

August 27, 2024

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on August 27, 2024, to audit and sign regular claims and payroll 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 Commissioner Jerad Sornson. Answering present at roll call were Commissioner Sornson, Commissioner Freshman, Commissioner Parsons, Commissioner Crownover, and Commissioner Cole.

Commissioner Sornson informed the public in attendance that a current copy of the Open Meetings Act was located near the door of the courtroom.

Freshman made a motion, seconded by Cole, to accept the agenda as posted. Voting aye were Sornson, Freshman, Parsons, Crownover, and Cole. Nay – none. Motion carried.

Parsons made a motion, seconded by Crownover, to accept the minutes from the previous meeting and not have them read as each member was furnished with a copy of same. Voting aye were Commissioners Freshman, Parsons, Crownover, Cole, and Sornson. Nay – none. Motion carried.

Having reviewed the regular claims in advance of this meeting, Cole made a motion, seconded by Freshman, to approve payment of the regular claims. Voting aye were Parsons, Crownover, Cole, Sornson, and Freshman. Nay – none. Motion carried.

Parsons made a motion, seconded by Cole, to audit and sign payroll claims. Voting aye were, Crownover, Cole, Sornson, Freshman, and Parsons. Nay – none. Motion carried.

The honoree for the August Veteran of the Month was unable to attend today's meeting. The presentation was tabled and will take place during the September 10, 2024, meeting.

Sornson opened a public hearing to hear comments regarding the Bruning Subdivision, a 4.32+- acre tract located in Part of Tract 31-2 in the NW $\frac{1}{4}$ of S 31, T 9N, R 9E, as proposed by Roland L. Meyer. The site is located at 76 F Rd (Hwy #2). Dave Schmitz, Otoe County Planning and Zoning Administrator, stated that a new home will be built and a well and been drilled. The subdivision plat was approved by the Otoe Co. Planning Commission. There was no public comment, and the public hearing was closed. Crownover made a motion, seconded by Freshman, to approve the Bruning Subdivision, a 4.32+- acre tract located in Part of Tract 31-2 in the NW $\frac{1}{4}$ of S 31, T 9N, R 9E, as proposed by Roland L. Meyer. Voting aye were Cole, Sornson, Freshman, Parsons, and Crownover. Nay – none. Motion carried.

Sornson opened a public hearing to hear comments regarding the Stukenholtz 2nd Subdivision, a 10.00+- acre tract of land located in Part of the NE $\frac{1}{4}$ of S 17, T 7N, R 14E, as proposed by Bryan Stukenholtz and Shawn Stukenholtz. The site is located at 1340 S 64th Road. Bryan Stukenholtz stated the land was being split and the ten acres was being sold to their son and that the remaining five acres would be kept for agricultural use. The subdivision plat was approved by the Otoe Co. David Schmitz, Otoe Co. Planning and Zoning Administrator, stated that there were driveways for both sides for access. There was no public comment, and the public hearing was closed. Sornson made a motion, seconded by Parsons, to approve Stukenholtz 2nd Subdivision, a 10.00+- acre tract of land located in Part of the NE $\frac{1}{4}$ of S 17, T 7N, R 14E, as proposed by Bryan Stukenholtz and Shawn Stukenholtz. Voting aye were Sornson, Freshman, Parsons, Crownover, and Cole. Nay – none. Motion carried.

Sornson opened a public hearing to hear comments regarding the Languis-Buhr Subdivision, a 4.12+- acre tract of land located in the North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of S 7, T 7N, R 9E, as proposed by Dean A. Buhr and Carol J Buhr, a married couple. The site is located at 22100 190th St. David Schmitz, Otoe Co. Planning and Zoning

Administrator, stated that there was currently a home on the property that may be sold as is or torn down. There are several buildings on the property that are in good shape. A well test was conducted and passed. There was no public comment, and the public hearing was closed. Cole made a motion, seconded by Crownover, to approve Languis-Buhr Subdivision, a 4.12+ acre tract of land located in the North ½ of the NW ¼ of S 7, T 7N, R 9E, as proposed by Dean A. Buhr and Carol J. Buhr. Voting aye were Freshman, Parsons, Crownover, Cole, and Sornson. Nay – none. Motion carried.

Freshman made a motion, seconded by Crownover, to adopt Resolution #8-27-24-18 to approve increasing the restricted funds by 1% for FY 2024-2025. Voting aye were Parsons, Crownover, Cole, and Sornson. Nay – none. Motion carried.

Freshman made a motion, seconded by Crownover, to adopt Resolution #8-27-24-19 to approve tax allocations to political subdivisions. These allocations are for the political subdivisions that the county is required to allocate a levy: hospital, ag society, rural fire districts. Voting aye were Crownover, Cole, Sornson, Freshman, and Parsons. Motion carried.

Cole made a motion, seconded by Freshman, to approve the 2024 inventory statements. Voting aye were Cole, Sornson, Freshman, Parsons, and Crownover. Nay – none. Motion carried.

Sheriff Caudill proposed allowing employees to participate in volunteer fire and rescue calls while on duty. He discussed the option of allowing the employee to attend/participate in a fire and rescue call if there was a second call or a call for additional assistance and receiving their regular pay. There was discussion of staffing, proximity of the department in which the employee volunteers and would be responding, approval from the employee's supervisor, etc. No action was taken at the meeting. A resolution or amendment to the personnel policy may be necessary at a future meeting if the board were to approve this.

Kent and Sue Kreifels spoke to the board regarding real property parcel #003622500. Mr. Kreifels explained that the State of Nebraska had condemned a portion of their property in 2010, and the paperwork had been filed with the Register of Deeds but had not been filed with the Assessor and that they had been taxed on this since then in error. Christi Smallfoot, Otoe County Assessor, stated that the Assessor's office did not receive the paperwork to show the condemnation and the change of ownership. In 2010, approximately five (5) acres were condemned. The five acres were not removed from the Kreifels' property record and remained on their tax statement. In 2015, the State of Nebraska added a building to the condemned property. This was added to the assessment record and the Otoe County Assessor's office sent a change of value notice to the Kreifels. The building was included on all subsequent tax statements until it was brought to the Assessor's attention in 2023 after a commercial mass value increase. Ms. Smallfoot spoke with the Department of Revenue regarding the error and issue, and they stated that the Nebraska State Statute allows three years of refund corrections. The taxes for the three previous years, 2021, 2022, and 2023 have been paid, so a request to the County Treasurer would need to be submitted. The estimated amount of the refund for these years is \$5,706.90. Understanding that the statute allowed for three years of refunds, Mrs. Kreifels inquired about adjusting the value in future years as an option for the balance of the overpaid taxes. Ms. Smallfoot stated that she is not able to do that. Jenniffer Panko-Rahe, County Attorney, stated that the Assessor could not give preferential treatment for the situation by lowering their value and that the Kreifels' should inquire about the procedure of obtaining the three-year refund. Ms. Smallfoot indicated that a letter was sent to the Kreifels to assist with the refund request for what is statutorily available, but the letter had not been submitted by the Kreifels to the Treasurer. Chairman Sornson stated that the board would look into options. No action was taken during the meeting.

Mr. Kreifels also spoke to the board to about a request to close a section of a minimum maintenance road. The section of road is described as a section of Road D within Section 14, T 9, R 11E. He explained that he can get through with a pickup, but tractors cannot get through. The road has been graded so low and there are deep ruts. He explained that a neighbor to the south is in agreeance with closing the road. There was discussion of if road should be vacated or closed. There was also discussion on the process; the county attorney will research the process and contact the Kreifels and update the board members and road lead supervisor. No action was taken during the meeting.

Crownover made a motion, seconded by Parsons, to extend the moratorium, scheduled to expire on October 9, 2024, on applications for conditional use permits for Commercial/Utility Grade Solar Energy Systems an additional six-month period until April 9, 2025. Voting aye were Sornson, Freshman, Parsons, Crownover, and Cole. Nay – none. Motion carried.

There was discussion of the Syracuse Construction Project. Jenniffer Panko-Rahe, Co. Attorney, stated that projects over \$100,000 were required by statute to have an engineer or architect involved. Josh Keithley, Midwest Engineering, provided the board with a copy of statute 81-3453, defining the practice of engineering; exempted activities. Statute 81-3453 (4) states that any public works project that does not exceed one hundred thousand dollars. Mr. Keithley will draw up a contract and present it at the September 10, 2024, meeting for the board's approval. No action was taken at the meeting.

Brian Briley, Road Lead Supervisor, presented the Road Supervisor's report.

There was no public comment.

At 9:18 a.m. the meeting was adjourned.

I, Jennifer Bassinger, 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 27th day of August 2024.

Jennifer Bassinger
Otoe County Clerk