

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, October 6, 2021 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Weddle, Strand, Backens, Missel, Tawney 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 following documents from Fremont Community Health Resources: FY2021 Audited Financial Statements, Board of Trustees Minutes for August 9, 2021 meeting, Statement of Revenues & Expenses YTD Comparison for the twelve months ending June 30, 2021 and 2020, Statement of Revenues & Expenses YTD Comparison for the one month ending July 31, 2021 and 2020, & Statement of Revenues & Expenses YTD Comparison, Profit & Loss Budget Performance and Balance Sheet for the two months ending August 31, 2021 and 2020, correspondence from Nebraska Emergency Management Agency (NEMA) regarding an extension approval to complete work on DR4420 (2019 Flood) Project 673, 935 Schneider Building until March 21, 2022, Minutes of the September 21, 2021 Dodge County Planning Commission Meeting, Minutes of the September 22, 2021 Dodge County Safety Committee Meeting, Certificate of Insurance for Caterpillar Financial Services Corp., Moving Permit for Barnhart Crane to move a self-propelled crane over county roads, Minutes of the September 23, 2021 Dodge County Highway Department Safety Committee Meeting and Certificates of Insurance for Cooney Fertilizer Inc. and Elkhorn Township.

The Board unanimously approved the minutes of the September 22, 2021 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 said he had not received a report from the jail, therefore he didn't have any inmate count information. County Attorney Paul Vaughan reported that there have been issues with getting defendants to court on time, which is keeping court proceedings from starting on time. He said he's not sure whether the problem is with Saunders County, Washington County or with the corrections department here in Dodge County. Supervisor Beam said he would look into the problem and report back to the Board.

At 9:07 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, October 20, 2021 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 and hour claims submitted in the amount of \$241,305.02.

The Board unanimously approved a transfer of \$140,000 from Inheritance Tax Fund to the Flood Control Fund. The amount of the transfer will be returned to the Inheritance Tax Fund when grant monies are received.

The Board unanimously approved the financial claims submitted in the amount of \$341,760.94.

Under any business brought by the public, Judge Geoffrey C. Hall was present and addressed the Board on a number of topics. He started by thanking the Board for their support of the Drug Court Program. He said participants have their felonies dismissed, they live and work in Dodge County and become productive citizens, which is a benefit to all Dodge County residents. Judge Hall recognized District Court Clerk Linda Nelson for her efforts to collect outstanding debts (court costs and fees) that have accumulated over the years; approximately \$30,000 has been collected through this effort. Judge Hall then talked about the costs for court appointed attorneys, which have gone up exponentially over the past few years. He said it may be time for Dodge County to consider hiring a public defender. Next, Judge Hall said he has gotten complaints from the Dodge County Bar Association and attorneys from Omaha and surrounding communities about the Saunders County Jail. Complaints include transportation issues, defendants arriving late to court, calls and paperwork not getting to defendants, difficulty meeting with defendants, among a few. He said the female inmates being moved to Washington County happened with little notice to the courts. Judge Hall said he has tried to reach out to Saunders County Corrections with little to no success. He said the defendants have a constitutional right to a solid, competent defense and he feels this is being compromised under the current circumstances. The Board unanimously received a copy of a Federal Indictment that Judge Hall provided between the United States of America (Plaintiff) and Oliver J. Glass (Defendant). Judge Hall said he did not bring this up to disparage Mr. Glass, but out of concern for the damage done to the reputation and character of the judicial system in Dodge County. He wanted the Board to be aware of the "blow back" he has received on this matter. Judge Hall closed by thanking the Board for their continued support of the judiciary community in Dodge County.

At 9:17 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 9:28 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 9:30 A.M., a Public Hearing was held to consider the request of Chad Christianson of 1335 County Road 19, Fremont, NE 68025 to renew a Conditional Use Permit to store and apply Biosolids as per Article 13 Section 2.18 Conditional Uses and Article 25 Supplemental Regulations, Section 22 Industrial Wastewater-Biosolids located in NW ¼ Section 2, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag. The only testimony was from Scott Nun from the City of Fremont in favor of the request. The Board unanimously accepted the recommendation of the Dodge County Planning Commission and approved the request based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located.

At 9:35 A.M., a Public Hearing was held to consider the request of Chad Christianson of 1335 County Road 19, Fremont, NE 68025 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 13 Section 2.18 Conditional Uses and Article 25 Supplemental Regulations, Section 22 Industrial Wastewater-Biosolids located in East ½ of SW ¼ Section 13, Township 18 North, Range 8 East in Maple Township, Zoning District A-2, General Ag. Scott Nun from the City of Fremont was the only testimony and he was in favor of the request. The Board unanimously accepted the recommendation of the Dodge County Planning Commission and approved the request based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located.

Zoning Administrator Jean Andrews reported that Tim Baxter, Road Safety & Loss Prevention Specialist, is retiring from NIRMA. She also reminded the Board that the NIRMA ASSIST program applications are due November 1, 2021.

At 9:40 A.M., a Public Hearing was held to consider the request of Kevin Hasemann of 1229 Glenwood Court, Fremont, NE 68025 to subdivide a 6.05 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in NW ¼ Section 16, Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Dodge County Planning Commission and approved the request based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located.

At 9:45 A.M., a Public Hearing was held to consider the request of Kenneth Hasemann of 1 Pioneer Lake, North Bend, NE 68649 to subdivide a 5.03 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in NW ¼ Section 20, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Dodge County Planning Commission and approved the request based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located.

At 9:50 A.M., a Public Hearing was held to consider the request of Estate of Gloria F. Wegner of 759 County Road E, Scribner, NE 68057 to subdivide a 12.70 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in West ½ NE ¼ Section 30, Township 20 North, Range 6 East in Pebble Township, Zoning District A-1, Intensive Ag. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Dodge County Planning Commission and approved the request based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located.

The Board unanimously approved the purchase of a new Caterpillar 150 AWD motor grader and authorized Chairman Missel's signature on the financial documents for said purchase. Assistant Highway Superintendent Jean Andrews explained that this is a 2021, 6 wheel, 150 motor grader that another county did not take. It will not have to be paid for until the FY2022-2023 budget year. This grader will replace a 2013 motor grader that will be retired.

The Board unanimously authorized Dodge County Highway Superintendent Huppert to conduct a study on the request from JDJ Investments, LLC (Structural Component Systems) to re-open a portion of Jones Street located in the NW ¼ of Section 25, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M., Dodge County, NE. Dan Martinez, Apex Land Surveying, LLC was present on behalf of JDJ Investments, LLC. He presented the board with parcel maps from gWorks (Dodge County's GIS website) that showed the location being discussed. He said the closed portion of Jones Street was closed in 2014 because it had become a trash dump site; ownership was retained by Dodge County. JDJ Investments would like to re-open the southern portion of Jones Street so they can use an existing entrance off of old Highway 275 for truck traffic. Mr. Martinez said there would be a replat between JDJ Investments and an adjoining land owner to open the southern portion of Jones Street. JDJ will build their own road to adjoin Jones Street to have access to old Highway 275.

Highway Superintendent Scott Huppert updated the Board on current projects. Ditch and road build-up work continues for the One & Six year road project on a 3 mile stretch of Foothill Road. He has a crew on County Road T between Highway 77 and Yager Road removing the humps on the sides of the roads to improve drainage and prepare it for future construction. Sawyer Construction will start hauling in equipment and rip rap the week of October 11, 2021 for the Hooper North Logan Creek Project. The concrete on Ridgeland Road is torn out so the road is closed; concrete will be poured Thursday or Friday of this week. Concrete suppliers are limiting construction companies to 50 yards of concrete per day. Superintendent Huppert attended the pre-con meeting with the State on the Highway 30 By-Pass project. Final grading is set to start in November and pavers should be able to start in March or April 2022. There will be roads closed for the bridge portions of this project, County Road 20 being one, among others. An appraiser is needed for the Yager Road right-of-way issue; he has had trouble finding one who could take care of this in a timely manner. Superintendent Huppert provided 8 or 9 contractors with the Haul Road Agreement for the Scribner south project. The larger flood disaster projects are all back with FEMA and NEMA expects it to be 4-5 weeks before they come back to NEMA and can be paid out to the county. There have been problems with townships receiving flood damage reimbursement money and not getting it back to the county, primarily because they don't know what the money is for. Truckers have been smashing the guard rails on Cloverly Road and Schneider Street causing an estimated \$12,000 worth of damage. The guard rails are tensioned so only the company that sells them can repair them. Superintendent Huppert said he got insurance information from one trucker that hit the guard rails and is hoping insurance will help pay for the damage.

Committee Reports – Chairman Missel told the Board he encourages any comments they may have in regards to the information that Judge Hall shared earlier in this meeting.

At 10:12 A.M., the Board adjourned as a Board of Supervisors until Wednesday, October 20, 2021 at 9:00 A.M.

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

The Board unanimously approved tax roll corrections #5368 thru #5371.

The Board unanimously adopted and authorized Chairman Missel and County Clerk Mytty to sign a Resolution setting the 2021-2022 Tax Levies for various Political Subdivisions in Dodge County. Supervisor Strand read the resolution into the record. County Clerk Mytty said this will be the last year a levy will be made for the Pathways 2 Tomorrow program. Their valuation decreased by losing Wisner Pilger Schools; next year they will rely on cash on hand to maintain operations. In 2023-2024, Northeast Nebraska Community College will use funding from tuition and grants to provide the services that Pathways 2 Tomorrow has been providing. He also pointed out that an amendment is included due to the split of the City of Hooper's valuation by townships and the Village of Snyder's valuation by townships that ultimately changes the consolidated levies for the City of Hooper and the Village of Snyder.

The Board unanimously accepted the recommendation of Dodge County Treasurer Gail Bargstadt and approved the 2021 Application for Exemption (Form 457) from Methodist Fremont Health, 450 E. 23<sup>rd</sup> St., Fremont, Nebraska on a 2017 Ford Escape.

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Dodge County Assessor Churchill asked if the Board had looked at President Biden's 30x30 Plan and what possible action they may be taking on it. It was decided that the Board will consider the information that was emailed to them on this matter and draft a resolution to be considered at the October 20, 2021 Dodge County Board of Supervisor's meeting.

At 10:21 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, October 20, 2021.

Fred Mytty  
Dodge County Clerk