

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, October 30, 2024 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 correspondence from Charter Communications regarding a change in channel lineup, list from County Treasurer Winterstein of distress warrants issued on personal property but not collected, Project Update for the Logan Watershed, Notice of City of Fremont Planning Commission Public Hearings for the following: Request by Mark Shepard on behalf of the Fremont Public Schools for the Jensen's Replat 1 Final Plat consisting of one lot located at S. Broad St. between W. Washington St. and W. Empire Ave. and also a request to vacate a portion of H St. located approximately 100 feet south of W. Washington St.; and a request by Joy McKay on behalf of Habitat for Humanity for a 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; a request by Planning Director to amend the text of Section 11-324.04 (E) and (G) to allow the City Council to waive minimum lot size requirements for lots platted prior to January 1, 1971 to allow the construction of single family detached or single family attached (two-family) dwelling units and/or a subdivision of a lot to allow the same; and, a request by Terry McClain and Douglas Hartmann for a Lincoln Park Second Subdivision Replat 2 Final Plat consisting of two lots located at 26th St. and Lincoln Ave. The above public hearings will be heard on October 21, 2024 at 5:00 P.M. and Utility Installation Agreement with Quest Corp. (Lumen) to install a fiber optic cable and pedestal between the driveway to 2499 Highway 275 and Highway 275.

The Board unanimously approved the minutes of the October 16, 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.

Under any items of discussion, Supervisor Beam reported that there are currently 39 inmates in custody with 34 being held in Saunders County, 3 in Washington County and 2 at the Lincoln Regional Center. In the month of October, 112 inmates have been booked into custody.

The Board unanimously received the State of Nebraska Jail Standards Inspection Report from the Nebraska Commission on Law Enforcement and Criminal Justice Jail Standards Division and referred it to Sheriff Weitzel.

At 9:06 A.M., the Board adjourned as a Board of Corrections until Wednesday, November 13, 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.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$318,682.18.

The Board unanimously approved the financial claims as submitted in the amount of \$284,045.69.

The Board unanimously approved the termination of Project DR-4420-0032 Dodge County Home Mitigation Project Services Agreement with Patton Structural Solutions and authorized Chairman Missel's signature on the letter. This contractor was hired for the home mitigation projects after the 2019 flood and they did not do their job. Supervisor Bendig asked if another contractor would be found to complete this project. Chairman Missel said by terminating this contract, it will allow the county to search for another contractor.

The Board unanimously approved an Interlocal Agreement with Cotterell Diking District that will protect Dodge County when assisting during emergencies and disasters and authorized the necessary signatures on the agreement. Emergency Manager Tom Smith said he has been working with the Cotterell Diking District on potential projects and this formalizes the agreement to assist Cotterell Diking in the event of an emergency and provides documentation for the Federal Emergency Management Agency (FEMA) if they request it.

The Board unanimously accepted the recommendation from the Fremont & Dodge County Convention & Visitors Bureau (CVB) Advisory Committee to grant \$25,000 of funding to the Fremont Family YMCA for improvements to Christensen Family Camp. Molly Paden, Executive Director of the Fremont & Dodge County CVB, was present and told the Board that this funding will be used to make the Christensen Family Camp more family friendly by improving beach access and making water recreation more accessible for people utilizing this location.

The Board unanimously accepted the recommendation from the Fremont & Dodge County CVB Advisory Committee to grant \$25,000 of funding to the Fremont Opera House for roof replacement and repair.

The Board unanimously approved the Consideration of Statement of Acceptance of Possession and Future Responsibility regarding the transfer of equipment/supplies/furnishings purchased by the Nebraska Supreme Court for the District 6 Probation Reporting Center to Dodge County and authorized Chairman Missel's signature on the document. Drug Court Coordinator Brandon Jerred was present and told the Board that as a result of LB50 (passed 1/1/2 years ago), they implemented a one-to-one assistant probation officer to high-risk probation officer pilot program. LB50 was put on hold, but this program was deemed essential and has resulted in the hiring of more probation officers. With the addition of these employees, the Nebraska Supreme Court purchased computer equipment, supplies and furnishings. The District 6 Probation Office asked Dodge County to accept the equipment/supplies/furnishings as Dodge County property.

Brad Harms was present as a representative for the Pleasant Valley Township Board to discuss the issue of placing stop signs at the intersection of County Road L and County Road 3. He said it was his understanding that the Dodge County Highway Department plans to put a four-way stop at this intersection and their Board wants to know

the reasoning behind this. Highway Superintendent Huppert said he did a study at this intersection and the four-way stop is the only solution that makes sense. He said if stop signs are placed only at the east/west sides of the intersection (County Road L), it will make it dangerous for trucks trying to get up the hill heading south (County Road 3). Stop signs placed only at the north/south sides of the intersection will be problematic because of trucks trying to get up the hill. Supervisor Tawney said placing "Dangerous Intersection" signs is not an option due to the liability to the county. Mr. Harms said he agrees signs do create liability unless there is someone there to enforce them. Based on these discussions, Supervisor Tawney asked Mr. Harms if they want a four-way stop or no stop signs at all. Mr. Harms said the township would say no to the four-way stop signs. He asked if they could place flags on the signs that are at the intersection now. Superintendent Huppert said they could put flags on the signs. Mr. Harms said this is most likely what the Pleasant Valley Township Board will want to do.

Committee Reports – Supervisor Beam reported that the May Museum has a new director, Anthony Pasley; the appointment was effective September 3. Supervisor Tawney passed on appreciative comments given to him about the county's involvement in the paving around the Scribner bypass. Supervisor Backens reported that the Treasurer's Office will be closed on November 13 for fraud training; the Department of Motor Vehicles will also be closed on November 13. Supervisor Bendig reported that the server upgrade is being done in the Treasurer's Office and they hope to be done within the next month or so.

The Board unanimously adopted a Resolution declaring a public nuisance according to Section 39-1812 for removal of hedge fence, trees or undergrowth located on County Road T near North Bend where the trees and/or undergrowth need to be removed for better sight and unnecessary liability and authorized the necessary signatures on the Resolution. Chairman Missel read the Resolution for the record. Highway Superintendent Huppert said the North Bend Central School Board has sent letters and made phone calls to him about the lack of visibility for bus drivers in this location. Employees of the Roads Department have cleaned up trees and undergrowth at County Road 9 and County Road T, which is part of the intersection being discussed. There are new owners of the property and they did not like the cleanup the Roads Department did. The property owners said they have not had any calls from anyone about this and they will be getting a lawyer. Superintendent Huppert talked with the North Bend Central School Board after he talked to the property owner. The school board then sent the property owner correspondence and he still will not allow the tree and undergrowth to be trimmed or removed. Supervisor Bendig asked if the tree blocking sight on this property is in the county's right-of-way. Supervisor Tawney said it is in the county's right-of-way. County Attorney Hopkins said the Board declaring this a nuisance is the first step in a series of steps to resolve the issue. It is a lengthy process if the property owner refuses to cooperate. County Attorney Hopkins also asked Scott to verify where the easements are on this property.

The Board unanimously received correspondence from the Nebraska Department of Transportation regarding the Year-End Certification of County Highway Superintendent for 2024 and passed a motion adopting a Resolution authorizing Chairman Missel to sign the Year-End Certification of the County Highway Superintendent form.

Highway Superintendent Scott Huppert reported he is not satisfied with the overlay work done on old Highway 275. He has identified several things that will need to be fixed and he has discussed this with the contractor; they intend to make the fixes before the end of the year. Employees continue to remove cornstalks from the ditches; this is part of a FEMA project that Superintendent Huppert must keep records to submit for

reimbursement. Employees are also installing snow fences, which takes approximately one week. There are projects on Platte River Road that are not complete, but the State plans to come in and finish them by the end of the year. The new dump truck has been delivered and is currently getting a snowplow attached to it. This truck will be stationed in Fremont and will be used to plow Platte River Road. The new flatbed dump truck has been delivered and the bed is being switched out on it. The old truck will be sold at Nitz Auction in December. Superintendent Huppert attended a roads conference in Sioux Falls, South Dakota and he told the Board about new products that were introduced for road repair/stabilization and culvert life extension. Bridge inspections continue.

At 9:58 A.M., the Board recessed as a Board of Supervisors.

At 10:00 A.M., the Board convened as a Board of Equalization. Chairman Missel dispensed with roll all members being present.

The Board unanimously received and referred to County Attorney Hopkins correspondence from the Nebraska Tax Equalization and Review Commission (TERC) regarding the following: Notice of Appeal for Jeff N. Schoeneck, Case No. 24R 0824, Notice of Appeal for James M. Brabec, Case No. 24R 0696, Notice of Appeal for Michael D. Arps, Case No. 24R 0631, Notice of Appeal for Black Heart Investments, Case No. 24R 0689, Notice of Appeal for Black Heart Investments, Case No. 24R 0690, Notice of Appeal for Black Heart Investments, Case No. 24R 0691, Notice of Appeal for Black Heart Investments, Case No. 24R 0692, Notice of Appeal for Black Heart Investments, Case No. 24R 0693, Notice of Appeal for Black Heart Investments, Case No. 24R 0694 and Notice of Appeal for Black Heart Investments, Case No. 24R 0695.

The Board unanimously received and referred to County Attorney Hopkins correspondence from the Nebraska Tax Equalization and Review Commission (TERC) regarding the following: Order for Continuance Pending Settlement for Helen Einspahr, Case Nos. 23R 0509, 23R 0510, 23R 0511, 24R 0572, 24R 0574 and 24R 0576, Stipulated Motion to Dismiss Appeals for Helen Einspahr, Case Nos. 23R 0511 and 24R 0576, Stipulated Motion to Dismiss Appeals for Helen Einspahr, Case Nos. 23R 0510 and 24R 0572, Order For Dismissal with Prejudice for Helen Einspahr, Case Nos. 23R 0510, 23R 0511, 24R 0572 and 24R 0576, Findings and Order on Confession of Judgment for Helen Einspahr, Case Nos. 23R 0509 and 24R 0574, Amended Order for Hearing and Notice of Hearing for Two Bottom Plow LLC, Case Nos. 21A 0444, 21A 0445, 22A 0467, 22A 0468 and 22A 0469 and Amended Order for Hearing and Notice of Hearing for Lodging Enterprises LLC, Case No. 22C 0290.

The Board accepted the recommendation of County Attorney Hopkins and unanimously received correspondence from the Nebraska Tax Equalization and Review Commission (TERC) and approved the following actions: Offer to Confess Judgement for Helen Einspahr, Case Nos. 23R 0509 and 24R 0574 and Acceptance of Offer to Confess Judgement for Helen Einspahr, Case Nos. 23R 0509 and 24R 0574. County Attorney Hopkins explained that there were 3 properties appealed and Ms. Einspahr accepted the valuation of the 2 properties involved in the above actions. County Attorney Hopkins added that they mediated the judgement on the third property. County Assessor Marshall updated the basic information on the property and personnel from the assessor's office will be allowed to enter the premises to make an assessment for future valuations.

The Board unanimously accepted the recommendation of County Treasurer Winterstein on form 457, Application for Exemption from Motor Vehicle Taxes for 2024, on

a 2006 Pace enclosed trailer for Church of the Nazarene, 960 N. Johnson Rd, 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 2018 flatbed trailer and a 2019 Chevrolet cargo van for Dodge County Humane Society, 787 S. Luther Rd, Fremont, NE, granted the exemption and authorized Chairman Missel to sign the form.

The Board, with Supervisor Backens dissenting, approved a 6-year Service Contract with Vanguard Appraisals, Inc. for services provided for the Dodge County Assessor's Office and authorized the necessary signatures on the agreement. County Assessor Marshall said she researched the contracts Dodge County is engaged in with Vanguard Appraisals and found that there are three separate agreements with Van Guard. The contract discussed today is for backing up data. Assessor Marshall contacted Van Guard to see if the three contracts can be combined into one; Van Guard is working on getting them combined.

The Board unanimously approved an amendment of the 2024-2025 Tax Levies concerning the addition of Logan View Public Schools to JPA Pathways 2 Tomorrow, which affects the Hooper, Nickerson, Uehling and Winslow levies.

At 10:13 A.M., the Board adjourned as a Board of Equalization until Wednesday, November 13, 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.

At 10:14 A.M., the Board unanimously passed a motion to go into closed session to discuss contract negotiations.

At 10:33 A.M., the Board unanimously passed a motion to go back into open session from the discussion of contract negotiations. No action was taken on the contract negotiations as a result of the closed session.

At 10:34 A.M., the Board adjourned as a Board of Supervisors until Wednesday, November 13, 2024 at 9:00 A.M.

Micki Gilfry
Dodge County Clerk