

# July 23, 2013

## 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 July 23, 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 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 July 23, 2013 at 8:30 a.m.

Present: Chairman: Darrell Miller  
Members: Diana Garske, Scott Stuhr, Mary Koci  
County Clerk: Sherry Schweitzer  
County Assessor: Marilyn Hladky  
Absent: Member: Mike Luebbe

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 Stuhr and seconded by Garske to approve the minutes of July 16, 2013.  
Affirmative Vote: Stuhr, Garske, Koci, Miller Motion Carried

Moved by Koci and seconded by Garske to approve the letter from Brase Seamless Gutters requesting a tax refund.  
Affirmative Vote: Koci, Garske, Stuhr, Miller Motion Carried

Moved by Stuhr and seconded by Koci to approve Tax List Corrections 103-11P & 104-12P.  
Affirmative Vote: Stuhr, Koci, Garske, Miller Motion Carried

Hladky gave her recommendation for the protest valuations.

Moved by Stuhr and Seconded by Garske to make no change based upon the Assessor's testimony and recommendation on the property for Richard A. Frerichs for a part of the W 1/2 SE 1/4 of Section 22, Township 9 North, Range 2 East.  
Affirmative Vote: Stuhr, Garske, Koci, Miller Motion Carried

Moved by Stuhr and seconded by Garske, after an inspection and review of the property, to reduce the value to \$46,936 based on the Assessor's testimony and recommendation on the property for Dustin Fierstein for a part of the NE 1/4 of Section 8, Township 11 North, Range 4 East.  
Affirmative Vote: Stuhr, Garske, Koci, Miller Motion Carried

Moved by Koci and seconded by Garske to make no change based upon the Assessor's testimony and recommendation on the property for Ronald W. and Lucille A. Hinrichs for a part of the E 1/2 SE 1/4 of Section 1, Township 10 North, Range 4 East.  
Affirmative Vote: Koci, Garske, Stuhr, Miller Motion Carried

Moved by Stuhr and seconded by Koci, after inspection and review of the property, to reduce the value due to the condition of the property for REO Enterprises for Lot 3 and the W ½ of Lot 2, Block 3, Laune's 2<sup>nd</sup> Add., Milford to \$47,152.  
Affirmative Vote: Stuhr, Koci, Garske, Miller Motion Carried

Commissioner Luebbe is present at 8:40 a.m.

Moved by Stuhr and seconded by Koci, after inspection and review of the property, to reduce the value due to the condition of the property for REO Enterprises for Lot 10, Block 1, Original Town, Milford to \$68,068.  
Affirmative Vote: Stuhr, Koci, Garske, Luebbe, Miller Motion Carried

Moved by Koci and seconded by Stuhr, after inspection and review of the property, to reduce the value due to the condition of the property for REO Enterprises for Lot 1 and part of Lot 2, Block 2, 2<sup>nd</sup> Skyline Add., Milford to \$60,783.  
Affirmative Vote: Koci, Stuhr, Garske, Luebbe, Miller Motion Carried

Moved by Stuhr and seconded by Koci, after inspection and review of the property, to reduce the value due to the condition of the property for SSK Management for Lot 13, Block J, Davisson & Culver Add., Milford to \$57,198.  
Affirmative Vote: Stuhr, Koci, Luebbe, Garske, Miller Motion Carried

Moved by Stuhr and seconded by Luebbe, after inspection and review of the property, to reduce the value due to the condition of the property for BJ Hotels for Parcel 1 in Lots 3 & 4, Southcrest Subdivision, Seward to \$582,354.  
Affirmative Vote: Stuhr, Luebbe, Garske, Koci, Miller Motion Carried

Moved by Stuhr and seconded by Koci, after inspection and review of the property, to reduce the value due to the condition of the property for Orvis F. Wall for Lot 1 and Part of Lot 2, Block 1, Laune's Add., Milford to \$43,112.  
Affirmative Vote: Stuhr, Koci, Garske, Luebbe, Miller Motion Carried

Moved by Koci and seconded by Stuhr, after inspection and review of the property, to reduce the value due to the condition of the property for James L. and Josette Dalton for Lots 15 and 16, Block 7, Original Town, Milford to \$121,381.  
Affirmative Vote: Koci, Stuhr, Luebbe, Garske, Miller Motion Carried

Moved by Stuhr and seconded by Garske to reduce the value based upon the evidence presented at the protest hearing on the property for Orden E. or Sandra J. Owen for part of the W ½ NW ¼ of Section 8, Township 10 North, Range 4 East to \$399,540.  
Affirmative Vote: Stuhr, Garske, Luebbe, Koci, Miller Motion Carried

Moved by Garske and seconded by Luebbe to raise the value to \$178,747 on the NW ¼ of Section 10, Township 10 North, Range 4 East belonging to Orden E. or Sandra J. Owen based upon the evidence presented at the protest hearing.  
Affirmative Vote: Garske, Luebbe, Koci, Stuhr, Miller Motion Carried

Moved by Stuhr and seconded by Garske to reduce the value based upon the evidence presented at the protest hearing on the property protested by Kirk Beekley for part of the SW ¼ of Section 35, Township 9 North, Range 2 East to \$391,420.  
Affirmative Vote: Stuhr, Garske, Koci, Luebbe, Miller Motion Carried

Moved by Stuhr and seconded by Luebbe to make no change based upon the Assessor's testimony and recommendation on the property for Marilyn Nickell on the S ½ NE ¼ and NE ¼ SE ¼ of Section 12, Township 9 North, Range 4 East.  
Affirmative Vote: Stuhr, Luebbe, Koci, Garske, Miller Motion Carried

Moved by Garske and seconded by Stuhr, based on the removal of trade fixtures, to reduce the value for Casey's General Store for part of Lot 2, Block A, Plaza South Subdivision, Seward to \$549,105.

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

Motion Carried

Moved by Stuhr and seconded by Koci, based on the removal of trade fixtures, to reduce the value for Casey's General Store for part of Lot 3 and all of Lot 4, Block K, Davisson & Culver Add., Milford to \$260,316.

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

Motion Carried

Hladky updated the Commissioners on activities of her office.

Known items on the agenda for August 13, 2013 as follows:

- 8:30 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discussion/Action- Approve minutes of July 23, 2013
- Discussion/Action- Assessor Information Update

Moved by Garske and seconded by Koci to adjourn at 9:02 a.m.

Affirmative Vote: Garske, Koci, Stuhr, 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 13<sup>th</sup> day of August 2013.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

## July 23, 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 July 23, 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 July 23, 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.

Joe Yocum, Sheriff; Russ Daehling, Highway Supt.; Sherry Schweitzer, County Clerk; Barb Liska, E911 Director and Wendy Elston, County Attorney updated the Commissioners on activities of their offices.

Moved by Koci and seconded by Stuhr to approve the minutes of July 16, 2013.  
Affirmative Vote: Koci, Stuhr, Garske, Luebbe, Miller Motion Carried

**Commissioner Reports:**

Commissioner Luebbe reported he looked into some road concerns, worked with new Weed/Zoning Supt., and attended the Planning & Zoning Meeting.

Commissioner Garske reported she worked on some Zoning issues.

Commissioner Stuhr worked on some zoning issues, and attended the Planning & Zoning Meeting.

Commissioner Koci reported she attended a SENDD meeting.

Commissioner Miller reported he has been reviewing the budget.

Moved by Stuhr and seconded by Garske to approve the right of way request from Windstream in Section 25, Township 10 North, Range 1 East of the 6<sup>th</sup> p.m.  
Affirmative Vote: Stuhr, Garske, Koci, Luebbe, Miller Motion Carried

Moved by Luebbe and seconded by Koci to accept the Annual Investment Report as submitted by the County Treasurer.  
Affirmative Vote: Luebbe, Koci, Stuhr, Garske, Miller Motion Carried

Moved by Stuhr and seconded by Garske to accept the Settlement of Accounts Report as submitted by the County Treasurer.  
Affirmative Vote: Stuhr, Garske, Luebbe, Koci, Miller Motion Carried

Moved by Koci and seconded by Stuhr to authorize the Chairman sign the Excess Loss Insurance Policy for the County Health Insurance Program.  
Affirmative Vote: Koci, Stuhr, Luebbe, Garske, Miller Motion Carried

Moved by Koci and seconded by Luebbe to appoint Deanna Portz to the Aging Partners Area wide Advisory Council.  
Affirmative Vote: Koci, Luebbe, Stuhr, Garske, Miller Motion Carried

Moved by Koci and seconded by Stuhr to into public hearing at 9:33 a.m. in regard to an application to re-zone a parcel of land from A-1 to TA-1 in the N 1/2 NW 1/4 NE 1/4 and W 1/2 NE 1/4 NE 1/4 in Section 13 Township 10 North, Range 4 East of the 6<sup>th</sup> p.m.  
Affirmative Vote: Koci, Stuhr, Garske, Luebbe, Miller Motion Carried

Art Wagner voiced his opinion against said re-zone application.

Cathy & Jim Vogel also spoke against said re-zone application.

Commissioner Stuhr stated he also received an email from Philip Krieser in regard to the re-zone application and read it aloud which stated they were in favor of it.

Moved by Koci and seconded by Luebbe to close said public hearing at 9:42 a.m.  
Affirmative Vote: Koci, Luebbe, Stuhr, Garske, Miller Motion Carried

Moved by Garske and seconded by Koci to adopt Res. #3033 in regard to denying the re-zone application for a parcel of land from A-1 to TA-1 in the N 1/2 NW 1/4 NE 1/4 and W 1/2 NE 1/4 NE 1/4 in Section 13 Township 10 North, Range 4 East of the 6<sup>th</sup> p.m.

**RESOLUTION NO. 3033**

**WHEREAS**, Deborah Allen and Cheryl Krieser 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 N1/2, NW1/4, NE1/4, and W1/2, NE1/4, NE1/4, Section13, Township 10N, Range 4E, Seward County, Nebraska, and

**WHEREAS**, the owner of record is Deborah Allen and Cheryl Krieser, 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 June 24, 2013, and

**WHEREAS**, the Planning Commission had a recommendation to Deny with a vote of 8 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 on July 23, 2013, 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, and

**NOW, THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby adopt Resolution 3033 to deny the Zoning District Change.

Dated this 23<sup>rd</sup> day of July, 2013

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

ATTEST: Sherry Schweitzer, Seward County Clerk

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

Motion Carried

Moved by Stuhr and seconded by Luebbe to open a public hearing at 9:50 a.m. in regard to a re-zone application from R-1 to C-2 for property located in W 1/2 NW 1/4 in Section 4, Township 9 North, Range 3 East of the 6<sup>th</sup> p.m.

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

Motion Carried

During public hearing, Commissioner Stuhr gave some information in regard to said rezone.

No one spoke in favor or against said request.

Moved by Stuhr and seconded by Garske to close said public hearing at 9:54 a.m.  
Affirmative Vote: Stuhr, Garske, Koci, Luebbe, Miller Motion Carried

Moved by Koci and seconded by Luebbe to adopt Res. # 3034 in regard to approving said request in regard to Re-zone from R-1 to C-2 located in W ½ NW ¼ in Section 4, Township 9 North, Range 3 East of the 6<sup>th</sup> p.m.

**RESOLUTION NO. 3034**

**WHEREAS**, Russ Roth has applied for a Zoning District change for a tract of land from R-1 Residential Estates to C-2 Highway Commercial, and

**WHEREAS**, The tract is described as a tract in the W1/2, NW1/4, Section 4, Township 9N, Range 3E, Seward County, Nebraska, and

**WHEREAS**, the owner of record is Earnest Well Drilling Inc., and

**WHEREAS**, The described tract meets all the criteria to be classified as C-2 Highway Commercial, 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 July 22, 2013, and

**WHEREAS**, the Planning Commission had a recommendation to approve with a vote of 7 in favor, 0 against, and 2 absent and not voting.

**WHEREAS**, The Seward County Board of Commissioners held a public hearing on the Zoning District on July 23, 2013, 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, and

**NOW, THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby adopt Resolution 3034 to approve the Zoning District Change.

Dated this 23<sup>rd</sup> day of July 2013

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

ATTEST: Sherry Schweitzer, Seward County Clerk

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

Moved by Stuhr and seconded by Koci to open a public hearing at 9:54 a.m. on a Conditional Use Permit request to operate an Auto Body Shop located in the W ½ NW ¼ in Section 4, Township 9 North, Range 3 East of the 6<sup>th</sup> p.m.

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

Moved by Stuhr and seconded by Luebbe to close said public hearing at 9:56 a.m.  
Affirmative Vote: Stuhr, Luebbe, Koci, Garske, Miller Motion Carried

The Board completed the Findings of Fact Statement which will become a part of the resolution.

Moved by Garske and seconded by Koci to adopt Res. 3035 in regard to approving the Conditional Use Permit to operate an Auto Body Shop in W ½ NW ¼ in Section 4, Township 9 North, Range 3 East of the 6<sup>th</sup> p.m.

**RESOLUTION NO. 3035**

**WHEREAS**, Russ Roth has applied for a Conditional Use Permit to operate an Auto Body Shop, and

**WHEREAS**, The property is described as part of the W1/2, NW1/4, of Section 4, Township 9N, 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 July 23, 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  
 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 the Conditional Use Permit for Russ Roth to operate an Auto Body Shop in the C-2 District, on a tract of ground located in part of the W1/2, NW1/4, Section 4, Township 9N, Range 3E Seward County, Nebraska.

Dated this 23<sup>rd</sup> day of July 2013

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

ATTEST: Sherry Schweitzer, Seward County Clerk

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

Moved by Koci and seconded by Garske to adopt Res. 3036 to approve the Short Form Plat of Earnest Acres in W ½ NW ¼ in Section 4, Township 9 North, Range 3 East of the 6<sup>th</sup> p.m.

**RESOLUTION NO. 3036**

**WHEREAS**, Russ Roth has applied for a Short Form Plat Subdivision of property owned by Earnest Well Drilling Inc., and described as a tract in the W1/2 of the NW1/4, Section 4, Township 9N, Range 3E, Seward County, Nebraska, and

**WHEREAS**, The subdivision shall be called Earnest Acres, and

**WHEREAS**, The Seward County Planning Commission held a meeting on July 22, 2013 to consider the Short Form Plat, and

**WHEREAS**, the Planning Commission recommended Approval of the Earnest Acres Short Form Plat with a vote of 7 For, 0 Against, and 2 Absent and Not Voting, and

**WHEREAS**,

- No one appeared to oppose the subdivision
- Individuals appeared to oppose the subdivision
- No one appeared to support the subdivision
- Individuals appeared to support the subdivision
- Individuals appeared without commitment, and

**THEREFORE BE IT RESOLVED** that the Seward County Board of Commissioners do hereby approve the Earnest Acres Short Form Plat with Resolution NO: 3036.

Dated this 23<sup>rd</sup> day of July 2013

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

ATTEST: Sherry Schweitzer, Seward County Clerk

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

Moved by Stuhr and seconded by Koci to remove Commissioner Stuhr and appoint Commissioner Garske to the Seward County Personnel Board.

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

Joe Yocum, Sheriff; Chelsea Smith, a Sheriff Office Staff member; and Barb Liska, 911 Director were in attendance to ask permission to allocate funds for the Seward County Appreciation Party.

Moved by Garske and seconded by Koci to approve the Sheriff’s Office request for allocation of up to \$25 per employee for the annual Seward County Appreciation Party.

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

Hladky was in attendance to discuss new software for the Assessor’s Office. She was asking for permission to go out for an RFP for this software.

Moved by Garske and seconded by Koci to authorize the Assessor to advertise for bids for new software for the Assessor’s Office.

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

The Board discussed the RFP for the Detention/Judicial Center Planning. Yocum handed out a draft RFP for the Commissioners viewing.

The Board of Commissioners recessed at 10:25 a.m.  
The Board of Commissioners re-convened at 10:33 a.m.

The Board of Commissioners held budget hearings with the following officials:

Marilyn Hladky, County Assessor  
Becky Paulsen, Weed/Zoning Supt.  
Russ Daehling, Hwy Supt.  
Wendy Elston, Attorney  
Gary Petersen, Emergency Manager  
Alan Gless, District Judge  
Jeff Baker, Veterans Service Officer & Public Transit Director  
Eric Williams, Public Defender

Known items on the agenda for July 26, 2013 are as follows:

8:00 a.m. Convene and announce Open Meetings Law  
Pledge of Allegiance  
Discuss/Action – Claims for July 2013

Known items on the agenda for July 30, 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 July 23, 2013  
**Other Business Matters to Address When Time Allows**  
Commissioners Reports  
Right of Way Request(s): None  
Discuss/Action - RFP for Detention/Judicial Center Planning  
9:15 a.m. Discuss/Action – Authorize the Chairman to sign the Community-Based  
Juvenile Services Aid Application and Addendum for County Aid and  
Enhancement Grants  
Discuss/Action – Authorize the Chairman to sign the Justice Assistance  
Grant  
10:00 a.m. Discuss/Action – Budget Hearings

Moved by Stuhr and seconded by Garske to adjourn at 1:23 p.m.

Affirmative Vote: Stuhr, Garske, Koci, 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 30<sup>th</sup> day of July 2013.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman