

# October 22, 2019

## Seward County Board of Equalization

State of Nebraska)  
County of Seward) ss.

A regular meeting of the Seward County Board of Equalization was convened in open and public session at 8:30 a.m. on October 22, 2019 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 Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Equalization convened on October 22, 2019 at 8:30 a.m.

Present: Chairperson: John Culver  
Members: Mike Mundhenke, Bob Vrbka, Ken Schmieding, Becky Paulsen  
Deputy County Clerk: Brandy Johnson  
County Assessor: Marilyn Hladky  
County Treasurer: Bob Dahms

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 Schmieding and seconded by Vrbka to approve minutes of October 15, 2019.  
Affirmative Vote: Schmieding, Vrbka, Mundhenke, Paulsen, Culver Motion Carried

Moved by Mundhenke and seconded by Vrbka to approve a tax exemption request for a vehicle owned by Saint Gregory the Great Seminary.  
Affirmative Vote: Mundhenke, Vrbka, Schmieding, Paulsen, Culver Motion Carried

Moved by Paulsen and seconded by Mundhenke to approve tax list correction 274-18R.  
Affirmative Vote: Paulsen, Mundhenke, Vrbka, Schmieding, Culver Motion Carried

Hladky updated the Commissioners on activities of her office.

### **Known items on the agenda for Board of Equalization on November 12, 2019 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 22, 2019
4. Discuss/Action – Assessor Information Update

Moved by Vrbka and seconded by Mundhenke to adjourn at 8:48 a.m.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, 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 12<sup>th</sup> day of November 2019.

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

\_\_\_\_\_  
Chairperson

## October 22, 2019 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 22, 2019 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 Equalization 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 22, 2019 at 9:00 a.m.

Present:           Chairperson: John Culver  
                  Members: Mike Mundhenke, Bob Vrbka, Ken Schmieding, Becky Paulsen  
                  Deputy County Clerk: Brandy Johnson

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 Mundhenke and seconded by Vrbka to approve minutes of October 15, 2019.

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

Sheriff Vance, Maria Hatfield, Detention Center Director, and Becky Paulsen, Weed & Zoning Administrator, gave updates on their offices.

### **COMMISSIONER REPORTS:**

Commissioner Mundhenke reported that he attended the NACO Southeast District meeting and checked roads.

Commissioner Vrbka reported that he attended a Fair Board meeting and checked on some road issues.

Commissioner Culver reported that he dealt with various correspondence and attended the Planning & Zoning Board meeting.

Commissioner Schmieding reported that he attended the Visitors Committee meeting and the NACO Southeast District meeting and dealt with various correspondence.

Commissioner Paulsen reported that she attended the Blue Valley Community Action meeting.

Moved by Vrbka and seconded by Schmieding to accept Sheriff Fee and Mileage Reports for September 2019 in the amount of \$2,179.00 and \$1,163.78 respectively.

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

Motion Carried

The Board recessed at 9:09 a.m.

The Board reconvened at 9:15 a.m.

Maria Hatfield, Detention Center Director, and Sheriff Vance were present to discuss the adopted jail budget for the 2019-2020 fiscal year. They stated that the Jail budget in the General Fund had been lowered by \$100,000 after their budget meeting with the Commissioners. Commissioner Paulsen stated that the Jail budget wasn't actually lowered, but that the funds were placed in the Miscellaneous General Fund. Culver explained that the money is still in the General Fund. It wasn't a cut in the Jail budget, and they can still access the money if they need it. This will need to be done via a transfer within the General Fund by Resolution.

Bob Dahms, Treasurer, and Sherry Leising, Deputy Treasurer, were present to discuss changing the office hours of the Treasurer's Office due to end of day processing times increasing because of the state's new Motor Vehicle program. They said the end of the day issues are resulting in staff not being able to leave until all transactions are complete and balanced, which is usually significantly after the courthouse closing time. Dahms asked to close their office for business at 4:45 so they can balance and get out by 5. The Real Estate side of the Treasurer's Office will stay open until 5. Schmieding asked how they plan on letting the public know they're changing their hours. They said they would post signs, put it in the paper and put it on the County website. Brea Ehmen, HR Director, asked if they were confident that 4:45 would be early enough for them to close so they don't have to go through this process again if they realize that 15 minutes is not enough. They said they don't want to close too early because they want to be as fair to the customers as possible.

Moved by Schmieding and seconded by Mundhenke to change the business hours in the Treasurer's Office to 8:00 a.m. to 4:45 p.m. due to end of day processing with the State's new Motor Vehicle program.

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

Motion Carried

Culver led the discussion on adopting a resolution for the Sheriff's Office off-site vehicle inspection fee. The purpose of this resolution was to put into verbiage what was already acted upon last week, when the board approved the Sheriff's Office to start charging \$5.00 per vehicle identification number inspection.

Moved by Vrbka and seconded by Mundhenke to adopt Resolution No. 3480 in regards to County Sheriff Off-Site Inspection Fee.

### **Seward County Board of Commissioners**

#### **RESOLUTION NO 3480**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate power; and

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Neb. Rev. Stat. §60-146 requires vehicle identification inspections be conducted prior to application for a certificate of title in certain circumstances and empowers the county sheriff to conduct such inspections;

WHEREAS, Neb. Rev. Stat. §60-158 sets the fee for each identification inspection conducted by a county sheriff at ten dollars, to be paid to the county treasurer and credited to the county sheriff's vehicle inspection account within the county general fund; and

WHEREAS, the Seward County Sheriff carries out the duties as described above, typically at the location of the Office of the Seward County Sheriff at 261 South 8<sup>th</sup> Street, Seward, Nebraska.

WHEREAS, there are occasions where vehicle identification inspections are conducted by the Seward County Sheriff at locations other than the Office of the Seward County Sheriff. Those inspections incur additional costs to the County in the form of mileage, vehicle expense, and additional time to travel to other locations.

WHEREAS, a reasonable additional fee for off-site vehicle identification inspections is \$ 5.00 per title inspection to cover additional costs to the County Sheriff.

THEREFORE, BE IT RESOLVED: That the Seward County Board of Commissioners hereby authorizes the imposition of a fee in the amount of five dollars per title inspection upon an individual requesting a vehicle identification inspection at a location in Seward County other than 261 South 8<sup>th</sup> Street, Seward, Nebraska. Such fee shall be payable to the Seward County Sheriff and deposited into the county sheriff's vehicle inspection account within the county general fund.

Moved by: Vrbka                      Seconded by: Mundhenke                      10/22/2019  
Ayes: Becky Paulsen, Ken Schmieding, Mike Mundhenke, Robert Vrbka, John K. Culver, Chairman of the Board  
Attest: Brandy M. Johnson, Deputy Seward County Clerk

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

The Board recessed at 10:05 a.m.  
The Board reconvened at 10:30 a.m.

Commissioner Paulsen removed herself from the board at 10:30 a.m.

Moved by Vrbka and seconded by Schmieding to open the public hearing at 10:31 a.m. for a Conditional Use Permit to operate a Large One Livestock Feeding Operation in K Precinct in the NE ¼ of Section 10, Township 10 North, Range 2 East of the 6<sup>th</sup> p.m.

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

Those speaking in opposition of said permit were Cole Rohren.

Those speaking in favor of such permit were Dustin Blecha, who applied for the permit, Andy Scholting of Nutrient Advisors, Jessica Kolterman of Lincoln Premium Poultry, Jonathan Jank of Seward County Chamber Development Partnership and Jim Schultz who has also received a permit to raise chickens.

Paulsen then read the Finding of Facts document as completed and recommended by the Planning & Zoning Commission.

Moved by Mundhenke and seconded by Vrbka to close the public hearing at 10:58 a.m.  
Affirmative Vote: Mundhenke, Vrbka, Schmieding, Culver                      Motion Carried

Moved by Schmieding and seconded by Vrbka to adopt Resolution No. 3481 in regard to approving the conditional use permit to operate a large one livestock feeding operation in K Precinct in the NE ¼ of Section 10, Township 10 North, Range 2 East of the 6<sup>th</sup> p.m.

**RESOLUTION NO 3481 OF THE  
SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, BLECHA LIVESTOCK LLC. has applied for a Conditional Use Permit for a Livestock Feeding Operation, and

**WHEREAS,** the property is described as located in the North East 1/4 of Section 10, Township 10 North, Range 2 East, Seward County, Nebraska, and

**WHEREAS,** The Planning Commission held a public hearing to consider the application at a regular meeting August 19, 2019, 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 conditions, by a vote of 5 In Favor, 0 Against, and 2 Absent and Not Voting, and

**WHEREAS,** the conditions of approval are;

1. A County Road Department assessment of Route(s) on County Roads.
2. Any future development or expansion would require another Conditional Use Permit.
3. No vehicles would be allowed to park on the County Road or right-of-way.
4. Findings of Facts and Specific Findings attached.

**WHEREAS,** The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting October 22, 2019, and,

**WHEREAS,** notice of the public hearing was published in the Seward County Independent, the Milford Times and posted on the property, and

**WHEREAS,** \_\_\_No one appeared to oppose said Conditional Use

  x   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, along with the conditions of approval, for BLECHA LIVESTOCK LLC. for a Conditional Use in the Ag District, on a tract of ground described as in the North East 1/4 of Section 10, Township 10 North, Range 2 East, Seward County, Nebraska.

BEFORE THE SEWARD COUNTY BOARD OF COMMISSIONERS,

SEWARD NEBRASKA

)

CONDITIONAL USE PERMIT

)

REQUEST BY:

)

)

RECOMMENDATIONS

)

BLECHA

Applicant

THIS MATTER came before the Seward County Board of Commission on the request of the Applicant for a Conditional Use Permit. Public hearing was held on the 22nd day of October 2019. Notice of said Hearing was publicized on the 2nd day of October 2019. The Findings of Facts were presented.

THE SEWARD COUNTY BOARD OF COMMISSIONERS recommends to

  x  approve the conditional use permit                   4 FOR

0 AGAINST

\_\_\_\_\_deny the conditional use permit                   1 ABSENT NOT VOTING

upon the findings that:

1. The use, in all other respects, conforms to the applicable regulations of the district in which it is located.

Located in Agricultural District

2. The use has adequate water, sewer, and drainage facilities.

No holding pit for animal waste

3. The use is in harmony with the character of the area and the most appropriate use of the land.

Ag operation in Agricultural area

4. 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.

Buffer is in place

5. 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.

Surrounding property is zoned AG

6. The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

Surrounding property is zoned AG

7. The use has adequate utilities, access roads, and drainage facilities.

Road Department summary of affected county Roads

8. 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.

Proper approach permits per the County Road Department

9. The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

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10. 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. This is a controlled environment

11. The use does not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.

A study of the odor footprint is available

12. 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.

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13. 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 vehicles will be allowed to park on the County Road or Right of Way

14. 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.

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Seward County Department of Road Assessment

Specific Findings of Fact:

1. Any future development or expansion will require an Additional Conditional Use Permit
2. This Conditional Use is only for the current landowner of the property.
3. No vehicles will be allowed to park on the County Road of Right of Way

Included:

1. Odor control Study
2. Nutrient Advisor Packet
3. UNL Study

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

Moved by: Vrbka                      Seconded by: Schmieding                      10/22/2019  
Ayes: Ken Schmieding, Mike Mundhenke, Robert Vrbka, John K. Culver, Chair of the Board

Attest: Brandy M. Johnson, Deputy Seward County Clerk

Affirmative Vote: Schmieding, Vrbka, Mundhenke, Culver

Motion Carried

Commissioner Paulsen re-joined the board at 10:59 a.m.

**Known items on the agenda for Board of Commissioners on October 29, 2019 are as follows:**

9:00 a.m.

1. Convene and announce Open Meeting Law
2. Pledge of Allegiance
3. Discuss/Action- Approve minutes of October 22, 2019

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

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Agenda for October 29, 2019

Moved by Vrbka and seconded by Paulsen to adjourn at 11:08 a.m.

Affirmative Vote: Vrbka, Paulsen, Mundhenke, 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 29<sup>th</sup> day of October 2019.

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

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Chairman