



Otoe County Board Minutes



April 25, 2017

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on April 25, 2017, 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 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, Rick Freshman. Answering present at roll call were Commissioner Freshman, Commissioner Sornson, Commissioner Hauptman, Commissioner Parsons and Commissioner Speth; none absent.

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

Commissioner Sornson made a motion, seconded by Commissioner Parsons 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 Freshman called for a vote. Voting aye were Commissioners Sornson, Hauptman, Parsons, Speth and Freshman. Nay – none. Motion carried.

Commissioner Hauptman made a motion, seconded by Commissioner Sornson to audit and sign payroll claims. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Hauptman, Parsons, Speth, Freshman and Sornson. Nay – none. Motion carried.

Having reviewed the regular claims in advance of this meeting, Commissioner Sornson made a motion, seconded by Commissioner Hauptman to approve payment of the regular claims. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Parsons, Speth, Freshman, Sornson and Hauptman. Nay – none. Motion carried.

In August, Otoe and Nemaha Counties entered into an interlocal agreement to share the cost of providing veterans services. The Otoe County Veterans Service Officer, Sue Baumann, is scheduled to work 3 days in Otoe County and 2 days in Nemaha County. Recently; however, she said there has been an influx of veterans in Otoe County seeking assistance. She is currently working on 25 disability claims for Otoe County veterans, but would like to reach out more to those who live outside of Nebraska City. Several members of the Veterans Service Committee were in attendance. They agreed they would like Ms. Baumann to set up weekly visits in the Syracuse and Palmyra areas. Commissioner Parsons said there are new veterans' benefits coming out on the federal level and we need someone who will be vigilant in seeking them out. He has already discussed the matter with Nemaha County Commissioners who said they understood the situation and were looking into forming an interlocal agreement with Johnson County. Commissioner Parsons made a motion, seconded by Commissioner Sornson to discontinue sharing veterans' services with Nemaha County and to formally notify Nemaha County of its intent to terminate the interlocal agreement by sending the Nemaha County Board a 60 day written notice. Ms. Baumann said she was willing to provide



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services and help with training during the transition period. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Speth, Freshman, Sornson, Hauptman and Parsons. Nay – none. Motion carried.

On April 21st, bids were publicly opened for the overlay project on Old Highway 2 known as C-66(354). Those present were Commissioners Sornson and Hauptman, Engineer Jeff Wagner, Supervisor, Jon Brinkman and representatives from each of the bidding companies. The following bids were submitted:

Contractor	Bid Amount	Start Date	End Date
OMNI Engineering, Omaha	\$1,749,254.75	On/before 9/5/17	On/before 11/1/17
Pavers Inc, Waverly	\$1,786,834.04	On/before 9/15/17	On/before 10/15/17
Constructors Inc, Lincoln	\$1,972,275.86	On/before 9/1/17	On/before 11/1/17
Western Engineering, Harlan IA	\$2,171,465.74	9/4/17	10/27/17
Werner Construction, Hastings	\$2,173,333.74	9/1/17	11/1/17

Brinkman noted the bids came in under the original estimate due to the decrease in oil prices. Upon the recommendation of Mainelli Wagner Engineering, Commissioner Sornson made a motion, seconded by Commissioner Hauptman to award the bid for Project C-66(354) to the low bidder OMNI Engineering in the amount of \$1,749,254.75. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Freshman, Sornson, Hauptman, Parsons and Speth. Nay – none. Motion carried.

Last year NDOR initiated a new Bridge Match Program whereby several counties could combine multiple projects into one application. Otoe County is the Lead County for Project STWD-CBMP(1) which includes two bridge replacements in Otoe County, two in Saunders County and two in Nemaha County. All projects will be advertised as a single bid for the purchase of six metal culverts in an effort to take advantage of more competitive “economy of scale” bidding. Within the terms of the agreement, NDOR reimburses the cost of materials and the counties are responsible for their installation (either by county forces or hiring a contractor) and all other costs. The Program Agreement also requires that the three counties sign and enter into an interlocal agreement setting forth the terms of financial responsibility for each county. Commissioner Sornson made a motion, seconded by Commissioner Parsons to adopt Resolution 4-25-17-13 authorizing the Chairman to sign the Program Agreement with NDOR regarding Project STWD-CBMP(1) and to authorize the Chairman to sign and approve the Interlocal Agreement with Saunders and Nemaha Counties as required for the same project. Chairman Freshman noted that Engineer Mark Mainelli and the County Attorney reviewed and approved the contents of both agreements. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Sornson, Hauptman, Parsons, Speth and Freshman. Nay – none. Motion carried. The two structures being replaced in Otoe County are #C006600335 located south of Intersection I-2; and #C006602825 located on N Rd two miles east of Douglas.

A public hearing was held to hear comments regarding the issuance of a Conditional Use Permit as requested by Eugene True that would allow him to operate a commercial kennel with a maximum of 10 dogs. Commissioner Parsons said he was contacted by an individual with concerns. However, after he explained that Mr. True was applying in order to acquire one more dog (he already has five Labradors) she was satisfied. The new zoning regulations require that he obtain a Conditional Use Permit when the number of dogs exceeds five. However, Schmitz said a standard permit is written to allow up to 10 dogs. The Planning Commission approved the application without any conditions. Commissioner Parsons made a motion, seconded by Commissioner Hauptman to approve issuance of a Conditional Use Permit to Eugene True that allows him to kennel up to 10 dogs; site location at 561 S 26th Rd. There being no further comments, Chairman Freshman called for a vote. Voting aye



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were Commissioners Hauptman, Parsons, Speth, Freshman and Sornson. Nay – none. Motion carried.

A public hearing was held to hear comments regarding approval of a plat map for Ostrander Subdivision located in the SW 1/4 SE 1/4 S11-T9-R9 as requested by Patricia A Ostrander. Zoning Administrator, Dave Schmitz, said the owner received a letter from the Rural Water District approving hookup as required by the new zoning regulations. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the plat map for Ostrander Subdivision located in the SW 1/4 SE 1/4 S11-T9-R9; site location at 909 C Rd. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissions Parsons, Speth, Freshman, Sornson and Hauptman. Nay – none. Motion carried.

A public hearing was held to hear comments regarding approval of a plat map for D & A Neemann Subdivision located in the N 1/2 NE 1/4 S33-T7-R11 as requested by Doyle R and Anne L Neemann. Schmitz said the Neemanns already own the 20 acre tract, but are separating out 5 acres where the house and outbuildings are located. The home site has an existing well that has been tested and approved for human consumption. Commissioner Hauptman made a motion, seconded by Commissioner Parsons to authorize the Chairman to sign the plat map for D & A Neemann Subdivision located in the N 1/2 NE 1/4 S33-T7-R11; site location at 2922 R Rd. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Speth, Freshman, Sornson, Hauptman and Parsons. Nay – none. Motion carried.

A public hearing was held to hear comments regarding approval of a plat map for Burgess Subdivision located in the SE 1/4 SE 1/4 S32-T7-R11as requested by Lance and LaVonne Burgess. Schmitz said the Burgess' are separating 3 acres from the farm site that contains the house, but not the grain bins. Site location is 6371 S Rd, which is across the street from the Village of Julian. The house water is supplied by the Village and all other zoning requirements have been met. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the plat map for Burgess Subdivision located in the SE 1/4 SE 1/4 S32-T7-R11. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Freshman, Sornson, Hauptman, Parsons and Speth. Nay – none. Motion carried.

A public hearing was held to hear comments regarding the issuance of a Conditional Use Permit to the Nebraska City Utilities, allowing the utility company to apply sludge to designated farm ground in Otoe County. Scott Shoemaker and LeRoy Frana were present representing the NC Utilities. Schmitz said the newly adopted 2017 zoning regulations now require utility companies to obtain a Conditional Use Permit to apply sludge; whereas, past procedure used an application process only. Schmitz said the Conditional Use Permit will be good for one year; utility companies will have to reapply annually. Commissioner Sornson made a motion, seconded by Commissioner Parsons to approve issuance of a Conditional Use Permit to the Nebraska City Utilities allowing them to apply sludge to designated farm sites in Otoe County. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Sornson, Hauptman, Parsons, Speth and Freshman. Nay – none. Motion carried.

A public hearing was held to hear comments regarding the issuance of a Conditional Use Permit to the City of Omaha allowing the Omaha and Papillion Waste Water Treatment Plants to apply sludge on various farm sites in Otoe County. Donald Hembry, representing the Waste Water Treatment Plants, thanked the Board for the opportunity to continue applying sludge in Otoe County. He provided a list of available sites, noting that many farmers ask to be on the list, but only a few are



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needed. He said he appreciates the new process of contacting the Zoning Administrator first, who would know if any complaints have been filed. They are very diligent in applying sludge and want to be aware of any concerns from the public. Schmitz said both utility companies provided excellent annual reports in March. Jan Madsen, who lives in an area where sludge is applied, said she has no complaints, but added that the odor is more noticeable on damp days. However, the odor passes and she realizes the sludge's benefit to the soil. Schmitz said the new regulations require the sludge be incorporated within 48 hours of its application in an effort to minimize odor and complaints. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to approve issuance of the Conditional Use Permit to the City of Omaha allowing the Omaha and Papillion Waste Water Treatment Plants to apply sludge to designated farm ground in Otoe County. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Hauptman, Parsons, Speth, Freshman and Sornson. Nay – none. Motion carried.

Upon the recommendation of Mr. Schmitz, Commissioner Sornson made a motion, seconded by Commissioner Hauptman, to reappoint Daniel Hodges and Richard Warner to serve another 3 year term to the Otoe County Planning Commission. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Parsons, Speth, Freshman, Sornson and Hauptman. Nay – none. Motion carried.

Dennis Maggart with NACO Benefit Services came before the Board to give a preliminary report of the renewal policy for the County's health and dental insurance. Otoe County has been a participant of NACO's Blue Cross Blue Shield Plan for over 30 years. He said the renewal plan was finalized last week, indicating a 15% increase in premiums. He said the increase is in line with other companies, noting that he can also provide quotes from United Health Care and Aetna. Maggart outlined some advantages to being in the NACO pool: 1) Premiums go directly into the pool; unused premiums remain in the pool building up a reserve that can be used to buy down future premium increases. 2) Participants of the BCBS Plan receive a \$15,000 life insurance policy and a long term disability policy. 3) NACO provides administration of COBRA, ACA and HIPPA notices. He said the only change in the health plan from last year was the increased copay amounts for prescription drugs.

Maggart briefly explained the stipulations of a "cash-in-lieu" program whereby a county may choose to offer cash in-lieu of a health plan. However, there are mandated requirements: a county must be a participant of a Section 125 Cafeteria Plan; the cash paid to an employee must be taxed; the employee must sign a waiver that he/she has creditable coverage elsewhere (this includes employees who are eligible to receive VA Plans or Medicare); and the "cash-in-lieu" must be offered to all employees. Maggart concluded that the Board may contact him if they had questions.

Tyler Clifford and Eric Hancock, independent agents of Anchor Insurance Company in Wahoo, said they were seeking permission to conduct a feasibility study of the Otoe County employees. The health assessment information is given to insurance brokers who determine which insurance company has a plan best suited for Otoe County employees. Commissioner Parsons said he would like to know what type of questions would be asked. Hancock offered to send Commissioner Parsons a link to their website.

Grayson Path, City Administrator for the City of Nebraska City, appeared before the Board to inform them the City was implementing a Chaplaincy Corps Program. Its purpose is to provide counseling, spiritual guidance and comfort to emergency personnel and their families in times of stressful situations. The Corps will be administered by a Board of Directors consisting of 7 members that include: the Nebraska City Chief of Police or his Department designee; the Nebraska City



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Fire/Rescue Chief or his Department designee; one full-time Nebraska City Fire/Rescue Department Employee; the Otoe County Sheriff or his Department designee; the Nebraska City Ministerial Association Chair so long as he/she is a member of the Chaplaincy Corps; a Chaplaincy Corps Chaplain designated by the Nebraska City Ministerial Association Chair; and the Lead Chaplain selected by the Board of Directors. Chaplains will also be available to assist citizens who are distressed as a result of a crisis.

Roger Whetstine introduced himself and his son, Drew, as owners of Whetrock Quarries based in Troy Kansas. He said he is exploring the possibility of expanding his business in Nemaha, Cass and Otoe Counties. He would like to bring in rock crushing equipment to a rock quarry located on Splitt Road in Cass County if he finds there is enough interest. He is visiting with each county board to determine how much and what size of crushed rock they might use. Road Supervisor Brinkman said Otoe County uses 70 to 100 thousand ton per year. Whetstine thought he could save the County \$1 to \$2 per ton. Board members agreed they would be interested in purchasing crushed rock from him and that he should keep in contact with Supervisor Brinkman.

Regarding Federal Aid Project BRO-7066(32), Supervisor Brinkman explained the construction of this bridge southeast of Syracuse has been completed. However, the contractor ran over on working days causing the construction engineer to be there longer as well. The engineering supplemental agreement to the original contract allows for this overrun, resulting in an additional engineering fee of \$11,917.55. Brinkman said, according to the original federal aid contract, the county is liable for overrun costs, but he was trying contact NDOR to get some reimbursement from the State. The matter was tabled until the next meeting while Brinkman checks further into the possibility of a reimbursement.

Brinkman reported that he has received complaints that truckers are using a portion of S 52nd Rd and S 48th Rd between I and N Roads as a detour while NDOR is constructing a bridge on Hwy 128. Both roads have bridges with low tonnage ratings. NDOR designed a detour to avoid these bridges, but the truckers want to take a shorter route. The Board directed Brinkman to place weight limit signs on those portions of S 48th Rd and S 52nd to deter truckers from crossing over the low tonnage bridges.

Supervisor Brinkman gave the following project report:

- Nemaha Construction Co. is still working on Project (577) west of G-40
- The East Crew is completing the installation of 3 culverts on old Hwy 2 between Roads 40 and 42 in preparation of the overlay project which should begin in September
- The West Crew is working on a minimum maintenance road west of F-46
- Beaver dams have been cleared out of culverts south of OPPD. Road workers are putting up cattle panels at the end of the tubes so the beavers will build their dams on the outside
- All work is done on the Douglas East (584) Project except for installation of the guardrails

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 Freshman declared this meeting adjourned at 10:15 a.m. The next regular meeting will be held on May 9, 2017.

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 April 2017.



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Janene Bennett
Otoe County Clerk