

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 16, 2019 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Saalfeld, Beam, Backens, Strand, Bendig and Missel. Absent: Weddle. 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 various county officials' reports, correspondence from Charter Communications, locally known as Spectrum, regarding the discontinuance of the WGN America channel and change to channel lineup, a list of Elected Officials and their appointed Deputies, minutes of Dodge County Planning Commission meeting held January 15, 2019, correspondence from NDEQ (Nebraska Department of Environmental Quality) regarding Memory Lane Poultry, LLC stating they were issued a Modified Construction and Operating Permit, Annual Report of a Livestock Friendly County for 2018, NIRMA's (Nebraska Intergovernmental Risk Management Association) Safety Shorts for January 2019, Dodge County Highway Department 2018 Annual Report, notice of Public Hearing to Amend Sec. 24-13-8 of Saunders County Zoning Regulations, minutes of Dodge County Highway Department Safety Committee meeting held December 28, 2018, utility installation agreements with Black Hills Energy to install natural gas lines at Sections 4 & 9, Township 17 North, Range 6 East; Section 3, Township 17 North, Range 5 East; and NW ¼ of Section 10 & SW ¼ of Section 3, Township 17 North, Range 7 East, utility installation agreement for Great Plains Communications, Inc. to bury fiber optic cable in various roads (map attached), Certificates of Insurance for Black Hills Energy Corporation and Turnkey Holdings, LLC and utility installation agreement with Midstates Data Transport to install fiber optic cable under road lying between Sections 15 & 16 in Township 20 North, Range 6 East.

The Board unanimously approved the minutes of the January 3, 2019 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 except for Supervisor Weddle.

Under any items of discussion, Supervisor Beam remarked there has been 60 people so far this month who have been booked into the holding facility. In the year of 2018, 1,061 people were booked into the holding facility, an average of 4.5 per day, and of these, 654 were released from the facility and not jailed.

At 9:07 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, January 30, 2019 at 9:05 A.M.

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

The Board unanimously approved the wage & hour claims as submitted in the amount of \$229,241.74.

The Board unanimously approved the financial claims as submitted in the amount of \$302,800.48. (Supervisor Beam commented \$119,000 of this amount went to Saunders County.)

The Board unanimously received a request from County Assessor Debbie Churchill for copies of any leases of property owned as of January 1, 2019 by Dodge County that were not being used or developed for use for a public purpose and passed a motion instructing the County Clerk to respond back to Assessor Churchill the county has no properties meeting this criteria.

Weed Superintendent Larry Klahn presented his 2018 Activity Report and Noxious Weed Control Plan, mandatory to be filed with the State Department of Agricultural. He outlined areas of the report and plan and commented his budget consists mostly of salary and chemical expenses. The Board unanimously passed a motion approving and authorizing the proper signatures on the activity report and plan as presented.

The Board unanimously passed a motion adopting and authorizing the Chairman to sign a Resolution appointing Dan M. Weddle as Dodge County's Representative to the Northeast Nebraska Solid Waste Coalition.

The Board unanimously approved NENEDD (Northeast Nebraska Economic Development District) Council of Officials Representative Contact Information for Dodge County and appointed Supervisor Backens as Dodge County's Representative to their council.

Executive Director Terra Uhing of Three Rivers Public Health Department presented their Annual Newsletter (July 1, 2017 thru June 30, 2018). The report showed 154 confirmed diseases thru their department for 2015, 252 in 2016, 312 in 2017 and 310 in 2018. She remarked the schools and hospitals report to them on a weekly basis of case outbreaks.

A Public Hearing was held to consider the request of Roger R. VonSeggern of Scribner, Nebraska to subdivide a 7.64 acre tract and obtain a Conditional Use Permit

for an existing dwelling as per Article 12, Exemptions 4.2 B.1 located in the NW ¼ of the NW ¼ of Section 28, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag. With no testimony given for or against the request, the Board unanimously passed a motion accepting the recommendation of the Planning Commission and approving the subdivision and permit, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

Prior to opening verbal testimony on the request of landowners Lee & Pamela Camanzind of Omaha, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry), the Board unanimously received and placed on file written testimony from Gene Schultz, Kathy Drawbridge and Joe and Teri Kreifels.

A Public Hearing was held to consider the request of landowners Lee & Pamela Camanzind of Omaha, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry) 4,750 Animal Units as per Article 13, Conditional Uses 2.19 located in the S ½ of the NE ¼ of Section 15, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag. Chairman Missel opened the floor for any testimony for and/or against the permit. Zoning Administrator began by explaining the Planning Commission unanimously recommended approval of the permit, with the following conditions addressing road safety of either having the drive from the barns to the east to Highway 77/275 or to the south to County Road P, a road maintenance program with Nickerson Township and a shelter belt or buffer on the west and north sides of the barns. Randy Ruppert of 2108 County Road O, Fremont, Nebraska handed out packets of information. He commented with 10 barns there is 105 tons of nitrogen produced annually and the ammonia from the nitrogen travels three miles before reaching the ground. He commented to the County Board their first duty is to protect citizens and County Road "O" is the worst choice of roads to put trucks on. He also remarked these chicken barns are not agricultural related, they are industrial. Case Camenzind, applicant for the permit, and his wife, Joscelyn were present. Case explained he is a 5th general farmer and the site chosen for the barns is a choice location with nearly 800 acres of row crops. When asked about the safety of truck routes, Mrs. Camenzind commented they could turn south and take another route. Andy Scholting of Nutrient Advisors explained the permit to the DEQ (Department of Environmental Quality) holds the growers accountable and makes them meet requirements. He remarked about the reoccurring comments of the Chesapeake Bay incident and explained this was different because this permit has the available farmland to apply the waste different than the bay area. Jessica Kolterman of Lincoln Premium Poultry handed out a packet containing pictures of what the broiler barns would look like and with the current technology they can monitor certain things from their smart phones. She commented on the amount of tax base and jobs it brings to Dodge County. Andrew Tonnie of North Bend was concerned how the DEQ (Department of Environmental Quality) would be able to keep monitoring the barns when they are cutting staff. He explained the County Board should not approve these barns based by the MATRIX

alone. He also handed out information outlining his concerns. Don Goebel of Fairbury, Nebraska commented the growers should lease to Costco and let them own the chickens and barns instead of putting the financial risk with the farmer. Ellen Vollmer commented on the huge volume of traffic there would be turning off Road "O" and there is only room for one semi-trailer in the turn lane. She remarked this would be a big traffic concern and could cause more deaths and is not fair to the citizens and farmers living in the area. Kathy Drawbridge was concerned there was nothing on the MATRIX for treatment of odor control. She asked the County Board to consider making amendments to the permit and hold the growers responsible. Willow Hobulbeck, employee of Lincoln Premium Poultry and a farmer in Butler County, agreed with Randy Ruppert that we need to build our top soils in Nebraska. She remarked that the truth about applying poultry litter in the State of Nebraska, both as regulations from the State of Nebraska and Lincoln Premium Poultry, you have to do soil testing and you have to do it prescriptively. There are no regulations on commercial fertilizers in Nebraska and you can't build up the top soil with commercial fertilizers. She shared statistics for year 2018, on average a person ate about 57 pounds of beef, about 51 pounds of pork and 94 pounds of poultry per year. The biggest cost to the farmer in 2018/2019 is the cost of fertilizer and we can change that and recycle our nutrients and put them back into the land. Ron Brickell of 1766 County Road 19 and who is retired worries about the value of his home. Nancy O'Connor who lives at 2108 County Road O, asked that the number of barns be reduced. Garry Clark, Executive Director of Greater Fremont Development Council, commented we are losing the point of what an opportunity for Dodge County and the Fremont Area this project is and that it will help bring our young farmers back to Dodge County and expand the tax base. Blake Baker, who lives on Skyline Drive in the Rosedale area, commented they planned to live here for the rest of their lives. He gave information regarding studies by an economist and appraiser who proved home values lowered, due to odor, noise, insects, dust, and water quality. Walt Schafer, Chief Operating Officer of LPP, commented on what a privilege it is to be associated with such a company as Costco. This facility will produce 40% of Costco's poultry needs in the U.S. and is start to begin this September. He commented they have spent almost \$450 million on the project. The plant will use about 350,000 bushels of corn and three to four tons of soybean mill yearly from local producers.

At 11:10 A.M., Chairman Missel called for a short break.

At 11:20 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

He then reopened the hearing. Erik Soll commented he went to Delaware to see a similar set of barns. He explained the temperature there was 88 degrees and cool air went in one side of the barns with an exhaust on the other side with a controlled inside temperature of 78 degrees. He said the air moved so fast and there was very little smell on the outside. He commented he and his wife will be running a 4-barn unit in Washington County and will spend approximately one hour in the morning and one hour

in the evening each day running each of the barns, for a total of eight hours. He commented the 385' turning lane off Highway 77 can easily hold three semis. He also calculated stopping time that takes a pickup truck driving 60 miles on gravel has 60 feet to brake and 180 feet to come to a complete stop. The distance from the hill to the driveway is 805'. He didn't see that to be an issue. Mike Williams, who is an independent certified agronomist has been working the area for decades. He went through a handout he presented and commented to the County Board they have an obligation to serve all the citizens, do the right thing by putting additional monitoring on use and application of manures with stiff penalties in place for violations before we lose air, water and soil sustainability. He wants the barns taxed as commercial, not as pole barns. Julie Hindmarsh, who lives at 2015 Bramblewood, Fremont stated she is a 5th generation farmer and a public health professor, commented on portions of the MATRIX, regarding waste control, manure application and dust control where the applicant did not score very high marks. She said the barns are industrial, not agricultural and we need regulations for industry. She remarked Costco should be paying for roads and infrastructures and asked the County Board to consider all the words of the citizens of Dodge County and do the right thing for them. Wayne Jacobsen of 1910 County Road N, who lives two miles from the proposed site, had concerns about water quality and controlling runoff. He commented County Road "O" is just 1/3 mile from the Maple Creek. He also commented that County Road "O" was not a good intersection onto the 4-lane. He also agreed the buildings should be taxed as commercial buildings instead of agricultural. Jolene Schauer who lives on Rosedale Road, commented the 10 barns were very massive and is worried about their water. She asked the County Board to not put the quality of life for one family above all of us. With no further testimony, at 12:07 P.M., Chairman Missel closed the public hearing. Supervisor Strand introduced a motion to accept the recommendation of the Planning Commission and to grant the conditional use permit for a new Livestock Feeding Operation (Poultry) 4,750 Animal Units located in the S ½ of the NE ¼ of Section 15, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag to the landowners Lee & Pamela Camanzind, based on it conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located and with the same conditions the Planning Commission recommended addressing the road safety, maintenance and a shelter belt on the west and north sides of the barns. Supervisor Strand stressed the road issues should not hold up this application. Chairman Missel seconded the motion, which vote failed by a 2 to 4 vote, with Beam, Bendig, Saalfeld and Backens voting "nay". Supervisor Saalfeld and Bendig, both commented they had issues of the large number of barns and the safety issues off the 4-laned Highway 77.

At 12:22 P.M., Chairman Missel declared a short recess to consult with legal counsel.

At 12:28 P.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

Chairman Missel commented the applicants could reapply.

The Board unanimously received bids opened at 11:00 A.M. on January 7, 2019 in the Highway Department of the Courthouse for a new Tandem Axle Dump with Hydraulics and Dump Body from Cornhusker International, RDO Truck Center and Omaha Truck Center and awarded the bid contract to RDO Truck Center in the amount of \$146,692, due to the available options.

The Board unanimously received bids opened at 11:30 A.M. on January 7, 2019 in the Highway Department of the Courthouse for Calendar Year 2019 Culvert Quotations from Ace/Eaton Metals, Metal Culverts and Midwest Service and awarded bid contracts to all bidders on the various sizes of culverts.

At 12:35 P.M., Chairman Missel recessed the Board as a Board of Supervisors and convened the Board as a Board of Equalization with all members being present except for Supervisor Weddle.

The Board unanimously approved tax roll corrections #4937 thru #4947.

The Board unanimously passed a motion to reject a 2018 valuation protest of the Village of Dodge on parcel #270078211, East ½ of Lots 8 & 9, Block 22, due to it being filed after the statutory deadline and the garage being removed after the first of the year (2018).

At 12:40 P.M. Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, January 30, 2019.

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

Committee Report – Chairman Missel informed others of a joint meeting he and Supervisor Saalfeld would be attending tomorrow with a drainage district and cities and the NRD at Fremont City Hall. Supervisor Saalfeld commented that Region 6's budget was approved and things look good.

At 12:42 P.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, January 30, 2019 at 9:00 A.M.

Fred Mytty
Dodge County Clerk