

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, September 18, 2024 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Weddle, Backens, Missel, Tawney and Bendig. Absent: Strand. 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 Fremont Transit Program taskforce thanking Dodge County for the funding to meet the local match requirement for year 2 of the Fremont Transit Program, Board of Trustees Minutes for July 9, 2024 meeting; Board of Trustees Minutes for August 12, 2024 meeting; Statement of Revenue & Expenses YTD Comparison for the one month ending July 31, 2024 and 2023 and Statement of Revenue & Expenses YTD Comparison for the two months ending August 31, 2024 and 2023 all from Fremont Community Health Resources, Minutes of the Dodge County Safety Committee September 11, 2024 meeting, NIRMA Safety Shorts for September 2024, Nebraska Intergovernmental Risk Management Association (NIRMA) correspondence regarding the NIRMA Annual Membership Meeting/Luncheon and Dividend Distribution on October 25, 2024, NIRMA correspondence regarding the Nomination/Election of three (3) NIRMA Board Members whose terms expire December 31, 2024; nominations will be accepted until September 23, 2024. Election to be held October 25, 2024 at the 2024 Membership Meeting in Kearney, Public Notices for City of Fremont Planning Commission to be held September 16, 2024 at 5:00 P.M. to hear request by Joy McKay on behalf of Habitat for Humanity for Conditional Use Permit to expand a non-standard use to allow the construction of attached single family dwellings and the subdivision of the property into two lots on property located at 350 W. Linden St., Fremont; a request by Dave Christensen on behalf of JDJ Investments to waive the requirement for landscaping on property located at Morningside Road on the north and Old Highway 275 and Jones Street on the south, Dodge County, NE; a request by Dave Christensen on behalf of JDJ Investments to waive the requirement for all-weather surfacing on the same property; and a request by Apex Land Surveying on behalf of JDJ Investments, LLC and Steven & Starr Renner for the Road-Rail Subdivision Replat 4 final plat on property located at Morningside Road on the north and Old Highway 275 and Jones Street on the south and NDEE correspondence of a letter of noncompliance to Oikia 821 LLC, Attn: Susan M. Napolitano, Suite 220 5631 S. 48th St., Lincoln, NE 68516 regarding Peaceful Acres Mobile Home Park, 4924 N. County Road 26, Fremont, NE for violations of NDEE Title 178, Chapter 5 Rules, Regulations and Standards Governing Mobile Home Parks and NDEE Title 124 – Onsite Wastewater Treatment Systems.

The Board, with Supervisor Bendig abstaining since he was not present at the September 4, 2024 meeting, unanimously approved the minutes of the September 4, 2024 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 for Supervisor Strand.

Under any items of discussion, Supervisor Beam reported that there are currently 50 inmates in custody with 40 of them being held in Saunders County, 9 in Washington County and 1 in the Lincoln Regional Center.

At 9:06 A.M., the Board adjourned as a Board of Corrections until Wednesday, October 2, 2024 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 for Supervisor Strand.

The Board unanimously approved paying an additional \$1,099.59 over the original amount of \$13,000 approved in July 2021 for easement work done on the North Bend Levee.

The Board unanimously received a list from County Treasurer Winterstein of delinquent taxes for years 2018 and prior through 2022 which have been offered for sale at public sale and remain unsold and unanimously passed a motion adopting and authorizing the Chairman to sign a Resolution directing the County Treasurer to place Tax Sale Certificates on said delinquent taxes. Chairman Missel read the Resolution for the record.

The Board unanimously accepted the recommendation of the selection committee and named Brandy Marshall as the new County Assessor to fill the unexpired term of Dodge County Assessor Debbie Churchill; the term ends in January 2027. Brandy has been serving as the Deputy Dodge County Assessor and Chairman Missel said it was clear to the selection committee that she is the best candidate to fill this position. County Assessor Churchill's last day will be Tuesday, October 1, 2024.

At 9:10 A.M., a Public Hearing was held for the purpose of hearing support or opposition on setting the tax rate different from 2023-2024. Hearing no support or opposition to setting the tax rate different from 2023-2024, Chairman Missel closed the public hearing. The Board unanimously adopted a Resolution setting Dodge County's tax request at \$13,901,199 (Tax Rate (\$'s/\$100 of value) = \$0.220267) for fiscal year July 1, 2024 through June 30, 2025 and authorized the necessary signatures on the Resolution. Chairman Missel read the Resolution for the record and it was discovered that there was an error in the second paragraph, second sentence. The correction would be to state that Dodge County does not have to participate in the joint public hearing scheduled for September 23, 2024. The supervisors that made the motions on this agenda item agreed to this amendment in the Resolution.

The Board unanimously approved adding the allowable 2.5% plus growth in excess of 2.5% of restricted funds for carryover to the 2025/2026 County Budget.

The Board unanimously approved an additional 1% of restricted funds (\$407,551.42) requiring a super majority vote, which is 75% of the governing body.

The Board unanimously adopted a Resolution approving the 2024/2025 Dodge County Budget and authorized the signatures of the Dodge County Board of Supervisors on the Resolution. Supervisor Tawney read the Resolution for the record.

The Board unanimously adopted a Resolution on transfers as outlined in the 2024/2025 County Budget and authorized the necessary signatures on the Resolution.

Chairman Missel read the Resolution for the record. Chairman Missel also pointed out how the use of the Inheritance Tax Fund lowers the county's property tax request.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$309,830.56

The Board unanimously approved the financial claims as submitted in the amount of \$278,300.69.

The Board unanimously approved the reappointment of Steve Pribnow as a Trustee of the Fremont Community Health Resources Board for a six-year term ending October 1, 2030.

Committee Reports – Chairman Missel reported that he attended the Nebraska Association of County Officials (NACO) meeting last week and there was a lot of frustration voiced regarding LB34, which aims to provide property tax relief to Nebraska property owners. He added that NACO is working on amendments to this bill partly because of the logistical problems they see in it. Chairman Missel also passed on a request for all Nebraska counties to participate in Operation Green Light for Veterans (November 4 through November 11, 2024), which will recognize veterans and the issues they face. Supervisor Tawney said he would speak to Facilities Manager Dana Nielsen about making this happen in Dodge County.

The Board unanimously approved the reappointment of Becky Von Seggern as a member of the Board of Adjustment for a three-year term expiring August 31, 2027. Zoning Administrator Jean Andrews reported that Russell Rabeler's term also expired August 31, 2024. Mr. Rabeler informed Ms. Andrews that he is retiring from this position; Ms. Andrews will work on recruiting a replacement for him.

Zoning Administrator Jean Andrews reminded the Board that they have until October 11th to register for the NIRMA Annual Conference to be held on October 24th and 25th.

The agenda item tabled from the September 4, 2024 meeting to consider the request of Rick Brune, owner of Brune Farms in Dodge County, to place stop signs at the intersection of County Roads L and 3 was opened for discussion. Highway Superintendent Huppert reported that he had not received a letter from Pleasant Valley Township making the formal request for stop signs at this location. Supervisor Tawney said he has been in contact with the Dodge Volunteer Fire Department and Pleasant Valley and they will sign the letter making this request. This agenda item was tabled again until Dodge County receives the letter.

The Board unanimously approved the difference in total price of \$175,213 (approved at the 9/4/24 Dodge County Board of Supervisors' meeting) and the inclusion of a 5-year 250k mile Engine 2 warranty of \$2,123 and a 5-year 250k mile Chassis warranty of \$5,403 for a total of \$182,739.00 for the 2024 Mack Granite Dump Truck purchased through Sourcewell – RDO Truck Centers.

The Board unanimously adopted Resolution 2024-007 (originally adopted June 26, 2024) with an amendment recognizing that the vacation is of a platted street, not a road as it was stated in the original Resolution. Because the original Resolution was not filed with the Register of Deeds, County Surveyor Clark Boschult discovered that this is a platted

street and not a road. The amended Resolution corrects the wording and states that ownership of the platted street will be conveyed by Quit-Claim Deed to the adjacent landowners subject to utility easement for an existing utility.

Highway Superintendent Scott Huppert reported that his employees are still working on the County Road 4 regrading project. There is also a crew cleaning out ditches on County Road 6 near North Bend. He said he is keeping track of the work that can be reimbursed by FEMA because of the disaster declaration that was made earlier this year. Project 651 is a bridge to culvert on CR 11 north of CR T and is complete; it has been engineered and inspected and the State has approved the work. Project 637 – F Road (Scribner) paving is nearly complete. Sawyer Construction has finished the main road and is working on turnouts, which should be complete in another week. The State will soon open up the other two lanes at this location and this will affect the county roadwork that needs to be done. The resurfacing of Platte River Road continues; Superintendent Huppert said he would like for the resurfacing to be thicker. Chairman Missel asked him how long he thinks this will last before the county needs to resurface it again. Superintendent Huppert said there are many factors that affect this, but he thinks it should last approximately ten years. Chairman Missel said it would be a good idea to keep this in mind so the county can plan for this future expenditure. The stop signs and posts (225) for the Stop Sign Program are in and will be installed by the road department; they have four years to get them all up. Weight limit signs also need to be installed; there are approximately 100 bridges throughout Dodge County that have a weight limit. Superintendent Huppert said an issue that may affect the county is tree trimming and mowing on a road right-of way. Throughout the state there are residents hiring lawyers to fight their responsibility for this. He said even though there are resolutions in place to address this, the lawyers have their own interpretation.

At 10:04 A.M., the Board recessed as a Board of Supervisors.

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

The Board unanimously approved tax roll corrections #5711 through #5714.

The Board unanimously received and referred to County Attorney Hopkins correspondence from the Nebraska Tax Equalization and Review Commission (TERC) regarding Notice of Appeal for Fremont Northside Townhomes II LLC, Case No. 24R 0309, Notice of Appeal for Fremont Northside Townhomes II LLC, Case No. 24R 0310, Notice of Appeal for Fremont Northside Townhomes II LLC, Case No. 24R 0311, Notice of Appeal for Dennis D and Helen A Einspahr Trust, Case No. 24R 0574, Notice of Appeal for JSJ Properties LLC, Case No. 24R 0588, Notice of Appeals for Dan Knosp, Case No. 24R 0697, Case No. 24R 0698, Case No. 24R 0699, Case No. 24R 0700, Case No. 24R 0701, Case No. 24R 0702, Case No. 24R 0703, Order for Single Commissioner Hearing and Notice of Hearing for Helen Einspahr, Case Nos. 23R 0509, 24R 0574, 23R 0510 and 23R 0511, Order for Hearing and Notice of Hearing for Lawrence D. Marvin, Case Nos. 21C 0138 and 22C 0166, Order for Hearing and Notice of Hearing for Lodging Enterprises LLC, Case No. 22C 0290, Order for Hearing and Notice of Hearing for Hy-Vee Inc., Case Nos. 21C 0117, 22C 0201, 23C 0250 and 24C 0280, Order for Hearing and Notice of Hearing for Jennifer L. McIntyre, Case No. 21R 0507, Order for Hearing and Notice of Hearing for The Kroger Co., Case Nos. 22C 0198, 23C 0351 and 24C 0279, and Order for Hearing and Notice of Hearing for Two Bottom Plow LLC, Case Nos. 21A 0444, 22A 0468, 21A 0445, 22A 0467 and 22A 0469. County Attorney Hopkins reported that there is more

coming from the Einspahrs and the appeals from Kroger have been continued for a couple of months so negotiations can be pursued.

The Board unanimously accepted the recommendation of County Treasurer Winterstein on form 457, Application for Exemption from Motor Vehicle Taxes for 2024, on a 2020 Toyota Sienna for Masonic-ES Home for Children, 2415 N. Main St., Fremont, NE, granted the exemption and authorized Chairman Missel to sign the form.

The Board unanimously accepted the recommendation of County Treasurer Winterstein on form 457, Application for Exemption from Motor Vehicle Taxes for 2024, on a 2024 Chevy Trax for Midland University, 900 N Clarkson St, Fremont, NE, granted the exemption and authorized Chairman Missel to sign the form.

The Board unanimously received the list of 2024 Dodge County Permissive Exemptions (including cemeteries) from County Assessor Churchill and authorized the County Clerk to publish the list in the month of September per Nebraska Statute #77-202.03(5).

County Assessor Churchill told the Board that she has enjoyed working with them over the years and is thankful they had a good working relationship; it made her job a lot easier. Chairman Missel said he is grateful for her past service and willingness to come back under challenging circumstances. Supervisor Tawney also thanked Ms. Churchill for her service, recognizing that it would not be an easy job.

At 10:16 A.M., the Board adjourned as a Board of Equalization until Wednesday, October 2, 2024 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 for Supervisor Strand.

At 10:17 A.M., the Board unanimously passed a motion to go into closed session to discuss possible litigation.

At 10:27 A.M., the Board unanimously passed a motion to go back into open session from the discussion of possible litigation. As a result of the closed session, the Board authorized the payment of the deductible to NIRMA and authorized County Attorney Hopkins to engage NIRMA in this matter.

At 10:29 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, October 2, 2024 at 9:00 A.M.

Micki Gilfry
Dodge County Clerk