

# September 20, 2022

## 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 20, 2022 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 20, 2022 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.

Moved by Ahmic and seconded by Zabrocki to approve the minutes of September 13, 2022.

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

Raegan Hain commented on the Conditional Use Permit that is being considered at today's meeting.

Marilyn Hladky, County Assessor, updated the Commissioners on activities of her office.

### **Commissioner Reports:**

Commissioner Ahmic reported she spoke with the Public Transit Director about grant reporting, attended the Planning Commission meeting, received calls about a conditional use permit, and worked on an issue involving well permits. She also noted a lock has been placed on the Missile Base silo.

Commissioner Vrbka reported he received some comments about roads, attended the Ag Society meeting and worked on county office inventories.

Commissioner Culver reported he talked to people about a conditional use permit, talked to the Highway Supt., attended a Local Emergency Planning Committee meeting, a Seward/Saline Solid Waste meeting, and checked on a road issue. He also noted an email about a tree being donated to the County.

Commissioner Schmieding reported he attended a meeting with Region V and the SouthEast Nebraska Development District (SENDD) meeting. He has a Visitors Committee meeting later today. He noted he also had people talk to him about a conditional use permit issue.

Commissioner Zabrocki reported he dealt with various correspondences about a conditional use permit issue and finished checking office inventories. He also talked with the County Treasurer and the Highway Supt. He went to the Beaver Crossing

Village Board meeting and an Emergency Management Services meeting. He stated he will go to a Seward City Council meeting tonight.

The Commissioners discussed the agenda item of authorizing the Sheriff to sign a 2<sup>nd</sup> appraisal for the Homeland Security Investigations Criminal Interdiction Task Force-West property in Section 4 Township 9 North, Range 3 East of the 6th p.m.

Vance started discussion that, according to the "Guide to Equitable Sharing," he is not going to be able to pay for a 2<sup>nd</sup> appraisal on the building. He read a statement from the Federal Treasury which questioned the use of Federal Forfeiture Funds for a 2<sup>nd</sup> appraisal. Culver stated after reviewing the first appraisal that had been completed for the Task Force Building, he was not sure about the information used. Questions arose about the authority the Sheriff has in authorizing the purchase of real estate, etc.

Moved by Zabrocki and seconded by Ahmic to authorize the County Sheriff to sign an engagement letter with Kubert Appraisal Group for a commercial appraisal for Homeland Security Investigations Criminal Interdiction Task Force-West property in Section 4 Township 9 North, Range 3 East of the 6th p.m.

Affirmative Vote:

Voting No: Zabrocki, Ahmic, Schmieding, Vrbka, Culver Motion Failed

Moved by Ahmic and seconded by Vrbka to open bids for a body scanner at 9:46 a.m. for the Seward County Detention Center.

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

One bid was received from Tek 84 Inc. The bid will be awarded next week.

Becky Paulsen, Zoning Administrator, was in attendance to discuss the Resolution and Findings of Fact for a Conditional Use Permit for an Agricultural Processing Distribution Center located in the SW ¼ of Section 24 Township 11 North Range 1 East of the 6th p.m. The hearing for the permit was held last week. A petition opposing said permit was submitted at that time. According to the Zoning Regulations, it needed to be signed by at least 20% of the adjacent landowners. After researching the land ownership records, it was found that the petition did conform and had 50% of the signatures of the adjacent landowners. Because the petition was accepted, the vote of the Board will require 4/5ths vote of approval to pass. Paulsen read information about the permit including the findings of facts. Commissioners made several statements in regard to the permit.

Moved by Zabrocki and seconded by Ahmic to adopt Resolution No. 3707 in regard to approving a Conditional Use Permit for an Agricultural Processing Distribution Center located in the SW ¼ of Section 24 Township 11 North Range 1 East of the 6th p.m. known as the Geocharged Project.

**RESOLUTION NO 3707 OF THE  
SEWARD COUNTY BOARD OF COMMISSIONERS**

**WHEREAS** Geocharged LLC. has applied for a Conditional Use Permit for an Agricultural Processing Facility, and

**WHEREAS** The property is described as in the Southwest 1/4 of Section 24, Township 11 North, Range 1 East, Seward County, Nebraska, and

**WHEREAS** The Planning Commission held a public hearing to consider the application at a regular meeting August 15, 2022, and

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

**WHEREAS**, The Planning Commission recommended Approval of the Conditional Use Permit, by a vote of 4 In Favor, 1 Against, and 4 Absent and Not Voting, and

**WHEREAS** The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting September 13<sup>th</sup>, 2022, and,

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

**WHEREAS**  No one appeared to oppose said Conditional Use  
 Individuals appeared to oppose said Conditional Use  
 No one appeared to support said Conditional Use  
 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  or  deny the Conditional Use Permit, for GEOCHARGED LLC for a Conditional Use for an Agricultural processing facility on a tract of ground located in part of the Southwest 1/4 of, Section 24, Township 11N, Range 1E. Precinct E, Seward County, Nebraska.

Moved by: Zabrocki Seconded by Ahmic  
 Ayes: Misty Ahmic, Ken Schmieding, Darrell J. Zabrocki, John K. Culver, Chair of the Board  
 Nays: Robert Vrbka  
 September 20, 2022  
 Attest: Sherry Schweitzer, Seward County Clerk

BEFORE THE BOARD OF COMMISSIONERS  
 OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF  
 CONDITIONAL USE/DEVELOPMENT PERMIT  
 REQUEST BY:  
 APPLICANT  
GEOCHARGED LLC.

THIS MATTER came before the Board of Commissioners on the request of the Applicant for a Conditional Use Permit. Public Hearing was held on the 13<sup>th</sup> day of September 2022. Notice of said hearing was publicized on the 23<sup>rd</sup> day of August 2022.

THE SEWARD COUNTY BOARD OF COMMISSIONERS recommends to

X Approve the conditional use permit  
 \_\_\_\_\_ Deny the conditional use permit

With a Roll Call Vote of: 4 For, 1 Against, 0 Absent Not Voting  
 Upon Review of all necessary facts, the Seward County Board of Commissioners makes the following findings that the application is for the construction and operation of an Agricultural Processing Facility, and therefore subject to Seward County's Comprehensive Plan and Land Use Matrix of the Seward County Zoning Regulations.

UPON REVIEW of all 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.
2. Y The use has adequate water, sewer, and drainage facilities.
3. Y The use is 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 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 use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 7. Y The use has adequate utilities, access roads, and drainage facilities.
- 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.

Currently Zoned A-1

This Conditional Use Permit is applicable to this site only.

A Conditional Use Permit may be granted for an Agricultural Processing Facility in the designated zoning district: The following special conditions have been considered:

1.  The effects on the adjacent property, traffic.
2.  The public necessity and advantage.
3.  The immediate and long-term effect on the environment and the public.
4.  The concern for public safety.
5.  The application may include documents to indicate conformance to all applicable governmental regulations and standards.

FURTHER, the Board of Commissioners recommends 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

Dated this 20<sup>th</sup> day of September 2022.

John K. Culver, Chair of the Board

Misty Ahmic, Robert Vrbka, Darrell Zabrocki, Ken Schmieding

Affirmative Vote: Zabrocki, Ahmic, Schmieding, Culver

Voting No: Vrbka

Motion Carried

Moved by Vrbka and seconded by Zabrocki to adopt Resolution No. 3708 in regard to allowing Jones Bank to pledge additional securities.

Resolution # 3708 of the  
Seward County Board of Commissioners

WHEREAS, The JONES BANK desires to pledge the following security, as of 9/6/22, to the Seward County Treasurer

DESCRIP	CUSIP #	AMNT PLEDGED
Douglas Co. School #59	259353PL8	\$ 200,000.00

Whereas: the county funds need to be protected at all times. Therefore, let it be resolved, the above pledging is approved by this County Board.

Moved by: Vrbka                      Seconded by: Zabrocki  
Ayes: Robert Vrbka, Misty Ahmic, Darrell J. Zabrocki, Ken Schmieding  
John K. Culver, Chairman of the Board  
Date Adopted: September 20, 2022  
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Zabrocki and seconded by Schmieding to adopt Resolution No. 3709 in regard to allowing Jones Bank to withdraw pledged securities.

Resolution # 3709 of the  
Seward County Board of Commissioners

WHEREAS, The JONES BANK desires to pledge the following securities pledged to the Seward County Treasurer

DESCRIP	CUSIP #	AMNT PLEDGED
CUSTER CO NE26	231764BM2	\$ 210,054.60
WHEAT BELT PWR	96254LKE3	\$ 205,434.60
FNMA 15YR	3140KSCT2	\$ 632,365.56
FNMA 15YR	3140X95A9	\$ 803,949.93
FRLMC 20YR	3133KTPT1	\$ 738,928.35
TOTAL WITHDRAWN		\$ 2,590,733.04

Whereas: the county funds will remain fully protected. Therefore, let it be resolved, the above withdrawals are approved by this County Board.

Moved by: Zabrocki                      Seconded by: Schmieding  
Ayes: Robert Vrbka, Misty Ahmic, Darrell J. Zabrocki, Ken Schmieding  
John K. Culver, Chairman of the Board  
Date Adopted: September 20, 2022  
Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Schmieding and seconded by Zabrocki to accept the Seward County 2022 inventories of the following offices:

Aging Services	Assessor	Attorney
Clerk	Commissioners	County Court
Custodian	District Court	District Judge
E911	Emergency Manager	Extension Office
Fleet	Highway Supt.	Human Resources
Jail	Pretrial Diversion	Probation
Public Defender	Public Transit	Real Estate
Road Dept	Sheriff	Surveyor
Treasurer	Veterans	Victim Advocate
Weed/Zoning		

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

Ahmic led discussion about infrastructure related grants. She stated new grants were released but do not pertain to Seward County. Also discussed was the grant session at the Nebraska Association of County Officials (NACO) meeting held two weeks ago.

There was no new information for the Disbursement of American Rescue Plan Act (ARPA) Funds. The Commissioners discussed the cost of the body scanner that has been requested to be paid out of ARPA Funds and also costs involved with removing flooring in the Treasurer's Office and the new CASA Office on the 3<sup>rd</sup> floor of the Courthouse.

**Known items on the agenda for Board of Commissioners on September 27, 2022 are as follows:**

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Public Hearing for adoption of the Seward County 2022-2023 Budget

**Known items on the agenda for Board of Equalization on September 27, 2022 are as follows:**

Convenes as soon as the Budget Meeting is over

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of September 13, 2022
4. Discuss/Action – Assessor Information Update

**Known items on the agenda for Board of Commissioners on September 27, 2022 are as follows:**

Convenes as soon as the Board Equalization meeting is over

4. Convene and announce Open Meetings Law
5. Pledge of Allegiance
6. Discuss/Action - Approve minutes of September 20, 2022
7. Discuss/Action – Claims through the period of September 16, 2022

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

8. Discuss/Action - Public/Officials/Boards
9. Commissioners Reports
10. Discuss/Action – Tree Donation by the Nebraska City Chamber of Commerce partnering with Nebraska's Natural Resource Districts
11. Discuss/Action – Res. – Seward County Budget for 2022-2023 Fiscal Year
12. Discuss/Action – Res. – Tax Request for the Seward County Budget for the 2022-2023 Fiscal Year
13. Discuss/Action – Infrastructure Related Grants
14. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
15. Discuss/Action – Agenda for October 4, 2022

Moved by Vrbka and seconded by Zabrocki to adjourn at 10:40 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 27<sup>th</sup> day of September 2022.

---

County Clerk

---

Chairperson