

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, May 3, 2023 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Beam, Weddle, Strand, Backens, Missel, Tawney and Bendig. Absent: None. Prior to roll call Chairman Missel announced the meeting to be an open public meeting and that the current open meeting laws are 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 and received and placed on file county officials' reports, Region 6 Behavioral Healthcare 2023-2024 budget request in the amount of \$97,496 (referred to the Finance Committee), Northeast Nebraska Economic Development District 2023-2024 annual membership request in the amount of \$915.00 (referred to the Finance Committee), Certificates of Insurance for Arvest Bank ISAOA/ATIMA for Dodge County's (2) Cat Steer Skid Loaders leased from Caterpillar, Minutes of the April 18, 2023 Planning Commission Meeting, Notice of Public Hearings for the City of Fremont Planning Commission to hear the following: A request by Mayor Spellerberg for a change to the text of the Unified Development code to establish a Port Authority Zoning District adding the district to Sections 11-403, 11-502, 11-603, 11-814 and 11-815 of the Fremont Municipal Code and for a Change of Zone from R, Rural to PA, Port Authority on property generally described as lying between Highway 275 on the west; the north-south half-section line of Section 21-17-9E and Section 28-17-9E on the east and the Union Pacific Railroad on the north and the south section line of Section 29, T17N, R9E and 28, T17N, R9E Dodge County, Nebraska, Notice of Public Hearings for the City of Fremont Planning Commission for a Conditional Use Permit for a drive thru restaurant, change of zone and landscape waiver by Justin Crawford on behalf of SCM 10X Fremont 23A for a Change of Zone from SC, Suburban Commercial to GC, General Commercial on property described as Lot 1 of west half of Lot 2, Diers 6th Addition, Fremont, NE; A request by the Director of Planning for a Change of Zone from SC, Suburban Commercial to GC, General Commercial on property described as Lot 1, Block 1, Diers 2nd Addition; Lot 2R1 and Lot 2R2, Diers Second Addition, Replat of Lot 2, Diers Second Addition, Replat of Block 2, Lots 1 and 2, Lot 1, Diers Section Addition, Replat of Block 2, Lots 1 & 2, Fremont, NE; A request by Justin Crawford for a waiver of side yard landscaping on property described as Lot 2, Diers 6th Addition, Fremont, NE; and a request by Justin Crawford for a Conditional Use Permit for a drive-thru restaurant described as Lot 2, Diers 6th Addition and Moving Permits for Barnhart Crane to move a self-propelled crane over county roads on April 17 thru April 22, 2023 and return and another to move on April 21, 2023 and one to move on April 24, 2023.

The Board unanimously approved the minutes of the April 19, 2023 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 reported that there are currently 67 inmates in custody with 49 being held in Saunders County, 12 in Washington County, 3 at the Nebraska Department of Correctional Services and 3 are under house arrest. The agreement with Washington County for the housing of inmates is in place and inmates from Dodge County have been taken there (both male and female).

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, May 17, 2023 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 wage & hour claims as submitted in the amount of \$275,076.18.

The Board unanimously approved the financial claims as submitted in the amount of \$741,333.96.

The Board unanimously approved the purchase of a speaker system (estimate of \$9,969.68) and a projector (estimate of \$1,379.97) for the Dodge County Board of Supervisors' boardroom (Total estimate \$11,349.65) using American Rescue Plan Act (ARPA) funds. The funding for these items was approved at the 4/19/23 meeting of the Dodge County Board of Supervisors. This action approves the actual purchase.

Chairman Missel reported that the creation of a special committee is underway to address the distribution of funds that have been and will be received by Dodge County from the opioid settlements. He would like 3 Dodge County Supervisors to serve on this committee and asked for any of the board members with interest to let him know. He said County Attorney Hopkins is also talking with community members that may be interested in serving on this committee. There was no action taken on the matter; it will be added to the agenda for the next Dodge County Board of Supervisors meeting.

Mike Bechtel (251 S. County Road 28, Fremont, NE) was present and asked about the status of the study on the tributaries coming out of Fremont that go through Elkhorn Township. Chairman Missel said this area is now known as the East Fremont Elkhorn Drainage District. JEO Consulting is the lead on the study and they are actively engaged in preparations to bring a plan forward to improve the drainage in this area. Mr. Bechtel also asked for information about the sign posted on Morningside Road about a public hearing. Chairman Missel explained that the City of Fremont has been given the designation of Municipal Inland Port Authority. The Greater Fremont Development Council has purchased 1500 acres under a Memorandum of Understanding and the governing board has been selected. This designation will accommodate industrial businesses that want to have access to warehouse space and proximity to rail lines; at this time there have been no projects committed. The City of Fremont has zoning jurisdiction for this and must hold public hearings for the zoning change.

Committee Reports – Supervisor Bendig reported that the Information Technology (IT) Committee decided to proceed with the voice over IP, cloud-based telephone system. New wiring will be required for this, so the committee will be preparing a Request for Proposal for sealed bids. The IT Committee also worked with Applied Connective Technologies to submit a \$9,000 grant application to the state to be used for planning, response and recovery with training included. Supervisor Bendig reported that the Finance Committee received a budget calendar from Fred Mytty, which will be placed on the next agenda for approval. He also said the auditors will be starting the audit for the fiscal year ending June 30, 2023. Chairman Missel reported that the officers have been selected for the Municipal Inland Port Authority: Dave Heineman, Chairman, Paul Vaughan, Vice Chairman and Fred Mytty, Secretary. Supervisor Backens reported that two new deputies have been hired, one of whom will

be going to the law enforcement academy in May. He said the signs have been ordered for the rural addresses. He also reported that Tara Lea has resigned from her position as the Director of the Fremont Chamber of Commerce.

The Board unanimously accepted the assignment of officers to the Planning Commission as presented for the next year: Marlin Brabec - Chairman, Brad Fooker – Vice Chairman and Allen Rolf – Secretary. Zoning Administrator Jean Andrews told the Board that these Planning Commission members agreed to serve another year in the same office they held last year.

The Board unanimously accepted the recommendation of Zoning Administrator Jean Andrews and approved the reappointments of Brad Fooker, Matt Giesselmann and Tom Weitzenkamp to the Dodge County Planning Commission for a three-year term expiring May 31, 2026.

Zoning Administrator Jean Andrews informed the Board that there will be CPR/AED Training Classes held on Thursday, May 18, 2023. The morning class will begin at 9:00 A.M. and the afternoon class will begin at 1:00 P.M. in the Conference Room of the Sheriff's Department.

The Board discussed correspondence from the Nebraska Department of Transportation regarding Project S-77-2 (1087) Fremont Southwest Bridge; C.N. 13394B requesting feedback as to how the project impacts Dodge County. Highway Superintendent Huppert showed the Board where this bridge is and said this bridge is in Dodge County's jurisdiction even though it is south of the Platte River Bridge. No action was taken or needed regarding this correspondence.

Highway Superintendent Scott Huppert reported to the Board that one of his employees hit an overhead power line that pulled the service mast from the house and damaged the meter box on property owned by Danny Karch at 213 Queen Ave., Ames, NE. No one was hurt and there was no damage to the truck. OPPD replaced the damaged pole. There have been complaints about sagging power lines in this area. Power Tech will be repairing the service mast and meter box; Dodge County will receive a bill for this. There will not be an insurance claim filed on this incident.

Highway Superintendent Huppert reported that his employees have been regrading County Road 17 and that project is moving along quickly. Today Sawyer Construction is helping county employees clean out beaver dams from the cutoff ditch; they have equipment with better reach to do the job. The work on the Elkhorn River Bridge rehabilitation at Winslow is complete; Superintendent Huppert said he plans to have county employees install a guardrail on this bridge. Employees have done more clean up in the ditches on West Military and they plan to shave down tree stumps. The right-of-way has been acquired for the County Road 18 paving project and OPPD will be moving the power poles, possibly as soon as June. The cost to move the poles is still being negotiated. A portion of the right-of-way for the box culvert project on County Road F has been acquired; Superintendent Huppert is working on getting the rest of it. The State is working on the intersections on the 275 By-Pass at Scribner; there may be a detour when they do the crossover at Highway 91. Superintendent Huppert will be meeting with the State today about road closures, haul roads and traffic flow schedules for the Highway 30 By-Pass.

At 9:30 A.M., a Public Hearing was held to consider the request of Kaup Produce, Inc. of 2225 Q Road, Fremont, NE 68025 to change zoning from C-1

Commercial to L-1 Light Industrial and obtain a Conditional Use Permit (CUP) on a 20.01-acre parcel located in West ½ NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Dodge County. Zoning Administrator Jean Andrews reported that the Planning Commission unanimously recommended approval of the zoning change and the CUP for Kaup Produce, Inc. Dave Mitchell (81 W. 5th St., Fremont, NE), attorney for Kaup Produce, Inc., told the Board that this change of zoning will allow for the retail sale of agricultural seed, fertilizer and chemicals as well as custom application and seed treatment. The CUP will allow Kaup Produce to erect a luminated sign similar to the one at Platte Valley Equipment. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Planning Commission and approved the change of zoning from C-1, Commercial to L-1, Light Industrial and CUP based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located.

The Board unanimously adopted a Resolution to amend Dodge County Zoning Map from C-1, Commercial to L-1, Light Industrial for a 20.01-acre tract of land located in West ½ NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Dodge County, NE. Zoning Administrator Jean Andrews said this Resolution is needed to make the change in zoning on the Dodge County Zoning Map. Supervisor Strand read the Resolution for the record. It was also noted that the name of the county clerk needs to be changed from Fred Mytty to Micki Gilfry on the resolution.

At 9:38 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 9:50 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.

At 9:51 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, May 17, 2023 at 9:00 A.M.

At 10:00 A.M., the Board convened as a Board of Equalization.

The Board unanimously approved tax roll corrections #5584 & #5585.

The Board unanimously received correspondence from the Tax Equalization and Review Commission (TERC) regarding the Transcript for Dodge County Board of Equalization v the Kroger Company – TERC Case No. 20C 0124 & 21C 0385, Court of Appeals No. A-23-268. The fee of \$620.00 for the transcribed record of the hearing will be made payable to General Reporting Service, Inc.

At 10:08 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, May 17, 2023 at 10:00 A.M.

Micki Gilfry
Dodge County Clerk