

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, December 29, 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 Minutes of the Dodge County Planning Commission meeting from December 21, 2021, correspondence from NDEE regarding VLDJ Concentrated Animal Feeding Operation notification of NPDES General Permit for Operations Confining Cattle located in W ½, NW ¼, Section 22, Township 19N, Range 5E, Certificate of Insurance from NIRMA for Caterpillar Financial Services Corporation for the new 2022 Cat 140 Motorgrader, Certificates of Insurance for Berghorst & Son, Inc., JJK Construction LLC, Wardcraft Homes, Inc., Maple Township and Williams Midwest Housemovers Inc., Minutes of the December 17, 2021 Dodge County Highway Department Safety Committee Meeting and Moving Permit for Barnhart Crane to move a self-propelled crane over county roads on December 27 through December 30 and return. The approval of the agenda also included an emergency agenda item regarding a possible Memorandum of Understanding (MOU) between Dodge County, the Fremont & Elkhorn Valley Railroad (FEVR) Trail Foundation and the Nebraska Trails Foundation and possible action.

The Board unanimously approved the minutes of the December 15, 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, the Board unanimously received correspondence from Nebraska Commission on Law Enforcement and Criminal Justice requesting a corrective action plan from the Dodge County Jail regarding a non-compliance issue (Admissions/Release Form submission) and referred the matter to the Jail Standards Committee to work with Sheriff Hespen on a corrective action plan. Supervisor Beam reported that there are currently 81 inmates in custody with 56 of them being housed in Saunders County, 20 in Washington County (females only), 2 with the Nebraska Department of Correctional Services and 3 on house arrest. So far for the month of December, there have been 113 inmates booked. The number of inmates booked as of December 29 for the year 2021 is 1,641.

At 9:09 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, January 12, 2022 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 \$239,825.83.

The Board unanimously approved the financial claims as submitted in the amount of \$286,043.84. Supervisor Tawney asked whether taxes are being distributed to local entities relating to the First Responder Bond Fund. County Clerk Mytty said there are not because the project is not complete. For any additional equipment wanted by emergency agencies, the county expects reimbursement.

The Board unanimously received and filed an application for the investment of funds for the year 2022 from Union Bank & Trust, Lincoln, NE. It was noted that the Board would prefer to use local lending institutions, but will keep this information on file if needed in the future.

The Board unanimously received the request of Chief Deputy Sheriff Reynolds to declare one vehicle as surplus property and authorized the vehicle be taken to Jack Nitz & Associates for public auction.

The Board unanimously adopted and authorized the Chairman and County Clerk to sign two Resolutions setting elected officials' salaries for the upcoming four-year term beginning January, 2023. The salaries beginning with the first year of the term are as follows: County Attorney - \$110,000, County Clerk - \$90,000, District Court Clerk - \$69,000, County Register of Deeds - \$67,000, County Sheriff - \$82,000, County Surveyor - \$21,000, County Treasurer - \$82,000, County Assessor - \$78,000, County Board - \$22,000 and County Board Chairman - \$23,000. Chairman Missel said the Finance Committee made some adjustments to salaries for elected officials based on the NACO wage study and Omaha wages given our proximity to the metro area. Supervisor Bendig added that they used information from counties that are comparable in size to Dodge County. County Clerk Mytty pointed out to the Board that he added an amendment to the first resolution (regarding elected officials other than county board and county board chairman). This amendment addresses potential compensation for work done by these officials that is beyond their statutory duties.

The Board considered the Notice of Public Hearing of the sale of the county's interest in a piece of property in Fremont Technology Park to the City of Fremont. At the November 3, 2021 Dodge County Board of Supervisors meeting, the Board 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 agreed 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. The title company would not close this sale because the county did not put the property out to public bid, which is a statutory requirement. The county is, however, allowed to sell property to another political subdivision without putting it out for bid. The city is not required to put the property out for bid. At the January 26, 2022 Dodge County Board of Supervisors meeting, a purchase agreement for the sale of this property to the City of Fremont, NE will be considered after the public hearing.

The Board unanimously approved the FY2023 Community-based Juvenile Services Aid [EB] (Enhanced Grant) Application and authorized the necessary signatures on the application before submittal to the Nebraska Crime Commission.

At 9:30 A.M., a Public Hearing was held to consider the request of Bill Hanson of 8615 S. 164th St., Omaha, NE 68136 to obtain a replat of Lots 20 and 21 Royal Estates Subdivision located in the NE ¼ Section 11, Township 17 North, Range 7 East in Platte Township, Zoning District Platte River Corridor. No one spoke against the replat. The Board unanimously accepted the recommendation of the Planning Commission and approved the request based on the replat conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located.

At 9:35 A.M., a Public Hearing was held to consider the request of Beebe Seed Farms, Inc. of 1291 Old Lincoln Hwy., North Bend, NE 68649 to obtain a Conditional Use Permit to store and apply biosolids as per Article 20, Section 2.25, Conditional Uses and Supplemental Regulations Article 25, Section 22 located in SE ¼ Section 13, Township 17 North, Range 6 East in South Cotterell Township, Zoning District Platte River Corridor. No one spoke against the Conditional Use Permit. The Board unanimously accepted the recommendation of the Planning Commission and approved the request 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.

Highway Superintendent Scott Huppert provided the Board with an update from the highway department. Snow equipment is on the trucks and ready to go for the next weather event. He attended a meeting with JEO Consulting regarding the hydraulic study for the Rawhide Creek WFPO drainage project (East Fremont/Elkhorn Township). He is drafting a plan for Nebraska Emergency Management Agency and Federal Emergency Management Agency with input from the City of Fremont and Elkhorn Township to move forward with the project. The By-Pass 30 project is ongoing with construction workers continuing to use county roads; Superintendent Huppert frequently inspects the county roads being utilized. The Scribner Elkhorn River bank stabilization project is awaiting permits; once the permits are obtained they will begin work. The highway department received a trial load of Ice Slicer which is a mixture of salt, calcium and sand that they plan to try this winter. This product would eliminate the need to buy salt and sand and mix it together.

The Board then took up discussion on the emergency item to the agenda. Stan Darling (1650 N. Clarkson, Fremont, NE) addressed the Board regarding a possible Memorandum of Understanding (MOU) between Dodge County, the Fremont & Elkhorn Valley Railroad (FEVR) Trail Foundation and the Nebraska Trails Foundation (NTF). Mr. Darling said there is a group including representatives from the Fremont Chamber of Commerce, the Greater Fremont Development Council, City of Fremont and Dodge County that has been trying to purchase the FEVR property since June 2020. The price is too expensive. In early November 2021, the sellers came back to the group and said they would donate the property to a 501 (c) (3) organization by the end of 2021. The FEVR Trail Foundation (tentative name), is working on obtaining 501 (c) (3) status, but the process may take a year or longer. This week the group talked to the NTF about the prospect of a new trail system in the state and they are excited about the possibilities and are willing to be the interim owners of the FEVR property until the FEVR Trail Foundation can obtain 501 (c) (3) status. The Board unanimously approved the effort to create a MOU between Dodge County and the Nebraska Trails Foundation (NTF) in the event the NTF decided they no longer wanted to hold title to the property, Dodge County would take over ownership of the property. The Dodge County Attorney's office and the FEVR Trail Foundation will work together to draft this MOU. In the same motion, the Board authorized the necessary signatures on the MOU once it is completed.

Ownership of the property will be transferred to the FEVR Trail Foundation once they obtain their 501 (c) (3) status regardless of who holds title to the property at that time.

The Board unanimously approved the application for American Rescue Plan Act (ARPA) Funds. This is a fillable application that will be available on the Dodge County website for the public to access. The applications will go to the ARPA subcommittee for review and ultimately the Dodge County Board of Supervisors for final approval. The launch date for acceptance of applications is January 1, 2022 with January 31 being the deadline to return a request.

The Board unanimously approved the request for CDBG Funds on Project 19-EM-001 Ames Dike Repairs and authorized Chairman Missel and County Clerk Mytty to sign the request for Construction Management Costs of \$180.00 (To NENEDD) and General Administration Costs of \$1910.78 (To NENEDD).

At 10:12 A.M., the Board recessed as a Board of Supervisors and convened as a Board of Equalization. Chairman Missel dispensed with roll all members being present.

The Board unanimously approved tax roll corrections #5382 through #5396.

The Board unanimously accepted the recommendation of County Treasurer Bargstadt on forms 457, Applications for Exemptions from Motor Vehicle Taxes for 2022, granted the exemptions and authorized Chairman Missel to sign the forms.

County Assessor Debbie Churchill was present and reported to the Board that the Fremont Chamber of Commerce is being denied tax exempt status for the 2022 tax year, which means they will be subject to property taxes in 2022. It was determined that they do not meet any of the criteria to be considered tax exempt. When the FEVR Trail Foundation began looking for 501 (c) (3) organizations to hold title to the FEVR property, the Fremont Chamber of Commerce was considered, but there were questions as to their tax status.

At 10:16 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, January 12, 2022.

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

Committee Reports – Supervisor Beam said that he got a report from Sergeant Libra in Corrections regarding the non-compliance issue with the Admissions/Release Form submission. There is an issue with the firewall and transfer of information from the booking system to the Crime Commission; IT is working on getting the problem resolved. Supervisor Beam said he will follow up with this and report back to the Board at the next meeting.

At 10:17 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, January 12, 2022 at 9:00 A.M.

Fred Mytty
Dodge County Clerk