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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 17, 2020 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Strand, Bendig, Weddle, Saalfeld, Backens and Missel. Absent: None. 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 county officials' reports, correspondence from Charter Communications regarding a change in channel lineup, April 13 and May 11, 2020 Board of Trustees Minutes and financial reports from Fremont Community Health Resources for the months ending April & May, 2020, certification of election results of the Primary Election held May 12, 2020 for Dodge County, Nebraska Department of Roads press release regarding construction schedule for Fremont Southeast Beltway, correspondence from Saunders County Sheriff's Office regarding the Inmate Housing Agreement between Saunders County and Dodge County (referred to finance committee), request for funding in 2020-2021 Budget of \$2,000 for Keep Fremont Beautiful October, 2020 Household Hazardous Waste Collection Event (referred to finance committee), Dodge County, NE District Court Order decreeing organization of the new Sanitary Improvement District No. 9, review of NIRMA coverage Liability Package Policy, No. N-1718-5, effective July 1, 2017 to July 1, 2018, NDEE correspondence regarding a residence at 4924 N. County Road 26, Fremont, NE being reported that a septic system may be improperly discharging domestic wastewater to the land surface, Notice of Public Hearings from the City of Fremont Planning Commission on the Request from Michael Kuhns for a Conditional Use Permit for the expansion of a non-standard use for the purpose of replacing a 12'x20' shed on property generally located at 249 W. Jackson St., Fremont, NE and Request for Annexation from Heather Carver, on behalf of RD Leasing, LLC to annex Lot 3 Morningside Industrial Park, generally located on the northeast corner of Morningside and Howard Streets. All public hearings were held June 15, 2020 at 5:00 P.M., Moving Permit for Barnhart Crane to move a crane over Highway 275 to Morningside Road to Old Highway 275 to Wholestone Plant and return, Moving Permit for Barnhart Crane to move a crane over Highway 36 to Old Highway 275 to Wholestone Plant and return, and Certificates of Insurance for Eveland Supply Company, Inc. and Constructors Inc.

The Board unanimously approved the minutes of the June 3, 2020 meeting as printed.

At 9:02 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.

Under any items of discussion, Supervisor Beam stated that the county currently has 39 detainees in custody with 6 being held in Dodge County, 4 with the State of Nebraska and 29 in Saunders County.

At 9:04 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, July 1, 2020 at 9:05 A.M.

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

The Board heard from County Clerk Fred Mytty in regards to the possibility of adjusting appropriations/claims to handle any department with a deficit. After some negotiations with department heads, all deficits were resolved.

The Board unanimously accepted the recommendation of the finance committee to award a four year audit contract, also approving any necessary signatures, to the low bidder, Bland & Associates (Omaha, NE), to audit the county for FY ending 2020 - FY ending 2023. Chairman Missel said that he spoke with commissioners from counties that have used Bland & Associates and he got a good recommendation from them. He also noted that the selection in no way reflects negatively on the former auditor, Erickson & Brooks. The Board agreed that in these uncertain economic times it is prudent to go with the low bidder.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$241,224.35.

The Board unanimously approved the financial claims as submitted in the amount of \$875,983.16. Chairman Missel told the Board that they did transfer \$80,000.00 out of the flood relief loan account. There is approximately \$2 million available on this account. FEMA projects through the Roads Department have been signed off and those funds should start coming in to help pay off the flood relief loan account.

The Board unanimously approved and authorized signatures for renewal of a Work/Financial Plan with the United States Department of Agriculture Animal & Plant Health Inspection Service Wildlife Services (APHIS-WS) for expenses not to exceed \$13,722.86 for the period July 1, 2020 through June 30, 2021. Scot Rosendahl, Wildlife Specialist with APHIS-WS, was present and told the Board that the main issues he works with are keeping the turkey vulture nuisance to a minimum out at the airport, keeping the pigeon population down in Fremont and addressing issues with beavers in drainage ditches and at the golf course.

A Public Hearing was held to consider amending the 2019-2020 County Budget, specifically to increase the appropriation in the Road Fund from \$4,000,433.00 to \$4,400,433.00 in expenses and increase revenue by \$400,000.00. Grand totals of the budget and revenue will also increase by \$400,000.00. County Clerk Fred Mytty spoke to the issue and pointed out that the original plan he had for this will not work because on July 1, 2020, the Road Fund will be out of money again. The Board unanimously approved transferring \$400,000.00 of bridge project expenses that were paid out of the Road Fund to be paid out of the Capital Improvements/Economic Development Fund.

The Board unanimously received and approved the request of the Dodge County Water Rescue Team for continued funding in the 2020/2021 County Budget in the amount of \$5,000.

The Board unanimously received and referred to the Finance Committee the 2020-2021 budget request from the Fremont and Dodge County Convention and Visitors Bureau.

The Board unanimously authorized the Board Chairman to sign the Letter of Commitment to fund Hazard Mitigation Project – Voluntary Acquisition, Demolition, and Construction Program for Flood-prone Property. This letter will be sent in with the grant application which is due 6/30/20. Dodge County would be the sub-grantee for this grant and would oversee the finances for the project. The construction part of this project involves elevating or filling the property to make the property safer during any future flood event. The homeowners will have to pay all of the costs up front and then will be reimbursed 75% of those costs by FEMA.

The Board unanimously authorized the Board Chairman to sign the Letter of Commitment to fund Hazard Mitigation Project – Drainage District Project Study for Elkhorn Township. This is an \$800,000.00 project that will utilize Advanced Assistance Funds which are new to the State of Nebraska. These funds will be used for the study itself and will help narrow the scope of the study.

The Board unanimously authorized the Board Chairman to sign the Letter of Commitment to fund Hazard Mitigation Project – Platte River Monitoring. This project will provide river gauges and cameras on the Platte River from Platte County to Leshara and will greatly improve situational awareness for all of the partners involved.

Dodge County Emergency Manager Tom Smith asked the Board how these projects should be budgeted. The cost for all three projects is approximately \$1.5 million dollars. These costs would have to be paid up front and 75% of the costs will be reimbursed. Chairman Missel said that this is similar to the flood event of 2019 where a line of credit was established to pay for the expenses. This issue was referred to the Finance Committee to make a decision on how to fund the projects.

A Public Hearing was held regarding an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) for Emergent Threat Disaster Funds for flood damage repairs to the breached lake at the Fremont Rod & Gun Club. Lowell Schroeder from the Northeast Nebraska Economic Development District was present to provide details regarding this application. Flood damage from 2019 and the spring of 2020 have made it necessary to make repairs at the Fremont Rod & Gun Club. Mr. Schroeder is hopeful that this is a long term fix. The Lake Ventura SID has another project to dredge Lake Ventura and this dredge matter can be used to fill the breach at the Rod & Gun club, which will save thousands of dollars. The cost estimate for this project is \$612,380.00 of which \$450,000.00 would be paid by CDBG funds. The remainder of the costs would be a 30% share paid by Dodge County, with a cap of \$50,000.00, 30% by the Lower Platte North NRD, 30% by the City of Fremont and 10% by the Rod & Gun Club. The State had money left over from fiscal year 2019-2020 in this program that they would like to obligate before June 30, 2020. This timeframe will allow the environmental review studies to start right away. The Board unanimously adopted a resolution authorizing the County Board Chairman to proceed with any and all contracts, documents or other memoranda between Dodge County and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Grant Hanson, Ames Diking District Board President, spoke about a solution for access to Pole Island. The Ames Diking District and the United States Army Corp of Engineers (USACE) came to an agreement that the best solution would be to put a minimum maintenance road at the base of the 150' sand berm that was built on the

north side of the new dike. There will be a total of 44' needed for right-of-ways, easements and the road itself (18' wide). The USACE was able to confirm that the Diking District has easement control on this section for the proposed new road with the exception of a small section that would be legally controlled by Bill Hunter, land owner. Mr. Hunter gave a tentative ok for the plans to move forward as long as all of the legal issues are resolved. The Ames Diking District is also ready to sign the easement control over to Dodge County once the legal issues are resolved. This new road would be a replacement for the Dodge County road that was covered by the sand berm on the north side of the dike. The Diking District and the USACE completed their inspection of the dike on Monday, June 15, 2020. Someone had already driven on the newly seeded dike over the weekend and left ruts in the ground. Highway Superintendent Scott Huppert said he is on board with the placement of the new road, recognizing that the deeds will have to be changed. The construction of this new road will be done by the USACE at their expense. Supervisor Saalfeld asked if the deed transfer will allow the temporary road to be built. Superintendent Huppert said the deed transfer may take some time, design work on the road will have to be done for the final construction. Dodge County will be responsible for the work on Road 11 and another small piece and Superintendent Huppert is working with the Cotterell Township and FEMA on completing that part. Major Aaron Ellinger, with the Construction Division of the USACE, presented a map to further describe the work to be done on this access road. The roadway will be built 18" above the existing grade, there will be 3 culverts spaced 1,000' apart and it will be covered with 1-1/2" compacted, crushed aggregate. Chairman Missel said they want to provide these land owners with access to Pole Island, but reminded everyone that the original issue was fixing the hole in the dike and it was a huge project and left the residual problem of access for the land owners. Supervisor Weddle asked what the time line on construction of the access road would be. Mr. Hanson stated that it's way too long because of the legal steps that have to be followed. The Diking District cannot allow any access as long as this is an active construction zone, but once the legal issues are resolved the Diking District is ready to sign over easement control to Dodge County. Superintendent Huppert said that even if Mr. Hunter does not agree with the proposed road, it will still be built with a bend in it. Chad Young, property owner, spoke to the Board requesting full disclosure of the details of the new access road. He also thinks this road must be a Dodge County road since it was originally established that way by a court order in the 1990's. Mr. Young stated that if the county and Diking District had intended for the minimum maintenance road to be built, they would have identified it in the plans by the USACE a long time ago and worked the issue out before repairs on the dike were completed. He also noted that it was stated in the minutes of the Dodge County Board of Supervisors meeting from June 3, 2020 that the fence is done along the Ames Dike (NOTE - this was stated in the May 20, 2020 Dodge County Board of Supervisors meeting minutes). According to Mr. Young, that information was not correct and he wanted to know who stated that. Mr. Young also noted that he had asked to be involved in meetings regarding the access road and he has been denied. There has been at least one meeting that he was not aware of and it was not publicly advertised. Chairman Missel closed the conversation by encouraging everyone to keep moving forward on this issue and the county will provide whatever assistance they can.

The Board unanimously received and referred to NIRMA the Matter of Marti Sleister v. Dodge County.

The Board unanimously received a letter from Gerald A. Schulte, Commander, Lewis Cerv American Legion Post #122, on the recommendation of appointment of Leonard Kempf to the Dodge County Veterans Service Committee to a 5-year term,

expiring on June 30, 2025. The Board unanimously received a letter from Fred Fachman, Commander, American Legion Post #18, regarding the consideration of appointing Steve Snover to the Dodge County Veteran Service Committee. This letter was received after the final agenda had been completed. The Board unanimously approved the appointment of Leonard Kempf to the Dodge County Veterans Service Committee for a 5-year term, expiring on June 30, 2025.

Jean Andrews, Zoning Administrator informed the Board that the NIRMA regional meetings that were scheduled for this spring may be held in August.

The Board unanimously approved seven (7) NRCS Channel Repair Project contracts and authorized Chairman Missel to sign all contracts in triplicate. The 20% portion of the costs Dodge County is responsible for will come out of the Disaster Relief Fund.

Highway Superintendent Scott Huppert updated the Board on current Highway Department projects. He handed out a map regarding the Highway 77 by-pass and what will end up being Dodge County's responsibility after construction is complete. He will be working with the City of Fremont to determine who is taking care of what in regards to snow removal and the like. Superintendent Huppert also told the Board that he met with Scribner and the State Roads Department regarding the Highway 275 by-pass, which will actually be the new dike and that will be the state's responsibility to maintain. He provided a map showing what Dodge County will be responsible for at the completion of this project. If the City of Scribner approves moving forward, planning could begin as soon as September, 2020 with construction beginning September of 2021. The Highway Department completed 2 FHWA projects this week and there are 2 small projects left. FEMA projects are all obligated on the Dodge County side; Superintendent Huppert would like to get the Big Island project done first and move out to Ridge Road. These projects are to be completed by the end of September, 2020. There are four FEMA projects left on the Dodge County side and he's hopeful that they will be completed by the end of July. The project on the Logan Creek on the Herman/Scribner Road is going into design now that the environmental work has been completed. The paint striping has been completed in Dodge County.

At 10:35 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, July 1, 2020 at 9:00 A.M.

Immediately thereafter, the Board convened as a Board of Equalization. Chairman Missel dispensed with roll all members being present.

The Board unanimously approved tax roll correction #5164.

The Board unanimously approved referee agreements for the 2020 tax valuation protest season based on the recommendation from County Assessor Debbie Churchill with the following appraisers: Alan Brewer and Scott Brettmann.

The Board unanimously received 2020 valuation protests #1 thru #97.

The Board unanimously passed a motion to meet two additional days as a Board of Equalization if needed in July on the 20th and 24th at 9:00 A.M. to take action on 2020 valuation protests.

The Board unanimously received a list from County Assessor Churchill of her request for changes to valuations of parcels for 2020 and passed a motion approving and authorizing the County Clerk to mail notices to the owners of the properties. Assessor Churchill asked that a correction be made on page 8 of the list she provided to the changed valuation amount for the Hoetfelker Investments LTD to \$835,655.00.

At 10:44 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, July 1, 2020 at 10:00 A.M.