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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 21, 2024 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 officials' reports, Headwaters Economics Report summarizing support within Dodge County, Bond Documents for Bryan Maschmeier, Chairman Elkhorn Township – Public Official Bond, Board of Trustees Minutes for January 16, 2024 meeting and Statement of Revenues & Expenses YTD Comparison for the seven months ending January 31, 2024 and 2023 from Fremont Community Health Resources, Audit Report of Dodge County from Erickson and Brooks CPA for fiscal year ending 6/30/2023, Certificates of Insurance for Cotterell and Hooper Townships and Midwest Crane Service, Inc., NIRMA Safety Shorts for February 2024, Notice of Douglas County Planning Commission for a Public Hearing regarding text amendments to zoning regulations to allow equipment to be changed on cell towers without a Special Use Permit (SUP) to be held on February 21, 2024 at 6:00 P.M. at 15335 W. Maple Road, Omaha, NE, Utility Installation Agreement for Cox Communications to install a Fiber in Conduit and Vaults in South Section 15 & 16, T 17N, Range 7E, moving permits for Barnhart Crane to move self-propelled cranes over county roads as per attached and correspondence from NIRMA advising the receipt of a \$500 award check to the Dodge County Highway Department Safety Committee from NIRMA's Money for Minutes program.

The Board unanimously approved the minutes of the February 7, 2024 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.

Under any items of discussion, Supervisor Beam reported that there are currently 54 inmates in custody with 43 of them being held in Saunders County, 10 in Washington County and 1 at the Nebraska Department of Correctional Services.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, March 6, 2024 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 \$273,094.82.

The Board unanimously approved the financial claims as submitted in the amount of \$505,017.78.

The Board unanimously accepted the recommendation from the Fremont & Dodge County CVB Advisory Committee to grant \$50,000 in funding to the Fremont Ice Association (FIA) for renovations to the Sidner Ice Arena. Molly Paden, Executive Director Fremont & Dodge County CVB, was present and told the Board that the Fremont Ice Association is running the arena and the Fremont Family YMCA still owns the property. She said the FIA is actively promoting the arena and has 220 kids from age 6 through high school involved in Fremont Flyers Hockey. Midland University also uses the arena and the economic impact on Fremont from both entities is substantial.

The Board unanimously approved a Franchise Agreement with Cox Communications Omaha, LLC and authorized the necessary signatures on the agreement. Two representatives from Cox Communications addressed the Board and said they are bringing fiber optic internet and cable to a neighborhood of approximately 170 homes near the Fremont State Lakes Recreation Area that has been underserved. Cox Communications will extend their commercial network already in place in Dodge County to connect this neighborhood so the underground construction will be minimal. Franchise fees that are collected in Dodge County outside of Fremont are paid to Dodge County. It was noted that a correction to the language on page 6, under section "C" in the last line of the paragraph is needed, specifically the word "ten" will be changed to "thirty" to match the number "30" in parenthesis. Also, the word abandonment needs to be corrected on page 4, section 3.3, in the fifth line of text. The motion to approve the agreement includes making these corrections. The approval of the agreement is contingent on Cox Communication's approval; the Cox Communications representatives said they would make sure the change is made.

The Board unanimously received a certification from County Clerk Gilfry stating no written protests were received regarding the renewal of the Class D liquor license for Saga Properties Fremont, LLC – dba "Dual Stop Fremont" and passed a motion recommending approval of the renewal to the Nebraska Liquor Control Commission.

During discussion from the public, Attorney Jarrod Jaeger (649 W. Military Ave., Fremont, NE) voiced his support for a public defender's office in Dodge County. He said he recently read an article in the local newspaper about a criminal case in which the defendant had been appointed a public defender. Dodge County does not have a public defender and he thinks this is a common piece of misinformation that the public has been given. He doesn't believe the ad hoc system that Dodge County uses to assign counsel to those who can't afford it delivers the same level of service that a public defender would. A public defender would provide a check on other offices in government and would be focused on criminal law. He said not all lawyers in the ad hoc system focus on criminal law. There is current legislation that seeks to require that an arrested person be arraigned within 14 days. He said he has personally had cases in Dodge County in which his clients didn't go before a judge for 2 months; transporting inmates out of the county exacerbates the problem. Mr. Jaeger feels a public defender may be in a better position to advocate for keeping the criminal process moving. He acknowledged that having a public defender would most likely not save the County any money, but the County is already spending a lot of money on court appointed counsel.

Supervisor Strand said this issue has been mentioned two times since he's been on the county board the past 18 years. Research in the past determined that the list of attorneys used as court appointed counsel could be pared down to about five attorneys if a public defender's office were created. Mr. Jaeger said the ideal public defender's office would employ staff with a social work background that would be able to help clients locate and utilize specific resources. This would also lower the dollar amount the office would need to operate. Chairman Missel told the Board that this issue is on the table with the Finance Committee and he welcomes any input from the Board. County Attorney Hopkins commented that she has no issue with who the opposing counsel is when they process cases. She does have concerns with the statement Mr. Jaeger made about the Board being able to appoint an individual to serve as public defender before the position could be placed on the ballot. She cautioned the Board that she doesn't believe they have the statutory authority to do this.

Sheriff Weitzel and Sergeant Frank reported that yesterday they attended a round table discussion with Congressman Mike Flood and representatives from other law enforcement agencies in Nebraska. Congressman Flood is starting the "Back the Blue in Nebraska" initiative to focus on recruitment and retention of law enforcement personnel. Those in attendance shared recruitment methods and what they are implementing to retain employees. The First Responder Recruitment & Retention Act (which includes free tuition to first responders and their dependents) became operative in September 2023 in Nebraska. It is one tool being used to recruit law enforcement personnel from other states as well as Nebraska. Congressman Flood will be taking this information back to Washington D.C. for Police Week in May. Sergeant Frank said to her the main take away from the meeting is a push to get the word out that Nebraska is a good place to live and work and they want to hire personnel who will spend their entire career here.

Committee Reports – Supervisor Bendig reported for the Finance Committee about the reallocation of American Rescue Plan Act (ARPA) funds. He said the courthouse phone and wiring project came in under budget and they will reallocate these unspent funds to help the Clerk's office pay for a new copy machine and for new body cameras for the Sheriff's Department. Chairman Missel said LB1067, which would phase out the inheritance tax over 5 years making it zero by 2028, made the floor in the Legislature yesterday but ended with no action. There are a number of senators who believe there should be some kind of replacement funding to counties if the inheritance tax should go away.

The Board unanimously received the bid for the 2024 Applied Traffic Paint Striping opened on February 15, 2024 at 11:00 A.M. and authorized Chairman Missel to sign the contract awarded to Straight-Line Striping Inc. of Grand Island, NE. The price per gallon went from \$24.77 in 2023 to \$25.37 per gallon for 2024.

The Board, with Supervisor Tawney abstaining, unanimously authorized Highway Superintendent Huppert to conduct a study on the request from Riverview Shores Lake Association Board for Dodge County to take over control of County Road 6 from the intersection of Platte River Road south across the Union Pacific Railroad tracks to the Riverview Shores gate. Supervisor Tawney reported that there are no cross arms on the railroad crossing at this location. With the increase of traffic, the Association would like to apply for state and/or federal dollars to install a cross arm at this railroad crossing. The only way to start the process of obtaining funding is for Dodge County to assume control of this portion of County Road 6. The Association and township will still maintain

the aforementioned portion of road. The completion of the study will allow for a date to be set for a public hearing to hear testimony for or against the issue.

Highway Superintendent Scott Huppert reported that his employees are working on maintenance of equipment to prepare for spring, while still being prepared to respond to possible snowstorms. Employees are also cutting brush and will hopefully begin crack sealing in March. One new full-time and one part-time employee will begin working in March. The ice jam on the Elkhorn River did some damage to roads around Crowell and Dead Timber State Recreation Area; employees are fixing the damage. Superintendent Huppert said he will be attending an asphalt conference next week to gain knowledge on overlaying asphalt since there are asphalt overlay projects that need to be done in Dodge County.

At 10:01 A.M., the Board recessed as a Board of Supervisors.

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

The Board unanimously approved tax roll corrections #5669 and #5670.

The Board unanimously received correspondence from the Nebraska Tax Equalization and Review Commission (TERC) regarding the following for Robert J. Schmidt: Order for Continuance Pending Settlement for Case No. 21A 0600, Findings and Order on Confession of Judgement for Case No. 21A 0600 and Order for Dismissal with Prejudice for Case No. 22A 0449.

Assessor Churchill reported that Bryan Hill, Appraiser with Lake Mac Assessment, LLC, will be here the end of this week and will join members of her staff to meet with Hy-Vee and Kroger representatives for the appraisals.

At 10:03 A.M., the Board adjourned as a Board of Equalization until Wednesday, March 6, 2024 at 10:00 A.M.

At 10:15 A.M., the Board reconvened as a Board of Supervisors with the following members present: Beam, Weddle, Strand, Backens, Missel, Tawney and Bendig. Absent: None.

At 10:15 A.M., a Public Hearing was held to consider the Dodge County One- & Six-Year Road Plan. Highway Superintendent Huppert pointed out on a map and summarized the projects on both plans. Motion was made to close the hearing at 10:48 A.M. Hearing no testimony for or against the Dodge County 2024 One- & Six-Year Road Improvement Plan, the Board unanimously adopted and authorized the necessary signatures on a resolution approving the plan as presented. Supervisor Strand read the resolution for the record.

At 10:50 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, March 6, 2024 at 9:00 A.M.

Micki Gilfry
Dodge County Clerk