

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, April 7, 2021 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Weddle, Strand, Backens, Missel, and Tawney. Absent: Bendig. 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, "Oath of Office" of newly appointed Dodge County Attorney, Paul J. Vaughan, correspondence from Nebraska State Probation, Sixth Probation District, Patty Lyon, Chief Probation Officer, regarding Probation – Quarterly County Billings 2020/2021 and reimbursement of expenses to Dodge County for the period January 1, 2021 to March 31, 2021, Certification from County Treasurer Bargstadt of Return of Tax Sale Proceedings, Notice of Public Hearings – Rescheduled - before the Douglas County Planning Commission to be held Wednesday, April 14, 2021 6:00 P.M. (originally scheduled for April 7, 2021 at 6:00 P.M.) in the Douglas Room, first floor, 15335 West Maple Road, Omaha to hear text amendments to Douglas County Zoning Regulations; Application of Scott Bruhn Enterprises, Inc. for a farmstead lot split, preliminary plat, final plat and rezoning of proposed Lot 1 SE ¼ SW ¼ and part of NW ¼ SW ¼ Section 23, Township 16 North, Range 10 East address 9181 N 225th St.; and Ida Exchange LLC applicant – amendment to Special Use Permit for a controlled impact use, a wedding reception/retreat venue on approximately 180 acres in SE ¼ and SE ¼ NW ¼ in Section 3, Township 16 North, Range 10 East, the March 24, 2021 Minutes of the Dodge County Safety Committee meeting, NIRMA Safety Shorts for April 2021, Moving Permit for Barnhart Crane to move a self-propelled crane over county roads to ADM and return, the March 23, 2021 Minutes of the Dodge County Highway Department Safety Committee, Certificate of Insurance for Cuming Township, Private Utility Installation Agreement with G & R Electric to install an underground conduit with electric cable in the Public Right-of-Way between CR L and CR M in T19N, R6E Sec. 35 NE and Sec. 36 NW, and Private Utility Installation Agreement with Randy Reznicek to install an underground electrical line under a road Cotterell South between Sections 1 & 2, T17N, R6E (Installation done by G & R Electric).

The Board unanimously approved the minutes of the March 24, 2021 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 Bendig.

Under any items of discussion, Supervisor Beam said that based on a report from Justin Libra (Dodge County Corrections) the noncompliance issue with the Minimum Jail Standards is being addressed. There is a problem with how the information Dodge County sends is being received. Mr. Libra said the Crime Commission is changing the way they receive information and he's hoping that will

resolve the issue. Supervisor Beam also reported that there are currently 61 inmates in custody with 52 being in Saunders County, 6 in Dodge County, 2 under house arrest and 1 at the Nebraska Department of Correctional Services. Thus far in the month of April, 24 inmates have been booked. In the month of March there were 149 inmates booked. Also in the month of March there were 6 under house arrest for a total of 78 days, which represents a substantially savings to the county. County Attorney Paul Vaughan added that they would like to utilize house arrest more often, but they have to assess the public safety issues it presents.

At 9:07 A.m., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, April 21, 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 except Bendig.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$232,092.09.

The Board unanimously approved the financial claims as submitted in the amount of \$158,630.85.

The Board unanimously received a letter from County Treasurer Bargstadt and accepted her recommendation to approve a 2019 tax roll correction for Farm Credit Leasing Services resulting in a tax refund of \$19,456.92.

The Board unanimously received a letter from County Treasurer Bargstadt and accepted her recommendation to approve 2019 tax roll corrections (38 parcels) as the result of a TERC order for The Ritz Lake resulting in a tax refund of \$980.40.

The Board unanimously received a Proposal from Prochaska & Associates to conduct an Analysis of City of Fremont Police, PSAP and Dodge County Sheriff's Department Buildings and authorized Dodge County to reimburse the City of Fremont \$7,500.00 which is one half of the cost of the study. Chairman Missel said that this study addresses the need to look at the future possibilities for the law enforcement facilities specifically in Fremont. Those possibilities include remodeling, combining or remaining separate facilities.

The Board unanimously received the Consultant Agreement for Construction Management from the Northeast Nebraska Economic Development District on contract number 19-EM-005, Fremont Rod & Gun Club and authorized the necessary signatures on the agreement. This agreement must be approved in order for Dodge County to qualify for the Community Development Block Grant (CDBG) funds for this project.

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 General Grant Administration Costs of \$2,213.05 reimbursed by the grant funds (to NENEDD).

The Board unanimously approved the request for CDBG (Community Development Block Grant) Funds on Project 19-EM-005 of Fremont Rod & Gun Club

and authorized Chairman Missel and County Clerk Mytty to sign the request for Project Costs of \$19,655.08 for flood control (To JEO Consulting).

Under any business brought by the public, Brian Harms (Fremont), who farms northwest of Fremont, was present to address the Board about the 90 day moratorium that was placed on the stockpiling of non-livestock waste material. The moratorium started on December 16, 2020, but the Board stipulated that "it may be extended if it takes longer to establish zoning regulations". The Dodge County Planning Commission is still working on establishing zoning regulations, therefore the moratorium is still in place. Mr. Harms told the Board that he uses the "bio-waste" and it has worked well for him over the years. He added that with the shortage of fertilizer (and skyrocketing prices), the bio-waste has provided a satisfactory alternative. Mr. Harms asked the Board if there is a special permit that he could get that would allow him to apply the bio-waste prior to the Planning Commission establishing zoning regulations. Mr. Harms said he would like to get the material worked into his ground as soon as possible. Supervisor Strand pointed out that the moratorium exists because Environmental Land Management stockpiled the material and created a mess both environmentally and publically with the smell it created. The Dodge County Planning Commission's next meeting is on April 20, 2021 where they will continue work on zoning regulations for the stockpiling of non-livestock waste material. The Planning Commission will bring a recommendation to the Dodge County Board of Supervisors when they get the regulations established. Supervisor Strand urged Mr. Harms to attend the Planning Commission meeting to provide them with his perspective on the issue. He also said he doesn't remember ever issuing a special permit in an instance like this. Mr. Harms asked if there could be an exception. Supervisor Strand said there would not be an exception granted.

Committee Reports – Chairman Missel reported that there will be a NACO workshop in Kearney on June 10 & 11 and a Board of Equalization workshop on June 9. Individuals can register on the NACO website.

The Board unanimously received correspondence from Nebraska Department of Natural Resources regarding a Floodplain Management Ordinance Violation on Property. Supervisor Strand then asked for a closed session due to potential litigation on this matter. County Attorney Paul Vaughan confirmed that there is pending litigation on the matter and that closed session would be appropriate.

At 9:31 A.M., the Board unanimously passed a motion to go into closed session to discuss the Floodplain Management Ordinance Violation on Property and pending litigation.

At 9:53 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the Floodplain Management Ordinance Violation on Property and pending litigation.

The Board unanimously approved giving County Attorney Vaughan time to investigate the matter of the Floodplain Management Ordinance Violation on Property and return with a recommendation at the next Dodge County Board of Supervisors meeting on May 5, 2021.

Zoning Administrator Jean Andrews reminded the Board that the NIRMA April regional meetings have been moved to August because of COVID-19. The subject matter will be employment law and the meetings will be held in Norfolk and Lincoln.

The Board unanimously authorized Highway Superintendent Scott Huppert to advertise for (2) 2020 or 2021 ¾ Ton 4x4 extended cab pickups to be opened at 11:00 A.M. Monday, April 26th, 2021. Superintendent Huppert said he has this budgeted and would like to get the trucks on order because of the long wait times for delivery.

Highway Superintendent Scott Huppert gave an update on the work being done on Ridge Road since the latest round of flooding. He is hoping to have it opened up for traffic by the middle of next week with part of it still being gravel. He will get bids for the concrete, but that work won't be completed until the road has some time to settle. Between Union and Main Street on Cloverly there is a culvert that has rusted out, collapsed and needs to be replaced. Superintendent Huppert would like to have a contractor complete this work so the job can be finished quicker; he estimates about a week for the road to be shut down and a detour to be in place. Superintendent Huppert met with the State and Valley Corp in regards to the Highway 30 bypass project. Valley Corp will be digging 4 borrow pits between County Road 13 and County Road 18 with work beginning the week of April 25. Regarding the Scribner bank stabilization project, Superintendent Huppert is wanting to do mitigation work that the Lower Elkhorn NRD and FEMA PDMG say should become a separate project. Superintendent Huppert contacted FEMA Region 7 offices to see if this mitigation work can be done; he should get an answer later today. There are still 3 townships with outstanding FEMA flood repair projects. Engineers are beginning their work on Yager Road.

At 10:06 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 10:14 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.

County Clerk Fred Mytty gave the Board some information on estimated population numbers in Dodge County. There may be a need to adjust the district boundaries based on changes in the numbers. According to the estimates, Dodge County has also moved up to number 6 (from number 7) in the population rankings per county in Nebraska.

At 10:19 A.M., the Board recessed as a Board of Supervisors until Wednesday, April 21, 2021 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 Bendig.

The Board unanimously approved tax roll correction #5316.

At 10:20 A.M., the Board adjourned as a Board of Equalization until Wednesday, April 21, 2021 at 10:00 A.M.