

February 18, 2014

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 February 18, 2014 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 February 18, 2014 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 February 14, 2014.

Affirmative Vote: Koci, Stuhr, Luebbe, Miller

Abstain: Garske as she was not in attendance

Motion Carried

Marvin Havlat presented information to the Board about hemp and other plants on his property.

Russ Daehling, Highway Supt. gave a report on activities of his office.

Commissioners Reports:

Commissioner Luebbe reported he checked on the Missile Base iron removal project, reviewed the road plan, and also reported he was not able to get all parties together in regard to the 1st Methodist abandoned cemetery.

Commissioner Garske reported she attended a strategic planning meeting in Milford and spoke to Goldberg Architects in regard to the possible judicial center.

Commissioner Stuhr reported he toured some county roads, met with the road dept. on future planning, and spoke with Goldberg Architects.

Commissioner Koci reported she attended an Extension Board Appreciation luncheon and attended an Extension Board meeting.

Commissioner Miller reported he attended a fair board meeting

Moved by Stuhr and seconded by Koci to adopt Resolution No. 3084 in regard to center pivot irrigation on roads.

RESOLUTION NO. 3084

WHEREAS: Landowners and tenants do not always control the end guns on their center pivots which results in a muddy road. Motorists driving on a dry road are not anticipating a muddy, slick spot on the road which can and do

result in accidents. The county may be named in a lawsuit due to allowing this type of activity.

WHEREAS: Neb. Rev. Stat. §39-301 prohibits anyone from injuring or obstructing a public road; and,

WHEREAS: diverting water onto or across a public road which saturates, washes, or impairs the maintenance, construction, or pass ability of such public road is prohibited by law; and,

WHEREAS: no criminal penalties may be applied when damages to a road has been caused by the mechanical malfunction of any irrigation equipment when a sprinkler system has been set so that under normal weather conditions no water would have been placed upon the right-of-way of any road; and,

WHEREAS: criminal penalties may, however, be imposed if damage to a public road has been caused by a mechanical malfunction or irrigation equipment more than two times in one calendar year; and,

WHEREAS: Neb. Rev. Stat. § 39-302 provides that any sprinkler system which, due to location or design, diverts, or is capable of diverting, water onto or across a public road so as to saturate, wash, or impair the maintenance, construction, or pass ability of such road, or allows water to accumulate on the roadway or traveled surface shall be equipped with a device to automatically shut off the end gun of the irrigation system; and,

WHEREAS: it is the determination of the Seward County Board of Commissioners, that any person who damages a road with irrigation water shall be liable to the county for the cost of repair, re-graveling, and/or additional reasonably necessary maintenance and expense required to be performed to return the public road to its original condition; and,

WHEREAS: the owner of record of the land upon which the irrigation system is located that caused the damage should be liable and required to reimburse the county for said damages.

NOW THEREFORE, BE IT RESOLVED: the owner of record of land upon which is located any irrigation system damages a public road in Seward County, Nebraska shall be liable for the cost of repair, re-graveling, and any additional reasonably necessary maintenance and expense, caused by said irrigation system diverting irrigation water onto or across a public road which saturates, washes, or impairs the maintenance, construction, or pass ability of such road.

BE IT FURTHER RESOLVED: the Seward County Road Department is authorized to forthwith repair, re-gravel and maintain all such damaged roads. The Seward County Road Highway Superintendent shall certify the costs, to include an administrative fee of \$75.00. The owner of record of the land upon which said irrigation system is located shall be notified of the bill by certified mail, with payment due within 30 days. The sum of any unpaid bill may be recovered by the county in a civil action or as otherwise authorized by existing law.

Dated this 18th day of February 2014

AYES: Scott Stuhr, Mary Koci, Diana L. Garske, Michael Luebbe
Chairman of the Board, Darrell Miller

ATTEST: Sherry Schweitzer, Seward County Clerk

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

Motion Carried

Moved by Stuhr and seconded by Garske to adopt Resolution No. 3085 in regard to placing a stop sign in the SE corner of the SE ¼ of Section 19, Township 10N, Range 2 East of the 6th p.m. stopping southbound traffic.

RESOLUTION NO. 3085

WHEREAS, in the judgment of the Seward County Board of Commissioners, it is deemed advisable and public safety demands that a STOP sign be erected and maintained at the following location:

Intersection of the SE Corner of the SE 1/4 of Section 19, Township 10 North, Range 2 East, Seward County, installing a STOP sign for south bound traffic.

THEREFORE BE IT RESOLVED, that STOP signs be erected at this location and any previous resolutions inconsistent herewith are hereby repealed as of the adoption of this resolution.

Dated this 18th day of February 2014

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

Chairman of the Board, Darrell Miller

ATTEST: Sherry Schweitzer, Seward County Clerk

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

Motion Carried

Moved by Stuhr and seconded by Luebbe to approve the right of way request from Brian Schulz in the SE ¼ of Section 5, Township 12 North, Range 2 East of the 6th p.m.

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

Motion Carried

Moved by Garske and seconded by Stuhr to accept the Sheriff fees and mileage for January 2014 in the amount of \$1,594.00 and \$636.27 respectively.

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

Motion Carried

The Commissioners recessed at 9:30 a.m.

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

Clint Labeledz of Nebraska Machinery explained the lease agreement for a Caterpillar Mini Excavator. He will come back next week with a letter from Caterpillar in regard to the lease.

Known items on the agenda for Board of Equalization on February 25, 2014 are as follows:

- 8:30 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of February 11, 2014
- Discuss/Action - Assessor Information Update

Known items on the agenda for Board of Commissioners on February 25, 2014 are as follows:

- 9:00 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of February 18, 2014
- Discuss/Action - Claims for February 2014

Other Business Matters to Address When Time Allows

Discuss/Action – Public/Officials/Boards

Commissioners Reports

Right of Way Request(s): None

- 9:30 a.m. Discuss/Action –Public Hearing - Amend the Seward County Livestock Setback Regulations Section 4.03.04 & 4.03.07

Discuss/Action - Res. – Amend the Seward County Livestock Setback Regulations Section 4.03.04 & 4.03.07

- 9:45 a.m. Discuss/Action - Res. – Renewal of Lease Agreement for Caterpillar Mini Excavator from Nebraska Machinery
- 10:00 a.m. Discuss/Action – Open bids for 4 WD Rubber Tire Excavator with Digging Bucket with Hydraulic Thumb and Brush Cutting Attachment
- Discuss/Action – Road Maintenance Plan

Moved by Koci and seconded by Stuhr to adjourn at 10:00 a.m.

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

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 25th day of February 2014.

County Clerk

Chairman