

June 18, 2019

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 June 18, 2019 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 Commissioners convened on June 18, 2019 at 9:00 a.m.

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 Vrbka and seconded by Mundhenke to approve the minutes of June 11, 2019.
Affirmative Vote: Vrbka, Mundhenke, Schmieding, Paulsen, Culver
Abstain: Schmieding as he was not in attendance at said meeting Motion Carried

Commissioners Reports:

Commissioner Mundhenke reported he received concerns from constituents about road conditions.

Commissioner Vrbka reported he also received concerns about roads.

Commissioner Culver reported he received concerns about roads also and met with several Dept. heads.

Commissioner Schmieding had no report.

Commissioner Paulsen spent time with Dept. heads and noted she has several meetings this coming week.

The Commissioners discussed estray livestock that were found in Seward County. Five head of cattle were found loose and no one claimed them. A local farmer fed them for almost 3 weeks and still no one claimed them. According to statutes, the livestock are taken to a local sale barn and the money from the sale is put in the Estray Fund of the County Treasurer. A bill from the local farmer needs to be approved by the Board and paid from the proceeds of the sale. The treasurer then holds the money left over for 1 year and if no one comes forward to claim them, the proceeds are given to the schools.

Moved by Schmieding and seconded by Mundhenke to approve the Invoice No. 359377 from Russ Stutzman in the amount of \$208.50 for the payment of caring for estray livestock and taking the livestock to the sale barn.
Affirmative Vote: Schmieding, Mundhenke, Vrbka, Paulsen, Culver Motion Carried

Commissioner Paulsen led discussion of the agenda item of request for outside attorney to research possible breach of the Open Meetings Act by the salary committee. Paulsen suggested waiting until next week to discuss it and Schmieding stated he felt it was necessary to keep it on the agenda also until the issue is solved. The item will be put on next week's agenda.

The Commissioners then discussed refinancing bonds for the detention center bonds. Previously, two firms had presented information and quotes on re-financing. Schweitzer suggested that a specific date be given to them with specific options so that the two firms have the same information to give updated quotes.

Moved by Paulsen and seconded by Vrbka to ask DA Davidson and Ameritas for quotes as of July 1, 2019 at 8:00 a.m. for the following:

1. Keep the same payment using the lower interest rate and thus shortening the term.
2. Using the lower interest and lower the payment and keep the current time.

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

Carmen Hinman, Mandy VanLaningham and Natalie Julin-McCleary of Hope Crisis Center were present to give information about their annual report of activities for the last year and request for funding for the next fiscal year.

Commissioner Schmieding is absent at 9:30 a.m.

Commissioner Paulsen removed herself from the Board at 9:42 a.m.

Becky Paulsen, Weed/Zoning Administrator, gave information about a re-zoning request. The item was published in the local newspaper as required by law.

Moved by Vrbka and seconded by Mundhenke to open a public hearing at 9:45 a.m. for a request to rezone a quarter section of land from A-1 District to TA-1 District located in Precinct A in the SW ¼ of Section 36, Township 12 North, Range 4 East of the 6th p.m.
Affirmative Vote: Vrbka, Mundhenke, Culver Motion Carried

Tom Guild spoke in opposition of said request.

Moved by Mundhenke and seconded by Vrbka to close said public hearings at 9:48 a.m.
Affirmative Vote: Mundhenke, Vrbka, Culver Motion Carried

Moved by Vrbka and seconded by Mundhenke to adopt Resolution No. 3454 in regard to denying the request for the rezone for a quarter section of land from A-1 District to TA-1 District located in Precinct A in the SW ¼ of Section 36, Township 12 North, Range 4 East of the 6th p.m.

RESOLUTION No. 3454 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Mary Poe has applied for a Zoning District change for a tract of land from A-1 Agricultural Preservation District to TA-1 Transitional Agriculture, and

WHEREAS, The tract is described as a tract in the South West ¼ of, Section 36, Township 12N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is Mary Poe and,

WHEREAS, Notice of Public Hearing by the Seward County Planning Commission was published in the Seward County Independent, the Milford Times, and was posted on the property, and

WHEREAS, the Planning Commission held a public hearing on the Zoning District change on May 20, 2019, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 2 in favor, 4 against, and 2 absent and not voting.

WHEREAS, The Seward County Board of Commissioners held a public hearing on the Zoning District on June 18, 2019, and

WHEREAS, Notice of Public Hearing by the Seward County Board of Commissioners was published in the Seward County Independent, the Milford Times, and was posted on the property, and

WHEREAS, ___ No one appeared to oppose said amendment

 x Individuals appeared to oppose said amendment

 x No one appeared to support said amendment

 ___ Individuals appeared to support said amendment,

and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby adopt Resolution 3454 to ___ approve, x deny the Zoning District Change.

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

Moved by: Vrbka Seconded by: Mundhenke Absent: Schmieding
Ayes: Robert Vrbka, Mike Mundhenke, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk 6/18/2019

BEFORE THE PLANNING COMMISSION OF SEWARD COUNTY, NEBRASKA

 REZONE) NO. 3454

) FINDINGS OF FACTS

_____Mary Poe_____

THIS MATTER came before the Seward County Planning Commission. A Public Hearing was held on the 20th day of May 2019. Notice of said hearing was publicized on the 1st day of May 2019.

THE PLANNING COMMISSION has recommended to

 ___ Approve/ Recommends to REZONE

 x Deny/ Recommends Not to REZONE

With a Roll Call Vote of: 2 For, 4 Against, 2 Absent, 0 Not Voting

To DENY this REZONE based on the following Findings of Facts.

Upon Review of all necessary facts, the Seward County Planning Commission makes the following findings that the application is for a REZONE in Precinct A in the South West 1/4 of, Section 36, Township 12N, Range 4E, Seward County Nebraska, and therefore subject to Seward County's Comprehensive Plan and Land Use Matrix, and the Seward County Zoning Regulations.

Findings of Facts.

1. This quarter section in question is in the Water Conservation District. There are water concerns in this immediate area.
2. Article 4. 4.13.02 Purpose: this Rezone is NOT conducive to the Water Overlay District Regulations. this area is in a high risk for extended water usage and new resident water pressure.

3. This area is Not in the Ogallala Aquifer, it is in the Dakota Aquifer. The eastern portion of the county has the shallowest portions of the principal aquifer compared to the rest of the county.

4. There are indications that new wells are negatively impacting the existing wells; while the ability to find suitable supplies or sources of groundwater is becoming more difficult. (comprehensive plan page 94.)

Affirmative Vote: Vrbka, Mundhenke, Culver

Motion Carried

Moved by Vrbka and seconded by Mundhenke to open the public at 9:50 a.m. in regard to a Conditional Use Permit to operate a Large 1 Livestock Feeding Operation in Precinct E in the S ½ S½ NE ¼ in Section 8 Township 11 North, Range 1 East of the 6th p.m.

Affirmative Vote: Vrbka, Mundhenke, Culver

Motion Carried

Paulsen gave information about the aforementioned request.

Jessica Kolterman spoke in favor of said request.

Roger Richters also spoke in favor of said request but asked about water runoff and roads near livestock facilities.

Gordon Luebbe spoke in favor of said request.

Dean Settje of Settje Engineering also spoke in favor of the Conditional Use Permit. He gave information about the engineering work he has done for Luebbe who is requesting the Conditional Use Permit.

Jim Schulz spoke in favor of the request.

Jonathan Jank, Executive Director of the Seward County Chamber Development and Partnership, also spoke in favor of the request.

Jon Eberspacher spoke in favor of the request.

Casey Keim, Highway Supt., was present and was asked about Mr. Richters' questions. He stated that the roads will be treated like any other agricultural operation in Seward County.

Chairman Culver then read the Findings of Facts questions as is required by any Conditional Use Permit and the questions were answered.

Paulsen also read additional requirements that are suggested if the request is approved.

Adam Hladky spoke in support of said request.

Moved by Vrbka and seconded by Mundhenke to close the public hearing at 10:13 a.m.

Affirmative Vote: Vrbka, Mundhenke, Culver

Motion Carried

Moved by Vrbka and seconded by Mundhenke to adopt Resolution No. 3455 in regard to approving a Conditional Use Permit to operate a Large 1 Livestock Feeding Operation in Precinct E in the S ½ S½ NE ¼ in Section 8 Township 11 North, Range 1 East of the 6th p.m.

RESOLUTION No. 3455 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Luebbe Family Poultry LLC. has applied for a Conditional Use Permit for a Livestock Feeding Operation, and

WHEREAS, The property is described as the South ½ of the South ½ of the NorthEast ¼ of, Section 8, Township 11 North, Range 1 East, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting May 20th, 2019, 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 6 In Favor, 0 Against, and 2 Absent and Not Voting, and

WHEREAS, The conditions of approval are:

1. A County Road Department assessment of Route(s) on County Roads.
2. Any future development or expansion would require another Conditional Use Permit.
3. No vehicles would be allowed to park on the County Road or right-of-way.
4. Findings of Facts and Specific Findings attached.

WHEREAS, The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting June 18, 2019, 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
 No one appeared to support said Conditional Use
 x 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 conditions of approval, for LUEBBE FAMILY POULTRY LLC. for a Conditional Use in the Ag District, on a tract of ground located in the South 1/2 of the South 1/2 of the North East 1/4 of, Section 8, Township 11N, Range 1E. Precinct E, Seward County, Nebraska.

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

BEFORE THE BOARD OF COMMISSIONERS
OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)	
)	
CONDITIONAL USE PERMIT)	
REQUEST BY:)	
)	RECOMMENDATIONS
)	
<u>LUEBBE FAMILY FARMS LLC</u>		
APPLICANT		

THIS MATTER came before the Planning Commission on the request of the Applicant for a Conditional Use Permit. Public hearing was held on the 25th day of February 2019. Notice of said hearing was publicized on the 6th day of February 2019.

THE PLANNING COMMISSION recommended to

 X approve the conditional use permit

___deny the conditional use permit

AGAINST 0
ABSENT 0
NOT VOTING 2

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:

<input checked="" type="checkbox"/> approve the conditional use permit	FOR: 3
<input type="checkbox"/> deny the conditional use permit	AGAINST: 0
	ABSENT: 2
	NOT VOTING: 0

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.

Located in Agricultural District

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

No holding pit for animal waste

3. yes, The use is in harmony with the character of the area and the most appropriate use of the land.

Ag operation in Agricultural area

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.

Buffer is in place

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.

Surrounding property is zoned AG

6. yes, The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

Surrounding property is zoned AG

7. yes, The use has adequate utilities, access roads, and drainage facilities.

Road Department summary of affected county Roads

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.

Proper approach permit per the County Road Department

9. yes The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

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.

This is a controlled environment

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

A study of the odor footprint is available

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.

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 vehicles will be allowed to park on the County Road or Right of Way

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.

Seward County Department of Road Assessment

Specific Findings of Fact:

1. Any future development or expansion will require an Additional Conditional Use Permit
2. This Conditional Use is only for the current landowner of the property.
3. No vehicles will be allowed to park on the County Road of Right of Way

Included:

1. UNL Odor control Study
2. Nutrient Advisor Packet
3. Support Letters

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

DATED THIS 18th day of June 2019.

Eric Landkamer Seward County Planning Commission Chairperson

Becky Paulsen Seward County Zoning Administrator

SEWARD COUNTY BOARD OF COMMISSIONERS
Chairman, John Culver

Moved by: Vrbka Seconded by: Mundhenke Absent: Schmieding
Ayes: Robert Vrbka, Mike Mundhenke, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk 06/18/2019

Affirmative Vote: Vrbka, Mundhenke, Culver

Motion Carried

Commissioner Paulsen rejoined the Board at 10:14 a.m.

Bob Dahms, County Treasurer, and Sherry Leising, Deputy County Treasurer, were present to discuss a new server for the County Assessor and Treasurer. He requested a new server be purchased that will be a "virtual" server. It will be Windows 12 and the price is \$10,368.00. A new server is needed due to the new program needed for the Nebraska Dept. of Motor Vehicles to issue titles and registrations.

Moved by Vrbka and seconded by Mundhenke to pay the additional \$2,391 out of the Technology line item of the Misc. General Budget.

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

Jessica Kolterman representing Lincoln Premium Poultry, was present and invited the Commissioners to the dedication of the Wm. Seward statue in front of the courthouse.

She handed out a diagram and led discussion on the Seward County approach Driveway widths for agricultural use item on the agenda. She stated that Lincoln Premium Poultry requests a 75 ft driveway width for the chicken producers that they work with. She stated the Nebraska Dept. of Transportation width is 60 ft.

Commissioner Paulsen stated that the diagram in which Kolterman handed out showed two trucks going through the driveway at the same time. She questioned how often that situation would occur.

Casey Keim, Highway Supt. said Lancaster County uses 35 foot widths for their driveways and Dodge County uses 40 foot widths. He also examined other road intersections and found that intersection measurements were approximately 45 feet. Jon Eberspacher spoke in favor of expanding the driveway width allowance. Bryce Borchers also spoke in favor of a wider driveway allowance. Gordon Luebbe and Adam Hladky also spoke in favor of the wider width.

Discussion was held about the *current* driveway policy. Culver said more information about our own policy needs to be looked at. The policy will be looked at by the Highway Supt. and the issue will be worked on soon.

Mike Janssen, Building & Grounds Supt., brought the Hartland Cleaning contract to the Commissioners for their signature. Maria Hatfield, Detention Center Director, said that the people in this company should have their background checks completed since it is in the Detention Center.

Moved by Mundhenke and seconded by Paulsen to authorize the Chairman to sign the Hartland Cleaning Contract.

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

Known items on the agenda for Board of Equalization on June 25, 2019 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 11, 2019
4. Discuss/Action – Letter from Betty Galen Requesting Refund of Taxes
5. Discuss/Action – Tax List Corrections: 270-16R, 271-17R and 272-18R
6. Discuss/Action – Authorize County Assessor to send out County Board Change of Valuation Notices
7. Discuss/Action – Assessor Information Update

8:30 a.m. Discuss/Action - Protest Hearings

Known items on the agenda for Board of Commissioners on June 25, 2019 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of June 18, 2019

4. Discuss/Action – Claims for June 2019

Other Business Matters to Address When Time Allows

- 5. Discuss/Action - Public/Officials/Boards
- 6. Commissioners Reports
- 7. Discuss/Action – Agenda for July 2, 2019

9:30 a.m. Discuss/Action - Res. – Short Form Plat to create the Martin Addition in O Precinct, in the E ½ SE ¼ Section 30, T9N R3E

Discuss/Action – Res. – Short Form Plat to create the McCracken Addition in H Precinct, in the S ½ NW ¼ Section 20, T11N R4E

9:40 a.m. Discuss/Action – New Job Description for Administrative Assistant for Emergency Manager Dept.

Discuss/Action – Notice of Intent for 2 Safe Rooms Near West Wing

Discuss/Action - Annual Return of Disposed Items

Moved by Vrbka and seconded by Mundhenke to adjourn at 11:12 a.m.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, 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 June 2019.

County Clerk

Chairperson