



# Otoe County Board Minutes



June 12, 2018

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on June 12, 2018, to audit and sign 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 Hauptman 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.

Having reviewed the regular claims in advance of this meeting, Commissioner Hauptman made a motion, seconded by Commissioner Parsons 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 October of 2015, Elster American Meter Co. and Otoe County entered into an access agreement so that two underground monitoring wells could be installed on county property near the operations plant in Nebraska City. Now, Elster needs permission to install an additional well. All three wells will require continued access for several more years so that periodic samplings can be taken to comply with NDEQ and EPA regulations. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign and approve a Second Addendum to an Access Agreement with Elster American Meter Company (now a part of Honeywell Smart Energy) allowing the installation of another underground monitoring well on county owned property as well as access to the wells for continued sampling. 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.

Molly Hillman, representing the Syracuse Area Chamber of Commerce and Germanfest Committee, came before the Board to request use of KENO funds to assist in the production of an outdoor concert to be held July 14, 2018, in conjunction with the Germanfest Festival. The concert will be held west of the Syracuse Ball Complex, but requires a fenced in area in order to serve alcohol. Originally, she was going to request \$5,600 to rent a temporary fence, but found that this is not considered an eligible expense from KENO funds. According to the Gaming Division of the Nebraska Department of Revenue, the funds must be used for community betterment. Some examples are



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improvements to park and recreational areas or the erection and/or maintenance of public structures. So, today she is requesting \$31,000 to construct a permanent fence that could be considered a public structure in a recreational area. County Attorney, Dave Partsch, was concerned that the fencing would be erected on city property. Commissioner Freshman commented that he spoke with the Sheriff who said every deputy will be on duty that night; many of whom will be earning overtime pay, creating an additional cost to the county. He felt the fence rental fee is a business expense and should be paid from their ticket sales. Commissioner Parsons said the concert is new; people are watching to see if this type of event is going to be successful. He would consider partnering with the City of Syracuse to put up a permanent fence, but they would have to convince him that a permanent fence would benefit more than the one event. No action was taken and the matter was tabled.

A public hearing was held to hear comments regarding proposed amendments to the County's current zoning regulations. Zoning Administrator, Dave Schmitz, provided each board member with a written copy of the proposed amendments to the Otoe County Zoning Regulations that were adopted in January 2017. The Otoe County Planning Commission has been working on the revisions for four months; including the required public hearings. Schmitz said the amendments allow more permitted uses and less restricted uses. Commissioner Parsons questioned the definition of a feedlot. Schmitz said 1000 head of cattle or 2250 head of hogs constitute a commercial feedlot. The County has no regulations for non-commercial lots, since they are regulated by NDEQ. There being no further comments, Chairman Freshman closed the public hearing. Commissioner Sornson made a motion, seconded by Commissioner Parsons to adopt Resolution 6-12-18-16 amending the Otoe County Zoning Regulations that redefine permitted use, not permitted use and conditional use in several of the zoning districts. There being no further comments, Chairman Freshman called for a vote. Voting aye were Commissioners Speth, Freshman, Sornson, Hauptman and Parsons. Nay – none. Motion carried. A copy of said resolution is hereto attached and shall become a part of the permanent record.

Deputy Emergency Management Director, Steve Cody, explained the need for a Memorandum of Agreement among the counties of Nemaha, Richardson and Otoe regarding the Southeast Nebraska Emergency Notification System. Cody said the Cooper Nuclear Station is located in Nemaha County; however, Otoe County and Richardson County are considered "risk" and/or "host" counties due to their proximity to the nuclear power plant. The Nuclear Regulatory Commission requires a back-up Alert and Notification System be in place. Therefore, FEMA is requiring that a written agreement be on file to ensure that Otoe and Richardson Counties are willing and capable of providing back-up notification if needed. Commissioner Parsons made a motion, seconded by Commissioner Sornson to authorize the Chairman to sign the Memorandum of Agreement by, between and among Nemaha, Richardson and Otoe Counties ensuring that Otoe and Richardson Counties are willing and capable of providing back-up emergency notification in the event of a disastrous situation at the Cooper Nuclear Station. There being no further comments, Chairman Freshman called for a vote. Voting aye are Commissioners Freshman, Sornson, Hauptman, Parsons and Speth. Nay – none. Motion carried.

Pursuant to State Statute 33-106.02, Chairman Freshman acknowledged receipt of the monthly report from the Clerk of the District Court certifying fee collections in the amount of \$34,040.01 for the month of May 2018. Said report will be filed in the County Clerk's Office.

Chairman Freshman acknowledged receipt of a new letter of credit with Arbor Bank in the amount of \$6,000,000 issued on May 11, 2018, with an expiration date of May 10, 2019.

Highway Superintendent Jon Brinkman gave the following report:



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- Knife River Construction has started paving K Road Extension; they should have it completed before the end of the week.
- West Crew: Completed ditching projects south of I-2, east of P-26, south of K-32 and north of F-14; They are currently working east of G-30
- East Crew: Backfilled culvert north of Q-62; Replaced culvert and ditching north of E-42; Replaced abutment and wing walls on bridge east of B-42; Replaced abutment, subfloor and deck on bridge north of F-48; They are currently working west of G-54
- Both crews continue to haul rock and grade roads

The County Attorney suggested the Board go into closed session to discuss negotiations regarding the sharing of bailiff costs with Nemaha and Richardson Counties for Judicial District 01. Therefore, Commissioner Freshman made a motion, seconded by Commissioner Sornson to go into closed session for the protection of the public interest to discuss ongoing negotiations on the terms of the Interlocal Agreement for bailiff services. 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 County Attorney, County Clerk and Administrative Assistant, Jenny Bassinger, were asked to remain in closed session.

Chairman Freshman restated the Board Members will be going into closed session at 9:04 a.m. for the protection of the public interest to discuss ongoing negotiations on the terms of the Interlocal Agreement for bailiff services. No other items will be discussed and no action will be taken until returning to open session.

At 9:16 Commissioner Sornson made a motion, seconded by Commissioner Hauptman to go back into regular session. Voting aye were Commissioners Hauptman, Parsons, Speth, Freshman and Sornson. 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 Freshman declared this meeting adjourned at 9:17 a.m. The next regular meeting will be held on June 26, 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 12<sup>th</sup> day of June 2018.

Janene Bennett  
Otoe County Clerk