

# Seward County Board of Commissioners

## November 29, 2016

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 29, 2016 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 29, 2016 at 9:00 a.m.

Present:	Chairman:	Roger E. Glawatz
	Members:	Mike Luebbe, Diana Garske, Eugene Gausman, Whitney Fleischman
	County Clerk:	Sherry Schweitzer

The Chairman 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.

Sherry Schweitzer, County Clerk; Joe Yocum, Sheriff; and Jeff Baker, Veteran's Service Director updated the Commissioners of their offices.

Moved by Luebbe and seconded by Fleischman to approve the minutes of November 22, 2016.

Affirmative Vote: Luebbe, Fleischman, Gausman, Garske, Glawatz Motion Carried

### **Commissioners Reports:**

Commissioner Luebbe reported the Road Dept. has been working on a Culvert Policy and also reported on several road projects.

Commissioner Fleischman reported she attended a Justice Center Meeting and dealt with various constituent correspondences.

Commissioner Gausman had no report.

Commissioner Garske reported she attended a Justice Center meeting and dealt with various correspondences.

Commissioner Glawatz reported he visited with the HR Dept. on some labor law issues.

Deputy Attorney Joe Dalton led discussion on the Receipt and Release for Goldberg Group Architects change orders. A request was received so that money can be released to Seward County in regard to a problem with beams for the new Justice Center. Seward County had already paid for the extra costs and the architect's insurance company is reimbursing us.

Moved by Fleischman and seconded by Garske to authorize the Chairman to sign the Receipt and Release for GGA #1 through GGA # 10.

Affirmative Vote: Fleischman, Garske, Luebbe, Gausman, Glawatz Motion Carried

Tom Nielsen of Soarin, the IT Company helping with Seward County needs in general and with setting up IT at the new Justice Center was present to explain some issues with internet at the Justice Center. Nielsen stated that currently, Great Plains Communications is serving the courthouse with internet. The 911 Dept. had to use Windstream for their equipment needs and currently use Time Warner for their internet. Windstream is going to provide a new phone system for all. Great Plains is planned for the Justice Center after the Sheriff and 911 Dept. moves in.

Georgia Stockley of the Road Dept. brought several documents for the Commissioners consideration.

Moved by Luebbe and seconded by Fleischman to authorize the Chairman to sign the proposal with Thrasher for \$56,000 to inject PolyLevel on County Road 238<sup>th</sup>.

Affirmative Vote: Luebbe, Fleischman, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to adopt Resolution No. 3279 in regard to authorizing the Chairman to sign the Program Agreement between Seward County and the State of Nebraska Department of Roads for the Advanced Railroad Signing Project No. HRRR-STWD(116) Control No. 00868.

## **RESOLUTION**

### **SIGNING OF THE HRRR PROJECT PROGRAM AGREEMENT – BL1675**

Seward County  
Resolution No. 3279

**Whereas:** Seward County is proposing a transportation project for which it would like to obtain Federal funds;

**Whereas:** Seward County understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**Whereas:** Seward County and Nebraska Department of Roads (NDOR) wish to enter into a new Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

**Be it Resolved:** by the Board of Commissioners of Seward County that: Chair of the Seward County Board of Commissioners is hereby authorized to sign the attached Project Program Agreement between the Seward County and the NDOR.

Seward County is committed to providing local funds for the project as required by the Project Program Agreement.

NDOR Project Number: HRRR-STWD(116)

NDOR Control Number: 00868

NDOR Project Name: Advance Railroad Warning Signs

Adopted this 29<sup>th</sup> day of November, 2016 at Seward, Nebraska.

Motion by: Fleischman

Seconded by: Gausman

Ayes: Roger Glawatz, Chairman, Board of Commissioners,  
Whitney Fleischman, Diana L. Garske, Michael Luebbe, Eugene Gausman

Dated: November 29, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Stockley presented prices from several construction companies for repairs to 2 bridges which were damaged by the public. She will contact the insurance providers of the 2 members of the public that damaged them and make sure everybody is on the same page about who will be selected to fix the bridges, when, etc.

Joe Beckenhauer and Austin Funk, both of Beckenhauer Construction were present to discuss the 2 change orders on the agenda noted as GGA #12 and GGA #13. Dean Uhlenberg of Beckenhauer was also present to give information about the change orders. Deputy County Attorney Dalton stated that he received a letter late Monday from Goldberg Group Architects (GGA) recommending that the change orders be delayed and that all parties get together to confer. Beckenhauer and Funk requested that the change orders be approved so that there is not a breach of contract. Funk stated that even though GGA recommended delaying approval of the change orders, GGA is not impartial since the structural problem was theirs. Funk said they feel that Beckenhauer should not have to absorb the costs for the extra time they have to spend on the job because of the structural problems. Dalton said that the maximum price for the project has not been met in which Funk replied that they have no vehicle to bill the extra costs because the change orders have not been approved. Dalton will contact GGA's attorney so that a meeting can be set up as soon as possible to settle the issue.

Moved by Fleischman and seconded by Luebbe to postpone GGA #12 & #13 to the meeting on December 6, 2016.

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

The Commissioners recessed at 10:45 A.M.

The Commissioners re-convened at 10:51 a.m.

Moved by Fleischman and seconded by Luebbe to open the public hearing at 10:54 a.m. to consider amendments to the Seward County Regulations and Comprehensive Plan to include an Energy Element as defined at Neb. Rev. 23-114.02

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Brenda Jensen of Miller and Associates led discussion about the proposed changes to the Comprehensive Plan for Seward County.

Kathy Eberspacher questioned the allowable noise level of wind turbines and the distance from residences. Becky Paulsen, Weed/Zoning Administrator answered that those numbers are already in the Zoning Regulations.

Nick Eberspacher stated he was not in support of wind turbines.

No comments were received in support of or opposition to the proposed amendments.

Moved by Luebbe and seconded by Gausman to close the public hearing at 11:07 a.m.

Affirmative Vote: Luebbe, Gausman, Garske, Fleischman, Glawatz Motion Carried

Moved by Garske and seconded by Fleischman to adopt Resolution #3280 in regard to make amendments to the Seward County Regulations and Comprehensive Plan to include an Energy Element as defined at Neb. Rev. 23-114.02.

**RESOLUTION NO 3280 OF THE  
SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS,** Seward County Board of Commissioners desires to amend its Zoning Regulations and Comprehensive Plan to include an Energy Element, as defined in Neb. Rev. Stat. 23-114.02

**WHEREAS,** The proposed amendments are consistent with the Seward County Comprehensive Development Plan, and

**WHEREAS,** The Public Notice setting forth the Notice of Public Hearing by the Seward County Planning Commission on the amendments incorporated herein, was published in the Seward County Independent, and the Milford Times on October 5th, 2016 as required by law, and

**WHEREAS,** The Planning Commission held a public hearing on the amendments incorporated herein, October 24, 2016, opening at 8:02pm and closing at 8:05 pm, and

**WHEREAS,** the Planning Commission recommended Approval of the amendments incorporated herein, with a vote of 4 in favor, 1 against, and 2 absent, and

**WHEREAS,** The Public Notice setting forth the Notice of Public Hearing by the Seward County Board of Commissioners on the amendments incorporated herein, was published in the Seward County Independent, and the Milford Times on November 9, 2016 as required by law, and

**WHEREAS,** The Seward County Board of Commissioners held a public hearing on the attached amendments incorporated by reference herein, November 29, 2016 opening at 10:30am, and

**WHEREAS,** The amendments include:

Energy infrastructure use by sector, including residential, commercial, and industrial sectors.

Utilization of renewable energy sources.

Energy conservation measures that benefit the community.

Energy Codes.

Local Energy Resources.

Energy Saving Tips.

**WHEREAS,**  No one appeared to oppose said amendments  
 Individuals appeared to oppose said amendments  
 No one appeared to support said amendments  
 Individuals appeared to support said amendments  
 Individuals appeared without commitment of said amendments, and

**NOW, THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby approve , deny  Resolution NO 3280 and the adoption of the amendments incorporated herein.

Motion by: Fleischman

Seconded by: Gausman

Ayes: Roger Glawatz, Chairman, Board of Commissioners,

Whitney Fleischman, Diana L. Garske, Michael Luebbe, Eugene Gausman

Dated: November 29, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Garske, Fleischman, Luebbe, Gausman, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to open the public hearing at 11:13 a.m. to consider an amendment to the Seward County Zoning Regulations to include an Airport Hazard Area Regulation and an Airport Area Map pursuant to NE Rev. Stat 3-303.

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

Brenda Jensen of Miller & Associates led discussion on the proposed amendment.

No comments were received in support of or opposition to the proposed amendments.

Moved by Fleischman and seconded by Gausman to close the public hearing at 11:24 a.m.

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to adopt Resolution No. 3181 to approve an amendment to the Seward County Zoning Regulations to include an Airport Hazard Area Regulation and an Airport Area Map pursuant to NE Rev. Stat 3-303.

During discussion time of the motion, Deputy County Attorney Dalton had questions with the amendment about measuring elevation and the wording of several parts of the amendment. Corrections were made.

Moved by Fleischman and seconded by Luebbe to postpone the motion until December 6, 2016.

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

During Justice Center update, Commissioner Fleischman said training with various equipment will be happening soon.

Known items on the agenda for Board of Commissioners on December 6, 2016 are as follows:

8:30 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 November 29, 2016

**Other Business Matters to Address When Time Allows**

5. Commissioner's Reports
6. Discuss/Action - Justice Center Update

10:00 a.m. Discuss/Action - GGA # 12 – General Conditions for Time Extension  
Discuss/Action - GGA # 13 – Delay – Subcontractor Rental Cost

Moved by Fleischman and seconded by Gausman to adjourn at 11:45 a.m.

Affirmative Vote: Fleischman, Gausman, Garske, Luebbe, Glawatz 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 6<sup>th</sup> day of December, 2016

\_\_\_\_\_  
County Clerk

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Chairman