

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, December 16, 2020 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Weddle, Strand, Backens, Missel, Saalfeld and Bendig. Absent: None. Prior to roll call, Chairman Missel announced the meeting to be an open public meeting and that the current open meeting laws are 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 various county officials' reports, correspondence from Charter Communications regarding a change in channel lineup, the November 9, 2020 Board of Trustees Minutes and Statement of Revenues and Expenses YTD comparison for the five months ending November 30, 2020 and 2019 from Fremont Community Health Resources, signed disaster declarations authorized under Nebraska State Statute R.R.S. 81-829.50 for Dodge County due to the Ice Storm event that occurred on November 10, 2020 from Dodge County, NE and the City of Scribner, NE, correspondence from Nebraska Intergovernmental Risk Management Association (NIRMA) regarding Preservation of Tangible Items and Documents (Litigation Hold) Related to the Potential Claim of the Estate of Ethan J. Knoell, Certificates of Insurance for Sears MFG. Homes, Inc., Wardcraft Homes, Inc. and Maple Township, NIRMA Safety Shorts for December 2020, Notice of Public Hearing with Saunders County Planning Commission on Monday, December 7th, 2020 at 7:30 P.M. to hear testimony either for or against updating Saunders County Zoning Regulations for Solar Energy, Annual Report of a Livestock Friendly County for 2020 to be submitted to Nebraska Department of Agriculture, Public Notice from Cuming County Planning Commission for a Public Hearing to be held Monday, December 21, 2020 at 7:00 P.M. at the Cuming County Courthouse to adopt an Updated Comprehensive Plan for Cuming County, Certificate of Insurance for Stalp Gravel, Inc. Stalp Trucking Inc., Utility Installation Agreement with Penro Construction Company, Inc. to install a Water Main for ID No. 9 of Dodge County (Bluestem Commons) in the Public Right-of-Way between SW and SE corners of County Road T and Luther Road in Fremont, NE, and Moving Permits for Norm's Dozer Service to move a 40' x 60' building over county roads, Barnhart Crane to move a self-propelled crane over County Road 18, Ventura Drive and return and Barnhart Crane to move a self-propelled crane over county roads to ADM Soy and return.

The Board unanimously approved the minutes of the December 2, 2020 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.

Under any items of discussion, Supervisor Beam reported that there are currently 50 inmates in custody with 42 being held in Saunders County, 6 in Dodge County and 2 at the Nebraska Department of Correctional Services (NDCS). There have been 50 bookings so far in the month of December.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, December 30, 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 unanimously approved the wage & hour claims as submitted in the amount of \$240,864.19.

The Board unanimously approved the financial claims in the amount of \$537,877.12. Chairman Missel reported that he transferred the balance of the funds from the last bond (\$146,281.00) into the county checking account. The county is still waiting on flood disaster reimbursement funds from FEMA. Some of these funds will come directly to Dodge County and some of them will go to the townships first and then to Dodge County per the interlocal agreements the county has with the townships. Chairman Missel also stated that he has been talking with First National Bank about more funding that may be needed after the first of the year and he will update the Board with any information he has at the next board meeting.

The Board unanimously received a Verified Petition from Yost, Lamme, Hillis, Mitchell, Schulz, Hartmann, & Wilson, P.C., Fremont, NE on behalf of their clients Robert A. Johnson and Sharon G. Johnson, husband and wife, requesting Petitioners be granted an access road to property legally described as: The SE ¼ of the SE ¼ and Tax Lot 22, the West 30 acres of the NW ¼ of the SE ¼, all in Section 32, Township 20 North, Range 7 East of the 6th P.M., Cuming Township, Dodge County, NE consisting of 70 acres more or less. The Board also unanimously approved a public hearing set for 9:30 A.M. on January 13, 2021 to hear testimony for or against granting the access road. The adjacent landowners need at least fifteen days' written notice of the time and place of the hearing.

The Board unanimously received Application for Investment of Funds Year 2021 from Union Bank & Trust, Lincoln, NE. No action was needed or taken on this correspondence. Chairman Missel instructed County Clerk Mytty to send Union Bank & Trust a letter thanking them for the communication and letting them know that the county will contact them if we have any needs in the future.

The Board unanimously approved the reappointment of Kathy Kneifl to the Dodge County Extension Board for a three year term from 01/01/2021 – 12/31/2023 and the new appointment of Joel Kerkman (FPS) to the Dodge County Extension Board from 01/01/2021 – 12/31/2023.

The Board unanimously approved changing the Dodge County Employee Handbook under the "Holidays" section by adding the following verbiage in the first sentence after "Employees of the Roads and Maintenance Departments" to section 3: "*and all other county departmental hourly employees*". Supervisor Beam said that it had been brought to the Board's attention that there was inequity in holiday pay for county employees. This change will make all employees equal in the way they are paid if they actually work on a holiday.

Committee Reports – Chairman Missel reported that he participated in the NACO virtual business meeting that was held on December 10, 2020. The election of officers was held during this meeting. Larry Dix, the outgoing director spoke about his time with NACO; he will be passing duties off to Jon Cannon, the incoming director. Supervisor Saalfeld reported that Region 6 Behavioral Health will be having a meeting on December 17. Money is tight for them due to the reduced funding from the state coming into ENOA (Eastern Nebraska Office on Aging). Employees are balancing working from home and working in the office to cover all duties.

The Board unanimously received NIRMA correspondence regarding a claim of injuries that were sustained from a pursuit accident of January 28, 2020 and authorized the deductible payment of \$20,000.00 to NIRMA for this claim.

In separate motions, the Board unanimously received bids for Calendar Year 2021 Culvert Quotations opened on December 11, 2020 at 11:00 A.M. in the Highway Department of the Courthouse from Ace/Eaton Metals, Metal Culverts Inc. and Midwest Service & Sales Co. and awarded bid contracts to Metal Culverts Inc. for items #1-12 and #15-24 and to Ace/Eaton Metals for items #13 & #14 on the list of the various sizes of culverts. These quoted prices include delivery to the Dodge County yard and are good from 1/1/2021 – 12/31/2021.

Highway Superintendent Scott Huppert updated the Board on current projects. Regarding the flood reimbursement projects, all documents (whether on the portal or not) are going to NEMA. NRCS projects are all turned in and awaiting funds. Three employees are now out due to COVID-19. Ice and snow removal during the storm last week went well. There are new weight limits on county roads due to a recalculation of the weight on all of the bridges that was done by the state. This change in weight limits will require new signage on those roads.

At 9:30 A.M., discussions continued on an agenda item from the December 2, 2020 Dodge County Board of Supervisors meeting regarding the City of Scribner's request for relief from an odor coming from storage of fertilizer near the Scribner Airport. The Board unanimously received a letter dated December 11, 2020 from Environmental Land Management (ELM), which was read into the record by Supervisor Strand. Chairman Missel said that Nate Hansen, Director ELM, also contacted him by telephone and reiterated much of what was in the letter. He also said that the State of Nebraska is not willing to let ELM continue at this time without further permitting. The Board unanimously approved a 90 day moratorium on stockpiling of non-livestock waste material effective immediately. The Planning Commission will have a meeting on December 29, 2020 at 4:30 P.M. to begin establishing some zoning regulations in regard to this matter. Once the zoning regulations are in place, the moratorium will cease if it is prior to the end of the 90 day period and it may be extended if it takes longer to establish zoning regulations. Elizabeth Valla, Scribner Economic Development Director, read a letter to the Board from Scribner City Administrator Elmer Armstrong outlining the need for zoning regulations to address this issue. Russ Vering of 1475 County Road H Blvd spoke to the need to consider the impact of storing and utilizing biomass. He is heavily involved in the agricultural industry and thinks there are ways to regulate this that can benefit everyone. Mr. Vering also confirmed the horrible, lingering smell and the damage the truck traffic is doing to Dodge County roads. Elizabeth Valla returned representing herself as Scribner Economic Development Director and Scribner

resident. Ms. Valla said that she uses Facebook to promote Scribner and there have been numerous comments posted that say Scribner is a cute town, but it smells like crap. She said the town's image is being tainted by this problem. Donald Witte is one of the landowners of the ground where the aforementioned stockpile of fertilizer is being stored and he spoke before the Board. Mr. Witte acknowledged that this material is a great fertilizer that promotes sustainability, but ELM has not handled storage well. He also acknowledged the heavy truck traffic pointing out that there are semis from other companies as well that are traveling the county roads. Mr. Witte said he's not getting rich from the arrangement of ELM storing fertilizer on his ground. He will not be allowing them to use this ground for storage next year and plans to plant a crop there if he can get the soil in condition. Jon Large, Airport Services Manager with the Nebraska Department of Transportation Aeronautics Division, is responsible for the state owned Scribner Airfield. He told the Board that he is thrilled that this stockpile is being removed because it eliminates an aviation safety issue. These stockpiles attract flies which attract birds and bird strikes are enough of an issue in the United States that the Federal Aviation Administration (FAA) has developed guidance for the development of wildlife attractants around airports. Mr. Large provided Jean Andrews with a copy of that guidance and he said he hopes it will be taken into consideration when they discuss zoning regulations. Chairman Missel thanked all of those in attendance regarding this matter.

Zoning Administrator Jean Andrews reported that there is going to be another NIRMA webinar on December 17 presented by Pamela Bourne and there is still time to register for it. NIRMA regional meetings are scheduled for April, 2021. The Highway Safety Committee cancelled their last meeting and are hoping to have one next Tuesday. Due to the recent COVID-19 exposures amongst the Highway Department employees, the vehicles and sheds have been disinfected.

At 10:14 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.

The Board unanimously approved tax roll corrections #5230 - #5234.

The Board unanimously accepted the recommendations of County Treasurer Bargstadt on forms 457, Applications for Exemptions on motor vehicles for 2021, and passed a motion granting the exemptions.

At 10:17 A.M., the Board adjourned as a Board of Equalization until Wednesday, December 30, 2020 at 10:00 A.M.

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

The Board went back to an inadvertently skipped agenda item regarding the storage of fertilizer near Scribner. The Board unanimously received petitions regarding the request to have guidelines for the storage and disposal of gypsum and biomass within the county added to the next Dodge County Board of Supervisors meeting (12/16/2020) agenda to develop zoning changes needed for the enforcement of Resolution No. Res 2000-001. No action was needed on this item as the appropriate action was already taken earlier in this meeting regarding this matter.

At 10:21 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims for the month of December 2020.

At 10:28 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.

At 10:29 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, December 30, 2020 at 9:00 A.M.

Fred Mytty
Dodge County Clerk