

## 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 12, 2023 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 officials' reports, correspondence from Nebraska State Probation, Sixth Probation District, Patty Lyon, Chief Probation Officer, regarding Probation – Quarterly County Billings 2022/2023 and reimbursement of expenses to Dodge County for the period April 1, 2023 to June 30, 2023, Fremont Community Health Resources Board of Trustees operating budget for fiscal year July 2023 – June 2024, Certificates of Insurance for Anchor Trucking Service, Inc., Black Hills Corporation and Williams & Son Housemovers Inc., NIRMA Safety Shorts for July 2023, Dodge County Courthouse Safety Committee Minutes of June 28, 2023, Notice of Public Hearings to be held by the Douglas County Board of Commissioners at 9:00 A.M., Tuesday, July 18, 2023 at the Omaha-Douglas Civic Center at 1819 Farnum St., Omaha, NE for the following requests: Boice Farms and Dan Michalski for Special Use Permits to operate landscape businesses and Text Amendments to the Zoning Regulations Floodplain Overlay District (Environmental Services), Notice of Public Hearings for the Douglas County Planning Commission at 6:00 P.M., Wednesday, July 19, 2023 in the Douglas Room, 1<sup>st</sup> floor, 15335 West Maple Road, Omaha, NE to hear the following requests: Crown Castle USA, agent for AT&T for a Special Use Permit to replace internet equipment on an existing tower at 23899 Elk City Drive, Valley, NE; Barry Couch for a Special Use Permit to operate a landscape business on property located at 10110 N. 186<sup>th</sup> Ave., Bennington, NE; Mercer Gunnels and Nick Irwin for a Special Use Permit to operate a landscape business on property located at 10404 N. 204<sup>th</sup> St., Elkhorn, NE; Jacob Bender for a Special Use Permit to operate a landscape business on property located at 19718 Military Road, Bennington, NE; and Text Amendments to Zoning Regulations adding the Accessory Dwelling Unit (ADU) residential use type (Environmental Services), Minutes of the June 27, 2023 meeting of the Dodge County Planning Commission, Moving Permit for Barnhart Crane to move a self-propelled crane over county roads June 26 and 27, 2023, Minutes of the June 29, 2023 meeting of the Highway Department Safety Committee, Utility Installation Agreement with Lumen (Century Link) to install conduit & fiber optic cable in Sections 6 & 31 of Union & Pleasant Valley Townships and Utility Installation Agreement with OPPD to install an overhead and underground distribution line in W ¼ Cor Sec. 11, T18N, R8E to N ¼ Cor Sec. 30 T18N, R9E.

The Board unanimously approved the minutes of the June 28, 2023 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

75 inmates in custody with 53 of them being held in Saunders County, 20 in Washington County and 2 at the Nebraska Department of Correctional Services. The average daily inmate count is 77. In the month of June there were 137 inmates booked into custody.

At 9:06 A.M., the Board adjourned as a Board of Corrections until Wednesday, July 26, 2023 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 \$280,993.05.

The Board unanimously approved the financial claims as submitted in the amount of \$315,097.69.

Jon Cannon, Executive Director of the Nebraska Association of County Officials (NACO) was present to give the Board an update. He said one of NACO's focuses is education and they provide that through the various workshops and seminars they hold. The National Association of County Officials Annual Conference is July 21-24, 2023 in Austin, Texas. The National Association of County Officials was heavily involved with getting the American Rescue Plan Act funds disbursed directly to the counties. Right now, NACO's main focuses are mass appraisal, GIS and cyber security. A cooperative has been established including NACO, NIRMA and IT providers (Applied Connective and Bytes, Inc.). They are working on setting best practices for cyber security and offering uniform pricing for the services provided through this cooperative. Another event Mr. Cannon highlighted was the NACO Legislative Conference in October. This conference gives county officials a chance to give ideas for legislative bills to the NACO Board. 820 bills were introduced in the last legislative session and 275 of those affected county officials. He went on to say that 52 bills were passed in the last legislative session but there were elements from 290 bills that were incorporated in the 52 that were passed. Mr. Cannon specifically mentioned LB243, which increases the amount of relief granted under the Property Tax Credit Act, LB927, which is the "Postcard Budget Limit Act", LB514 – Voter ID and LB77 – Changes in the provision for Conceal and Carry. Mr. Cannon encouraged the Board to talk to their senators because the voice of county officials does matter. Chairman Missel said NACO has always been very responsive to the needs of the county and it is reassuring to have their support.

The Board, with Supervisor Strand dissenting, accepted the recommendation of the Fremont & Dodge County Convention and Visitors Bureau (CVB) Advisory Committee and approved \$10,000 in funding to the Fremont Family YMCA to support summer programs at the Sidner Ice Arena. Molly Paden, Executive Director of the Fremont & Dodge County CVB, told the Board that the ice arena is getting older and needs improvements. Officials from the ice arena thought if they closed the arena for the summer it could be detrimental to the ice quality for the winter season. It was noted how many events the arena hosts during the winter that bring in tourism dollars.

The Board unanimously approved the Second Amended and Restated Interlocal Agreement for Cooperative Use of the Wireless Area Network (WAN) between Omaha Public Power District, Douglas County, Sarpy County, Washington County, Fremont/Dodge County Communications (FDCC) & Pottawattamie County and authorized Chairman Missel, County Clerk Gilfry and Dodge County Attorney to sign the

agreement. Shelly Holzerland, Communications Director of Fremont/Dodge County 911, said approving this agreement is the final step to make Dodge County a full partner in the Omaha Regional Interoperable Network. Dodge County will now have the same privileges and responsibilities as all of the other members of the interlocal.

The Board, by a vote of 4 against and 3 in favor, denied the use of American Rescue Plan Act (ARPA) funds for a 2023 contribution of \$31,000 and a 2024 contribution of \$31,000 to the Fremont Transit Program. Supervisors Tawney and Strand voted against the motion because in the beginning phase, the transit service is only serving Dodge County citizens that live in and within two miles of Fremont city limits. Most of their constituents do not live in the service area. It was noted that Supervisors Tawney and Strand think this is a good service for Dodge County and that if the program proves itself and is expanded to service the entire county, they would be in favor of it. Supervisor Backens voted against the motion because he thinks Dodge County should have been involved in the process sooner. He also thinks the program needs to prove itself and expand service to all of Dodge County.

The Board, with Supervisor Strand dissenting, approved the request of the Dodge County Extension office to add a full-time 4-H Support/Receptionist position. Angi Heller, Engagement Zone Coordinator for Nebraska Extension, was present and explained more about the request. In December, the Dodge County Extension office requested to add a 4-H Assistant position so they could expand the reach of their programming. This has been accomplished, but the 4-H Educator and 4-H Assistant positions are also performing all administrative duties right now. Several requests for services have had to be turned down over the past few months because of the lack of the 4-H Support/Receptionist position. Ms. Heller said the first-year salary for this position will be approximately \$34,125, which would be paid by Dodge County.

At 10:00 A.M., the 9:30 A.M. scheduled Public Hearing was held to consider the request of Gerad Brichacek of 1765 Road Q, Dodge, NE 68633 to obtain a Conditional Use Permit (CUP) to store and apply Bio-Mass as per Article 13 Section 2.18 Conditional Uses and Article 25 Supplemental Regulations, Section 22 Industrial Wastewater-Biosolids located in NW ¼ Section 19, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag. Zoning Administrator Jean Andrews reported that the Planning Commission unanimously recommended approval of this CUP. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Planning Commission and approved the CUP 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.

Highway Superintendent Scott Huppert reported that employees are still working on the bridge abutment on County Road 14 between County Roads J & K; the road is closed there. Employees are cleaning out the ditch at County Road C and County Road 10. Superintendent Huppert talked to Graham Construction about the Yager Road project. They have seeding to do and panels to fix; rain has delayed them. Dirt work will begin July 17 on the paving project on County Road 18; OPPD will also move the power poles beginning on July 17. Cedar Valley plans to start pouring the pavement the first week in August. The contractor for the box culvert project on County Road F wants to start dirt work in approximately two weeks. Paving on the Hwy 30 By-pass has progressed to County Road 14 (coming from the west). The State is planning to have Fairacres Road (in relation to the Hwy 275 By-Pass project) open in time for the Dodge County Fair in Scribner, which is the first weekend in August. Superintendent Huppert is

doing hard surface roads assessments; he said it is important to keep up on these before they get too deteriorated.

At 10:10 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 received 2023 Property Valuation Protests #134 through #314.

The Board unanimously received July 12, 2023 Board Notices from County Assessor Churchill of her request for changes to valuations of parcels for 2023 and passed a motion approving and authorizing the County Clerk to mail notices to the owners of the properties.

At 10:11 A.M., a Public Hearing was held to consider the request from Nebraska Trails Foundation, Inc. for tax exemption on real and personal property (Form 451) for tax year 2023. Kirk Brand, 2190 Rosedale Road, Fremont, NE, addressed the Board with his concerns about granting tax exemption to an organization that is planning to create a bike trail on farmland between Fremont and Hooper, NE. He said there is not a single farmer in the area of the proposed bike trail that wants the trail there. Chemical applicators will not spray within ½ mile of a public area and the crops in this area are typically sprayed multiple times per year. Mr. Brand said he spoke with members of the FEVR Rail to Trail Foundation and was assured that these concerns would be worked out. Chairman Missel reminded the Board that they are acting as a Board of Equalization and must consider if the applicant qualifies for this tax exemption. They are not deciding whether the trail should be in existence. Supervisor Backens asked what the amount of the exemption is. Assessor Churchill said that the Nebraska Trails Foundation, Inc. is eligible for tax exemption and the tax amount is roughly \$7,500. Hearing no more testimony for or against the request, Chairman Missel closed the public hearing. The Board, with Supervisors Weddle and Strand dissenting, accepted Assessor Churchill's recommendation, approved the exemption and instructed Assessor Churchill to process the application.

At 10:19 A.M., a Public Hearing was held to consider the request from Spirit of Peace Church, Inc., Hooper, NE for tax exemption on real and personal property (Form 451) for tax year 2023. The Board unanimously accepted Assessor Churchill's recommendation, approved the exemption and instructed Assessor Churchill to process the application.

The Board unanimously received 2023 Reports of Destroyed Real Property (Form 425) from the following: Larry W. & Sharon D. Popken – Parcel #270116123, Gene VonSeggern – Parcel #270118020, Kenneth & Ronda Meyer – Parcel #270117383, Loran D. Hilbers – Parcel #270116333. It was noted that these Form 425's were included in the Board Notices (which identifies the new value of real property) to be mailed July 12, 2023.

At 10:24 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, July 19, 2023 at 9:00 A.M.

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

Kirk Brand, 2190 Rosedale Road, Fremont, NE, addressed the Board about matters involving the Dodge County Assessor's Office. He said over the last three years he has experienced valuations that did not get lowered after he protested and was granted a lesser value. He said staff from the assessor's office took comparison information (regarding timberland valuations) that he had gathered on neighboring properties and used that information to raise valuations on the neighboring properties. There are other issues with his 2023 valuations that he said he is having a hard time understanding and said the assessor's office has not given satisfactory answers to help him understand.

At 10:37 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 10:51 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.

Committee Reports – Supervisor Bendig reminded the Board about the budget meeting today at 1:30 P.M. He also reported that Erickson & Brooks will begin the FY2022-23 audit the week of July 24 and the RFP for the new phone system was published once and will be published one more time; the RFP is also on the county website.

At 10:52 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, July 26, 2023 at 9:00 A.M.

Micki Gilfry  
Dodge County Clerk