

October 19, 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 October 19, 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 October 19, 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.

Terry Wicht, Highway Supt., and Sherry Schweitzer, County Clerk, updated the Commissioners on activities of their offices.

Moved by Vrbka and seconded by Zabrocki to approve the minutes of October 12, 2021.
Affirmative Vote: Vrbka, Zabrocki, Ahmic, Schmieding, Culver Motion Carried

Commissioners Reports:

Commissioner Ahmic reported she attended a land auction with the Zoning Director, a Seward County Chamber & Development Partnership (SCCDP) Quality Growth meeting, and researched information on the American Rescue Plan Act (ARPA). She also reported she attended an SCCDP meeting and Planning Commission meeting.

Commissioner Vrbka reported he attended the Cordova Board meeting, visited with a member of the Staplehurst board, and fielded several questions from the public.

Commissioner Culver replied to several emails about ARPA, participated in the Public Defender interviews, and attended a 911 board meeting.

Commissioner Schmieding reported he participated in two Public Defender interviews and attended the Extension Office meeting.

Commissioner Zabrocki reported he attended a 911 staff meeting, received phone calls about county business, attended a 911 meeting and the NACO Southeast District meeting.

Carina Sanchez, HR Director, presented information about the vacancy of the Public Defender. She stated there were two applicants and after interviewing them, it was recommended to hire David Tarrell.

Moved by Schmieding and seconded by Vrbka to accept the recommendation to appoint David Tarrell as the Public Defender.

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

The Commissioners discussed the resignation of Andrew Matney. The 911 Board had a meeting last night and stated it would be effective immediately. Commissioner Zabrocki will collect any county property that was in his possession. The IT company will be notified to ensure needed procedures are done. At the current time, a dispatcher has been offered the interim director position. If he does not want it, Commissioner Zabrocki will be the interim director.

Moved by Zabrocki and seconded by Schmieding to accept the resignation of Andrew Matney, 911 Director, effective immediately.

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

Bob Dahms, Seward County Treasurer, was present to give information about the two items on the agenda in regard to his office.

Moved by Vrbka and seconded by Zabrocki to accept the 1st Quarter Investment Report of the County Treasurer.

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

Dahms gave information about the Distress Warrant Certification item on the agenda.

Moved by Vrbka and seconded by Zabrocki to accept the Certification of the Distress Warrants to be collected.

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

Terry Wicht, Highway Supt., explained the reason for a Change Order for the Waverly Road Project.

Moved by Zabrocki and seconded by Vrbka to authorize the Chairman to sign Change Order # 7 for the Waverly Road Project in the amount of \$16,920.00.

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

Moved by Vrbka and seconded by Ahmic to accept the County Clerk Fee Report for September 2021 in the amount of \$30,504.75.

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

Moved by Vrbka and seconded by Ahmic to authorize the Chairman to sign the Certification of Cost Allocation Plan.

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

The Commissioners recessed at 9:40 a.m.

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

Moved by Zabrocki and seconded by Vrbka to open the hearing at 9:45 a.m. to rezone a quarter section of land from the A-1 District to TA-1 District, located in Precinct I in the SE ¼ of Section 32, Township 10 North, Range 4 East of the 6th p.m.

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

Becky Paulsen, Zoning Administrator, gave information about the application to re-zone. She stated the Planning Commissioner's recommendation was to deny the application with a vote of 6 for the denial; 0 against the denial; 3 absent and not voting.

Those opposing it was Tom Rakow.

Terry Hauder spoke in a neutral position.

Karen Mundhenke spoke in favor of said application.

Talli Kratochvil spoke in favor of said application.

Moved by Vrbka and seconded by Ahmic to close the public hearing at 10:00 a.m.

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

Zabrocki spoke about the density and the water conservation of the area. Schmieding stated he felt the same way as Zabrocki and said a vote on this issue could resolve many issues like this one in the future. Ahmic stated she felt that Seward County is going to

continue to get these requests in the water conservation district. Culver stated he feels that the water issue is a major issue and also is confident in the Planning Commission's findings.

Moved by Zabrocki and seconded by Schmieding to adopt Resolution No. 3640 in regard to denying the application to rezone a quarter section of land from the A-1 District to TA-1 District, located in Precinct I in the SE ¼ of Section 32, Township 10 North, Range 4 East of the 6th p.m.

**RESOLUTION NO 3640 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Karen Mundhenke 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 Southeast 1/4 of, Precinct I. Section 32, Township 10N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is Karen Mundhenke, and

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

WHEREAS the Planning Commission held a public hearing on the Zoning District change on September 20, 2021, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 0 in favor, 6 against, and 3 absent and not voting.

WHEREAS The Seward County Board of Commissioners held a public hearing on the Zoning Change on October 19, 2021, and

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

WHEREAS ___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 3640 to approve_____, deny X the Zoning District Change from A-1 to TA-1.

Moved by: Zabrocki Seconded by: Schmieding 10/19/2021
Ayes: Darrell J. Zabrocki, Robert Vrbka, Misty Ahmic, Ken Schmieding,
John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

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

Paulsen also presented other items on the agenda for the Commissioners' consideration.

Discussion was held on the short form plat application of Burkey 3rd Addition in N Precinct in the NE ¼ of Section 25, Township 9 North, Range 2 East of the 6th p.m. It is an area where there is a cabin but a water source is not on the real estate.

Moved by Vrbka and seconded by Zabrocki to adopt Resolution No. 3641 in regard to approving the short form plat to create Burkey 3rd Addition in N Precinct in the NE ¼ of Section 25, Township 9 North, Range 2 East of the 6th p.m. It is an area where there is a cabin but a water source is not on the real estate.

**RESOLUTION NO 3641 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Owner Tim Burkey has applied for a Short Form Plat Subdivision, and described as a tract of land in the Northeast ¼ of, Section 25, Township 9N, Range 2E, Seward County, Nebraska, and

WHEREAS the subdivision shall be called BURKEY 3RD ADDITION SHORT FORM PLAT, and

WHEREAS The Seward County Planning Commission held a meeting on August 9th, 2021, to consider the Short Form Plat, and

WHEREAS the Planning Commission recommended approval of the BURKEY 3RD 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 BURKEY 3RD ADDITION Short Form Plat with Resolution NO: 3641.

Moved by: Vrbka Seconded by: Zabrocki 10/19/21

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, Zabrocki, Schmieding, Ahmic, Culver Motion Carried

Moved by Zabrocki and seconded by Vrbka to accept the Zoning Administrator's Fee Report for September 2021 in the amount of \$1,725.00.

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

The Commissioners then discussed the Zoning Regulations Fee Amendment item on the agenda. Issues with errors on square footage of structures needing development permits and clarifying language for non-farm buildings were discussed. Paulsen will take the resolution back for correction.

Paulsen also asked that the resolution on adoption of private driveways be taken off the agenda.

Marci Fehlhafer, Executive Director of CASA, was present to ask for a small portion of American Rescue Plan Act (ARPA) funds for audio/visual equipment. Since many of their trainings are now being held in-person *and* via Zoom, more equipment is needed to facilitate the training. Commissioner Ahmic had looked at ARPA details and was sure it was applicable for ARPA funding.

The Commissioners discussed disbursement of ARPA funds. Chairman Culver stated that Staplehurst is requesting funds for a water line project. They had submitted an estimate for a project. They will be asked to come to a meeting so that questions can be answered. Ahmic also brought up questions that arose since passing the premium pay resolution.

Known items on the agenda for Board of Equalization on October 26, 2021 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of October 12, 2021
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on October 26, 2021 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of October 19, 2021,
4. Discuss/Action – Claims for the period through October 15, 2021

Other Business Matters to Address When Time Allows

5. Discuss/Action - Public/Officials/Boards
6. Commissioners Reports
7. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
8. Discuss/Action – Agenda for November 2, 2021

10:00 a.m. Discuss/Action – Tess Mayer/NACO-Demonstration of Owl Audio/Visual Equipment

Discuss/Action – Jon Cannon/NACO – Discussion of ARPA Funds

Moved by Vrbka and seconded by to adjourn at 11:02 a.m.

Affirmative Vote: Vrbka, 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 26th day of October 2021.

County Clerk

Chairperson