

## **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., Wednesday, August 1, 2018 in the Board Room of the Courthouse, Fremont, Nebraska, with the following members present: Saalfeld, Weddle, Strand, Vaughan, George, Beam and Missel. Absent: None. 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.

The Board unanimously declared the meeting legally convened.

The Board unanimously approved the agenda as printed; received and placed on file the minutes of the Fremont Health Board of Trustees System Board meeting of June 25, 2018 and the minutes of the Fremont Health Board of Trustees meeting of July 2, 2018 and copy of financial statement for month ending June 30, 2018, minutes of the Planning Commission meeting held July 17, 2018, notice of Public Hearing on July 31, 2018 at 7:00 P.M. for the following items: request for a waiver of required landscape buffer on Lot 6, Fremont North Business Park; request for rezoning of property from R Rural to GC General Commercial by Pure Properties LLC; request for Voluntary Annexation by Paul Gifford on behalf of Fremont Area Land Co.; request for approval of Preliminary & Final Plat for Morningside Pointe Addition by Paul Gifford; request for rezoning of property located at 2575 N. Luther Road from R Rural to GC General Commercial by Dodd Engineering; request for approval of Final Plat of Heartland Addition by Dodge Engineering; and request for Voluntary Annexation on behalf of PCD LLC and the City of Fremont, utility installation agreements for the following: Great Plains Communications to install fiber optic cable in county right-of-way from Scribner Bridge on County Road F and then north, OPPD to install single phase cable in county right-of-way between Section 30, Township 19 North, Range 9 East and Northern Natural Gas Co. to remove pipeline in county right-of-way between Ridge Road & State Lakes Road in Section 16, Township 17 North, Range 8 East, and moving permits for the following: Gene Kassmeier to move a used 18' grain bin over County Road to County Road P and Barnhart Crane & Rigging to move heavy equipment over Highway 275 to County Road K and return; and received and referred to the Finance Committee resolutions requesting preliminary levy allocations from the following: Platte Township, Dodge County Agricultural Society, Winslow Fire District, Logan Township, Nickerson Rural Fire District, Pleasant Valley Township, Ridgeley Township, Webster Township, Nickerson Township, Everett Township, Cuming Township and from Hooper Township.

The Board unanimously approved the minutes of the July 18, 2018 and July 23, 2018 meetings 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, Chairman of the Jail Committee, remarked last month 178 people went through the booking area of the Dodge County Jail Facility.

At 9:07 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, August 15, 2018 at 9:05 A.M.

Immediately thereafter, the Board reconvened as a Board of Supervisors with all members present.

The Board unanimously approved the wage and hour claims as submitted in the amount of \$215,517.51.

The Board unanimously approved the financial claims as submitted in the amount of \$2,490,862.53.

The Board unanimously passed a motion to accept the recommendation of the Convention & Visitors Bureau Advisory Committee and to approve Dodge County CVB Visitor Improvement Funds in the amount of \$20,000 for Fremont Avenue of Flags c/o Veterans Park for Fremont for their park, \$10,000 payable in August and \$10,000 payable in January 2019. The application was for \$100,000. CVB Director Shannon Mullen and Committee Member Vince O'Conner were present and remarks were made they could come back at a later date to apply for additional funds if there was a shortfall in funds being received for the project through donations.

The Board unanimously passed a motion to appoint Jen Struebing, General Manager for the Fairfield Inn & Suites, to the Dodge County Convention & Visitors Advisory Committee filling the remainder of the 4-year term of Molly Paden, term expiring January 1, 2019.

The Board unanimously approved and authorized the proper signatures on the Dodge County Board Record of Appointment of Thomas Smith, Dodge County Emergency Manager, as the representative to the Governing Regional Committee that makes up the East Central PET & Interoperable Communications Region.

The Board unanimously passed a motion approving the request of Dodge County Emergency Manager Thomas Smith authorizing him to apply for a NACO Credit Card and WEX Fuel Fleet Card.

Consultant Rey Freeman of RFCC was present along with his associate, Mike Mazzitello. Mr. Freeman briefly reviewed with the County Board his proposal to continue public safety radio system consulting services and to act as project manager for the new Motorola radio system. The Board unanimously passed a motion approving the proposal from Rey Freeman of RFCC to continue public safety radio system consulting and to hire him as the project manager for the new Motorola radio system

under the terms and cost as outlined in the proposal. The fee for the services is proposed to cost \$75,600, payable in increments of \$4,200 per month for 18 months.

Committee Report – Chairman Missel commented on a possible amendment to the Dodge County Employee Handbook. Supervisor George remarked the Finance Committee would be meeting at 9:00 A.M. on Thursday, August 9<sup>th</sup>. County Clerk Mytty commented on an agreement with the Historical Society that will be considered at the next meeting.

At 9:30 A.M., a Public Hearing was held to consider the request of Michael J. & Jane M. Ortmeier of 1237 County Road 5, North Bend, Nebraska to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry) 2850 Animal Units as per Article 12, **Conditional Uses** Section 2.19 located in the SE ¼ of Section 26, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag. Prior to testimony from the public, the Board unanimously passed a motion to receive and place on file a letter of opposition from Larry Slama of Cedar Bluffs, Nebraska. Chairman Missel then opened the floor for any testimony. Mr. Ortmeier explained why he wanted to pursue the poultry operation, to keep his son on the farm and for the soil nutrients. He remarked he talked to all his neighbors, except Eric Johnson who lives about one mile away, because he knew he was in opposition of the barns. Jessica Kolterman of Lincoln Premium Poultry was present in support of Mr. Ortmeier's request and to answer any questions. She commented she visited with a couple of the neighbors to answer questions they had. Doug Wittmann and Randy Ruppert were present opposing the permit. They both expressed their concerns that this was industry and not agricultural related and should not be in an agricultural zoned area. Mr. Wittmann thought the number of animal units was over the barn capacity. Allen Kampschnieder of Nutrient Advisor explained the calculations were incorrect on the MATRIX and wanted to correct for the records the calculation he used of 100 instead of 125 to figure the number of animal units, which should be 2,280, not 2,850. Mr. Ruppert, representing Nebraska Communities United, brought up the incident in the Delaware and Chesapeake Bay areas where they were forced to clean up their actions. Mr. Kampschnieder commented chicken waste to be an organic nitrogen, a slower released product than commercial fertilizer and Mr. Ortmeier has plenty of acres available in his plan to use the product. Craig Watts was present to explain his experience with raising chickens on a fifth general farm in North Carolina. He presented statistics from studies, one being 71% of chicken farmers who relied only on this as a source of income, would fall below the poverty level. What he experienced with his operation was they were always pushing for new upgrades for equipment and if you planned to be in business for a longer period of time, would have to do upgrades, changing the rules constantly. He gave information on a publication guide put out by the University of Georgia, which indicated an additional income was needed for living expenses for these farmers for at least 15 years. Attorney Brad Holtorf was present to represent Eric and Stephanie Johnson, the only residents in this section. He handed out a letter from Mr. Johnson and commented the Johnson's are not anti-Costco, just had concerns they did not receive notification of the permit request for either set of

barns within a mile of their home. Zoning Administrator Andrews explained the zoning regulations would have to be changed to increase beyond 300 feet and has nothing to do with the MATRIX. Attorney Holtorf also commented the legal was not correct on the application. Zoning Administrator Andrews remarked the legal had been corrected in the notice and beyond. The main concern of the Johnson's was the air quality with an already existing hog confinement system and the previously approved eight barns in the area. It was discussed possibly of adding trees on the north and west sides of the operation to help with the smell. Mike Ellington of Lincoln Premium Poultry, who was present in support of the Ortmeier's request, explained the air quality footprint that was used for this site is a tool created by the University of Nebraska to assess the discharge of the facility and how far the air flow will travel different times of the year and in different weather patterns. Mr. Ellington commented when asked about insurance that they advise their growers when they insure their barns to also get insurance to cover for loss of income. Ms. Kolterman also commented on the amount of local contractors being used to build the barns, with the General Contractor being out of Schuyler, Nebraska, that of QC Supply. 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 for a new Livestock Feeding Operation (Poultry) located in the SE ¼ of Section 26, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag, based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

A Public Hearing was held to consider the request of Platte River Seeds, Inc., Tim Chapman of 1037 E. 23<sup>rd</sup> Street, Fremont, Nebraska to obtain a Conditional Use Permit to extract fill dirt for new highway by Nebraska Department of Transportation as per Article 13 Section 2 **Conditional Uses** Section 2.5 and Section 25 **Supplemental Regulations** Section 17 located in the W ½ of Section 2, Township 17 North, Range 6 East in South Cotterell Township, Zoning District A-2, General Ag. Luke Ridder of Hawkins Construction was present to answer any questions. He explained they will be using approximately 1.1 million yards of dirt for the 10 mile stretch of road. They will have four pits with Mr. Chapman's being one of those four. He explained the process of cutting ditches and draining water. Highway Superintendent Huppert was concerned about sediment affecting waterways. Mr. Ridder informed him they have to follow regulations outlined in their dewatering discharge permit from the DEQ (Department of Environmental Quality). With no further testimony, the Board unanimously passed a motion to accept the recommendation of the Planning Commission and granted the permit to extract fill dirt for the new highway by the Nebraska Department of Transportation in the W ½ of Section 2, Township 17 North, Range 6 East in South Cotterell Township, Zoning District A-2, General Ag, with the condition to have a 250 foot buffer between the well and the embankment and approved based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

A Public Hearing was held to consider the request of Harry Beller of 4860 33<sup>rd</sup> Avenue, Columbus, Nebraska to obtain a Lot Split & Conditional Use Permit to subdivide a 5.0 acre tract of land as per Article 13, Section 2. **Conditional Uses** 2.1 and to extract fill dirt for new highway by Nebraska Department of Transportation as per Article 13 Section 2. **Conditional Uses** Section 2.5 and Section 25 **Supplemental Regulations** Section 17 located in part of the N ½ of the NW ¼ of Section 10, Township 17 North, Range 5 East in South Union Township, Zoning District A-2, General Ag. Zoning Administrator Andrews commented for this permit and the previous one of Chapman's, they would require a soil extraction permit. Luke Ridder of Hawkins Construction was present to answer any questions regarding this request. The Board, by a 6 to 1 vote, with Saalfeld dissenting, passed a motion to accept the recommendation of the Planning Commission and granted the permit to extract fill dirt for the new highway by the Nebraska Department of Transportation in the N ½ of the NW ¼ of Section 10, Township 17 North, Range 5 East in South Union Township, Zoning District A-2, General Ag, based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located.

At 10:53 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.

The Board unanimously approved tax roll corrections #4903 thru #4906.

The Board unanimously passed a motion denying protest #425, due to it being filed after the filing deadline of July 2<sup>nd</sup>. (Protest #425 was postmarked July 24<sup>th</sup>.)

The Board unanimously received and placed on file a letter from County Assessor Debbie Churchill certifying that a copy of that portion of the property record file substantiating the calculation of the protested value is maintained in the Assessor's Office in electronic or paper form.

The Board unanimously received and placed on file a list of exempt cemeteries in Dodge County for 2018 from County Assessor Debbie Churchill.

At 11:00 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, August 15, 2018.

Immediately thereafter, the Board reconvened as a Board of Supervisors with all members being present.

The Board discussed options of funding the new radio system from Motorola, whether to bond the cost of the radios or enter into a lease/purchase agreement with Motorola. It was also discussed whether this would be considered a capital improvement, which is exempt from the lid. By consensus, the County Board tabled any action until the next meeting on any documents needed to authorize Dodge County to

secure bonds for payment of the Radio Upgrade Project which was approved at the last meeting.

At 11:12 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, August 15, 2018 at 9:00 A.M.

Fred Mytty  
Dodge County Clerk