

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, February 27, 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 the January, 2019 report of LifeHouse, certificates of insurance for the following: Hooper Township, Platte Township and Charles Lange, dba Lange House, utility installation agreements for the following: Midstates Data Transport to install fiber optic cable in Section 2, Township 17 N, Range 8E and Sections 10 & 14 in Township 18N, Range 8E and OPPD to install an underground cable in Sections 19 & 30 in Township 19N, Range 9E, minutes of the Dodge County Planning Commission meeting of February 19, 2019 and correspondence from NDEQ (Nebraska Department of Environmental Quality) of Notice of Application received for Ethan Muller Livestock Animal Feeding Operation.

The Board unanimously approved the minutes of the February 13, 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.

With no items to discuss, at 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, March 13, 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 and hour claims as submitted in the amount of \$222,041.83.

The Board unanimously approved the financial claims as submitted in the amount of \$519,076.68.

In one motion, the Board unanimously received correspondence from County Treasurer Bargstadt regarding a refund to the Village of Uehling, due to a tax roll

correction and passed a motion authorizing the County Treasurer to transfer the funds in the amount of \$357.47 due from Dodge County back to the Village of Uehling.

The Board unanimously passed a motion recommending approval to the State Liquor Control Commission of the 2019 renewal of the liquor license of Fuel Express, southeast of Fremont.

Committee Reports – Supervisor Saalfeld remarked on a three-hour meeting he attended in Lincoln on legislation that was very informative with a lot of good discussion. Supervisor Backens reported he attended a meeting at the Three Rivers Health Department Facility and was amazed to all they do at the facility. He also commented on the rural fire department's meeting he attended where the North Bend Girl Scouts Troop #50069 presented 10 blankets to each fire department to put on their rescue squads to distribute to victims. Supervisor Strand and Chairman Missel reported on the radio project, which is progressing slowly.

The Board unanimously approved the request of Highway Superintendent Huppert and authorized the Chairman to sign the necessary document to move forward with the advertisement for bids for the rehabilitation of Bridge Structure No. C002732025 and to have the bids received by March 25, 2019 at 11:00 A.M.

Highway Superintendent Huppert reported one of his operators rolled a dump/plow truck with a sander last Saturday afternoon. He is leasing a grader to take its place to be ready for the next snowfall.

At 9:22 A.M., Chairman Missel declared a short recess of the County Board until a 9:30 A.M. scheduled hearing.

At 9:32 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

A Public Hearing was held to consider the request of Jeffrey Mitties of North Bend, Nebraska to obtain a Conditional Use Permit to install a 258 ft. Self-Support Tower as per Article 25, Supplemental District Regulations Section 4, Radio, Television and Wireless Communication Towers and Facilities located in the E ½ of the SW ¼ of Section 30, Township 18 North, Range 5 East in Union Township, Zoning District A-1, Intensive Ag. Zoning Administrator Andrews explained the Planning Commission unanimously recommended approval of the permit with six members present, with one person speaking in opposition of the permit at their hearing. Jeffrey Skinner of Horvath Communications explained the tower was needed to improve coverage. The three-legged no guidewire tower is proposed to be located two miles north of Highway 30 between Schuyler and North Bend. He commented it is FAA approved with a 260' setback. Jeff Mitties, landowner of the property, commented he was approached about

two years ago by Mr. Skinner and remarked this is good for the community. With no further testimony, Chairman Missel closed the hearing. The Board unanimously passed a motion to accept the recommendation of the Planning Commission and approved the conditional use permit to install the 258' tower, 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.

Next on the agenda was the Public Hearing on the request of Lee & Pamela Camenzind of Omaha, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry) 3,800 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. Before opening the hearing, Chairman Missel outlined the protocol he wanted followed through the hearing process. He asked the public to limit each of their testimonies to three-minutes. Prior to opening the public hearing to the public, Zoning Administrator Andrews commented the Planning Commission at their February 19th meeting unanimously, with six members present, recommended approval of the permit for the eight barns.

Next, the Board unanimously passed a motion to receive and place on file nine written testimonies, comments and information regarding the Camenzind's request for the Conditional Use Permit from the following: Nancy O'Connor, Jolene & John Schauer, Lower Elkhorn NRD, Larry Slama, Julie Hindmarsh, Mike Williams, Denise Richards, Gene Schultz and Garry Clark of GFDC (Greater Fremont Development Council).

Throughout the hearing in separate motions, the Board unanimously received and placed on file more written comments and information from the following: Jessica Kolterman of Lincoln Premium Poultry, Andy Scholting from Nutrient Advisors, Ben Miller of NDEQ (Nebraska Department of Environmental Quality), Don Goebel of Fremont and from Highway Superintendent Scott Huppert. Two other informational documents that were given to the County Board were read into the record before presenting were from Evelyn McKnight and Marlin Brabec.

The Board then proceeded with receiving testimony on the request of Lee & Pamela Camenzind of Omaha, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation. Case and Joscelyn Camenzind began with opening comments. Case explained they applied for the 10 barns previously, because the zoning regulations allowed them. Now they were back with an amended application applying for 8 barns and adding trees to the east side. They are 5th generation farmers with their children's opportunity to follow as the 6th generation. Case explained the animal manure is more productive fertilizer than other fertilizer. Joscelyn explained she went to Veterinary Medical School and knows the importance of operating an animal facility as seamlessly as possible and remarked they wouldn't be living so close to the

barns if it raised health concerns for their family. Case closed their opening statements by indicating that if this application was approved, they would prove that they will be good neighbors and are good people.

Jessica Kolterman of Lincoln Premium Poultry presented a letter of support for the Camenzind's permit from the Nebraska DEQ and an article regarding setbacks for poultry houses. She read a portion of the article that indicated a properly managed poultry farm is not a threat to the environment and the manure nutrients as a by-product can provide a valuable natural fertilizer. She compared the truck traffic which indicated this facility on a ¼ section of land having less traffic than a ¼ section during its harvest. She has worked with the Camenzinds since the beginning of the project and praised them for not giving up and continues to support them.

Andy Scholting of Nutrient Advisors explained his role was to help all the applicants through the process acting as a 3rd party independent consultant, because Lincoln Premium Poultry asked him to get involved with the project. Their standards are to hold the growers to their highest level of accountability with knowledge and expertise to get them through the process. He remarked the Camenzinds scored 115 points on their MATRIX with 75 points as a passing score and commented the MATRIX is an excellent tool to use. Mr. Scholting remarked the Camenzinds will be short approximately by 30% of the manure by-product based on their acres. Proper management of applying of these products at the right place and at the right time is very important, and if not managed properly is lost money. He commented it is a privilege to work with the Camenzinds and stated they have met all the county's requirements.

Ben Miller of Nebraska Department of Environmental Quality outlined their involvement and steps to the process once an application is submitted to their department all the way through the completion stage and final inspection. Once in operation, they inspect every 3 to 5 years and more frequently when complaints are filed with the department.

Highway Superintendent Scott Huppert presented his road study for traffic counts that also monitored what kind of vehicles, time of day, speeds and directions. The study was done in many areas of the county. His study of an average of 76 hours indicated road traffic from Highway 77 to County Road 20 on three County Roads of O, P and Q to be as follows: O – 407 cars/pickups and 45 trucks = 452; P – 476 cars/pickups and 57 trucks = 533; and Q – 447 cars/trucks and 43 trucks = 490. In the same 76-hour study, he included County Road T from Highway 77 to County Road 24 to be 182 cars/pickups and 54 trucks = 236. Other areas of county roads were studied, such as in the Uehling and Snyder areas.

At 10:28 A.M., testimony began from the public with the first being of Randy Ruppert of Fremont. He expressed his concerns with water contamination and

remarked if Lincoln Premium Poultry wanted to do things right, they would require bumper strips around waterways and environmental barriers instead of trees. Wayne Jacobsen of Nickerson expressed his concerns of the danger it would cause taking a left hand turn onto County Road O off Highway 77 coming over the hill and on a curb. He also was concerned about water quality with a wellhead less than one mile away and with the shallow wells of most Nickerson residents. He also thought the barns should not be classified as agricultural buildings. Marlin Brabec of Ames read testimony of support for the permit. He commented he rents farm ground from the Camenzinds and presently has wells surrounding the site. He runs four semis on the roads and commented Highway 77 was built for farm traffic. Garry Clark of GFDC (Greater Fremont Development Council) explained the tremendous economic impact a project of this size has on the entire state and surrounding communities. It gives the opportunity for young families to return to the farm. Jim Manhart of Fremont expressed the importance of water quality, referring to Iowa's problems dumping hazardous waste into the Missouri and Mississippi Rivers. He referred to an article in the Omaha World Herald he read after the County Board denied the application of the 10-barn permit for the Camenzinds. He wants local government to reject these large farms and not allow the state to override their actions. Katherine Rhea of Fremont expressed her support of the project by keeping it in Nebraska allowing the young people to come back to the farm. She commented their farm received an Environmental Stewardship Award in the 1990's and she remembers doing soil samples 55 years ago and why put on nutrients if the soils do not need them. She commented the difference between Iowa and Nebraska was Iowa had no regulations in place like Nebraska. Evelyn McKnight of the Fremont area of 38 years made comments regarding an article she read on air quality and the effect of ammonia. The article indicated the major source of ammonia comes from livestock waste with the most coming from broiler chickens on a per weight basis. She is concerned about the quality of life in the Fremont area and indicated an eight-barn facility is too large and urged the County Board to reject the permit. Jeff and Kelli Shaner of Fort Calhoun introduced themselves as being one the growers for Lincoln Premium Poultry. Mr. Shaner urged the County Board to approve the Camenzind's permit, due to meeting all the requirements. David Schnoor of Scribner, farmer and ex-officio State Senator for this district, asked the County Board to base their decision on facts, not emotions. He is one of Nutrient Advisor's customers and praised their management plan as one that is above and beyond what is required in the State of Nebraska. Don Goebel presented handouts and expressed his concerns that everyone was covered if something goes wrong with the project except for the growers. He thinks Costco should be contributing more than they were and needed to look at the project long-term. Tara Lea of the Fremont Chamber of Commerce expressed how big this project was for the businesses and community of Fremont. She urged the County Board to please vote in favor of the permit. Steve Martin representing AFAN (Alliance for the Future of Agriculture in Nebraska) remarked he previously was employed by the Nebraska Department of Agriculture. He presented information regarding the disposing of dead animals and remarked the best practice for dead chicken was composting. He

commended the county for the establishment of a Livestock Friendly County and for implementing the MATRIX. He explained the importance of adding another layer, that of livestock production, to the crop farmer's operation. He encouraged the County Board to support the project and Camenzind's permit. Andrew Tonnie of North Bend referred to comments by Governor Ricketts after the County Board turned down the 10-barn application of the Camenzinds and remarked he, referring to the governor, doesn't live here, we do. Costco seems to do everything right and commented Costco needs to earn trust around here and not expect it. Tom Weitzenkamp of Hooper remarked he is a 4th-generation livestock producer who farms with his son. He commented on the excellent job Nutrient Advisors do to hold us accountable and that agriculture is the backbone of this state and county. Mr. Weitzenkamp also commented we need to bring our young people back to the farms and there is risk with every reward. He asked the County Board to consider the approval of the permit. Doug Wittmann of Dodge commented we need to love our neighbors as we love ourselves, referring to the main problem with the MATRIX being the communications with the neighbors. Julie Hindmarsh of Fremont, a 4th-generation farmer and concerned citizen and healthcare professional, thanked the County Board for their service. She commented federal rules are weakening allowing local entities to make more decisions. Ms. Hindmarsh presented a Hopkins article stating the new Farm Act exempted those for exposing hazardous emissions into the air. She commented 380,000 head of poultry is too much for one site and asked the County Board to deny the request for eight barns and go to four barns.

At 11:42 A.M., Chairman Missel declared a short recess of the County Board.

At 11:52 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except for Supervisor Weddle.

Walt Schafer, Chief Operating Officer of LPP, remarked Costco wouldn't have put their brand up for inspection and risk a lot of money to not make this project happen. He commented they are competitors and co-dependent and need each other to survive here. It is an opportunity to bring back the young folks to the farm. Mr. Schafer remarked, with his 35 years of being in this business, he knows the good, the bad and the ugly of it. He commented we can't predict the future but will adapt to the future. Jolene Schauer, who lives on Rosedale Road, Fremont, commented the County Board's decision affects the quality of life of those approximate 400 residents that live around the proposed site. She asked Board members to base their decision on their own thoughts and not by pressure received since their January 16, 2019 meeting.

At 12:08 P.M., with no further testimony, Chairman Missel closed the public side of the Public Hearing. He then opened the floor to the Camezind family or their representatives for any closing remarks followed by any questions or comments from board members. Jessica Kolterman addressed an item mentioned by a citizen in the

audience who spoke during the testimony. She explained there is an additive used in all their poultry houses to control ammonia by turning litter ammonia into ammonium-sulfate making the product non-hazardous, non-toxic and generally valued as safe. Andy Scholting commented on an item in the MATRIX explaining it to be almost impossible to communicate with 100% of the surrounding landowners in the 2-mile radius since many of the landowners don't live on the land. Case Camenzind commented Dodge County's Zoning Regulations seemed to be so much clearer than Washington County's. When asked by Case for the audience to stand who supported the project, the majority on the full board room stood in support. Chairman Missel then closed the hearing. Supervisor Backens remarked he received a lot of calls from the public and several e-mails and commented he was not bullied or persuaded since the last meeting, his decision is his own. Chairman Missel thanked everyone for their information.

When all comments were expressed, a motion was made by Supervisor Strand to accept the recommendation of the Planning Commission and to approve the request of Lee & Pamela Camenzind of Omaha, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry) 3,800 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, 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. After he made the motion, he commented this is an ag thing, this is not about chickens. Road safety was one of the reasons for failure before and that is why the surveys were done. He also gave an example in tax dollars of what a \$1 million investment would bring to its community. The motion was then seconded by Supervisor Saalfeld. Supervisor Saalfeld thanked the people for their comments and letters he received and explained he doesn't take this matter lightly. Roll call was then taken and the motion passed unanimously. (The Planning Commission's recommendation included the added condition that a tree buffer be put also on the east side.)

Zoning Administrator Andrews remarked the reorganization of the Planning Commission officers is the same as last year, Marlin Brabec as Chairman, Jeff Wacker as Vice-Chairman and Allen Rolf as Secretary.

At 12:30 P.M., a Public Hearing was held to consider Dodge County's 2019 One & Six-Year Road Improvement Program. Highway Superintendent Huppert explained there are 18 projects in the one-year plan and 14 in the 6-year plan. He pointed out some of the projects on a large map and explained the match program. Chairman Missel opened the floor for any comments, but since there was none, the hearing was closed. The Board unanimously passed a motion to adopt and authorize the Chairman to sign a Resolution approving the program as submitted.

At 12:47 P.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, March 13, 2019 at 9:00 A.M.

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

The Board unanimously passed a motion to approve twelve tax roll corrections, #4961 thru #4972.

County Assessor Churchill explained they need a new server for the office and she has the money available in her budget.

At 12:51 P.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, March 13, 2019.

Fred Mytty
Dodge County Clerk