

October 22, 2024

The Otoe County Board of Commissioners convened in regular session at 8:30 a.m. on October 22, 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.

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

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

Sornson opened a public hearing to hear comments regarding the subdivision plat of Hermann Subdivision, a 3.00+- acre tract located in the NE ¼ of the NE ¼ of Section 19, T 8N, R 13E as proposed by Shawn E. Hermann and Brittny Hermann, husband and wife. The site is located at 344 S 50th Rd (900+- south of J Rd). David Schmitz, Otoe County Planning and Zoning Administrator, stated that the subdivision would be for a new home with rural water hookup. There are currently no plans for additional homes; the subdivision is in a flex district and would allow for one additional lot. There was no public comment, and the public hearing was closed. Freshman made a motion, seconded by Parsons, to approve Hermann Subdivision, a 3.00+- acre tract located in the NE ¼ of the NE ¼ of Section 19, T 8N, R 13E as proposed by Shawn E. Hermann and Brittny Hermann. Voting aye were Cole, Sornson, Freshman, Parsons, and Crownover. Nay – none. Motion

Sornson opened a public hearing to hear comments regarding a conditional use permit for a construction yard including office, shop, and equipment storage located on Lot 2, M & M Commercial Park Subdivision in part of the North ½ of the NW ¼ of Section 33, T 9N, R 9E as proposed by Grid Corp, LLC by Doug Derscheid. Mr. Schmitz stated that the application showed a building with office space and a well/septic system. There was no public comment, and the public hearing was closed. Cole made a motion, seconded by Crownover, to approve the conditional use permit for a construction yard including office, shop, and equipment storage located on Lot 2, M & M Commercial Park Subdivision in part of the North ½ of the NW ¼ of Section 33, T 9N, R 9E as proposed by Grid Corp, LLC by Doug Derscheid. Voting aye were Sornson, Freshman, Parsons, Crownover, and Cole. Nay – none. Motion carried.

David Schmitz presented an update to the board regarding the solar power energy regulations. The regulations were not complete for the current meeting. The agenda item was tabled, and the regulations will be presented during the December 3, 2024, Commissioners' meeting.

Parsons made a motion, seconded by Freshman, to approve an agreement of the release of liability form with Brandon Berner for damaged property. During a storm, a fence at the Syracuse road shop was broken and tubes

from the yard rolled through Mr. Berner's neighboring field and crop. Mr. Berner was offered \$500.00 for the damage. Voting aye were Freshman, Parsons, Crownover, Cole, and Sornson. Nay – none. Motion carried.

There was discussion of the application for an ash disposal area proposed by Omaha Public Power District at the NE1/4 and the N ½ of the SE ¼, Section 35; also, a parcel of land located in the W ½ of the NW ¼ and the SW ¼ lying West of the Burlington Norther Railroad Right-of-Way, located in Section 36, except government lot 56; also, a parcel of land laying South of the center line of county road "L" in the SE ½ of the SE ¼ of Section 26, all in Township 8N, Range 14E of the 6th P.M., Otoe County, Nebraska. OPPD representatives addressed questions and concerns that had been raised by the public during a previous public hearing. Carol Crook spoke of her concerns and asked for written confirmation that only ash from the Nebraska City plant would be disposed of in the proposed area. The Certificate of Compliance was not signed, and the agenda item was tabled. The item will be presented again during the November 19, 2024, Commissioners' meeting.

Freshman made a motion, seconded by Sornson, to approve a KENO application submitted by the Village of Talmage for a contribution towards a new emergency siren in the amount of \$3,240.13. Lee Ann Hiliker, Talmage Village Clerk, was present at the meeting. The amount requested is the village's 10% portion of a grant that was received for the project. The KENO funds would help offset the village's obligation to the cost of the project. Voting aye were Parsons, Crownover, Cole, Sornson, and Freshman. Nay – none. Motion carried.

Cole made a motion, seconded by Parsons, to strike personal property taxes from the tax roll. A list of uncollected taxes had been provided by the County Treasurer. Voting aye were Crownover, Cole, Sornson, Freshman, and Parsons. Nay – none. Motion carried.

Crownover made a motion, seconded by Freshman, to adopt Resolution #10-22-24-26, directing the County Treasurer to issue county tax sale certificates. Voting aye were Cole, Sornson, Freshman, Parsons, and Crownover. Nay – none. Motion carried.

Cole made a motion, seconded by Freshman, to reapprove and ratify the 2024 Southeast Weed Management Association agreement with corrections. Jenniffer Panko-Rahe, County Attorney, stated that there were two small changes on page one of the original. The word Area in the title was changed to Association and the reference was removed. Voting aye were Sornson, Freshman, Parsons, Crownover, and Cole. Nay – none. Motion carried.

Crownover made a motion, seconded by Sornson, to approve an amendment renewing the Lottery Operator Agreement extending the term to September 30, 2029. John Hassett, representing Advanced Gaming, was present at the meeting. He stated that the agreement proposal was for a five-year extension as the company is investing funds into a phone app. The term of the agreement will be renewable annually following the initial extension. Voting aye were Freshman, Parsons, Crownover, Cole, and Sornson. Nay – none. Motion carried.

Bids for Project C-66 (214) Nebraska City Southeast were publicly opened on Monday, October 21, 2024, at 9:00 a.m. The project is the construction of a 3-span 110'-0" continuous concrete slab bridge on a new alignment. The bids were to include site preparation, earthwork, bridge construction, guardrail installation, erosion control, and other incidental work. County Commissioner Jerad Sornson, County Clerk Jenny Bassinger, Road Lead Supervisor Brian Briley, and Josh Keithley, representing Midwest Engineering, were present to represent the county. Others present to represent bidders for the project were Chuck Freking, Herbst Construction, Inc.; Kent Shirley, Simon Contractors; Jeremy Kencl, JJK Construction, LLC; Dave Dixon, Dixon Construction Co.

Bids received for Project C-66(214):

Contractor	Bid	Start/End Dates
Dixon Construction Co.	\$925,667.52	March 3, 2025 / 110 working days after start
Simon Contractors	\$1,168,000.00	March 3, 2025 / June 1, 2025
JJK Construction, LLC	\$907,564.39	January 1, 2025 / 85 working days after start
Herbst Construction, Inc.	\$890,567.00	March 3, 2025 / 80 working days after start
KEA Constructors, LLC	\$924,057.70	November 11, 2025 / 90 working days after start

The engineer's estimate for the project was \$908,514.70. Sornson made a motion, seconded by Cole, to award the bid for Project C-66(214) to Herbst Construction, Inc. in the amount of \$890,567.00. Voting aye were Parsons, Crownover, Cole, Sornson, and Freshman, Parsons. Nay – none. Motion carried.

Sornson made a motion, seconded by Crownover, to approve the addition of a full-time clerical position for the road department. There was a discussion of location and duties. Voting aye were Crownover, Cole, Sornson, Freshman, and Parsons. Nay – none. Motion carried.

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

During public comments, Commissioner Freshman told Brian Briley he was doing a good job. Gregg Goebel, Otoe County Emergency Management Director, asked the board to remind village, city and fire departments to complete their Hazard Mitigation Plans.

At 9:48 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 22nd day of October 2024.

Jennifer Bassinger
Otoe County Clerk