

To be officially published by the Dodge Criterion

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, August 12, 2020 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Strand, Backens, Missel, Saalfeld and Bendig. Absent: Weddle. 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 various county officials' reports, correspondence from Charter Communications regarding changes in channel lineup, correspondence from Dodge County Historical Society thanking the Dodge County Board of Supervisors for their yearly support, 2020/2021 preliminary levy requests from Webster Township, Pebble Township, Cuming Township, Pleasant Valley Township, Ridgeley Township, Elkhorn Township, Platte Township, Union Township, Cotterell Township, Nickerson Township, Everett Township, North Bend Rural Fire Protection District, Winslow Rural Fire, Uehling Fire District, Fremont Rural Fire District No. 8, Hooper Fire District #2, Scribner Rural Fire District, Snyder Rural Fire District, Dodge Rural Fire District, Dodge County Agricultural Society and Dodge County Historical Society, first look at the Finance Committee's recommendation on the 2020/2021 county budget, Certificates of Insurance for RDO Truck Leasing, LLC and Advanced Correctional Healthcare (Dodge County Jail), NIRMA Safety Shorts for August, 2020, a corrected survey relating to application by Patricia F. Dillon of 1715 N. Nye Ave., Fremont, NE 68025 for a change of zoning to a .99-acre tract of land from Platte River Corridor to R-1 Residential and a change to the zoning map as per Article 29 Dodge County Zoning Regulations and to be combined with Lot 116 of Lake Ventura Subdivision located in N ½ SE ¼ section 14, Township 17 North, Range 7 East of Dodge County, Nebraska, which the Board unanimously approved and authorized Chairman Missel to sign at the July 1, 2020 Dodge County Board of Supervisors Meeting, Utility Installation Agreement with Doernemann Construction to install culverts on County Road Q approximately 1/8 mile west of US Highway 77, Moving Permit for Barnhart Crane to move a self-propelled crane over county roads in Dodge County (August 4 thru August 8, 2020), Certificate of Insurance for Logan Township and the minutes, as printed, of the Board of Equalization meetings held July 20, 2020 and July 24, 2020.

The Board unanimously approved the minutes of the July 29, 2020 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 Supervisor Weddle.

Under any items of discussion, Supervisor Beam reported that there are currently 52 inmates in custody with 40 in Saunders County, 3 with the State, 2 under house arrest and 7 in Dodge County.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, August 26, 2020 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 Supervisor Weddle.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$246,442.88

The Board unanimously approved and authorized Chairman Missel and County Clerk Mytty to sign a Resolution to transfer \$386,091.00 from the Inheritance Fund to the Road Fund to lower property taxes and match the highway allocation and to transfer \$13,909.00 from the Inheritance Fund to the Veterans Aid Fund to lower property taxes. County Clerk Mytty told the Board that normally this resolution would be prepared after the budget had been adopted, but it states in the Resolution that it relates to the 2020/2021 proposed budget. Chairman Missel read the Resolution into the record.

The Board unanimously approved the financial claims as submitted in the amount of \$721,464.11.

The Board unanimously received a letter from County Clerk Mytty announcing no written protests were filed regarding the renewal of The Tow Line Company's liquor license and passed a motion recommending the approval of the license to the State Liquor Control Commission.

The Board unanimously received the Annual Report from Summit Grove Preservation Group and authorized funding the group \$1,000.00 for the 2020/2021 budget year.

The Board unanimously approved and authorized Chairman Missel and County Clerk Mytty to sign a Resolution setting the final levy allocations for fiscal year 2020/2021 to political subdivisions subject to the county's levy authority as follows: Fire Districts at a levy of 4.8 cents per \$100 of valuation, Townships at a levy of 9.7225 cents per \$100 of valuation, Agricultural Society at a levy of .23875 per \$100 of valuation and Historical Society at a levy of .23875 cents per \$100 of valuation. County Clerk Mytty stated these are the same levies approved last year. He also reminded the Board that these districts will not exceed 15 cents per \$100 of valuation without further approval by voters of the district.

The Board unanimously approved and authorized Chairman Missel and County Attorney Glass to sign an Interlocal Agreement between Douglas County and Dodge County for forensic and crime scene services. County Attorney Glass commented that this is an agreement that Dodge County needs to have in place; the relationship between the Douglas County Crime Scene unit and Dodge County is a good one and has been a great benefit to the county. Supervisor Saalfeld asked how long the term of the agreement is and Chairman Missel clarified that it is effective August 18, 2020 thru August 18, 2025.

The Board unanimously approved the request for CDBG (Community Development Block Grant) Funds on Project 19-EM-001 of Ames Dike Repairs and authorized Chairman Missel and County Clerk Mytty to sign the request for Project Costs of \$176,864.20 for flood control (To Ames Diking District) and \$120.00 Construction Management (to NENEDD) for a total of \$176,984.20.

The Board unanimously approved and authorized Chairman Missel and County Clerk Mytty to sign an Interlocal Agreement with Lower Platte North Natural Resources District, City of Fremont, City of North Bend and North Bend Drainage District for cost sharing of the Drainage Ditch Hazard Mitigation Project. Chairman Missel commented that Dodge County Emergency Manager Tom Smith has done a good job working with the aforementioned entities on this project. This agreement is a result of the cooperative work done by the Joint Water Management Advisory Board. There is a potential for grant money to help fund this project; all of the involved entities need to approve the agreement in order to proceed and request the grant money. Supervisor Saalfeld reported that according to Larry Ruzika, President of the North Bend Drainage District, there is 40% of the drainage ditch in need of repairs. It is critical to the City of North Bend and the land owners around the ditch to have that protection.

Discussion regarding vacancies on the Elkhorn Township Board began with County Clerk Mytty updating the Board as to the status of the original township board members. Jeremy Moss was recalled in the 2020 May Primary Election, which left Jody Delaney and Nancy Schlotfeld. There has been no agreement as to who to appoint to replace Jeremy Moss. According to Ms. Schlotfeld, Ms. Delaney has left the region and is now living in the middle of the United States, but she has not formally submitted her resignation. Ms. Schlotfeld did formally resign by faxing written correspondence to County Clerk Mytty on August 7, 2020. As of today, there are 2 vacancies for sure and possibly 3 depending on the status of Ms. Delaney. County Clerk Mytty provided the Board with copies of statutes regarding vacancies on township boards; if there are two or more vacancies on the township board, the county board shall fill those vacancies. Also, a vacancy exists if the incumbent ceases to be a resident of the state, district, county, township, or precinct in which the duties of his or her office are to be exercised or for which he or she may have been elected. Chairman Missel asked County Clerk Mytty what he would suggest be done to rectify the situation. County Clerk Mytty is hopeful that some of the voters that voted to recall Jeremy Moss would be willing to step up and fill the vacancies. It would be the responsibility of the Dodge County Board to facilitate any action to fill the vacancies. Supervisor Strand said that from a roads standpoint, it would not be a good thing for the township to dissolve. The State of Nebraska allows for townships to contract out road services, but they need a board in place with a budget. The county could prepare the budget and the township board could sign off on it to keep them active as a township. Supervisor Backens asked County Clerk Mytty to provide the Dodge County Board members with a list of all the registered voters in the Elkhorn Township so they could possibly solicit new board members for Elkhorn Township. No formal action will be taken at this time, but County Clerk Mytty will send a letter to the registered voters in Elkhorn Township asking them to consider serving on the Elkhorn Township Board. County Clerk Mytty will send Jody Delaney a certified letter to determine her official status with the Elkhorn Township Board. If the letter yields no results, more formal action will be needed to determine her status. County Attorney Glass told County Clerk Mytty to be sure to document the steps in this process.

The Board unanimously approved the creation of a new Dodge County position for a Juvenile Intervention Specialist in the Dodge County Attorney's Office. This position, including all benefits, will be fully funded by a grant through the Crime Commission. It is a requirement of the grant that the candidate for the position become a Dodge County employee. Meggie Studt was present from the Dodge County Attorney's Office to speak to the need for this position and to assure the county board as to the stability of the grant funds that will fund this position. Ms. Studt also

commented that the programs supported by this new position will ultimately save the county money; juveniles will not be put into the court system and will be given alternatives to probation.

Committee Reports – Supervisor Saalfeld said he would be attending the Region VI Behavioral Healthcare Board Meeting in Omaha in the afternoon. He will report back on any issues of interest at the next Dodge County Board meeting. Chairman Missel mentioned again the good job Dodge County Emergency Manager Tom Smith is doing to facilitate, on Dodge County's behalf, the projects that the Joint Water Management Advisory Board are working on. It's been a positive demonstration of the partnership of different government entities working together for the common good.

Zoning Administrator Jean Andrews reminded the Board about the NIRMA Regional Meetings that are being held via Zoom or teleconference this afternoon and Thursday, August 13, 2020. The October conference has been cancelled, but they are still planning to come up with alternative ways to do elections and share information.

The Board unanimously received a study letter from Highway Superintendent Scott Huppert regarding the vacation of an unnamed street located in the L.J. Abbott's Subdivision east of Highway 77 & 275 between Cathy and Judy Streets at the east border of Block 1 and the west border of Block 2 located in the SE 1/4, SW 1/4, Section 2, Township 17 North, Range 8 East in Platte Township and set a public hearing date on September 9, 2020 at 10:15 A.M.

The Board unanimously adopted a Resolution for Emergency Relief Program-Emergency/Permanent Repairs to receive \$498,547.90 for the 2019 March ER (Project No.: ER-27(70) and authorized Chairman Missel and County Clerk Mytty to sign the Resolution. Supervisor Saalfeld read the Resolution into the record.

The Board unanimously approved and authorized Chairman Missel to sign the agreements accepting the State's offer to relinquish jurisdictional control over the Relinquished Segments to the County for Project NH-77-3(1037), CN 22691, Fremont US-77 Relinquishment, which is for the relinquishment of US-77 through Fremont upon completion of the US-77 Fremont Southeast Beltway project. Highway Superintendent Scott Huppert clarified what section of roadway these would be: Judy Street onto the new bypass north of Fremont and just south of Nitz Auction down to the city tree dump; Inglewood will annex this southern section after repairs are made. The City would like to hire an engineer to assess what needs to be repaired before these sections are turned over instead of having the State determine what is needed. The cost share on hiring the engineer would be split between Dodge County, the City of Fremont and the Village of Inglewood. Supervisor Strand said he is not in favor of spending more money on an engineer to do an assessment. The rest of the Board concurred with Supervisor Strand.

The Board unanimously adopted and authorized the Dodge County Board of Supervisors to sign the Resolution of Completion for "County Bridge Matching Program Agreement" for the structure numbers C002702125 and C002714507 the Project, Program Agreement number BL1918 signed by State on the 25th day of February, 2019.

Scott Huppert, Highway Superintendent updated the Board on current projects. According to NEMA, Nickerson and Everett Townships should be receiving their money within 2-3 weeks. Chairman Missel asked Superintendent Huppert if he would like for the Board, in cooperation with Senator Walz, to send NEMA a letter to get them to push

this money through. Superintendent Huppert has been calling NEMA persistently and thinks some progress is being made. He said if we don't receive some of the money within the next two weeks, a letter may need to be sent. Once the townships receive their money, it will be returned to Dodge County. Chairman Missel reiterated some of the conversation that the Board had regarding Elkhorn Township to Superintendent Huppert. There are still a lot of roads that need to get repaired in Elkhorn Township and Superintendent Huppert has talked to the former operator to see if he could do the road maintenance. The former operator does not want to do any work without a board in place in Elkhorn Township for fear of not getting paid. Some of the projects that are left on these roads are FEMA obligated projects, which means the county can't come in and do full repairs. There are still a few townships that have projects that have not been obligated and now FEMA is starting to be picky on these asking for proof of events. Superintendent Huppert is asking for a 60 day extension on some of these projects. The bank stabilization project in Scribner is ongoing; the funding will go through FEMA, not the United States Army Corp of Engineers, Project 14. Now FEMA is asking for maintenance records to see what work was done along the area of the stabilization. Right now they are using satellite imagery and have some questions. Superintendent Huppert doesn't agree with using satellite images to study these issues. There will be a meeting regarding the FHWA project at the bridge site on the Herman/Scribner Road on Thursday, August 13, 2020 at 1:30. This project will hopefully be starting in September, 2020. Ridge Road work has started; the ditches will be cleaned out and culverts installed starting today. The project so far has come in under budget, so Superintendent Huppert plans to replace some more panels on the roadway that need to be replaced to do a complete job. That extra work has to be clearly documented and justified and he's currently in the process of doing that. Superintendent Huppert talked to Tim Weander with Nebraska DOT in regards to the Scribner Bypass and told him to have the State fix the roadway that is a county portion and not have the State give the county money to fix the county portion. There is work going on by the State around the North Bend by-pass that Superintendent Huppert has been monitoring.

Supervisor Strand told the Board that it had been called to his attention by Zoning Administrator Jean Andrews that they need to revisit agenda item 26f regarding the relinquishment of US-77 upon the completion of the US-77 Fremont Southeast Beltway project. The original motion to accept the State's offer to relinquish jurisdictional control over the Relinquished Segments to the County for Project NH-77-3(1037), CN 22691, Fremont US-77 Relinquishment would mean that the State would make a one-time payment of \$350,996 to Dodge County for repair work Dodge County would do after the official relinquishment has been completed. This is not what Supervisor Strand understood his previous motion to accomplish. The Board unanimously approved Supervisor Strand's request to *rescind* his original motion and Supervisor Backens' second to the motion on agenda item 26f. The Board then unanimously approved rejecting the State's offer to relinquish jurisdictional control over the above described Relinquished Segments to the County. Chairman Missel questioned whether this would cause problems for the relinquishment at the end of the project. Superintendent Huppert and Zoning Administrator Jean Andrews both agreed that it would not create a problem. The State will draft another agreement to relinquish the roadways after the US-77 Fremont Southeast Beltway project is complete.

At 10:25 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 except for Supervisor Weddle.

The Board unanimously received a list from County Assessor Churchill of her request for changes to valuations of parcels for 2020 and passed a motion authorizing the County Clerk to mail notices to the owners of the properties.

The Board unanimously received and accepted the County Treasurer's recommendation to approve the 2020 Application for Exemption (form 457) from Midland University, 900 N. Clarkson, Fremont, Nebraska on four 2020 Chevy Trax that will be used for official business.

County Assessor Debbie Churchill reported to the Board how poorly her staff is being treated over the phone and when going out to do property reviews. They have had death threats, threats for bodily injury, property owners releasing vicious dogs when they are on site and verbal abuse from property owners. Assessor Churchill said they have ordered stun guns and pepper spray and will be carrying that while out doing reviews. She has checked with County Attorney Glass to see if the stun gun has to be displayed in plain sight or if they can carry them in their vests. County Attorney Glass has advised them to report any issues they have to the police so there is documentation. Chairman Missel stressed that the safety of the staff is paramount and they need to do whatever actions necessary to protect themselves.

At 10:36 A.M., the Board adjourned as a Board of Equalization until Wednesday, August 26, 2020 at 10:00 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.

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

At 10:47 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.

At 10:48 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, August 26, 2020 at 9:00 A.M.

Fred Mytty
Dodge County Clerk