

## 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 29, 2020 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Strand, Weddle, Saalfeld, and Missel. Absent: Backens and Bendig. 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 the June 8, 2020 Board of Trustees Minutes & Financial Report from Fremont Community Health Resources for the one and twelve months ending June 30, 2020, withdrawal of tort claim filed by Patrick Cullan, M.D., J.D. of Cullan & Cullan, LLC on behalf of his clients Madelyn L. Horner and Brenda L. Horner against Dodge County, Fremont Community Health Resources formerly known as Fremont Health, Summons filed in District Court of Dodge County, Nebraska by West Gate Bank vs. the Estate of Elsie L. Booze; the Heirs, Legatees, devisees, Personal Representatives, and all other persons interested in the estate of Elsie L. Booze, Deceased, real names unknown; Ken Booze, Jr., Heir, Roger Booze, Heir; Ronald Booze, Heir; Ty Booze, Heir; Glenyce Booze Opfer, Heir; County of Dodge; John Doe and Jane Doe, real names and marital status unknown (this matter referred to the Dodge County Attorney), 2020/2021 preliminary levy requests from Hooper Township, Logan Township, Nickerson Rural Fire District and Maple Township, Notice of Planning Commission meeting held on July 20, 2020 to consider the following requests: Request for Conditional Use Permit for Soil Extraction from Lyman-Richey Corp for a Conditional Use Permit to extract soil on approximately 51 acres located in Section 36, T17N, R8E and in Section 25, T17N, R8E located south of Old Highway 275, south of Union Pacific railroad track, north of Hills Farm Road and west of a line extended from Luther Road to the north; Request for a change of Zone from R, Rural to GC, General Commercial of Carroll & Mary Hasemann, property owner located in SW ¼ Section 35, T18N, R8E northwest of County Road S and Highway 77 & 275; Request for a Conditional Use Permit for Campground from Rod & Cyndy Koerber and Chris Menn on property located at Rod & Gun Club, 867 County Road 19 areas 5 and 8A; and Request of Amendment to Redevelopment Plan for RD Leasing, LLC for an amendment to the Morningside Road Redevelopment Plan for RD Leasing Redevelopment project located at NE corner of Morningside and Howard Streets to plat up 18 lots for Commercial/light industrial use, Notice of Public Hearings by the City of Fremont for the following items: Request for Conditional Use Permit from Rod & Cyndy Koerber and Chris Menn for a camp ground on property located at the Rod & Gun Club at 867 County Road 19; Request for Amendment to Redevelopment Plan from Heather Carver on behalf of RD Leasing, LLC for an amendment to the Morningside Road Redevelopment Plan for RD Leasing Redevelopment Project located at the northwest corner of Morningside and Howard Streets platting up 18 lots for commercial/light industrial use; Request for a Change of Zone from R, Rural to GC, General Commercial from David Mitchell on behalf of Carroll & Mary Hasemann on property located in the SW ¼ SW ¼ Section 35, T18N, R8E northwest of W County Road S and Hwy 77 & 275; and Request for Conditional Use Permit for Soil Excavation from Lyman-Richey Corp for soil excavation on approximately 51 acres located in Section 36, T17N, R8E and in Section 25, T17N, R8E located south of Old Highway 275, south of Union Pacific railroad tracks, north of Hills

Farm Road and west of a line extended from Luther Road to the north. Public Hearings were held July 28, 2020 at 7:00 p.m. in the City Council Chambers, a Moving Permit for Barnhart Crane to move a self-propelled crane over roads in Dodge County (7/22-7/25/20) and a Moving Permit for Barnhart Crane to move a self-propelled crane over roads in Dodge County (7/27/20).

The Board unanimously approved adding an emergency item to the agenda regarding finances. Chairman Missel stated that the emergency existed due to the need for the County to meet its financial obligations. This emergency agenda item will be discussed prior to the approval of the financial claims.

The Board unanimously approved the minutes of the July 15, 2020 meeting as printed.

At 9:08 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 Supervisor Backens and Supervisor Bendig.

Under any items of discussion, Supervisor Beam reported that there are currently 58 inmates in custody with 4 being held in Dodge County, 4 being held at the State of Nebraska and 50 being held in Saunders County. There have been 113 bookings so far during the month of July, 2020.

At 9:09 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, August 12, 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 except Supervisor Backens and Supervisor Bendig.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$246,539.42

The Board took up discussions on the emergency agenda item regarding the transfer of \$171,000 from the Inheritance Fund to cover the interest payment on a \$5 million note and the transfer of \$200,000 from the Inheritance Fund into the Flood Disaster of 2019 Fund for flood related expenses. County Clerk Mytty said he hopes the Inheritance Fund stays solvent. Chairman Missel commented that the Nebraska Emergency Management Agency (NEMA) has a large sum of money that belongs to Dodge County for flood expense reimbursements. According to Dodge County Highway Superintendent Scott Huppert, Dodge County should have already received this reimbursement money. Supervisor Strand reported that Superintendent Huppert is requesting a letter be sent to NEMA from the Dodge County Board of Supervisors and the Dodge County Attorney's Office as well as phone calls to State Senator Lynn Walz in an attempt to speed up the reimbursement process. The Board unanimously approved making the aforementioned transfers from the Inheritance Fund.

The Board unanimously approved the financial claims as submitted in the amount of \$1,614,563.08. One of the large claims was expenses from the Nebraska Department of Health & Human Services – Department of Institutions - for an inmate awaiting jail once he's competent. County Clerk Mytty asked the Board to consider taking expenses similar to these out of the jail budget so that the jail's true expenses are

accurately represented; right now the litigation expense category is covering these expenses. No action was needed for this consideration which will be taken up in discussions for the next budget year.

The Board unanimously approved the Agreement with the Lancaster County Youth Services Center for juvenile detention services and authorized the County Board of Supervisors and the County Attorney to sign the Detention Services Agreement. Supervisor Strand questioned how Lancaster County can charge over \$300/day for their services. Deputy County Attorney Paul Vaughan pointed out that Dodge County rarely sends any juveniles to Lancaster County, they are usually sent to Madison to the Northeast Nebraska Juvenile Services facility.

Committee Reports – Chairman Missel reported that he received a call from Tim Weander (Nebraska Department of Transportation) informing him that the Highway 30 4-Lane project between Fremont and North Bend has been pushed back to an optimistic completion date of 2024 to have 2 lanes of the four open for traffic. He cited budgetary issues, the flooding, and COVID-19 as the main reason for the delay. Supervisor Saalfeld attended the Dodge County Extension meeting last week and they provided updates as to how the fair would be run this year. Those participating can only have family members plus 4 others with them in attendance. Many things related to the fair will be done online where possible. Dodge County Extension is looking for an educator to replace Nathan Mueller who moved to Saline County.

The Board unanimously received the Minutes of the Dodge County Planning Commission meeting of July 21, 2020.

Zoning Administrator Jean Andrews updated the Board about her research on zoning regulations regarding Wind Energy. Ms. Andrews plans to present a hybrid plan (put together from parts of other county plans) to the Planning Commission and have them critique it before she presents anything to the Dodge County Board. This will not be on the August Planning Commission meeting as they already have a full agenda for that meeting. Ms. Andrews informed the Board that she is still searching for someone to appoint to the Dodge County Planning Commission to fill a spot vacated by Nathan Schole. Ms. Andrews also provided the Board with information as to how to participate in NIRMA'S 2020 Spotlight Seminar which will be presented as a two-part webinar on Wednesday afternoon, August 12, 2020 and Thursday morning, August 13, 2020. Pre-registration for the webinars is required.

A Public Hearing was held to consider the request of Hoegermeyer Farms Inc. of 17224 County Road 7, Herman, NE 68029 to subdivide a 5.44 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12-Section 2. Conditional Uses 4.2 Exemptions B. 1 thru 3 located in N ½ NW ¼ Section 36, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag. Hearing no testimony for or against the request, the Board unanimously passed a motion to accept the recommendation of the Planning Commission and approved Hoegermeyer Farms Inc.'s request for a lot split and Conditional Use Permit in the N ½ NW ¼ Section 36, Township 20 North, Range 8 East in Logan Township, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

The Board took a brief recess until it was time for the 9:35 A.M. Public Hearing.

A Public Hearing was held to consider the request of Mulliken Inc.; Robert & Jerry Mulliken of 1677 County Road 24, Nickerson, NE 68044 to obtain a Conditional Use Permit to store and apply bio-solids as per Article 12 Section 2. Conditional Uses 2.18 located in SE ¼ Section 24, Township 18 North, Range 8 East and NE ¼ Section 25, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag. Hearing no testimony for or against the request and accepting the recommendation of the Planning Commission, the Board unanimously approved the Conditional Use Permit to store and apply bio-solids in the SE ¼ Section 24, Township 18 North, Range 8 East and NE ¼ Section 25, Township 18 North, Range 8 East in Nickerson Township, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located. After the application was made by Mulliken Inc., it was discovered that part of the ground involved is within the Village of Nickerson's one mile jurisdiction. Mulliken Inc. will have to apply for a Conditional Use Permit with the Village of Nickerson for that parcel. Chairman Missel said that since the application of bio-solids is becoming more common place, it would be reasonable to do away with these zoning regulations. Ms. Andrews did agree, but did mention that there was some opposition to this request which supports the need for the regulations. Keith Kontor, Waste Water Treatment Plant Superintendent, told the Board that he had been working with Dodge County Extension Educator (Nathan Mueller) since 2004 on applying bio-solids. Since Nathan announced his departure as Extension Educator, the City hired Scott Nun, Lead Agronomist with Iowa/Nebraska Agronomics, to take over the management of bio-solid applications.

The Board unanimously approved a Resolution authorizing the issuance, not to exceed \$5,000,000, of the County's 2020 Highway Allocation Fund Pledge Bonds related to road repairs from the 2019 Floods and authorized all necessary signatures needed to facilitate the loan. Chairman Missel explained that two lines of credit have already been used to cover expenses from the 2019 flooding. The project deadline for flood related repairs is September 22, 2020. Marty Krohn with First National Bank was present to explain the details of this bond issuance. There is a little over \$5 million needed to complete the projects, but since they wanted to issue the bonds on a non-taxable basis there is a NRCS project that does not qualify. Therefore, the total loan request was identified as \$4,849,921 plus a half percent origination fee of \$24,409.15 plus \$7,500.00 for administrative fees. The total loan amount, including the aforementioned fees, is \$4,881,830.15, which will be structured like the two previous notes with a ten year term, 2 ½% fixed rate and the same repayment structure. There is no penalty for pre-paying the loan amount. First National Bank, Pinnacle Bank and First State Bank & Trust will be equal, participating partners in this loan, with First National Capital Markets being the Placement Agent and process manager.

The Board unanimously received letters from Tom, Marka and Mitch Sawyer requesting the street vacation between Blocks 1 and 2 in L1 Abbott Subdivision and approved conducting a study, of which the findings would be presented to the Board and setting a hearing date for the street vacation.

The consideration of two original agreements for Project NH-77-3(1037), CN 22691, Fremont US-77 Relinquishment and possible action determining appropriate action and authorizing Chairman Missel to sign the agreements was tabled until the August 12, 2020 meeting so Superintendent Huppert can meet with the City to work out the details.

Highway Superintendent Scott Huppert updated the Board on current Highway Department projects. Tim Weander (NDOT) wants to get the Scribner bypass onto his schedule. Superintendent Huppert said the State needs to complete their repairs before handing it over to Dodge County. The United States Army Corp of Engineers didn't design the Ames Dike road how Superintendent Huppert wanted; the county road is stable, but the new road is not as strong as he would like. Two townships still need to complete the FEMA projects that have been obligated. Superintendent Huppert has contacted NEMA by phone, text and email about why the flood reimbursement funds have not been received for completed projects like Nickerson that was completed about 6 months ago. No one will get back to him. The Ridge Road project will begin the week of August 3, 2020. Two NRCS projects are done, another one is being worked on and the Dodge County, County Road 19 project will start in 2-3 weeks. There is another employee that tested positive for COVID-19, so those employees that were close to him are getting tested as well.

At 10:05 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, August 12, 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 except Supervisor Backens and Supervisor Bendig.

The Board unanimously received 2020 valuation protest #705 and rejected it because it was received after the filing deadline.

The Board unanimously passed a motion extending the deadline for 2020 applications for homestead exemptions so the County Assessor may consider for the following: Annette H. Barauskas of Fremont, Nebraska, Ben and Sharron Burton of Dodge, Nebraska, Dorothy M. Haar of Fremont, Nebraska, Norma Hartung of Fremont, Nebraska, Mary J. Hively of Fremont, Nebraska, Guy Lee Hoff of Fremont, Nebraska, Barbara E. Kile of Fremont, Nebraska, Francis A. Maresh of Dodge, Nebraska, Kenneth Matheny of Scribner, Nebraska, Riley & Linda Morton of Fremont, Nebraska, Cynthia L. Moseman of Uehling, Nebraska, Terry Nosal of Fremont, Nebraska, Donald L. Osbahr of Hooper, Nebraska, Jack D. Rohde of Fremont, Nebraska, Lona Rowland of Fremont, Nebraska, Jerry Schwarting of Fremont, Nebraska and Faye Story of Fremont, Nebraska.

Dodge County Assessor Debbie Churchill said that she had one employee out that has been tested for COVID-19. The employee's two week quarantine period would be up on July 31, 2020 and as of today, no test results have been received.

At 10:11 A.M., the Board adjourned as a Board of Equalization until Wednesday, August 12, 2020 at 10:00 A.M.

Fred Mytty  
Dodge County Clerk