

## 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, August 23, 2023 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 Dodge County Water Rescue Team 2023-2024 budget request in the amount of \$5,000.00 (referred to the Finance Committee), 2023/2024 preliminary levy requests from Nickerson Rural Fire (referred to the Finance Committee), county official's report, Board of Trustees Minutes for July 10, 2023 meeting and Statement of Revenues & Expenses YTD Comparison for the one month ending July 31, 2023 and 2022 from Fremont Community Health Resources, a list from County Treasurer Bargstadt of distress warrants issued on personal property on November 2022 but not collected, Minutes of the Dodge County Planning Commission meeting of August 15, 2023 and Moving Permit for Barnhart Crane to move a crane over county roads on August 17, 2023. The Board also approved the addition of an emergency item for dust control on County Road 7 near North Bend. On Thursday, August 24, 2023, Envirotech Services Inc. will be applying a water/magnesium chloride mix to control the dust. The reason this is an emergency agenda item is due to the timeliness of getting the dust issue resolved.

The Board, with Supervisor Beam abstaining since he was not present at the August 9, 2023 meeting, unanimously approved the minutes of the August 9, 2023 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 74 inmates in custody with 59 of them being in held in Saunders County, 11 in Washington County, 3 at the Nebraska Department of Correctional Services and 1 is under house arrest. Since August 1, 2023, 96 individuals have been booked into custody and 90 individuals have been released from custody. County Attorney Hopkins reported that the house arrest program has been suspended by the courts because an inmate under house arrest engaged in criminal activity.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, September 6, 2023 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 \$263,665.90.

The Board unanimously approved the financial claims as submitted in the amount of \$589,248.82.

The Board unanimously received a list from County Treasurer Bargstadt of delinquent personal property taxes for years 2019-2020 and accepted her recommendation to strike them from the tax rolls. Chairman Missel reminded the Board that even though the delinquent personal property taxes are stricken from the tax rolls, the taxes can still be collected in the future if they make contact with the business or individual.

The Board unanimously approved the request of Chief Deputy Reynolds to declare a 2016 Ford Explorer VIN: 1FM5K8ATXGGC93006 as surplus property and authorized the vehicle be taken to Jack Nitz & Associates for public auction.

The Board, with Supervisors Tawney and Strand dissenting, adopted a Resolution of the Dodge County Board of Supervisors granting permission to apply for funding through the Recreational Trails Grant Program on behalf of the FEVR Rail to Trail Foundation and authorized Chairman Missel to sign the grant application and proceed with the formulation of any and all contracts, documents, or other memoranda between Dodge County and the FEVR Rail to Trail Foundation so as to affect acceptance of the grant application. Supervisor Backens read the Resolution for the record. Stan Darling, representative of the FEVR Rail to Trail Foundation, explained to the Board that the grant funding would cover construction costs for a 12 mile, 10' wide, rock walking/biking trail from North of Highway 275 (at Luther Road) in Fremont, through Nickerson to Hooper following the path of the old FEVR rail line. The grant funds would pay for rock, repairs and the rehabilitation of 6 bridges. The cost estimate for this stretch of the trail is approximately \$900,000. Robert Mulliken owns farmland that the trail goes through and was present to ask what the plan is to get over the Burlington Northern Railroad (BNR) tracks. He wants documentation that the BNR has granted permission for the trail to cross their rail line. He added that he wants it to go on the record that he will not give up his farmland for the proposed bike trail. Mr. Darling said one of the contractors that originally bid on rocking the trail has experience communicating with the railroad companies regarding these types of issues. No one has contacted the BNR yet because no bids have been accepted or awarded, but that will be one of the issues that will have to be worked out. Mr. Darling said signage will be important to inform trail users of trail closures due to farmers applying chemicals. Supervisor Tawney asked how feasible it would be to close the trails. Mr. Darling said there will be individuals that will be responsible for maintaining the trail once it is up and running and trail closures would be coordinated with the farmers near the trail. Amber Barton, representative of the FEVR Rail to Trail Foundation, told the Board that there are hundreds of miles of trail through the State of Nebraska that have dealt with these same issues and have had success. Supervisors Strand and Tawney both stated that they cannot support this project because of the concerns of their constituents who are mostly employed by the agricultural industry. Bruce Cate, Mayor of Hooper, spoke to the current situation of Hooper citizens riding along Old Highway 275 to Highway 77 getting harassed. He said the bike trail would give them a buffer from the traffic. He added that it's been a 12-year fight with the railroads to clean up the rail lines they are no longer using. He is anxious to see the end of that and looks forward to the new bike trail and the benefits it will bring to Hooper. Chairman Missel said this resolution allows the FEVR Rail to Trail Foundation to apply for the grant with Dodge County as their sponsor. There are no county tax dollars being requested.

The Board unanimously approved the State of Nebraska Economic Development Community Development Block Grant - Disaster Recovery Subrecipient Agreement No. 23-03-307 and authorized Chairman Missel to sign the agreement. Emergency Manager Tom Smith told the Board that these funds are to be used for the local cost share (Dodge County) for the home mitigation project. These funds will cover the allowable costs incurred by Dodge County for this project. Mr. Smith reminded the board of the open house regarding the Rawhide Creek Watershed project that is set for September 6 at the UNL Extension Office, Dodge County.

The Board approved the Lease Agreement between Dodge County and Rupert Dunklau Foundation, Inc. for office space located at 33 West 4<sup>th</sup> Street, Suite 5A, Fremont, NE for operation of a Dodge County Attorney Office, including Juvenile Diversion Services and authorized Chairman Missel to sign the agreement. County Attorney Hopkins said this is an extension of the existing lease and will go through October of 2025. The County Attorney's Office in the courthouse does not have office space available for this and the Diversion Program should not be subjected to legal processes as it would be if it was in the courthouse. Utilities are covered by the lease agreement, but phone and internet services are not.

The Board unanimously received a letter from County Clerk Gilfry announcing no written protests were filed regarding the renewal of The Tow Line Company's liquor license and passed a motion recommending the approval of the license to the State Liquor Control Commission.

The Board unanimously approved the request for a Special Designated License from La Hacienda Mexican Restaurant LLC to serve beer, wine and distilled spirits at a Husker Watch Party – YMCA Fundraiser to be held at Camp Christensen, Keene Camp Lodge Fremont Family YMCA, 3402 W. Military Ave., Fremont, Nebraska 68025 from 10:00 A.M. until 5:00 P.M. on September 9, 2023.

The Board unanimously approved the application of a water/magnesium chloride mix to control dust on County Road 7 west of North Bend Central High School. County Road 7 is the detour around construction on Highway 79 and is being heavily traveled, which is creating the dust nuisance. Since the mixture will be applied tomorrow, it was added to the agenda as an emergency item so Chairman Missel could sign the credit application required by the vendor, Envirotech Services Inc. The product will be effective for 3 months and the approximate cost is \$6,100. Supervisor Tawney said there could be cost sharing with the City of North Bend, North Bend Central Schools, 2 Dodge County Townships and Dodge County; details will need to be worked out on this.

Committee Reports – Supervisor Bendig reported that the proposed FY 2023/2024 budget was handed out to the Board members. There will be a public hearing to approve the budget at the September 6, 2023 meeting of the Dodge County Board of Supervisors. The levy based on the proposed budget is .24345. The levy for FY 2022/2023 was .22483. Supervisor Bendig reminded the Board that there have been multiple Consumer Price Index (CPI) increases over the past 3 years. He added that they are putting approximately \$500,000 into the Capital Improvement Fund to build up some reserves for future roads projects and cost share on watershed improvement projects. Former Dodge County Clerk Fred Mytty is helping the county prepare the budget this year. He said Dodge County will be part of the joint public hearing to be held September 21, 2023, 6:01p.m. at the Fremont Public Schools meeting room, 130 E. 9<sup>th</sup> St., Fremont, NE 68025. LB 644 (Property Tax Request Act) requires any county, city,

school district or community college which seeks to increase its property tax request by more than the allowable growth percentage to participate in a joint public hearing to discuss each subdivision's intent to increase its tax request. Mr. Mytty said Dodge County is using reserves. Chairman Missel reminded the Board that a lot of the dollars in reserves are from inheritance taxes. County Attorney Hopkins told the Board that changes to the inheritance tax statutes will decrease the amount of inheritance tax collected by the county in the future. Supervisor Tawney reported that he and Supervisor Backens attended a luncheon with the Nebraska Supreme Court justices last week and Judge Geoffrey Hall presented Dodge County with a certificate of participation in the Drug Court Program. Supervisor Bendig also reported that the IT Committee is ready to recommend approval of Applied Connective as the provider for the new hosted VoIP based telephone system. This item will be on the agenda of the September 6, 2023 meeting of the Dodge County Board of Supervisors.

A Public Hearing was held to consider the request of Bill Luebbert of 1887 B Rd., West Point, NE 68788 to obtain a Conditional Use Permit (CUP) to store and apply Bio-Mass as per Article 13 Section 2.18 Conditional Uses and Article 25 Supplemental Regulations, Section 22 Industrial Wastewater-Biosolids located in NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ ; S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ; NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ ; N  $\frac{1}{2}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  Section 5 Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag. Zoning Administrator Jean Andrews reported that the Planning Commission unanimously recommended approval of the CUP for Mr. Luebbert. She added that Mr. Luebbert went around to all the neighbors and talked to them about his plans to store and apply Bio-Mass. One of the neighbors sent a letter of recommendation in support of Mr. Luebbert as a result. Hearing no other testimony for or against the request, the Board unanimously accepted the recommendation of the Planning Commission and approved the CUP based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located.

The Board unanimously approved that a letter of recommendation for the reappointment of Zoning Administrator Jean Andrews to the Nebraska Intergovernmental Risk Management Association (NIRMA) Board of Directors be sent to NIRMA. Ms. Andrews said she intends to run for another 3-year term; the election is in October.

The Board unanimously approved the Scope of Services and Fee proposal from Speece Lewis Engineers to oversee an Asphalt Overlay Project (645) on Old Highway 275 from Bell Street Bridge to Dodge/Douglas County Line for a Lump Sum Fee of \$9,875.00 and authorized Chairman Missel's signature on the proposal.

Supervisor Strand reminded the Board that there was supposed to be a resolution on the agenda to rename Old Highway 30, but there have been second thoughts about doing this. Supervisor Tawney spoke with 911 Director Shelly Holzerland about what dispatch would recommend for the renaming of Old Highway 30. Her recommendation is to rename it to County Road U. Highway Superintendent Scott Huppert said renaming it to County Road U won't change any of the signage he has been working on for rural addresses. Supervisor Strand said Ms. Holzerland will be bringing other highway name change resolutions to the Board in the near future. He added that the resolution to rename Old Highway 30 will be on the September 6, 2023 agenda.

Highway Superintendent Scott Huppert reported that his employees have been able to get a lot of shredding done since the weather has been drier. He presented pictures of the culvert and ditch work going on between Roads E & F on County Road 8. Work is moving along quickly on the box culvert on County Road F, the floor will be poured next week; the project is about a week ahead of schedule. Employees are installing culverts for farmers. The footings were set yesterday for the salt shed and the concrete floor will be poured next week; the shed will be set up in mid-September. The contractor is shredding on Yager Road and they are supposed to be bringing in an excavator to clean up dirt to improve drainage; striping can be done after that. Superintendent Huppert has voiced his displeasure to Speece Lewis Engineers with the way the work has been done out there. Sawyer Construction put the base down for the County Road 18 paving project and they will finish forming it this week. Cedar Valley Paving is planning to come in next week to pour the concrete. There are still roads closed for the Highway 30 By-Pass; shoulder construction from the west to the east as well as work on the crossovers should begin next week. County Road F is still closed and could be for another 2-3 weeks for the Highway 275 By-Pass around Scribner. 13 Blvd will be closed for paving after County Road F is complete and then traffic will start going around Scribner. Employees will be working as flaggers for the dust control project tomorrow on County Road 7 west of North Bend. Superintendent Huppert is still working with FEMA on an outstanding culvert project from the March 2019 flooding event for Elkhorn Township. The documentation for this project is not in order, which has delayed getting the reimbursement.

At 10:18 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, September 6, 2023 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 received correspondence from the Nebraska Tax Equalization and Review Commission regarding an Order For Single Commissioner Hearing and Notice of Hearing for Terry C. Clarke, Case No. 22R 0213, Amended Order For Single Commissioner Hearing and Notice of Hearing for Terry C. Clarke, Case No. 22R 0213, Order For Single Commissioner Hearing and Notice of Hearing for Terry C. Clarke, Case No. 22R 0215, Amended Order For Single Commissioner Hearing and Notice of Hearing for Terry C. Clarke, Case No. 22R 0215, Order For Single Commissioner Hearing and Notice of Hearing for Dale Wimer, Case Nos. 21R 0446 and 22R 0466 and Amended Order For Single Commissioner Hearing and Notice of Hearing for Dale Wimer, Case Nos. 21R 9446, 22R 0466.

The Board unanimously denied the request from Robert Kucera of 5221 Ventura Drive, Fremont, NE 68025 for a waiver of the deadline of 2023 application for homestead exemption (Form 458) due to the late receipt of correspondence from the Department of Veterans Affairs notifying him of 2023 eligibility for the Homestead Exemption. Supervisor Strand initially moved to approve the waiver of the deadline. However, County Attorney Hopkins explained to the Board that the Board has no statutory authority to waive the deadline for applications received after the extended deadline of July 20. She added that the property owner did not file for the Homestead Exemption before the extended deadline of July 20, 2023. The property owner also did not provide the required certification from the Department of Veterans Affairs showing eligibility for the Homestead Exemption. Supervisor Strand rescinded his original motion to approve the waiver of the deadline.

The Board unanimously accepted the Assessor's recommendation of \$274,232 on 2023 protest #318, Larry VanBuren. The change was in the value of the improvements.

The Board unanimously accepted the Assessor's recommendation, which agreed with the Referee's recommendation of no change to the assessed value of 2023 protest #315, #316, #317, #319, #320 and #321. Assessor Churchill explained that these were protests of values that were sent out on board notices in late June and July. These protesters have 30 days from the date of the board notice to file their protest.

At 10:28 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, September 6, 2023 at 10:00 A.M.

Micki Gilfry  
Dodge County Clerk