

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, November 3, 2021 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, correspondence from JEO Consulting Group regarding coordination in the development of the Rawhide Creek Watershed Work Plan – Environmental Assessment (Plan-EA) and invitation to an agency scoping meeting on November 18, 2021, Notification from the Federal Audit Clearinghouse that the Single Audit report for Dodge County has been submitted and will be processed, Financial Statements with Supplemental Information and Accompanying Independent Auditors' Reports for Dodge County for FY ending June 30, 2020 prepared by Bland & Associates, correspondence from Charter Communications regarding changes in channel lineup and Utility Installation Agreement with OPPD to install an underground primary cable located in the Public Right-of-Way between SE ¼ Section 13, T19N, R7E. The approval of the agenda also included an emergency agenda item regarding pending litigation against Dodge County. County Attorney Paul Vaughan said he needs an answer on this issue before Friday, November 5, 2021, so the timeliness makes it an emergency.

The Board, with Supervisor Beam abstaining since he was not present at the October 20 meeting, approved the minutes of the October 20, 2021 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 90 inmates in custody with 65 being held in Saunders County, 21 in Washington County (female only), 1 in Butler County, 2 under house arrest and 1 with the state. He added that the numbers of females incarcerated has increased over the past few years and this increases the need for female corrections officers. County Attorney Vaughan said they are struggling with housing high needs prisoners. The state has more requirements to house these prisoners, which adds to the challenge. Supervisor Beam asked about the use of house arrest and County Attorney Vaughan said they are using it when they can, but many of the inmates are not eligible for house arrest due to safety and flight risks. He added that under the circumstances, the Sheriff is doing a good job of getting the prisoners where they need to be, but transportation is a rising concern that is being exacerbated by the need for corrections employees.

At 9:07 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, November 17, 2021 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 \$237,623.62.

The Board unanimously approved the financial claims as submitted in the amount of \$357,911.92. County Attorney Vaughan said the \$13,579 charges from Physicians Laboratory Services are toxicology workups for autopsies. These charges are for four autopsies that he requested over the past few months for deaths that were questionable in nature. It takes three to four months to get the results because of the backlog and the charges come after the autopsies are completed.

The Board unanimously approved the reappointments of Becky Stecher and Kirk Brown to the Convention & Visitors Promotion Committee for 4-year terms expiring October 29, 2025. Shannon Mullen, Executive Director of the Fremont & Dodge County Convention & Visitors Bureau was present in support of these reappointments. She reported that Amy Vermeline is the new Main Street Fremont Director. She also reported that the Cornhusker State Games made a three year commitment to use the Dillon Family Aquatic Center for the aquatics portion of the games. The KCAC swimming and diving championships will also be held in Fremont for the next two years starting in 2022.

The Board unanimously received a letter from County Treasurer Bargstadt and accepted her recommendation to approve 2019 and 2020 tax roll corrections for 2660 E. 23rd LLC resulting in a tax refund of \$1,284.31.

In separate motions, the Board unanimously approved the tentative days for Dodge County Board meetings for 2022 and Dodge County Courthouse Holidays for 2022. The observed holidays for the Dodge County Courthouse include Juneteenth Independence Day to be observed on June 19, which has been recognized as a state holiday.

The Board unanimously approved the list of designated official county newspapers for 2022.

The Board recognized County Government Day and Chairman Missel addressed the approximately 30 students in attendance. He provided an overview of Dodge County's form of government and operations and introduced the elected officials present at the meeting.

The Board unanimously approved a Real Estate Purchase Agreement with City of Fremont, Nebraska, Dodge County, Nebraska (Collectively hereinafter referred to as the "Sellers") and ALLO Fremont, LLC (hereinafter referred to as the "Purchaser") where in the Sellers agree to sell to the Purchaser a tract of land composed of a portion of Outlot "A", Fremont Technology Park Replat of Outlot "A", located in the SW ¼ of Section 12, Township 17 North, Range 8 East of the 6th P.M., City of Fremont, Dodge County, NE for a total purchase price of \$7,500.00 and authorized the necessary signatures on the agreement. The City of Fremont has already approved the sale, but the purchase agreement has to be read 3 times before it can be finalized. ALLO was

hoping to close on the purchase by the end of the year, but that most likely will not happen. ALLO is already leasing this property and that lease agreement is in effect through the end of 2021. The next agenda item is an amendment to that lease agreement, which would extend it into next year and give ALLO time to close on the purchase.

The Board unanimously approved Amendment No. 1 to the Lease Agreement between City of Fremont, Dodge County and Allo Communications, LLC regarding the term of the lease and authorized the necessary signatures on the amendment.

The Board unanimously approved an Interlocal Agreement with Douglas County for Dodge County to replace a broadcast tower located at the 911 Technical Building, 3603 N. 156th St., Omaha, NE 68116 for the purpose of utilizing said tower to increase the performance of radio coverage for the existing Dodge County Sheriff's Judicial Center and County Courthouse Building and authorized Chairman Missel to sign the agreement. The original pole that was to accommodate Dodge County's radio system needs is full. This single pole will only have Dodge County equipment and will provide the redundancy and back-up capabilities that Dodge County needs.

The Board unanimously adopted a Resolution establishing supervisor districts in Dodge County after the 2020 Census and authorized the necessary signatures on the document. County Clerk Mytty explained that he worked with the City of Fremont on this so the County Board and City Council wouldn't split up precincts. He also said there is less than a 5% difference between the amount needed and the target amount in each district, so the end result falls within the guidelines of redistricting.

The Board unanimously approved a letter to Congressman Fortenberry regarding passage of the bipartisan State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (S. 3011) and authorized Chairman Missel to sign the letter. Chairman Missel said the Nebraska Association of County Officials (NACO) asked for support of this Act. Under this Act, counties could allocate up to \$10 million in American Rescue Plan Act (ARPA) funds for the provision of government services and \$10 million for infrastructure related activities. The flexibilities of this Act will give local entities more control over the Recovery Funds and will allow them to make decisions that will benefit local communities.

The Board considered a letter received from Wetlands America Trust, Inc. regarding a Wetland Reserve Easement on land located in Section 2, Township 20N, Range 6E, Dodge County, NE, parcel ID 270098098. Supervisor Strand pointed out that Executive Order No. 21-08, "Stop 30 x 30 – Protect our Land & Water" is mentioned in the first paragraph of this letter. The Board found this ironic since they passed a resolution of support for the Stop 30 x 30 effort at the last board meeting. According to Statute No. 76-2, 112, the approval of this Wetland Reserve Easement shall be made by the county board and if not approved, sent to the planning commission for review. If no decision is rendered within 60 days, the easement is automatically approved. Highway Superintendent Scott Huppert said he has been to see the land in question and said he is okay with the State draining more water into this wetland. He said it is currently a pasture. Supervisor Strand asked if this is part of the state's trade wetlands for wetlands program and Superintendent Huppert said it is not. He said this is being requested by the Nebraska Game & Parks Commission. Supervisor Strand asked why

the Board is being asked to approve or disapprove this. Supervisor Bendig said the letter came from Wetlands America Trust in c/o Ducks Unlimited Representative Tim Horst. Superintendent Huppert said the county is involved because the water being drained is coming from county right-of-ways. Supervisor Strand asked to table the issue until someone from Wetlands America Trust, Inc. can come and explain it to the Board. The Board unanimously approved tabling the issue.

The Board unanimously received correspondence from the Attorney General of Nebraska regarding opioid litigation settlements and the county's options for response to the settlement agreements. Chairman Missel said the county attorney's office will be handling the process of registering for and determining what settlement to pursue. County Attorney Vaughan said he has registered Dodge County for both settlements and will have to decide if the money would be used in Dodge County or in the state behavioral health system. A big determining factor in the final decision is whether Dodge County wants to manage the funds.

Zoning Administrator Jean Andrews reported that she attended the NIRMA board meeting last week and returned with a dividend check in the amount of \$19,332 which will be split out amongst specific funds based on the premiums paid.

The Board unanimously received a Study Letter regarding the re-opening of a portion of Jones Street and adopted a Resolution to set a Public Hearing date of December 1, 2021 at 10:15 A.M. to hear testimony for or against said vacation. Highway Superintendent Huppert said JDJ Investments, LLC (Structural Components) will build their own lane, they will rock it (paving would be at their expense as well) and they will take care of drainage. He said Jones Street was originally vacated with the understanding that it would re-open to accommodate business. Supervisor Backens read the resolution for the record.

Highway Superintendent Scott Huppert reported on current projects. Crews are still working on Foothill Road and ditch and culvert clean outs. The Ridgeland Road project is done and they are planning to come back later and do more ditch cleaning. Northern Natural Gas will be coming in with equipment to remove their concrete pilings in the Platte River. Superintendent Huppert told them anything they tear up on Ridgeland Road they will be repairing. Hooper North Logan Creek project is moving along, they will begin rip rapping end of this week and hope to finish next week. The Scribner Elkhorn River Bank Stabilization project is waiting on more paperwork from the United States Army Corp of Engineers. There is a road closure at County Road 15 and S for the By-Pass 30 project. County Road 20 will be closed at the end of November to drive the pilings for a bridge. The By-Pass 275 2nd phase is beginning; he is going over the haul roads agreement with contractors on this. FEMA and NEMA projects are turned in and waiting for sign-offs which will release the remaining funds. The truck ordered last year is coming in later this month. He's meeting with Aspen to get the truck box because they can have it done by mid-December. He continues bridge inspections and estimates he's done with half of the 160 bridges.

At 10:04 A.M., the Board recessed as a Board of Supervisors.

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 Dodge County Treasurer Gail Bargstadt and approved the 2021 Application for Exemption (Form 457) for Dodge County Head Start, 1024 W. 23rd St., Fremont, Nebraska on a 2010 Micro Bird Plate 0537 Bus and a 2005 Blue Bird Plate 0520 Bus and authorized Chairman Missel's signature on the form.

At 10:05 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, November 17, 2021.

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

At 10:06 A.M., the Board unanimously passed a motion to go into closed session to discuss litigation against Dodge County.

At 10:24 A.M., the Board unanimously passed a motion to go back into open session from the discussion on litigation against Dodge County. No action was taken as a result of the closed session.

Committee Reports – Chairman Missel talked about the forthcoming meetings regarding the Rawhide Creek Watershed. Supervisor Tawney reported on the meeting the Nebraska Department of Transportation (NDOT) hosted in North Bend on November 2 regarding the Restricted Crossing U turn they plan to build at Highway 79 and the new Highway 30 By-Pass. He said the meeting was well attended and included about 20 people from the NDOT. The NDOT committed to three improvements on this project that came as a result of community input. The first improvement is to widen the road for trucks from the loop back to Highway 79. The second improvement is lighting at the loop and at the intersection. The third improvement is lowering the speed limit to 60 mph in this section. The jail committee reported on discussions with Saunders County Corrections director Brian Styskal in response to a letter from Judge Geoffrey C. Hall regarding issues with lawyer access to inmates and other issues with inmate rights. Supervisor Beam said, in his opinion, Director Styskal had satisfactory answers to all of the issues mentioned. Supervisor Tawney said wages are a real problem in keeping personnel. Saunders County called a special board meeting to discuss increasing corrections employees' hourly rate by \$2.50 across the board. Transportation issues are another strain on them that is affected by the shortage of workers.

At 10:38 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims for the month of October 2021.

At 10:42 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.

Immediately thereafter, Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, November 17, 2021 at 9:00 A.M.

Fred Mytty
Dodge County Clerk