

**December 26, 2018**

The Keith County Board of Commissioners met for their regular meeting at the Courthouse in Ogallala. Chairman Peters asked those attending to join in a moment of silence in support of the leaders and troops serving our country, followed by the pledge of allegiance to the flag. Roll call was answered by Lonnie Peters, Chairman and Commissioners Caleb Johnson, Toney Krajewski, Kim Elder and C.W. Baltzell. Also attending the meeting were County Clerk Sandra Olson, County Attorney Randy Fair and the media. Baltzell moved to approve the agenda, Krajewski seconded the motion. Elder, Johnson, Krajewski, Baltzell and Peters voting aye; none voting nay; motion carried. Johnson moved to approve the minutes of the previous meeting, Elder seconded the motion. Krajewski, Baltzell, Elder, Johnson and Peters voting aye; none voting nay; motion carried. Krajewski moved to approve the payment of claims upon review, Elder seconded the motion. Baltzell, Johnson, Elder, Krajewski and Peters voting aye; none voting nay; motion carried.

**General Fund**

Gregory J. Beal, Alternate Public Defender, services, \$5,739.66; Bob Barker Company, Clothing, \$464.82; Gary Burke, Mental Health Board hearing, \$100.00; Campbell Drug, Inmate medication, \$57.58; Candlewood Suites, Lodging, \$659.70; Tina DeVoe, Mental Health Board hearing, \$100.00; Eakes Office Solutions, Copier agreement, \$83.78; Encartele, Inmate phone cards \$520.00; Amanda Harger, Mileage, meals, \$118.33; Julie Hlavaty, Mental Health Board hearing, \$165.40; Caleb Johnson, Mileage, \$163.50; Toney Krajewski, Mileage, \$163.50; Lexington Regional Health Center, Inmate office visit, \$150.00; Marshall & Swift, Handbooks, \$1,014.15; James Martin, Headlights, \$45.76; Midwest Special Services, Prisoner transport, \$345.00; NE Association of Emergency Management, Dues, \$100.00; Orkin Inc., Pest control, \$108.58; Lonnie Peters, Mileage, \$163.50; T.O. Haas Tire, Tires, \$283.70; T&A Alignment, Services, \$148.76; George Zeilinger, Services, \$2,760.00; Renae Zink, Mileage, meals, \$254.08

**Road & Bridge Fund**

Tara Canning, Reception cake, \$47.00; Newman Signs Inc., Signs, \$1,211.25; NPPD, Service, \$140.40

**Visitors Fund**

Bird Watcher's, Advertising, \$120.88; iHeartMedia, Advertising, \$300.00; Keith County News, Publishing, \$14.40; Lonergan Creek Media, Contract, \$1,400.00; NPPD, Service, \$64.11; Ogallala Indian Summer Rendezvous, Grant request, \$3,000.00; Ogallala/Keith County Chamber, Misc., contract, \$4,752.53; Prairie Mountain Media, Advertising, \$250.00; Truwest Publishing, Advertising, \$525.00

**Visitors Improvement Fund**

Lamar Companies, Billboard lease, \$370.00; Lonergan Creek Media, Contract, \$1,400.00; Midwest Electric, Service, \$101.27; Move Creative, Licensing fee, \$1,350.00; Nanonation, Kiosk, \$6,900.00; NPPD, Service, \$77.14; Ogallala/Keith County Chamber, Contract, \$2,025.00  
The Board heard the reports of Emergency Manager Elizabeth Sillasen and Highway Superintendent Tim Ryan.

Board members gave reports and received correspondence.

Kyle Gartrell with the Paxton Volunteer Fire Department appeared before the Board again with a written request for funding. Baltzell moved to give \$15,000.00 to the Paxton Fire Department from the Inheritance Tax Fund, Johnson seconded the motion. Elder, Krajewski, Johnson, Baltzell and Peters voting aye; none voting nay; motion carried.

Johnson spoke to the Board regarding a life insurance excess premium. Johnson said that on the employee volunteer side, account #2, a credit balance has accrued due to the fact sometimes an employee will terminate before the end of the month and it creates a credit. Johnson stated he felt the fairest and most equitable way to apply the credit would be to be apply this accumulated credit towards the billing on account #1, as it would be applied to all employees equally. Elder moved to authorize Johnson to approach Hartford and have them transfer the credit to account #1, Baltzell seconded the motion. Krajewski, Baltzell, Elder and Peters voting aye; Johnson abstain; none voting nay; motion carried.

County Attorney Randy Fair told the Board in regards to the contract with WCNDD for zoning regulation rewrites under item 18. Conflict of interest where it states "No officer, employee or agent of the County who will participate in the administration of this contract may obtain a personal or financial interest or benefit from the activity or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, the words "family" and "or" should be stricken. Johnson moved to approve the contract for WCNDD zoning regulation rewrites as amended, Elder seconded the motion. Baltzell, Krajewski, Elder, Johnson and Peters voting aye; none voting nay; motion carried. This contract will be filed in the Resolution Book as number 2018-79.

Krajewski moved to appoint Kipp Frates as a Planning and Zoning Board member, Johnson seconded the motion. Baltzell, Elder, Johnson, Krajewski and Peters voting aye; none voting nay; motion carried. The resolution adopting Kipp Frates as a Board member will be filed in the Resolution Book as number 2018-80.

Zoning resolutions were brought before the Board by Zoning Administration for Keith County, David Kling. The first resolution was for a request by the Keith County Highway Department to vacate Road East 160 from Road East I North to Road East J North; to vacate Road East I North from Road East 160 to Road East 170; and to vacate approximately 3550' of Road East 170 from Road East I North West, all located in Sections 28, 33 and 34, Township 15 and Range 37. Krajewski moved to adopt this resolution, Baltzell seconded the motion. Johnson, Elder, Baltzell, Krajewski and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-81. The second resolution was for William Clark's request for road vacation located north of Lots 1 & 2, Armstrong Replat #1 of Lots 1-16, Block 1, Sand Creek Subdivision, Phase II, located in the NE ¼ of Section 3, Township 15 and Range 40. Johnson moved to adopt this resolution, Elder seconded the motion. Baltzell, Krajewski, Elder, Johnson and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-82. The third resolution was a request by William Clark for a final plat of Lots 1 & 2, Armstrong Replat #1 of Lots 1-16, Block 1, Sand Creek Subdivision, Phase II, located in the NE ¼ of Section 3, Township 15 and Range 40. Baltzell moved to adopt this resolution, Krajewski seconded the motion. Johnson, Elder, Krajewski, Baltzell and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-83. The fourth resolution was a request by the County Board for a review and amendment of the Comprehensive Plan amending the language in Primary Agriculture, Transitional Agriculture, and Rural Residential to remove as an incompatible use mobile homes as a single-family dwelling unless located within a mobile home park. Krajewski moved to adopt this resolution, Baltzell seconded the motion. Johnson, Elder, Baltzell, Krajewski and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-84. The fifth resolution was a request by Tim & Janae O'Connor's 3<sup>rd</sup> Replat located in Lot 1, Tim O'Connor's 2<sup>nd</sup> Replat and Lot 8, Block 1, Bennett's Lakeshore Replat, located in Section 6, Township 15 and Range 40. Elder moved to adopt this resolution, Baltzell seconded the motion. Johnson, Krajewski, Baltzell, Elder and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-85. The sixth resolution was a request by Michael Seeley of Lake McConaughy LLC for a final plat of New Lot B-40 and Outlot "C" Replat located in Lot B-39 and Lot B-40 of the Cabins at the Dunes Addition #1, located in Section 31, Township 15 and Range 39. Elder moved to adopt this resolution, Baltzell seconded the motion. Johnson, Krajewski, Baltzell, Elder and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-86. The seventh resolution was a request by Michael Seeley of Lake McConaughy LLC for a Conditional Use Permit (CUP #18-07) to build a 50' X 50' accessory building to be constructed on a lot less than 2 acres and located in Outlot "C" replat, Cabins at the Dunes Addition #1, located in Section 31, Township 15 and Range 39. Krajewski moved to adopt this resolution, Baltzell seconded the motion. Elder, Baltzell, Krajewski and Peters voting aye; Johnson voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-87. The eighth resolution was a request by Donald Baker for a Conditional Use Permit (CUP #18-06) for the installation of a single wide

mobile home on property zoned Agricultural and located on a tract of land in the NE ¼ of Section Twenty-Six, Township 13 and Range 39. Elder moved to adopt this resolution, Krajewski seconded the motion. Baltzell, Johnson, Krajewski, Elder and Peters voting aye; none voting nay; motion carried. This resolution will be filed in the Resolution Book as number 2018-88.

County Attorney Randy Fair told the Board that he wanted them to be aware the in the agreement for the Orion Damage Assessment Software there was a huge warranty disclaimer and the agreement renews automatically every year unless a cancellation is requested sixty days prior. Baltzell moved to accept this agreement, Johnson seconded the motion. Elder, Krajewski, Johnson, Baltzell and Peters voting aye; none voting nay; motion carried. This agreement will be filed in the Resolution Book as number 2018-89.

Attorneys Gary Krajewski and Steven Elmshaeuser spoke to the Board regarding their applications for Public Defender.

At 9:35 a.m. Johnson moved to enter into executive session to discuss the Public Defender contract for the protection of the reputation of an individual with no decisions to be made, Krajewski seconded the motion. Baltzell, Elder, Krajewski, Johnson and Peters voting aye; none voting nay; motion carried. Peters stated they were going into executive session to discuss the Public Defender contract for the protection of the reputation of an individual with no decisions to be made. At 9:53 a.m. Krajewski moved to return to open session with no decisions having been made, Baltzell seconded the motion. Elder, Johnson, Baltzell, Krajewski and Peters voting aye; none voting nay; motion carried.

Baltzell moved to accept the contract with Gary Krajewski for the Public Defender in the amount of \$75,000.00 per year beginning January 1, 2019 and ending December 31, 2020, Elder seconded the motion. Johnson, Elder, Baltzell and Peters voting aye; Krajewski abstained for the reason of conflict of interest; none voting nay; motion carried.

With no further business to come before the Board the meeting was adjourned. The Board will meet again Thursday, January 3, 2019 at 9:00 a.m. at the Courthouse in Ogallala.

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Lonnie Peters

Chairman

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Sandra K. Olson

County Clerk

Agenda: Kept current in the office of the County Clerk. \*Time of specific agenda items will run continuously thru the meeting and may occur earlier or later than estimated.

**New Business**

Ogallala/Keith County Chamber of Commerce Director – Karla Scott. Visitors Committee meeting update.

Visitors Committee extension on Boot Hill Committee/City of Ogallala grant request.

Protex Central Agreement for fire alarm inspections.

Reorganizational meeting.