

November 29, 2011
Commissioners Meeting

Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 29th day of November, 2011. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry Heard, Skip Oehlich, and Gil Wigington, County Commissioners, Rita M. Mundil, County Clerk and Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Oehlich; second Heard to approve the agenda. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Wigington; second Oehlich to approve the regular minutes of 11/14/11 and special meeting minutes of 11/21/11. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Heard; second Wigington to enter executive session at 8:31 a.m. to discuss New Holland litigation. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to exit executive session and resume regular session at 8:37 a.m. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The county attorney informed the commissioners that Department of Justice acknowledged receipt of the proposed consent decree; he also provided to our auditors a statement of all pending or threatened litigation, claims and assessments involving the county.

The board discussed filling the position of county attorney. Motion Oehlich; second Wigington to appoint Denise J. Kracl, county attorney effective December 1, 2011. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

The clerk provided the fund balance, September Lodging Tax revenue and STOP revenue. She informed the board that in the month of October, the NACo Prescription Drug Card was used 1 times.

Recessed at 9:05 a.m. and reconvened at 9:30 a.m.

The district court clerk provided a proposal with Maximus to provide Professional Consulting Services; an overview of how indirect costs are recovered and an explanation of the billing were reviewed. Motion Wigington; second Oehlich to authorize the chairman to sign the Agreement to Provide Professional Consulting Services with Maximus effective until December 31, 2015. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

The county sheriff addressed the board to discuss dispatcher wages and the possibility of adding a fifty cent night differential.

Motion Wigington; second Heard to enter executive session at 9:50 a.m. to discuss New Holland litigation. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Oehlich; second Wigington to exit executive session and resume regular session at 9:56 a.m. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

Motion Heard; second Wigington to accept settlement offer with New Holland and Diesel Power pending revised changes. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

The Zoning/Flood Plain/Grant Writer administrator gave a report of the activities of her department; discussion was held in regard to letters sent to several land owners; land owners will need to follow up per letter instructions. Public comment followed the discussion.

Motion Heard; second Wigington to open a public hearing at 10:00 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a lot split application by Donald W. & Donna J. Folken, to create a parcel of land less than 20.00 acres, exclusive of road right-of-way, located in a 38.75 acre tract zoned A-1 Agriculture. Said tract (parcel #024085000) includes an existing single-family Farmstead, of the SE 1/4 of the SW 1/4 of Section

27, Township 18N, Range 3E of the 6th P.M. in Colfax County. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

The zoning administrator included in her report that the applicant wants to separate a residence and buildings from the adjacent farm ground. The 5.34 acre is surveyed and a copy furnished to the zoning office. The sanitary system complies with Colfax County Zoning Regulations and applicant has verified that the well servicing is potable. There is legal access to a public road and the lot has not been previously split; notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the lot split application without conditions.

The applicant was present to answer any questions. No opposition to the lot split was given.

Motion Heard; second Oehlich to close the public hearing at 10:04 a.m. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Wigington to accept the recommendation of the planning commission and approve the lot split application by Donald W. and Donna J. Folken. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Wigington; second Oehlich to open a public hearing at 10:05 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use permit by Donald W. & Donna J. Folken, for a single-family residence parcel of land to consist of part of the original Farmstead, no less than 5.00 acres, exclusive of road right-of-way, located in a 38.75 acre tract zoned A-1 Primary Agriculture, of the SE 1/4 of the SW 1/4 of Section 27, Township 18N, Range 3E of the 6th P.M. in Colfax County. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

The zoning administrator included in her report that the applicant wants to separate a residence and buildings from the adjacent farm ground. The 5.34 acre lot has been surveyed and a copy furnished to the zoning office. Adequate water, sewer, and drainage facilities exist. Notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the conditional use application with the recommended condition: The future owner(s) sign a Restrictive Covenant, Release and Waiver thereby acknowledging this non-farm residence is located in an A-1 Agriculture District, and “the Right to Farm” is inherent in this District.

The applicant was present to answer any questions. No opposition to the conditional use was given.

Motion Wigington; second Oehlich to close the public hearing at 10:07 a.m. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Wigington; second Heard to accept the recommendation of the planning commission and approve the condition use application by Donald W. and Donna J. Folken contingent upon future owner(s) signing a Restrictive Covenant, Release and Waiver. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to approve the following claims and issue checks for them. Voting YES: Oehlich, Heard and Wigington. Voting NO: None. Motion carried.

<u>All Funds</u>		
Blue Cross-Blue Shield	Health Premiums	33,211.00
Ameritas Life Ins. Co.	Retirement Premiums	10,705.88
EFTPS	FICA/Medicare	11,655.85

<u>Juv. Div. Program</u>		
Salaries		1,343.33
NJJA	Annual conference	75.00
Saul Soltero	Cell phone	72.49

<u>Grant/Economic Development</u>		
Kohl Construction	Hughes/Payzant Ditch	130,139.00
Mainelli Wagner & Assoc Inc.	Services/mileage	11,180.00
Northeast NE Economic Dev. Dist.	Administration	2,402.00

<u>911 Wireless Services</u>		
First State Bank	Lease agreement	3,493.12
Geo-Comm Inc.	E911 Maintenance	1,731.25

<u>911 Fund</u>		
CenturyLink	Service	730.43
Frontier	Service	434.69

<u>Road Bridge Fund</u>		
Salaries		40,636.29

Arps Sand & Gravel	Gravel	3,987.08
Bomgaars Supply	Supplies/oxygen/chains	466.70
CenturyLink	Service	136.83
Clarkson Plumbing & Heating	Shop supplies	3.99
Cooperative Supply Inc.	Fuel	6,675.70
Dept. of Utilities	Services	124.45
Diesel Power Equipment	Equipment parts	48.44
Doernemann Farm Service Inc.	Scraper Rent	2,795.00
Farmers Union Coop Gas	Fuel/tire repair	432.94
Fiala Automotive Inc.	Equipment parts/labor	187.50
Frontier	Phone	53.95
Hegemann Hardware	Supplies	23.55
J & B Auto Parts	Equipment parts	8.09
J & L Automotive	Tire repair	13.77
John's Tire Sales	Tires/mounting/labor	11,659.95
Kroeger Body Shop	Equipment parts/labor	302.72
Kroeger Sand & Gravel Co.	Gravel	9,508.68
Leigh Motor Service	Equipment repair	43.40
Loup Public Power-Columbus	Services	108.90
Main Express LLC	Fuel	281.52
Mainelli-Wagner & Associates Inc	Contract	1,800.00
William Craig Marxsen	Gravel	11,234.00
Matheson-Linweld	Shop supplies	8.00
Midwest Service & Sales	Signs/post/sandbags/nails	3,303.35
Nebraska Machinery Co.	Equipment parts/labor/grader blades	16,257.90
Oakview One Stop	Fuel	611.88
Occupational Health Services	Drug screen	55.00
OPPD	Services	44.61
Prusa Welding	Shop supplies	30.50
QC Supply LLC	Equipment repair/safety equip	206.60
Richard's Garage Inc.	Equipment parts/labor	118.89
Road Builders	Equipment parts/labor	1,068.23
Safelite Auto Glass	Equipment parts	383.85
Sapp Bros. Petroleum Inc.	Fuel	1,065.68
Schneider Oil	Fuel	561.56
Schuyler Cooperative Assn.	Fuel/propane	2,463.58
Schuyler Lumber	Lumber	3.99
U & I Sanitation	Service	22.00
Vacin Inc.	Equipment parts/supplies	1,478.26
Verizon Wireless	Cell phone	104.66
Village of Howells	Service	33.00
Village of Leigh	Service	44.97
Adolph Vitek	Oil recovery	70.00

General Fund

Salaries		113,787.61
Jamie Adame	Election	97.88
Alegent Health-Mem Hospital	Blood tests	620.10
Ryan Andel	Uniforms	80.00
AS Central Finance	Network serv #6506	448.00
AS Central Finance	Network serv #6507	255.75
Bear Graphics Inc.	Office supplies	116.73
Behavioral Interventions	Monitoring Services	155.00
Viola Bender	Mileage	66.60
Robert BierBower P.C. LLO	Atty's fees	918.75
Black Hills Energy	Utilities	590.91
Bomgaars Supply	Janitorial supplies/equipment/repair	156.37
F.D. Botelho	Meals/parking	21.42
CenturyLink	Services (CH)	977.81
	Ext/Weed	173.33
Robert Cerny	Meals	43.24
City of Clarkson	2001 Mercury	1.00
Claritus	Contract	547.00
Clerk of the District Court	Court Costs	239.00
Colfax County Recycling Facility	Recycle	60.00
Colfax County Court	Court Costs	268.25

Colfax County Press	Office supplies/ad	206.20
Colfax County Sheriff	Uncollected fees	233.02
Columbus Telegram	Election Notices/ads/classified	525.89
Community Internet	Internet	350.00
Consolidated Management Company	Meals	18.00
Constellation NewEnergy Gas	Service	371.08
Corral Auto Repair & Towing	Oil change	94.51
Culligan	Bottled water/salt/water cooler	77.70
Cuming County Sheriff	Paper service	54.64
Dell Marketing	Computer upgrade	9,198.38
Dept. of Utilities	Utilities	3,080.69
Dept. of Motor Vehicles	Certified copy	3.00
Des Moines Stamp Mfg Co	Office supplies	31.80
Michelle Dobbe	Election	105.13
Dodge County Sheriff	Paper service	19.17
Eakes Office Prod. Center	Office supplies	395.55
Egan Supply Company	Janitorial supplies	495.46
Egis Technologies	Computer upgrade	7,500.00
Egley Fullner Montag & Hockabout	Atty's fees	817.05
Egr, Birkel & Wollmer	Atty's fees	202.50
Electrical Engineering & Equipment	Building repair	31.48
Mirna Encarnacion	Election	105.13
Sharon Evert	Election	105.13
Farmers Union Coop Gas	Fuel	234.54
Chad Ferrari	Uniforms	40.00
Fornoff & Schutt	Atty's fees	60.00
Fred Pryor Seminars	Registration	298.00
Julie Gall	Election	10.00
GE Capital	Copier	139.80
Betty J Glodowski	Election	90.63
Graham Tire	Tires	545.84
Grant & Grant	Atty's fees	225.00
Hessler, Sullivan & Klein LTD	Atty's fees	882.70
Arlene Hajek	Election	10.00
Susan Hansen	Supplies/travel	202.41
Hayes & Assoc LLC	Audit	9,000.00
HHS Institution Payments	Lincoln	495.00
	Beatrice	81.00
Tony W. Hemmer	Uniform	80.00
Hometown Leasing	Copiers	1,067.33
Bonita Horejsi	Election	97.88
Hornady	Law Enforcement supplies	1,318.10
Howells Journal	Minute/notices	439.56
Alice C. Imholte	Election	97.88
Indoff	Office supplies	1,273.06
J & B Auto Parts	Building repair/super lube	52.07
Jackson Services	Service	61.00
Susan M. Jacobus	Mileage/office supplies	344.38
Just Another Mini Mart	Fuel	77.77
William E. Kaiser	Contract	2,315.00
Karel/Seckman	Atty's fees	1,417.62
Janis Kasik	Flash Drive	8.56
Diana Kehrli	Election	10.00
Knoepfle & Buhl PC LLO	Atty's fees	1,042.50
Denise Kracl	Meals/parking/mileage/transcript	115.63
Glee Kracl	Election	90.63
Lori Kracl	Election	20.00
Paul Kruse	Repairs/postage	80.95
Linda Ladwig	Election	10.00
Langemeier and Associates	Rent	275.00
Latino News	Election Notices	498.00
Leigh World	Ad	56.20
Madison County Sheriff	Paper service	43.89
Main Express LLC	Fuel	59.55
Mildred McNally	Election	101.50
Mel's Construction	Building repair	2,558.93
Kristyn L. Meyers	Dispatch	413.88
Microfilm Imaging Service	Service	335.00
Mid-American Benefits Inc.	Deductible reimbursement	3,890.78
MIPS	Network support	3,438.12

Joan H. Muehlich	Election	97.88
Pat Muhle	Election	97.88
Rita Mundil	Mileage/supplies	30.10
National 4-H Council-Supply Service	Fair supplies	34.20
NE Assn of County Officials	Conference	120.00
Nebraska Law Enforcement Training	Certificate	50.00
Nebraska Public Health Serv System	Blood tests	84.00
NE Sheriff's Assn	Dues	255.00
NESCA	Re-certification	15.00
Aaron Nygren	Mileage	223.11
Officenet	Supplies	35.99
Officenet Inc.	Supplies	195.54
Celeste Palensky	Janitor	114.18
Almarine E. Perrin	Election	97.88
C Jo Petersen	Atty's fees	352.50
Pioneer Telephone	Service	458.10
Platte County Detention Facility	BOP	19,575.00
Platte County Court	Certified copy	1.50
Platte County Sheriff	Paper service	18.50
Polk County Sheriff	Paper service	24.99
Lucille Poole	Election	101.50
Prairieland RC&D	Dues	325.00
Martha Pycha	Election	105.13
QC Supply LLC	Firearm training	4.77
Quality Inn & suites	Lodging	140.00
Quill Corp	Office supplies	125.70
Redfield & company Inc.	Office supplies	237.93
Register Law Office	Contract	4,791.67
Schneider Oil Co.	Fuel/mount & balancing	250.70
Schuyler Cooperative Assn.	Fuel	2,461.25
Schuyler Fire Station	Election Rent	50.00
Schuyler Lumber	Building repair	70.64
Shell Fleet Plus	Fuel	615.08
State of Nebraska	Safety Equipment	1,500.00
Brett Struebing	Uniforms	80.00
Mary Svoboda	Supplies	97.65
The Write Hand of Justice LTD	Atty's fees	1,042.50
Dominic Torres	Uniforms	80.00
Trane	Building repair	100.80
U & I Sanitation Service	Service	109.00
University of Nebraska	Promo Items	55.14
Vacin	Janitorial equipment/supplies	163.40
Rosa Valerio	Election	105.13
Verizon Wireless	Cell phone	120.02
Visa	Workshop/parts/upgrade/supplies	699.51
Annette M. Votava	Election	97.88
West Publishing Payment Ctr	Westlaw	581.66
Wire Free Nebraska Inc.	Internet	79.95
Xerox Corporation	Copier	172.67
Andrew Yost	Uniforms	80.00

Motion Heard; second Wigington to designate The Leigh World, Colfax County Press, Schuyler Sun and Howells Journal as newspapers within the county for publication of the official notices with Colfax County Press responsible for publication of the county board minutes for calendar year 2012. Voting YES: Wigington, Heard and Oehlrich. Voting NO: None. Motion carried.

An update of the Hughes-Payzant Drainage Ditch project was given to the board.

Public comment was made on tree removal and ditch cleaning which was addressed by our consulting engineer.

The highway department gave a report of the activities of the road department; the commissioners need to review the 1 & 6 year road plan and prioritize future projects for the upcoming one year plan.

The board gave their approval to purchase a new 2012 John Deer Motor Grader by state bid.

Public comment was made on bridge repair on county road 14.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Wigington to adjourn BOC at 11:52 a.m. to meet again December 12, 2011. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 29th day of November, 2011. The County Board of Equalization met at 12:00 p.m. Present were: Jerry Heard, Skip Oehlich and Gil Wigington, County Commissioners, and Rita M. Mundil, County Clerk, and Viola Bender, County Assessor. Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

Motion Heard; second Oehlich to approve the special meeting minutes of 11/21/11. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Oehlich; second Wigington to approve Form 457 request for motor vehicle tax exemption status as presented by the county treasurer. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Heard: second Oehlich to adjourn the BOE meeting at 12:07 p.m. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly elected and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 30th day of November 2011.

Rita M. Mundil, County Clerk