



Otoe County Board Minutes



January 23, 2018

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on January 23, 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 wall. 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 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.

Vanessa Sherman, Otoe County Juvenile Diversion Coordinator and Grants Manager, came before the Board to give the annual report. Her primary duty is to provide first time juvenile offenders an alternative to the court system, reduce court costs and decrease reoccurrences. In 2017, 57 youth were served – 46 referrals came from the County Attorney and 11 involved truancy cases from the schools. In the past, alcohol abuse was the top offense, but this year 20% of the cases were attributed to criminal mischief and 20% to marijuana usage. The majority offenders are males between the ages of 15 and 16. For the past 3 years, 80% of the participants who completed the program have not committed another offense. Ms. Sherman was asked to serve on the Diversion Panel at the May 2017 Nebraska Juvenile Justice Association Conference due to Otoe County's successful programs. She also serves as a member of the Statewide Juvenile Diversion Committee. She has attended over 60 hours of training, most specifically to handle mental health and suicide prevention. County Attorney Dave Partsch commended Ms. Sherman for her dedication and hard work.

Sarah Purcell, Otoe County Extension Educator, presented the Board with a bound copy of the 2017 Annual Extension Report for Otoe County. It detailed the accomplishments of the UNL Institute of



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Agriculture and Natural Resources faculty. It also included copies of the Otoe County Extension Board minutes, financial reports and a listing of the Extension Board and 4-H Council Board members. Ms. Purcell invited the Commissioners to attend the Otoe County 4-H Foundation Banquet on February 6, 2018, to be held at the Kimmel Building in Syracuse where Steve Waller will be the keynote speaker.

At 8:45 a.m. Chairman Freshman opened a public hearing to hear comments regarding the Preliminary Plat for Evergreen Plaza "B" and the Final Plat of Evergreen Plaza 2nd Subdivision, a 55.56 +- acre tract being Tract 1, Remaining portion of Tract 2 and Lot 1, Block 2, Evergreen Plaza Subdivision located in the W 1/2 SW 1/4 & Part of the W 1/2 NW 1/4 S30-T9-R9 as requested by Roland Meyer. Surveyor Dave Schmitz said two lots and an access road from South 190th Street were added since the original plat was presented to the Planning Commission in December. These two major changes were made after a drainage study was done. All of the lots are zoned commercial; however, even though the Flex Zone is meant for small businesses, it allows the option to develop residential subdivisions within it. There being no further comments, the public hearing was closed. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the Preliminary Plat for Evergreen Plaza "B" located in S30-T9-R9 as requested by Roland Meyer. 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.

Surveyor Dave Schmitz said the Final Plat for Evergreen Plaza 2nd Subdivision is the same layout as the Preliminary Plat approved above, but includes the Subdivision Agreement which outlines the requirements and waivers of some of the subdivision regulations dealing with much smaller lots. Commissioner Speth made a motion, seconded by Commissioner Parsons to approve and authorize the Chairman to sign the Final Plat of Evergreen Plaza 2nd Subdivision located in S30-T9-R9 at the southeast corner of Hwy 2 and South 190th Street. 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.

Chairman Freshman opened a public hearing to hear comments regarding an application for a Conditional Use Permit as requested by Craig Schultz for Midwest Farmers Co-op. If approved, the permit would allow the Co-op to add two 30,000 gallon storage tanks for anhydrous ammonia and a loading riser on their existing plant at 2970 E Rd. Mr. Schultz said the additional storage and riser would give them the ability to load 6 nursing tanks at one time which enables them to get customers loaded and back to the fields quicker. They now have sixteen plants, but want to consolidate down to ten. This site is the first step in expanding plants located in rural settings. Schmitz said there was one family southeast of the plant that expressed concerns at the Planning Commission hearing last week. They felt seepage from the tanks could be dangerous to their grandchildren as it sometimes would burn their grass. So they asked if the tanks could be moved further away from their property. The Planning Commission approved issuance of the permit by a vote of six to one with the condition that the mobile tanks would be moved to the north and west of the storage tank site which is a lower area that might contain the fumes. Schultz said they will make spot checks nightly to ensure valves are tight. Commissioner Parsons said he received several calls from people who are not in favor of the Co-op's plan for expansion at this site. Penny Trueblood and Rhonda Steinhoff were present at today's meeting to express their concerns regarding the odor and possible burns to foliage. Schultz said the Co-op's goal is to be a good neighbor with safety as a priority. They have met all DOT, DEQ and Fire Marshal requirements; and have offered to provide phone numbers for neighbors to call when they smell ammonia. Commissioner Parsons asked if the Co-op's decision to expand at this site



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was out of need or financial gain. Schultz said they want to better serve their customers with quality employees. He considered this site a strategic location for farmers between Elmwood, Otoe and Syracuse. Chairman Freshman restated that the application is not for adding more nurse tanks, only adding storage tanks and a riser. The Co-op has agreed to move the current nurse tanks to an area that would accommodate the neighbors request; has provided phone numbers to report odor or other concerns; and will require workers to check valves every night before leaving. Commissioner Speth questioned whether the Co-op intended to request road improvements to which Schultz replied "No". Commissioner Parsons said he was going to vote "No" because of his concern for the residents who built homes there before the Co-op plant was constructed. Chairman Freshman closed the public hearing. Commissioner Hauptman made a motion, seconded by Commissioner Sornson to approve the Conditional Use Permit that would allow Midwest Farmer's Co-op to add two 30,000 gallon anhydrous ammonia storage tanks and a loadout riser at their existing site located at 2970 E Rd. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Sornson, Hauptman and Freshman. Voting nay were Commissioners Parsons and Speth. Motion carried.

John Bebout, Otoe County Weed Superintendent, presented the Annual Noxious Weed Report which must be submitted to the Nebraska Department of Agriculture by January 31st of any given year. Bebout said he has found approximately 30 areas infested with the "Common Reed". They are a very tall weed found in wet soils such as waterways. He plans to send a form letter to these landowners; then meet with them to discuss steps needed to eradicate the weed. Commissioner Sornson made a motion, seconded by Commissioner Parsons to approve the report as written and to authorize the Chairman to sign same. 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.

Regarding Bridge Project BRO-7066(29) located on N 60th Road: Commissioner Parsons made a motion, seconded by Commissioner Hauptman to adopt Resolution 1-23-18-2 concurring with the State's selection of Kea Construction as the low bidder who submitted a bid of \$1,658,508.90 and authorizing the Chairman to sign the contract on behalf of the County. Brinkman said construction is scheduled to begin in early March, but the contractor can start sooner if weather permits. All utility lines will be relocated within the next 2-3 weeks. This is a federal aid project, so the County's liability will be 10% of the construction cost. 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.

Sealed bids for the sale of surplus equipment were opened at 10:00 a.m. on Friday, January 19th in the presence of the Supt Brinkman, Commissioner Freshman, Commissioner Sornson and the County Clerk. Rod Ninceheler was the only one to submit a bid for the Miller Legend Welder in the amount of \$700 dollars. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to accept the bid of \$700 for the welder as submitted by Rod Ninceheler. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Speth, Freshman, Sornson and Hauptman. Commissioner Parsons abstained. Motion carried.

The following four bids were submitted for the sale of a 2007 Sullair Air Compressor: \$13,251.06 from Todd Balfour for Central Nebraska Equipment, Lincoln; \$8,500.00 from the City of Nebraska City; \$5,995.00 from Ken Sandvig, Spencer IA; and \$2,275.00 from Justin Thompson for Mid States Enterprises, Omaha. Commissioner Hauptman made a motion, seconded by Commissioner Parsons to accept the bid of \$13,251.06 from Todd Balfour with Central Nebraska Equipment. There being no



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further discussion, Chairman Freshman called for a vote. Voting aye were Commissioners Freshman, Sornson, Hauptman, Parsons and Speth. Nay – none. Motion carried.

Chairman Freshman acknowledged receipt of a short term letter of credit from Arbor Bank, Nebraska City.

Highway Superintendent Brinkman reported that the road crews have been burning brush piles, trimming trees around signs, pulling old sign posts and removing snow as needed.

Syracuse Mayor, Kc Ortiz, expressed appreciation for the good working relationship that the City of Syracuse currently has with the County. The City of Syracuse and the County have interlocal agreements regarding law enforcement and building inspections. In addition, the County has provided dust control on the road leading to the sports complex for the past several years. He presented several other ideas for sharing costs including the purchase of rock, upgrading a GIS system, and implementing a countywide EMS (Emergency Medical Services). He mentioned there seemed to be a lack of communication when Midwest Farmer's Co-op presented its plans to the County for constructing a Grain Handling Facility south of Syracuse. Since part of the plant is located within Syracuse's zoning jurisdiction, he felt the City should have been included in those discussions and asked that he be notified of any future developments that might impact the City. He also suggested that the County notify political subdivisions when the County declares items as surplus so that they would have the opportunity to make an offer for its purchase before seeking bids from the public. Mayor Ortiz said the NDOT is planning a road improvement project on Highway 50 that runs through Syracuse. He asked the County to join him in his effort to influence the DOT to lower the speed limit and to add a turning lane from Hwy 50 to Plum Street and a second turning lane from Hwy 50 to K Rd that leads to the Grain Handling facility. Finally, he asked that the Road Department review the grade work at a bridge site south of Syracuse near Intersection P-28. He wants to ensure that the City's main water line will not become exposed by erosion. County Board members agreed it is important to continue open discussions and maintain a compatible working relationship between the two entities.

Chairman Freshman announced that the Commissioners will tour the County Museum upon adjournment.

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 10:10 a.m. The next regular meeting will be held on February 13, 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 23rd day of January 2018.

Janene Bennett
Otoe County Clerk