

March 30, 2021

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 30, 2021 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 30, 2021 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 Vrbka and seconded by Zabrocki to approve the minutes of March 23, 2021.
Affirmative Vote: Vrbka, Zabrocki, Schmieding, Ahmic, Culver Motion Carried

Moved by Zabrocki and seconded by Ahmic to approve the claims through the period of March 19, 2021.

SEWARD COUNTY CLAIMS THROUGH MARCH 19, 2021

ADVANCED OFFICE AUTOM	SU	\$281.68	TIME WARNER CABLE	UT	\$357.97
AMERITAS LIFE INS	FE	\$17,406.96	UPS	SE	\$1.64
BLACK DIAMOND AUTO DETL	SE	\$190.00	VERIZON CONNECT NWF	SE	\$834.69
CAPITAL BUSINESS SYSTEMS	SU	\$25.00	VERIZON WIRELESS SERV	SE	\$1,175.03
CATTLE BANK & TRUST	SE	\$36.50	VIRTUAL IMPRESSIONS	SE	\$20.00
COAST TO COAST COMP PROD	SU	\$94.99	VISA	FE	\$3,661.37
GREGORY C. DAMMAN	SE	\$1,387.00	WINDSTREAM	UT	\$4,878.97
DELL MARKETING L P	SE	\$2,011.64	WYTHERS LAW	SE	\$931.00
DOUGLAS CO SHERIFF OFFICE	SE	\$34.12	3RD MILLENNIUM CLASS	FE	\$60.00
EAKES OFFICE PLUS	SU	\$1,719.19	DALE JOHNSON ENT	SE	\$2,105.87
EQUIFAX WORKFORCE	SE	\$168.60	GENERAL FIRE & SAFETY	SU	\$116.25
FARMERS COOPERATIVE	SU	\$8,322.70	GWORCS	SE	\$1,260.00
FASTENAL COMPANY	SU	\$185.45	J R WELDING INC	SE	\$147.32
GREAT PLAINS COMM	UT	\$1,533.95	MATHESON TRI-GAS	SE	\$445.76
HOMETOWN LEASING	SE	\$74.35	MEDICAL ENTERPRISES	SU	\$5.00
INDOFF INC	SU	\$2,825.62	NE EQUIPMENT INC	SU	\$47.76
JONES BANK (FICA)	FE	\$15,983.72	NEWMAN SIGNS	SE	\$976.06
KONICA MINOLTA PREM FIN	SE	\$131.48	SACK LUMBER	SU	\$25.00
LOWER PLATTE WEED MGT	FE	\$200.00	SAPP BROS PETROLEUM	SU	\$18,210.20
MEMORIAL HOSPITAL	SE	\$145.00	VILLAGE OF GARLAND	FE	\$50.61
MID-AMERICAN INS GROUP	FE	\$36,632.37	FLAGSHIP PUBLISHING	SE	\$1,200.00
MIDWEST DOOR	SE	\$396.00	VANGUARD APPRAISALS	SE	\$155.00
MIDWEST SPECIAL SERVICES	SE	\$1,735.50	DELTA DENTAL OF NEBR	FE	\$29.97
NE ASSN OF CO OFFICIALS	FE	\$2,480.00	US POST OFFICE	SU	\$88.00
NEBRASKA ASSOC CO TREASURERS	FE	\$100.00	FIRST WIRELESS, INC	UT	\$892.50
NE HEALTH & HUMAN SERV	SE	\$84.00	CULLIGAN	SE	\$46.50
NEBR PUB HLTH ENVIR LAB	SE	\$105.00	JONES AUTOMOTIVE	SE	\$3,195.87
NE WEED CONTROL ASSN	FE	\$210.00	PACESETTER K9 LLC	FE	\$450.00
OFFICE DEPOT	SU	\$232.03	SHINETECH SOFTWARE	SU	\$2,112.00
OREILLY AUTOMOTIVE	SU	\$422.44	WESTERN OIL II LLC	SU	\$913.81

OWENS EDUCATIONAL SERV	SE	\$180.00	911 CUSTOM	FE	\$462.70
PAC N SAVE	SU	\$324.28	MILFORD AGING SERV	SE	\$1,809.45
PETTY CASH FUND	FE	\$31.00	SEWARD AGING SERV	SE	\$838.96
PHYSICIANS LAB SERV	SE	\$4,100.00	APCO INTERNATIONAL	SE	\$345.00
QUADIENT FINANCE USA	SU	\$44.14	BLACK HILLS ENERGY	UT	\$30.81
QUADIENT LEASING USA	FE	\$86.98	NORRIS PUB POW DIST	UT	\$277.52
REDWOOD TOX LAB	SE	\$219.50	ST OF NE DAS COMMUN	SE	\$704.00
SEWARD CO HLTH CLM FND	FE	\$195,082.76	ENCARTELE INC	SE	\$2,726.43
SEWARD CO INDEPENDENT	SE	\$163.16	SALARIES		\$254,307.29
SEWARD CO ROAD FND	FE	\$389,763.00	GROSS SALARIES INCLUDE DEDUCTIONS TO:		
SEWARD CO SHERIFF'S DEPT	SE	\$18.50	COLONIAL SUPPLEMENTAL INSURANCE		
			MID AMERICAN CO		
SOARIN GROUP, LLC	SE	\$409.97	WISCONSIN		
ST OF NE DAS STATE ACCT	SE	\$582.28	DELTA DENTAL OF NEBR		
SUMMIT FOOD SERVICE	SU	\$4,390.36	VSP VISION		
THOMSON REUTERS-WEST	SE	\$317.81	WADDELL & REED		

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

During public official's time on the agenda, Andrew Matney, 911 Director, updated the Commissioners on activities of his office.

Commissioner Reports:

Commissioner Ahmic reported she participated in the Four Corners Call, met with a possible Planning and Zoning Commission member, and sent letters to our senator in regard to legislative bills introduced in the legislature.

Commissioner Vrbka reported he received road complaints.

Commissioner Culver reported he received constituent calls and attended a Safety Committee meeting.

Commissioner Schmieding reported he attended a Visitors Committee meeting via Zoom, talked with our Building & Grounds Supt. about the new tree by the courthouse, and talked to Senator Kolterman about legislation.

Commissioner Zabrocki reported he attended a 4th of July meeting, discussed the new tree in front of the courthouse, and received various correspondence.

Moved by Ahmic and seconded by Schmieding to award the Abandoned Cemetery mowing bid to AJ Buresh of Express Lawn Care for \$700 per mowing.

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

Moved by Vrbka and seconded by Ahmic to authorize the Chairman to sign a contract for the mowing of Abandoned Cemeteries with AJ Buresh of Express Lawn Care.

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

Moved by Vrbka and seconded by Zabrocki to adopt Resolution No. 3573 in regard to a proclamation for the NACO Executive Director.

**RESOLUTION No. 3573 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Larry Dix was the former Executive Director of the Nebraska Association of County officials, and

WHEREAS, in that role, he served County Government through his effective lobbying in the State Legislature, trained many officials, both elected and appointed in their jobs serving county government,

WHEREAS, he has worked tirelessly for all 93 counties in providing help and counsel whenever called upon, and

WHEREAS, he is well known for being an advocate for County Government throughout the State of Nebraska and was a friend to all, and

WHEREAS, he was been in that position for over 19 years and officially retired February 1, 2021 to become Executive Director Emeritus, and

WHEREAS, in recognition of his years of service and benefits he gave to all counties, the Seward County Board of Commissioners hereby declares September 13, 2021 as Larry Dix Day to honor him for his accomplishments.

NOW THEREFORE, BE it RESOLVED, that the Seward County Board of Commissioners hereby declares "Larry Dix Day" on September 13, 2021.

Moved by: Vrbka Seconded by: Zabrocki 03/30/2021
Ayes: Ken Schmieding, Robert Vrbka, Misty Ahmic, Darrell Zabrocki,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

The Commissioners recessed at 9:13 a.m.
The Commissioners re-convened at 9:15 a.m.

Becky Paulsen, Weed/Zoning Administrator, presented several items for the Commissioners' consideration.

The first item on the agenda was an application for a Conditional Use Permit for a Television Communications Tower located in the SE ¼ SE ¼ of Section 27, Township 10 North, Range 2 East of the 6th p.m. A hearing for the permit was held on March 16, 2021.

Moved by Vrbka and seconded by Zabrocki to adopt Resolution No. 3574 in regard to the approval of a Conditional Use Permit for a Television Communications Tower located in the SE ¼ SE ¼ of Section 27, Township 10 North, Range 2 East of the 6th p.m.

**RESOLUTION NO 3574 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, KOLN/KGIN INC. has applied for a Conditional Use Permit to construct a new Telecommunications Tower, and

WHEREAS, the property is described as Precinct K, in the South East 1/4 of the South East 1/4, of Section 27, Township 10N, Range 2E, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting February 15, 2021, 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 Permitted Conditional Use Permit, with a vote of 5 In Favor, 0 Against, and 2 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 16, 2021, and the Seward County Board of Commissioners reviewed the Findings of Facts on March 30th 2021.

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 Permitted Conditional Use

6. Y The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. Y The use has adequate utilities, access roads, and drainage facilities. This site has a pre-existing approach and driveway access off the County Road.
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. No parking on County roads. If staging is required, the approach and long driveway fits the need off the County Road.
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. This tower has upgraded lights. There will be a daytime strobe and a nighttime red light. The lighting patterns have been reworked to show horizontally not vertical as before at the height requirements.
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. No increase in traffic.
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 Finding of Fact--- 1503.0-foot guyed tower. This tower will be for Television broadcasting with the ability to hang a County repeater or antenna on for County Communication purposes.

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 9th day of February 2021.

John K. Culver, Chair of the Board

Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell Zabrocki

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

The next agenda item about an Admin Replat for Kortmeyer Addition which is located in J Precinct in the SE ¼ SE ¼ of Section 20, Township 10 North, Range 3 East of the 6th p.m. Chairman Culver stated the Planning and Zoning Commission was not provided the necessary documents in order to make a recommendation.

Paulsen stated the Planning Commission recommended approval of the plat and were not provided information that there are delinquent taxes due and have been sold at tax sales.

Barb Armstead, Deputy County Attorney, stated she is not sure if the plat can be denied. She stated that because the taxes have been sold and the buyers of the taxes have not consented to the plat, it may create problems. She also feels there needs to be a certification completed by the various officials. She would recommend the item should be returned to the Planning and Zoning Commission. Paulsen can put this item on the Planning and Zoning Commission's meeting in April.

Moved by Ahmic and seconded by Zabrocki to send the Admin Replat for Kortmeyer Addition back to the Planning and Zoning Commission so that more information can be given to them.

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

The last item was an application for short form plat to create Tannahill Addition in J Precinct in the E ½ SW ¼ of Section 11, Township 10 North, Range 3 East of the 6th p.m.

Moved by Vrbka to adopt Resolution No. 3575 in regard to a short form plat to create Tannahill Addition in J Precinct in the E ½ SW ¼ of Section 11, Township 10 North, Range 3 East of the 6th p.m.

Prior discussion about the Kortmeyer Addition plat in regard to the need for more information about certification of taxes paid was also discussed with the Tannahill Addition plat request.

The motion died for lack of a second.

Moved by Ahmic and seconded by Schmieding to table the Tannahill short form plat item on the agenda until more information is received.

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

Dale Niemann, a landowner in Seward County, was present to give information about concerns with access at 392nd and Old Mill Road in regard to the TransCanada Pipeline Project. He stated there are long term plans about future generations building a house on the property and asked that the pipeline be bored differently than originally planned. There was discussion about whether the Seward County Board of Commissioners could make any decision about this. The Board asked Niemann to provide a letter of support for them to possibly consider.

Moved by Vrbka and seconded by Zabrocki to approve the request for funds from the sale of surplus property of the Road Dept be put in the Special Road Fund.

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

The Commissioners discussed color options for painting the courthouse dome and clock tower. They discussed painting the dome a gold or bronze color and the clock tower an off-white type color called Biscuit.

Moved by Schmieding and seconded by Ahmic to paint the dome a gold color numbered as 1-2-1672-00. The Clock Tower will be painted a biscuit color No. SW6112.

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

The Board recessed at 9:58 a.m.
The Board re-convened at 10:00 a.m.

The Board discussed accepting the resignation of the Public Defender, Nicole Tegtmeier. She was present and stated she is moving to Omaha to work with DHHS.

The Commissioners thanked her for her service.

Moved by Schmieding and seconded by Zabrocki to accept the resignation of Nicole Tegtmeier, Public Defender.

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

The Commissioners recessed at 10:05 a.m.
The Commissioners re-convened at 10:15 a.m.

Jeff Baker, former Public Transit Director, and Matt Starkey, current Public Transit Director, were present to ask the Board's consideration for a grant to operate Public Transit.

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3575 in regard to authorizing the Seward County Public Transit Director to apply for Public Transportation Operating Assistance for Fiscal Years 2021-2023.

RESOLUTION No. 3575

SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, There are federal funds available under Section 5311 of the Federal Transit Act (FTA) and for Nebraska Public Transportation Act Funds, and

WHEREAS, Seward County Public Transit desires to apply for said funds to be used to provide public transportation in Seward County with special emphasis on meeting the needs of the elderly and disabled of Seward County.

NOW THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners hereby instructs the Seward County Public Transit Director to apply for the above-mentioned funds. Said funds are to be used for the Seward County Public Transit operations in

FY 2021-2022 and FY 2022-2023 and Seward County hereby pledges up to \$93,637.00 to meet its local match obligations.

Moved by: Vrbka Seconded by: Schmieding 03/30/2021

Ayes: Robert Vrbka, Misty Ahmic, Ken Schmieding, Darrell Zabrocki,

John K. Culver, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Zabrocki and seconded by Vrbka to authorize the Chairman to sign a Grant Application for Public Transportation Operating Assistance for Fiscal Years 2021-2023.

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

The Board recessed at 10:23 a.m.
The Board reconvened at 10:39 a.m.

Jonathan Jank, Executive Director of the Seward County Chamber and Development Partnership was present to discuss a support letter for a grant application to the NPPD Site Ready Assistance Program for the Gerkenmeyer Site next to the Seward I-80 Exit. Jank said this is the first part of a 'master plan' in developing this property. No current plans are in place at this time.

Marilyn Hladky, County Assessor, and Becky Paulsen, Weed/Zoning Director, asked questions of Jank and wondered about "skip annexing" and valuations for new development.

Moved by Ahmic and seconded by Zabrocki to authorize the Chairman to sign a letter of support for a grant application to the NPPD Site Ready Assistance Program for the Gerkenmeyer Site next to the Seward I-80 Exit.

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

Known items on the agenda for Board of Commissioners on April 6, 2021 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action – Public/Officials/Boards
4. Discuss/Action - Approve minutes of March 30, 2021

Other Business Matters to Address When Time Allow

5. Commissioners Reports
6. Discuss/Action – Res. – Allow Seward County to exceed 50% of capital and surplus, if need be, in any of the designated depositories due to the funds received from the American Rescue Plan Act.
7. Discuss/Action – Agenda for April 13, 2021

9:15 a.m. Public Hearing – Request for a recommendation for a Class D Liquor License for Western Oil LLC d/b/a Speedee Mart # 2737 at 930 280th Rd., Seward, NE

Discuss/Action – Recommendation of a Class D Liquor License for Western Oil LLC d/b/a Speedee Mart # 2737 at 930 280th Rd., Seward, NE

9:30 a.m. Discuss/Action – Appoint Brent Schluckebier to the Planning and Zoning Commission

9:45 a.m. Discuss/Action – Res. – Approval of Preliminary Plans for a Bridge Replacement for Seward Northwest Project # BRO-7080 (54)

Discuss/Action – Res. – Approval of Preliminary Plans for a Bridge Replacement for Beaver Crossing South Project # BRO-7748 (1)

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

Affirmative Vote: Vrbka, Schmieding, Ahmic, Zabrocki, 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 6th day of April 2021.

County Clerk

Chairperson