

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 1, 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 county official's report, correspondence from Charter Communications regarding a change in channel lineup, a flyer from CASA of the Midlands regarding a bake sale to be held December 15, 2021 in the courthouse lobby, the October 11, 2021 Board of Trustees Minutes and Statement of Revenues & Expenses YTD Comparison for the four months ending October 31, 2021 and 2020, a letter from Sheriff Steve D. Hespen, announcing his retirement as the Dodge County Sheriff effective January 28, 2022, Master Group Application for renewal of Blue Freedom Group Health Plan through BlueCross/BlueShield of Nebraska approved by the Finance Committee, Minutes of the Dodge County Planning Commission meeting for November 16, 2021, Utility Installation Agreement with OPPD to install overhead & underground electric distribution line located at Military to Dutch Hall Road in Section 24, T17N, R9E to SW corner Section 36, T17N, R9E, Utility Installation Agreement with OPPD to install an overhead electric distribution line at E. Military to County Road U in SW Corner Section 15, T17N, R9E to SW Corner Sec. 22, T17N, R9E, Utility Installation Agreement with Coranco Great Plains, Inc. to install monitoring wells through the right-of-way located at County Road 12 and B and Certificates of Liability Insurance for Barnhart Crane and Rigging and G & R Electric.

The Board unanimously approved the minutes of the November 17, 2021 meeting. Regarding the approval of the minutes of the November 17, 2021 meeting, Supervisor Bendig requested a change be made on dates for audit completion. After further review, it was determined that the dates were as mentioned in their bid.

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 94 inmates in custody with 64 of them being held in Saunders County, 23 in Washington County (female only), 2 with the Nebraska Department of Correctional Services and 5 under house arrest. There were 137 inmates booked in the month of November 2021. County Attorney Paul Vaughan said the issues they were having with getting inmates to court on time are improving.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, December 15, 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 as submitted in the amount of \$239,836.17.

The Board unanimously approved the financial claims as submitted in the amount of \$177,082.35

The Board had already received a letter from Sheriff Hesperen announcing his intentions to retire effective January 28, 2022. Chairman Missel thanked Sheriff Hesperen for his service to Dodge County over the last 34 years, which include serving as Sheriff for the past 15 years. Supervisor Tawney thanked Sheriff Hesperen for the support the Sheriff's office has given to the fire department while in office. Chairman Missel also commended Sheriff Hesperen for his willingness to help with the transition to an interim sheriff.

The Board unanimously approved increasing the yearly funding allotment for the Eastern Nebraska Office on Aging (ENOA) an additional \$11,223/year to help fund their Rural Transportation Program. Supervisor Tawney spoke to the need for this increase due to the loss of taxi service in Fremont; this money will allow ENOA to hire another driver in Fremont. County Clerk Mytty said the budget will not be amended for this increase; this line item will go over budget, but the General Fund should cover this shortfall.

The Board unanimously approved the request for and authorized Chairman Missel to sign a Special Designated License Local Recommendation (Form 200) for ANDGO LLC DBA: The Woodcliff Restaurant to serve beer, wine and distilled spirits at a holiday party to be held at the YMCA Hazel Keene Lodge, 3402 W. Military Avenue, Fremont, Nebraska on January 15, 2022 from 5:00 P.M. until 11:30 P.M.

Committee Reports – Chairman Missel said that due to the resignation of Sheriff Hesperen, it falls to the county board to form a nominating committee to appoint a representative to fulfill his unexpired term. He asked the board members to let him know if they want to serve on this committee. The county clerk's office will advertise for this interim position with a deadline of December 31, 2021 for interested individuals to apply. Supervisor Bendig reported that the IT Committee did receive the report from CoreTech and he will present the findings at the December 15, 2021 meeting. Supervisor Backens reported that there are questions from the various entities involved in the radio project about the equipment being installed in vehicles. Right now everything is running on the Washington County tower that does not have enough space. Everything is in place for the tower to go up in Omaha and the completion goal on this is before Sheriff Hesperen retires (January 2022).

At 9:20 A.M., a 2nd Public Hearing was held for the Community Development Block Grant (CDBG) concerning Project 19-EM-005 – Breach Levee, Fremont Rod and Gun Club to obtain citizen input, comments or opinions with regard to the program performance. This 2nd Public Hearing is one of the requirements of this type of grant. Kirk Brown, Community Planner for the Northeast Nebraska Economic Development District, was present to answer questions. He said that the work is nearly complete on the dike with the exception of reseeding that will have to be done next spring. The county has not been reimbursed for this project yet due to a new software program that

is being used by the state to process payments. Chairman Missel said the completed dike is pretty impressive and hopefully will never be needed. Hearing no testimony for and/or against the issue, Chairman Missel closed the public hearing at 9:21 A.M. No action was taken or needed as a result of this public hearing.

A short recess was taken at this time.

At 9:30 A.M., a Public Hearing was held to consider the request of Larry Pojar of 437 County Road E, Dodge, NE 68633 to obtain a Conditional Use Permit (CUP) 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 North $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag. Zoning Administrator Jean Andrews reported that after much discussion and testimony from surrounding landowners, the Planning Commission unanimously recommended approval of this CUP for Larry Pojar. Mr. Pojar is concerned about the short window of time he has to apply the Biosolids this year and is anticipating having to apply more next fall in the same section. According to Dodge County's zoning regulations he must have the material spread by January 1, 2022. Ms. Andrews told the Board that they can specify the dates the permit is valid. Another concern is whether the material will be stockpiled; Mr. Pojar stated repeatedly in the Planning Commission meeting that he would be applying the material as soon as possible after it is delivered. The Board unanimously accepted the recommendation of the Planning Commission and approved the CUP to be valid from December 1, 2021 – January 15, 2022 and August 1, 2022 – January 1, 2023. The permit also specifies that there is to be no stockpiling of the Biosolids from January 15, 2022 – August 1, 2022 and application should be completed as soon as possible after delivery of the material. This permit is valid only for the location on the CUP application. The approval of this request is based on the conditional use conforming to the intent and purpose of the regulations and the use conforming to the regulations of the district in which it is located. The county clerk will include all of the aforementioned specifications for this permit in the letter that is sent to Mr. Pojar confirming approval of the permit.

At 9:35 A.M., a Public Hearing was held to consider the request of Brian Pojar of 551 County Road 4, Dodge, NE 68633 to obtain a Conditional Use Permit (CUP) 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 $\frac{1}{2}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, Township 19 North, Range 6 East in Ridgeley Township, Zoning District A-1, Intensive Ag. Zoning Administrator Jean Andrews stated that this is a similar situation to that of Larry Pojar. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Planning Commission and approved the CUP to be valid from December 1, 2021 – January 15, 2022 and August 1, 2022 – January 1, 2023. The permit also specifies that there is to be no stockpiling of the Biosolids from January 15, 2022 – August 1, 2022 and application should be completed as soon as possible after delivery of the material. This permit is valid only for the location on the CUP application. The approval of this request is based on the conditional use conforming to the intent and purpose of the regulations and the use conforming to the regulations of the district in which it is located. The county clerk will include all of the aforementioned specifications for this permit in the letter that is sent to Mr. Pojar confirming approval of the permit.

At 9:40 A.M., a Public Hearing was held to consider the request of Minarick Family Farms LLC of 1361 County Road 4, North Bend, NE 68649 to subdivide a 5.76 acre tract and obtain a Conditional Use Permit (CUP) for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in Part of SW $\frac{1}{4}$ Section 34, Township 18 North, Range 5 East in Union Township, Zoning District A-1, Intensive Ag. No one spoke against the lot split or the Conditional Use Permit. The Board unanimously accepted the recommendation of the 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 the regulations of the district in which it is located.

At 9:45 A.M., a Public Hearing was held to consider the request of Larry & Cynthia Stollberg of 531 County Road 10, Scribner, NE 68057 to subdivide a 6.40 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in Part NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag. No one spoke against the lot split or the Conditional Use Permit. The Board, with Supervisor Strand abstaining, accepted the recommendation of the 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 the regulations of the district in which it is located.

At 9:50 A.M., a Public Hearing was held to consider the request of Beverly Thomsen of 1472 County Road M, Hooper, NE 68031 to subdivide a 7.33 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in Part South $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag. No one spoke against the lot split or the Conditional Use Permit. The Board unanimously accepted the recommendation of the 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 the regulations of the district in which it is located.

At 9:55 A.M., Public Hearing was held to consider the request of Calvin & Darlene Siebler of 1856 County Road L, Hooper, NE 68031 to subdivide a 5.42 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 Exemptions B located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag. No one spoke against the lot split or the Conditional Use Permit. The Board unanimously accepted the recommendation of the 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 the regulations of the district in which it is located.

A Public Hearing was held to consider the request to amend Article 25: Supplemental Regulations, Section 22, Section 3, Permits #9. A list of names and addresses of neighboring home sites or farmsteads either owned or rented as well as adjacent landowners within 1,000 feet of proposed storage & application must be furnished along with application for CUP. Change #9 sentence to read: **The applicant shall present the Zoning Administrator with a property list certified by a registered abstractor of the record of titleholders within 1,000 feet along with a list of rented farmsteads.** Zoning Administrator Jean Andrews explained that the zoning regulations for all other Conditional Use Permits requires the requester to obtain an abstractor to certify the names and addresses of adjoining landowners. In order to make all zoning regulations for Conditional Use Permits uniform, the Supplemental Regulations need to be amended to reflect the need to obtain a registered abstractor to provide this certified list. The Board unanimously approved the request to amend Article 25: Supplemental Regulations, Section 22, Section 3, Permits #9 to read: *The applicant shall present the Zoning Administrator with a property list certified by a registered abstractor of the record of titleholders within 1,000 feet along with a list of rented farmsteads.*

The Board unanimously adopted and authorized the necessary signatures on a Resolution to approve the aforementioned amendment to Article 25: Supplemental

Regulations, Section 22, Section 3, Permits #9. Supervisor Strand read the Resolution for the record.

The Board unanimously adopted and authorized the necessary signatures on a Resolution For Emergency Relief Program-Emergency/Permanent Repairs (Project #ER-27(70), DDIR Site L27-16.

The Board unanimously adopted and authorized the necessary signatures on a Resolution For Emergency Relief Program-Emergency/Permanent Repairs (Project #ER-27(70), DDIR Site L27-11.

The Board unanimously approved a Governmental Equipment Lease-Purchase Agreement (Contract #001-70058161) between Dodge County Highway Department and Caterpillar Financial Services Corporation on a New 2022 Caterpillar 140-15AWD Motor Grader and authorized the necessary signatures on the agreement. This new motor grader is already being used. The old motor grader was traded in.

Highway Superintendent Scott Huppert updated the Board on current road projects. His employees are still working on culvert installations and they are finishing a quarter mile stretch on Foothill Road before they wrap that work up for the next few months. They will have the sanders on all of the trucks within the next two weeks so they will be ready for snow events. The Scriber Elkhorn River Bank Stabilization project is waiting for permits; they will go out for bids as soon as all of the permits are obtained. The Hooper North Logan Creek project is complete except for the flap gates. Sawyer Construction is the contractor for this project and the company they get flap gates from burned down so they can't produce them. Superintendent Huppert is sending a letter to the state to ask them to hold off on the work days for Sawyer Construction on this project until they get the issue with the flap gates resolved. A portion of By-Pass 30 is shut down so pilings can be driven for the bridge. Next week County Road 20 will be closed down for pilings to be driven. Union Pacific Railroad has U Blvd and County Road 29 closed down to drive pilings for the bridge. Right-of-way issues are being completed for the Yager Road project and Superintendent Huppert is turning in documents to the Register of Deeds for this as well.

At 10:15 A.M., a Public Hearing was held to consider a Resolution to re-open a portion of Jones Street. Dan Martinez with Apex Land Surveying LLC was present and told the board the intent for re-opening the southerly 300-foot segment of Jones Street is to alleviate heavy truck traffic on Morningside Road related to operations of Structural Component Systems Inc. To re-open this portion of road will also eliminate the need to consider reconstructing the intersection onto old Highway 275. The Board unanimously adopted and authorized the necessary signatures on the Resolution to re-open the southerly 300-foot segment of Jones Street.

At 10:19 A.M., the Board adjourned as a Board of Supervisors until 9:00 A.M. on Wednesday, December 15, 2021

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 #5380.

The Board unanimously accepted the recommendation of County Treasurer Bargstadt on forms 457, Applications for Exemptions from Motor Vehicle Taxes for 2022, granted the exemptions and authorized Chairman Missel to sign the forms.

At 10:21 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, December 15, 2021 at 10:00 A.M.

Fred Mytty
Dodge County Clerk