

March 19, 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 March 19, 2019 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's Room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on March 19, 2019 at 9:00 a.m.

Present: Chairperson: John Culver
Members: Bob Vrbka, Ken Schmieding, Becky Paulsen
County Clerk: Sherry Schweitzer
Absent: Member: Mike Mundhenke

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 Schmieding to approve the minutes of March 12, 2019.

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

Gary Petersen, Seward/York Emergency Manager gave information about the flooding and Nebraska Emergency Management Agency (NEMA) and the Federal Emergency Management Agency (FEMA) information.

Casey Keim, Highway Supt. reported they have over 100 roads closed and have run out of barricades. He estimated that over 2 Million dollars of damage has occurred with the damage to roads in Seward County. Some road closures may be extended for a long period of time. The Milford Road Shop had flood damage which, at one point, had 21 inches of water in it.

Other officials reporting information to the Commissioners were: Brea Ehman, Mike Vance, Maria Hatfield, Tera Koetter, Marilyn Hladky, Bob Dahms and Sherry Schweitzer.

Commissioners Reports:

Commissioner Vrbka reported he spent time looking at road conditions and noted that some landowners have helped with roads in their own area.

Commissioner Culver said he also has been looking at road conditions and received several phone calls in regard to the flooding.

Commissioner Schmieding reported he attended the NACO Southeast Meeting in Lincoln last week and noted he also received comments about road conditions.

Commissioner Paulsen reported she attended the Seward County Chamber Development Partnership (SCCDP) meeting, a Blue Valley Community Action Meeting and a NACO Institute of Excellence meeting.

Moved by Paulsen and seconded by Vrbka to accept the Sheriff Fee and Mileage Report for February 2019 in the amount of \$1,557.50 and \$910.26 respectively.

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

Moved by Vrbka and seconded by Paulsen to ratify the Disaster Declaration of March 13, 2019.

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

Jill Perdue, representing the Kiwanis Club of Seward, asked for a donation from Seward County for a Spring Clean Up Event in Seward.

Moved by Paulsen and seconded by Schmieding to approve a donation of \$500 to help pay for Seward Spring Clean Up.

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

Members of the Salary Committee including Commissioner Paulsen, Brea Ehman, Seward HR Director, and Maria Hatfield, Detention Center Director, led discussion on the Salary Committee Update item on the agenda. Paulsen stated the committee has met each week working with various officials. Hatfield stated that the Committee has been working with the mean (average) of the information that officials obtained after getting data from other counties. She also said that the committee is trying to take years of service into consideration. Schweitzer added that hopefully, all officials will have been met with by the end of April.

Commissioner Paulsen removed herself from the Board at 9:32 a.m.

Moved by Vrbka and seconded by Schmieding to open the public hearing at 9:33 a.m. for a Conditional Use Permit for a Livestock Feeding Operation for Chickens located in the NW ¼ NE ¼ and the NE ¼ NW ¼ Section 34, Township 11 North, Range 1 East of the 6th p.m.

Affirmative Vote: Vrbka, Schmieding, Culver Motion Carried

Those speaking in favor of such permit were: Bryce Borchers who applied for the permit; Jessica Kolterman of Lincoln Premium Poultry; Andy Scholting of Nutrient Advisors; Megan Kahler of Seward County Chamber Development and Partnership; Jim Schultz, who has also received a permit to raise chickens, and Will Keech, representing the Alliance for the Future of Agriculture in Nebraska.

No one spoke against said permit.

Moved by Vrbka and seconded by Schmieding to close the public hearing at 9:53 a.m.

Affirmative Vote: Vrbka, Schmieding, Culver Motion Carried

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3439 in regard to approving a Conditional Use Permit for a Livestock Feeding Operation for Chickens located in the NW ¼ NE ¼ and the NE ¼ NW ¼ Section 34, Township 11 North, Range 1 East of the 6th p.m.

**RESOLUTION NO 3439 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Borchers Farms LLC. has applied for a Conditional Use Permit for a Livestock Feeding Operation, and

WHEREAS, The property is described as part of the North West 1/4 of the North East 1/4, and the North East of the North West 1/4 of Section 34, 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 February 25, 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 March 19, 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 BORCHERS FARMS LLC. for a Conditional Use in the Ag District, on a tract of ground located in part of the North West 1/4 of the North East 1/4, and the North East of the North West 1/4 of Section 34, Township 11 North, Range 1 East, Seward County, Nebraska

BEFORE THE BOARD OF COMMISSIONERS OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)	
)	
CONDITIONAL USE PERMIT)	
REQUEST BY:)	
)	RECOMMENDATIONS
)	

BORCHERS FARMS LLC
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

<u> x </u> approve the conditional use permit	FOR 6
<u> </u> deny the conditional use permit	AGAINST 0
	ABSENT 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:

<u> x </u> approve the conditional use permit	FOR: 3
	AGAINST: 0

____deny the conditional use permit

ABSENT NOT VOTING: 2

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. Odor control Study
2. Nutrient Advisor Packet
3. UNL Study

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 19th day of March 2019.

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

Moved by: Vrbka Seconded by: Schmieding Absent: Mundhenke
Ayes: Robert Vrbka, Ken Schmieding, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk 03/19/2019

Affirmative Vote: Vrbka, Schmieding, Culver Motion Carried

Commissioners Paulsen returned to the Board at 9:55 a.m.

Hatfield led discussion on the Zeurcher contract for the Public Safety Software System. She stated that after consulting with the County Attorney, that it is permissible to pay a portion prior to services being rendered because it is cost effective to do so. Zeurcher is giving a large discount if a portion is paid in advance.

Moved by Paulsen and seconded by Vrbka to adopt Resolution # 3440 in regard to authorizing the payment for the Public Safety Software System prior to the Receipt of the Software for Zuercher.

**RESOLUTION # 3440 OF THE
SEWARD COUNTYBOARD OF COMMISSIONERS**

WHEREAS, there is a need for a Public Safety Software System which maintains the Computer Aided Dispatch, Records Management System, and Jail Management Systems, AND

WHEREAS, there is a requirement from the vendor, Zeurcher, for 50% payment upon execution of the contract, 30% payment upon Completion of Business Practice Review (BPR), and 20% payment at Go Live.

WHEREAS, from date of the execution of the contract, the time period to Go Live will take approximately 12 months.

WHEREAS, the vendor is providing a significant reduction in the overall cost of the Public Safety Software system if the contract is executed in the month of March, 2019.

WHEREAS, Neb. Rev. Stat. § 23-135 (2) provides in part that a county board may by resolution, which resolution constitutes a claim pursuant to subsection (1) of section 23-1303, approve the payment for a particular piece of personal property prior to the receipt of such property by the county.

WHEREAS, the vendor is a reputable vendor and reliable in providing the property. The down payment is an essential part of the contract.

THEREFORE, BE IT RESOLVED: That the Seward County Board of Commissioners hereby approves the payment of 50% prior to the receipt of such software to the County.

Moved by: Paulsen Seconded by: Vrbka Absent: Mundhenke
Ayes: Robert Vrbka, Ken Schmieding, Becky Paulsen,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk 03/19/2019

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

Moved by Paulsen and seconded by Schmieding to authorize the Chairman to sign the Zuercher Software License and Service Agreement and contract for Public Safety Software System.

Moved by Paulsen and seconded by Vrbka to amend the prior motion by adding the words "award the bid and" before the first "to".

Affirmative Vote on the amendment: Paulsen, Vrbka, Schmieding, Culver
Motion Carried

Affirmative Vote on the motion as amended: Paulsen, Vrbka, Schmieding, Culver
Motion Carried

Ehman was present to discuss advertising for bids for an IT contract. She stated that there is a lot to deal with and would take a lot of collaboration between offices in order to identify the needs, etc. Currently, the County uses the services of Soarin' Group. Marilyn Hladky, Assessor, and Bob Dahms, Treasurer, who use a different IT company, made comments that they are pleased with their company's service. Staff from various offices said they had different situations which require specialized service. All these things will be taken into consideration when selecting a new IT provider. Vrbka feels more information needs to be compiled before a decision can be made to advertise for bids. Culver said he would like to see that what we pay for IT is accountable. He wants to start the process so that at budget time, the cost can be budgeted for. Commissioner Vrbka will work with Ehman on the project.

Moved by Vrbka and seconded by Paulsen to table the agenda item asking for bids for an IT contract to so that further information can be obtained.

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

Known items on the agenda for Board of Equalization on March 26, 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 March 12, 2019
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on March 26, 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 March 19, 2019

4. Discuss/Action - Claims

Other Business Matters to Address When Time Allows

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

Moved by Vrbka and seconded by Paulsen to adjourn at 10:37 a.m.
Affirmative Vote: Vrbka, Paulsen, 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 26th day of March 2019.

County Clerk

Chairperson