE	\$171.00	SALARIES		\$304,464.75
OREILLY AUTOM	SU	\$70.45	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
PETTY CASH FUND	SU	\$50.00	AMERITAS DENTAL		
CA MARKETING	SE	\$1,469.62	AMERITAS VISION		
POINT C HEALTH	FE	\$228.00	COLONIAL SUPPLEMENTAL INSURANCE		
POWERDMS	SU	\$12,983.65	MID AMERICAN CO WISCONSIN		
REDWOOD TOX LAB	SE	\$402.50	POINT C FSA		
REGION V SYSTEMS	SE	\$1,712.00	WADDELL & REED		

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

Gary Jewell was present to request the use of the Courthouse lawn for a flag retirement ceremony.

Moved by Zabrocki and seconded by Hain to have a Flag Retirement Ceremony on the Courthouse lawn by the Memorial statue on Flag Day, June 14, 2025 at 1 p.m.

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

Highway Supt., Jon Regneir was present to request permission to go out for bids for rock and gravel.

Moved by Hain and seconded by Pekarek to authorize the Highway Supt. to advertise for rock and gravel bids with the opening to be on June 24, 2025 at 9:30 a.m. and the awarding to be on the same day at 10:00 a.m.

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

Commissioner Reports:

Commissioner Pekarek reported he assisted the Assessor with some duties, researched histoplasmosis, will go to the Garland Village Trustee meeting, is working on the Local Emergency Operation Plan (LEOP), and is working on the National Incident Management System (NIMS) training.

Commissioner Schmieding reported he attended a 4th of July event and a Rotary event. He will have a Blue Valley Community Action (BVCA) meeting and other events to attend in the future. He received comments from constituents about county roads.

Moved by Zabrocki and seconded by Pekarek to open the public hearing at 9:15 a.m. to hear comments for a Conditional Use Permit application for a Livestock Feeding Operation in the NW ¼ NW ¼ in Section 30 Township 9 North Range 4 East of the 6th P.M.

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

Marissa Pfile, Zoning Administrator, gave information about the permit and stated that the Planning Commission voted 4 For, 4 Against and 1 Absent at their hearing. She also read a letter she received about the application and health issues of a person near the proposed operation.

TJ Havlat, the applicant, gave information about the permit application. Travis Kasperson of Settje Engineering also spoke about the footprint and engineering of the proposed operation.

Steve Martin of Alliance for the Future (AFAN) gave information about Histoplasmosis and spoke in favor of said permit.

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership (SCCDP), spoke in favor of said permit.

Jessica Kolterman of Seward spoke in favor of said application.

Don Jirsa spoke and said if the application meets all requirements, the application should be approved.

Susan Rippe spoke as an opponent of said application.

Diane Rolfsmeier spoke as an opponent of said application.

Rance & Asha Schweitzer spoke in opposition of said permit.

Moved by Zabrocki and seconded by Pekarek to close the public hearing at 9:52 a.m.
Affirmative Vote: Zabrocki, Pekarek, Schmieding, Hain, Ahmic Motion Carried

The Commissioners completed the Findings of Facts document as required for all Conditional Use Permit applications.

BEFORE THE SEWARD COUNTY NEBRASKA COUNTY COMMISSIONERS

IN THE MATTER OF CONDITIONAL USE PERMIT FOR A LIVESTOCK
FEEDING OPERATION

APPLICANT: Thomas Havlat and Thomas M. Havlat

CURRENTLY ZONED: A-1

This matter came before the Seward County Board of Commissioners at the request of the applicant. A public hearing was held on the 3rd day of June 2025. Notice of said hearing was publicized on the 21st day of May 2025.

The Seward County Commissioners recommends to:

 X Approve the Conditional Use Permit for a Gasoline Service Station
 Deny the Conditional Use Permit for a Gasoline Service Station

With a roll call vote of: 3 For 1 Against 1 Abstain

Upon review of all necessary facts, the County Commissioners make the following findings:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
2. Y The use will have adequate water and sewer facilities.
3. Y The use will be in harmony with the character of the area and the most appropriate use of the land.
4. N 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 conditional 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 establishment of conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

7. Y Adequate utilities, access roads, and drainage facilities have been or are being provided.

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. N 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.

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.

Further, the County Commissioners recommend the following 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:

Permit issued to Applicant and is not transferable to any other entity.

Dated this 3rd day of June 2025.

Misty Ahmic
County Commissioner Chairman

Marissa Pfile
Zoning Administrator

Moved by Zabrocki and seconded by Schmieding to adopt Resolution No. 3848 in regard to approving the Conditional Use Permit application for a Livestock Feeding Operation in the NW ¼ NW ¼ in Section 30 Township 9 North Range 4 East of the 6th P.M. with an extra condition that the permit issued to the applicant(s) is not transferrable to any other entity.

**RESOLUTION NO 3848 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Thomas Havlat & Thomas M. Havlat have applied for a Conditional Use Permit for a Livestock Feeding Operation, and

WHEREAS, The property is described as part of the Northwest ¼, of the Northwest 1/4 of Section 30, Township 9 North, Range 4 East of the 6pm, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting May 19, 2025, and

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

WHEREAS, The Planning Commission recommended Approval of the Conditional Use Permit, with conditions, by a vote of 4 In Favor, 4 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 June 3, 2025, and,

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

WHEREAS, ___ No one appeared to oppose said Conditional Use

 X Individuals appeared to oppose said Conditional Use

___ No one appeared to support said Conditional Use

 X Individuals appeared to support said Conditional Use,

 X 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, for Thomas Havlat and Thomas M. Havlat for a Conditional Use Livestock Feeding Operation, on a tract of ground located in part of the Northwest 1/4, of the Northwest 1/4 of, Section 30, Township 9 North, Range 4 East of the 6pm, Seward County, Nebraska.

Moved by: Zabrocki Seconded by: Schmieding June 3, 2025

Ayes: Darrell J. Zabrocki, Scott Pekarek, Ken Schmieding

Nays: Raegan Hain

Abstain: Misty Ahmic, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Zabrocki, Schmieding, Pekarek

Voting No: Hain

Abstain: Ahmic

Motion Carried

The Commissioners recessed at 10:12 a.m.

The Commissioners re-convened at 10:17 a.m.

Moved by Hain and seconded by Pekarek to open the public hearing at 10 a.m. to hear comments for a Conditional Use Permit application for a Gas Service Station in the SW ¼ in Section 21 Township 10 North Range 3 East of the 6th P.M.

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

Pfile gave information about the application.

John Dilsaver, the applicant, spoke about potential upgrades to the gas station on the Seward Exit. Tim Snyder was also present to speak about the company.

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership (SCCDP), spoke in favor of said permit.

No one spoke in a neutral position or opposing said application.

Moved by Zabrocki and seconded by Hain to close the public hearing at 10:22 a.m.

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

The Commissioners completed the Findings of Facts document as required for all Conditional Use Permit applications.

BEFORE THE SEWARD COUNTY NEBRASKA COUNTY COMMISSIONERS

IN THE MATTER OF CONDITIONAL USE PERMIT

FOR A GASOLINE SERVICE STATION

APPLICANT: Danco II 2737 Seward, LLC

CURRENTLY ZONED: C-2

This matter came before the Seward County Board of Commissioners at the request of the applicant. A public hearing was held on the 3rd day of June 2025. Notice of said hearing was publicized on the 21st day of May 2025.

The Seward County Commissioners recommends to:

☒ X Approve the Conditional Use Permit for a Gasoline Service Station
☐ _____ Deny the Conditional Use Permit for a Gasoline Service Station

With a roll call vote of: ☐ For ☐ Against ☐ Absent Not Voting

Upon review of all necessary facts, the County Commissioners make the following findings:

1. ☒ Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
2. ☒ Y The use will have adequate water and sewer facilities.
3. ☒ Y The use will be in harmony with the character of the area and the most appropriate use of the land.
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 conditional 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 establishment of conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. ☒ Y Adequate utilities, access roads, and drainage facilities have been or are being provided.
8. ☐ N 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. ☐ N 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.
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.

Further, the County Commissioners recommend the following 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:

Permit issued to Applicant and is not transferable to any other entity. Permit pending sign off from state on access.

Dated this 3rd day of June 2025.

Misty Ahmic
County Commissioner Chairman

Marissa Pfile
Zoning Administrator

Moved by Hain and seconded by Zabrocki to adopt Resolution No. 3849 in regard to approving a Conditional Use Permit application for a Gas Service Station in the SW ¼ in Section 21 Township 10 North Range 3 East of the 6th P.M. with an extra condition that the permit issued to the applicant(s) is not transferrable to any other entity and a condition that the permit is pending on a sign off on access from the Nebraska Dept. of Transportation (NDOT).

**RESOLUTION NO 3849 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Danco II 2737 SEWARD LLC has applied for a Conditional Use Permit for the installation and operation of a Gas Service Station, and

WHEREAS the property is described as a tract in the Southwest ¼ of, Section 21, Township 10N, Range 3E, Seward County, Nebraska, and

WHEREAS The Planning Commission held a public hearing to consider the application at a regular meeting May 19, 2025, and

WHEREAS notice of the public hearing was published in the Seward County Independent, and

WHEREAS The Planning Commission recommended Approval of the Conditional Use Permit and finding of facts presented, with a vote of 8 In Favor, 0 Against, and 1 Absent not voting, and

WHEREAS The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting June 3, 2025, and

WHEREAS notice of the public hearing was published in the Seward County Independent, and

WHEREAS X No one appeared to oppose said Conditional Use

 Individuals appeared to oppose said Conditional Use

 No one appeared to support said Conditional Use

 X Individuals appeared to support said Conditional Use,

 0 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 for a Gasoline Service Station. For the installation and operation of a Gasoline Service Station facility at the described location on a tract of ground located in the Southwest ¼ of, Section 21, Township 10N, Range 3E in Seward County, Nebraska.

Moved by: Hain Seconded by: Zabrocki June 3, 2025
Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Zabrocki and seconded by Hain to open the public hearing at 10:37 a.m. to hear comments for a Conditional Use Permit application for an Upgrade/Equipment Modification to an Existing Wireless Tower in the NW ¼ in Section 14 Township 9 North Range 1 East of the 6th P.M.

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

Pfile gave information about the application.

No one spoke in a neutral position or opposing said application.

Moved by Hain and seconded by Pekarek to close the public hearing at 10:39 a.m.

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

The Commissioners completed the Findings of Facts document as required for all Conditional Use Permit applications.

BEFORE THE SEWARD COUNTY NEBRASKA COUNTY COMMISSIONERS

IN THE MATTER OF EQUIPMENT MODIFICATIONS/UPGRADES AT EXISTING SITE
REQUESTED USE: EQUIPMENT MODIFICATION/UPGRADE PERMIT TU-03-2025
APPLICANT: Verizon Wireless
CURRENTLY ZONED: TA-1

This matter came before the Seward County Board of Commissioners at the request of the applicant. A public hearing was held on the 3rd day of June 2025. Notice of said hearing was publicized on the 21st day of May 2025.

The Seward County Commissioners recommends to:

☒ X Approve the Conditional Use Permit for a Gasoline Service Station
☐ _____ Deny the Conditional Use Permit for a Gasoline Service Station

With a roll call vote of: 5 For Against Absent Not Voting

Upon review of all necessary facts, the County Commissioners make the following findings:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
2. Y The use will have adequate water and sewer facilities.
3. Y The use will be in harmony with the character of the area and the most appropriate use of the land.
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 conditional 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 establishment of conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. Y Adequate utilities, access roads, and drainage facilities have been or are being provided.
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. N 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.

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.

Further, the County Commissioners recommend the following 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:

Permit issued to Verizon Wireless and is not transferable to any other entity.

Dated this 3rd day of June 2025.

Misty Ahmic
County Commissioner Chairman

Marissa Pfile
Zoning Administrator

Moved by Zabrocki and seconded by Pekarek to adopt Resolution No. 3850 in regard to approving the Conditional Use Permit application for an Upgrade/Equipment Modification to an Existing Wireless Tower in the NW ¼ in Section 14 Township 9 North Range 1 East of the 6th P.M. with an extra condition that the permit issued to the applicant(s) is not transferrable to any other entity.

**RESOLUTION NO 3850 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Verizon Wireless has applied for a Wireless upgrade or equipment add on to an existing structure permit located in the Northwest Quarter of Section 14, Township 9, Range 1E of the 6pm to install 3 Ericsson Antennas Model # Air6419 and one Ericsson Radio model #4890 on antenna platform with 186’ CL. Also install one hybrid cable fizom existing ground cabinet to the 186’ antenna level.

WHEREAS The Seward County Planning Commission held a meeting on May 19, 2025, to consider the Wireless upgrade or equipment add on to existing structure permit, and

WHEREAS the Planning Commission recommended approval of the Wireless upgrade or equipment add on to existing structure permit with a vote of For, against, and Absent and 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.
- 0 Individuals appeared without commitment, and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve X , Deny the Wireless upgrade or equipment add on to existing structure permit with Resolution NO: 3850.

Moved by:Zabrocki Seconded by: Pekarek June 3, 2025
Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Hain and seconded by Pekarek to open a Public Hearing at 10:44 a.m. to hear comments for a Conditional Use Permit application for an Upgrade/Equipment Modification to an Existing Wireless Tower in the NW ¼ in Section 29 Township 10 North Range 4 East of the 6th P.M.

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

Pfile gave information about the application.

No one spoke in a neutral position or opposing said application.

Moved by Hain and seconded by Zabrocki to close the Public Hearing at 10:46 a.m.
Affirmative Vote: Hain, Zabrocki, Schmieding, Pekarek, Ahmic Motion Carried

The Commissioners completed the Findings of Facts document as required for all Conditional Use Permit applications.

BEFORE THE SEWARD COUNTY NEBRASKA COUNTY COMMISSIONERS

IN THE MATTER OF EQUIPMENT MODIFICATIONS/UPGRADES AT EXISTING SITE
REQUESTED USE: EQUIPMENT MODIFICATION/UPGRADE PERMIT TU-05-2025
FOR A GASOLINE SERVICE STATION
APPLICANT: American Tower Corporation
CURRENTLY ZONED: A-1

This matter came before the Seward County Board of Commissioners at the request of the applicant. A public hearing was held on the 3rd day of June 2025.
Notice of said hearing was publicized on the 21st day of May 2025.

The Seward County Commissioners recommends to:

☒ X Approve the Conditional Use Permit for a Gasoline Service Station
☐ Deny the Conditional Use Permit for a Gasoline Service Station

With a roll call vote of: ___ For ___ Against ___ Absent Not Voting

Upon review of all necessary facts, the County Commissioners make the following findings:

1. ☒ Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
2. ☒ Y The use will have adequate water and sewer facilities.
3. ☒ Y The use will be in harmony with the character of the area and the most appropriate use of the land.
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 conditional 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 establishment of conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. ☒ Y Adequate utilities, access roads, and drainage facilities have been or are being provided.
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.
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.

Further, the County Commissioners recommend the following 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:

Permit issued to American Tower and is not transferable to any other entity.

Dated this 3rd day of June 2025.

Misty Ahmic
County Commissioner Chairman

Marissa Pfile
Zoning Administrator

Moved by Hain and seconded by Pekarek to adopt Resolution No. 3851 in regard to approving a Conditional Use Permit application for an Upgrade/Equipment Modification to an Existing Wireless Tower in the NW ¼ in Section 29 Township 10 North Range 4 East of the 6th P.M. with an extra condition that the permit issued to the applicant(s) is not transferrable to any other entity.

**RESOLUTION NO 3851 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS American Tower & Verizon have requested an application for a Wireless upgrade or equipment add on to existing structure permit located in the Northwest 1/4 of Section 29, Township 10N, Range 4E of the 6pm. Verizon Wireless is removing the prefab shelter and pad north of the tower, 12 VZW panel antennas, radios, distribution boxes, 3 T-frames, 2 VZW microwave antennas, microwave ice shields, feed lines along with cable ladders, attachment hardware and grounding components from the tower along and a generator.

WHEREAS The Seward County Planning Commission held a meeting on May 19, 2025, to consider the Wireless upgrade or equipment add on to existing structure permit, and

WHEREAS the Planning Commission recommended approval of the Wireless upgrade or equipment add on to existing structure permit with a vote of 8 For, 0 against, and 1 Absent and 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.
 0 Individuals appeared without commitment, and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve X , Deny the Wireless upgrade or equipment add on to existing structure permit with Resolution NO: 3851.

Moved by: Hain Seconded by: Pekarek June 3, 2025
Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Hain and seconded by Pekarek to open a Public Hearing at 10:52 a.m. to hear comments for a proposed Unpermitted Zoning Fee Schedule.

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

Pfile gave information about the application and stated that after she took the position of Zoning Administrator, it was discovered that building and developing sites in Seward County was happening without a permit. These fees are proposed for those that do not get permits prior to developing.

Phil Hargus and Dale Nieman, members of the Seward Planning Commission, gave information about the hearing they conducted.

Dave Kendel spoke in opposition of the proposed Unpermitted Zoning Fee Schedule.

Moved by Zabrocki and seconded by Hain to close the Public Hearing at 11:06 a.m.

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

Moved by Zabrocki and seconded by Schmieding to approve Resolution No. 3852 in regard to approving the Unpermitted Zoning Fee Schedule.

During discussion, Commissioner Pekarek stated he felt that the new fees need to be publicized.

**RESOLUTION NO 3852 OF THE
SEWARD COUNTY COARD OF COMMISSIONERS**

WHEREAS, Seward County Board of Commissioners desires to establish an Unpermitted Fee Schedule to support Zoning Administration, and

WHEREAS, The schedule of fees contained herein shall be titled and referred to as "Seward County Unpermitted Fee Schedule", and

WHEREAS, The schedule of fees is established as:

a. Zoning Permit for New Homes/Dwellings	\$5,000.00*
Additional Fee for Over Density	\$20,000.00*
Zoning Development Permit	
a. 64 square feet to 1,500 square feet.	\$2.00 per square foot*
b. 1,501 square feet and larger.	\$3.00 per square foot*
Conditional Use Permit	\$1,800.00
Sign Permit	\$225.00
Plat Application	\$900.00
Kennel Permit	\$1,800.00
Variance Permit	\$1,800.00
Rezone	\$1,800.00
Conditional Use Permit-Wireless	\$6,000.00
Communications Tower Development Permit	\$3,000.00
Wireless upgrade or equipment add on existing structures	\$1,800.00

*Unpermitted fees for new homes/dwellings and zoning development shall DOUBLE within the **Water Conservation District** and any area in which the unpermitted property is **over density in the respective Zoned Area**, as designated by the Seward County Zoning Regulations.

Unpermitted zoning fees shall be in addition to any fines or penalties imposed by the Seward County Zoning Regulations.

****Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.****

The Property Owner and/or the Agent of the Property Owner is responsible for any Unpermitted Zoning Fee assessment. All Seward County Unpermitted Zoning Fees are non-refundable.

The Seward County Sheriff's Department may issue a Cease-and-Desist order at the request of the Seward County Zoning Administrator, until all permit costs, and unpermitted fees have been paid in full for any fee schedule item.

WHEREAS, Changes to the 'Seward County Zoning Unpermitted Fee Schedule' may be amended upon request of the Seward County Planning Commission or the Seward County Board of Commissioners may amend upon its own motion; The County Board shall request a recommendation on any proposed change, from the Planning Commisison prior to adoption of said revisions, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve Resolution NO 3852.

Moved by: Zabrocki Seconded by: Pekarek June 3, 2025

Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki, Misty Ahmic, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

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

Kimberly Haberman, Seward County Court Clerk Magistrate, was present to give details of why their budget has gone over. She explained that several court cases have had large expenses that have put them over budget.

Brandon Noordhook, Jail Administrator, was present to ask the Commissioners to consider a contract for food service with Trinity Services Group. Commissioners asked questions about the contract. Due to the Attorney's Office not reviewing the contract, a decision was not made at this time.

The Commissioners also considered an Interlocal Agreement with Thayer County to house their inmates. Thayer County anticipates a construction project at their jail and they need somewhere to accommodate their inmates.

Moved by Hain and seconded by Pekarek to authorize the Chair to sign an Interlocal with Thayer County to house inmates.

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

The Commissioners recessed at 11:37 a.m.

The Commissioners re-convened at 11:40 a.m.

The Commissioners discussed the cell phone item on the agenda about next steps to take regarding the directive sent to supervisors about cell phones. Previously, the issue of cell phones, both county and personal, and cell phone reimbursement was of issue. It had been discovered that there were employees that had ported their personal cell phone number over to a county paid plan. A directive had been sent out about this previously. Sheriff, Mike Vance was present to give information about the cell phones in question. Questions were asked of Jordan Legband, whose cell phone was purchased by the county. Kevin Beatty gave information about his tenure as a police officer including time in New York, Canada and with Seward County and said he wished he would have been contacted before the directive was sent out. The county policy states an employee can have a county cell phone if their supervisor deems it necessary

OR get a \$35 reimbursement for using their personal phone. Now, those employees who ported their phone to the county plan have ported it back to their personal plan. The County Attorney will make documents for the deputies to sign addressing the issue.

Commissioners Reports (Cont.)

Commissioner Ahmic reported she attended Congressman Flood's Town Hall meeting, talked with the City of Seward representative about railroad crossings, participated in a grant review, talked with the Federal Highway Administration about a grant, finished a review of the zoning regulations, talked with Senator Hughes's Office about roads, and will attend the Nebraska Association of County Officials (NACO) workshop for Commissioners.

Commissioner Zabrocki reported he had a SouthEast Nebraska Development District (SEND) meeting, participated in an Emergency Management Mass Casualty tabletop exercise, took a tour of a chicken barn, received a call about a zoning issue, and attended a Rotary event.

Commissioner Hain reported she received calls about road conditions due to rain, attended an Aging and Veterans burger fry, participated in a Zoom meeting about the juvenile comprehensive plan, attended the Flood Townhall meeting, attended the Community Safety Action Plan (CSAP) stakeholder meeting, met with an epidemiologist, and received calls about the Unpermitted Fees item on the agenda.

The Commissioners discussed the Region V Systems Funding Request for 2025-2026. The statutory amount required to pay is \$35,154.00.

Moved by Zabrocki to approve request for funding in the statutory amount of \$35,154.00.

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

Zabrocki is absent at 12:59 p.m.

Chair, Ahmic gave information about two short form plats that are on the agenda.

Moved by Pekarek and seconded by Hain to adopt Resolution No. 3853 in regard to approving the Short Form Plan MDE-MAE Addition in the SW ¼ of Section 24 Township 10 North, Range 2 East of the 6th P.M.

RESOLUTION NO 3853 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS Cory Flohr owns approximately 78.93 acres of land and has applied for a Short Form Plat to separate 7.75 acres, and described as a tract of land in the Southwest 1/4 of, Section 24, Township 10N, Range 2E of the 6pm, Seward County, Nebraska, and

WHEREAS the Short Form Plat shall be called the MDE-MAE Addition and

WHEREAS The Seward County Planning Commission held a meeting on May 19, 2025 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the MDE-MAE Addition, with a vote of 7 For, 0 Against, 1 Abstaining, and 1 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 the MDE-MAE Addition Short Form Plat, with Resolution NO: 3853.

Moved by: Pekarek

Seconded by: Hain

June 3, 2025

Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Pekarek, Hain, Schmieding, Ahmic

Motion Carried

Moved by Hain and seconded by Pekarek to adopt Resolution No. 3854 in regard to approving the Short Form Plat Burkey 5th Addition in the NE ¼ North of the River in Section 25 Township 9 North, Range 2 East of the 6th P.M.

**RESOLUTION NO 3854 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Timothy Burkey and Sidney Burkey owns approximately 122.99 acres of land and has applied for a Short Form Plat to separate 6.45 acres, and described as a tract of land in the Northeast 1/4 North of the River of, Section 25, Township 9N, Range 2E of the 6pm, Seward County, Nebraska, and

WHEREAS the Short Form Plat shall be called the Burkey 5th Addition and

WHEREAS The Seward County Planning Commission held a meeting on May 19, 2025 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the Burkey 5th Addition, with a vote of 8 For, 0 Against, and 1 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.

 0 Individuals appeared without commitment, and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve the Burkey 5th Addition Short Form Plat, with Resolution NO: 3854.

Moved by: Hain Seconded by: Pekarek June 3, 2025

Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Hain, Pekarek, Schmieding, Ahmic

Motion Carried

The agenda items involving Grant Opportunities and the Liability Insurance deductible were not discussed and will be on next week's agenda.

The Commissioners briefly discussed legislation.

Known items on the agenda for Board of Equalization on June 10, 2025 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of May 27, 2025
4. Discuss/Action – Clarify Motion made for Sunrise Country, Inc. on May 27, 2025
5. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on June 10, 2025 are as follows:

9:00 a.m.

6. Convene and announce Open Meetings Law
7. Pledge of Allegiance
8. Discuss/Action - Approve minutes of June 3, 2025

Other Business Matters to Address When Time Allows

- 9. Discuss/Action - Public/Organizations/Officials
- 10. Commissioner Reports
- 11. Discuss/Action – Explore Combining County Wide Cell Phone Plans
- 12. Discuss/Action – Deductible for Liability Insurance with Nebraska Intergovernmental Risk Management Assn. (NIRMA)
- 13. Discuss/Action – Open Grant Opportunities for Infrastructure, Sheriff’s Office & Public Safety, Emergency Management, Planning & Zoning, Veteran’s Services, County Administration and Other County Funded Initiatives
- 14. Discuss/Action – Agenda for June 17, 2025

- 9:15 a.m. Discuss/Action - Report from Aging Partners about Services in Seward County
- 9:30 a.m. Public Hearing – Amend the Seward County 2024-2025 Fiscal Year Budget Res. – Amend the Seward County 2024-2025 Fiscal Year Budget
- 9:45 a.m. Discuss/Action - Kelley Limback/Chapters Book Store - Request to Hold Local Author and Artist Event on Courthouse Lawn on June 28, 2025
- 10:00 a.m. Discuss/Action – Res. – Weed Dept. for Force Control and Fees after a 10- or 15-Day Notice.

Discuss/Action – County Residents to Hire Weed Supt. to Spray their Property
- 10:15 a.m. Discuss/Action – Soarin’ Group – Implement Advanced Filtering Software
- 10:30 a.m. Discuss/Action – Review Seward County Surplus Property Policy

Moved by Pekarek and seconded by Hain to adjourn 1:16 p.m.
Affirmative Vote: Pekarek, Hain, 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 10th day of June 2025.

County Clerk

Chairperson