

# Merrick County Board Minutes



**June 27, 2017**

The Merrick County Board of Supervisors met Tuesday, June 27, 2017 at 9:05 a.m. in the Supervisors Room, County Courthouse, Central City, NE, with Graves, Kreachbaum, Carlson, Kucera, Weller, Helgoth, and Wiegert present. County Attorney Homolka was also present.

Notice of the meeting was given thereof by publications in the Republican Nonpareil and The Palmer Journal and on the Merrick County website. Proof of publication is filed in the Clerk's Office. Copies of the agenda were mailed to each Supervisor and kept current and available to the public at the County Clerk's Office.

Chairman Wiegert declared the meeting was preceded by publicized notice and having acknowledged and identified the location of the posting of the current copy of the Open Meetings Act, called the meeting to order and in open session at 9:05 a.m.

Moved Graves, second Kucera to convene as Board of Supervisors at 9:05 a.m. Roll Call: All Ayes.

**Agenda:** Moved Kucera, second Helgoth to approve the agenda as presented. Roll Call: All Ayes.

**Minutes:** Moved Carlson, second Weller to approve the minutes as published from June 13, 2017. Roll Call: All Ayes.

**Meeting reports:** Graves attended the hospital meeting on Wednesday, June 21, 2017 and Wiegert attended the Planning & Zoning public hearing meeting on Thursday, June 22, 2017.

**Official's reports:** Treasurer Bolte told the Board that the County will not be collecting monies for the Twin Loup Reclamation District any longer. Sheriff Westman told the Board that Tim Dierks will be the new courtroom security person starting July 5, 2017, and the Office Manager and Investigator positions will also be filled also very shortly. Sheriff Westman also asked for direction when doing the budget for communications. Sheriff Westman invited the Board to a lunch to be held for John Abold on Thursday, June 29, 2017 at 12:30. Kucera asked if anyone on the Board would have a problem with the public packet being put out at the entrance inside the Board room the morning of a board meeting and they replied that would be no problem. County Attorney Homolka introduced her new intern to the Board, Noa Snyder who will be a senior in high school next school year.

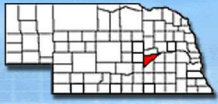
**Public Comment:** Bill Boyer with Murphy Tractor stopped by to reintroduce himself and invited the Board to come and see their new machine.

**Third Floor Bids:** KBL Construction submitted a bid for \$37,628.00 and Lesiak Construction submitted a bid for \$35,750.00. The bids were for the reconstruction of the former Extension Office and the Road/Surveyor Office into the Sheriff's Office and County Attorney's Office. Both companies had submitted bids before when it was advertised but the Board requested them to resubmit them after a drawing was done by Sack Lumber. Moved Weller, second Kucera to table the bids until the budget is being done to make a final decision. Roll Call: All Ayes.

**Gravel bids:** Moved Kucera, second Graves to open the sealed bids for gravel at 10:00 a.m. Roll Call: All Ayes. Bids were received as follows: Tri-County Sand & Gravel, Inc., Elba, NE : Gravel F.O.B. Area 1 \$10.87 per cubic yard, Area 2 #10.87 per cubic yard; Fill Sand F.O.B. Area 1 \$6.37 and Area 2 \$6.37; Overland Sand & Gravel, Central City, NE: Gravel F.O.B. Area 1 \$12.76 per cubic yard and Area 2 \$12.76 per cubic yard; Mud Rock F.O.B. Area 1 \$16.64 and Area 2 \$16.64; Fill Sand F.O.B. Area 1 \$3.85 and Area 2 \$3.85; Island Land Handlers Inc. Grand Island, NE: Gravel Area 1 \$20.35 per cubic yard; Gravel F.O.B. Area 1 \$9.45; Fill Sand F.O.B. Area 1 \$3.40; Central Sand & Gravel, Columbus, NE: Gravel Area 1 \$16.97; Gravel F.O.B. Area 1 \$11.11; Fill Sand F.O.B. Area 1 \$2.80. Moved Graves, second Weller to go out of the public hearing at 10:11 a.m. Roll Call: All Ayes. Moved Graves, second Carlson to accept all of the gravel bids and use which ever one is most convenient to be utilized. Roll Call: All Ayes.

**Asphalt Bids:** Moved Kucera, second Graves to open the sealed bids for an asphalt overlay at 10:30 a.m. Roll Call: All Ayes. Bids were received as follows: Vontz Paving; Gold Milling Class 1 – 260.040 Station; \$145.00 for a total of \$37,705.80, Tack Coat -8,250.000 Gallon, \$1.95 for a total of \$16,087.50, Asphaltic Concrete Type SPR -8500.000 Ton, \$48.50 for a total of \$412,250.00 for a grand total of \$466,043.30 with a start date of April 2, 2018; Gary Smith Construction Company, Inc.; Cold Milling Class 1 -260.040 Station; \$195.00 for a total of \$50,707.80, Tack Coat-8,250.000 Gallon \$1.80 for a total of \$14,850.00, Asphaltic Concrete Type SPR-8,500.000 Ton, \$53.60 for a total of \$455,600.00 for a grand total of \$521,157.80 with at start date of July 25, 2017; J.I.L. Asphalt Paving Company; Cold Milling Class 1- 260.040 Station, \$227.15 for a total of \$59,068.09, Tack Coat-8,250.000 Gallon \$1.00 for a total of \$8,250.00, Asphaltic Concrete Type SPR-8,500.000 Ton, \$74.40 for a total of \$632,400.00 for a total of \$699,718.00 with a start date of September 1, 2017. Moved Graves, second Carlson to accept the bid from Gary Smith Construction Company, Inc. for a grand total of \$521,157.80 with at start date of July 25, 2017. Roll Call: Ayes: Weller, Kucera, Helgoth, Carlson, Graves, and Wiegert. Nays: Kreachbaum.

**Conditional Use hearing:** Moved Kucera, second Carlson to open the public hearing for a Conditional Use Permit for Javier De La Torre for part of the NW1/4NW1/4 in 17-13-8 at 11:00 a.m. Roll Call: All Ayes. The Board heard testimony in favor of the Conditional Use Permit from Mr. Delatorre and his attorney James Wagner. Some of the



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concerns were traffic, trash, alcohol, drugs, animal care, entrance and exists, and emergency medical care and noncompliance with the Merrick County Comprehensive Development Plan and Regulations. The Planning Commission Board had denied the Conditional Use Permit at their meeting on Thursday, June 22, 2017. Moved Kucera, second Carlson to recess at 11:43 a.m. Roll Call: All Ayes.

**General Assistance:** Moved Graves, second Kucera to open the public hearing for public input on the General Assistance guidelines and county burials at 11:44 a.m. Roll Call: All Ayes. County Attorney Homolka went over the changes in Chapter 3 and 4 with the Board and Trent Wagner informed the Board that crematory costs have gone up and now vaults are required. The cost now for cremation is \$1,800.00 but now there will be an increase to \$2,000.00. Moved Graves, second Kucera to go out of hearing at 11:49 a.m. Roll Call: All Ayes. Moved Helgoth, second Graves to adopt the changes to the General Assistance Guidelines as presented. Roll Call: All Ayes.

**Conditional Use:** Moved Kucera, second Carlson to reconvene the public hearing on the Conditional Use permit at 11:50 a.m. Roll Call: All Ayes. The Board also heard testimony for and against the Conditional Use Permit from people that live in that area, as well as, and Planning & Zoning Myers. Some of the concerns were traffic, trash, alcohol, drugs, animal care, entrance and exists, and emergency medical care and noncompliance with the Merrick County Comprehensive Development Plan and Regulations. The Planning Commission Board had denied the Conditional Use Permit at their meeting on Thursday, June 22, 2017. Moved Kucera, second Graves to go out of the hearing at 12:47 p.m. Roll Call: All Ayes. Moved Helgoth, second Carlson to deny the condition use permit for Javier De La Torre for Section 17, Township 13, Range 8 based on the following finding of facts: 1. In support of the Merrick County Planning & Zoning Commission's recommendation to deny the permit. 2. It is not in compliance with the compatible uses of the primary Ag district according to the Merrick County Comprehensive Plan which include: a. crop production, b. livestock operations for all types of animals, c. private grain storage, d. commercial grain storage, e. manure/fertilizer applications, f. public recreational, wildlife, and historical areas, g. renewable energy equipment, h. tourism activities such as: hunting preserves, fishing, vineyards, etc. i. religious uses and structures, j. educational uses and structures, k. community/recreational center, l. larger park and recreation areas, 3. It does not meet the setback distance of ½ mile from all dwellings per Article 4, Section 4.08.07 of the Comprehensive Plan and Regulation previously adopted. 4. The use does not in all other respects conform to the applicable regulation of the AG-1 district in which it is located. 5. The use will not have adequate water, sewer, and drainage facilities, as evidenced by: no potable water, no porta potties for public use, no sewer, water. 6. The use will not be in harmony with the character of the area and the most appropriate use of the land as evidenced by surrounding area. Horse track is not compatible with the surrounding area. 10. Adequate utilities, access roads, and drainage facilities have not been or will not be provided as evidenced by not done, current recommendation not provided now maybe later, gates talked about, access road in proper location to negate any hazardous situations on traffic. 11. Adequate measures have not been or will not be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets as evidenced by current situation. 16. The use will involve activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion, including the following procedures: gates, signs, to provide greater protection of the public for the greater traffic. Roll Call: Ayes: Graves, Weller, Helgoth, Carlson, Kreachbaum. Nays: Kucera and Wiegert.

**Lancaster Youth Agreement:** Moved Weller, second Graves to approve and sign the Agreement with the Lancaster County Youth Services Center for juvenile detention services. Roll Call: All Ayes.

**Canine presentation:** Deputy Taylor Samek gave a slide presentation to the Board on canine. The total cost for the canine and necessary equipment, food, and services would be \$27,150.00. The \$27,150.00 is not tax dollars. This money would come from donations. The canine handler would be Samek and the dog would be used for drugs, missing person, apprehension, etc.

**Affidavit:** Moved Graves, second Kucera to authorize the Chairman to sign the Litzenberg Owners Affidavit referencing debts and liens on part of Lot 1, and part of Lot 2, Block 4, Ayres Second Addition to Central City, Merrick County, Nebraska. Roll Call: All Ayes.

**Warranty Deed:** Moved Graves, second Weller to authorize the Chairman to sign the Warranty Deed selling the property with the legal of part of Lot 1 and part of Lot 2, Block 4, Ayres Second Addition to Central City, Nebraska to Merrick Medical Center. Roll Call: All Ayes.

**Irrigation Pipeline Agreement:** Moved Weller, second Kucera to approve and have the Chairman sign the Irrigation Pipeline Agreement for Darlene Gee to fun irrigation pipe under the road to help another well between Section 5 and 8, Township 14, Range 8. Roll Call: All Ayes.

**RESOLUTION 2017-15:** Moved Graves, second Kucera to approve and have the Chairman sign RESOLUTION 2017-15 to transfer budget authority from the Election Commissioner and Reappraisal funds within the General Fund to the



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Extension Office and Jail budget authority. Roll Call: All Ayes. RESOLUTION 2017-15 is on file in the County Clerk's Office for public viewing.

**Budget request:** Region 3 Behavioral Health Services is requesting \$19,985.99 for fiscal year 2017-2018 which is an increase of \$74.16 from last year.

**Special Designed Liquor License:** Moved Kucera, second Carlson to approve the Special Designed Liquor License for the Ag Society for the Merrick County Fair on Saturday, July 29, 2017 from 6 p.m. to midnight, Monday, July 31, 2017 thru Wednesday, August 2, 2017 from 7:00 p.m. to midnight. Roll Call: Ayes: Graves, Weller, Kreachbaum, Carlson, Kucera, and Wiegert. Nays: Helgoth.

**Surplus:** Moved Weller, second Graves to approve the County Clerk surplus a broken printer and a laptop to the Sheriff's Office. Roll Call: All Ayes.

**June 2017 payroll:** The June 2017 payroll was presented for approval: General: Gross: \$140,436.02 Net: \$96,958.70 Roads: Gross: \$53,892.98 Net: \$37,341.20 Juvenile Diversion: Gross: \$5,439.66 Net: \$3,973.94. Moved Kucera, second Graves to approve the June 2017 payroll as presented. Roll Call: All Ayes.

The Board will meet with the officials after their next Board meeting, Tuesday, July 11, 2017 to discuss and go over budgets. The Clerk was asked to put out an email to the officials to let them know that the Board would be meeting with them and will call them up to the Board room when they are ready for them.

**Adjourn:** Moved Helgoth, second Kucera to adjourn at 2:51 p.m. Roll Call: All Ayes.

/s/Roger Wiegert, Chairman

/s/Marcia Wichmann, County Clerk