

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, July 15, 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 various county officials' reports, correspondence from Charter Communications regarding price adjustments, correspondence from Steve Charleston, CDBG Program Manager Nebraska Department of Economic Development, on the awarding of a Community Development Grant up to the amount of \$485,000 to be used for drainage and flood control activities that include the reconstruction of Breach Levee, Fremont Rod and Gun Club, breached by the March 2019 & February 2020 Midwest Floods, NIRMA Safety Shorts for July, 2020, correspondence from Nebraska Department of Environment & Energy (NDEE) regarding a Construction & Operating Permit Issued for DAO (Deven Ortmeier) Farms Animal Feeding Operation located in SE ¼, SW ¼, Section 06, Township 20N, Range 07E, Dodge County, correspondence from NDEE regarding unresolved compliance issues on property at 2641 Eastgate Road, Fremont, NE where the permit for a waste water treatment system did not have all the required information, Statement of Formation, Sanitary and Improvement District No. 9 of Dodge County, Nebraska located in pt NE ¼ Section 12, Township 17 North, Range 8 E of 33.436 acres, a Moving Permit for Ensor House Movers to move a house over Dodge County roads, a Private Utility Installation Agreement for G & R Electric, Inc. to install a 3" PVC Conduit in the Public Right-of-Way between T-18N, R6E, S19SE, Dodge County for Feala Farms, a Utility Installation Agreement and Certificate of Insurance for Boyd Jones Construction to install an underground MV cable or an overhead cable (not both) in the Public Right-of-Way between South ½, SE ¼, Section 17, T19N, R6E, Dodge County and Certificates of Insurance for Black Hills Corporation, Ensor Movers, Inc., Lux Sand & Gravel, Inc. and Turnkey Holdings, LLC.

The Board unanimously approved the minutes of the July 1, 2020 meeting as printed.

The Board unanimously declared an emergency item be added to the agenda regarding a law suit against Dodge County. The emergency exists because the opposing party has signed the agreement and on recommendation from NIRMA and legal counsel (Pamela Bourne) it would be in the County's best interest to move on this issue as soon as possible so that lines don't get changed or anything of that nature. This emergency item will be discussed in closed session later in this meeting with possible action needed as a result of the closed session.

At 9:10 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.

There were no additional items of discussion because Supervisor Beam did not receive an update from the Corrections Department.

At 9:11 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, July 29, 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.

Chairman Missel stepped out of the meeting to take a phone call and left the procedural duties to Vice Chairman Strand.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$231,592.81.

The Board unanimously approved the financial claims as submitted in the amount of \$372,867.25.

The Board unanimously approved the request for and authorized Chairman Missel to sign a Special Designated License Local Recommendation (Form 200) for MAMAT AND PAPAT to serve beer, wine and distilled spirits at a wedding to be held at the Fremont Group Lodge, 4349 W. State Lake Road, Fremont, Nebraska on August 15, 2020 from 8:00 A.M. until 1:00 A.M. (8/16/20).

The Board unanimously received a letter from County Treasurer Bargstadt (Tabled at the 7/1/20 Dodge County Board of Supervisors Meeting) on the request for a refund of Inheritance Tax and authorized the refund in the amount of \$8,284.86 due the Estate of Larry Harlan Wigren.

The Board unanimously received a letter from County Treasurer Bargstadt regarding SteBet Development LLC/Brickyard Hill LLC tax roll corrections for 2008-2016 and authorized a tax refund of \$401.14.

Chairman Missel returned to the meeting and resumed his duties.

The Board unanimously approved the request of Kyle Jensen, Donor Recruitment Account Manager for American Red Cross Blood Services, of a scheduled blood drive in the Courthouse on August 27, 2020 from 10 A.M. – 3 P.M.

The Board unanimously received and authorized Chairman Missel to sign an Interlocal Agreement with the Lower Platte North Natural Resources District, Papio-Missouri River Natural Resources District and the City of Fremont for cost sharing of the Platte River Cameras/Sensors (Monitoring System). Dodge County Emergency Manager Tom Smith has talked to the Board about this project, made it a priority and has developed the necessary relationships to move it forward in an affordable way for each partner. The Dodge County share of this project will be approximately \$6,750. Supervisor Saalfeld asked what the warranty is on the equipment. Chairman Missel said he did not know the specifics on that, but he knows that Emergency Manager Smith was impressed with the quality of the equipment that had been selected for this project.

The Board unanimously received and authorized Chairman Missel to sign an Interlocal Agreement with the Lower Platte North Natural Resources District and City of Fremont for cost sharing of the Platte River Breach Repair Project (Fremont Rod & Gun Club). The Dodge County share of this project will be up to \$50,000.00. Chairman

Missel commented that this is the last week spot in the flood protection system around Fremont.

The Board unanimously received and authorized Chairman Missel and County Attorney Oliver Glass to sign the Northeast Nebraska Economic Development District Service/Consultant Agreement for General Administration of Community Development Block Grant (CDBG) #19-EM-005 (Fremont Rod & Gun Club).

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 requests for Project Costs of \$113,898.20 for flood control (To Ames Diking District) and \$120.00 Construction Management (to NENEDD) and General Grant Administration Costs of \$1,170.00 reimbursed by the grant funds (To NENEDD).

Under any business brought by the public or discussion from the public, Chad Young, Pole Island land owner, thanked the Board and Dodge County Highway Superintendent Scott Huppert for their help in getting the public access road at the Ames Dike open to the landowners. Mr. Young asked who is ultimately responsible for the access road. Cotterell Township will maintain the road, but Dodge County owns the road and the legal paperwork will identify the new right-of-way. Even if it floods again, Dodge County has to provide access, which is the same agreement that existed on the old right-of-way. There will be no gate onto this right-of-way because it's a county road and it has to remain open. The Ames Diking District can put a gate up to keep traffic off of the dike, but they cannot block the right-of-way. The landowners have been granted temporary access as long as no construction is going on.

Committee Report – Supervisor Strand talked about issues they are having with humidity out at the Probation Office. The system is overbuilt and does not run long enough to dehumidify the air. Getzschman Heating and Air Conditioning will be adding dehumidifiers to improve the situation. Supervisor Strand said it's not a good environment for the workers or the clients because they have had to keep it so cool in the building. The Building and Grounds Department has also been working on making some changes to the control systems in the courthouse. The existing systems for the courthouse and the judicial center are 30-35 years old and use two different software programs. A new system would put all of the controls in one place and address the issues caused by the antiquated software. Building Superintendent Tim Walter has been working with Control Services and has some information on costs that will be taken to the finance committee. There needs to be an agreement in place by fall of 2020. Mr. Walters would like to spread the expense out over 2 budget years.

The Board unanimously adopted a Resolution authorizing the amendment to the Dodge County Floodplain Map for a parcel from PR Platte River Corridor to R-1 Residential effective July 1, 2020 and authorized Chairman Missel and County Clerk Mytty to sign the resolution.

Zoning Administrator Jean Andrews told the Board that the NIRMA regional meeting has been cancelled. There will be a free webinar on Wednesday, August 12 and a repeat webinar on Thursday, August 13 covering the topics of ethics, fraud, accountability and security; no pre-registration is required.

Highway Superintendent Scott Huppert updated the Board on current highway department projects. The Ames Dike work by Dodge County will hopefully be completed by the end of this week. There will be a rock base put on the access road to keep it intact, otherwise it will keep pushing down and the road graders will have to pull it up. If the material were to wash off of the road, they can't go onto the sponge dike to retrieve it, dirt would have to be brought in. There will be rip rap placed where the culverts drain out and the sides of the access road will be seeded. The Elkhorn embankment project with the City of Scribner and the NRD is still in negotiations. Now FEMA says the three involved entities are acceptable to move forward with a 75%/25% financial cost share. In the meantime, Superintendent Huppert, the City of Scribner and the NRD applied for Section 14 with the United States Army Corp of Engineers, which would have an 80%/20% financial cost share. Dodge County will have to decide which route to take on this project. FEMA projects on the Dodge County side include the Ridge Road project that Sawyer Construction plans to begin work on at the end of July. The Big Island road project will begin in late August and will take approximately one week to complete according to OMNI (contractor). Both projects must be completed by October 1, 2020. Superintendent Huppert continues to work with the townships on their projects. Superintendent Huppert has talked with Blue Stem Commons (Luther Road & Road T) about their road plans for the housing edition and he thinks they have a good plan moving forward. The pavement south of Dodge on County Road 3 is pushing up and in need of repair. It was constructed in 1984 when no quality control was in place. Superintendent Huppert also informed the Board that an employee of the highway department tested positive for COVID-19. The employee's wife had the virus; the employee is in quarantine. All of the other employees that were in close contact with this employee have been tested and no tests have come back positive.

The Board unanimously received Motorola Change Order #10 and authorized Chairman Missel to sign the Change Order.

The Board unanimously received the Interlocal Agreement with the City of Fremont for cost sharing of the SE Beltway Project (\$333,333.33 due 7/31/20) and authorized Chairman Missel and County Clerk Mytty to sign the agreement.

At 10:07 A.M., the Board unanimously passed a motion to go into closed session to discuss the emergency item regarding a law suit against Dodge County.

At 10:24 A.M., the Board unanimously passed a motion to go back into open session from the discussion regarding a law suit against Dodge County. More information needed to be gathered by County Attorney Oliver Glass before any action could be taken by the Board.

At 10:25 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 10:29 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 10:32 A.M., the Board unanimously passed a motion to go into closed session for a second time to discuss the emergency item regarding a law suit against Dodge County.

At 10:37 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the law suit against Dodge County. As a result of the discussion, the Board unanimously approved the Settlement Agreement and General Release and the Pre-Determination Settlement between Nebraska Equal Opportunity Commission, Coralea J. Kotrous and Dodge County required form regarding payment of \$38,000.00 in settlement to the former Dodge County employee of which \$10,000.00 will be reimbursed by county-wide insurance, NIRMA.

At 10:40 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, July 29, 2020 at 9:00 A.M.

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 correction #5172.

The Board unanimously received 2020 valuation protests #645 - #704 and rejected Protest #703 because it was received by email and Protest #704 because it was postmarked July 1, 2020.

The Board unanimously received certification from County Assessor Churchill, per state statutes 77-126, 77-129 and 77-1311, that the portion of the Property Record file substantiating the calculation of the protested value is maintained in her office in electronic or paper form.

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

The Board then took action on 2020 valuation protests. Of the 95 acted on, the Board denied any change to the valuations of 41, lowered the valuations to 54 and raised the valuations to none.

At 11:36 A.M., Chairman Missel adjourned the Board as a Board of Equalization until **9:00 A.M. on Monday, July 20, 2020.**

Fred Mytty
Dodge County Clerk