

August 13, 2013
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 13, 2013 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 13, 2013 at 9:00 a.m.

Present:	Chairman:	Darrell Miller
	Members:	Mike Luebbe, Diana Garske, Scott Stuhr, Mary Koci
	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 Koci and seconded by Stuhr to approve the minutes of August 6, 2013.
Affirmative Vote: Koci, Stuhr, Garske, Luebbe Motion Carried
Abstain: Miller as he was not in attendance at said meeting.

Russ Daehling, Highway Supt. updated the Commissioners on activities of his office.

Commissioners Reports:

Commissioner Luebbe reported he attended the Village Board meetings of Bee, Garland and Pleasant Dale. He also worked on the proposed budget.

Commissioner Garske reported the CASA Information for their last month's activities since Wess Robotham, Director of Southeast CASA was not able to attend. She also reported that she worked on Economic Development concerns.

Commissioner Stuhr reported he worked on some road concerns, zoning/weed concerns and budget issues.

Commissioner Koci reported she attended a Seward Chamber of Commerce meeting. Commissioner Miller reported he attended a Four Corners Health Board meeting the week prior to last.

Moved by Stuhr and seconded by Koci to authorize the Chairman to sign the Amendment to Financial Assistance Award for EDA Tenneco Paving Project C-80-456.
Affirmative Vote: Stuhr, Koci, Garske, Luebbe, Miller Motion Carried

Moved by Stuhr and seconded by Luebbe to adopt Res. # 3038 in regard to the request for relaxation of Minimum Standards from HL-93 loading to MS-18 loading for Federal Aid Bridge Replacement Project BRO-7080(27) Control No. 11792 located through Section 28, Township 11 North, Range 3 East of the 6th p.m. or on the south end of Seward's South 2nd Street.

RESOLUTION NO. 3038

WHEREAS, Bridge No. C008002920P located in Sec. 28-T11N-R3E, on a local road in Seward County, Nebraska

WHEREAS, the bridge was programmed for replacement utilizing federal aid bridge replacement funds and the bridge was designed prior to September 2008.

BE IT FURTHER RESOLVED THAT, the Seward County Board directs the County Highway Superintendent to submit a request for a Relaxation of Standards to the Board of Classifications and Standards from HL-93 loading to MS-18 loading for the design for the structure.

Dated this 13th day of August 2013

AYES: Scott Stuhr, Michael Luebbe, Mary Koci, Diana L. Garske

Chairman of the Board: Darrell Miller

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Stuhr, Luebbe, Koci, Garske, Miller Motion Carried

Moved by Stuhr and seconded by Koci to approve the right of way request for Windstream Nebraska Inc. between Sections 17 & 18, Township 12 North, Range 1 East of the 6th p.m.

Affirmative Vote: Stuhr, Koci, Garske, Luebbe, Miller Motion Carried

Moved by Koci and seconded by Stuhr to approve a 1% increase on Restricted Funds for the Seward County Budget for Fiscal Year 2013-2014.

Affirmative Vote: Koci, Stuhr, Garske, Luebbe, Miller Motion Carried

Moved by Stuhr and seconded by Garske to authorize the Chairman to sign the State of Nebraska Agreement for Child Support Enforcement Service for the Seward County Attorney for October 1, 2013 through September 30, 2014.

Affirmative Vote: Stuhr, Garske, Koci, Luebbe, Miller Motion Carried

Moved by Koci and seconded by Stuhr to authorize the Chairman to sign the State of Nebraska Agreement for Child Support Enforcement Service for the Seward County Clerk of the District Court for October 1, 2013 through September 30, 2014.

Affirmative Vote: Koci, Stuhr, Luebbe, Garske, Miller Motion Carried

Moved by Stuhr and seconded by Garske to accept the Clerk of the District Court Fee Report for July 2013 in the amount of \$1,470.02.

Affirmative Vote: Stuhr, Garske, Luebbe, Koci, Miller Motion Carried

The Commissioners recessed at 9:27 a.m.

The Commissioners re-convened at 9:32 a.m.

Moved by Stuhr and seconded by Koci to open a Public Hearing at 9:33 a.m. for a Conditional Use Permit to construct a renewable energy and future organic agricultural facility in the NE ¼ NE ¼ of Section 2, Township 10 North, Range 3 East of the 6th p.m., Seward County Nebraska.

Affirmative Vote: Stuhr, Koci, Garske, Luebbe, Miller Motion Carried

Those commenting on the requested permit were:

Roger Schreiner, Todd Woodley, Susan Hackbart, Rod Woebbecke, and Mark Kolterman

Moved by Koci and seconded by Garske to close the public hearing at 9:50 a.m.

Affirmative Vote: Koci, Garske, Luebbe, Stuhr, Miller Motion Carried

The Commissioners completed the 14 points for the finding of fact document.

Moved by Stuhr and seconded by Luebbe to adopt Res. # 3039 in regard to a Conditional Use Permit to construct a renewable energy and future organic agricultural facility in the NE ¼ NE ¼ of Section 2, Township 10 North, Range 3 East of the 6th p.m., Seward County Nebraska.

RESOLUTION NO. 3039

WHEREAS, Growth Design has applied for a Conditional Use Permit to construct a renewable energy and future organic agricultural facility, and

WHEREAS, The property is described as part of the NE1/4 NE1/4, of Section 2, Township 10N, Range 3E, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting July 22, 2013, and

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

WHEREAS, The Planning Commission recommended Approval of the Conditional Use Permit, with a vote of 7 In Favor, 0 Against, and 2 Absent and Not Voting, and

WHEREAS, The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting August 13, 2013, and

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

WHEREAS,

 No one appeared to oppose said Conditional Use

 X Individuals appeared to oppose said Conditional Use

 No one appeared to support said Conditional Use

 X Individuals appeared to support said Conditional Use,

 X Individuals appeared without commitment, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve the Conditional Use Permit for Growth Design to construct a renewable energy and future organic agricultural facility on a tract of ground located in part of the NE1/4 NE1/4, Section 2, Township 10N, Range 3E Seward County, Nebraska.

CONDITION: Approval of Conditional Use Permit is for Phase 1 only

Dated this 13th day of August 2013

AYES: Scott Stuhr, Michael Luebbe, Mary Koci, Diana L. Garske

Chairman of the Board: Darrell Miller

ATTEST: Sherry Schweitzer, Seward County Clerk

BEFORE THE COUNTY BOARD OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)	
)	NO. <u>02-13</u>
CONDITIONAL USE PERMIT)	
REQUEST BY:)	FINDINGS OF FACT
)	
<u>Growth Design</u>)	
APPLICANT)	

THIS MATTER came before the County Board on the request of the Applicant for a conditional use permit. Public hearing was held on the 13th day of August, 2013. Notice of said hearing was publicized on the 31st day of July, 2013.

THE PLANNING COMMISSION recommended to

 X approve the conditional use permit

 deny the conditional use permit

UPON REVIEW of all necessary facts, the 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. *Access from highway (Matzke).*
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. *Using driveway that is there.*
9. Y The use does not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled. *All controlled inside buildings.*
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. *Everything contained inside.*
11. Y The use does not involve any malodorous gas or matter, which is discernible on any adjoining lot or property. *Gas pumped directly into pipeline.*
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. *Will have staging area on-site.*

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.

Specific Findings of fact

NONE

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.

Dated this 13th day of August, 2013.

Darrell Miller, Board Chair

Mary Koci, Scott Stuhr, Diana L. Garske, Michael Luebbe

Affirmative Vote: Stuhr, Luebbe, Koci, Garske, Miller

Motion Carried

The Commissioners had budget callbacks with the following officials:
Joe Yocum, Sheriff; Marilyn Hladky, Assessor; Bob Dahms, Treasurer; Eric Williams, Public Defender; Jacque Stewart, Clerk of the District Court.

The Commissioners recessed at 11:20 a.m.

The Commissioners re-convened at 11:27 a.m.

The Commissioners continued their budget callbacks with the following official:
Sherry Schweitzer, Clerk

Known items on the agenda for August 20, 2013 are as follows:

9:00 a.m. Convene and announce Open Meetings Law

Pledge of Allegiance

Discuss/Action – Public/Officials/Boards

Discussion/Action- Approve Minutes of August 13, 2013

Other Business Matters to Address When Time Allows

Commissioners Reports

Right of Way Request(s): None

Discuss/Action – Budget

10:00 a.m. Discuss/Action – Open bids for Assessor Software

Moved by Koci and seconded by Luebbe to adjourn at 1:05 p.m.

Affirmative Vote: Koci, Luebbe, Stuhr, Garske

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 20th day of August 2013.

County Clerk

Chairman