

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 25, 2017 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Weddle, Strand, Vaughan, Saalfeld, George 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 correspondence from Charter Communications regarding changes to their residential channel lineup, quote from Tred-Mark Communications for a new server for telephone system, minutes of the Dodge County Planning Commission meeting of October 17, 2017, minutes of the Courthouse Safety Committee meeting of October 11, 2017, Notice of Public Hearing of Colfax County Commissioners on Tuesday, October 24, 2017 to consider Resolution of Solar Energy and a Conditional Use application for Cooperative Supply, Inc., a Resolution for Amendment and Addendum to NIRMA/NIRMA II Intergovernmental/Interlocal Agreements which extends Dodge County's commitment to NIRMA for the period July 1, 2018 through June 30, 2021 and NDEQ (Nebraska Department of Environmental Quality) correspondence regarding corrected registration forms for Taylor Meyer Farm and Mitigating Actions for Craig & Jessica Eikmeier property; received and referred to the County Attorney a tort claim from Fraser Stryker PC LLO Lawyers of Omaha, Nebraska in behalf of their client Larry Homes; and declared an emergency existed and added an emergency item under the Board of Equalization to correct the levy for Fremont Fire District #8, due to an error on their submitted budget. (Prior to the motion, County Clerk Mytty explained the County Board has 20 days to correct levies; thus, needed to be declared an emergency item.)

The Board unanimously, with George abstaining, approved the minutes of the October 11, 2017 meeting as printed.

At 9:05 A.M., the Board recessed as a Board of Supervisors and convened the Board as a Board of Corrections. Chairman Missel dispensed with roll all members being present.

The Board unanimously received and placed on file correspondence from Nebraska Jail Standards on an annual evaluation of the Dodge County Jail determining it to be in full compliance with standards at time of inspection.

Under any additional items of discussion, Supervisor Beam, Chairman of the Jail Committee, remarked on his visit with Justin Libra. He was given information that as of last Thursday there had been 84 people booked into the holding facility for the month. From February 15th thru last Thursday, 984 people had been booked into the facility. About 60% of those booked are actually taken to the Saunders County Jail Facility. County Attorney Glass commented there were 80 Dodge County inmates presently in the Saunders County Jail.

At 9:09 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, November 8, 2017 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 \$187,138.11.

The Board unanimously approved the financial claims as submitted, with the exception of a claim for juvenile attorney fees in the amount of \$3,626.94, for a total approved amount of \$397,066.79. The claim did not include itemized hours. County Attorney Glass will follow-up on the claim.

The Board unanimously received and placed on file County Sheriff's 2017 quarterly report.

The Board unanimously passed a motion to reappoint Ryan Bojanski and Mary Le Arneal to the Three Rivers Public Health Board to three-year terms, expiring August 31, 2020.

Committee Report – Supervisor George commented on discussion he and Supervisors Strand and Beam are having with the City of Fremont on the possibility of a Joint Law Enforcement Office. They would like to do a study looking at the entire concept of a joint facility and its costs. The study would cost \$15,000, which would be split between the city and county, to do a renovation or replacement analysis of a site for the two departments. He felt the cost for such a facility would be extremely costly, but felt it would be beneficial to move forward with the study for future reference even though the current facility for the County Sheriff was adequate and running smoothly. Supervisor Strand agreed the study could be a beneficial tool for

use in the future. The County Board will consider the study at their next meeting.

Committee Report – Chairman Missel commented the Insurance Committee would again meet with Benefits Professional tomorrow regarding premiums for employee healthcare insurance for the upcoming year.

At approximately 9:15 A.M., Supervisor George exited the meeting room.

A Public Hearing was held to consider amending the 2017-2018 County Budget, specifically to increase the appropriation in the Probation Office budget by \$25,000 and decrease the General Miscellaneous budget by \$25,000 and to increase the budget and revenue by \$1,015,000 each by creating a new fund, Probation Office Construction Fund with an appropriation of \$1,015,000 with revenue received from the sale of the bonds. County Clerk Mytty explained the Probation office would be short by approximately \$20,000 for rent and with the funds from the sale of the bonds being wired this morning to the County Treasurer, a fund needed to be established. With no testimony for and/or against the amendment, the Board unanimously passed a motion to amend the budget as presented, by creating the new fund, the Probation Office Construction Fund with the appropriations of \$1,015,000 on both the revenue and expense side of the budget and to transfer \$25,000 from the General Miscellaneous to the Probation Office budget to cover a shortage and all subtotals and grand totals adjusted appropriately. (Supervisor George returned to the meeting room after the hearing was closed and action was taken.)

The Board unanimously approved the purchase of a new server for the telephone system and authorized Chairman Missel to sign a quote from Tred-Mark Communications in the amount of \$6,336.50 for the server.

The Board unanimously approved and authorized the Chairman to sign Exhibit 4 to the Telecommunications Services Agreement with NetLink, Inc. (Great Plains Communications Inc.) along with a change order. Supervisor Beam explained the change order was for a special port for the connection of the probation office back to the server.

A Public Hearing was held to consider the request of LMS LLC, Mark Larsen of 1527 County Road 21, Fremont, Nebraska to subdivide a 5.37 acre tract and obtain a Conditional Use Permit for an existing dwelling as per

Article 13, Exemptions Section 4.2 B.1 located in Part of the NE ¼ of Section 16, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag. With no testimony given for or against the subdivision and permit, the Board unanimously passed a motion to accept the recommendation of the Planning Commission and to approve the subdivision of the 5.37 acre tract and to grant the conditional use permit for the existing dwelling, based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district to which it is located.

A Public Hearing was held to consider the request of Jack Mulliken of 1677 County Road 24, Nickerson, Nebraska to obtain a Conditional Use Permit to store and apply Biosolids as per Article 14, Section 2.9 Conditional Uses located in the N ½ of the SE ¼ of Section 23, Township 18 North, Range 8 East in Nickerson Township, Zoning A-3, Transitional Ag. With no testimony given for or against the permit, the Board unanimously passed a motion to accept the recommendation of the Planning Commission and to grant the conditional use permit to store and apply the biosolids, based on the conditional use conforms to the regulations and the use conforms to regulations of the district to which it is located.

A Public Hearing was held to consider a Resolution amending the Nebraska Livestock Siting Assessment Matrix. Zoning Administrator Andrews explained why an amendment was being considered. The Matrix currently states the following: "Total Score (A project that reaches 75 points or above shall be granted a Conditional/Special Use Permit by the county.)" Her suggestion was to totally remove the sentence, because it seems to appear to the applicant if the points had been reached, the permit would automatically be granted. She explained, the process still exists for public hearings prior to final action on the permit by the County Board. Chairman Missel explained, that after reading the agenda correspondence, he felt the sentence should be removed and reiterated the "Matrix" is basically a tool to be used by the Planning Commission and County Board. Chairman Missel opened the floor for public testimony, with no response. Supervisor George felt it might not be right to proceed further when an applicant's permit has been approved by the DEQ (Department of Environmental Quality), meets Dodge County's Zoning Regulations and scores 75 points or above on the Matrix on a livestock operation. He felt, the current process seems to be taking away rights of property owners to do what they want to with their property. Supervisor Strand commented he really likes the Matrix, because it gives the Planning Commission and County Board an added tool, but was a little concerned with

the wording. He also felt neighbors and others still should have the right to express their concerns at a public hearing. Supervisor Vaughan commented that there will always be a scenario that falls outside the boxes of the Matrix; and no matter how well they were written, should always reserve the right as a board to consider additional circumstances. Suggestions from Supervisor Strand and Chairman Missel were to maybe not remove the sentence completely, but to alter it to state something to the effect - "shall be strongly considered" instead of "shall be granted". The Planning Commission will relook at the wording of this sentence as suggested with one small amendment to remove the word "strongly" and to reword the sentence as follows: **"The Score (A project that reaches 75 points or above shall be considered for a Conditional/Special Use Permit by the county.)"**

The Board unanimously approved and authorized the Chairman to sign a Resolution for Amendment and Addendum to NIRMA/NIRMA II Intergovernmental/Interlocal Agreements which extends Dodge County's commitment to NIRMA for the period July 1, 2018 through June 30, 2021. Prior to passage of the resolution, Zoning Administrator Jean Andrews, who is currently a member of the NIRMA Board of Directors, commented Dodge County has received returned dividends of over \$570,000 since participation.

The Board unanimously approved and authorized the Chairman to sign where indicated on the 2017-2018 Dodge County Highway Department Budget Forms.

By consensus, the Board scheduled their annual Highway Department Road Tour beginning at 8:00 A.M. on November 29th at the Highway Department. Although a quorum of the Supervisors may be present in the vehicle, no action of any kind may be taken until a regularly scheduled meeting.

With no further business under Board of Supervisors, at 10:02 A.M. Chairman Missel adjourned the Board until Wednesday, November 8, 2017 at 9:00 A.M.

Immediately thereafter, the Board convened as a Board of Equalization. Chairman Missel dispensed with roll all members being present.

The Board unanimously approved the request of County Assessor Churchill to move forward with publication for bids for RFP (request for

proposal) for Cama System and to have the bids received by 4:30 P.M. on Tuesday, November 21, 2017 in the County Clerk's Office.

The Board unanimously received a list of Notices of Valuation Changes from County Assessor Churchill and approved and authorized the County Clerk to mail notices to The Tow Line Co. on parcel #270105728, Gifford Construction LLC on parcels #270139785 & #270139790 and to Deer Point Corp on parcels #270139790 & #270139785 reflecting those changes in 2017 valuations.

In separate motions, the Board unanimously received forms 457, Applications for Exemptions, from Cub Scout Pack 207, St. Patrick's Catholic Church, of Fremont, Nebraska on a 2018 R & M 4 wheel trailer, from Midland University of Fremont, Nebraska on five 2017 model vehicles and from Scribner-Snyder Community Schools on a 2007 Chevy Mid Bus and passed a motion to accept the recommendations of the County Treasurer and to grant the exemptions.

The Board unanimously approved tax roll correction #4812.

The Board unanimously received and placed on file the County Assessor's 2017 Plan of Assessment to be submitted to the Nebraska Department of Revenue.

The Board then considered the emergency item which was declared an emergency and added to their agenda at the beginning of the meeting. The Board unanimously approved a correction to the levy sheets as submitted which reflected a change in the 2017 tax request for the bonds for Fremont Fire District #8 and its 2017 bond levy. (A corrected budget was received for Fremont Fire District #8 earlier in the week showing a corrected tax request for their bonds. With this correction, their final total levy is now set at .050977 per \$100 of valuation, previously set at .051621.)

At 10:12 A.M., the Board unanimously passed a motion to go into closed session to discuss TERC appeals.

At 10:25 A.M., the Board unanimously passed a motion to go back into open session from the discussion of Tax Equalization and Review Commission (TERC) appeals. No action was taken as a result of the closed session.

At 10:26 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, November 8, 2017.

Fred Mytty
Dodge County Clerk