

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, June 3, 2020 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Strand, Bendig, Weddle, Saalfeld, Backens and Missel. Absent: None. 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 county officials' reports, correspondence from Charter Communications regarding a change in channel lineup, Notice of Public Hearings from the City of Fremont City Council for a Conditional Use Permit to expand a non-standard use into a required yard requested by Jerry Nelson on behalf of Ludvigsen Mortuary and a Conditional Use Permit for a Church (Lifegate Church) in a LI, Light Industrial zoning district located at 2407 Colorado Ave. All public hearings were held May 26, 2020 at 7:00 P.M., Receipt of Notice of Public Hearing from the Douglas County Planning Commission to amend Douglas County's Zoning Regulations, Comprehensive Plan and Stormwater Management Regulations on Wednesday, June 10, 2020 at 6:00 P.M., a Moving Permit for Barnhart Crane to move a crane over Highway 275 to Old Highway 275 to Wholystone Plant and return, Utility Installation Agreement with Qwest Corporation dba CenturyLink to install a fiber telephone line & associated equipment at County Road V Blvd in T17N, R9E, Sec. 17 & 18, Dodge County, Utility Installation Agreement with Midstates Data Transport to install 2-1.25" HDPE conduit with fiber optic at County Road 2 & 3 on County Road B in Section 5, T20N, R5E, Dodge County.

The Board unanimously approved the minutes of the May 20, 2020 meeting as printed.

At 9:03 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 stated that the county currently has 38 inmates in custody with 9 being held in Dodge County, 5 with the State of Nebraska and 24 in Saunders County.

At 9:04 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, June 17, 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.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$230,840.55.

The Board unanimously approved transferring \$50,000 from the Inheritance Fund into the COVID-19 Emergency Costs Expense Fund. County Clerk Mytty said that the original approval was for \$100,000.00 for this expense and \$50,000.00 was transferred out of the Inheritance Fund as seed money. Expenses to-date are approximately

\$51,000.00 creating a need for more funds; the Board needs to decide whether to transfer the full \$50,000.00 or a partial amount. Chairman Missel said he would go with a full \$50,000.00 in case a need arises for it, knowing that it doesn't have to be spent and can be returned later if needed.

The Board unanimously approved the financial claims, with the exception of claims that were rejected based on a recommendation from the finance committee. The first claim was from former Dodge County Deputy Clerk, Sharon Neuhalfen, for unpaid election salary and the others were claims from residents on West Highway 30 for alleged 2019 flood related expenses. Chairman Missel told the Board that a transfer of \$110,000.00 was made into the county checking account yesterday out of the flood relief loan of \$5 million to cover flood related expenses. Right now there is approximately \$2,300,000.00 of the \$5 million available if needed.

The Board unanimously received the guidelines on Necessary Expenditures and Requirements for County Governments to receive reimbursement for COVID-19 related expenses and authorized County Clerk Mytty to send a statement from the Board to all Dodge County offices acknowledging the governor's requests and asking that all county offices abide by the June 15, 2020 timeline to reopen offices on a non-appointment basis. Adherence to existing COVID-19 related guidelines on conducting business is expected.

The Board unanimously approved the Application and Contract For Electric Service for the following tower sites in Dodge County: Dodge RF Tower, Hooper RF Tower and Uehling RF Tower and authorized a payment of \$6,800.00 out of the Motorola Radio Fund to get power and a transformer to each site. Supervisor Saalfeld asked if the amount of \$6800.00 is for each tower site or for all three tower sites. Chairman Missel clarified that the amount is for all three tower sites.

The Board unanimously received correspondence from the Burt County Attorney and Burt County Board of Supervisors regarding the disposition of a microwave tower located in Decatur, NE that was purchased with grant funds prior to the disbandment of Region 5/6 Emergency Management. The Board also authorized sending a letter to Burt County agreeing to ask the District Court to reform the Quit Claim Deed giving Burt County clear title to the tower. It is Dodge County Emergency Manager Tom Smith's opinion that the county should do whatever necessary to get rid of their portion of responsibility for this tower. Maintenance costs on an aging tower that hasn't been maintained since 2012 (according to his records) are high. Dodge County doesn't have any equipment on this tower.

At 9:21 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 9:28 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.

The Board unanimously received four bids for an audit contract for FY2019-2020 and ending FY2022-2023 from Erickson & Brooks, Hayes & Associates, LLC, Bland & Associates and the State Auditor's Office and referred the matter to the finance committee for the final selection which will be acted upon at the next board meeting.

Under any business brought by the public, Grant Hanson, President of the Ames Diking District Board, spoke to the issues with the Ames Dike and lack of access to private property as a result of a required 150' sand berm being built north from the dike over an existing roadway that is owned by Dodge County. The sand berm is supposed to provide hydraulic pressure to prevent seepage from river water going under the dike. Mr. Hanson began by apologizing to the land owners that were present and urging them to voice their concerns to him, not to the Dodge County Board or the Dodge County Highway Superintendent. Mr. Hanson thought that the project would be completed a couple of weeks ago until the United States Army Corp of Engineers (USACE) informed him that they would not certify the project until the Ames Diking District gets the proper soil on top of the Dike to grow an adequate stand of grass. Mr. Hanson does not think that USACE did their due diligence in regards to legal and real estate coordinates and easements when constructing the dike. The USACE was supposed to have a meeting today to discuss this matter and decide how to proceed. Mr. Hanson was confident that the USACE will not admit fault and that a resolution will need to be worked out by the diking district, the county and the landowners. Bill Hunter, the landowner, is requesting the Dodge County Board and the Dodge County Attorney contact him and his attorney to resolve the issue. It is Mr. Hanson's opinion that Mr. Hunter would agree that the road should go on the north side of the dike, but legal permission would be needed from him to make this happen. To complicate matters, Cotterell Township is responsible for maintaining this road and they are requesting FEMA funds. FEMA will deny the funds if the road is not where the GPS coordinates show that it should be, but no one wants the road going back where it was before. Mr. Hanson thinks the USACE is responsible for this problem, but the Ames Diking District signed a legal agreement that he thinks the USACE will use to put the responsibility back on the diking district. Chairman Missel applauded Mr. Hanson on his perseverance through this matter and credited him for securing this protection for Dodge County and its residents. The open dialogue with Bill Hunter is essential to solving the problem. Highway Superintendent Scott Huppert said he had received an email from the USACE this morning basically stating that this issue needs to be worked out between Dodge County, the Ames Diking District and the landowners. Superintendent Huppert also obtained the District & Supreme Court documents showing where the road should be, the deed showing Dodge County's purchase of the land and an agreement between the Ames Diking District and Dodge County allowing access across the dike. The diking district has provided and rebuilt that access. Now they are in violation of the agreement because they built over the roadway. Superintendent Huppert recommends a temporary road be put in until this issue is resolved. Mr. Hanson reiterated that legal permission from Bill Hunter is needed to put a temporary road there. Bill Nell, one of the largest land owners affected by having no access, spoke up and said he would like to be the point of contact between the land owners, Dodge County and the Ames Diking District. Chad Young, land owner, spoke up and said he wants to be included in the discussions. Brian Sorensen, land owner, spoke to the question of who would be responsible for paying for more land if it is needed to build another access road. He doesn't think Dodge County should have to purchase more land since they already purchased land once and constructed the access road. The tax payers shouldn't be burdened by an additional purchase of land from Mr. Hunter. The bottom line is the land owners need access to save their property and right now they can't get in there to do the work they need to do. They have been denied access for 15 months now. Gary Nell, land owner, asked why they can't drive their trucks on the same ground that there are loaded side dump trucks driving on. Mr. Hanson said it's because it is still an open construction zone and liability issues won't allow land owners access on this ground. Mr. Hanson anticipates the project will be certified by the USACE in at least two weeks. Chairman Missel reiterated that this was

not an agenda item, so no action can be taken today, but if needed, it would be added as an agenda item for a future meeting.

Committee Report – Supervisor Weddle reported that he attended the Solid Waste Coalition meeting. The coalition made a profit last year and they will use that profit to work with engineers to extend the life for at least another 20 years. Supervisor Weddle is impressed with the management of this group.

The Board unanimously received correspondence from NIRMA (Nebraska Intergovernmental Risk Management) regarding the 2020-2021 insurance premium and current deductibles and passed a motion to accept the recommendation of Zoning Administrator Andrews to move forward with the agreement with NIRMA with the current deductibles. Ms. Andrews also said it is recommended to have the radio towers inspected at least once per year to keep up with any maintenance issues.

The Board unanimously received a bid opened for 2020-2021 Crushed Limestone Road Rock from Martin Marietta and approved the bid from Martin Marietta.

The Board unanimously received bids opened for 2020-2021 Road Gravel from Dolezal Sand & Gravel, Eveland Supply, Lux Sand & Gravel, Preferred Pipeline and Stalp Gravel Inc. and will use the low bid when possible.

The Board unanimously adopted a Resolution for Emergency Relief Program-Emergency/Permanent Repairs and authorized the Dodge County Board Chairman and Dodge County Clerk to sign the resolution. This resolution pertains to the FHWA project on Road 20, which was an abutment to the bridge and work on Road 20 and includes rip rap on the Maple Creek Bridge. Final reimbursement to the county for this project should be \$538,923.17.

County Highway Superintendent Scott Huppert updated the Board on current highway projects. FEMA projects have all been signed over and they are in NEMA's hands. Eventual reimbursement on these projects is \$5,608,320.45. Township projects are in progress and will be completed soon. The Scribner, NRD and Dodge County project on the Elkhorn is being worked out; farmers are diking things up which is causing problems. Superintendent Huppert will be meeting with the contractors on the Ridge Road and Big Island Road projects hopefully yet this week to determine start dates on those. Highway Department workers are on a FHWA project between County Roads 19 and 20 on County Road K and in Pleasant Valley working on ditch cleaning and culvert jobs. NRC projects, which will hopefully save some of the embankments around bridges will be starting in a couple of weeks. Supervisors Weddle and Strand complimented Superintendent Huppert on the work that was done on West Military Avenue on the embankments.

A closed session to discuss threatened litigation was not needed.

At 10:22 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 #5154 thru #5160.

At 10:29 A.M., the Board unanimously passed a motion to go into closed session to discuss an appeal of Findings and Order Adjusting Value in the Matter of Equalization of Value of Real Property Within Dodge County for Tax Year 2020.

At 10:35 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the appeal. No action was taken as a result of the closed session.

The Board unanimously approved referee agreements for the 2020 tax valuation protest season based on the recommendation from County Assessor Debbie Churchill with the following appraisers: Jeff Reynolds, William Kaiser, Jeff Quist, Chad Howser, Craig Miller and Nick Dizona.

As an emergency agenda item, the Board of Equalization unanimously received and approved the June 3, 2020 Board Notices for Post-Abstract Values spreadsheet. Assessor Churchill said the reason for the emergency on this issue is that there were a lot of adjustments made to valuations and these are corrections. They wanted to allow people time to file protests on these valuations, which means they needed to get them in the mail as soon as possible.

At 10:42 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, June 17, 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.

Under any additional items to the agenda, County Clerk Fred Mytty informed the Board that the Roads fund is approximately \$200,000.00 in the hole because of road gravel and steel products that were purchased for a project in this fiscal year instead of next fiscal year. If these were expenses that could be drawn out of the Disaster Relief Fund it wouldn't be an issue, but they aren't disaster related expenses. There will be a public hearing in two weeks to amend the budget, but for right now, no transfers can be made because this was not an agenda item. The Board unanimously approved Supervisor Beam's motion to rescind his original motion to approve the financial claims in the amount of \$493,084.08 with Supervisor Saalfeld rescinding his second on that motion. The Board unanimously approved a new motion to approve the financial claims in the amount of \$395,442.66, which is the original claim amount minus two gravel claims and the claims mentioned previously from Sharon Neuhalfen and the West Highway 30 residents.

At 10:52 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, June 17, 2020 at 9:00 A.M.

Fred Mytty
Dodge County Clerk