



Otoe County Board Minutes



May 23, 2017

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on May 23, 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 Parsons made a motion, seconded by Commissioner Speth 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, Sornson and Hauptman. Nay – none. Motion carried.

Commissioner Parsons made a motion, seconded by Commissioner Sornson to cancel check #15010138 in the amount of \$132.00. A claim was submitted and paid twice in error. 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.

Larson Motors, Nebraska City, was the only dealer to submit a bid for the purchase of a 2017 Ford Explorer Utility Police Interceptor AWD; bid amount was \$31,312.85. This vehicle will replace a patrol vehicle that was "totaled" after it was involved in a wreck in April. The County received a settlement in the amount of \$23,274.00 from our insurance company. Commissioner Hauptman made a motion, seconded by Commissioner Sornson to accept the bid of Larson Motors in the amount of \$31,312.85 for the purchase of a 2017 Ford Explorer Utility Police Interceptor. 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.



Otoe County Board Minutes



Chief Deputy Mike Holland said they currently are driving five vehicles with 112,000 to 150,000 miles on them. Mechanical repairs on these vehicles are becoming more frequent and expensive. Therefore, he is requesting permission to advertise and purchase another vehicle – either out of this fiscal year's budget or the next. Sheriff Gress said his department used to purchase three vehicles each fiscal year, but with the rising cost in vehicles in the last 10 years, they dropped back to two vehicles per budget cycle. He noted that for the past several years he has not been able to take advantage of trade-in value because his old vehicles have been transferred to other county departments. He estimated a budget of \$90,000 to purchase three vehicles that includes lights, sirens, etc. less trade-in value. Commissioner Freshman made a motion, seconded by Commissioner Sornson to allow Sheriff Gress to advertise for bids for the purchase of a new pickup to be used as a patrol vehicle. 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.

Chairman Freshman opened a public hearing to hear comments regarding the issuance of a Class Y Liquor License to Harvest Moon Vineyard and Winery LLC as requested by Richard Halama. Mr. Halama said his winery is located at 470 N 30th Road and includes 5 acres of grapes. The Class Y license will allow him to sell wine and cider on his premises that are made from his homegrown grapes. There being no further comments, the hearing was closed. Commissioner Parsons made a motion, seconded by Commissioner Sornson to make a recommendation to the Nebraska Liquor Control Commission to issue a Class Y Liquor License to Harvest Moon Vineyard and Winery as requested by Richard Halama. 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 opened a public hearing to hear comments regarding the Preliminary Plat for North Wind Subdivision located in the N 1/2 NW 1/4 S17-T9-R9 as requested by Darrin Loftus. Mr. Loftus said the proposed subdivision plat consists of 6 lots, 3.1 acres each, and is zoned as Rural Residential. When he met with Zoning Administrator Dave Schmitz and the County Road Supervisor, Jon Brinkman, it was determined that a frontage road for the subdivision could connect at the crest of a hill on C Rd which allows over 1000 feet site distance from both directions. Commissioner Sornson said the County's Engineer, Mark Mainelli, recommended that the subdivision owner obtain an engineered design for its frontage road. Schmitz said he didn't think an engineered design was necessary since he had a survey plat and a contour map indicating proper drainage - two provisions required for subdivisions with more than 3 lots. The Planning Commission approved the preliminary plat at their May 18th meeting. Sarah Kruger, a home owner who lives on C Road east of the proposed access driveway, felt the driveway should come off N 2nd Road, a lesser traveled road. She was concerned that many vehicles already drive too fast creating dust and other hazardous conditions on C Road. Commissioner Freshman questioned whether a lower speed limit could be posted. There being no further comments, the public hearing was closed. Commissioner Speth made a motion to approve the preliminary plat for North Wind Subdivision. The motion died for lack of a second. Chairman Freshman advised Mr. Loftus to get input from a professional engineer regarding the driveway. The County's Engineer Mark Mainelli will not sign off on the project unless it has an engineering endorsement. No action was taken to approve or deny.

Chairman Freshman opened a public hearing to hear comments regarding the application for a Conditional Use Permit that would allow Mark Charipar to operate a nursery with retail sales at 1269 N 2nd Road. Schmitz said this property is zoned as Rural Residential in a Flex Use Land area. Under the new zoning regulations, commercial greenhouses are prohibited. Mr. Charipar built a greenhouse



Otoe County Board Minutes



and started growing plants for his landscaping business before the new regulations were adopted. The Planning Commission denied the Conditional Use Permit, but suggested issuing him a temporary vending permit that would allow him to sell his plants through November 15, 2017. The Planning Commission felt Mr. Charipar should be granted the Conditional Use Permit, but they need time to amend the zoning regulation. There being no further comments, the hearing was closed. Commissioner Parsons made a motion, seconded by Commissioner Speth to deny the Conditional Use Permit as requested by Mark Charipar, but to issue him a temporary vending permit so that he can sell plants from his nursery during the next six months. 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.

Chairman Freshman opened a public hearing to hear comments regarding the modification of an existing Conditional Use Permit granted in 2007 to Burr Oak Lodge. Kent Seacrest, Attorney for Burr Oak Lodge and Mike Hays, Owner, were present at the hearing. In 2007, Mr. Hays acquired the original permit to build several structures in the Burr Oak development. Now Mr. Hays now wants to add an accessory barn/storage/garage building with a fuel storage tank on the property. Mr. Seacrest said the barn is considered an “accessory use” (not commercial) ince it will be used by family and friends, which is permitted under the Rural Residential regulations. However, the barn is designed to be 28 feet high, so they need an approved variance since the maximum height of a RR1 building is 25 feet. They intend to install a 100 gallon above-ground fuel tank which the Planning Commission determined was not a required item on the Conditional Use Permit. Schmitz said there was no opposition from neighbors, only favorable comments. There being no other comments, the hearing was closed. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to approve the modification of the Conditional Use Permit for Burr Oak Lodge allowing the construction of an accessory barn with a height variance of 28 feet. 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.

Bobbie Meints, Managing Director for 5 Rivers RC & D (Resource Conservation and Development), came before the Board to express appreciation for Otoe County’s financial support for the past several years. She said the dollars are used to help sponsor conservation projects such as conducting weed conferences, helping landowners with invasive weed control and administering household hazardous waste collection events. The dues request of \$3,000 will remain the same as last year.

Kent Kreifels cancelled his appointment on today’s agenda.

Two weeks ago, the Board signed an Addendum with NDOR and Union Pacific Railroad regarding the upgrade of a railway crossing on King Road. Now, NDOR is requiring a similar Addendum to Supplemental Agreement No. 90 involving the upgrade of a railway crossing on C Road west of N 57th Road. Commissioner Hauptman made a motion, seconded by Commissioner Parsons to authorize the Chairman to sign the Addendum to Supplemental Agreement No. 90 acknowledging that the State has informed the County about the railway project on C Road west of N 57th Road. The County has no obligations or duties under this agreement. 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.

Lead Supervisor Jon Brinkman explained that Cass County is the lead County for the Bridge Match Program Projects involving Structure C006600345 in Otoe County and two other structures in Cass



Otoe County Board Minutes



and Saunders Counties. The Program requires an interlocal agreement among the three counties who will advertise all three projects as a single bid in an effort to take advantage of “economy of scale” bidding. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the Interlocal Agreement with Cass and Saunders Counties whereby all three counties agree to advertise three specified bridge replacements as a single bid in order to take advantage of “economy of scale” bidding. 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.

Road Department Report as given by Jon Brinkman:

- The Bridge Project northeast of Douglas (584) is complete and the road is re-opened
- The Contractor has completed his work on Paul North Project (551); it should take couple more weeks for the Road Crew to finish dirt work, seeding, etc.
- The Contractor continues to work on the K Road Extension west of Midwest Co-op
- The East Crew installing culverts on old Hwy 2; the West Crew is working north of N-4

County Treasurer, Nicki Baker, requested the release of the remaining pledged securities with Arbor Bank since they will now be replaced with letters of credit. She explained that one Letter of Credit in the amount of \$8,500,000 will expire on May 26, 2017, which was issued to cover the large amount of incoming tax revenue being held in the bank before it is disbursed to the various political subdivisions. The “standby letter of credit” in the amount of \$5,000,000 is good for one year to secure all other county funds. Commissioner Hauptman made a motion, seconded by Commissioner Sornson to adopt Resolution 5-23-17-16 approving the release of pledged securities with Arbor Bank (face value of \$5,037,000) and to acknowledge the receipt of the letters of credit. 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 Hauptman to authorize the Chairman to sign a Subgroup Application renewing the County’s participation in NACO’s Blue Cross Blue Shield Health and Dental Insurance for Plan Year 7/1/17 through 6/30/18. 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.

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 9:53 a.m. The next regular meeting will be held on June 13, 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 23rd day of May 2017.

Janene Bennett
Otoe County Clerk