

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, January 26, 2022 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 the following documents from Fremont Community Health Resources: Board of Trustees Minutes for December 13, 2021 meeting, Board of Trustees Minutes for December 20, 2021 meeting and Statement of Revenues & Expenses YTD Comparison for the six months ending December 31, 2021 and 2020, Notice of Public Hearings for City of Fremont Planning Commission for Request for Change of Zone and Final Plat for Fremont Area Land Company from Planned Development to SC, Suburban property located at the Southeast corner of Morningside Road and Lauren Lane and a Final Plat for the same location; and a Public Hearing for an amendment to a Conditional Use Permit to allow additional self-storage units on property located at 2417 N. Lincoln Ave. Public Hearings to be held January 24th, 2022 at 5:00 P.M., Certificate of Liability Insurance for Certified Testing Services Incorporated, correspondence from Nebraska Dept. of Environment and Energy regarding a Modified Construction and Operating Permit Issued - Approval to Operate for Maple Creek Poultry, LLC Concentrated Animal Feeding Operation, Notice of Public Hearings for the Burt County Planning Commission for February 7th and County Board of Supervisors February 9th, 2022 regarding request to update Zoning Regulation Book Section 6.03 and to consider a request for a Conditional Use Permit for Next Link Tower located in Section 5, Township 22 North, Range 10 E – Silver Creek, Moving Permit for Barnhart Crane to move a self-propelled crane over county roads and return on January 10, 2022 and Certificate of Insurance for Telaid Industries, Inc.

The Board, with Supervisor Bendig abstaining since he was not present at the January 12, 2022 meeting, approved the minutes of the January 12, 2022 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 the average daily inmate count is 84 and currently there are 82 inmates in custody with 64 being in Saunders County, 15 in Washington County (all female), 2 with the Nebraska Department of Correctional Services and one under house arrest. For the month of January there have been 98 bookings.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, February 9, 2022 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 \$252,198.97.

The Board unanimously approved a transfer of \$6,000 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 as submitted in the amount of \$342,303.49.

The Board unanimously received the 2021 Activity Report from Weed Superintendent Larry Klahn and approved and authorized Chairman Missel to sign the 2021 Noxious Weed Control Plan as submitted. Superintendent Klahn told the Board that he was able to do some spraying along the Platte River utilizing grant funds. He also reported that a drone was used to spray weeds in two hard to reach spots. He said the drones were used by a Rantizo Application Services contractor and will be a useful option for this type of chemical application.

The Board unanimously accepted the recommendation of the committee reviewing applications for Interim Sheriff and appointed Robert Reynolds, current Chief Deputy, to finish the unexpired term of Steve Hespen, Dodge County Sheriff, effective January 29, 2022.

The Board unanimously approved executing an Interlocal Agreement between the City of Fremont and Dodge County on the creation of an inland port authority per LB156 which passed in the 2021 Legislature and authorized the necessary signatures on the agreement. Megan Skiles, Executive Director of the Greater Fremont Development Council (GFDC), was present and offered some background information on the opportunities the creation of an inland port authority could provide. She said this interlocal agreement is the first step in the process and reported that the Fremont City Council unanimously approved it in their meeting on January 25, 2022. There will be an application process in April, which will end in identifying five locations across the state; she expects this to be a competitive process. Ms. Skiles went on to say that this designation would allow the City of Fremont and Dodge County to plan industrial development and be able to offer sites that are readily available. A site has already been identified with highway and railway accessibility. County Attorney Paul Vaughan said he worked with the attorney for the City of Fremont on the interlocal agreement, which he received from the GFDC. He pointed out that the naming of the Inland Port Authority will be filled in on the agreement if and when the Dodge County location is approved. He also recommended the approval of this agreement. Ms. Skiles was asked to explain what becoming an Inland Port Authority means in simpler terms. This "authority" would be able to issue revenue bonds to initiate development and offset some of the costs of development. It would have a governing board that could also apply for grants and loans to help start up new businesses. Language in the Municipal Inland Port Authority Act appropriates \$5 million for the 2022/2023 fiscal year and another \$5 million for the 2023/2024 fiscal year. Early estimates identify at least seven communities that are interested in applying to become an Inland Port Authority. Al Sawtelle, Chairman of the Greater Fremont Development Council Board, explained that many businesses considering development in Fremont/Dodge County are looking for shovel ready land and large warehouses that can be utilized in a short time frame. The port authority would make it possible to accommodate this development. He went on to say that all of the land owners within 1,000 acres of the designated site have signed

Memorandums of Understanding showing that they are willing to sell their land if the identified site is awarded Inland Port Authority designation. He thinks this will be a good selling point when the application is submitted for consideration.

At 9:26 A.M. a Public Hearing was held to consider the sale of the county's interest in land 100 feet by 100 feet to the City of Fremont at the price of \$32,500 per acre for a tract of land composed of a portion of Outlot "A", Fremont Technology Park Replat of Outlot "A", located in the SW ¼ of Section 12, Township 17 North, Range 8 East of the 6th P.M., City of Fremont, Dodge County, NE. The sale price the county will receive for this parcel is \$3,750. Hearing no testimony for or against the sale, the Board unanimously approved the execution of the Real Estate Purchase Agreement and authorized the necessary signatures on the agreement. County Attorney Vaughan explained why this public hearing was necessary. The land in question was part of the tract that was purchased jointly by the City of Fremont and Dodge County as a possible location for a joint law enforcement center. Allo Communications has leased the aforementioned tract and wants to purchase it. During the title inspection process it was determined that the county cannot sell this land without going out for public bids. However, the statute allows the county to sell their interest in this tract to another governmental subdivision. This public hearing was necessary to allow any objections to the sale of this tract of land to the City of Fremont. Chairman Missel added that the sale of this lot will not affect the footprint of the location for a joint law enforcement center if considered in the future.

The Board unanimously received the Prochaska & Associates' study on a joint law enforcement center between the Dodge County Sheriff's Office and Fremont Police Department which was discussed at a joint city council meeting held January 11, 2022. Chairman Missel said that discussions about a joint law enforcement center will continue and he thinks buy in from both agencies is necessary to move it forward. He added that since the sheriff's department is in a leadership transitional phase, there will be no action taken on the matter at this time.

The Board unanimously approved the reappointment of Mary Lou Pycha and the appointments of Deysy Avalos, Kelly Abrahams, and Kristie Mehaffey to the Dodge County Extension Board for a three year term expiring December 31, 2024.

The Board unanimously approved the request for and authorized Chairman Missel to sign a Special Designated License Local Recommendation (Form 200) for Hooper's Office Bar & Grill LLC to serve beer, wine and distilled spirits at a meeting/swap meet to be held at Christensen Field, 1710 W. 16th St., Fremont, Nebraska on February 25, 2022 from 5:00 P.M. until 12:00 A.M.

The Board unanimously received an ARPA application from the Fremont and Dodge County Convention & Visitors Bureau for a grant program to assist in revitalizing the travel, tourism and outdoor recreation industries and accelerate recovery for those that rely on these sectors of the local economy and referred it to the ARPA Steering Committee for a recommendation.

The Board unanimously received background information on Community Wildfire Protection Plans from Dodge County Emergency Manager Tom Smith and approved referring the issue to the Dodge County Mutual Aid Association to designate an individual to participate in the steering committee to help identify local issues in the Missouri River East regional planning area. Emergency Manager Smith explained that

this is a mitigation plan for preventing wildfires that will involve assessing current fire protection resources in Dodge County. There will be grant money available to private land owners to remove possible fire hazards.

The Board unanimously received correspondence from Nebraska Emergency Management Agency (NEMA) regarding Modification of Completion Requirements for Local Emergency Operations Plans and a draft Resolution. Emergency Manager Smith said NEMA wants counties to update the LEOP yearly instead of every 5 years. He also said there is language in the correspondence from NEMA stating that failure to maintain the LEOP could result in suspension of funding. Most concerning would be the suspension of Homeland Security funds to the entire Planning, Exercise and Training (PET) Region. These concerns were brought up in the East Central PET Meeting on January 25 in which NEMA was in attendance. The NEMA representatives are taking these concerns back to be discussed further.

Emergency Manager Smith then updated the Board on emergency management related projects. He met with the Nebraska Department of Natural Resources and NEMA to consider changing the scope of work on the North Bend Drainage Ditch project to include the North Bend Levee. Hydrological and hydraulic studies show that there are problems if flooding from the Shell Creek or the Platte River occurs. Repairs on the levee would help alleviate some of these issues. Meetings have been held with the engineering firm on the Elkhorn Township/East Fremont Drainage project; they are developing project alternatives. The potential inland port authority may provide opportunities for this project. The river gauges are up and available to view on the National Weather Service website with the exception of the gauge at the confluence of the Platte and Loup Canal at Columbus. The USGS river cameras are not linked up with the National Weather Service website yet. The Platte Township/West Fremont project will be obligated June 1, 2022. He is receiving Tier II Reports from companies that have hazardous chemicals on site; this is a function of the Local Emergency Planning Committee (LEPC). Meetings are starting at the Nebraska Department of Economic Development in regards to Community Development Block Grants; Dodge County is one of the top jurisdictions to be eligible and to receive this funding.

A discussion about the non-reimbursement of FEMA funds for the 2019 flood from Maple Township commenced. Chairman Missel said Maple Township entered into an interlocal agreement with Dodge County to supplement their funding to pay for damages as a result of the 2019 flooding. Once Maple Township was reimbursed by the Federal Emergency Management Agency (FEMA), they were to turn those dollars over to Dodge County plus interest per the interlocal agreement. To date, Maple Township has not turned over any of their reimbursement money to Dodge County. Zoning Administrator Jean Andrews said a Maple Township official was notified verbally in her office that the county was to be reimbursed and this official acknowledged at that time that Maple Township had received money from FEMA. He also told her that the township spent the money to pay contractors. In August 2021 a certified letter was sent to Maple Township officials seeking reimbursement. There was no response to this certified letter. In September 2021, there was an additional sum of money that Dodge County paid Maple Township of which 90% of that sum plus interest was to be reimbursed to Dodge County after FEMA funds were received. Highway Superintendent Scott Huppert called NEMA since they are responsible for sending the funds, but they couldn't give him any payment information since he's not on the notification list. He would have to go to the Maple Township Board and have them sign a document giving him permission to receive their payment information. Maple Township told

Superintendent Huppert they don't want his help on this and when he asked if they have received FEMA reimbursement money, they said they didn't know. Ms. Andrews said the Maple Township Board Chairman told her they have not received any FEMA money, but the township treasurer told her they have received FEMA money. Chairman Missel said he thinks this should be referred to the county attorney. County Attorney Vaughan said he wants to look at the interlocal agreement and see what the remedies are with Maple Township if they violate the agreement. Supervisor Tawney asked if Maple Township spent over the amount of their reimbursement. Superintendent Huppert said they did spend over the allotted amount and took action that was not within the scope of the original plan. Supervisor Tawney asked what the amount of money is that Maple Township owes Dodge County. Ms. Andrews said the first payment was approximately \$419,000 and the second payment was \$144,086; 90% of that amount is approximately \$507,000 due to Dodge County. The Board unanimously approved referring the matter to the Dodge County Attorney's office.

The Board unanimously approved the appointment of Scott Huppert as the 2022 Dodge County Highway Superintendent, Class A License number S-1402, to serve from January 1, 2022 through December 31, 2022.

Committee Reports – Supervisor Bendig reported that the IT committee sent out the Request for Proposal for a managed service provider with a return deadline of January 28, 2022. The IT Committee is expanding its composition to include a representative from the following county offices: District Court, County Attorney, Assessor, Treasurer, Register of Deeds, Clerk, Sheriff and Roads. Chairman Missel reported that the American Rescue Plan Act (ARPA) Committee will be meeting in February (meeting date TBD) to begin reviewing the applications received for possible funding.

Zoning Administrator Jean Andrews informed the Board of the NIRMA Roundtable webinar to be held on February 3, 2022 that will focus on outlining actionable steps for developing and protecting a positive workplace culture, it will also touch on recruiting and retention. Interested individuals can register for this webinar at NIRMA.info.

Highway Superintendent Scott Huppert updated the Board on projects going on in the roads department. Employees are still trimming trees and performing maintenance on equipment. The new dump truck is at Aspen Equipment getting the box put on and should be ready to use in a month. Northern Natural Gas has hired a contractor to remove their piling on the Platte River; Ridgeland Road might be closed occasionally for this. Regarding the US30 Bypass, County Road 20 between T & S will be closed permanently starting today; workers will be driving piling for the Bypass bridge. Superintendent Huppert is the new Secretary/Treasurer of the Nebraska Association of County Engineers, County Highway Superintendents and County Surveyors and is serving as a representative on the Federal Aid/State Liaison & Local Public Agency Council. This council met at the State Capital on January 24, 2022 to lobby for an amendment to LB913. This amendment deals with the approaches to state highways and shifting responsibility for maintenance and underground construction back to the state. NEMA is signing off on the Elkhorn Township projects; FEMA dollars for this should be coming to Dodge County soon.

At 10:07 A.M., the Board adjourned as a Board of Supervisors until Wednesday, February 9, 2022 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 #5415 and #5416.

The Board unanimously received correspondence from Dodge County Assessor Debbie Churchill regarding state statute 77-202.11 (2) requirement "By January 31, 2022, the state and each governmental subdivision shall provide to the appropriate county assessor a copy of each lease in effect on January 1 of the current year for property owned by the state or governmental subdivision." Effective January 1, 2022, property owned by the state and its governmental subdivision(s) not being used or developed for use for a public purpose, "shall be subject to taxation".

The Board unanimously accepted the recommendation of County Treasurer Bargstadt on form 457, Application for Exemption from Motor Vehicle Taxes from Liberty Baptist Church for 2022, granted the exemption and authorized Chairman Missel to sign the form.

The Board unanimously tabled consideration/possible action on the denial of tax exempt status for 2022 for The Chamber of Commerce Foundation of Fremont until the February 9, 2022 meeting of the Dodge County Board of Supervisors.

The Board unanimously approved denial of tax exempt status for 2022 for the Autism Center of Nebraska Inc. % Sendgraff Building Corp. County Assessor Debbie Churchill explained that this organization applied for exemption of their real property and personal property. An exemption can be granted for the personal property because they own it. An exemption cannot be granted for the real property because Statute 77-202 (d) says the property must be owned by educational, religious, charitable or cemetery organizations and the Sendgraff Building Corp. does not fit this criteria.

At 10:14 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, February 9, 2022 at 10:00 A.M.

Fred Mytty
Dodge County Clerk