

Seward County Board of Commissioners

March 17, 2015

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 March 17, 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 March 17, 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 Luebbe to add the following to the agenda as an emergency item:

10:20 A.M. Public Hearing - Request to rezone, from A-1 to TA-1 District real estate in the SE1/4 SE ¼ of Section 12, Township 11 North, Range 4 East of the 6th p.m. as publicized in the newspaper.

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

Moved by Gausman and seconded by Luebbe to approve the minutes of March 10, 2015.

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

Barb Liska, 911 Director updated the Commissioners on activities of her office.

Commissioners Reports:

Commissioner Luebbe reported that some changes were suggested for the Justice Center building, attended Institute of Excellence meeting, the Pleasant Dale Village Board meeting, reported on asbestos removal at the old Extension Office, and worked with tree and brush cutting issues.

Commissioner Garske had no report.

Commissioner Gausman reported he attended a meeting with architects of the Justice Center along with the court representatives, attended the retirement party of the Jail Administrator, and visited some abandoned cemeteries.

Commissioner Fleischman reported she attended the NACO Institute of Excellence meeting, addressed various zoning issues, worked on the CASA Bylaws, and attended an Extension Board meeting.

Commissioner Glawatz attended the Economic Development meeting, a retirement party for the Jail Administrator, the NACO Institute of Excellence meeting, the Great Plains RC&D meeting and the Kiwanis Ag Banquet. He also dealt with emails, phone calls, and visited with constituents.

Moved by Fleischman and seconded by Garske to approve the Surplus Property Disposal Reports from the County Sheriff and County Treasurer.

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

Moved by Luebbe and seconded by Garske to adopt Resolution No. 3161 in regard to leasing a Mini Excavator from Nebraska Caterpillar.

RESOLUTION NO 3161 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Seward County (the "Governmental Entity"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Nebraska (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, In order to acquire such equipment, the Governmental Entity proposes to enter into a lease-purchase transaction pursuant to that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Nebraska Equipment Inc., the form of which has been presented to the governing body of the Governmental Entity at this meeting;

NOW THEREFORE, BE IT RESOLVED;

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Governmental Entity or other members of the governing body of the Governmental Entity executing the same, the execution of such documents being conclusive evidence of such approval; and the persons holding the titles listed below or any other officer of the Governmental Entity who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Agreement and all exhibits attached thereto, and the Secretary/Clerk of the Governmental Entity is hereby authorized to attest to the foregoing and affix the seal of the Governmental Entity to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Governmental Entity shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement, or any other instrument shall be construed with respect to the Governmental Entity as incurring a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the

payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement.

Section 4. Authorized Signatories. Following are the true names, correct titles and specimen signatures of the incumbent officers referred to in the foregoing resolution:

Dated this 17th day of March, 2015.

Motion by: Luebbe

Seconded by: Garske

Aye: Whitney Fleischman, Eugene Gausman, Michael Luebbe, Diana Garske & Roger Glawatz

Attest: Sherry Schweitzer, Seward County Clerk

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

Jeff Fleischman, Shop Foreman presented his recommendation for awarding the Tri-Axle Belly Dump Trailer.

Moved by Garske and seconded by Fleischman to award the bid for the Tri-Axle Belly Dump to Siouxland Trailer Sales for a 2016 trailer with aluminum rims for \$45,950 per the recommendation of the Road Shop Foreman.

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

Joe Yocum, Seward County Sheriff was present to visit with the Board about hiring 2 additional Correctional Officers. He stated that he has been having trouble keeping staff in the Correctional facility and would like to increase the number of Correctional Officers so that it cuts down overtime of the current staff and also in preparation of the additional officers the new Justice Center will require.

Moved by Garske and seconded by Gausman to advertise, recruit and hire 2 additional Correctional Officers for the Detention Center.

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

Yocum was also present to discuss a Maintenance Agreement for a currency counter with Data Business Equipment.

Moved by Fleischman and seconded by Garske to authorize the Sheriff to sign the Contract for Maintenance Agreement for a Currency Counter with Data Business Equipment.

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

Moved by Garske and seconded by Luebbe to adopt Resolution No. 3162 in regard to leasing a Case IH Farmall 100A Series Tractor from Nebraska Equipment, Inc.

RESOLUTION NO 3162 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Seward County (the "Governmental Entity"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Nebraska (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, In order to acquire such equipment, the Governmental Entity proposes to enter into a lease-purchase transaction pursuant to that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement")

with Nebraska Equipment Inc., the form of which has been presented to the governing body of the Governmental Entity at this meeting;

NOW THEREFORE, BE IT RESOLVED;

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Governmental Entity or other members of the governing body of the Governmental Entity executing the same, the execution of such documents being conclusive evidence of such approval; and the persons holding the titles listed below or any other officer of the Governmental Entity who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Agreement and all exhibits attached thereto, and the Secretary/Clerk of the Governmental Entity is hereby authorized to attest to the foregoing and affix the seal of the Governmental Entity to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Governmental Entity shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement, or any other instrument shall be construed with respect to the Governmental Entity as incurring a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement.

Section 4. Authorized Signatories. Following are the true names, correct titles and specimen signatures of the incumbent officers referred to in the foregoing resolution:

Dated this 17th day of March, 2015.

Motion by: Garske

Seconded by: Luebbe

Aye: Diana Garske, Michael Luebbe, Whitney Fleischman, Eugene Gausman & Roger Glawatz

Attest: Sherry Schweitzer, Seward County Clerk

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

Moved by Luebbe and seconded by Garske to accept the Clerk of the District Court Fee Report for February 2015 in the amount of \$5,609.76.

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

Moved by Garske and seconded by Gausman to accept the Zoning/Weed Report for February 2015.

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

Michaela Tuttle, Human Resource Director for Seward County reported she had received 2 quotes for a Salary Comparability Study. Tuttle will work with a company to get a firm quote and report back.

The Commissioners recessed at 10:15 a.m.
The Commissioners reconvened at 10:25 a.m.

Becky Paulsen, Zoning/Weed Director informed the Board about the Planning and Zoning Board recommendation in regard to the request to rezone, from A-1 District to TA-1 District real estate in the SE ¼ SE ¼ of Section 12, Township 11 North, Range 4 East of the 6th p.m.

Moved by Gausman and seconded by Luebbe to open the public hearing at 10:20 a.m. for the request to rezone, from A-1 to TA-1 District real estate in the SE ¼ SE ¼ of Section 12, Township 11 North, Range 4 East of the 6th p.m.

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

A letter was received from Monte Klintworth and was disseminated to all Commissioners. Chairman Glawatz stated that this letter was referring to the concern Klintworth had involving the Comprehensive Plan and land zoned A-1.

Moved by Fleischman and seconded by Garske to close the public hearing at 10:30 a.m.

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

Moved by Fleischman and seconded by Luebbe to adopt Resolution No. 3163 in regard to approving the request to rezone, from A-1 to TA-1 District real estate in the SE ¼ SE ¼ of Section 12, Township 11 North, Range 4 East of the 6th p.m.

RESOLUTION NO 3163 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, David Schroeder, and son Jacob Schroeder 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 SE1/4 of the SE1/4 of, Precinct H Section 12 , Township 11N, Range 4E, Seward County, Nebraska, and

WHEREAS, the owner of record is David Schroeder, 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 February 23, 2015, and

WHEREAS, the Planning Commission had a recommendation to APPROVE this action, with a vote of 6 in favor, 1 against, and 0 absent and not voting.

WHEREAS, The Seward County Board of Commissioners held a public hearing on the Rezone of the District on March 17, 2015, 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, X No one appeared to oppose said amendment

___Individuals appeared to oppose said amendment

X 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 3163 to approve X, deny_____ the Zoning District Change.

Dated this 17th day of March, 2015.

Motion by: Fleischman

Seconded by: Luebbe

Aye: Whitney Fleischman, Michael Luebbe, Eugene Gausman, Diana Garske & Roger Glawatz

Attest: Sherry Schweitzer, Seward County Clerk

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

Paulsen informed the Commissioners about a request to construct a new Verizon Tower located in Precinct H in the N ½ NE ¼ of Section 30, Township 11 North, Range 4 East of the 6th p.m.

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

Moved by Fleischman and seconded by Gausman to add the following to the agenda as an emergency item:

10:20 A.M. - Public Hearing - Request for a Conditional Use Permit to construct a new Verizon Tower located in Precinct H in the N ½ NE ¼ of Section 30, Township 11 North, Range 4 East of the 6th p.m. as publicized in the newspaper.

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

Moved by Luebbe and seconded by Garske to go into public Hearing at 10:37 a.m. to hear the request for a Conditional Use Permit to construct a new Verizon Tower located in Precinct H, in the N ½ NE ¼ of Section 30, Township 11 North, Range 4 East of the 6th p.m.

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

Andy Anderson of Verizon Wireless was present to support said request and give information on the tower.

Moved by Fleischman and seconded by Luebbe to go out of Public Hearing at 10:42 a.m.

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

The Commissioners completed the 14 Point Document required for a Conditional Use Permit.

Moved by Fleischman and seconded by Luebbe to adopt Resolution No. 3164 in regard to approving the request to construct a new Verizon Tower located in Precinct H, in the N ½ NE ¼ of Section 30, Township 11 North, Range 4 East of the 6th p.m.

RESOLUTION NO 3164 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

WHEREAS, Verizon Wireless has applied for a Conditional Use Permit to construct a new Verizon Tower, and

WHEREAS, The property is described as Precinct H, in the N1/2 of the NE1/4, of Section30, Township 11N, Range 4E, Seward County, Nebraska, and

WHEREAS, The Planning Commission held a public hearing to consider the application at a regular meeting February 23, 2015, 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 Permitted Conditional Use Permit, with a vote of 7 In Favor, 0 Against, and 0 Absent and Not Voting, and

WHEREAS, The Seward County Board of Commissioners held a public hearing to consider the application at a regular meeting March 17, 2015, and

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

WHEREAS, X No one appeared to oppose said Permitted Conditional Use
___ Individuals appeared to oppose said Permitted Conditional Use
___ No one appeared to support said Permitted Conditional Use
X Individuals appeared to support said Permitted Conditional Use,
___ Individuals appeared without commitment, and

BEFORE THE COUNTY BOARD OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)
) NO. 3164
CONDITIONAL USE PERMIT)
REQUEST BY:)
) FINDINGS OF FACT
))
Verizon Wireless)
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 17th day of March, 2015. Notice of said hearing was publicized on the 11th day of March, 2015.

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. NA 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.

Specific Findings of fact

Follow all Regulations

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.

The tower complies with Article 8 of the Zoning Regulations of Seward County.

Dated this 17th day of March, 2015.

Whitney Fleischman, Michael Luebbe, Eugene Gausman,
Diana Garske & Roger Glawatz

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve X or ___ deny the Permitted Conditional Use Permit for VERIZON WIRELESS to construct a new Tower Structure in the N1/2, NE1/4, of Section 30, Township 11N, Range 4E Seward County, Nebraska.

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

Commissioner Gausman asked the Board if the bid for the mowing of the abandoned cemeteries should be divided up "per cemetery" or if one bid should be submitted for

"all cemeteries." It was decided that the bidding will be "for cemeteries" as in previous years. Gausman and the County Clerk will see what 4-H Clubs will help putting crosses on the graves for Memorial Day so she can note it on the specs.

Commissioner Luebbe led discussion on the adjustment to the EOC space in the Justice Center and West Wing. Gary Petersen, Seward/York Emergency Manager was in attendance to explain that it would be better if he would be able to stay at the West Wing rather than at the new Justice Center. He stated that although he would like to use a room for emergency use at the new Justice Center, he would be able to utilize his present office more efficiently (with some additional space since the Attorney's Office would be moving to the Justice Center.) The space that is now shown in the Justice Center Plans for his office could be used by the Sheriff's Dept. The Commissioners were all in agreement to have the Emergency Manager's Office stay in the West Wing.

Moved by Fleischman and seconded by Luebbe to make an adjustment to the design of the Justice Center expanding the 3rd floor square footage 306 square feet.
Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

Known items on the agenda for Board of Equalization on March 24, 2015 are as follows:

- 8:30 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of March 10, 2015
- Discuss/Action - Assessor Information Update

Known items on the agenda for Board of Commissioners on March 24, 2015 are as follows:

- 9:00 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of March 17, 2015

Other Business Matters to Address When Time Allows

- Discuss/Action – Public/Officials/Boards
- Commissioners Reports
- Right of Way Request(s): None
- Discuss/Action – Assign alternate representation for CASA Board
- Discuss/Action – Res. - Short Form Plat to create Monument Park Addition located in the E½ SE ¼ of Section 23 T10N R3E
- Discuss/Action – Justice Center Update
- 9:30 a.m. Discuss/Action - Open Culvert Bids

Moved by Fleischman and seconded by Gausman to adjourn at 11:41 a. m.
Affirmative Vote: Fleischman, Gausman, Garske, Luebbe, 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 24th day of March 2015.

County Clerk

Chairman