

PROCEEDINGS OF THE DODGE COUNTY BOARD OF SUPERVISORS

The 2020 Reorganizational Meeting of the Dodge County Board of Supervisors was called to order by County Clerk Fred Mytty at 9:00 A.M. on Wednesday, January 15, 2020 in the Board Room of the Courthouse, Fremont, Nebraska, with the following members present: Bendig, Beam, Weddle, Backens, Strand and Missel. Absent: Saalfeld. County Clerk Mytty announced the meeting to be an open public meeting and that the open meeting laws were posted on the wall and available for anyone's review.

The Board unanimously declared the meeting legally convened.

Bob Missel was nominated as Chairman for 2020. The Board, with Missel abstaining, passed a motion declaring the nominations cease and that Mr. Missel be elected Chairman by unanimous consent.

Chairman Missel then presided over the meeting.

Lon Strand was nominated for Vice-Chairman for 2020. The Board, with Stand abstaining, passed a motion declaring the nominations ceased and that Mr. Strand be elected Vice-Chairman by unanimous consent.

The Board unanimously passed a motion appointing County Clerk Fred Mytty as "keeper of the agenda" for the Board and instructed the agendas to be posted on the main floor of the courthouse and on the county's website and also making it available in the board room in paper form the day of the meeting.

The Board unanimously approved the agenda as printed; received and placed on file various county officials' reports, correspondence from Charter Communications regarding changes in their channel lineup, copies of Motorola Change Orders #1, #2, #3, #4, #5 and #7, a letter from Steve Charleston, CDBG Program Manager for Nebraska Department of Economic Development on notification of release of funds for \$485,000, Community Development Block Grant (CDBG) Program funds for #19-EM-001, NIRMA (Nebraska Intergovernmental Risk Management Association) Safety Shorts for January 2020, NDEE (Nebraska Department of Environment & Energy) correspondence addressed to Mullally Plumbing & Heating regarding a septic system installed on the Matthew and Cody Woehl Farm at 1580 Co. Rd. 11, North Bend, NE and not registered with NDEE, Notice of Public Hearings by the Fremont City Council for the following: request for Planned Development, Preliminary and Final Plat by Hopps & Son LLC for a change of zoning from R, Rural to PD, Planned Development to develop up to 272 multifamily dwelling units, 113 attached single family units consisting of duplex, triplex and row house designs along with commercial uses on property located at the west corner of Luther Road and County Road T; Preliminary Plat consisting of 5 multifamily residential lots, 2 commercial lots and 113 attached single family lots and 3 out lots on property located at southwest corner of Luther Road and County Road T; Final Plat consisting of 2 out lots, 63 attached single family and 3 multifamily lots general on property located at southwest corner of Luther Road and County Road T; a request for Redevelopment Plan for Fremont Mall to designate it as Enhanced Employment Area to impose a 1% occupation tax on sales; and a request for Change of Zone by Director of Planning from UR Urban Residential to SC, Suburban

Commercial on property described as Lot 1, Block 1 Kahn Subdivision; Lot 1, Block 2, Kahn Subdivision; Lots 20 and 21, Block 1 Kahnate Subdivision, Courthouse Safety Committee Meeting Minutes of December 18, 2019 and Certificates of Liability Insurance for the following: Maple Township, Getzschman Heating, LLC, Thompson Construction, Inc. and A & R Construction Co.; received and referred to the County Attorney two tort claims filed by Patrick J. Cullan, MD, JD of Cullan & Cullan, LLC. for his clients Madesyn L. Horner and Brenda L. Horner regarding incident at Fremont Health and filed by Erick W. Fern, Attorney at Law of Berry Law, for his client Rocky Yazzie regarding incident when being transported on January 29, 2019 to Dodge County District Court by van for a hearing; and received and referred to Rey Freeman correspondence from Hooper Fire Department accepting the offer of radios.

The Board unanimously, with Missel abstaining, approved the minutes of the December 31, 2019 meeting as printed.

The Board unanimously received and placed on file the 2019 Activity Report and Noxious Weed Control Plan.

Weed Superintendent Larry Klahn was present and remarked he was very busy with weed control last spring and most of the summer, due to the flooding increasing the size of the footprints of the Elkhorn and Platte Rivers creating more areas for noxious weeds to grow. Grant funds were received to help defray the costs of spraying along infested areas of the Platte River and other areas of Dodge County. The Board unanimously approved and authorized the Chairman to sign the 2019 Noxious Weed Control Plan as submitted.

The Board unanimously received a Certificate from Northeast Nebraska Economic Development District (NENEDD) and instructed the County Clerk to correct the e-mail address of Supervisor Backens on the county contact update form and return to NENEDD.

The Board unanimously approved the request of County Treasurer Bargstadt and authorized her to refund inheritance taxes in the amount of \$1,866.55 on the Estate of Betty Lou H. Jelinek.

At 9:16 A.M., Chairman Missel recessed the Board as a Board of Supervisors and convened the Board as a Board of Corrections with all members being present except for Supervisor Saalfeld.

Under any items of discussion, Supervisor Beam reported that currently there are 70 Dodge County inmates with 65 being housed at the Saunders County Jail Facility and five in other facilities. Jean Andrews commented on a handout presented on a seminar scheduled on Emerging Jail Liability Trends given by NIRMA and advised County Board members and the County Attorney to attend.

At 9:20 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, January 29, 2020 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 Saalfeld.

The Board unanimously approved the wage and hour claims as submitted in the amount of \$234,745.62.

The Board unanimously approved the request of Mrs. Happy Aldana MAHS, Executive Director of CASA, and authorized her to hold three bake sales within the courthouse in 2020. The County Sheriff will be notified of the dates of the bake sales since they now maintain the security at the courthouse entrance.

At 9:20 A.M., Chairman Missel opened the Public Hearing to consider either to continue electing a county surveyor or put the issue on the November 3, 2020 General Election Ballot and let the voters decide. Legislative Bill 946, which was passed in 2014, changed Nebraska Statute to allow the county, prior to February 1, 2020, to adopt a resolution to continue to elect a county surveyor. When asked by Supervisor Strand if he knew what other counties did with their surveyor's position, County Surveyor Clark Boschult responded he felt most were elected except for those counties in the western less populated areas where they were appointed. He also asked Clark if no one was elected, would it put a burden on other offices in the county. Clark responded the county still is required to have a county surveyor and explained legislation was written to allow the county in the future to still put it to the electors. He explained his term will not be up for re-election until 2022 and action today does not change that. He also felt there would be no cost savings to the county whether the position was elected or contracted. Chairman Missel tabled the hearing until later in the meeting where a Resolution would be reviewed and considered continuing the county surveyor as an elected position.

Chairman Missel opened a Public Hearing to amend the 2019-2020 County Budget, specifically to increase the appropriation in the Flood Disaster Relief Fund of 2019 from \$8,000,000 to \$14,000,000 in expenses and increase revenue from \$8,000,000 to \$14,000,000 with grand totals of the budget and revenue also increasing by \$6,000,000 each. County Clerk Mytty remarked that we don't like having to do this, but we are spending money. Chairman Missel felt this was just an accounting issue that needed to be done. He remarked the county is starting to see some checks from FEMA with hopes for more to come in the near future. Highway Superintendent Huppert commented seven flood projects were sent to Speece Lewis Engineers to review prior to sending to the state. His communications with the state indicated the turnaround on funds could be speeded up, referring to approximately \$4 million dollars. With no further testimony given, Chairman Missel closed the hearing. The Board unanimously passed

a motion to increase the appropriation in the Flood Disaster Relief Fund of 2019 from \$8,000,000 to \$14,000,000 in expenses and increase revenue from \$8,000,000 to \$14,000,000 with grand totals of the budget and revenue also increasing by \$6,000,000 each.

The Board unanimously approved the financial claims as submitted in the amount of \$600,818.97.

The Board unanimously approved and authorized the Chairman to sign an Interlocal Agreement to protect the county when assisting during emergencies and disasters with the Village of Dodge.

The Board unanimously received correspondence from Lower Elkhorn NRD regarding the Urban Conservation Assistance Program and the Recreation Area Development Program and instructed the County Clerk to share the correspondence with cities and villages within their jurisdiction as well as with the JWMA Board.

The Board unanimously received and placed on file an Amendment to Original Grant Contract #19-EM-001 for Ames Dike Reconstruction.

Committee Report – Chairman Missel reported the 2020 Spring Flood Outlook, presented by the City of Fremont, County Emergency Management and National Weather Service, will take place on February 4th at 7p.m. at Christensen Field. He also reported the finance committee needs to meet with the county's auditor and asked Finance Chairman Beam to set up a meeting time that would work for all. Supervisor Backens reported things were going well with the change in courthouse security.

In separate motions, the Board unanimously received bids for Calendar Year 2020 Culvert Quotations opened on January 10, 2020 at 11:30 A.M. in the Highway Department of the Courthouse from Ace/Eaton Metals, Metal Culverts and Midwest Service & Sales and awarded bid contracts to all bidders on the various sizes of culverts.

At 9:47 A.M., the Board unanimously passed a motion to go into closed session with respect to threatened and imminent litigation.

At 10:13 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the litigation. No action was taken as a result of the closed session.

At 10:14 A.M., Chairman Missel recessed the Board as a Board of Supervisors and convened the Board as a Board of Equalization with all members present except for Supervisor Saalfeld.

The Board unanimously passed a motion rescinding action taken at their December 31st meeting on tax roll correction #5042 (declaring it voided) and approved tax roll corrections #5048 thru #5065.

In one motion, the Board unanimously received an Application for Exemption, form 457 for 2020 of Rebuilding Together, Platte Valley East Inc. on three trailers and one pickup and accepted the recommendation of County Treasurer Bargstadt and approved the exemptions.

At 10:17 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, January 29, 2020.

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

A Public Hearing was held to consider the vacation of a $\frac{3}{4}$ mile segment of road known as County Road P east from County Road 24 in the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 18 North, Range 8 East in Nickerson Township. Highway Superintendent Huppert showed pictures of the road that was now gated off. He commented trash was being taken down the road and dumped. He had no problems with the vacation of the road as long as the landowners all agreed. Darrin Kiger commented his dad's land would be landlocked if they don't have a way to get to his property if no access is granted. He cannot get to it on "O" Blvd. Duane McKenzie, Nickerson Township Board member, commented there has been problems with this stretch of road for a long time until the gate was put up. He felt it was a communication problem amongst the landowners. Mr. Kiger commented cable has been put along the Pfeiffer property prior to approaching the gate and they have had permission from the Foust's since 1984 to access their property via the Pfeiffer property. Robert Mulliken was present and commented he has no problem with giving the Kiger's the code to unlock the gate. One of the main reasons he was in favor of gating the road was because someone was target shooting down there when he was on his property. When asked, Mr. Mulliken agreed to provide the code for the gate to the Kiger's to solve the access problem to their property. With no further testimony from the public, Chairman Missel closed the public hearing at 10:40 A.M. The Board unanimously adopted and authorized the Chairman to sign a Resolution vacating the segment of County Road P east from County Road 24.

At 10:42 A.M., Chairman Missel reopened the Public Hearing to consider either to continue electing a county surveyor or put the issue on the November 3, 2020 General Election Ballot and let the voters decide. Chairman Missel read the Resolution into the record. He then asked if there was any further testimony to be given. With none, he proceeded to close the public hearing. The Board unanimously adopted and

authorized the Chairman to sign the Resolution to continue the procedure of electing a county surveyor.

At 10:45 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims for the month of December, 2019.

At 10:54 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the claims. No action was taken on any of the claims as a result of the closed session.

Highway Superintendent Huppert showed the County Board two maps of the county. The first was color-coded showing areas of damage to roads, state highways, bridges and flooded areas in the county, due to the March flood. The second map was color-coded showing what areas were left to be worked on. He discussed the repairs made to County Road 19 by the Rod & Gun Club and State Lakes Project. He commented FEMA is not accepting the project as an emergency project and are considering it a dike and it is not a dike. It would cost \$2.4 million to tear it out and put it back versus 12.5% if an emergency project. The portion of County Road T from Yager Road to Highway 77 will be closed for about a week for repair of the railroad tracks.

At 11:15 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, January 29, 2020 at 9:00 A.M.

Fred Mytty
Dodge County Clerk