



Otoe County Board Minutes



October 25, 2016

The Otoe County Board of Commissioners convened in regular session at 8:45 a.m. on October 25, 2016, to audit and sign payroll claims and regular claims and to take care of such other matters as are on the agenda for this meeting. Advance notice of this meeting was published in the Nebraska City News Press and Syracuse Journal Democrat and posted in at least three public places, including the County's website. This meeting was open to the Public, and the agenda was kept current, and is on file for public inspection at the office of the Otoe County Clerk during regular business hours.

The meeting was called to order by Chairman of the Board, Timothy Nelsen. Answering present at roll call were Commissioner Nelsen, Commissioner Freshman, Commissioner Hauptman, Commissioner Lade and Commissioner Sornson; none absent.

Chairman Nelsen informed the public in attendance that a current copy of the Open Meetings Act is posted on the south wall of the Courtroom. Additional copies are available upon request.

Commissioner Lade made a motion, seconded by Commissioner Hauptman to accept the agenda as posted. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Nelsen, Freshman, Hauptman, Lade and Sornson. Nay – none. Motion carried.

Commissioner Sornson made a motion, seconded by Commissioner Freshman to accept the minutes from the previous meeting and not have them read as each member was furnished with a copy of same. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Freshman, Hauptman, Lade, Sornson and Nelsen. Nay – none. Motion carried.

Commissioner Hauptman made a motion, seconded by Commissioner Lade to audit and sign payroll claims. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Hauptman, Lade, Sornson, Nelsen and Freshman. Commissioner Nelsen approved payment of all payroll claims except those claims submitted by the Public Defender's Office and County Attorney's Office to which he abstained. Nay – none. Motion carried.

Having reviewed the regular claims in advance of this meeting, Commissioner Sornson made a motion, seconded by Commissioner Freshman to approve payment of the regular claims. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Lade, Sornson, Nelsen, Freshman and Hauptman. Commissioner Nelsen approved payment of all claims except those claims submitted by the Public Defender's Office and County Attorney's Office to which he abstained. Nay – none. Motion carried.

Desaray Johnson, Family Development Specialist with SENCA, gave a quarterly activity report for quarter ending September 30, 2016. They served over 170 clients, including assistance with food distribution, budgeting education and case management. They offer help to search for market place insurance and prepare simple tax returns free of charge. She said the Lutheran Church has volunteered to be in charge of the Angel Tree program this holiday season. The emergency fund account is below \$1000.

Chairman Nelsen introduced Resolution 10-25-16-36 authorizing the Chairman to sign an agreement with NDOR and Union Pacific Railroad Company for the installation of flashing light signals and gates on King Road between Roads 60 and 62. The estimated cost of said project is \$352,486. 90% will be funded by the Federal Rail Safety Funds and 10% from the railroad company. There is no cost to the



Otoe County Board Minutes



County. Commissioner Sornson made a motion, seconded by Commissioner Freshman to adopt Resolution 10-25-16-36 authorizing the Chairman to sign an agreement with NDOR and Union Pacific Railroad for the installation of flashing light signals and gates on King Road between Roads 60 and 62. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Sornson, Nelsen, Freshman, Hauptman and Lade. Nay – none. Motion carried.

By statute, the Annual Roads Certification Report must be filed with the NDOR (Nebraska Department of Roads) by November 1st of any given year. The report includes budgeted and actual expenses and revenue for Fiscal Year ending June 30, 2016 and projected expenses and revenue for FY17. It also includes a material, supply and equipment inventory statement plus an equipment operations cost report. Commissioner Hauptman made a motion, seconded by Commissioner Lade to authorize the Chairman to sign the FY16 Annual Road Report, which will be submitted to NDOR. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Nelsen, Freshman, Hauptman, Lade and Sornson. Nay – none. Motion carried.

Federal Aid Project BRO-7066(43) Syracuse Southwest is ready for bid letting in January of 2017. The estimated cost is \$1,200,000. 80% will be funded by federal aid; the remaining 20% is the responsibility of the County. The County has three options: 1) Use Soft Match Credit; 2) Provide local funds; or 3) Delay the project to 2019. Since the County has over \$985,000 in Soft Match Credit, Commissioner Sornson made a motion, seconded by Commissioner Freshman to apply Soft Match Credit (approximately \$240,000) to Project BRO-7066(43). There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Freshman, Hauptman, Lade, Sornson and Nelsen. Nay – none. Motion carried.

County Attorney Dave Partsch prepared a Purchase Agreement between Otoe County and Kent and Sue Kreifels for the purchase of a tract of land located in the SW 1/4 of S22-T8-R11 containing approximately 5.95 acres as right-of-way involving the extension of K Road for the Midwest Co-op Grain Facility Project. Partsch said he has been working with the Kreifels' attorney; it is his understanding that the Kreifels are agreeable to the drafted terms. They include: Payment of \$89,250.00 plus any assessed penalty for leaving the CRP early, not to exceed \$1700; the County shall erect a temporary fence along the property line during construction; the County will be responsible for reimbursement of damages should there be any future drainage problems. Commissioner Freshman made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the Purchase Agreement between the County and Kent and Sue Kreifels for the purchase of right-of-way in regards to the extension of K Road associated with the Midwest Co-op Grain Facility Project. Commissioner Lade questioned the engineering plans for drainage. Supervisor Brinkman said the plans called for a 30" or 36" culvert – the landowners and attorneys worked with Mainelli Engineering when designing them. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Hauptman, Lade, Sornson, Nelsen and Freshman. Nay – none. Motion carried.

Chairman Nelsen opened a public hearing to hear comments regarding the plat for Manners Corners Subdivision located in Part of the SE 1/4 SE 1/4 S9-T9-R9 as requested by Jerry and Joel Pearson. There being no public comment, the hearing was closed. Surveyor Dave Schmitz said the owners are separating 3 acres (that includes the farmstead site) from the 80 acre farm. All offset requirements have been met. Commissioner Lade made a motion, seconded by Commissioner Sornson to authorize the Chairman to sign the plat map for Manners Corner Subdivision located in the SE 1/4 SE 1/4 S9-T9-R9; site location 1305 N 6th Rd. There being no further discussion, Chairman Nelsen called



Otoe County Board Minutes



for a vote. Voting aye were Commissioners Lade, Sornson, Nelsen, Freshman and Hauptman. Nay – none. Motion carried.

Chairman Nelsen opened a public hearing to hear comments regarding the plat for Nisley Addition located in Part of the NE 1/4 SE 1/4 S30-T8-R9 as requested by Brent and Jacqueline Nisely. There being no public comment, the hearing was closed. Dave Schmitz said the Planning Commission approved the plat. The 5 acre tract is being deeded to Niselys' daughter; all requirements have been met. Commissioner Lade made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the plat map for Nisely Addition located in the NE 1/4 SE 1/4 S30-T8-R9; site location 614 S 2nd Rd. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Sornson, Nelsen, Freshman, Hauptman and Lade. Nay – none. Motion carried.

Schmitz asked the Board to table approval of the Administrative Replat for Cheryl Bates since the taxes have not yet been paid.

County Treasurer Nicki Baker said she sent letters to 14 taxpayers owing 2013 and older personal property taxes, offering them the option to set up a payment plan. She said two responded – one set up a payment plan of \$50 per month; a second one replied that he no longer owned his business. Commissioner Hauptman made a motion, seconded by Commissioner Freshman to strike taxes from the tax roll as recommended by the County Treasurer. Ms. Baker reminded the Board that the taxes can still be collected if the opportunity arises even though they have been struck. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Nelsen, Freshman, Hauptman, Lade and Sornson. Nay – none. Motion carried.

County Attorney Partsch reviewed an "Agreement Permitting a Limited Encroachment on Easement" involving an underground pipeline that is located southeast of Syracuse. ONEOK North System LLC is the current owner of existing right-of-way easements on the land where K Road will be extended. Within its terms, ONEOK will allow the County to construct the roadway over the pipeline; however, the County will be responsible for payment of any damages caused by the construction. The County agrees to build the road in accordance with specific requirements that includes equipment restrictions, surface and underground construction requirements and proof of sufficient insurance (general liability, automobile liability and employer's liability). Commissioner Sornson made a motion, seconded by Commissioner Freshman to authorize the Chairman to sign the Agreement Permitting a Limited Encroachment on Easement between Otoe County and ONEOK North System LLC, accepting the terms as written. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Freshman, Hauptman, Lade, Sornson and Nelsen. Nay – none. Motion carried.

Supervisor Brinkman furnished each board member with a written report that included work order requests, progress report of pending projects, rock placement and grading maps and a listing of mechanical repairs. This report will be filed and may be seen in the Highway Department Office during regular business hours.

At 9:07 a.m. Commissioner Freshman made a motion, seconded by Commissioner Hauptman to go into closed session to discuss employees' job performance; closed session is necessary to prevent needless injury to the reputation of any employees that are being discussed. Voting aye were Commissioners Hauptman, Lade, Sornson, Nelsen and Freshman. Nay – none. Motion carried. Chairman Nelsen restated the only topic of discussion while in closed session will be the job



Otoe County Board Minutes



performance of county employees. The purpose for closed session is to prevent needless injury to the reputation of any employees that are being discussed. Those who were asked to remain for closed session were Road Supervisors Brinkman, Watkins and Neemann; the county employees whose job performance was being discussed; Local 251 Union President Carl Betts, Union Steward John Bebout; County Attorney Dave Partsch and County Clerk Janene Bennett.

At 9:22 a.m. Commissioner Hauptman made a motion, seconded by Commissioner Freshman to go back into regular session. Voting aye were Commissioners Lade, Sornson, Nelsen, Freshman and Hauptman. Nay – none. Motion carried. No action was taken while in closed session. Chairman Nelsen noted all members were still present and the open meetings act was posted on the wall.

Commissioner Freshman made a motion, seconded by Commissioner Hauptman to dismiss Duane Hopp, Bruce Meadows, Fred Phillips and Steven Siepelmeier from county employment. There being no further discussion, Chairman Nelsen called for a vote. Voting aye were Commissioners Sornson, Nelsen, Freshman, Hauptman and Lade. Nay – none. Motion carried.

At 9:25 a.m. Commissioner Freshman made a motion, seconded by Commissioner Sornson to go into closed session to discuss litigation strategy regarding pending litigation with Beatrice Concrete Company Inc. Closed session is necessary for protection of public interest. Voting aye were Commissioners Nelsen, Freshman, Hauptman, Lade and Sornson. Nay – none. Motion carried. Chairman Nelsen restated the only topic of discussion while in this closed session will be litigation strategy regarding Beatrice Concrete Company Inc.

At 9:29 a.m. Commissioner Sornson made a motion, seconded by Commissioner Lade to go back into regular session. Voting aye were Commissioners Freshman, Hauptman, Lade, Sornson and Nelsen. Nay – none. Motion carried. No action was taken while in closed session.

There being no further business to come before the Board at this time, and since all items on the agenda have been disposed of, Chairman Nelsen declared this meeting adjourned at 9:30 a.m. The next regular meeting will be held on November 8, 2016.

I, Janene Bennett, County Clerk of Otoe County, do hereby certify that the above minutes were taken by me, and are true and correct to the best of my knowledge, and I therefore set my hand and affix the county seal this 25th day of October 2016.

Janene Bennett
Otoe County Clerk