

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, April 25, 2018 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Saalfeld, Weddle, Vaughan, George, Beam and Missel. Absent: Strand. 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. (Supervisor Strand was in the back room and entered the meeting shortly after roll call.)

The Board unanimously declared the meeting legally convened.

The Board unanimously approved the agenda as printed; received and placed on file the County Sheriff's 1st Quarter Report 2018, Low Income Ministry Food Pantry Report for March 2018, minutes of Fremont Health Board of Trustees System Board meeting of February 26, 2018 and financial statement for month ending February 2018, Return of Appraisers from County Court of Dodge County, Nebraska on condemnation of State of Nebraska, Department of Transportation (Condemner) vs. Liberty Land & Livestock, LLC & Frank J. Eckstein (Condemnees) and minutes of the Planning Commission meeting of April 17, 2018; and received and referred to the Finance Committee 2018/2019 Budget requests from Region 6 Behavioral Healthcare in the amount of \$88,592 and from Low Income Ministry in the amount of \$34,000 and copy of their 2017 Annual Report.

The Board unanimously approved the minutes of the April 11, 2018 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.

With no items to discuss under Board of Corrections, Chairman Missel adjourned the Board until Wednesday, May 9, 2018 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 and hour claims as submitted in the amount of \$190,497.41.

The Board unanimously approved the financial claims as submitted in the amount of \$253,422.36.

Committee Reports – Supervisor Strand commented the transition went well changing the temporary entrance to the courthouse from the east entrance to the north. He asked that another memo be sent out reminding employees not to park north of the

courthouse. He said it was important to leave that area for customer parking. Supervisor Weddle asked that the Security Committee meet after today's meeting. Supervisor Vaughan commented on a grant through the Nebraska Emergency Management Association for Region 5/6. Chairman Missel announced Consultant Rey Freeman of RFCC, LLC has received a revised document from Motorola on the proposed radio project. He will review it and present his findings to the County Board. Supervisor Saalfeld report on a complaint of dust he received outside of city limits on East Military Avenue. He will be meeting with Highway Superintendent Huppert regarding the complaint.

Next on the agenda was the consideration of a Special Designated License Application of Iron Horse Food & Spirits of Hooper, Nebraska to serve and sell alcoholic beverages at the Midwest Madness Mud Bog, 1825 Hoegemeyer Road, Hooper, Nebraska on June 1st, 2nd and 3rd (from 5pm 'til 10pm on the 1st, 8am 'til 10pm on the 2nd and from 10am 'til 6pm on the 3rd). Supervisor Strand began by informing others of his attendance at a meeting about a month ago with those involved in the event and community, because they were concerned and wanted all to go well. At that time, he explained they had no issues, but were not here to judge the event, but to consider a liquor permit. Recently, the event manager came to him with concerns regarding some pending problems the owners of the Iron Horse were dealing with and relayed a request to the County Board to deny the liquor license skeptical as to if they would have a liquor license the day of the event. They felt pursuing another supplier for the liquor would be their best option. Attorney Glass remarked he wanted to give the County Board a full disclosure of these pending problems and explained charges were filed against the two owners of the Iron Horse and their son for dealing with marijuana out of their establishment and weapon charges. He commented, although you are innocent until proven guilty, all three have pending cases with no pleas of guilty. Supervisor Strand explained information from the event manager for the Midwest Madness Mud Bog of Iowa did not know about these charges and when they found out about them is when they relayed to him their concerns. The Board unanimously passed a motion to make no recommendation to the State Liquor Commission on the request for a Special Designated License of Iron Horse Food & Spirits for the Midwest Madness Mud Bog for the dates of June 1st thru June 3rd, 2018, due to verbal communication of concerns received from Midwest Madness Mud Bog event manager asking that the license be denied.

Chairman Missel reported the potential closed session to discuss threatening litigation against Dodge County was not needed and would not require any action.

The Board unanimously received bids opened on Monday, April 23, 2018 for a used Tandem Axle Chassis Cab from two companies, RDO Truck Center and Truck Center and tabled action on the possible awarding of a bid contract.

The Board unanimously passed a motion authorizing the placement of reduced speed signs on Old Highway 275 at Schilke Ball Fields from 55 miles per hour to 45 miles per hour during construction for safety reasons.

At 9:26 A.M., Chairman Missel declared a short recess.

At 9:30 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present.

At 9:30 A.M., a Public Hearing was held to consider the request of Maxine Arneal/Garret Hetzel and Chris Armstrong c/o Maxine Arneal Trust of 413 N. 5th St., Beatrice, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry) 1000 Animal Units as per Article 12, Conditional Uses Section 2.19 located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag. Chairman Missel opened the public hearing asking for testimony for or against the permit. Zoning Administrator Andrews began by remarking the Planning Commission unanimously recommended approval of the permit. She commented the applicant scored 100 points on the Matrix and the site is not in a flood fringe area. John Schauer was present to express his concerns regarding not having an engineer with submitted plans with this permit application and also was concerned about proper installation of propane storage tanks. Zoning Administrator Andrews explained to him they were not that far into the process and this was just a conditional use permit. He commented he would be watching all the chicken barn operations and testing any run off waste water. Chris Armstrong and Garret Hazel, operators and applicants were present and agreed with Mr. Schauer regarding drainage and runoffs and how important it was to keep those waterways clean. Mr. Armstrong remarked they chose this location, because it was very sparsely populated and have also received a waiver of distance from the closest neighbor, Jim and Mary Spath. He also remarked the area to be a good place to raise their family which consisted of four boys and commented his partner also had boys. Jessica Kolterman and Scotty Williams of Lincoln Premium Poultry were also present. Mr. Williams, Lab Manager explained the propane tanks would be installed in a correct manner, referring to Mr. Schauer's concern. Andy Scholting of Nutrient Advisers was present and commented the eight barns will be built on silky clay soil. Since Costco and Lincoln Premium Poultry require the growers to submit a voluntary application to the DEQ (Department of Environmental Quality) for a state operating permit even if the permit is not required for totally housed units, their standards will still hold the growers accountable for any runoff event. He explained the growers would have 24 hours to report any such runoff and file a written report within five days to the DEQ. The DEQ would then investigate the event and handle accordingly. With no further testimony, Chairman Missel closed the hearing. The Board unanimously passed a motion to accept the recommendation of the Planning Commission and to approve the Conditional Use Permit based on the Conditional Use conforms to the intent and the purpose of the regulations and the use conforms to regulations of the district which it is located.

At 9:42 A.M., Chairman Missel declared a recess of the Board of Supervisors until 10:00 A.M., the scheduled time to convene as a Board of Equalization.

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 approved tax roll corrections #4884 thru #4890.

The Board unanimously approved and authorized the Chairman to sign agreements with referees for the upcoming 2018 protest season for William Kaiser and Jeff Quist.

The Board unanimously received a form 457, Application for Exemption of Archbishop Bergan Catholic School of Fremont, Nebraska on a 2016 Ford Collins Minibus and passed a motion to accept the recommendation of the County Treasurer and to grant the exemption.

At 10:05 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, May 9, 2018.

Immediately thereafter, Chairman Missel called for a short recess until a scheduled closed session for 10:15 A.M.

At 10:19 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present.

At 10:20 A.M., the Board unanimously passed a motion to go into closed session to discuss the appeal of the denial of the three time max in a calendar year of general assistance to a client.

At 10:40 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the appeal.

The Board, by a 5 to 2 vote, with George and Weddle dissenting, passed a motion instructing General Assistance Administrator Mytty to continue assistance to the client for another two months.

At 10:42 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, May 9, 2018 at 9:00 A.M.

Fred Mytty
Dodge County Clerk