

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, July 1, 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 correspondence from Charter Communications regarding a change in channel lineup, minutes of the Dodge County Planning Commission meeting of June 16, 2020, Certificates of Insurance from NIRMA for various certificate holders, minutes of the Courthouse Safety Committee Meeting of June 17, 2020, a Moving Permit for Josh Kaup to move 2 sections of a modular home along County Road F and then south on Road 10, a Moving Permit for Barnhart Crane to move a self-propelled crane from Highway 275 to Morningside Road to old 275 to Martin Marietta N. Valley Sand & return, minutes of the Dodge County Highway Department Safety Committee meeting of June 24, 2020 and a Certificate of Insurance for Dolezal Sand & Gravel.

The Board unanimously approved the minutes of the June 17, 2020 meeting as printed.

At 9:04 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 38 inmates in custody with 5 being held in Dodge County, 31 being held in Saunders County and 2 being held at the State of Nebraska. Paul Vaughan from the Dodge County Attorney's office said the numbers are still relatively low, but activity in the law enforcement community is picking up so they expect the numbers to increase.

At 9:05 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, July 15, 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 \$233,435.51.

The Board unanimously approved transferring \$547,000.00 out of the Inheritance Fund and depositing \$377,000 of those funds into the Flood Disaster of 2019 Fund and depositing \$170,000.00 of those funds into the First Responders Equipment Bond Fund for principal and interest payments that are due July 15, 2020. County Clerk Mytty provided the Board with a spreadsheet summary of the fund balances included in these discussions. The Inheritance Fund will be left with a balance of just over \$1 million, with the Capital Improvement Fund & the Interest Income Fund collectively having a balance of approximately \$600,000.00. County Clerk Mytty also wanted to forewarn the Board

that there will be \$173,000 in Road & Bridge payments going out plus the matching funds for their benefits, which is approximately \$20,000. Therefore, the Road & Bridge Fund won't have much money in it for the next payment period either. September is when the next half of property taxes are due that may build up funds.

The Board unanimously approved the financial claims as submitted in the amount of \$1,803,719.03.

The Board unanimously approved the request for and authorized Chairman Missel to sign a Special Designated License Local Recommendation (Form 200) for Steven Dahl to serve beer, wine and distilled spirits at a retirement celebration to be held at the Hazel R. Keene Lodge – Kerrigan Room, 3402 W. Military Ave., Fremont, Nebraska on July 15, 2020 from 5:30 P.M. until 10:00 P.M.

The Board tabled, until the July 15th, 2020 board meeting, receipt of a letter from County Treasurer Bargstadt regarding the request for a refund of Inheritance Tax in the amount of \$8,284.86 due the Estate of Larry Harlan Wigren. Paul Vaughan from the Dodge County Attorney's Office requested that the item be tabled so that the County Attorney's Office could review the legal documents involved. He said the refund had been approved by the Dodge County Court, but no notice had been given to their office in reference to this refund, which is normally part of the process. He also noted that this is a sizeable refund and he would like for the County Attorney's Office to check off on the reason and the amount of the refund.

The Board unanimously approved the Interlocal Agreement with North Bend Rural Fire District for cost sharing of the Radio System Linking Emergency Communications Together and authorized Chairman Missel and County Clerk Mytty to sign the agreement.

The Board unanimously received a letter from Randy Ruppert regarding failure of the Camenzinds to comply with the terms of their conditional use permit by not planting trees on the east side of their poultry complex. Lon Strand told the Board that there are 150 trees planted on the west side of the Camenzind's poultry complex. The Board minutes will be reviewed as to what was agreed upon and Supervisor Strand said he would discuss the issue with the Planning Commission to see if there was some kind of misunderstanding.

The Board unanimously approved and authorized Chairman Missel to sign a resolution adopting the Lower Platte North Natural Resource District Multi-Jurisdictional Hazard Mitigation Plan Update. Chairman Missel pointed out that this plan is a joint effort including many local entities that work together to mitigate natural hazards. Adoption of the plan makes these partners eligible for pre-disaster and post-disaster federal funding.

There was no need to go into closed session to discuss threatened litigation.

Committee Reports - Supervisor Beam said he had attended the last Dodge County Historical Society meeting. The May Museum has been closed due to sanitation efforts being too hard on the antique furniture. Their financial situation is good because of a \$125,000 donation they were given. Joe Dickmeyer was appointed president of the organization. Supervisor Backens and Chairman Missel have been attending the Joint Law Enforcement Center committee meetings and will have more solid information to

report at the next board meeting. Chairman Missel also said Rey Freeman came to visit him after he had inspected the tower sites. Those projects are moving along with the footings and the bases being complete at each site; expected completion is October, 2020. Supervisor Saalfeld reported that the actual tower is up at the North Bend site. In regards to the law enforcement issue with the City of North Bend, Supervisor Saalfeld reported that Sheriff Hespen has issued a preliminary agreement for 25 hours per week of law enforcement coverage to the city. Once the Dodge County Attorney has reviewed the plan, it will be brought to the Dodge County Board for approval.

A Public Hearing was held regarding the request of Patricia F. Dillon of 1715 N. Nye Ave., Fremont, NE 68025 to apply for a change of zoning to a .99-acre tract of land from Platte River Corridor to R-1 Residential and a change to the zoning map as per Article 29 Dodge County Zoning Regulations and to be combined with Lot 116 of Lake Ventura Subdivision located in N ½ SE ¼ section 14, Township 17 North, Range 7 East of Dodge County, Nebraska. Hearing no testimony for or against the zoning change and accepting the recommendation of the Planning Commission, the Board unanimously approved and authorized Chairman Missel to sign the Application for a Change of Zoning and approved a change to the zoning map.

Zoning Administrator Jean Andrews updated the Board with information gathered about zoning regulations regarding Wind Energy. This is still a work in progress and there are many facets to learn about. Ms. Andrews said she has researched Cedar and Knox Counties and the City of Crofton, but their regulations (if there are any) are generic, template style regulations that were written too long ago to be of much use now. Ms. Andrews also updated the Board regarding an appointment to the Dodge County Planning Commission for a spot vacated by Nathan Schole. No one has filled the spot; Matt Gieselmann and Lon Strand are helping to look for a replacement.

At 9:38 A.M., the Board unanimously approved going into closed session to discuss legal strategy regarding the Pole Island access road.

At 9:56 A.M., the Board unanimously approved going back into open session. A map was presented showing the proposed road that the United States Army Corp of Engineers (USACE) would build. Dodge County would take formal action asking the USACE to build the road as proposed at their expense and to allow Pole Island residents access to Pole Island during the construction phase, which is projected to take about 2 weeks. The Ames Diking District would have jurisdiction over the construction site and there was concern voiced by Brian Sorensen that this might not be the best scenario. Mr. Sorensen asked the Board why they would want to subject themselves to leaving jurisdiction with the Ames Diking District. Highway Superintendent Scott Huppert said that it's either this option or put the road back where it was originally, which is clearly not the best option at this point. Mr. Sorensen asked what the course of action will be if the Ames Diking District says yes to the road, but no to allowing access to Pole Island during the construction phase. Chairman Missel said that this is where Superintendent Huppert needs a little space to negotiate. If they say no to access during construction, then there needs to be a time line set out in the negotiations as to when the road will be completed. Paul Vaughan with the Dodge County Attorney's Office reminded everyone that the Ames Diking District and the USACE have not agreed to allow temporary access to Pole Island; it would need to be a condition of the final agreement. Chad Young asked who the barricades on County Road 11 belong to. Superintendent Huppert said they belong to Cotterell Township. He wants the township to start working on this piece of the project so the barricades will remain until that work

is complete. Mr. Young also stated that the fence is up on the south side of the dike and he doesn't understand why Bill Hunter can scrape the sand off of his land since this is a federal construction zone with access restrictions, but they can't get to their property. Superintendent Huppert would like to get authorization to give the Pole Island land owners permission slips to enter, but he keeps getting the run-around from the Ames Diking District and the USACE. A motion was made to authorize the USACE to build the road as outlined by Superintendent Huppert and to work with the USACE to make all efforts possible to allow the residents of Pole Island temporary access to the island. Mr. Vaughan clarified that no land will need to be acquired by Dodge County and that any construction would be on existing easements. The easement would be amended to allow for the road because right now it just allows for the dike. Cotterell Township and Dodge County will be responsible for the maintenance of this new public road.

Highway Superintendent Scott Huppert updated the Board on current Highway Department projects. He met with Speece Lewis and Sawyer Construction regarding the Ridge Road project and it was determined that the project will begin mid/late July. Omni, the contractor for the Big Island project, will begin in August. There are FHWA and NRCS projects ongoing. There are 3 small FEMA projects left that the negotiations will now be going through NEMA. The township projects are also going through NEMA at this time and Superintendent Huppert needs to do some research as to where we are financially with these. The Elkhorn embankment project with the City of Scribner, Dodge County and the NRD has come to a standstill because FEMA claims they don't have jurisdiction and will not obligate any funding. In the beginning of planning, the USACE got involved and it was debated back and forth whether FEMA has jurisdiction. The NRD involvement complicates matters because they do have access to funds, but this project is too large for them (\$1.7 - \$2 million) and FEMA doesn't want to get involved if the NRD is involved. However, Scribner has no funding if the NRD is not involved. Superintendent Huppert thinks this problem needs to be fixed or Scribner will flood again and close off the community.

At 10:34 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, July 15, 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 corrections #5165 – 5171.

The Board unanimously received 2020 valuation protests #98 thru #644.

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 to the changed value for Janet L. Thornberg from \$1,102,223.00 to \$110,223.00.

At 10:40 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, July 15, 2020 at 10:00 A.M.

Fred Mytty
Dodge County Clerk