



Otoe County Board Minutes



September 25, 2018

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on September 25, 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 Sornson 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 Hauptman 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 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, and Hauptman. Commissioner Sornson approved all claims except the one submitted by Johnny's Cycle to which he abstained due to a conflict of interest. Nay – none. Motion carried.

Only one bid was received for the sale of a 2004 Dodge Durango that had been designated as surplus property. Andy Wright submitted a bid in the amount of \$252.50. Commissioner Freshman made a motion, seconded by Commissioner Parsons to reject acceptance of the bid, stating the vehicle should be worth more. All agreed to continue advertising the vehicle on Craig's List. 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.

Upon the recommendation of Chad Miller, Otoe County Veterans Service Officer, Commissioner Sornson made a motion, seconded by Commissioner Hauptman to appoint Gregg Goebel to serve on the Otoe County Veterans Service Committee. Mr. Goebel will be completing the term of Brad Moyer; then fulfill a regular term of five years which will expire in June of 2026. Mr. Goebel served active duty in the Army for four years; then worked for the Department of Defense for eight years. 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.

County Attorney Dave Partsch gave a brief history of the County's involvement with an industrial bond for Diversified Foods and Seasonings LLC. In 2007 and 2008 Diversified Foods applied for an industrial development bond to refurbish its present facilities. As part of the requirements, the County held title to the real estate and its equipment. Now that the bond has been paid in full, several documents need to be signed to release all securities including a Quit Claim Deed, lease terminations and UCC financing statements. Commissioner Sornson made a motion, seconded by Commissioner Hauptman to authorize the Chairman to sign the necessary documents for the release of all securities with Diversified Foods and Seasonings LLC now that all financial obligations have been met. 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 plat of Wild Briar Rose 3rd Subdivision located in the SW 1/4 of the SW 1/4 S24-T9-R9 as requested by Joyce K Shear. Zoning Administrator, Dave Schmitz, said Ms. Shear ran water lines for three water hookups that will service three parcels; this is the first parcel to be sold. The driveway entrance to the small subdivision has been approved for sight clearance by Jon Brinkman. The plat was unanimously approved by the Planning Commission. There being no public comments, the hearing was closed. Commissioner Speth made a motion, seconded by Commissioner Parsons to authorize the Chairman to sign the plat map for Wild Briar Rose 3rd Subdivision as requested by Joyce Shear; site location is 1/4 mile east of E-10. 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 request of a Conditional Use Permit by Jason and Jamie Kubik that would allow them to establish and operate a tire recycling business on Lots 1 & 2, Block 4 of the Evergreen Plaza Subdivision located in the SW 1/4 S30-T9-R9. Dave Schmitz said he received a letter from Staska Pharmaceuticals expressing concerns of where the tires would be stored and how the business would affect water and air quality in the area. Mr. Kubik, who was in attendance at today's meeting, said that no tires will be visible on the outside; they will be stored in bunkers enclosed by three sides and a roof. The tires will be shredded inside of a building with good ventilation and a filtering system. The recycled pellets will be used as a replacement for gravel when installing laterals for his septic tank business. Gregg Goebel questioned whether he notified the Rural Fire District of his proposed business. Kubik said he was working with the State Fire Marshal and DEQ to comply with all safety and health requirements. Schmitz said the Planning Commission approved the conditional use permit with three conditions – 1) The main facility and bunkers must be fenced in with a 6 foot chain link fence; 2) The recycled tire pellets must be stored inside the covered bunkers; 3) The fire and wastewater pond must be surrounded with a decorative fence. There being no further comments, the public hearing was closed. Commissioner Parsons made a motion, seconded by Commissioner Hauptman to approve issuance of a Conditional Use Permit to Jason and Jaime Kubik allowing them to construct a tire recycling business on Lots 1 and 2, Block 4 of the Evergreen Plaza Subdivision located on the east side of 190th street north of Highway 2, adhering the same three conditions proposed by the Planning Commission above. 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.



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Debbie Green, CASA Program Coordinator, came before the Board to explain the purpose of the CASA program. CASA stands for Court Appointed Special Advocate. These advocates are volunteers who are appointed by judges to speak in court on behalf of an abused or neglected child. Volunteers must complete a thorough screening process, criminal background check and 30 hours of training. The CASA Program began in Otoe County in 2009. Two years ago, SENCA took over its administration. According to statistics, children with a CASA volunteer are likely to spend less time in foster care, do better in school and are more likely to get back home with their parents.

Susan Keholm, Development Director for SENCA, appeared before the Board to make a funding request for two of their programs. She requested \$5,000 to help subsidize the CASA program and \$3,000 as a match for the Owner Occupied Rehab Grant application. She explained the projected budget for the 2018-2019 CASA Program is \$33,000. They have received or applied for \$28,000 from grants and foundations, leaving a shortfall of \$5,000. She said Cass County appropriates money from their KENO fund to this program. County Attorney Dave Partsch will research the definition of “community betterment” in statute, but it was his opinion that helping a child is a worthwhile betterment for the community. Commissioner Sornson made a motion, seconded by Commissioner Parsons to approve a contribution of \$5000 toward the CASA Program, contingent upon the County Attorney’s determination that it is an eligible expense that can be paid from the KENO fund. There being no further discussion, Chairman Freshman called for a vote. Voting aye were Commissioner Speth, Freshman, Sornson, Hauptman and Parsons. Nay – none. Motion carried.

Ms. Keholm said the request for a \$3000 commitment would be used as the 10% cash match for a grant for the Owner Occupied Rehab Program awarded by the Nebraska Department of Economic Development; however, she wouldn’t actually need the money until next July. The money would be used to rehabilitate one home for an eligible household in Otoe County. Commissioner Parsons made a motion, seconded by Commissioner Sornson to allocate \$3,000 toward the Owner Occupied Rehab Program for fiscal year 2019-2020. 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.

Regarding Supplemental #2 of the Preliminary Engineering Agreement with Olsson Associates Project HRRR-79(1): Highway Superintendent Jon Brinkman said this project is going to need wetland mitigation that was not included in the original scope of work. By signing the supplemental agreement, the County agrees to pay for the additional work, an out-of-pocket cost of about \$2900. Commissioner Speth made a motion, seconded by Commissioner Sornson to adopt Resolution 9-25-18-37 authorizing the Chairman to sign Supplemental #2 of the Engineering Service Agreement with Olsson Associates as it is related to Project HRRR-79(1) located southwest of Palmyra. 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.

Highway Superintendent Jon Brinkman submitted the following report:

- Regarding Project (616) north of G-2 – the north box culvert has been poured
- Regarding Project (557) east of P-64 – culvert is installed; need to finish drop culvert and dirt work; then rock and seeding for erosion control
- Regarding Project (617) east of P-70 – contractor starting to install culvert
- Regarding Project BRO-7066(29) north of G-60 – road is closed for contractor to start removing the south structure
- East crew finished a culvert north of D-27
- West crew added an extension to the culvert east of N-20



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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 9:29 a.m. The next regular meeting will be held on October 9, 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 25th day of September, 2018.

Janene Bennett
Otoe County Clerk