

May 17, 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 May 17, 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 May 17, 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 Schmieding to approve the minutes of May 10, 2022.

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

Commissioners Reports:

Commissioner Ahmic reported she attended a quarterly meeting between several organizations in Seward County, attended the Planning and Zoning Commission meeting, the Seward Community Chamber and Development Partnership meeting and received a call from Pleasant Dale Village representative in regard to ARPA Funds.

Commissioner Vrbka reported he attended the Seward County Ag Society meeting, checked abandoned cemeteries and received several questions in regard to roads.

Commissioner Culver reported he attended the Planning and Zoning Commission meeting and dealt with various emails.

Commissioner Schmieding reported he attended an Extension Board meeting, a Region V meeting, checked abandoned cemeteries and listed meetings he will attend the coming week.

Commissioner Zabrocki reported he attended a quarterly Veterans Committee meeting, the Seward City Council meeting, a short meeting with the 911 Director, a Village of Beaver Crossing meeting, a NACO Budget Workshop, a 911 budget meeting, a Seward Planning Commission meeting. He also participated in a NIRMA webinar and a webinar involving local energy security plans.

The Commissioners considered their recommendation for County Depts. for budget purposes. Culver led discussion and asked that all departments keep their budget increase at or near 0%. He stated that since salaries were increased substantially recently, he feels departments should understand and hold down expenses. It was also noted that there are large balances in several office sinking funds that could help pay for expenses over the 0%. Schmieding stated he supported that effort.

Moved by Vrbka and seconded by Ahmic to accept the Zoning Fee Report for March 2022 and April 2022 in the amounts of \$1,800.00 and \$1,875.00 respectively.
Affirmative Vote: Vrbka, Ahmic, Zabrocki, Schmieding, Culver Motion Carried

Moved by Schmieding and seconded by Zabrocki to accept the Clerk of the District Court Fee Report for April 2022 in the amount of \$8,389.69.
Affirmative Vote: Schmieding, Zabrocki, Vrbka, Ahmic, Culver Motion Carried

Moved by Zabrocki and seconded by Ahmic to accept the County Clerk Fee Report for April 2022 in the amount of \$35,410.75.
Affirmative Vote: Zabrocki, Ahmic, Schmieding, Vrbka, Culver Motion Carried

C.J. Johnson of Region V Systems was present to give the annual report and request for funding for the next fiscal year.

Moved by Vrbka and seconded by Ahmic to open bids for the courthouse HVAC System upgrade.
Affirmative Vote: Vrbka, Zabrocki, Schmieding, Ahmic, Culver Motion Carried

Three bids were received which were from Engineer Controls, Johnson Controls and Trane. The bid will be awarded next week.

Moved by Ahmic and seconded by Zabrocki to accept the Sheriff Fee and Mileage Report for February 2022 in the amount of \$1,057.00 and \$667.95 respectively.
Affirmative Vote: Ahmic, Zabrocki, Vrbka, Schmieding, Culver Motion Carried

Moved by Zabrocki and seconded by Vrbka to accept the Sheriff Fee and Mileage Report for March 2022 in the amount of \$1,274.00 and \$605.52 respectively.
Affirmative Vote: Zabrocki, Vrbka, Ahmic, Schmieding, Culver Motion Carried

Moved by Vrbka and seconded by Ahmic to adopt Resolution No. 3680 in regard to allowing Jones Bank to withdraw pledged securities.

Resolution No. 3680 of the
Seward County Board of Commissioners

WHEREAS, the Jones Bank desires to withdraw the following security:

DESCRIP	CUSIP#	MARKET VALUE
OTOE CO SCH DIST 111 BOND	68905FGL7	\$200,000.00
	TOTAL RELEASED	\$200,000.00

WHEREAS: County will still be fully protected. Therefore, let it be resolved, the above withdrawal by the Jones Bank is approved by this County Board.

Moved by: Vrbka Seconded by: Ahmic 05/17/2022
Ayes: Darrell J. Zabrocki, Robert Vrbka, Misty Ahmic, Ken Schmieding
John K. Culver, Chair of the Board
Sherry Schweitzer, Seward County Clerk

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

Moved by Ahmic and seconded by Zabrocki to adopt Resolution No. 3681 in regard to allowing Jones Bank to pledge additional securities.

Resolution No. 3681 of the
Seward County Board of Commissioners

WHEREAS, the Jones Bank desires to pledge the following securities:
SCOTTSBLUFF CNTY OP BOND----CUSIP810140LSO \$250,000.00
DOUGLAS CO SID BOND-----CUSIP 25937WAP9 \$275,000.00
HOLT CO SCH 44 BOND-----CUSIP 436539CW8 \$250,000.00
SARPY CNTY SID OB BOND-----CUSIP 80373YEXO \$250,000.00

TOTAL PLEDGED @ 5/3/2022 \$1,025,000.00

WHEREAS: County deposits would still be fully insured. Therefore, let it be resolved, the above additional pledging by Jones Bank is approved by this County Board.

Moved by: Ahmic Seconded by: Zabrocki 05/17/2022
Ayes: Darrell J. Zabrocki, Robert Vrbka, Misty Ahmic, Ken Schmieding
John K. Culver, Chair of the Board
Sherry Schweitzer, Seward County Clerk

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

The Commissioners recessed at 9:41 a.m.
The Commissioners re-convened at 9:45 a.m.

Moved by Vrbka and seconded by Zabrocki to open a public hearing at 9:45 a.m. for a Conditional Use Permit for a Temporary Asphalt Plant in J Precinct in the NW ¼ of Section 25 Township 10 North, Range 3 East of the 6th p.m.
Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver Motion Carried

Paulsen read information from the Planning and Zoning meeting.

Terry Wilhelms of Werner Construction introduced himself and said he was present to hear any comments on the permit.

Commissioner Ahmic stated she received a letter from a resident near the proposed asphalt plant and asked for lights and alarms be changed in their operation so that it does not interfere with the enjoyment of their residence.

Moved by Zabrocki and seconded by Vrbka to close the public hearing at 9:50 a.m.
Affirmative Vote: Zabrocki, Vrbka, Schmieding, Ahmic, Culver Motion Carried

The Findings of Fact document was completed.

BEFORE THE BOARD OF COMMISSIONERS OF SEWARD COUNTY, NEBRASKA

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

WERNER CONSTRUCTION
APPLICANT

THIS MATTER came before the Seward County Board of Commissioners on the request of the Applicant for a Conditional Use Permit. Public Hearing was held on the 17th day of May 2022. Notice of said hearing was publicized on the 3rd day of May 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.
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.
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.

No parking or staging will be allowed on the highway.
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 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.

 Y This is an Allowed Use per Seward County Matrix as a Conditional Use Permit

DATED THIS 17th day of May, 2022.

Darrell J. Zabrocki, Ken Schmieding, Robert Vrbka, Misty Ahmic, John K. Culver

Moved by Zabrocki and seconded by Vrbka to adopt Resolution No. 3682 in regard to a Conditional Use Permit for a Temporary Asphalt Plant in J Precinct in the NW ¼ of Section 25 Township 10 North, Range 3 East of the 6th p.m.

**RESOLUTION NO 3682 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS WERNER CONSTRUCTION LLC. has applied for a Conditional Use Permit for a Temporary Asphalt Plant, and

WHEREAS the property is described as a tract in the Northwest ¼ of, Section 25, Township 10N, Range 3E, Seward County, Nebraska, and

WHEREAS The Planning Commission held a public hearing to consider the application at a regular meeting April 18, 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 and finding of facts presented, with a vote of 7 In Favor, 0 Against, and 2 Absent not voting, and

WHEREAS The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting May 17, 2022, 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,

___ 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 WERNER CONSTRUCTION LLC. to operate and maintain a Temporary Asphalt Plant at the described location. parcel Id 800108337 on a tract of ground located in the Northwest ¼ of, Section 25, Township 10N, Range 3E Seward County Nebraska.

Moved by: Zabrocki Seconded by: Vrbka 05/17/2022

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

John K. Culver, Chair of the Board

Sherry Schweitzer, Seward County Clerk

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

The Commissioners recessed at 9:57 a.m.

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

Moved to Schmieding and seconded by Vrbka to open a public hearing at 10:00 a.m. to re-zone a quarter section of real estate from A-1 District to TA-1 District in I Precinct in the NE ¼ of Section 5 Township 10 North Range 4 East of the 6th p.m.

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

Paulsen read information from the Planning and Zoning meeting.

Steve Mossman, attorney for the applicant, spoke in favor of said application to re-zone.

Josh Delcamp, applicant for said permit, spoke in favor of said application to re-zone.

Alex Reifschneider, representing his family, spoke in opposition of said application to re-zone.

Jeff Culp spoke against said application to re-zone.

Phil Hargis, a professional geologist, spoke about the aquifer that is below the property in question. He spoke in opposition of said application to re-zone.

Rick Ficken spoke in opposition of said permit.

Becky Paulsen, Zoning Administrator, read statements she received from two landowners, namely David Eikel and Kay Ficken in opposition to said permit.

Steve Mossman again addressed the Board about comments that were received previously.

Alex Reifschneider also spoke again in opposition to said application to re-zone.

Erma Naber spoke against said application to re-zone.

Moved by Vrbka and seconded by Zabrocki to close the public hearing at 10:40 a.m.
Affirmative Vote: Vrbka, Zabrocki, Schmieding, Ahmic, Culver Motion Carried

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3683 in regard to denying said permit to re-zone a quarter section of real estate from A-1 District to TA-1 District in I Precinct in the NE ¼ of Section 5 Township 10 North Range 4 East of the 6th p.m.

**RESOLUTION NO 3683 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Josh Delcamp has applied for a Zoning District change for a quarter section of land from A-1 Agricultural Preservation District to

TA-1 Transitional Agriculture, and

WHEREAS The land is described as a tract in the Northeast 1/4 of, Precinct I. Section 5, Township 10N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is Josh Delcamp, and

WHEREAS Notice of Public Hearing by the Seward County Planning Commission was published in the Seward County Independent, and

WHEREAS the Planning Commission held a public hearing on the Zoning District change on April 18, 2022, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 7 in for, 0 against, and 2 absent and not voting.

WHEREAS The Seward County Board of Commissioners held a Public Hearing on the Zoning Change on May 17, 2022, and

WHEREAS Notice of Public Hearing by the Seward County Board of Commissioners was published in the Seward County Independent, and

WHEREAS X Individuals appeared without commitment

No one appeared to oppose said amendment

X Individuals appeared to oppose said amendment

No one appeared to support said amendment

X Individuals appeared to support said amendment, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby adopt Resolution 3683 to approve_____, deny X the Zoning District Change from A-1 to TA-1.

Moved by: Vrbka Seconded by: Schmieding 05/17/2022
Ayes: Darrell J. Zabrocki, Robert Vrbka, Misty Ahmic, Ken Schmieding
John K. Culver, Chair of the Board
Sherry Schweitzer, Seward County Clerk

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

Sharon Reinmiller and Bobby McVey Blath, representatives of Staplehurst, were in attendance to request County America Rescue Plan Act (ARPA) funds for a water and sewer infrastructure project. They gave information about their project for water meters and because the amount is over \$50,000, they will have to go through a sealed bids process. They will get sealed bids and report back to the Board.

Chris Shipley and Tim Corner, representing the Village of Bee, were present to request Seward County ARPA funds. They briefly gave information about their project which is over \$50,000, so they too will need to go through a sealed bids process before Seward County will obligate funds for their project.

Katrina Ramer of the County Attorney's Office gave information about new software the office will need to use for grants.

Moved by Zabrocki and seconded by Ahmic to authorize the Chairman to sign a Memorandum of Understanding regarding a new CB Grant Tracking Database called Amplifund for the County Attorney's Office.

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

Moved by Vrbka and seconded by Zabrocki authorize the Highway Supt. to go out for bids on two pickups and a sign truck.

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

The Commissioners discussed flags and crosses at abandoned cemeteries. Commissioner Ahmic stated she talked to the Extension Office and discussed flags and crosses and currently, 4-H Clubs put crosses at each of the abandoned cemeteries which they have adopted. The Extension Office has asked that they be allowed to erect a flag that is lit from Memorial Day to Labor Day at no cost to the county. After discussion of how other counties handle the mowing, etc. of their abandoned cemeteries, the Commissioners agreed to allow it.

Ahmic reported that the Village of Pleasant Dale contacted her about an application for ARPA funds. She also noted that she completed a 2nd report and other documentation for the 2nd payment to Seward County.

Rachael Jamison, representing the Village of Garand, was present to ask for County ARPA funds. They had not sought sealed bids and as with the Villages of Staplehurst and Bee, they will get sealed bids and come back with their request.

Known items on the agenda for Board of Equalization on May 24, 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 May 10, 2022
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on May 24, 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 May 17, 2022
4. Discuss/Action – Claims for the period through May 13, 2022

Other Business Matters to Address When Time Allows

5. Discuss/Action - Public/Officials/Boards
6. Commissioners Reports

7. Discuss/Action – Request to Not Meet on June 28, 2022 due to Special Election
 8. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
 9. Discuss/Action – Agenda for May 31, 2022
- 9:15 a.m. Discuss/Action – Award bids for the upgrade of the Courthouse HVAC System
- 9:30 a.m. Discuss/Action – Open Culvert bids for Seward County
Discuss/Action – Open Gravel bids for Seward County
Discuss/Action – Award Gravel bids for Seward County

Moved by Zabrocki and seconded by Vrbka to adjourn at 11:27 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 24th day of May 2022.

County Clerk

Chairperson