

To be officially published by the Rustler Sentinel

## 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 23, 2019 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Saalfeld, Beam, Strand, Bendig, Weddle, Backens 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 LifeHouse's report for September 2019, response from Department of Health & Human Services on denial of request for payment providing DHHS office space, correspondence from Charter Communications regarding price changes, effective November 12, 2019 to customers of Spectrum TV Silver and Spectrum TV Gold services, continuation bond and Rider of Michael Winterfeld, SID #3, closing documents on three Motorola Tower sites – Dunker, Vodvarka & Rebbe, minutes of the October 15, 2019 Dodge County Planning Commission meeting, minutes of the Courthouse Safety Committee meeting of September 25, 2019, Notice of Public Hearings from City of Fremont for the following: Conditional Use Permit for Country Builders, LLC for a self-storage facility, Application for Gerald Kelly of the Lund Co. to add a 44-unit apartment structure to the Deerfield Clubhouse apartment complex, Application by Cris Larson of Mesner Development to construct four triplex residential buildings and an application by Stan Darling on behalf of Presbyterian Church of Fremont to amend the area of a pre-existing conditional use permit, Request for annexation of de-annexation of parcels by Justin Stark on behalf of Lincoln Premium Poultry consisting of approximately 12.34 acres located in Section 26, Township 17 North, Range 8 East, request for Justin Stark on behalf of Lincoln Premium Poultry to annex a portion of Lot 8, Poultry Complex Addition consisting of 2.82 acres located in Section 25, 26 and 36 Township 17 North, Range 8 East, request by Megan Flower on behalf of Crown Castle USA, Inc. for an amendment to a conditional use permit to replace an existing cell tower with a new tower with an overall height of 129 feet on property located as a part of Tax Lot 119 in the NE ¼ of the NW ¼ of Section 24, Township 17 North, Range 8 East, request for a Change of Zone from R to SR made by Steve Dodd on behalf of Charles H. Diers, a final plat consisting of 18 lots and the voluntary annexation of a 5.76 acre parcel located in the SW ¼ of the SW ¼ of Section 18, Township 17 North, Range 9 East, Certificate of Insurance for Dolezal Sand & Gravel and Moving Permit for Sears Manufactured Homes to move a modular home onto County Road 27 south of Highway 30 east of Fremont; and received and referred to the County Attorney a tort claim filed by Johnson & Mock, Attorneys at Law, for their client, Dennis Krutilek for damages from a collision involving a vehicle he was operating and a road maintainer.

The Board unanimously approved the minutes of the October 9, 2019 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 commented the Booking Facility is installing new booking software. There are currently 66 Dodge County inmates in custody.

At 9:07 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, November 6, 2019 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 \$234,661.48.

The Board unanimously approved the financial claims as submitted in the amount of \$802,634.55.

In separate motions, the Board unanimously approved the tentative days for Dodge County Board meetings and Dodge County Courthouse Holidays for 2020.

Committee Reports – Supervisor Strand gave a brief update of the Northeast Nebraska Community Action Partnership. He commented it is a non-profit organization serving a region of 14 counties in the northeast portion of the state. He went through a handout that outlined services they provided in Dodge County. Supervisor Strand remarked Dodge County is fortunate, because they have more services available due to their size. The poverty level in Dodge County is not nearly as high as in the other counties in the region. Chairman Missel received a letter from Garry Clark, Executive Director of Greater Fremont Development Council, thanking the county for their participation and support. Chairman Missel commented Dean T. Lux, a former Chairman of the County Board, recently passed away. He did a tremendous job for Dodge County and was currently serving as mayor of the City of North Bend.

At 9:22 A.M., Chairman Missel declared a short recess of the County Board.

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

Next was a scheduled Public Hearing to consider the request of Kevin L. & Nicole V. Ortmeier, landowners, at 217 County Road H, Dodge, Nebraska and Deven Ortmeier, Operator, at 753 County Road I, Scribner, Nebraska to obtain a Conditional Use Permit to construct and operate a Swine LFO (999 animal units) as per Article 12,

Section 2.19 Conditional Uses located in the SE ¼ of the SW ¼ of Section 6, Township 20 North, Range 6 East in Cuming Township, Zoning District A-1, Intensive Ag. Zoning Administrator Andrews commented the Planning Commission unanimously approved the permit, with one person attending opposing the permit. Afterwards, it was brought to her attention the range on the legal was incorrectly published in the notice. Zoning Administrator Andrews remarked, after seeking the opinion of the County Attorney, she was advised to republish the notice with the right legal and present it to the Planning Commission for reconsideration at their November 19<sup>th</sup> meeting and then back to the County Board.

At approximately 9:35 A.M., a Public Hearing was held to consider the request of Nextera Properties, LLC of 4650 26<sup>th</sup> Ave. S, Fargo, ND (Platte Valley Implement) to request a Lot Split and a Residential Registration for a 5.24 acre tract located in part of Tax Lot 8 in the West ½ of the NW ¼ of Section 26, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-3, Transitional Ag. Chairman Missel then proceeded to open the hearing for public comments. Zoning Administrator Andrews commented the Planning Commission, by a 4 to 1 vote, recommended approval of the lot split. Diana Madsen, realtor, and prospective owner, Zoua Lo, were present to request the approval of the lot split and permit. Ms. Lo explained they want to move their organic garden and flower business from Minnesota to Nebraska, because Minnesota is too cold. Zoua Lo also commented she has been in the business for 20 years and is not worried about the concerns of a farmer spraying his field to the west of her garden, because she knows how to keep the spray from drifting, by bordering her garden with tall grasses. With no further testimony for/or against the request, Chairman Missel closed the hearing. The Board unanimously accepted the recommendation of the Planning Commission and approved the lot split and residential registration for the 5.24 acre tract located in part of Tax Lot 8 in the West ½ of the NW ¼ of Section 26, Township 18 North, Range 8 East in Nickerson Township.

Zoning Administrator Andrews commented the Planning Commission tabled amending the Zoning Regulation Fees until more members could be present at their meeting. Only five members attended the October 15<sup>th</sup> Planning Commission meeting with four members absent.

Jean Andrews commented the county received \$19,851 in dividends from NIRMA. She also reminded the deadline for any assist grant applications with NIRMA is November 1<sup>st</sup>.

The Board unanimously received a LPA Program Agreement – Federal-Aid Funds Agreement between Dodge County and Nebraska Department of Transportation to participate in Project No. ER-3490(13), State Control No. 22792, Hooper North, Logan Creek and adopted a Resolution approving and authorizing the Chairman of Dodge County Board of Supervisors to sign the LPA Program Agreement – Federal Aid Funding.

Highway Superintendent Huppert updated the County Board of what was happening in the Road Department. The crane has been inspected and there are a minor repairs needed prior to selling it. It is a 1981 model and is in really nice shape. He commented the state is piling asphalt milling at the shop location in Fremont. In lieu of storing, the county can use some of the milling. His crew is still working in the Ames area and are still cleaning ditches and installing culverts. FEMA is getting their estimates next week for the Big Island & Ridge Road Project. Alan and Jean are working with townships on their FEMA projects.

At 10:00 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, November 6, 2019 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 accepted the recommendation of County Clerk Mytty and passed a motion to amend the 2019 levy for the North Bend Fire as submitted.

Deputy County Attorney Vaughan requested the County Board to consider going into closed session to discuss a TERC appeal, since the hearing on the appeal was scheduled for tomorrow. At 10:03 A.M., the Board unanimously declared that an emergency existed because of tomorrow's hearing and passed a motion to go into closed session to discuss the TERC appeal.

At 10:14 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the appeal. No action was taken as a result of the closed session.

At 10:15 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, November 6, 2019 at 10:00 A.M.

Fred Mytty  
Dodge County Clerk