

To be officially published by the Dodge Criterion

PROCEEDINGS OF THE DODGE COUNTY BOARD OF SUPERVISORS

Regular meeting of the Dodge County Board of Supervisors was called to order by Chairman Missel at 9:00 A.M. on Wednesday, June 5, 2019 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Saalfeld, Beam, Backens, Strand, Bendig and Missel. Absent: Weddle. Prior to roll call, Chairman Missel announced the meeting to be an open public meeting and that the current open meeting laws were posted on the wall and available for anyone's review.

The Board unanimously declared the meeting legally convened.

The Board unanimously approved the agenda as printed and received and placed on file correspondence from Nebraska Emergency Management Agency regarding State Homeland Security Grant (SHSG)/Emergency Management Performance Grant (EMPG) Monitoring Visit, LifeHouse's April 2019 report, three Addendums to Purchase Agreements for radio tower with Chad R. Rebbe etal (Hooper site in Section 2, T18, R7), correspondence from Charter Communications on changes to their channel lineup for customers, minutes of the May 21, 2019 Planning Commission meeting, Notice of Public Hearing of the City of Fremont City Council for a Conditional Use Permit to expand a non-standard use to allow two houses on a single non-standard lot to be split into two non-standard lots on property located at 315 E. Linden and 1250 N. D Street, Notice of Public Hearing of the City of Fremont City Council for a request by Anew Development LLC for approval of Voluntary Annexation of Lot 2, Fountain Springs 4th Subdivision, located at the northwest corner of 29th Street and Yager, lying south of 32nd Street, Notice of Public Hearing of the City of Fremont City Council for a request by Anew Development, LLC for a Comprehensive Plan Amendment to the Future Land Use Map from Commercial to Residential on approximately 11 acres located a northwest corner of 29th Street and Yager, lying south of 32nd Street, known as the Fountain Spring Adult Apartment Properties, Notice of Public Hearing of the City of Fremont City Council for a request of Eastowne Development, Fremont Health and Signa Properties for a Conditional Use Permit for a Residential Cluster for a 216 unit apartment complex, Notice of Public Hearing for the City of Fremont City Council for a request of Adams Oil, Inc. for a Conditional Use Permit to expand a non-standard use on property located at 1500 Front Street, Notice of Public Hearing of the City of Fremont City Council for a request by Kelly Group Inc. property owners for a Conditional Use Permit to expand a non-standards use on property located at 220 North H Street, correspondence from NDEQ (Nebraska Department of Environmental Quality) regarding Theresa Burnham property owned by her on County Road 11 and Certificates of Insurance for Scrib's House Moving, Inc. and JJK Construction LLC.

The Board unanimously approved the minutes of the May 22, 2019 meeting as printed.

At 9:05 A.M., the Board recessed as a Board of Supervisors and convened as a Board of Corrections. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

Supervisor Beam reported 141 people were booked into the booking facility for the month of May, with 46 inmates in the Saunders County Facility as of June 3rd.

At 9:07 A.M., the Board adjourned as a Board of Corrections until Wednesday, June 19, 2019 at 9:05 A.M.

Immediately thereafter, the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

The Board unanimously approved and authorized the Chairman to sign Interlocal Agreements for the cost of sharing of the Flood Disaster of 2019 between Dodge County and the Townships of Cotterell, Maple and Hooper.

The Board unanimously approved and authorized the Chairman to sign any documents necessary to move forward with a cost sharing study between the Joint Water Management Advisory (JWMA) Board and JEO. (The cost of the study will be shared by the City of Fremont, County of Dodge, Lower Platte North NRD each contributing \$3,000, and the Village of Inglewood contributing \$1,000. Chairman Missel commented the cost was based on population and jurisdictions.)

Craig Jones, Manager Director of First National Capital Markets, was present to outline his progress on what has been done with securing tax exempt bonds for flood disaster repairs for the county. He commented that one of the biggest changes made since last speaking with the County Board was that of lowering the county's request from \$10,000,000 to \$5,000,000 to keep the bonds qualified with the IRA as tax exempt. This was due to Midland's request for the county to issue \$5,000,000 in revenue bonds. Another change would allow the county a line-of-credit, to borrow as needed. Prior to action Chairman Missel read into the record the Resolution and thanked Mr. Jones for all his help. The Board unanimously passed a motion adopting the resolution and authorizing the Chairman to sign the necessary papers to move forward with the financing of the bonds in the amount of \$5,000,000 for use in FY 2019-2020.

The Board unanimously approved the wage and hour claims as submitted in the amount of \$219,765.16.

The Board unanimously approved the financial claims as submitted in the amount of \$1,305,132.19, with the exclusion of a claim to Pruss Excavation in the amount of \$362,377.11, for a total of \$942,755.08. (Supervisor Strand wanted to visit with Emergency Manager Smith before approving to make sure it was the county's financial responsibility.)

At 9:10 A.M., a Public Hearing was held on a proposition for the County of Dodge to issue educational facilities revenue bonds for the benefit of Midland University. Chairman Missel opened the public hearing for testimony. Steve Likes of Kutak Rock and Jodi Benjamin, Midland's Vice-President of Finance & Administration, were present to explain their request. Ms. Benjamin remarked their plans are to build a new men's hall to be named "Miller Hall" in honor of Donna & James Miller, who left \$3M to the college. They propose the 10-million dollar project financed with \$5M in raisings and \$5M revenue bonds. Mr. Likes explained the bonds are similar to those issued by the county in 2016 for Midland. The county is not liable for any payment of the bonds, but under state law the county is authorized to issue bonds for universities. With no further testimony, the Board unanimously passed a motion adopting the resolution and authorizing the Chairman to sign any necessary documents to issue the bonds.

The Board unanimously approved the request of County Treasurer Bargstadt to allow her to proceed with a refund of overpaid inheritance tax in the amount of \$420.57, due to the request of Attorney Thomas B. Thomsen, Attorney for the Estate of Jeffrey L. Plahn.

A Public Hearing was held to consider the request of Randall L. Tomasek, Trustee of Virginia M. Tomasek and the Leonard Tomasek, Revocable Trusts of Schuyler, Nebraska to subdivide a 5.49 acre parcel and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Conditional Uses 4.2 Exemptions B. (1) located in part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 19 North, Range 5 East in Union Township, Zoning District A-1 intensive Ag. With no testimony for or against the subdivision and permit, the Board unanimously accepted the recommendation of the Planning Commission and passed a motion to approve the subdivision of the 5.49 acre parcel and grant the conditional use permit, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

A Public Hearing was held to consider the request of Dodge County, Nebraska to obtain a Conditional Use Permit for a proposed radio communication tower as per Article 25 Supplemental Regulations as per Section 4 located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 12, Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag. With no testimony for or against the permit, the Board unanimously accepted the recommendation of the Planning Commission and passed a motion to approve the permit, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

Chairman Missel brought back to the agenda for discussion and possible approval the claim of Pruss Excavation to repair a levy. Emergency Manager Smith explained this was an emergency project with FEMA. Highway Superintendent Huppert explained the county can apply as an emergency project, regardless who

owns the levy. The Board unanimously passed a motion to approve the claim to Pruss Excavation in the amount of \$362,377.11 for the repair of the levy.

A Public Hearing was held to consider the request of Dodge County, Nebraska to obtain a Conditional Use Permit for a proposed radio communication tower as per Article 25 Supplemental Regulations as per Section 4 located in the S ½ of the SW ¼ of Section 2, Township 18 North, Range 7 East in Maple Township, Zoning District A-1, Intensive Ag. With no testimony for or against the permit, the Board unanimously accepted the recommendation of the Planning Commission and passed a motion to approve the permit, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

Under any business brought by the public or discussion from the public, Chad Young, owner of property on Hartmann Island, was concerned on the progress of the repairing of the dike. He said the temporary dike is converting all the water around the south side of the island where it is eating away the bank. Chairman Missel explained the CORP has approved the 404 permit for the dike and the Ames Dike is a member of the Joint Water Management Advisory Board. Chairman Missel commented he would keep Mr. Young informed of the JWMA Board's actions.

A Public Hearing was held to consider the request of Dodge County, Nebraska to obtain a Conditional Use Permit for a proposed radio communication tower as per Article 25 Supplemental Regulations as per Section 4 located in the NE ¼ of the NE ¼ of Section 16, Township 18 North, Range 6 East in Cotterell Township, Zoning District A-1, Intensive Ag. With no testimony for or against the permit, the Board unanimously accepted the recommendation of the Planning Commission and passed a motion to approve the permit, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

A Public Hearing was held to consider the request of Dodge County, Nebraska to obtain a Conditional Use Permit for a proposed radio communication tower as per Article 25 Supplemental Regulations as per Section 4 located in the E ½ of the NE ¼ of Section 21, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag. With no testimony for or against the permit, the Board unanimously accepted the recommendation of the Planning Commission and passed a motion to approve the permit, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

The Board unanimously received correspondence from NIRMA (Nebraska Intergovernmental Risk Management Association) regarding the 2019-2020 billing statement for NIRMA/NIRMA II and passed a motion to not change any deductibles.

The Board unanimously passed a motion to appoint Scott Wagner to the Dodge County Planning Commission to a three-year term beginning August 15, 2019 and ending May 31, 2022.

With no bids opened for 2019-2020 Crushed Limestone Road Rock at the bid letting, the Board unanimously accepted a quote from Martin Marietta Materials as submitted and authorized the Chairman to sign their contract.

The Board unanimously received bids opened for 2019-2020 Road Gravel from Dolezal Sand & Gravel, Eveland Supply, Lux Sand & Gravel and Stalp Gravel Inc. and awarded and authorized the Chairman to sign bid contracts with all bidders.

Highway Superintendent Huppert updated the County Board on projects. He showed pictures and reported on the following projects. The 505 Bridge Project on County Road 6, between L & M is almost done. The Winslow East Road is being worked on, with pavement and construction projected to be done sometime in August, contingent on rainfall. He is still working with the engineer on the Dead Timber Road. He also reported on the Bridge on County Road C, between 14 & 15. When JJK Construction is done with the bridge, they will move either to the bridge on County Road 20 between L & M or to the County Road I, between 11 & 12. His crew is finishing up Road 17 at the Maple Creek and East Military. He met with the City of Scribner, NRD and CORP on the Stabilization of the Elkhorn River and discussed other alternatives. Most of all, he remarked FEMA needed to get to Dodge County. Senator Walz has been contacted to press the issue with Washington. He also discussed the Morningside Road and old 275 intersection lighting issue. He is having an electrical company come out and look at the situation.

At 10:40 A.M., the Board recessed as a Board of Supervisors and convened as a Board of Equalization. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

The Board unanimously approved tax roll corrections #4997 thru #5005, with the exception of #5000 which was voided.

The Board unanimously received a list from County Assessor Churchill of request for changes to valuations of parcels for 2019 and passed a motion approving and authorizing the County Clerk to mail the notices to the owners of the properties.

The Board unanimously received and placed on file the 2019 Level of Values for Dodge County from Assessor Churchill.

The Board unanimously approved and authorized the Chairman to sign an agreement with Nick Dizona to act as a Referee for Dodge County in the 2019 protest season.

The Board unanimously approved as amended the attachment to form 422A (protest form), due to the passage of LB512. LB512 was passed allowing for the filing of a form 425 by property owners who have received at least 20% damage to real

property occurring between January 1 and July 1 of the current assessment year. (The amendment added "or damaged" to the form.)

At 10:58 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, June 19, 2019.

Immediately thereafter, the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

At 11:00 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims for the month of May, 2019.

At 11:10 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the claims. No action was taken on any of the claims as a result of the closed session.

The Board unanimously received and placed on file the County Clerk's fee report for the month of May 2019.

At 11:12 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, June 19, 2019 at 9:00 A.M.

Fred Mytty
Dodge County Clerk