

October 8, 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 October 8, 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 October 8, 2013 at 8:30 a.m.

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

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 Luebbe to approve the minutes of September 24, 2013.

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

Moved by Koci and seconded by Luebbe to approve Tax List Correction 106-12P.

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

Known items on the agenda for Board of Equalization on October 15, 2013 are as follows:

- 8:30 a.m. Convene and announce Open Meetings Law
- Pledge of Allegiance
- Discuss/Action - Approve minutes of October 8, 2013
- Discuss/Action – Set levies for entities in Seward County for 2013-2014
- Discuss/Action - Assessor Information Update

Moved by Koci and seconded by Luebbe to adjourn at 8:35 a.m.

Affirmative Vote: Koci, Luebbe, Stuhr, 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 15th day of October 2013.

County Clerk

Chairman

The above motion also includes permitting CASA to place a mobile sign on the Southwest corner of the courthouse lawn to advertise for said event.

County Attorney Elston said that because of a recent communication with Jen Olds of SENDD in regard to the Izaak Walton Road Project, there are certain documents that need to be signed by the Commissioners and received by the US Department of Commerce by October 15, 2013. If documents would not be received by the deadline, reimbursement of the final costs may be in jeopardy. Elston recommended that the emergency item be added to the agenda.

Moved by Luebbe and seconded by Koci to add as an emergency item to the agenda "Authorize the Chairman to sign the Federal Financial Report and Final Payment # 10 & Change Order # 2 of the Izaak Walton Road Project C-80(456)."

Affirmative Vote: Luebbe, Koci, Stuhr, Miller

Motion Carried

Moved by Koci and seconded by Luebbe to go into a Public Hearing at 9:32 a.m. for a Conditional Use Permit for Keith Schweitzer on a tract of land in the NW ¼ of the SE ¼ of Section 4, Township 9 North, Range 3 East of the 6th p.m.

Affirmative Vote: Koci, Luebbe, Stuhr, Miller

Motion Carried

Paulsen gave information for the Conditional Use Permit Request.

Keith Schweitzer gave information for his request.

No one else gave comments on the request.

Moved by Stuhr and seconded by Luebbe to close the public hearing at 9:37 a.m.

Affirmative Vote: Stuhr, Luebbe, Koci, Miller

Motion Carried

The Findings of Facts were completed.

Moved by Stuhr and seconded by Koci to adopt Resolution # 3056 in regard to the approval of the Conditional Permit for Keith Schweitzer on a tract of land in the NW ¼ of the SE ¼ of Section 4, Township 9 North, Range 3 East of the 6th p.m.

RESOLUTION NO. 3056

WHEREAS, Richard and Keith Schweitzer has applied for a Permitted Conditional Use Permit to place a home on his property for his aging parents, and

WHEREAS, The property is described as the North West 1/4, of the South East 1/4, 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 September 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, The Planning Commission recommended Approval of the Permitted Conditional Use Permit, condition placed on the property not to subdivide the parcel with the house for aging parents. With a vote of 8 In Favor, 1 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 October 8, 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,

 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,

X Individuals appeared without commitment, and

NOW, THEREFORE BE IT RESOLVED that the Seward County Board of Commissioners do hereby approve the Permitted Conditional Use Permit for Keith Schweitzer to place a home on his property for aging parents on a tract of ground located in the NW 1/4, of the SE 1/4, Section 4, Township 9N, Range 3E Seward County, Nebraska.

Dated this 8th day of October 2013

AYES: Scott Stuhr, Mary Koci, Michael Luebbe

Chairman of the Board Darrell Miller

Absent: Diana L. Garske

ATTEST: Sherry Schweitzer, Seward County Clerk

BEFORE THE COUNTY BOARD OF SEWARD COUNTY, NEBRASKA

IN THE MATTER OF)	
)	NO. <u>03-13</u>
CONDITIONAL USE PERMIT)	
REQUEST BY:)	
)	FINDINGS OF FACT
)	
<u>Keith Schweitzer</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 8th day of October, 2013. Notice of said hearing was publicized on the 2nd day of October, 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 diminishes and impairs 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.

Condition that the parcel will not be subdivided and a condition that the house be removed or a new conditional use permit be obtained in the event that Gerald and/or Lois Schweitzer no longer reside at the house.

Dated this 8th day of October, 2013.

Darrell Miller, Board Chair

Mary Koci, Scott Stuhr, Michael Luebbe

Absent: Diana L. Garske

Affirmative Vote: Stuhr, Koci, Luebbe, Miller

Motion Carried

Seward Mayor Eickmeier led discussion on a proposed Seward Regional Wellness and Technology Center in the City of Seward. He stated that the subject was on the agenda at the last City Council Meeting and gave details about the meeting. Gary

Lorenzen of Wiese Research Associates Inc. gave information on a feasibility study conducted for the project. Tom Crowley of Lukas Partners also spoke about a survey that his firm conducted in regard to fundraising for the project. Mike Rogers of Gilmore Bell also spoke in regard to forming a Joint Public Agency (JPA). Jack Vavra was present and also spoke about the project. They would like the City and County to become members of a JPA to start the process of building a Regional Wellness Center.

The Commissioners recessed at 10:55 a.m.

The Commissioners re-convened at 11:03 a.m.

Moved by Koci and seconded by Stuhr to approve the right of way request from Will and Kevin Medow in the E1/2 of the SE 1/4 Section 11, T12N, R1E to install underground electrical wire for irrigation.

Affirmative Vote: Koci, Stuhr, Luebbe, Miller

Motion Carried

Moved by Stuhr and seconded by Luebbe to approve the right of way request from Will and Kevin Medow in the E1/2 of the SE 1/4 Section 11, T12N, R1E to install water pipe for irrigation.

Affirmative Vote: Stuhr, Luebbe, Koci, Miller

Motion Carried

Moved by Stuhr and seconded by Koci to authorize the Chairman to sign the Federal Financial Report for the Izaak Walton Road Project C-80(456).

Affirmative Vote: Stuhr, Koci, Luebbe, Miller

Motion Carried

Moved by Stuhr and seconded by Luebbe to authorize the Chairman to sign the Final Payment #10 and Change Order # 2 for the Izaak Walton Road Project C-80(456).

Affirmative Vote: Stuhr, Luebbe, Koci, Miller

Motion Carried

Commissioners Reports:

Commissioner Luebbe reported he participated in the evacuation drill, has been reading thru the jail RFP's, received some calls regarding road concerns, and worked on abandoned cemetery concerns.

Commissioner Stuhr had no report.

Commissioner Koci reported she helped judge 4-H portfolios (record books) and also attended a Chamber Fundraiser.

Commissioner Miller received a few road concerns and requests.

Moved by Koci and seconded by Stuhr to adopt Resolution 3057 in regard to the new Visitor's Tax implementation date.

RESOLUTION NO. 3057

WHEREAS, The Board of Commissioners adopted Resolution 3032, providing for an additional sales tax of two percent (2%) upon the total consideration charged for occupancy of any space furnished by any hotel in Seward County on July 16th, 2013.

WHEREAS, the proceeds are to be paid to the County Visitor's Improvement Fund.

WHEREAS, the effective date in the resolution stated September 1, 2013. According to the Tax Commission, the effective date should be January 1, 2014. Therefore, this Resolution is necessary to correct the effective date.

BE IT RESOLVED, by the Board of Commissioners of Seward County Nebraska: that pursuant to Neb. Rev. Stat. § 81-3702 through 81-3724, the effective date for the additional sales tax of two percent (2%) upon the total

consideration charged for occupancy of any space furnished by any hotel, shall be JANUARY 1, 2014. All other terms of Resolution 3032 shall remain in full force and is incorporated by reference.

Dated this 8th day of October 2013

AYES: Mary Koci, Scott Stuhr, Michael Luebbe

Darrell Miller, Chairman of the Board

Absent: Diana L. Garske

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Koci Stuhr Luebbe Miller

Moved by Stuhr and seconded by Koci to authorize the Chairman to sign the Cost Allocation Plan.

Affirmative Vote: Stuhr, Koci, Luebbe, Miller

Motion Carried

Moved by Luebbe and seconded by Koci to accept the County Clerk Fee Report for September 2013 in the amount of \$21,731.50.

Affirmative Vote: Luebbe, Koci, Stuhr, Miller

Motion Carried

Moved by Luebbe and seconded by Stuhr to accept the Zoning/Weed Report for September, 2013.

Affirmative Vote: Luebbe, Stuhr, Koci, Miller

Motion Carried

Known items on the agenda for Board of Commissioners on October 15, 2013 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 October 8, 2013

Other Business Matters to Address When Time Allows

Commissioners Reports

Discuss/Action – Authorize Highway Supt. to advertise for Truck and Pup bids

Right of Way Request(s): None

Discuss/Action – Accept Clerk of the District Court Fee Report for September 2013 - \$7,542.59

Discuss/Action – Agreement with GIS Workshop for Zoning/Weed

Discuss/Action - Executive Session – Personnel

Moved by Stuhr and seconded by Koci to adjourn at 11:30 a.m.

Affirmative Vote: Stuhr, 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 15th day of October 2013.

County Clerk

Chairman