

September 8, 2015
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 September 8, 2015 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 September 8, 2015 at 8:30 a.m.

Present:	Chairperson:	Whitney Fleischman
	Members:	Mike Luebbe, Diana Garske, Gene Gausman, Roger E. Glawatz
	County Clerk:	Sherry Schweitzer
	County Assessor:	Marilyn Hladky

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.

Moved by Glawatz and seconded by Garske to approve the minutes of August 11, 2015.

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

Moved by Glawatz and seconded by Luebbe to approve the Tax List Corrections 204-14R & 205-13R.

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

Hladky then updated the Commissioners on activities of her office.

Known items on the agenda for September 22, 2015 are as follows:

- 8:30 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of September 8, 2015
- Discuss/Action - Assessor Information Update

Moved by Garske and seconded by Glawatz to adjourn at 9:40 a.m.

Affirmative Vote: Garske, Glawatz, Luebbe, Gausman, Fleischman 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 22nd day of September 2015.

County Clerk

Chairman

September 8, 2015
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 September 8, 2015 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 September 8, 2015 at 9:00 a.m.

Present: Chairman: Roger E. Glawatz
 Members: Mike Luebbe, Diana Garske, Gene 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.

Moved by Gausman and seconded by Luebbe to approve the minutes of September 1, 2015.

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

Dan Hejl, Chief Deputy Sheriff updated the Commissioners about the Sheriff's Office activities.

The Commissioners discussed office inventories. They decided they will spot check the lists given to them and the item will be on next week's agenda for approval.

Moved by Garske and seconded by Fleischman to adopt Resolution No. 3198 in regard to allowing Jones National Bank to pledge additional securities.

**Resolution # 3198 of the
Seward County Board of Commissioners**

Whereas: bank pledging must cover County deposits which exceed F.D.I.C. coverage. As of now, the Jones National Bank & Trust Co. is in an over pledged position, and would like to withdraw the following securities:

CUSIP	DESCRIPTION	PAR VALUE
514025KY0	LANCASTER CO S/D	200,000.0
23087REZ7	CUMMING CO PPD REV BNDS	200,000.00
362644DN3	GAGE CO S/D 34	195,000.00
231764BM2	CUSTER CO GO LTD	210,000.00
79517RDS6	SALINE CO S/D GL LTD	200,000.00
0792122J4	BELLEVUE CO UNLTD	225,000.00
514035ET7	LANCASTER CO S/D GO	230,000.00
639623AM9	NE CITY REC REV BONDS	200,000.00

Let it be resolved, this County Board approves the above withdrawal by the Jones National Bank & Trust Co.

Dated this 8th day of September, 2015.

Motion by: Garske

Seconded by: Fleischman

Aye: Diana Garske, Whitney Fleischman, Eugene Gausman, Michael Luebbe, & Roger Glawatz

Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Garske and seconded by Fleischman to adopt Resolution No. 3199 regarding the participation in the SENDD organization.

**RESOLUTION TO JOIN
THE
SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT**

RESOLUTION NO. #3199

A Resolution by the County of Seward, Nebraska, providing for full participation by the County in the Southeast Nebraska Development District, a Development District organized under the Interlocal Cooperation Act, Sections 13-801 through 13-827, Nebraska Revised Statutes (Reissue 1997 and Supp. 2002), of the State of Nebraska and under authority of Sections 13-1901 to 13-1907, Nebraska Revised Statutes (Reissue 1997) (the Nebraska Development District Act).

Be it resolved by the County Board of Commissioners that the County of Seward, Nebraska hereby declared its intent to join with the incorporated villages, cities or counties that are eligible and may wish to participate as a member of the Southeast Nebraska Development District through execution of an intergovernmental agreement.

Be it further resolved that the Chairman of the County Board of Commissioners of Seward County is hereby authorized, on behalf of the County, to execute said agreement allowing for participation by Seward County in the Southeast Nebraska Development District, which said agreement shall be substantially in the words and figures set forth in that certain agreement, a copy of which is attached hereto and made a part hereof.

Dated this 8th day of September, 2015.

Motion by: Garske

Seconded by: Fleischman

Aye: Diana Garske, Whitney Fleischman, Eugene Gausman, Michael Luebbe, & Roger Glawatz

Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Fleischman and seconded by Luebbe to accept the County Clerk Fee Report for August 2015 in the amount of \$23,455.75.

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

Moved by Fleischman and seconded by Gausman to accept Sheriff Fee and Mileage Report for July 2015 in the amount of \$1,737.00 and \$525.17 respectively.

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

Gary Petersen, Seward/York Emergency Manager presented the EMPG Grant documents for the Commissioners consideration.

Moved by Fleischman and seconded by Luebbe to authorize the Chairman sign the EMPG Grant Documents.

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

Becky Paulsen, Weed/Zoning Administrator and Eric Landkamer, Chairman of the Planning & Zoning Commission along with Brandy Johnson, Legal Counsel for Seward County and the Commissioners and County Attorney individually in regard to the Harrington court case, were present for the agenda items concerning a recommendation from the Planning & Zoning Committee.

Johnson stated that although a public hearing was held during the Planning & Zoning Committee’s meeting on the issue of amendments relating to adult establishments, another hearing should be held at the Commissioner’s meeting. Landkamer then gave the recommendations of the committee to the Commissioners regarding the amendments.

Moved by Fleischman and seconded by Luebbe to accept the recommendations from the Planning & Zoning Committee regarding amendments of adult establishments as stated below:

**BEFORE THE PLANNING COMMISSION OF SEWARD COUNTY,
NEBRASKA**

IN THE MATTER OF THE PUBLIC)	
HEARING TO AMEND THE ZONING)	
REGULATIONS)	
SEWARD COUNTY NEBRASKA)	FINDINGS, REPORT, AND
)	RECOMMENDATIONS OF
)	PLANNING COMMISSION
PROPOSAL INITIATED BY:)	
SEWARD COUNTY)	
BOARD OF COMMISSIONERS)	

THIS MATTER came before the County Planning Commission on the proposal of the Board of Commissioners initiated on August 11, 2015 to Amend the Zoning Regulations. The specific proposal considered by the Planning Commission is attached hereto as Exhibit A.

A public hearing was held on the proposed amendments on the 31st day of August, 2015 before the Planning Commission at its regular meeting, following special advance notice to the public published in the local newspapers for at least ten days prior to such hearing, as required by Article 11, Section 11.01 of the Seward County Zoning Resolution No. 2567 (2007) and applicable law.

UPON REVIEW AND STUDY of all necessary facts, a presentation by counsel regarding the legal basis for regulating adult establishments, as well as studies, articles, and court decisions regarding same, the Planning Commission makes the following findings:

- A. The proposed amendments to the Zoning Resolution are needed and justified, based on the adverse secondary effects of adult establishments.
- B. The proposed amendments are consistent with the purposes of the general planning program, and the County’s Comprehensive Plan, and they will serve purposes including, but not limited to, the following:
 - 1. Protecting the tax base;
 - 2. Protecting property against blight and depreciation;
 - 3. Securing economy in governmental expenditures;
 - 4. Fostering the state’s industries;

5. Encouraging the most appropriate use of the land in the county.

Based on all of the above findings, the Planning Commission hereby recommends to the Seward County Board the following, as approved by roll call vote at a regular meeting following the public hearing:

 XX approve the proposal for Amended Zoning Regulations
(Exhibit A)

 deny the proposal for Amended Zoning Regulations
(Exhibit A)

Exhibit A located in the Commissioner Zoning File

DATED THIS 8th day of September, 2015.

Eric G. Landkamer, Board Chair

Becky Paulsen, Zoning Administrator

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

Moved by Fleischman and seconded by Luebbe to table the Resolution adopting the zoning amendments item on the agenda.

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

The Chairman stated that no one was present in support of or in opposition to the proposed amendments that were on the agenda, but were not acted on at this time.

Parrack, Highway Supt. presented the Commissioners with a Right of Way Request.

Moved by Fleischman and seconded by Luebbe to approve the right of way request for Seward County Public Power District between Section 30 and 31 in Township 9 North, Range 1 East of the 6th p.m.

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

During Justice Center Update, Commissioner Fleischman stated there would be some delays because of the weather.

Commissioners Reports:

Commissioner Fleischman reported she visited with the Village of Utica in regard to quieting trains, drove roads, worked on budget items and correspondence.

Commissioner Gausman reported he rode the Public Transit Bus to the State Fair, attended a Firespring meeting, and received phone call concerning abandoned cemetery.

In regard to the Nudity Ordinance item on the agenda, Johnson stated that this item should also be tabled. She said a notice was sent to all Village Clerks and City Clerks in the Seward County, asking them to indicate if the proposed Nudity Ordinance is in conflict with any Ordinance they may have adopted. Since all have not replied, that item should not be considered yet.

Moved by Fleischman and seconded by Luebbe to table the Nudity Ordinance due to not receiving any information from the city or village clerks.

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

Commissioners Reports (Cont.)

Commissioner Garske reported she attended the Firespring meeting, Economic Development meeting the State Representatives, visited with several officials, attended a retirement reception for the Deputy Emergency Manager, and a Seward County Economic Development Board meeting.

Commissioners Luebbe reported went to the Village Board Meetings of Garland and Bee, and had a meeting with a lending institution concerning the rail campus. He also

stated he will get in touch with Emrich Construction concerning the Missile Base project.

Commissioner Glawatz reported he attended the Seward Chamber meeting, a brief Economic Development meeting, and dealt with correspondence.

The Board briefly talked about the Budget. Schweitzer stated that a notice will appear to adopt it in this week's newspapers in Seward County. The public hearing will appear on next week's agenda.

The Board recessed at 9:40

The Board re-convened at 9:50

Jeff Baker requested permission to place POW flags around the courthouse on Sept. 18, 2015 in honor of POW Day.

Moved by Fleischman and seconded by to allow the POW Flags to be flown on the courthouse square on Sept 18, 2015.

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

Bob Meyer of Meyer Automotive was present to discuss Towing Services in Seward County. He stated that he got in the towing business in 2012. He said he spoke to the Sheriff's Office and was told that tow trucks were called on a rotation program. In the first year, he said the rotation basis was good. In 2014, his business had not received any calls for the services. He stated he has had clients tell him they wanted to use his service and they were told they couldn't. He gave the Commissioners statutes that state if services are over \$20,000, the service should be bid.

Commissioner Fleischman stated that she briefly talked about the issue with 911 dispatch center. Meyer said he has asked several people and has gotten several different answers and stated the issues should be addressed. Dan Hejl, Chief Deputy spoke and said they do have a procedure for picking a tow service for an accident/incident. Commissioner Fleischman stated that a meeting will be scheduled between the Sheriff and 911 Department and the various towing services to get everybody on the same page.

Michaela Tuttle, HR spoke about the email addresses for Seward County. The Commissioners decided that November 15, 2015 will be a target date in which to change over the email from the Zimbra platform to another platform.

Moved by Fleischman and seconded by Luebbe to go into Executive Session at 10:40 a.m. to discuss personnel, it being necessary to protect the reputation of the individual(s).

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

The Chairman re-stated that the reason for Executive Session was for personnel.

The County Attorney and the HR Director were in Executive Session.

Moved by Fleischman and seconded by Luebbe to go out of Executive Session at 10:48 a.m.

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

The Chairman reiterated that that the reason for Executive Session was for personnel, it being necessary to protect the reputation of the individual(s).

Moved by Fleischman and seconded by Luebbe to grant 80 hours of catastrophic leave to a county employee.

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

Known items on the agenda for Board of Commissioners on September 15, 2015 are as follows:

- 9:00 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance

Discuss/Action – Public/Officials/Boards
Discuss/Action - Approve minutes of September 8, 2015

Other Business Matters to Address When Time Allows

Commissioners Reports

Right of Way Request(s): Res. - Nudity Ordinance-Relating to the subjects and lewd and lascivious behavior and Public Nudity

- 9:30 a.m. Public Hearing – Adopt Seward County 2015-2016 Budget
Discuss/Action - Res. – Adopt Seward County 2015-2016 Budget
- 9:45 a.m. Public Hearing – Set the Tax Request Different than the Prior Year
Discuss/Action - Res. - Set the Tax Request Different than the Prior year

Discuss/Action - Justice Center Update

Discuss/Action - Justice Center – Authorize Chairman to sign Contract for Change Order and Dual Obligee bonds

Discuss/Action - Executive Session – Personnel

Moved by Luebbe and seconded by Fleischman to adjourn at 10:55 a.m.
Affirmative Vote: Luebbe, Fleischman, Gausman, Garske, 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 15th day of September 2015.

County Clerk

Chairman