



# Otoe County Board Minutes



March 27, 2018

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on March 27, 2018, 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 Sornson made a motion, seconded by Commissioner Hauptman 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 Hauptman 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 Sornson made a motion, seconded by Commissioner Parsons 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 Hauptman made a motion, seconded by Commissioner Sornson 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 and Hauptman. Commissioner Sornson approved payment of all claims except the one made payable to Johnny's Cycle to which he abstained. Nay – none. Motion carried.

Chairman Freshman opened a public hearing to hear public comments regarding an application by Glacial Till Vineyard & Winery for a Class L Craft Brewery Liquor License. They currently hold a Class YK Farm Winery/Catering License, but want to add a Class L license in order to serve local craft beers and cocktails at their weddings and other events in addition to their own wine. Commissioner Parsons said the Sheriff's Department has never had any problems at the winery. There being no public comments, the hearing was closed. Commissioner Parsons made a motion, seconded by Commissioner Speth to make a recommendation to the Nebraska Liquor Control Commission to issue the Class L Craft Brewery Liquor License to Glacial Till Vineyard & Winery located at 344 S 2<sup>nd</sup> Road as requested by owner Michael Murman. 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.

Representatives from the City of Omaha and the Nebraska City Utilities came before the Board to present their Annual Sludge Reports. Each Board Member was furnished with maps indicating the



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parcels where the sludge is applied, legal descriptions, landowners' names and the names of the individuals who farm the land. Commissioner Hauptman said he received one complaint of the odor; however, he explained to them that the sludge is incorporated into the ground and the odor is short lived. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to approve the 2017 Sludge Reports as presented and to approve their renewal applications for 2018. 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 complete copy of the reports are kept on file in the office of the Zoning Administrator.

Commissioner Hauptman made a motion, seconded by Commissioner Sornson to authorize the Chief Deputy County Attorney to foreclose on tax sale certificate #3453. County Attorney Partsch said this is the only parcel that is left unpaid from the list of parcels the Board approved to foreclose on in September 2017. 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.

County Treasurer Nicki Baker presented a list of delinquent real estate taxes that were not sold at the tax certificate sale on March 5<sup>th</sup> for lack of a buyer. In accordance with State Statute 77-1918, unsold tax sale certificates shall be issued in the name of the County. Commissioner Parsons made a motion, seconded by Commission Speth to authorize the Chairman to sign Resolution 3-27-18-12 directing the County Treasurer to issue Tax Sale Certificates in the name of Otoe County on the remaining parcels upon which there are one year delinquent real estate taxes or special assessments. 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.

Chairman Freshman acknowledged receipt of a "Return of Tax Sale Proceedings" for 2018 as submitted by the County Treasurer. She noted a total of 142 tax sale certificates were sold to investors and certified the closing of said public sale.

At 8:45 a.m. Chairman Freshman opened a public hearing to hear comments regarding the issuance of a Conditional Use Permit to Constructor's Inc that would allow the contractor to establish a temporary asphalt production plant on Parcel 001083000 located at the southwest corner of N 55<sup>th</sup> Road and Van Dorn Street (the Otoe/Cass county line road). Jarred Horsky of Constructor's Inc said the property, owned by Norman and Carol Beccard, is located on the Otoe County side of Van Dorn. His company was awarded the bid for a paving project in Cass County. Horsky said they will only be traveling on about 200 feet of Otoe County roadway, but ensured the Board they would leave it in the same or better condition than it was before the plant was established. There being no other public comments, the hearing was closed. Jon Brinkman reminded Horsky that the company would need to apply for driveway permit. Commissioner Hauptman made a motion, seconded by Commissioner Sornson to issue a Conditional Use Permit to Constructor's Inc allowing the company to establish a temporary asphalt production plant at the corner of N 55<sup>th</sup> Rd and Van Dorn Street. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Speth, Freshman, Sornson and Hauptman. Commissioner Parsons abstained. Nay – none. Motion carried.

County Attorney Partsch drafted an agreement between Midwest Farmers Co-op and Otoe County regarding the paving of the new K Road Extension from the railroad track at the plant; then west to Hwy 50 plus various other project completion items. Commissioner Speth questioned how the County got involved in this project. Partsch replied that the Co-op Manager came to several Board meetings



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disclosing their plans and requesting county assistance. At that time, a written contract was not drawn up; all the work and conditions were verbally agreed upon. Now, he is trying to get all agreements in writing. He said the Co-op is meeting tonight, so he is asking the Board to approve the agreement as is; if the Co-op wants any changes in the terms he will bring it back for further approval. Commissioner Parsons was concerned with water drainage in the wetlands area and questioned if the Corp of Engineers will allow the Co-op to dig in the wetlands. Commissioner Speth said he realizes the Co-op will be paying a large sum of taxes and thinks this project should be paid with their own tax money. He doesn't like the idea of other taxpayers paying for it. Commissioner Sornson said they could leave the road rocked, but the County is responsible for maintaining it whether it is rocked or paved and he still believes paving it will save money in the long run. Commissioner Parsons said he would rather have a guarantee from the County's engineer that cement paving will hold up in a flood plain area before approving it. However, Commissioner Parsons made a motion, seconded by Commissioner Sornson to authorize the Chairman to sign the agreement with Midwest Farmers Co-op as presented by the County Attorney. There being no further discussion, Chairman Freshman called for vote. Voting aye were Commissioners Speth, Freshman, Sornson, Hauptman and Parsons. Nay – none. Motion carried.

County Attorney Partsch drafted an agreement with the Beecham and Royal property owners regarding the first section of an access road coming off Spur 66 that enables the Beechams to enter their property. This parcel became isolated in the 1980's when a bridge was removed and a road closed on the west side of the property. In 1989, Wilton and James Beecham and Mr. and Mrs. Herman Royal agreed to create a 33 ft wide road from Spur 66 which accessed the isolated property from the east side. This narrow access road connects to the original 66 ft wide road that borders the north side of the Beecham property and south side of Kevin Royal's property. Now, the son of James Beecham wants to build a home on this property and has agreed to pay the expense of rocking the road after the County reshapes it. Since Kevin Royal does not reside in Otoe County and is not available at this time, Partsch suggested to only address the first half (the 33 ft wide section) of the road today, leaving the second half (the 66 ft wide section) for further negotiations. Kevin Royal's father, Glen, felt the second section should be moved to the south so that it lies entirely on Beecham property, stating he gave the first half to the Beechams and the Beechams should supply the second half to his son. After continued discussion, both parties agreed they did not want to sign an agreement until terms of the entire access road were resolved. Commissioner Parsons made a motion, seconded by Commissioner Sornson to table the matter until final negotiations are made between the landowners. 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.

Dennis Maggart from NACO Benefit Services said NACO promoted the cash-in-lieu program last year which increased employee participation and saved counties thousands of dollars. This year they are promoting a wellness initiative program that is voluntary to employees, but comes with financial incentives. For example, since Otoe County already pays 100% for single coverage, the County could require employees who choose not to participate in the program to pay a portion of their own premium. He said the wellness program allows for early detection of diseases or other health issues. This should reduce the number of claims and amounts paid out for treatment, resulting in savings to the counties when paying premium costs. Maggart said the County's current health insurance company, Blue Cross/Blue Shield of Nebraska, should notify counties of the premium renewal cost within the next 2 weeks. He can obtain quotes from other insurance companies if the County would desire to do so.



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On March 21<sup>st</sup>, bids were opened for hauling aggregate in Otoe County in the presence of the County Clerk, Highway Superintendent Jon Brinkman and Allen Brockoff, representing Westover Trucking. Only two haulers submitted bids – Westover Trucking and Wessels Trucking. Bids ranged from 15 cents to 17 cents per loaded mile for a truck & pup based on location of the quarries. Brinkman recommended signing a contract with both trucking firms since the bids were similar. In that way, he would be able to use both haulers if needed. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to accept the bids as submitted from Westover Trucking and Wessels Trucking and to authorize the Chairman to sign a contract with each hauler. 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.

Supt Brinkman presented a list of 3 items that are no longer useful to the County including a wood stove and two steel flat drawer cabinets for filing maps. Commissioner Hauptman made a motion, seconded by Commissioner Sornson to declare the wood stove and two flat file cabinets as surplus and to sign Resolution 3-27-18-13 authorizing Jon Brinkman to advertise and sell said items on behalf of the 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.

Supervisor Brinkman furnished each board member with a written report that included daily work performed, 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.

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 9:38 a.m. The next regular meeting will be held on April 10, 2018.

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 27<sup>th</sup> day of March 2018.

Janene Bennett  
Otoe County Clerk