

**August 11, 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 August 11, 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 August 11, 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
	County Treasurer:	Bob Dahms

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 Luebbe to approve the minutes of July 28, 2015.  
Affirmative Vote: Glawatz, Luebbe, Garske, Gausman, Fleischman Motion Carried

Moved by Luebbe and seconded by Garske to approve a Tax Exemption Request for United Methodist Church for a 2005 Buick Van VIN# 5GADV33L65D193993.  
Affirmative Vote: Luebbe, Garske, Gausman, Glawatz, Fleischman Motion Carried

Moved by Garske and seconded by Glawatz to approve Tax List Correction 203-14R.  
Affirmative Vote: Garske, Glawatz, Gausman, Luebbe, Fleischman Motion Carried

Known items on the agenda for August, 25, 2015 are as follows:

- 8:30 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of August 11, 2015
- Discuss/Action - Assessor Information Update

Moved by Garske and seconded by Glawatz to adjourn at 8:45 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 25<sup>th</sup> day of August 2015.

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County Clerk

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Chairman

# August 11, 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 August 11, 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 August 11, 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 Fleischman and seconded by Gausman to approve the minutes of August 4, 2015.

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

### **Commissioners Reports:**

Commissioner Luebbe reported he attended the Garland and Bee Village Board meetings, met with JEO and Speece Lewis about several road projects. He visited with the Road Department and the County Treasurer about budgets.

Commissioner Garske reported she visited with Seward County Economic Development Corp and also the IT person. She talked to several offices about their budgets.

Commissioner Gausman reported he received a call from a constituent about a road. He also talked to several officials concerning their budgets.

Commissioner Fleischman reported she met with officials about budgets and also talked to jail contractors.

Commissioner Glawatz met with an official about her budget, worked at the County Fair, attended an Economic Development meeting, received constituent communication and reported on Chamber of Commerce news.

Moved by Gausman and seconded by Luebbe to authorize the Chairman sign the Engagement Letter with Baylor Evnen Law Firm for an Employment Matter.

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

Moved by Garske and seconded by Fleischman to accept the County Treasurer's Annual Investment Report.

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

Moved by Luebbe and seconded by Fleischman to accept Clerk of the District Court Fee Report for July 2015 in the amount of \$4,249.15.

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

Moved by Fleischman and seconded by Garske to accept the County Clerk Fee Report for July 2015 in the amount of \$34,053.00.

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

Moved by Fleischman and seconded by Luebbe to accept the Sheriff Fee and Mileage Report for June 2015 in the amount of \$1,618.00 and \$329.24 respectively.

Affirmative Vote: Fleischman Luebbe Garske Gausman Glawatz

The Board discussed Seward County Economic Development Corporation Board Meetings when county road issues are discussed. It was stated that 2 Commissioners should be at these meetings and even the Highway Supt. Presently, Commissioners Garske and Glawatz are appointed as Board members. If a road issue is to be discussed, Commissioners Luebbe and Glawatz may be there and Commissioner Garske will NOT attend so as to adhere with the Open Meetings Laws.

Michaela Tuttle, HR Director spoke to the Board about the Firespring Quote for IT services for Seward County.

Moved by Fleischman and seconded by Garske to authorize the Chairman sign the Firespring Quote for IT Services for Seward County.

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

During Justice Center Update, Commissioners Fleischman reported that walls of the new Justice Center are going up. She also reported that a meeting for sub-contractors will be soon.

Jeff Fleischman, Shop Foreman reported that his recommendation was to accept the bid from Nebraska Machinery for the Rolling Packer as was bid last week.

Moved by Fleischman and seconded by Luebbe to award the Rolling Packer Bid for \$28,785.00 to Nebraska Machinery Company.

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

Moved by Fleischman and seconded by Gausman to approve the right of way request from Windstream between the NE ¼ of Section 12 and the SE ¼ of Section 1, Township 11 North Range 2 East of the 6th p.m.

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

Moved by Garske and seconded by Luebbe Gausman to approve the right of way request from Windstream between the NW ¼ of Section 35 and the SW¼ of Section 26, Township 11 North Range 2 East of the 6th p.m.

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

John and Marilyn Smith, Ken Odvody and Marty Bender were present to discuss a road near their property they own. Presently, there is a minimum maintenance road for access to it and a bridge which has a very low tonnage. Smith stated that they have talked to the Highway Dept. for the last 10 years with no success. Smith also stated that they have used neighbors land to access their land but are fearful that if ownership is ever changed, access will not be permitted. Commissioner Luebbe stated he has visited the site and realizes the problem. Curt Parrack, Highway Supt. also stated that he has seen the road. Commissioner Luebbe stated the road has not been abandoned and needs to be possibly re-established from the East. He and Parrack will look into the issue.

The Commissioners recessed at 9:55 a.m.  
The Commissioners reconvened at 10:04 a.m.

Moved by Fleischman and seconded by Luebbe to go into Executive Session at 10:04 a.m. to discuss pending litigation.

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

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

Moved by Garske and seconded by Gausman to go out of Executive Session at 11:03 a.m.

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

The Chairman reiterated that the reason for Executive Session was for pending litigation.

Scott Bergthold, legal counsel with NIRMA, via phone, gave information about zoning regulations regarding adult establishments. He gave information about prior cases involving secondary effects of having an adult establishment, such as negative impacts on surrounding properties, crimes, public indecency, drug use, prostitution and aesthetic impacts of litter, traffic, and noise. He listed many court cases involving adult establishments where negative results happened because of secondary effects.

Moved by Fleischman and seconded by Gausman to consider of possible amendments to County Zoning Regulations for submission to Planning Commission pursuant to Article 11. Section 11.01 of Resolution 2567, specifically changes to definitional sections regarding adult entertainment establishments, regulations of adult establishments, opening of C-2 districts to adult establishments as a permitted use under certain restrictions; presentation by County's legal counsel concerning case law and legal basis for regulations.

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

Moved by Fleischman and seconded by Luebbe to publish notice of a public meeting on September 1, 2015 to discuss the adoption of a Nudity Ordinance as proposed for adoption on September 8, 2015 at our regular meeting, with the required statutory publication to be made of such proposed ordinance adoption and public meeting requirement with changes to wording of patron/person.

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

The Commissioners recessed at 11:30 a.m.  
The Commissioners re-convened at 11:35 a.m.

The Commissioners discussed the budget. They had scheduled call-backs of the following:

Emergency Management, Sheriff and County Attorney.

Gary Petersen and Joe Yocum were present for their call-backs.

The Commissioners recessed at 12:25 p.m.  
The Commissioners re-convened at 1:00 p.m.

Commissioners discussed budgets.

Fleischman is absent at 2:10 p.m.

Known items on the agenda for Board of Commissioners on August 18, 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 August 11, 2015

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

Commissioners Reports  
Right of Way Request(s): None  
Discuss/Action – Authorize Chairman to sign Easement with Great Plains  
Communications at the new Justice Center Site  
Discuss/Action – Approve 1% on 15-16 Budget for Restricted Funds  
Discuss/Action - Justice Center Update  
Discuss/Action – Budget Discussion  
9:30 a.m. Discuss/Action – Open Rock Bids – Pit Prices  
9:45 a.m. Discuss/Action - Open Rock Bids –Delivered Prices  
10:00 a.m. Discuss/Action – Clark Kolterman/Visitors Committee – Annual Report  
and 150<sup>th</sup> Anniversary of City of Seward, Seward County and Nebraska

Moved by Luebbe and seconded by Garske to adjourn at 2:15 p.m.  
Affirmative Vote: Luebbe, Garske, Gausman, 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 18<sup>th</sup> day of August 2015.

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County Clerk

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Chairman