

May 19, 2020

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 19, 2020 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 19, 2020 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 May 12, 2020.
Affirmative Vote: Vrbka, Mundhenke, Schmieding, Culver Motion Carried
Abstain: Paulsen as she was not in attendance at such meeting.

Gary Petersen, Seward/York County Emergency Manager, updated the Commissioners on activities of his office.

Sherry Schweitzer, County Clerk, reported that Owen Eickhoff delivered a book to her office about Seward County Abandoned Cemeteries. He completed this book as part of his Eagle Scout Project.

Chairman Culver reported that the Safety Committee has met and plans are being made to open the county buildings June 1, 2020. A protocol is currently being developed by the Safety Committee. He stated that an area can be cordoned off in the courthouse for the DMV when they are in the courthouse, otherwise, the public will use the south door. He also reported that he has been involved with the Four Corners Health Dept. conference calls and reported that there are 8 or 9 people that currently have the coronavirus and no one is in the local hospital at the current time. The Justice Center and the West Wing Building have already been working on controlling entrances due to the coronavirus situation.

Commissioners Reports:

Commissioner Mundhenke reported he checked on roads.

Commissioner Vrbka reported he attended the Ag Society meeting last night. He also has been working on a drainage issue near Beaver Crossing.

Commissioner Culver reported he has been involved with many conference calls involving the coronavirus situation and meetings to which he is a liaison. He received 2 calls on road issues, checked abandoned cemeteries and roads.

Commissioner Schmieding reported he checked abandoned cemeteries, will have a Visitors Committee meeting this week and checked on roads.

Commissioner Paulsen reported she worked with the Road Dept. on signs and other road work and participated in a call with Seward County Chamber and Development Partnership (SCCDP).

Eric Hofer, Supt. of Buildings and Grounds, was present to give information about his request for a new pickup. He had checked on the state bid and reported his findings to the Commissioners.

Moved by Paulsen and seconded by Schmieding to purchase a 2020 Ram pickup in the amount of \$25,357.00.

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

Moved by Vrbka and seconded by Paulsen to accept the Clerk of the District Court Fee Report for April 2020 in the amount of \$705.71.

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

Moved by Paulsen and seconded by Mundhenke to accept the Sheriff Fee and Mileage Report for March 2020 in the amount of \$1,349.00 and \$939.74 respectively.

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

Moved by Vrbka and seconded by Schmieding to accept the County Clerk Fee Report for April 2020 in the amount of \$37,934.25.

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

Moved by Paulsen and seconded by Mundhenke to adopt Resolution No. 3513 in regard to allowing Jones Bank to withdraw pledged securities.

**Resolution No. 3513 of the
Seward County Board of Commissioners**

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

<u>DESCRIPTION</u>	<u>CUSIP#</u>	<u>MARKET VALUE</u>
ADAMS CO SD#3	006067DP4	\$185,371.85
FHLB AGENCY	31300AJ6Y0	\$1,006,844.88

TOTAL MARKET VALUE \$1,292,216.73

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: Paulsen Seconded by: Mundhenke 05/19/2020

Ayes: Robert Vrbka, Becky Paulsen, Mike Mundhenke, Ken Schmieding,
John K. Culver, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

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

Schweitzer explained that there were stray cattle that were found on the real estate of Alvin Bender. He tried to find the owners and put an ad in the newspaper to no avail. He took the cattle to the Columbus Sale Barn and sold them. The money has been deposited in the County Treasurer's Fund and Mr. Bender is now requesting payment for his expenses in caring for the cows and taking them to the sale barn.

Moved by Vrbka and seconded by Schmieding to allow the payment for safekeeping stray cattle to Alvin Bender in the amount of \$298.80.

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

Commissioner Paulsen removed herself at 9:30 a.m.

Becky Paulsen, Seward County Weed/Zoning Administrator, presented a short form plat for the Commissioners consideration.

Moved by Vrbka and seconded by Mundhenke to adopt Resolution No. 3514 in regard to approving the Duckett Short Form Plat in Precinct H in the E 1/2 NE 1/4 of Section 24 Township 11 North, Range 4 East of the 6th p.m.

**RESOLUTION NO. 3514 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Steve and Nancy Duckett own 20.0 acres of land and have applied for a Short Form Plat Subdivision of 5.01 acres, and is described as a tract of land in the East 1/2 of the North East 1/4 of, Section 24, Township 11N, Range 4E, Seward County, Nebraska, and

WHEREAS, the subdivision shall be called DUCKETT ADDITION SHORT FORM PLAT, and

WHEREAS, The Seward County Planning Commission held a meeting on April 20th, 2020 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the DUCKETT ADDITION Short Form Plat with a vote of 6 For, 0 against, and 2 Absent and Not Voting, and

WHEREAS, X No one appeared to oppose the subdivision

Individuals appeared to oppose the subdivision

X No one appeared to support the subdivision

Individuals appeared to support the subdivision

Individuals appeared without commitment and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve X , Deny the DUCKETT ADDITION Short Form Plat with Resolution NO: 3514.

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

Moved by: Vrbka Seconded by: Mundhenke 05/19/2020
Ayes: Robert Vrbka, Becky Paulsen, Mike Mundhenke, Ken Schmieding, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Vrbka, Mundhenke, Schmieding, Culver

Motion Carried

Commissioners Paulsen re-joined the Board at 9:34 a.m.

The Commissioners recessed at 9:37 a.m.

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

The Commissioners discussed budget recommendations for the 2020-2021 budget. Schweitzer stated that the Commissioners can give a recommendation for allowance for the budget increases. She is about ready to send out information and wanted to know if the Commissioners wanted to give a recommendation for costs such as supplies and equipment. The consensus of the Board was a 2% increase.

Moved by Schmieding and seconded by Vrbka to recommend a 2% increase on items in the various budgets not to include salaries and their respective benefits.

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

Commissioners Paulsen removed herself from the Board at 9:57 a.m.

The Commissioners recessed at 9:57 a.m.

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

Moved by Vrbka and seconded by Schmieding to open a public hearing at 10:00 a.m. for a Conditional Use Permit Review and Amendment for a Class L Liquor License to brew beer on a tract of land in Precinct H in the S ½ SW ¼ and NW ¼ SW ¼ of Section 34 Township 11 North Range 4 East of the 6th p.m.

Affirmative Vote: Vrbka, Schmieding, Mundhenke, Culver

Motion Carried

Paulsen gave information about the request and read the following into the record:
A letter in favor of the proposal from Kevin Siebert:

Amendment to Conditional Use Permit Resolution #2903
Class L Craft Brewery License by Junto LLC
1356 182nd Road
Seward Nebraska 68434

Planning Commissioners

In light of the restrictions on physical meetings at the Planning Commission, we thought it might be helpful to outline the basis for this request in writing. Please note the following:

1. Junto LLC currently holds a Class YK, farm winery/catering license. In addition to producing and selling wine at the farm winery, Junto also hosts, and has since the first week the winery was open, public and private events. These have included dozens of weddings and receptions, as well as reunions, business and other institution (government, university, non-profit) meetings, banquets, non-profit fundraisers, music performances and a variety of other events. These events have been attended by individuals from every state in the United States and over thirty foreign countries.
2. The winery would not be economically feasible without the ability to host events. Junto would not be able to attract events without serving beer at the events in addition to wine. That's just the business reality. In addition to creating a sought-after alternative venue for special events (Concordia University, the University of Nebraska Lincoln, regional governmental agencies and local and regional non-profits are frequent users) and attracting visitors to Seward County from across the country and around the world, the winery has created hundreds of thousands of dollars of new property tax base and over ten new full and part time jobs in the County.
3. The Nebraska Liquor Control Commission authorizes Nebraska farm wineries to hold three types of liquor licenses- Class Y licenses to produce wine, which Junto currently holds, Special Designated Licenses or SDLs, which permit the sale of beer at the winery and which Junto regularly obtains, and Class L licenses, which permit the sale of beer at the winery which is produced at the winery or pursuant to a contract brewing agreement with another Class L license holder.
4. Junto currently sells beer at events utilizing SDL licenses. This L license would permit Junto to instead sell beer that it produces or has produced for it by a third party Class L license holder. It is very common for farm wineries in Nebraska to hold Class L licenses. The federal agency governing production and sale of alcohol (the Alcohol and Tobacco Tax and Trade Bureau, or TTB) permits farm wineries to obtain a permit to produce and sell beer and in fact Junto already holds a TTB brewer's permit.
5. Receipt of the L license will not result in construction of new facilities at Junto (current facilities will support the production of limited amounts of beer in addition to wine), nor will it result in a change in the types or frequency of events hosted at the winery. It will simply allow Junto to produce and sell beer, itself or through a contracted third party Class L license holder, rather than purchase beer from others. While Junto

is not constructing additional facilities at the winery, it has contracted with a local Class L brewer for production of beer for Junto which will result in construction of new facilities in the City of Seward creating several hundred thousands of dollars of new property tax base in the County (construction of those facilities is already in process), in addition to the creation of additional new jobs in the County.

Thank you.
Kevin Siebert
Ben, Jessie, John and Ashley Siebert

Jonathan Jank, Executive Director of SCCDP, spoke in favor of said Conditional Use Permit Review and Amendment.

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

The Findings of Facts were completed by the Commissioners.

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3515 in regard to approving a Conditional Use Permit Review and Amendment for a Class L Liquor License to brew beer on a tract of land in Precinct H in the S 1/2 NW 1/4 and the NW 1/4 SW 1/4 of Section 34 Township 11 North Range 4 East of the 6th p.m.

**RESOLUTION NO 3515 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, JUNTO LLC. has applied for a Review and Amendment of a Conditional Use Permit to be able to hold a Class L License, and

WHEREAS, The property is described as part of the S1/2 of the NW 1/4, and the NW1/4,SW1/4 of Section 34, Township 11N, Range 4E, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting April 20, 2020, 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 a vote of 6 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 May 19, 2020, 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 for JUNTO LLC., on a tract of ground with parcel ID:800228150, Section 34, Township 11N, Range 4E Seward County, Nebraska.

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

Moved by: Vrbka Seconded by: Schmieding 05/19/20
Ayes: Robert Vrbka, Ken Schmieding, Mike Mundhenke,

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.

Specific Findings of fact

- ___*Seward County Land Use Matrix
 ___* Site Plan
 ___* Nebraska State applicable License(s)

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 a Allowed Use per Seward County Matrix as a Conditional Use Permit in a TA-1.

DATED THIS 19th day of May, 2020

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

Moved by Vrbka and seconded by Mundhenke to open a public hearing at 10:17 a.m. for a request to rezone a quarter section of land from A-1 to TA-1 located in I Precinct in the SE ¼ of Section 29 Township 11 North, Range 4 East of the 6th p.m.

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

Paulsen gave information about the request and stated the Planning and Zoning Commission recommended denial of said request. She read the following letter into the record.

7602 Pinkney
 Omaha, NE 68134
 April 14, 2020

Mrs. Becky Paulsen
 Zoning Administrator
 529 Seward St #206
 Seward, NE 68434

Dear Mrs. Paulsen

RE: Rezone Request
 Parcel ID: 800002229
 Tim Curtis

I am opposed to the Rezone Application. The property is located in a water conservation area.

It close to the Culver Creek. There is highly erodible land in the area.

I was advised that a realtor in Milford is also involved. There is no reason to build another house.

There is no legitimate reason to allow this application because it will encroach on the Greenbelt Exemption of the many other landowners.

Any questions or comments? Please feel free to contact me.

Thank you.

With best wishes,
 Robert Glasson

Alice Ficke commented on the hearing.

Moved by Vrbka and seconded by Schmieding to close the public hearing at 10:24 a.m.
Affirmative Vote: Vrbka, Schmieding, Mundhenke, Culver Motion Carried

Moved by Vrbka and seconded by Mundhenke to approve Resolution No. 3516 in regard to denying the request to rezone a quarter section of land from A-1 to TA-1 located in I Precinct in the SE ¼ of Section 29 Township 11 North, Range 4 East of the 6th p.m.

**RESOLUTION NO. 3516 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Tim Curtis has applied for a Zoning District change for a quarter section of land from A-1 Agricultural District to TA-1 Transitional Agricultural District, and

WHEREAS, The land is described as a tract in the South East 1/4 of, Precinct I. Parcel ID: 800002229 Section 29, Township 10N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is Tim Curtis, 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 April 20, 2020, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 6 in favor, 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 19, 2020, 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
 Individuals appeared to oppose said amendment
 No one appeared to support said amendment
 Individuals appeared to support said amendment
 Individuals appeared without commitment, and,

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby adopt Resolution 3516 to approve _____, deny the Zoning District Change from A-1 to TA-1.

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

Moved by: Vrbka Seconded by: Mundhenke 05/19/2020
Ayes: Robert Vrbka, Mike Mundhenke, Ken Schmieding,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

Commissioner Paulsen re-joined the Board at 10:27 a.m.

The Commissioners recessed at 10:27 a.m.
The Commissioners re-convened at 10:30 a.m.

Gary Petersen, Seward/York Emergency Manager, reported that he applied for a grant for safe rooms for the West Wing. The employees working there have nowhere to go in case of tornadic weather. He stated the grant is for 2 stand-alone shelters which would require installation by the County.

Moved by Paulsen and seconded by Schmieding to authorize the Emergency Management Director to complete the Safe Room Mitigation Grant Application and Associated Documentation.

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

Moved by Paulsen and seconded by Mundhenke to authorize the Chairman to sign the Local Match Commitment Letter for the Safe Room Mitigation Grant Project.

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

Moved by Vrbka and seconded by Schmieding to authorize the Chairman to sign the Nebraska Emergency Management Agency Authorized Representative Designation for the Safe Room Project.

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

Wendy Elston, County Attorney, was present to ask approval to advertise for a new Special Deputy County Attorney. She stated the Treasury Dept., after an audit, asked her to make a plan for spending the money in the Drug Enforcement Fund. She stated the Treasury Dept. approved to hire a back-fill position – which would take the place of work a current Deputy Attorney has if that employee would be assigned drug task force work. She mentioned that Drug Court would also be something this new hire would do. Culver asked her why Seward County needs another Attorney when other counties our size do not have that many. Schmieding stated he would like to look at case numbers before any decision is made. Elston gave a listing of cases her office has and noted that they have more cases than other counties because of the Interstate (I-80) and because we are in close proximity to Lincoln. Barb Armstead, Deputy County Attorney, stated that this county is active in this area of work. Sheriff Vance was present and he felt that it would be better if the new hire would be specifically for the Drug Task Force. He also stated that because of the coronavirus situation, his office has been just “citing” offenders rather than bringing them to jail. There was much discussion about various caseloads, and work this “back-fill” position would be asked to do.

Moved by Vrbka and seconded by Schmieding to allow the County Attorney to advertise for a Special Deputy County Attorney.

Affirmative Vote: Vrbka, Schmieding

Voting No: Paulsen, Mundhenke, Culver

Motion Failed

Elston stated that she will go ahead and fill the position without the Board approval.

Known items on the agenda for Board of Equalization on May 26, 2020 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 12, 2020
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on May 26, 2020 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 19, 2020
4. Discuss/Action – Approve claims through May 15, 2020

Other Business Matters to Address When Time Allows

5. Discuss/Action - Public/Officials/Boards
6. Commissioners Reports
7. Discuss/Action – General Discussion on Coronavirus with Dept. Heads
8. Discuss/Action – Meeting protocol for County Board meetings
9. Discuss/Action – Agenda for June 2, 2020

Moved by Vrbka and seconded by Mundhenke to adjourn 11:39 a.m.
Affirmative Vote: Vrbka, Mundhenke, Schmieding, 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 26th day of May 2020.

County Clerk

Chairperson