

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 24, 2021 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 official's report from Dodge County Emergency Management, correspondence from Charter Communications regarding a change in channel lineup, Notice of Public Hearings for the City of Fremont Planning Commission to be held February 15, 2021 at 5:00 P.M. and the City Council to be held February 23, 2021 at 7:00 P.M. to hear the following requests: Request for Conditional Use Permit for FurEver Home, Inc. for a small animal boarding facility/kennel on property located at 925 W 6th St.; Request for designation of Blight and Substandard Study for property located in Section 2, Township 17 North, Range 8 East and in section 11, Township 17 North, Range 8 East; Request for Change of Zone from R, Rural to PD, Planned Development for GI, General Industrial located in Tax Lots 35 and 37 located in Section 2, Township 17 North, Range 8 East in Dodge County located on the west side of Yager Road approximately 880 Feet south of Highway 30; Request for Change of Zone from BP, Business Park to L1, Light Industrial on property located between N. Yager Rd. on the west of N. Laverna St. on the east, the Rawhide Creek on the south and 32nd St. on the north; and Request for annexation for a portion of Tax Lot 48, a portion of Tax Lot 33, Tax Lot 35, Tax Lot 37 all located in Section 2, Township 17 North, Range 8 East, along with Lots 2 and 4, Block 2, LJ Abbott Subdivision, Dodge County, Notice of Public Hearing with Saunders County Board of Supervisors at 9:00 A.M. Tuesday, February 23, 2021 for the purpose of updating the Saunders County Zoning Regulations to include text to address Solar Energy Applications, NIRMA correspondence regarding the NIRMA File #GLDodge032994 regarding lawsuit filed in District Court of Dodge County (referred to Dodge County Attorney), Certificates of Insurance for Cotterell, Hooper and Pleasant Valley Townships, and Moving Permit for Barnhart Crane to move A self-propelled crane over county roads to Wholystone Foods and return February 15-20, 2021.

The Board unanimously approved the minutes of the February 10, 2021 meeting as printed.

At 9:05 A.M., the Board recessed as a Board of Supervisors and convened as a Board of Corrections.

Under any items of discussion, Supervisor Beam reported that there are currently 78 detainees in custody with 70 being held in Saunders County, 5 in Dodge County, 1 in Lancaster County and 2 are under house arrest. Acting County Attorney Sara Sopinski said she is interested in pursuing the ability to hold virtual hearings with inmates being housed in Saunders County. There has been a COVID-19 exposure in the jail and it's creating problems with getting inmates to their court appearances, which will bog down the court system. The ability to conduct hearings virtually was discussed when Dodge

County first started transporting inmates to Saunders County, but the Dodge County judges were not interested at that time. Chairman Missel said they may consider it now given the circumstances. Ms. Sopinski said there may be more willingness from the judges given the number of continuances there were this week because of the COVID-19 exposure. She volunteered to discuss the issue with the judges and Supervisor Beam volunteered to explore the software opportunities that could make virtual hearings an option.

At 9:08 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, March 10, 2021 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 \$236,557.85.

The Board unanimously approved the financial claims as submitted in the amount of \$745,811.28. Once again, many of the large claims were flood related expenses (Maple Township). There was also a claim for the county's portion of the design costs to build a joint law enforcement center. This issue was put to public vote, but failed to advance after it was voted down in the November General Election.

The Board unanimously received a certification from County Clerk Mytty stating no written protests were received regarding the renewal of the Class D liquor license for Fuel Express and passed a motion recommending approval of the renewal to the Nebraska Liquor Control Commission.

The Board unanimously approved recommending approval of the renewal of the Class Z – Micro Distillery license for Huffman Prairie Ventures LLC, DBA Flyover Whiskey at 1614 County Road 4, North Bend, NE 68649 to the Nebraska Liquor Control Commission.

The Board unanimously adopted a Resolution declaring September 13, 2021 "Larry Dix Day" to honor him for his accomplishments relating to his years of service and benefits he gave to all counties while Executive Director of the Nebraska Association of County Officials (NACO). Chairman Missel told the Board that there are several counties joining in on this declaration before reading the resolution into the record.

The Board unanimously approved the request of Mrs. Happy Aldana MAHS, Executive Director of CASA, and authorized her to hold three bake sales within the courthouse in 2021. The County Sheriff will be notified of the dates of the bake sales.

In one motion, the Board unanimously declared the office of Dodge County Attorney vacant as of March 1, 2021, appointed Sara Sopinski interim County Attorney and authorized Ms. Sopinski to receive wages consistent with that of the position of county attorney while serving in that office. Chairman Missel read the notice of vacancy for the record. In a separate motion, the Board unanimously authorized advertising for the position of Dodge County Attorney in the Fremont Tribune and the Omaha World

Herald with an application deadline of March 9, 2021. After the next scheduled board meeting on March 10, 2021, the applications received will be reviewed by the Board and the candidates will be narrowed down at the committee level. The Board will also decide how to move forward with the process at the next meeting.

The Board unanimously approved the request of Meggie Studt, Juvenile Diversion Director, and adopted the Comprehensive Juvenile Services Community Plan July 1, 2021 – June 30, 2025, which will secure eligibility for grants through the Juvenile Services Commission Grant Program.

Under any business brought by the public, the Board unanimously received a complaint from John Thomas, property owner at 169 Legges Lake, North Bend, NE regarding two farm properties east of Legges Lake that are piling sand in an AE flood zone (Zone AE is a flood insurance risk zone that presents a 1% annual chance of flooding; flood insurance is required). Mr. Thomas was present and provided handouts for the Board, county attorney and the record, which were unanimously received by the Board. Mr. Thomas then went on to outline the steps he has already taken to resolve this issue. His request to the Board is for the Board to enforce the letter (dated November 24, 2020) that Dodge County Zoning Administrator Jean Andrews sent to one of the farm properties piling sand. In this letter, the property owner was informed that they do not have a flood plain development permit per the Dodge County Flood Plain Ordinance and they need to either obtain a No-Rise Elevation Certificate from a licensed engineer for the storage of the material or remove the piles of sand. Supervisor Strand explained that after the 2019 flooding, the federal government made it more financially feasible for farmers to remove the sand from fields so those fields could be farmed again. In many cases, no permits were obtained to relocate the sand because it wasn't common knowledge that a permit was necessary. Currently there is a similar situation around Scribner and there are lawyers and engineers involved in coming up with a resolution for the problem. Chairman Missel pointed out how the land owners have been put in a bad situation and they have spent a lot of money to make the farmland usable again. To exacerbate the problem, no one wants the sand because it's contaminated. Supervisor Strand said he thinks the county needs to adhere to the rules that are in place and keep pushing the land owners to obtain the appropriate permits, which may eventually lead to litigation. Supervisor Tawney said he also feels the land owners are in a bad spot and may not be financially able to rectify the situation at this time. Mr. Thomas said some solutions need to be found and he asked if there might be any federal grant money available to address this problem. Mr. Thomas also asked to be included in discussions regarding this issue. Chairman Missel stated that no formal action can be taken at this meeting; discussions will continue at the committee level.

Committee Reports – Chairman Missel reported that he and Supervisor Tawney attended the Joint Water Management Advisory Board meeting on Tuesday, February 23, 2021. Dodge County Emergency Manager Tom Smith gave an outline of mitigation efforts and an update on the current flood risk.

Zoning Administrator Jean Andrews reported that Dodge County needs to update their guidelines on solar energy applications. The Dodge County Planning Commission met on Tuesday, February 23, 2021 and they continue to work on developing guidelines for the storage and application of industrial waste.

Highway Superintendent Scott Huppert updated the Board on current projects and issues. He provided some pictures of the flooding currently occurring on Ridge Road. He thinks there may be water getting under the road in some of the spots that have recently been repaired from the 2019 flooding. He would like to get an engineer there to inspect it before any heavy equipment is allowed on it. The department is looking to replace two positions; one employee is retiring and another was let go. He would like to fill these positions prior to April 1st if possible. Some money has come in on the FEMA projects for Nickerson and Platte Townships. Allan Doll is helping on the Dodge County FEMA project and Scott is working on debris calculations for the Platte and Elkhorn Township FEMA projects. These calculations were not being done correctly and this has been causing further delays in the reimbursement process.

At 10:08 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 approved tax roll corrections #5302 through #5310

The Board unanimously accepted the recommendation of Dodge County Assessor Debbie Churchill and denied the request of the Jefferson House Advisory Board for tax exempt status for the 2020 & 2021 tax years on Parcel #270021560 located at 437 Jefferson Road, Fremont, NE 68025. The denial of tax exemption for 2020 is based on the following: the organization did not appeal the original denial and the property was not occupied and being used for a public purpose through the levy date of October 15, 2020. The denial of tax exemption for 2021 is based on the property not being used for a public purpose, even though the property is still owned and maintained by the Jefferson House Advisory Board.

County Assessor Debbie Churchill reported that there are now 3 years (2018, 2019 & 2020) total levy amounts available on the Dodge County GIS website on the Assessor's page of the Dodge County website. She also said that they are certifying property values and had to redo the depreciation tables, which means every property in Dodge County will have a change in value. Change of valuation notices will be sent to every property owner in Dodge County this year.

At 10:14 A.M., the Board adjourned as a Board of Equalization until Wednesday, March 10, 2021 at 10:00 A.M.

A short recess was taken at this time.

At 10:20 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present.

A Public Hearing was held to consider the Dodge County 2021 One & Six Year Road Improvement Plan. Highway Superintendent Huppert pointed out on a map and summarized the thirteen projects on the one year plan. The Board unanimously received correspondence from the City of Scribner in regards to paving the ¼ mile section of County Road F/Herman-Scribner Road from the west Scribner city limits to the proposed four lane U.S. 275 bypass. It was confirmed that this project is on the Six Year Road Improvement Plan; engineering work has begun, there are plans available and a cost estimate is needed. There was also discussion about SID #2 and the roads

in the Sunset Addition. Superintendent Huppert said SID #2 wants to work on street improvements, but the drainage is poor, the State won't clean out the ditches and there is no money for paving the roads. The SID has requested help with this numerous times in the past, but, because it's an SID, the county cannot pave or gravel the roads. Chairman Missel said it might be beneficial to send a letter to the State requesting them to clean out the ditches in the Sunset Addition. During the public hearing discussion, Supervisor Beam and Supervisor Backens both left the meeting due to other obligations. Hearing no more testimony for or against the Dodge County 2021 One & Six Year Road Improvement Plan, the Board unanimously adopted and authorized Chairman Missel to sign a resolution approving the plan as presented.

At 10:50 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, March 10, 2021 at 9:00 A.M.

Fred Mytty
Dodge County Clerk