

September 2, 2025

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 8:30 a.m. on September 2, 2025 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board, on the Commissioner's Room door, on the Seward County website: sewardcountyne.gov and published in the Seward County Independent and the Milford Times. 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 September 2, 2025 at 8:30 a.m.

Present: Chairperson: Misty Ahmic
Members: Raegan Hain, Darrell Zabrocki, Ken Schmieding,
Scott Pekarek
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 Zabrocki and seconded by Pekarek to approve the minutes of August 26, 2025.

Affirmative Vote: Zabrocki, Pekarek, Schmieding, Ahmic

Voting No: Hain

Motion Carried

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership (SCCDP), updated the Commissioners on activities of his organization.

Jon Regnier, Highway Supt., updated the Commissioners on activities of his department. Sherry Schweitzer, County Clerk, also gave an update of her office.

Commissioners Reports:

Commissioner Hain reported she met with representatives of the HR Office, participated in a virtual meeting with the County Attorney's Office, met with Commissioner Pekarek and Sheriff Vance, reviewed budget documents, received various correspondences and checked roads.

Commissioner Zabrocki reported he attended a SouthEast Nebraska Development District (SEND) Executive Board meeting, participated in a telecom conference for the 911 Dept., met with the Public Transit Director and met with Commissioner Ahmic about budgetary matters.

Commissioner Ahmic reported she checked roads, met with Commissioner Pekarek and the Emergency Manager, worked on the budget, received various correspondences, received calls about the roads, met with the Assessor about her budget, met with the County Attorney and had a call with Nebraska Association of County Officials (NACO).

Commissioner Schmieding reported he will have an Extension Office meeting and will also have a Visitors Committee meeting in York with other counties' Visitors Committees.

Commissioner Pekarek reported he received calls about the roads, met with Commissioner Ahmic and the Emergency Manager, met with Commissioner Hain and Sheriff Vance, and worked with a property owner in his district about a dam.

Steve Johnson, Attorney for the owners of property for Johnson Dam Road, was present to give information about a deed that is required to be signed by the owner of the property where Johnson Dam Road lies. Chris Beckler, owner of the property, also made comments.

Larry Heyen and Terri Stutzman were present to give information about themselves and their reasons they would like to be a member of the Seward County Aging Services Board.

Moved by Hain and seconded by Zabrocki to appoint Terri Stutzman of Beaver Crossing and Larry Heyen of Milford to the Seward County Aging Services Board for a term September 2025 through August 31, 2027.

Affirmative Vote: Hain, Zabrocki, Schmieding, Pekarek, Ahmic Motion Carried

Moved by Zabrocki and seconded by Schmieding to adopt Resolution No. 3882 in regard to correcting Resolution No. 3881 which approved of the Sunset View Addition short form plat.

**RESOLUTION NO 3882 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Resolution 3881 was approved on August 26, 2025 and contained an error in the legal description and this is to correct that error.

WHEREAS Robert K. Stutzman Trustee of Robert G. Stutzman Declaration of Trust and Jeanette A. Stutzman Declaration of Trust own approximately 80 acres of land and has applied for a Short Form Plat to separate 8.96 acres, and described as a tract of land in the Southwest 1/4 of, Section 10, Township 9 North, Range 3 East of the 6pm, Seward County, Nebraska, and

WHEREAS the Short Form Plat shall be called Sunset View Addition and

WHEREAS The Seward County Planning Commission held a meeting on August 18, 2025 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the Sunset View Addition, with a vote of 9 For, 0 Against, and 0 Absent 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 the Sunset View Addition Short Form Plat, with Resolution NO: 3882.

Moved by: Zabrocki Seconded by: Schmieding August 26, 2025

Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Zabrocki, Schmieding, Pekarek, Hain, Ahmic Motion Carried

The Commissioners recessed at 9:12 a.m.

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

Moved by Pekarek and seconded by Hain to open a Public Hearing at 9:17 a.m. to hear comments in regard to proposed regulations changes to the Standards of Review in the Zoning Regulations.

Affirmative Vote: Pekarek, Hain, Zabrocki, Schmieding, Ahmic Motion Carried

Marissa Pfile, Zoning Administrator, gave information that she had published for the hearing and received communication from the County Attorney late Friday that she needs to review the proposed changes.

Barb Armstead, Deputy County Attorney, said she had reviewed the possible changes and explained the communication discrepancy in her office.

The Commissioners discussed the possible changes as recommended by the Planning Commission.

There were no comments from the public at the public hearing.

Moved by Zabrocki and seconded by Schmieding to close the public hearing at 9:26 a.m.

Affirmative Vote: Zabrocki, Schmieding, Pekarek, Hain, Ahmic Motion Carried

The Commissioners recessed at 9:26 a.m.

The Commissioners re-convened at 9:30 a.m.

Moved by Hain and seconded by Pekarek to open the public hearing at 9:30 a.m. to hear comments about proposed amendments to the Zoning Regulations.

Affirmative Vote: Hain, Pekarek, Zabrocki, Schmieding, Ahmic Motion Carried

Pfile gave information of the Planning Commission which denied the possible recommendations.

Dave Kendle spoke in favor of said amendments. In accordance with the zoning regulations, if anybody requests the regulations be changed, they must first be submitted to the Planning Commission for their recommendation. Mr. Kendle submitted a proposal to the Planning Commission and explained his reasons.

Moved by Zabrocki and seconded by Hain to close the public hearing at 9:44 a.m.

Affirmative Vote: Zabrocki, Hain, Pekarek, Schmieding, Ahmic Motion Carried

Moved by Hain and seconded by Pekarek to open the Public Hearing at 9:45 a.m. to hear comments about a proposed change to the Zoning Fee Schedule.

Affirmative Vote: Hain, Pekarek, Zabrocki, Schmieding, Ahmic Motion Carried

Pfile explained the recommendation of the Planning Commission to approve the proposed fee changes with a vote of 8 for and 1 against. She also gave information about what the process is for the various permits, etc. and that she had looked at what other counties charge.

No comments from the public were received at said public hearing.

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

Affirmative Vote: Zabrocki, Pekarek, Hain, Schmieding, Ahmic Motion Carried

Moved by Hain and seconded by Pekarek to open a Public Hearing at 10:02 a.m. to hear comments for a Conditional Use Permit to Upgrade/Modify Equipment to an Existing Wireless Tower by Verizon Wireless in the NW ¼ of the Section 20 Township 10 North, Range 3 East of the 6th P.M.

Affirmative Vote: Hain, Pekarek, Zabrocki, Schmieding, Ahmic Motion Carried

Pfile gave information about the Conditional Use Permit application.

Moved by Hain and seconded by Pekarek to close the Public Hearing at 10:03 a.m.
Affirmative Vote: Hain, Pekarek, Schmieding, Zabrocki, Ahmic Motion Carried

The Commissioners completed the Findings of Facts document.

BEFORE THE SEWARD COUNTY NEBRASKA COUNTY COMMISSIONERS

IN THE MATTER OF EQUIPMENT MODIFICATIONS/UPGRADES AT EXISTING SITE
REQUESTED USE: EQUIPMENT MODIFICATION/UPGRADE PERMIT TU-07-2025
APPLICANT: Verizon Wireless
CURRENTLY ZONED: TA-1

This matter came before the Seward County Commissioners at the request of the applicant.
A public hearing was held on the 2nd day of September 2025. Notice of said hearing was publicized on the 27th day of August 2025.

The Seward County Commissioners recommends to:

 X Approve the Wireless Upgrade or Equipment Add on to Existing Structure
 Deny the Wireless Upgrade or Equipment Add on to Existing Structure

With a roll call vote of: 5 For 0 Against 0 Absent Not Voting

Upon review of all necessary facts, the County Commissioners make the following findings:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located.
2. Y The use will have adequate water and sewer facilities.
3. N The use will be in harmony with the character of the area and the most appropriate use of the land.
4. Y 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.
5. Y The conditional 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.
6. Y The establishment of conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. Y Adequate utilities, access roads, and drainage facilities have been or are being provided.
8. Y 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.
9. Y The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled
10. Y 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.
11. Y The use does not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.

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.
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.

Further, the County Commissioners recommend the following 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 permit is granted to Verizon Wireless and is not transferrable to any other lessee or owner.

Dated this 2nd day of September 2025.

Misty Ahmic
County Commissioner Chair

Marissa Pfile
Zoning Administrator

Moved by Zabrocki and seconded by Hain to adopt Resolution No. 3883 in regard to the approval of a Conditional Use Permit to Upgrade/Modify Equipment to an Existing Wireless Tower for Verizon Wireless in the NW ¼ of the Section 20 Township 10 North, Range 3 East of the 6th P.M.

**RESOLUTION NO 3883 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS Verizon Wireless has requested an application for a Wireless upgrade or equipment add on to an existing structure permit in the Northwest ¼ of section 20, township 10 north, range 3 east of the 6pm. The intention of this application is to make modifications/upgrades to the current tower. Verizon will replace (3) antennas with newer models and associated cabling in existing shelter and install a fiber management tray. There will be no increase to the height of the tower or the footprint of the lease area.

WHEREAS The Seward County Planning Commission held a meeting on August 18, 2025, to consider the Wireless upgrade or equipment add on to existing structure permit, and

WHEREAS the Planning Commission recommended approval of the Wireless upgrade or equipment add on to existing structure permit with a vote of 9 For, 0 against, and 0 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 5, Deny 0 the Wireless upgrade or equipment add on to existing structure permit with Resolution NO:3883.

Moved by: Zabrocki

Seconded by: Hain

September 2, 2025

Ayes: Ken Schmieding, Scott Pekarek, Raegan Hain, Darrell J. Zabrocki,
Misty Ahmic, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Zabrocki, Hain, Schmieding, Pekarek, Ahmic

Motion Carried

The Commissioners recessed at 10:12 a.m.

The Commissioners re-convened at 10:15 a.m.

Brandy Hafer, Seward County Public Transit Director, gave information about purchasing an ADA Van and replacing the current van in her department. She explained the process involved with the Dept. of Transportation in getting new vans or getting upgrades to existing vans. Total cost of a new van is approximately \$77,000. The federal share would be \$61,600 and state and local shares would be \$7,700 each. The Commissioners discussed using America Rescue Plan Act (ARPA) money for the county share since this expense is not currently available in the Public Transit budget. A public hearing would be needed for the process and Hafer was directed to advertise for the hearing.

The Commissioners recessed at 10:21 a.m.

The Commissioners re-convened at 10:33 a.m.

The Commissioners discussed the Equitable Sharing Agreement and Certification (ESAC) of the Sheriff's Office. Last week, a committee consisting of Commissioners Pekarek, Hain and Sheriff Vance were asked to meet so that answers to various questions could be worked out. Commissioners discussed a list of issues that needed to be answered in order for the Commissioners to consider signing the ESAC. After discussion, Sheriff Vance, Commissioners Pekarek & Zabrocki will meet to try to develop a policy on how future expenses to be paid out of the Treasury & Justice will be approved. The Commissioners briefly discussed the Sheriff's Office budget.

The Commissioners recessed at 11:25 a.m.

The Commissioners re-convened at 11:35 a.m.

The Commissioners discussed the Sheriff's Office Annual Return of Disposed Items for 2024-2025 Fiscal Year.

Moved by Zabrocki and seconded by Hain to accept the Sheriff's Office Annual Return of Disposed Items for Fiscal Year 2024-2025.

Affirmative Vote: Zabrocki, Hain, Schmieding, Pekarek, Ahmic

Motion Carried

The Commissioners discussed the budget for the Sheriff's Office. Sheriff Vance read a statement about his office staffing, budgeting and the official business of the Sheriff's Office. He stated that as an elected official it is up to him to manage his office and that having a Federal Task Force is also up to him.

The Commissioners discussed the washing of the Exterior of the Courthouse. Eric Hofer, Building & Grounds Supt. received 3 bids for this. The least costly bid was for approximately \$7,865.00 from Premier Outdoor Services LLC of Lincoln, NE.

Moved by Zabrocki and seconded by Hain to approve a bid of \$7,865.00 from Premier Outdoor Services, LLC of Lincoln, NE for the exterior washing of the Seward County Courthouse with the cost to be paid out of the Commissioners Sinking Fund.

Affirmative Vote: Zabrocki, Hain, Schmieding, Pekarek, Ahmic

Motion Carried

Hofer also had information about the "Flagpole Replacement Location" subject on the agenda. A recent storm had bent the flagpole on top of the courthouse beyond repair. He stated he would like the flag to be down on the lawn instead of on top of the courthouse roof, as the cost to replace the flag or make repairs are very expensive. A crane has had to be brought in on multiple occasions which is very costly. It was decided to put the flag on the lawn instead of on top of the roof of the courthouse.

The Commissioners recessed at 12:27 p.m.
The Commissioners re-convene at 12:32 p.m.

The Commissioners finishing discussing the Sheriff's Office budget. Sheriff Vance was in attendance with the Commissioners to agree on the budget for his office.

The was brief discussion about the recent developments for the 2025-2026 Fiscal Year budget. Sherry Schweitzer told the board she would be able to finalize the budget now that the last of the budgets have been decided.

Known items on the agenda for Board of Equalization on September 9, 2025 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of August 26, 2025
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on September 9, 2025 are as follows:

9:00 a.m.

5. Convene and announce Open Meetings Law
6. Pledge of Allegiance
7. Discuss/Action - Approve minutes of September 2, 2025
8. Discuss/Action - Claims for the Period Through August 29, 2025

Other Business Matters to Address When Time Allows

9. Discuss/Action - Public/Organizations/Officials
10. Commissioner Reports
11. Discuss/Action - Budget
12. Discuss/Action – Agenda for September 16, 2025

9:15 a.m. Public Hearing – Community Safety Action Plan (CSAP)
Discuss/Action – Approve Community Safety Action Plan (CSAP) i8

9:30 a.m. Discuss/Action – Authorize the Road Dept. to Set a Public Hearing to Vacate Minimum Maintenance Road on 182nd Rd, North of Agnew at Section 10 Township 12 North, Range 4 East of the 6th P.M.

Discuss/Action – Res. – Set Public Hearing to Vacate a Minimum Maintenance Road on 182nd North of Agnew at Section 10, Township 12 North, Range 4 East of the 6th P.M.

Discuss/Action – Authorize the Chair to sign a Contract with Midwest Infrastructure, Inc. for Bridge Project C-80(510) on Raymond Road West of 250th Road

Moved by Zabrocki and seconded by Pekarek to adjourn at 1:29 p.m.

Affirmative Vote: Zabrocki, Pekarek, Hain, Schmieding, Ahmic 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 9th day of September 2025.

County Clerk

Chairperson