

September 8, 2020

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, 2020 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, 2020 at 8:30 a.m.

Present: Chairperson: John Culver
Members: Mike Mundhenke, Bob Vrbka, Ken Schmieding, Becky Paulsen
County Clerk: Sherry Schweitzer
County Assessor: Marilyn Hladky

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 Schmieding to approve the minutes of August 25, 2020.

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

Moved by Vrbka and seconded by Schmieding to approve the County Board of Equalization Change of Value Notices as follows:

<u>Years</u>	<u>Parcel #</u>	<u>Name</u>	<u>Legal Description</u>	<u>Reason</u>
2015	800002377	Robert & Kerri Meyer	E 1/2 NE 1/4 32-10-4 80 acres	unreport add to exist bldng
2016	800002377	Robert & Kerri Meyer	E 1/2 NE 1/4 32-10-4 80 acres	unreport add to exist bldng
2017	800002377	Robert & Kerri Meyer	E 1/2 NE 1/4 32-10-4 80 acres	unreport add to exist bldng
2018	800002377	Robert & Kerri Meyer	E 1/2 NE 1/4 32-10-4 80 acres	unreport add to exist bldng
2019	800002377	Robert & Kerri Meyer	E 1/2 NE 1/4 32-10-4 80 acres	unreport add to exist bldng
2020	800002377	Robert & Kerri Meyer	E 1/2 NE 1/4 32-10-4 80 acres	unreport add to exist bldng
2018	800227205	Gregory Smith	Stutzman Add in SE 1/4 35-11-4 5.17 a	2 unreport Dog Kennels
2019	800227205	Gregory Smith	Stutzman Add in SE 1/4 35-11-4 5.17 a	2 unreport Dog Kennels
2020	800227205	Gregory Smith	Stutzman Add in SE 1/4 35-11-4 5.17 a	2 unreport Dog Kennels

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

Hladky then updated the Commissioners on activities of her office.

Known items on the agenda for Board of Equalization on September 22, 2020 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of September 8, 2020

Moved by Vrbka and seconded by Mundhenke to adjourn at 8:50 a.m.

Affirmative Vote: Vrbka, Mundhenke, Schmieding, Paulsen, 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 22nd day of September 2020.

County Clerk

Chairperson

September 8, 2020 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, 2020 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, 2020 at 9:00 a.m.

Present: Chairperson: John Culver

Members: Mike Mundhenke, Bob Vrbka, Ken Schmieding, Becky Paulsen,

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 Mundhenke and seconded by Vrbka to approve the minutes of September 1, 2020.

Affirmative Vote: Mundhenke, Vrbka, Schmieding, Culver

Abstain: Paulsen as she was not in attendance at said meeting.

Motion Carried

Commissioners Reports:

Commissioner Mundhenke reported he met with the Highway Supt. and checked roads.

Commissioner Vrbka reported he met with several constituents and attended the Leadership Meeting for Seward County employees.

Commissioner Culver reported he met with the Highway Supt., the 911 Director, attended both the 4 Corners Health District Update and the Leadership Meeting via Zoom. He also dealt with various correspondences.

Commissioner Schmieding reported he checked on two road projects and attended the Leadership Meeting.

Commissioner Paulsen had no report.

Moved by Vrbka and seconded by Schmieding to accept the County Sheriff Fee and Mileage Report for July 2020 in the amount of \$1,537.00 and \$929.84.

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

Moved by Mundhenke and seconded by Vrbka to accept the Clerk of the District Court Fee Report for August 2020 in the amount of \$9,615.59.

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

Terry Wicht, Highway Supt., presented two documents for the Commissioners' consideration.

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3536 in regard to authorizing the Chairman to sign Professional Services Agreement Supplemental No. 1 in regard to Project BRO-7080 (54) Seward Northwest for Hydraulic Modeling.

**RESOLUTION
PRELIMINARY ENGINEERING SERVICES AGREEMENT – BK1705
SUPPLEMENTAL AGREEMENT NO 1**

SEWARD COUNTY
Resolution No. 3536

Whereas: Seward County and JEO Consulting Group have previously executed a preliminary engineering services agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

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

Whereas: Seward County and JEO Consulting group wish to enter into a supplemental preliminary engineering services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Seward County, Nebraska that:

John Culver, Chair of the Seward County Board of Commissioners is hereby authorized to sign the attached preliminary engineering services Supplemental Agreement No. 1 between Seward County and JEO Consulting Group.

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

NDOT Project Number: BRO-7080(54)

NDOT Control Number: 13362

NDOT Project Description: Seward Northwest

Adopted this 8th day of September, 2020 at Seward Nebraska.

The Board of Commissioners of Seward County, Nebraska:

Robert Vrbka, Michael Mundhenke, Ken Schmieding, Becky Paulsen,
John K, Culver, Chair of the Board

Board/Council Member Vrbka

Moved the adoption of said resolution

Member Schmieding Seconded the Motion

Roll Call: 5 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted

Attest: Sherry Schweitzer, County Clerk

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

Motion Carried

Moved by Schmieding and seconded by Vrbka to adopt Resolution No. 3537 in regard to authorizing the Chairman sign the Annual Certification of Program Compliance for the Seward County Road Dept.

**RESOLUTION
SIGNING OF THE COUNTY ANNUAL
CERTIFICATION OF PROGRAM COMPLIANCE FORM 2020**

Resolution No. 3537

Whereas: State of Nebraska Statutes, sections 39-2115, 35-2119, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include a copy of a resolution of the governing body of the county authorizing the signing of the certification form.

Be it resolved that the County Board Chairperson of Seward County is hereby authorized to sign the attached County Annual Certification of Program Compliance form.

Adopted this 8th day of September 2020 at Seward Nebraska.

County Board Members

Robert Vrbka, Michael Mundhenke, Ken Schmieding, Becky Paulsen,
John K. Culver, Chair of the Board

County Board Member Schmieding

Moved the adoption of said resolution

Member Vrbka Seconded the Motion

Roll Call: 5 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted

Attest: SherrySchweitzer, Seward County Clerk

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

Motion Carried

Moved by Schmieding and seconded by Mundhenke to accept the County Clerk Fee Report for August 2020 in the amount of \$40,582.01

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

Motion Carried

Andrew Matney, 911 Director, and Anna Thomas, Assistant 911 Director, were present to discuss a request for an additional part time staff member for the 911 Communication Dept. He stated that most of his staff have a lot of comp time. He also noted that safety during the evening/night hours is an issue. He stated that he is wanting to add approximately a 12-14 hour/week staff member.

Moved by Vrbka and seconded by Schmieding to approve the request for an additional part time staff member in the 911 Communications Dept.

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

Motion Carried

The Commissioners recessed at 9:35 a.m.

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

Commissioner Paulsen removed herself from the Board at 9:45 a.m.

Moved by Vrbka and seconded by Schmieding to open the public hearing and 9:46 a.m. to re-zone a quarter section of real estate from A-1 District to TA-1 District located in H Precinct in the NE ¼ of Section 32, township 11 North, Range 4 East of the 6th p.m.

Affirmative Vote: Vrbka, Schmieding, Mundhenke, Culver

Motion Carried

Paulsen gave information on the application for the re-zone. She noted that the issue was discussed at the Planning Commission’s meeting with a recommendation to deny with a vote of 9 in favor, 0 against and 1 absent and not voting.

Those speaking at said hearing were:

- Matt Hastings expressed his opposition to said re-zone application;
- John Brady expressed his opposition to said re-zone application;
- Mitch Fiala expressed support for his application to re-zone the area of land in question;
- Dave Wagoner express his opposition to said re-zone application;
- Jeff Culp expressed his opposition to said re-zone application.

Moved by Vrbka and seconded by Schmieding to close the public hearing at 10:13 a.m.

Affirmative Vote: Vrbka, Schmieding, Mundhenke, Culver

Motion Carried

Moved by Schmieding and seconded by Vrbka to pass Resolution No. 3538 in regard to denying the request to re-zone a quarter section of real estate from A-1 District to TA-1 District located in H Precinct in the NE ¼ of Section 32, township 11 North, Range 4 East of the 6th p.m.

**RESOLUTION No. 3538 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Mitchell and Kelli Fiala have applied for a Zoning District change for a tract of land from A-1 Agricultural Preservation District to TA-1 Transitional Agriculture, and

WHEREAS, the tract is described as a tract in the NE1/4 of lot 3 Friedman Addition, Section 32, Township 11N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is Mitchell and Kelli Fiala, and

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

WHEREAS, the Planning Commission held a public hearing on the Zoning District change on August 17th, 2020, and

WHEREAS, the Planning Commission had a recommendation to Deny with a vote of 9 in favor, 0 against, and 1 absent and not voting.

WHEREAS, The Seward County Board of Commissioners held a public hearing on the Zoning District Change on September 8th, 2020, and

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

- WHEREAS**, No one appeared to oppose said amendment
 Individuals appeared to oppose said amendment
 No one appeared to support said amendment
 Individuals appeared to support said amendment
 Individuals appeared without commitment, and,

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby adopt Resolution **3538** to approve_____, deny the Zoning District Change.

Paulsen was removed from the Board at the time this Resolution was passed.

Moved by: Schmieding Seconded by: Vrbka 09/08/2020
Ayes: Robert Vrbka, Ken Schmieding, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Schmieding, Vrbka, Culver

Abstain: Mundhenke

Motion Carried

Moved by Mundhenke and seconded by Vrbka to open a public hearing at 10:20 a.m. to hear comments for a Conditional Use Permit to construct a telecommunications tower for Viaero in C Precinct in the W 1/2 NW 1/4 of Section 35, Township 12 North, Range 2 East of the 6th p.m.
Affirmative Vote: Mundhenke, Vrbka, Schmieding, Culver Motion Carried

Paulsen gave information on the Conditional Use Permit Application. She noted that the issue was discussed at the Planning Commission’s meeting with a recommendation to approve the application with a vote of 9 in favor, 0 against and 1 absent and not voting.

Those speaking at the hearing of the Conditional Use Permit were:
Chris Riha of Viaero gave information about the application and support of it;
Russ Daehling expressed support for said application.
Bobbi Blath, as a member of the Staplehurst Village Board, asked questions of Mr. Riha.

Moved by Vrbka and seconded by Schmieding to close the Public Hearing at 10:31 a.m.
Affirmative Vote: Vrbka, Schmieding, Mundhenke, Culver Motion Carried

The Commissioners completed the Findings of Facts document in connection to said Conditional Use Application.

Moved by Vrbka and seconded by Schmieding to approve Resolution No. 3539 in regard to approving a Conditional Use Permit to construct a telecommunications tower for Viaero in C Precinct in the W 1/2 NW 1/4 of Section 35, Township 12 North, Range 2 East of the 6th p.m.

RESOLUTION NO 3539 OF THE

SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Industrial Tower West has applied for a Permitted Conditional Use Permit to construct a 195’ telecommunications tower, and

WHEREAS, the property is described as the West 1/2 of the Northwest 1/4 of, Section 35, Township 12N, Range 2E, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting August 17, 2020, and

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

WHEREAS, The Planning Commission recommended to Accept the Conditional Use Permit, with a vote of 9 In Favor, 0 Against, and 1 Absent and Not Voting, and

WHEREAS, The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting Sept 8, 2020, and

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

WHEREAS, X No one appeared to oppose said Permitted Conditional Use
 Individuals appeared to oppose said Permitted Conditional Use
 No one appeared to support said Permitted Conditional Use
 X Individuals appeared to support said Permitted Conditional Use
 X 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 for Industrial Tower to construct a telecommunications tower in

the West 1/2 of the Northwest 1/4 of, Section 35, Township 12N, Range 2E Seward County, Nebraska.

Paulsen was removed from the Board at the time this Resolution was passed.

BEFORE THE PLANNING COMMISSION OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)	
)	<u>FINDINGS OF FACTS</u>
CONDITIONAL USE PERMIT)	
REQUEST BY:)	
)	RECOMMENDATIONS
)	

APPLICANT: Industrial Tower West representing VIAERO WIRELESS

THIS MATTER came before the Board of Commissioners on the recommendation of the Planning Commission for a CONDITIONAL USE PERMIT. Public Hearing was held on the 17th day of August 2020. Notice of said hearing was publicized on the 4th day of August 2020.

THE SEWARD COUNTY BOARD OF COMMISSIONERS recommends to

- Approve the Conditional Use Permit
- Deny the Conditional Use Permit

With a Roll Call Vote of: 4 For 0 Against 1 Absent or Not Voting

Upon Review of all necessary facts, the Seward County Board of Commissioners makes the following findings that the application is for the Installation and Use of a Telecommunication Tower, and therefore subject to Seward County's Comprehensive Plan and Land Use Matrix of the Seward County Zoning Regulations,

which states: Article 8: Section 8.01 Radio, Television and Wireless Communication towers. 8.01.01 Intent. To regulate towers, telecommunications facilities and antennas in the county in conformance with the Communications Act without prohibiting or tending to prohibit any person from providing wireless service. promote and encourage shared use.

Upon Review of all the necessary facts, the Seward County Board of Commissioners makes the following findings that:

1. Y The use, in all other respects, conforms to the applicable regulations of the district in which it is located. Applicant went through the Zoning process
2. Y The use has adequate water, sewer, and drainage facilities. Currently in Place
3. Y The use is in harmony with the character of the area and the most appropriate use of the land. Land is currently used as a fallow field
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 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.
No evidence of property value diminishing
6. Y The use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
Future growth of Staplehurst was considered.
7. Y The use has adequate utilities, access roads, and drainage facilities.
Field has village alleyway access.

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. Traffic flow will Not increase daily
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. Electrical grid is in place

Specific Findings of fact X Allowable in TA-1 District. Currently Zoned TA-1

This Conditional Use Permit is applicable to the Tower Only.

Every item, dish or antenna mounted on this tower, or boxes mounted on the ground requires a Separate Development Permit Each.

A Conditional Use Permit may be granted for a Telecommunication Tower in the designated zoning district: The following special conditions have been considered:

1. Y The effects on the adjacent property, traffic.
2. Y The public necessity and advantage.
3. Y The immediate and long-term effect on the environment and the public.
4. Y The concern for public safety.
5. Y The application includes documents to indicate conformance to all applicable governmental regulations and standards.
6. Y The application includes any affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, FAA and FCC in the event an approval is required by these agencies.
7. Y A decommission plan

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 NONE

DATED THIS 8th day of September 2020

Chairman Culver

Chair John K. Culver 9/8/2020

Member Vrbka

Member Schmeiding

Member Mundhenke

Zoning Administrator Becky Paulsen

Moved by: Vrbka Seconded by: Schmeiding 09/08/2020

Ayes: Robert Vrbka, Michael Mundhenke, Ken Schmeiding,

John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Vrbka, Schmieding, Mundhenke, Culver

Motion Carried

Commissioner Paulsen joined the board at 10:39 a.m.

Brea Ehmen, HR Director, gave information about the Wage Range Table subject on the agenda.

Moved by Vrbka and seconded by Schmieding to edit the Seward County Wage Range Table as follows:

Seward County Wage Range Plan		
Adopted 6/16/2020		
Grade	Starting Wage	Maximum Wage
1	\$9.00	\$12.42
2	\$9.36	\$12.92
3	\$9.73	\$13.43
4	\$10.12	\$13.97
5	\$10.53	\$14.53
6	\$10.95	\$15.11
7	\$11.39	\$15.72
8	\$11.84	\$16.34
9	\$12.32	\$17.00
10	\$12.81	\$17.68
11	\$13.32	\$18.38
12	\$13.86	\$19.12
13	\$14.41	\$19.88
14	\$15.00	\$20.70
15	\$15.60	\$21.53
16	\$16.07	\$22.17
17	\$16.55	\$22.84
18	\$17.05	\$23.52
19	\$17.56	\$24.23
20	\$18.08	\$24.96
21	\$18.63	\$25.71
22	\$18.72	\$25.83
23	\$19.19	\$26.48
24	\$19.76	\$27.27
25	\$20.35	\$28.09
26	\$20.97	\$28.93
27	\$21.59	\$29.80
28	\$22.24	\$30.69
29	\$22.91	\$31.61
30	\$23.60	\$32.56
31	\$24.30	\$33.54
32	\$25.03	\$34.55
33	\$25.78	\$35.58
34	\$26.56	\$36.65
35	\$27.35	\$37.75
36	\$28.18	\$38.88
37	\$29.02	\$40.05
38	\$29.89	\$41.25
39	\$30.79	\$42.49
40	\$31.71	\$43.76
41	\$32.66	\$45.07

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

The Commissioners discussed inventories as submitted by the various offices. The Commissioners will spot check the offices in which they are liaison to and will report back next week.

The Commissioners discussed new copy machines for the second floor of the courthouse. There were questions about pros and cons of purchase or lease. Schweitzer is to get more information and present it at next week's meeting.

Known items on the agenda for Board of Commissioners on September 15, 2020 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of September 8, 2020
4. Discuss/Action – Claims for the period through September 4, 2020

Other Business Matters to Address When Time Allows

5. Discuss/Action – Public/Officials/Boards
6. Commissioners Reports
7. Discuss/Action – Inventories from Seward County Offices
8. Discuss/Action – Copy machines for 2nd floor in Courthouse
9. Discuss/Action – Agenda for September 22, 2020

9:15 a.m. Discuss/Action – Maricela Galdmez/Region V-Information about Nebraska Strong Recovery Project-Help regarding Covid 19 and Floods from previous year

Moved by Schmieding and seconded by Vrbka to adjourn at 11:12 a.m.

Affirmative Vote: Schmieding, Vrbka, Paulsen, Mundhenke, 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 15th day of September 2020.

County Clerk

Chairman