



Nemaha County Board Minutes



May 2, 2018

County of Nemaha, Nebraska
BOARD OF COMMISSIONERS
Commissioner's Chambers
Nemaha County Courthouse, Suite 201
1824 N St Auburn NE

County Board of Commissioners of the County of Nemaha, State of Nebraska met on Wednesday, May 2, 2018, Commissioner's Chambers, Nemaha County Courthouse, Auburn NE for a regular scheduled meeting. Notice of meeting was published weekly in the Nemaha County Herald. The agenda for the meeting was kept continually current and available for public inspection at the office of the Nemaha County Clerk during normal business hours and also on the Nemaha County website. The agenda was held open until one business day prior to the meeting for appearance before the board and items for approval by the Board of Commissioners. The Board of Commissioners has the right to modify the agenda to include items of an emergency nature only at such public meeting.

Meeting Called to Order – Chairman Bohling called the meeting to order at 8:00 a.m. Present for the meeting: Commissioner District 1 Bob Hutton, Commissioner District 2 Bryan Mellage, Commissioner District 3 Marvin Bohling and County Clerk Joyce Oakley. Chairman Bohling led the Pledge of Allegiance and noted the posting of the Open Meeting Poster and the availability of the Open Meeting Handouts to the public.

Visitors present – Dave Swanson, Nemaha County Herald

Approval of Agenda – Motion by Mellage, seconded by Hutton to approve the agenda as presented. Roll call vote: Hutton, aye; Bohling, aye; Mellage, aye.

Approval of Minutes – Motion by Hutton, seconded by Mellage to approve the April 18, 2018 regular scheduled meeting minutes with no corrections. Roll call vote: Mellage, aye; Hutton, aye; Bohling, aye.

Claims – Motion by Mellage, seconded by Bohling to approve the accounts payable claims as presented by the County Clerk and authorized for payment by the Board of Commissioners. Roll call vote: Bohling, aye; Hutton, aye; Mellage, aye.

Motion by Hutton, seconded by Bohling to approve the accounts payable claim to Mellage Truck & Tractor in the amount of \$647.97 for parts/labor. Roll call vote: Bohling, aye; Mellage, abstain; Hutton, aye.

Discussion Items/Commissioners Reports/Report of Meeting(s) Attended: update from Colonial Life reg. providing their services to employees; Report from Brian Dixon, Dept. of Nat. Res reg: finishing the 2016 Floodplain Audit

8:05 a.m. Foremen's Meeting: Help with set up/take down election - Mon. May 14, 2018 & Wed. May 16, 2018 (Bd. Mtg. next day); Pat Kelley, Murphy Tractor; trees growing in county ROW; Tim Lyon, NWCA Director; Bridge replacement C006432617 C-64(313); District 1 employees repairing tires; rock hauled/bought summary; LTAP Updates of upcoming programs – *Pat Kelley representative of Murphy Tractor was present to discuss testing a motor grader; T.J. Lyons, Director NWCA getting ready to start inspection of noxious weeds in Nemaha County, also indicated a new weed has been detected in Richardson County 'fragmitties'; Trees growing in Co. ROW – ideas: keep doing what we're doing "taking out the trees", need dirt for bridge/culvert projects farmers might not want to donate if you assess a fine for not removing trees, you took out the neighbors trees why can't you take out my trees; C-64(313) King bridge District 2 need some help on removing the bridge and replacing with culvert; repairing tires District 1 employees doing, Bob Hutton indicated they*



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aren't repairing tires at the shop without a cage; Co. Clerk provided foremen and commissioners an article in the OWH regarding "using county equipment for personal use".

9:10 a.m. Sine Die to meet as Board of Equalization; Board of Commissioners reconvened at 9:13 a.m.

9:15 a.m. Roger Whetstine, Whetrock Quarries – Roger Whetstine, Whetrock Quarries was present to inform the Commissioners Whetrock Quarry is open and ready for processing rock for the county. Whetstine indicated they opened to the public/government purchasing about 30 days ago; the quality of rock meets Nebr. Department of Transportation specs for surface; quality tests 'good'; hours of operation 7:00 a.m. – 5:00 p.m. (summer hours 6:30 a.m. – 5:00 p.m).

9:30 a.m. Jim Biere, road layout in Sec 32 T6N R14E, water issues; E ½ from RR ROW – Present: John Abrahams, Jim Biere, Dick Moody, County Attorney Louie Ligouri – Biere presented to the BOC measurements of the road and ditch; picture of water crossing the county road; Ligouri indicated we need to meet with our engineer regarding rebuilding the county road, the road could be modified/changed to eliminate this problem; regarding the RR ROW tubes, county attorney can write a letter to RR – letter doesn't go anywhere, case automatically goes to Supreme Court; Ligouri read Case Law regarding a farmer or landowner redirecting water; indicated not a governmental issue it's a civil issue between landowners; Moody indicated he is not the landowner, road hasn't been changed in the last 30 years; expensive to change road to standards; county spent a lot of money cleaning out the ditches; water goes to the lowest part of the field; silt doesn't have any way to get out; he's trying to get along with other landowners; OPPD poles for other land owners' irrigation system were placed on north Todd farm; landowner doesn't want water standing on their field.

Mellage indicated: 20 loads were placed on the east end of the road by District 2 employees fall of 2017; Biere indicted MWA said road needed to be built up again; Bohling thought it was a civil suit between the landowners; Moody thinks should be change to a min. maintenance road; thinks it's a county problem; county road only serving to get crops in and out; current landowners need when they purchased it was a wet farm always been a wet farm; expensive for county move road back where the road is supposed to be; Biere said water crossing county road since 2014;

Mellage presented Farm Service maps showing the lay of the land in 1937; has read up on a lot of water log cases history; law reviewed exactly what we're talking about; case history and historical history on water running down the ditch for 50 years; water draining then - is the same areas what is draining now; going down grader ditch since 1937; with no culvert the county would be responsible for change of the water flow; grader ditch landowners own; an idea to come to a solution is take water straight south increase the culvert under SE road; county to change the height of road-county not going to do; RR tubes are silted shut; road stays exactly where it at; county to monitor the road change; the road becomes a civil matter. Those present questioned rebuilding a county road recently, that road was placed on road One & Six Year Project and was engineered and brought up to standards; District 2 didn't place any dirt on county road surface when they cleaned out the ditches.

Biere re: light poles – OPPD's opinion not to place the poles on the south, OPPD didn't want to cross co road, light poles on south of road after RR tracks; Mellage talked to MWA regarding a water study be done on the amount of water we're working with; Board will ask MWA to get a study done; Board as if veritably Biere's would agree looking at the option on installing a culvert

Ligouri - How much is the county willing to spend on private/civil matter. Board is going to ask for the cost for the water study, engineering costs for building up the county road before they proceed with any construction/rebuilding of the road.

10:00 a.m. Mallory Lempka, Assessor re: renewing GIS Workshop contract or change to VanGuard Website – Mallory Lempka, County Assessor visited with the board regarding changing her contract for



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Website from GIS to Vanguard. Vanguard services for website will be more money, but does provide more information. Board indicated to her that if she has the money in her FY 2017-2018 budget it was her decision.

Executive Session *

Discussion/Action - Business

1. Accept the resignation of Jason Wurtele – Motion by Bohling, seconded by Mellage to accept the resignation of Jason Wurtele effective Friday, May 4, 2018. Roll call vote: Bohling, aye; Hutton, aye; Mellage, aye.
2. Accept the resignation of Bruce Sherman - Motion by Hutton, seconded by Mellage to accept the resignation of Bruce Sherman, due to retirement, effective Monday, May 14, 2018. Roll call vote: Mellage, aye; Hutton, aye; Bohling, aye.
3. Authorize the posting of transfer of employee to District 3 Shop – Motion by Bohling, seconded by Hutton to authorize the posting of transfer of employee to District 3 Road Shop with notification of transfer must be made by 5:00 p.m., May 9, 2018. Roll call vote: Hutton, aye; Mellage, aye; Bohling, aye.
4. Authorize the posting of transfer of employee to District 1 Shop – No action on transfer of employee to District 1 Shop – New commissioner will hire.
5. Authorize the County Clerk to advertise for road employees – Motion by Mellage, seconded by Hutton to authorize the County Clerk to advertise for 1 road employee with applications to be received by 5:00 p.m., May 25, 2018 in the County Clerk's Office. Roll call vote: Mellage, aye; Bohling, aye; Hutton, aye.
6. Resolution 2018-11 Subdivision of a 9.5 acre tract of land for Jeremy Stutheit Sec. 31 T5N R13E – Motion by Bohling, seconded by Hutton to adopt Resolution 2018-11 approving the subdivision of a 9.5 acre tract of land for Jeremy Stutheit in Sec. 31 T5N R13E. Roll call vote: Hutton, aye; Bohling, aye; Mellage, aye.
7. Application for Road Entrance – Mark Kaul, Sec. 9 T4N R13E (applicant to provide culvert) – Motion by Bohling, seconded by Hutton to approve the application for road entrance for Mark Kaul in Sec. 9 T4N R13E with applicant to provide culvert. Roll call vote: Bohling, aye; Hutton, aye; Mellage, aye.
8. Application for Road Entrance – Lonnie Neddenriep Sec. 16 T5N R13E (county applicant to provide culvert) – Motion by Mellage, seconded by Hutton to approve the application for road entrance for Lonnie Neddenriep in Sec. 16 T5N R13E with the applicant to provide culvert. Roll call vote: Mellage, aye; Hutton, aye; Bohling, aye.
9. Permit 2018-10 Perform Work on County ROW – OPPD 1/4 mile E of 640 Ave & 722 Rd (on N side of 722 Rd) relocate out of field and back onto Co. ROW – Motion by Mellage, seconded by Hutton to issue Permit 2018-10 to Perform Work on County Road Right of Way to Omaha Public Power District ¼ mile E of 640 Ave & 722 Rd (on N side of 722 Rd) to relocate out of field and back onto county road right of way. Roll call vote: Bohling, aye; Hutton, aye; Mellage, aye.
10. Permit 2018-11 Perform Work on County ROW – AFN Investments (E of City Limits on Railroad Rd to Hwy 75) – Motion by Hutton, seconded by Mellage to issue Permit 2018-11 to Perform Work on County Road Right of Way to AFN Investments, Railroad Road, beginning E of City Limits to Hwy 75 to provide service to Town & Country Vet. Clinic. Roll call vote: Mellage, aye; Hutton, aye; Bohling, aye.
11. Permit 2018-12 Perform Work on County ROW – OPPD (Sec. 3 T4N R12E) – Motion by Bohling, seconded by Hutton to issue Permit 2018-12 to Perform Work on County Road Right of Way to Omaha Public Power District in Section 3 T4N R12E. Roll call vote: Hutton, aye; Mellage, aye; Bohling, aye.



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12. Authorize Highway Superintendent to sign Form 10 for adding One & Six Year Project C-64(326) – Motion by Mellage, seconded by Hutton to authorize Mark Mainelli, Mainelli Wagner & Associates to sign Form 10 for adding One & Six Year Project C-64(326) to the One Year Project. Roll call vote: Bohling, aye; Mellage, aye; Hutton, aye.

Discussion/Action - Buildings/Grounds/Property

1. Updates on the Bldg. Addition to the sheriff offices
2. Authorize use of County Property (District 3 Shop) for Huff-n-Puff Garden Tractor Pull June 17, 2018 – Motion by Hutton, seconded by Mellage to authorize use of the District 3 County Barn area for a Huff-N-Puff Garden Tractor Pull scheduled for June 17, 2018. Roll call vote: Mellage, aye; Hutton, aye; Bohling, aye.

Discussion/Action - Equipment/Office Equipment/Vehicles/Furniture

Discussion/Action - Highway Superintendent

1. Contract with Bridge Inspector for changing the weight limit on bridge C006442130

County Officials Reports/Correspondence/Reminders

1. FY 2017-2018 road expenses as of April 30, 2018
2. Budget Assumptions from Nemaha County Hospital
3. NACO Health Insurance premium rates for 2018-2019

Visitors Comments

The following claims were approved for payment by the Board of Commissioners and authorized the County Clerk for payment:

General

Salaries	\$48,817.53
A-1 Fiber, se	239.00
American Recycle, se	1,417.00
Aub News, pub	723.00
Aub Plumb, se	125.72
Bear Graphics, su	753.01
Black Hills, ut	158.31
Capital Bus, ma ag	1,415.33
Culligan, su	163.30
Eakes Office, su	93.90
Election Sys, el cst	3,734.51
First Wireless, se	361.00
Jack's Uniform, su	144.89
Johnson Co, se	52.50
Kraviec, atty fe,pstg	2,084.80
Lancaster Co, se	7.15
Latimer Rep, se	68.69
LECC, reg	560.00
Longs Creek, bd pr	2,037.00
Mass Mutual, ret	50.00
Mellage Truck, se	17.76
Merz Ink, su	31.98
Meyer Lab, su	464.76
Mid American, su	120.54
Moore, R, se	175.38
NACEB, du	100.00
NE Hlth Human, se	105.00
Nem Co Ag, rt	100.00
Nem Co Clk, hra	5,150.97
Nem Co Clk Dist, fe	546.00
Nem Co Hospital, se	411.62



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Nem Co Tax, ret	7,620.60
Nem Co Tax, ss, fwh	14,868.19
Nem Co Tax, ret	350.00
Nem Co Treas, reim	79.95
Orscheln, su	25.90
Physician Lab, se	2,725.00
Pieters Const, bld re	2,500.00
Quill, su	902.17
Region V Sys, se	382.00
Richardson Co, se	24.90
Sam's Club, su	85.06
Schendel Pest, se	210.00
Shell Fleet, fu	283.20
Striggow's, se	1,325.48
The Cleaners, se	244.00
Tony Hector, su	20.58
UNL, se	168.26
US Bank, su, ldg	155.38
Verizon, se	1,346.16
Windstream, se	226.85
Road	
Salaries	\$15,633.84
American Recycle, se	59.00
Aub Newspaper, pub	168.00
Black Hills, ut	54.62
Darnell Glass, pts,la	980.95
Five Rivers, du	150.00
Gilberts, ti re	3,943.36
Johnson Quik, ti re	27.50
Mainelli Wagner, se	35,926.80
Mellage Truck, pts	630.21
NE Child Spt, garn	255.00
Nem Co Tax, ret	2,381.33
Nem Co Tax, ss, fwh	4,642.05
NRD, proj	100,000.00
Orscheln, su	876.63
Sack Lumber, su	509.98
Stutheit, su, pts	284.23
US Bank, pts	36.99
Verizon, se	80.06
911 Emergency Service	
Verizon, se	33.46
Jail Commissary	
Combined Public, se	1,050.00
County Buildings	
AHRS Const, proj	9,703.05

With no further business to come before the Board of Commissioners, motion by Hutton, seconded by Mellage to adjourn at 12:14 p.m. Roll call vote: Hutton, aye; Mellage, aye; Bohling, aye.

Marvin Bohling, Chairman
Board of Commissioners



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I, Joyce Oakley, the undersigned County Clerk of Nemaha County, Nebraska do hereby certify the foregoing minutes are true and are a part of the official records of this office. A complete copy of the minutes is available during normal business hours at the Nemaha County Clerk's office or on the Nemaha County's website: www.nemahacounty.ne.gov.

Joyce Oakley
County Clerk

The next Board of Commissioners meeting is scheduled for Wednesday, May 16, 2018 beginning at 8:00 a.m. Agenda for the meeting closes at 5:00 p.m., Monday, May 14, 2018. Current agenda and meeting minutes can be found on the Nemaha County's website: www.nemahacounty.ne.gov