

November 21, 2023

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 November 21, 2023 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 November 21, 2023 at 9:00 a.m.

Present: Chairperson: John Culver
Members: Misty Ahmic, Ken Schmieding, Darrell Zabrocki
County Clerk: Sherry Schweitzer
Absent: Member: Raegan Hain

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 November 14, 2023.

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

Moved by Schmieding and seconded by Zabrocki to approve the minutes of November 17, 2023.

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

Eric Hofer, Buildings and Grounds Supt., was present to request that money received for an insurance claim for hail damage to one of his department's vehicles not be repaired and instead the money go into his sinking fund.

Moved by Schmieding and seconded by Zabrocki to approve the request to put the insurance proceeds for a 2011 Ford Pickup from the Buildings and Grounds Dept. into his Sinking Fund.

Affirmative Vote: Schmieding, Zabrocki
Voting No: Ahmic, Culver
Motion Failed

Moved by Zabrocki and seconded by Ahmic to approve the request to put the insurance proceeds for a 2011 Ford pickup from the Building and Grounds Dept. from a hail damage claim into the Buildings and Grounds Dept. Sinking fund in the amount of \$9,146.00.

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

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

Terry Wicht, Highway Supt., was in attendance to discuss going out for bids for a truck and pup.

Moved by Ahmic and seconded by Zabrocki to authorize the Highway Supt. to go out for bids for a truck and pup on December 12, 2023 at 9:30 a.m.

Affirmative Vote: Ahmic, Zabrocki, Schmieding, Culver

Motion Carried

Commissioners Reports:

Commissioner Ahmic reported on Allo work for the new phone system, worked with a constituent and the Assessor on an issue, attended the Seward County Chamber & Development Partnership (SCCDP) meeting, worked on zoning permit forms, attended the Court Appointed Special Advocate (CASA) Board meeting, worked with the Highway Supt. on a paving project south of Milford and adding another project near Milford, met with Veterans Services Committee about bylaws, gave grant information and met with head of Nebraska Local Technical Assistance Program (LTAP), gave information that artwork was hung in Detention Center, and reported there was an accident where a vehicle ran into the West Wing building.

Commissioner Culver reported he dealt with emails, had a conversation with Lancaster County Highway Supt. about road projects, attended a water conservation meeting last night and will have interviews for Highway Supt.

Commissioner Schmieding reported he attended a Nebraska Intergovernmental Risk Management Association (NIRMA) meeting in York and will have a Visitors Committee meeting and Highway Supt. interviews this coming week and checked roads.

Commissioner Zabrocki reported he attended a Nebraska Intergovernmental Risk Management Association (NIRMA) meeting in York, attended a 4th of July meeting, a BRIDGES board meeting, and a water conservation meeting. He also met with personnel from the Sheriffs Dept., responded to a constituent call about a road issue, and spent time in the 911 Office helping with administrative duties.

Moved by Zabrocki and seconded by Schmieding to open a public hearing at 9:31 a.m. for the application to Re-Zone from A1 Agricultural to TA-1 Transitional Agricultural real estate in the SE ¼ of Section 29 Township 12 North, Range 3 East of the 6th p.m.

Affirmative Vote: Zabrocki, Schmieding, Ahmic, Culver

Motion Carried

Becky Paulsen, Zoning Administrator, gave information about the application for a zoning change and stated the Planning and Zoning Commission voted to deny the request with a vote of 7 for, 0 against and 2 absent to deny the request.

Mindy Clark spoke in favor of said application. Denise Kelp, Attorney for Clark, was also in attendance with her.

Josh Delcamp and Ashley Terry spoke in favor of the application for re-zone.

Stepanie Nantkes, Ken Odvody, Alan Codr, Todd Adamek, Dan Nantkes, Lori Jirovsky, Jeannette Adamek and Julie Potter spoke against said application for re-zone.

Jesse Roberts spoke in favor of said application.

Marilyn Hladky did not speak in favor or against said application, but gave information about valuing property.

Moved by Zabrocki and seconded by Ahmic to close the public hearing at 10:26 a.m.

Affirmative Vote: Zabrocki, Ahmic, Schmieding, Culver

Motion Carried

Moved by Zabrocki and seconded by Schmieding to adopt Resolution No. 3787 in regard to the denial of the application to Re-Zone from A1 Agricultural to TA-1 Transitional Agricultural in the SE ¼ of Section 29 Township 12 North, Range 3 East of the 6th p.m.

**RESOLUTION NO 3787 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Nathan Merritt, Jesse Roberts, and Melinda Clarke, have 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 Southeast 1/4 of, Precinct B. Parcel ID: 800025911 Section 29, Township 12N, Range 3E, Seward County, Nebraska, and

WHEREAS, the owners of record are Nathan Merritt, Jesse Roberts, and Melinda Clarke, and

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

WHEREAS, the Planning Commission held a Public Hearing on the Zoning District change on October 23, 2023, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 7 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 November 21, 2023, and

WHEREAS Notice of Public Hearing by the Seward County Board of Commissioners was published in the Seward County Independent, 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 3787 to approve_____, deny X, the Zoning District Change from A-1 to TA-1.

Moved by: Zabrocki Seconded by: Schmieding November 21, 2023
Ayes: Darrell J. Zabrocki, Ken Schmieding, Misty Ahmic,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Zabrocki, Schmieding, Ahmic, Culver

Motion Carried

The Commissioners recessed at 10:34 a.m.
The Commissioners re-convened at 10:39 a.m.

Brandy Hafer, Public Transit Director, was present to discuss a proposal to expand passenger fare for out-of-town travel. Hafer said she has been asked by a group to go and view Christmas lights. It was out of this request that she thought that a group rate would help with those organization/clubs/groups who want to use the whole bus for an activity. Hafer will get things organized for a hearing on the fares on December 6, 2023.

Gary Petersen, Seward/York Emergency Manager, was present to discuss the purchase of an enclosed trailer using TC Energy Grant Funds. Petersen gave the Commissioners information on a trailer he would like to purchase. A quote given to Petersen for the trailer was \$8,850.00.

Moved by Zabrocki and seconded by Ahmic to authorize the Emergency Management Director to purchase a trailer with TC Energy grant funds in the amount of \$8,850.00
Affirmative Vote: Zabrocki, Ahmic, Schmieding, Culver Motion Carried

The Guardian RFID System Agreement for the Detention Center will be on next week's agenda.

Moved by Ahmic and seconded by Schmieding to adopt Resolution No. 3788 in regard to authorizing the Chairman to sign the Year-End Highway Superintendent Certification.

RESOLUTION

SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT 2023

Resolution No. 3788

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 detail the requirements that must be met in order for a county to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31st of each year) the appointment(s) of the County Highway Superintendent(s) to the NDOT using the Year-End Certification of County Highway Superintendent form; and

Whereas: The NDOT requires that such certification shall also include a copy of the documentation of the county highway superintendent's appointment, i.e., meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable) and Class of License (if applicable), the type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of Seward County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form(s).

Adopted this 21st day of November, 2023 at Seward, Nebraska.

County Board Members

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

County Board Member Ahmic

Moved the adoption of said resolution

Member Schmieding Seconded the Motion

Roll Call 4 Yes, 0 No, 0 Abstained, 1 Absent

Resolution adopted, signed, and billed as adopted.

Attest: Sherry Schweitzer, County Clerk

*Certification form for dates 01/01/23 – 12/31/23 attached to Resolution

Affirmative Vote: Ahmic, Schmieding, Zabrocki, Culver

Motion Carried

The Commissioners discussed changing the Elected Public Defender position in Seward County. Ahmic gave information when another county dealt with a public defender position. Elected vs contracted and costs and employment status of the position was discussed. It was decided that a hearing will be held to hear comments from the public.

Moved by Ahmic and seconded by Zabrocki that Seward County publish for a public hearing to change the Elected Public Defender status on December 19, 2023 in a generally circulated newspaper in Seward County.

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

In regard to Infrastructure Related Grants, Ahmic stated that LTAP will be the ones to lead us in the Community Safety Action Plan, which can be a supplement for a grant.

There was discussion about the Disbursement of American Rescue Plan Act Funds involving costs of safety vests for Seward County Road Dept. employees.

Known items on the agenda for Board of Equalization on November 28, 2023 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of November 14, 2023
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on November 28, 2023 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of November 21, 2023

Other Business Matters to Address When Time Allows

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Res. – Debt Service Fund Obligations
7. Discuss/Action – Next Step Regarding Water Conservation Presentation
8. Discuss/Action – Change Elected Public Defender Position in Seward County
9. Discuss/Action – Infrastructure Related Grants
10. Discuss/Action – Agenda for November 5, 2023

9:15 a.m. Discuss/Action – Authorize the Chairman to sign the Guardian RFID System Agreement Addendum B Amendment for the Detention Center

10:00 a.m. Discuss/Action – Ms. Schneider/G1D – Presentation of GIS Program

Moved by Zabrocki and seconded by Ahmic to adjourn the Seward County Board of Commissioners at 11:59 a.m.

Affirmative Vote: Zabrocki, 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 28th day of November 2023.

County Clerk

Chairperson