

March 15, 2022

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 March 15, 2022 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 March 15, 2022 at 9:00 a.m.

Present: Chairperson: John Culver

Members: Misty Ahmic, Bob Vrbka, 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.

Moved by Zabrocki and seconded by Vrbka to approve the minutes of March 8, 2022.
Affirmative Vote: Zabrocki, Vrbka, Schmieding, Ahmic, Culver Motion Carried

Moved to Zabrocki and seconded by Schmieding approve the claims for the period through March 4, 2022.

SEWARD COUNTY CLAIMS THROUGH MARCH 4, 2022					
ADV CORR HLTHCR	SE	\$4,714.68	VERIZON WIRELESS	UT	\$2,279.58
ADV OFFICE AUTOM	SU	\$239.67	VISA	FE	\$740.07
ALL COPY PRODUCTS	SU	\$23.47	WELLS FARGO FINAN LEAS	SE	\$198.15
AMERITAS LIFE INS	FE	\$18,611.45	WINDSTREAM	UT	\$6,714.00
BLUE360 MEDIA	SE	\$174.59	WYTHERS LAW	SE	\$1,353.00
BRENNAN LAW	SE	\$1,107.81	YORK COUNTY SHERIFF	SE	\$31.30
CAMPBELL CLEANING	SE	\$4,380.00	KENNETH PANKOKE	SE	\$397.52
CITY OF SEWARD	UT	\$10,189.07	DALE JOHNSON ENT	SU	\$15,985.28
CLERK OF DIST CRT	SE	\$679.00	FASTENAL COMPANY	SU	\$223.78
COOPERATIVE EXT DIV	SE	\$225.00	G & P DEVEL LANDFILL	SU	\$40.71
CULLIGAN	SE	\$39.00	JOHN DEERE FINANCIAL	SE	\$400.61
JACK DANIEL	SE	\$70.20	LA QUINTA INN	TR	\$511.00
DES MOINES STAMP	SU	\$53.05	MIDWEST AUTO PARTS	SU	\$372.89
DIAMOND DRUGS	SE	\$568.45	MIDWEST AUTOMOTIVE	SE	\$957.54
EAKES OFFICE PLUS	SU	\$1,207.59	NE PUBLIC POWER DIST	UT	\$191.03
ELECTRONIC CONTRACT	SE	\$1,200.00	NEWMAN SIGNS, INC	SU	\$2,029.63
ESRI	SE	\$1,750.00	NEXTLINK AIS	UT	\$74.99
FARMERS COOP	SU	\$729.08	NMC, INC	EQ	\$16,811.96
JONATHAN FRAZER	SE	\$5,025.50	OREILLY AUTOM	SE	\$94.95
GALLS LLC	SE	\$243.27	PAC N SAVE	SU	\$249.18
GWORCS	SE	\$750.00	PENNER'S TIRE & AUTO	SE	\$601.63
HELMINK PRINTING	SU	\$238.00	RDO TRUCK CENTERS	SE	\$1,177.82
HOMETOWN LEASING	SE	\$402.76	SAPP BROS PETROLEUM	SU	\$25,249.00
JONES BANK (FICA)	FE	\$18,824.87	SEWARD CO TREASURER	SE	\$17.00
KINER SUPPLY COMPANY	SU	\$86.95	SEWARD ELECTRONICS	SE	\$97.46
KONICA MINOLTA PREM FIN	SE	\$246.07	UTICA PARTS & SERVICE	SE	\$135.73
LANCASTER CO SHERIFF	SE	\$35.54	VILLAGE OF GARLAND	UT	\$84.14
STEPHANIE LUEBBE	SE	\$28.08	VILLAGE OF UTICA	UT	\$55.76
MCKESSON MED SURG	SU	\$450.69	ANDERSON AUTO GRP	EQ	\$58,431.00
SUE MEDINGER	SE	\$25.74	CATTLE BANK & TRUST	FE	\$138,271.81
MEMORIAL HOSPITAL	SE	\$103.35	JONES BANK	FE	\$138,271.81

MID AMERICAN BENEFITS	FE	\$110.50	ACCURATE CONTROLS	SE	\$1,856.36
MIDWEST OFFICE AUTOM	SU	\$39.99	COAST TO COAST COMPUTER	SE	\$129.99
MIPS INC	SE	\$2,268.29	FLAGSHIP PUBLISHING INC	SE	\$1,013.75
NE ASSN OF CO OFFICIALS	FE	\$105.00	SEWARD COUNTY CHAMBER	FE	\$1,500.00
NEBR STATE FIRE MARSHAL	SE	\$72.00	DELTA DENTAL OF NEBR	FE	\$29.97
NEBRASKA.GOV	SE	\$8.50	SEWARD CO HLTH CLM FND	FE	\$58,927.79
DALE NIEMANN	SE	\$42.12	VISION SERVICE PLAN INS	FE	\$23.29
NORFOLK LODGE	TR	\$208.00	MILFORD AGING SERVICES	SE	\$182.00
ONESOURCE	SU	\$282.00	MOMS MEALS	SE	\$122.60
ORKIN LLC	SE	\$122.00	SEWARD AGING SERVICES	SE	\$353.50
PAPER TIGER SHREDDING	SE	\$65.00	UTICA AGING SERVICE	SE	\$196.00
SCOTT PEKAREK	SE	\$19.90	FIRST WIRELESS, INC	UT	\$1,095.00
POTTER REPAIR	SE	\$48.00	NE STATE PATROL FOUND	FE	\$5,100.00
PROF DEVEL ACADEMY	SE	\$1,645.00	RELENTLESS LLC	FE	\$5,000.00
QUADIANT LEASING	FE	\$81.98	GRAHAM TIRE	EQ	\$599.28
QUADIANT, INC	SU	\$57.99	TRANSUNION RISK	FE	\$306.00
ZOE RICHERT	SE	\$58.50	UPS	SE	\$18.08
BRENT SCHLUCKEBIER	SE	\$9.36	NE JUVENILE JUSTICE ASSOC	FE	\$300.00
SEWARD CO COURT	SE	\$616.00	CASA	FE	\$1,278.90
SEW CO INDEPENDENT	SE	\$1,840.78	APCO INTL	SE	\$30.00
SEWARD CO SHERIFF	SE	\$10,059.64	E911 WIRELESS FUND	FE	\$4,566.24
SEW SHERIFF UNCOLL FEES	FE	\$292.00	NORRIS PUB POW DIST	UT	\$280.00
SOARIN GROUP, LLC	SE	\$7,439.75	ENCARTELE INC	SE	\$1,706.96
SPORTS EXPRESS INC	SU	\$178.60	SALARIES		\$270,860.58
ST OF NE DAS COMM	SE	\$1,152.00	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
SUMMIT FOOD SERVICE	SE	\$5,346.55	COLONIAL SUPPLEMENTAL INSURANCE		
THAYER COUNTY SHERIFF	SE	\$132.56	MID AMERICAN WISCONSIN		
THOMSON REUTERS-WEST	FE	\$1,378.55	DELTA DENTAL		
TIME WARNER CABLE	UT	\$407.40	VSP VISION		
TWIN RIVERS HLTH CR	SE	\$50.00	WADDELL & REED		

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

Commissioners Reports:

Commissioner Ahmic reported she attended the Milford Fire Dept. meeting, did some follow-up work for American Rescue Plan Act (ARPA) disbursements, met with a member of the Planning Commission, had a meeting with Senator Kolterman in regard to LB 921 and prepared a formal letter to send to him.

Commissioner Vrbka reported he went to an Upper Big Blue NRD meeting last week and will meet with representatives from the NRD on Thursday, March 17, 2022.

Commissioner Culver reported he dealt with various emails, issues concerning road names, and will attend the Blue Valley Community Action meeting tonight.

Commissioner Schmieding reported he had a telephone conversation with the Public Defender, received some concerns from citizens, and will attend a Southeast Nebraska Development District (SEND) meeting on Thursday, March 17, 2022.

Commissioner Zabrocki reported he met with NIRMA representatives, attended the meeting with Senator Kolterman concerning LB 921, attained paperwork for the Emergency Responders disbursement of ARPA funds and attended a Broadband Task Force Committee meeting yesterday.

The Agenda item regarding changing addressing on 210th Rd to Burr Oak Trail was not discussed and will be on next week's agenda.

Moved by Vrbka and seconded by Ahmic to adopt Resolution No. 3670 amending Resolution No. 3658 in regard to changing the dates in Item G to 4/1/2022 through 4/15/2022.

RESOLUTION # 3670 OF THE SEWARD COUNTY BOARD

Whereas, there were only \$871.26 of unsold taxes at the last tax sale.

Therefore, it would be in the best interest of this County to issue County Tax Certificates earlier than 4/21/2022 date mentioned in item "G" in resolution #3658 adopted by this board on 1/11/2022.

Therefore, let it be resolved item "G" reads: "the board, then, directs the Treasurer to write unsold taxes in the name of the County using dates 4/1/2022 to 4/15/2022."

Moved by: Vrbka Seconded by: Ahmic 03/15/22

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

Attest: Sherry Schweitzer, Seward County Clerk

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

Gary Petersen, Seward/York Emergency Manager, brought three items to the Board for their consideration.

Moved by Zabrocki and seconded by Vrbka to authorize the Chairman to sign the Local Emergency Planning Committee Hazardous Materials Emergency Response Plan.

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

Moved by to Schmieding and seconded by Zabrocki to authorize the Chairman to sign the Seward County Mutual Aid Association Agreement.

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

The Commissioners discussed the tornado shelter bids which were opened last week. Petersen and the Commissioners reviewed the different aspects of each bid.

Moved by Schmieding and seconded by Ahmic to award the bid to Atlas Safe Rooms in the amount of \$42,780.00 for a tornado shelter for the West Wing building.

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

Debby Aegerter of the Seward County Public Defender's office was present to discuss a lease for a new copy machine.

Moved by Schmieding and seconded by Zabrocki to authorize the Chairman to sign a lease for a Sharp MX-30715 Color Copier/Printer/Fax Machine for the Public Defender's office.

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

Moved by Vrbka and seconded by Zabrocki to adopt Resolution No. 3671 in regard to accepting the County Treasurer's Certification Return of Tax Sale which marks the end of the Public Sale and the start of the Private Sale.

RESOLUTION # 3671 of the
SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS: WE THE SEWARD COUNTY BOARD OF COMMISSIONERS
HAVE EXAMINED THE RETURN, CERTIFICATION, AS SUBMITTED TO US BY
THE SEWARD COUNTY TREASURER.

LET IT BE RESOLVED, THAT THIS COUNTY BOARD ACCEPTS THE
RETURN OF CERTIFICATION, AS GIVEN TO THE SEWARD COUNTY
CLERK, FOR THE PUBLIC SALE HELD THIS PAST MARCH 7, 2022.

FURTHER, LET IT BE RESOLVED, ACCEPTANCE OF THE RETURN MARKS
THE END OF THE PUBLIC SALE AND THE START OF THE PRIVATE SALE.

THEREFORE, LET IT BE RESOLVED, UNSOLD TAXES WILL BE WRITTEN IN THE NAME OF THE COUNTY USING DATES 4/1/22 TO 4/15/22.

THE AMOUNT OF TAXES SOLD WAS \$88,104.68 AND THE AMOUNT UNSOLD WAS \$871.26.00 OF TAXES & UNSOLD SPECIALS \$2,559.02.

Dated this 15th day of March, 2022

Moved by: Vrbka Seconded by: Zabrocki 03/15/22
Ayes: Darrell J. Zabrocki, Robert Vrbka, Misty Ahmic, Ken Schmieding,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

The Commissioners recessed at 9:37 a.m.
The Commissioners re-convened at 9:45 a.m.

Carina Sanchez, HR Director, spoke to the Board about changes in wages for the Road Dept. She said Employee # 2303 was assigned an incorrect wage due to length of employment.

Moved by Ahmic and seconded by Vrbka to approve the adjustment in wages to \$18.63 per hour for Employee No. 2303.

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

The Commissioners recessed at 9:57 a.m.
The Commissioners re-convened at 10:00 a.m.

Moved by Vrbka and seconded by Zabrocki to open the Public Hearing at 10:00 a.m.
Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver Motion Carried

Becky Paulsen, Weed/Zoning Administrator, led discussion on the Conditional Use Permit for a Livestock Feeding Operation (LFO-2) for Wehrs Feed Yard LLC in Precinct N in the W ½ SE ¼ and E ½ SW ¼ of Section 12 Township 9 North Range 2 East of the 6th p.m.

Mr. Allen Kampschneider of Nutrient Advisors was present to give information about the Conditional Use Permit.

No one spoke at said public hearing

Moved by Zabrocki and seconded by Schmieding to close the public hearing at 10:05 a.m.

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

Moved by Vrbka and seconded by Ahmic to adopt Resolution No. 3672 in regard to approving the Conditional Use Permit for a Livestock Feeding Operation (LFO-2) for Wehrs Feed Yard LLC in Precinct N in the W ½ SE ¼ and E ½ SW ¼ of Section 12 Township 9 North Range 2 East of the 6th p.m.

RESOLUTION # 3672 of the
SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS WEHRS FEED YARD LLC. has applied for a Conditional Use Permit for a Livestock Feeding Operation (LFO-2), and

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

WHEREAS The Planning Commissioner held a public hearing to consider the application at a regular meeting February 21, 2022, 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, with specific Findings of Facts by a vote of 8 In Favor, 0 Against, and 1 Absent and Not Voting, and

WHEREAS, The Seward County Board of Commissioners held a Public Hearing to consider the application at a regular meeting March 15, 2022, 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
 Individuals appeared to oppose said Conditional Use
 No one appeared to support said Conditional Use
 Individuals appeared to support said Conditional Use,
 Individuals appeared without commitment, and

NOW THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve or deny the Conditional Use Permit, along with the Findings of Facts for WEHRS FEEDYARD LLC. for a Conditional Use in Agricultural District, on a tract of ground located in part of the West 1/2, of the Southeast 1/4 & the East 1/2 of the Southwest 1/4 of, Section 12, Township 09N, Range 2E. Precinct N, Seward County, Nebraska.

Moved by: Vrbka Seconded by: Ahmic 03/15/2022
Ayes: Darrell J. Zabrocki, Robert Vrbka, Ken Schmieding, Misty Ahmic,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

BEFORE THE SEWARD COUNTY BOARD OF COMMISSIONERS, SEWARD NEBRASKA

)
CONDITIONAL USE PERMIT)
REQUEST BY:)
) Findings of Facts
)

WEHRS FEED YARD
APPLICANT

THIS MATTER came before the Seward County Board of Commission on the request of the Applicant for a Conditional Use Permit. Public hearing was held on the 15th day of March 2022. Notice of said Hearing was publicized on the 1st day of March 2022.

THE SEWARD COUNTY BOARD OF COMMISSIONERS recommends to

 X approve the conditional use permit

 deny the conditional use permit

upon the findings that:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located. Does conform with the Matrix for Conditional Use.
2. Y The use has adequate water, sewer, and drainage facilities.
3. Y The use is in harmony with the character of the area and the most appropriate use of the land. Yes, it fits with the Nebraska Livestock Matrix and the Seward County Matrix.
4. Y The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the county.
5. Y The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
6. Y The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district. This use is allowed in an A-1 district with a CUP.
7. Y The use has adequate utilities, access roads, and drainage facilities.
8. Y That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
9. Y The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
10. Y The use does not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
11. Y The use does not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
12. Y The use does not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.
13. Y The use does not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
14. Y The use does not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Specific Findings of Fact:

*NDEE Construction and Operating Permit

*Nebraska State Water and Health Regulations.

*Site Plan

*Comprehensive Nutrient Management Plan Packet

*Letters of Support and a Waiver

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 an A-1.

DATED THIS 15th day of March 2022.

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

The Commissioners discussed the disbursement of American Rescue Plan Act Funds (ARPA). Maria Hatfield, Detention Center Director, was present to ask for funds for a full body thermal scanning system. It allows many benefits such as scanning for contraband instead of having to strip search detainees. She was asking for a portion of the cost to be paid from ARPA funds. She also said she would be going to the Seward County State Drug Forfeiture Fund meeting to ask for funds. The Commissioners showed support for the purchase and asked Hatfield to come back after she has more information.

Ahmic also reported the next ARPA report is due the end of April. She mentioned that Commissioners have attended meetings of all the Fire Departments. She thanked them for helping get the appropriate paperwork for paying emergency responders.

Known items on the agenda for Board of Equalization on March 22, 2022 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of March 8, 2022
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on March 22, 2022 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of March 15, 2022

Other Business Matters to Address When Time Allows

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
7. Discuss/Action – Agenda for March 29, 2022

9:30 a.m. Discuss/Action – Open Bids for Mowing Abandoned Cemeteries

Moved by Zabrocki and seconded by Vrbka to adjourn at 10:30 a.m.

Affirmative Vote: Zabrocki, Vrbka, Ahmic, Schmieding, 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 22nd day of March 2022.

County Clerk

Chairperson