

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, May 18, 2022 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Weddle, Strand, Backens, Missel, Tawney and Bendig. Absent: Beam. 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, correspondence from Charter Communications regarding a change in channel lineup, audit report of Dodge County from Erickson and Brooks CPA for fiscal year ending 6/30/2021, Notice of Public Hearing for the City of Fremont City Council for request of Rol Horeis for a Conditional Use Permit to allow Small Animal Veterinary Services on property located at 1044 W. 23rd St., Fremont, NE, NIRMA Safety Shorts for May 2022, Certificate of Insurance for WSP USA Inc., and Utility Installation Agreement for OPPD to install overhead secondary crossing and set pole in right-of-way at 1725 S. County Road 28 in Section 27, T17N, R09 NE.

The Board unanimously approved the minutes of the May 4, 2022 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 Supervisor Beam.

There was no business to discuss regarding the Corrections Department as no report was received and Supervisor Beam was absent.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, June 1, 2022 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 Beam.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$245,774.74.

The Board unanimously approved the financial claims as submitted in the amount of \$527,532.02. The large claims included corrections, gravel, an ENHSA payment and election expenses.

Geoffrey C. Hall, 6th District Court Judge and District 6 Adult Drug Court Coordinator Brandon Jerred were present to give the Board an update on the Dodge County Drug Court program. Judge Hall said the growth of this program is due in large part to the excellent staff they have in place. He said there has recently been a movement for specialty courts. These courts help defray costs and rehabilitate people,

resulting in them returning to the workforce and helping to make them productive members of society. He assured the Board that they will continue to efficiently use the funding for this program. Mr. Jerred told the Board that there were 9 graduates of the Drug Court program in the past year. The number of graduates who have remained crime free for the past 3 years is 91%. The nationwide percentage of individuals coming out of prison that will reoffend within 3 years of their release is 68%. He went on to say that the relationships they have built with care providers is one of the keys to the success of this program. They use a holistic approach to address addiction, which includes determining what the root cause of the substance abuse is. Mr. Jerred thanked the Board for their support of this program and said this support gives them the ability to partner with other service providers to meet the individuals' needs. The maximum number of participants in the program is 50. Mr. Jerrod said they are working with defense attorneys to educate them about the program and to encourage them to consider drug court as an alternative for their clients. Judge Hall pointed out that they have been partnering with the chamber of commerce to get good paying jobs for the participants in the program. He said the support of Dodge County citizens in giving these individuals a second chance is very much appreciated.

In the matter of the Dodge County Attorney's decision on Verified Petition for Access Road filed by Robert A. Johnson and Sharon G. Johnson, Husband and Wife, Chairman Missel reported that the Board received an opinion from the Dodge County Attorney's Office on May 17, 2022. He said all interested parties can obtain a copy of that decision. The decision stated that testimony from both parties regarding the proposed land swap lacked sufficient verifiable data for the Board to make a decision. The decision went on to say the Johnsons need to provide valuations to support the assertion that the land swap would qualify as an exorbitant price. The Johnsons would also need to provide sufficient evidence that the most recent proposal from the Clarke Family is asking for an exorbitant price. The recommendation from the Dodge County Attorney's Office is for the Board to request another hearing on the matter that is limited to the issue of these two proposals. Further, the recommendation states that deadlines should be set on negotiations between the two parties. Both sides need sufficient time to consider the proposals so arguments can be presented at the hearing. **David Mitchell**, attorney with Yost, Lamme, Hillis, Mitchell, Schulz, Hartmann and Wilson P.C. representing the Johnsons, addressed the Board. He said he has not seen the opinion of the Dodge County Attorney, but they would be willing to present additional evidence at another hearing. He said that Statute 39-1713 requires the Johnsons to prove that they were either unable to purchase the property or the price of the property was exorbitant. He feels that they have presented adequate information to support their position. Mr. Mitchell went on to say that his office has not received all of the information that the Board has received from the Clarkes. Additionally, they have tried to communicate with the Clarkes repeatedly regarding information the Clarkes sent to the Board as well as draft easements they wanted the Clarkes to consider. They have received no response. Chairman Missel said the next regular meeting of the Dodge County Board of Supervisors is June 1, 2022. He asked Mr. Mitchell if that would be enough time to prepare for the next hearing. Mr. Mitchell confirmed that this date would be acceptable. The hearing time was tentatively set for 9:15 a.m. on Wednesday, June 1, 2022. **Bryan Rice** (13503 S. 22nd St., Bellevue, NE), family friend of the Clarkes, addressed the Board on behalf of the Clarke Family, particularly JoAnn Clarke. Mr. Rice said JoAnn would like a resolution to this matter so her grandchildren and great grandchildren can move forward without feeling "some obligation to carry on this feud".

He said he and the Clarke's have been watching their computer for communications from the Johnson's lawyers and have not received anything since May 12, 2022; he said internet issues could possibly be the problem with that. Mr. Rice said the Clarkes would be willing to do a walk through on the property today with the Johnsons and try to solve any easement issues without dragging this out any further. He said there are trust issues and broken relationships, but JoAnn Clarke is determined to get the easement issues resolved. Chairman Missel said the hearing date set for June 1, 2022 at 9:15 will be tentatively added to the agenda with the hopes that the two sides can come up with a resolution before then.

Regarding the Complaint of Possible Violation on Lakeshore Drive at Lakeview Estates, Zoning Administrator Jean Andrews said she received the complaint from several residents of Lakeview Estates. The issues in the complaint have been going on for several years and a complaint filed 3 years ago was never picked up by the individual named in the complaints. Ms. Andrews said she referred this to the Board because she didn't feel she had any means to resolve the dispute. Chairman Missel opened the floor for comment. **Sean Tyler** (1420 County Road P Blvd., Ames, NE) told the Board that he purchased property at Lakeview Estates from Chris Johnson on December 3, 2021 with the stipulation that Mr. Johnson could stay there until May 1, 2022 when Mr. Tyler would take possession of the property. He said he was giving Mr. Johnson time to clean up the property. Very little cleanup was done by May 1st, so Mr. Tyler contacted Mr. Johnson and told him it all needed to be cleaned up by May 3rd. May 3rd came and went. On May 6th, Mr. Tyler contacted Mr. Johnson again and told him he really needed to get his property off of his lots. This conversation went nowhere, so he told Mr. Johnson that on May 9th if any of his property remained, he would assume it needed to be disposed of. Mr. Tyler said since he's a new property owner at Lakeview Estates, he didn't know the history of storage on Lakeshore Drive. He assumed Mr. Johnson would haul his property to the lots he still owns on the north side of the lake. Instead, Mr. Johnson moved his property onto Lakeshore Drive on the south side of the lake, which is property that is shared by all of the residents of the lake. On May 9th, Mr. Johnson was not done moving his property so Mr. Tyler contacted the Dodge County Sheriff's Department who told him it is a civil matter. Mr. Tyler said after receiving a hostile phone call from Mr. Johnson on May 9th, he allowed Mr. Johnson to come back that morning and gather any of his property that was of value. Mr. Tyler, with help from other workers he brought in, began to load trailers with Mr. Johnson's belongings. Mr. Tyler said after two days of hauling Mr. Johnson's belongings to the dump and All Metals Market, he has roughly broken even financially. He said his goal was to remove Mr. Johnson's belongings so he has no reason to cross his property to get to it. **Chris Johnson** (Lakeview Estates property owner – no address given) confirmed that Mr. Tyler purchased a parcel of land at Lakeview Estates from him on December 3, 2021. He said he paid Mr. Tyler \$1000 for rent until May 1, 2022 and he had started to move his property out. He said there have been issues with the easement, which he has gone to court over in the past. He needs to have access to the easements all the way around the lake because he does all of the maintenance there. He stated that the other residents don't stock the fish, put moss killer in the lake, cut trees or any other maintenance except on their own property. He said the other property owners have their easements padlocked, which prevented him from being able to relocate or remove his property. This remains an issue and there is still property that needs to be moved. Chairman Missel asked if Lakeview Estates is a Sanitary Improvement District (SID). Ms. Andrews said that it is not and there is not an association either. Mr. Johnson

said he tried to get his father to form an association before he died, but that did not happen. Chairman Missel said this appears to be a situation that needs mediation; there is no remedy the Board can offer. Supervisor Tawney added that any lake community should have an association to regulate how issues like this are addressed. It is also his opinion that the Board cannot offer any remedy for this situation. **Carolyn Moenning** (7185 W. Highway 30, Ames, NE) addressed the Board to air her complaints in public. She said she and her husband have lived there for 12 years and Mr. Johnson has always had a lot of junk piled up along the easement; she fears if there was a fire, they wouldn't be able to get out. She said they lock their easement for their protection because she is afraid of Mr. Johnson and the people that are with him out there late at night. She has personally seen him dump debris into the state lakes. She said the Board could see the difference in how the properties are maintained by coming out and taking a look; this tells the true story. She concluded by saying that something needs to be done and they are not sure where to go to get help. **Patty Holeman** (7055 W. Highway 30, Ames, NE) said she owns 8 lots on the west end of Lakeview Estates and has lived there for 40 years. She said just this spring alone she has hauled off 38 loads of brush from her property. She also said the easements have always been an issue; she locks her easement because she is afraid of Mr. Johnson and his friends. She doesn't understand why Mr. Johnson needs to use her easement to get to property that has nothing but his junk at the other end. She said this is going to end with someone going to jail because she isn't going to put up with it anymore. Mr. Tyler asked the Board what they think their next step should be. Chairman Missel reiterated that he thinks they need to involve an impartial professional in mediation. Supervisor Tawney said without any covenants, Mr. Johnson can do whatever he wants. Ms. Andrews said any covenants that may have existed are probably not legally binding now because of the time that has passed. Chairman Missel encouraged the Lakeview Estates property owners to try to talk this out since they are all together in the same place today.

At 10:03 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 except Supervisor Beam.

The Board unanimously approved tax roll corrections #5443 through #5447.

The Board unanimously approved referee agreements for the 2022 tax valuation protest season with the following appraisers: Scott Brettmann, Chad Howser, Craig Miller, Jeff Quist and Jeff Reynolds.

Dodge County Assessor Churchill reported to the Board that she will be sending out information to the referees and the Board explaining the methodology the assessor's office used for 2022 property valuations. She added that they will not automatically adjust values for flood damage this year without some farm service records with pre-flood, post-flood documentation.

The Board unanimously received the Findings and Order In the Matter of Equalization of Value of Real Property Within Dodge County for Tax Year 2022 Before the Nebraska Tax Equalization and Review Commission stating no further adjustments of value are needed and no further proceedings shall be held to determine whether further adjustments should be made.

At 10:06 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, June 1, 2022 at 10:00 A.M.

Immediately thereafter, the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present except Supervisor Beam.

The Board unanimously accepted the recommendation of Zoning Administrator Jean Andrews and approved the reappointments of Marlin Brabec, Marvin Hansen and Scott Wagner to the Dodge County Planning Commission for a three year term expiring May 31, 2025.

The Board unanimously approved the request of Highway Superintendent Huppert to advertise for bids for 2022-2023 Crushed Limestone Road Rock and to have the bids opened on June 10, 2022 at 11:00 A.M. in the Dodge County Highway Department. In the same motion, the Board unanimously approved the request of Highway Superintendent Huppert to advertise for bids for 2022-2023 Road Gravel and to have the bids opened on June 10, 2022 at 11:15 A.M. in the Dodge County Highway Department.

Highway Superintendent Scott Huppert gave an update on current projects. Employees have continued work on Foothill Road and the ditch cleanout work around North Bend. Culverts are being installed for farmers at their field entrances. They are working on pothole patching and road side mowing will be starting. After the recent rain, townships are requesting gravel. On the By-Pass 30 project, culverts are going in at the cross-overs on closed roads. Construction workers are blocking ditches to keep water from going where the construction is being done. The water is backing up in some locations because of this and is frustrating farmers. Superintendent Huppert is also working with the State on the relinquishment plans for the Highway 30 By-Pass. On the By-Pass 275, two borrow pits are being used and Superintendent Huppert has received calls from residents reporting that the haul roads are being damaged. He is staying in contact with the contractors in regards to this and said they are being cooperative. The power poles on Yager Road have been moved and the guy wire is down. Graham Construction has pushed paving back to mid-June on Yager Road. Superintendent Huppert is still doing cleanup work on the FEMA/NEMA projects. He is also working with Emergency Manager Tom Smith to secure grants to help pay the county's 5% share of flood related expenses as well as interest accrued on money used to pay for flooding expenses. The new Case IH tractor is in.

At 10:15 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, June 1, 2022 at 9:00 A.M.

Fred Mytty
Dodge County Clerk