

## **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, August 24, 2022 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 2022/2023 preliminary levy requests from Dodge County Historical Society, a list from County Treasurer Bargstadt of distress warrants issued on personal property but not collected, Board of Trustees Minutes for July 11, 2022 meeting & Statement of Revenue & Expenses YTD Comparison for the one month ending July 31, 2022 and 2021 for Fremont Community Health Resources, Minutes of the August 16, 2022 Planning Commission meeting, Moving Permit for Barnhart Crane to move a self-propelled crane over county roads on August 9, 2022, Utility Installation Agreements with OPPD to install an underground and overhead line at SE Corner Sec 1, T19N, R8E to NE Corner of Sec 1, T19N, R8E along County Rd 24 between County Roads G & H and also underground electric distribution line at NE Corner Sec 1 T18N, R9E at County Rd 11 & County Rd P32 and Certificate of Insurance for Kohl Construction Inc.

The Board unanimously approved the minutes of the August 10, 2022 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 the average daily inmate count is 89. Currently there are 71 inmates in custody with 66 being held in Saunders County, 2 at the Nebraska Department of Correctional Services, 2 under house arrest and 1 at the regional center. 98 inmates have been booked so far in the month of August.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, September 7, 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 & hour claims as submitted in the amount of \$291,107.28.

The Board unanimously approved the financial claims as submitted in the amount of \$558,338.63.

The Board unanimously received a list from County Treasurer Bargstadt of delinquent personal property taxes for years 2017-2019 and accepted her recommendation to strike them from the tax rolls. County Treasurer Bargstadt reminded

the Board that even though the delinquent personal property taxes are stricken from the tax rolls, the taxes can still be collected in the future if they make contact with the business or individual.

The Board unanimously received a letter from County Clerk Mytty announcing no written protests were filed regarding the renewal of The Tow Line Company's liquor license and passed a motion recommending the approval of the license to the State Liquor Control Commission.

The Board unanimously approved the reappointment of Larry Shepard as a Trustee of the Fremont Community Health Resources Board for a six-year term ending 10/1/2028

The Board unanimously approved the request of Sheriff Reynolds to transfer \$250 out of the Booking Budget to cover bank service charges that may be assessed on a new checking account as the result of a new system being used to allow inmates bonding out of jail to pay using credit and debit cards.

The Board unanimously approved a Letter of Agreement Regarding American Rescue Plan Act (ARPA) Lump Sum Payment with Local No. 17, Fraternal Order of Police (the "Union") and authorized Chairman Missel to sign the agreement. Chairman Missel said this is one of the recommendations from the ARPA subcommittee that was approved at the June 29, 2022 meeting of the Dodge County Board of Supervisors. The approval of this agreement was postponed until the contract negotiations with the Union were complete.

The Board unanimously approved the Agreement Between Dodge County Sheriff's Department and Fraternal Order of Police, Lodge #17, (Contract effective July 1, 2022 – June 30, 2024) and authorized Chairman Missel's signature on the agreement.

The Board, with Supervisor Strand dissenting, took the recommendation of the Fremont & Dodge County Convention and Visitors Bureau Advisory Board and approved \$50,000 of funding for the 16-mile FEVR Rail to Trail Bike/Walk Trail. Molly Paden, Executive Director of the CVB, said this donation would be contingent upon the project being completed. If grant dollars are not received by the FEVR Rail to Trail Foundation and the project fails, they would be expected to pay back the \$50,000. Stan Darling (1650 N. Clarkson, Fremont, NE) was present representing the FEVR Rail to Trail Foundation and said they plan to start cleaning up along the trail next year as soon as weather permits. Supervisor Strand said he cannot support this project. He has received multiple calls from his constituency voicing their concerns about the safety issues with this project. A landowner recently called him asking about weeds that are blocking visibility where the railroad meets the road. Mr. Darling said he personally went out to O Blvd and County Road P and cut back the vegetation that was overgrown. Chairman Missel said this project has the support of the community and will result in the former rail line being better cared for than it has been since the dinner train stopped running. Mr. Darling said they have talked to a contractor to come in and mow the right-of-way along the road this fall. Eventually the line will be cleaned up from Somers Ave. in Fremont to Hooper; this will involve removing trees and weeds and harvesting the steel. Vince O'Connor, Vice Chairman of the Fremont & Dodge County Convention and

Visitors Bureau Advisory Board, said in the long run this project will help develop tourism in all of Dodge County.

David Mitchell, Attorney with Yost, Lamme, Hillis, Mitchell, Schulz, Hartmann & Wilson, P.C., was present to update the Board on the status of the Verified Petition for Access Road filed by Robert A. Johnson and Sharon G. Johnson, Husband and Wife. He said they were able to secure an easement with the Clarke family on or about July 1, 2022. However, they have not been able to secure easements with the other landowners. The City of Scribner tabled their permission to go over the dike due to the concerns of a council person's son having property there and not being in favor of the proposed route for access to the Johnson property. Mr. Mitchell said the Baumert Family has a farmstead that a portion of the access road goes through. An alternative option has been offered to re-route the road behind the outbuildings; the Johnson's agree with this option and think this could be worked out during condemnation proceedings. Mr. Mitchell asked the Board to proceed with issuing an order directing that a private access road be granted and where possible align this access road with the current easement. This would be with the understanding that the county attorney would negotiate in good faith with the landowners regarding any glitches in this process before filing the condemnation petition. The county attorney thinks the conditions do meet the statutes to grant an access road to the Johnson's, therefore, they can proceed with condemnation proceedings. Supervisor Strand acknowledged Baumert Family representatives being present at the meeting and asked if they had any comments on the issue. Mike Baumert addressed the Board and said his son, Braden Baumert, lives on the farmstead owned by Braden's Uncle, Don Dostal. Mike Baumert said he thinks an amicable agreement can be reached for the access road going around the property and not through it. Their main concern is the safety of Braden's family; they don't want the traffic going through the farmstead where Braden has children present. County Attorney, Sara Sopinski, interjected that it sounds like negotiations are still possible and this issue could be worked out. She added that the element of not being able to purchase property to gain access has changed since the April hearing on this matter. Mr. Mitchell said he has not secured agreements with any of the other property owners involved. The issue of being isolated still exists if they are unable to secure easements with the other property owners. He would like for the condemnation proceedings to start while negotiating these other easements. The Board unanimously received a letter dated August 23, 2022 from Spencer Wilson and David Mitchell of Yost, Lamme, Hillis, Mitchell, Schulz, Hartmann & Wilson, P.C. regarding Robert and Sharon Johnson's Petition for an Access Road. In a separate motion, the Board unanimously received a Supplemental Affidavit of Robert A. Johnson. Finally, the Board unanimously accepted the recommendation of County Attorney Sopinski and approved setting an evidentiary hearing for September 21, 2022, testimony will be heard and affidavits may be received. If the Board finds the Johnsons are unable to secure additional easements, the county attorney shall provide the Board with an order, for their signature, making such findings. The county attorney shall further outline the process for the condemnation proceedings.

Regarding any business brought by the public, Doug Wittmann, Dodge County resident, commended the Board for how they handled the discussion of voter fraud at the August 10, 2022 meeting of the Dodge County Board of Supervisors. He also wanted to make a public request for County Clerk Fred Mytty "to be able to run the cast vote records from the voting machines in Dodge County". Mr. Wittmann said there are individuals that were present at the August 10, 2022 meeting that would like to see these records, which should be public records. (This report is not generated at any

election and according to the State Attorney General, no additional reports have to be made to the public if normally are not generated.)

A Public Hearing was held to consider the request of David A. Uher Estate/Anita J. Evers, P.R. c/o Olson Pearson Auction & Realty of P.O. Box 25, Hooper, NE 68031 to subdivide a 5.44-acre tract and obtain a Conditional Use Permit (CUP) for an existing dwelling as per Article 12 Section 2. Conditional Uses 4.2 Exemptions B. located in Part of North  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 32, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Planning Commission and approved the 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.

A Public Hearing was held to consider the request of Hoegermeyer Farms Inc. of 17224 County Rd. 7, Herman, NE 68029 to obtain a Conditional Use Permit to store and apply Bio-solids as per Article 13 Section 2.18 Conditional Uses and Article 25 Supplemental Regulations, Section 22 Industrial Wastewater-Bio-solids located in East  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 25, Township 20 North, Range 8 East in Logan Township, Zoning District A-1, Intensive Ag. Hearing no testimony for or against the request, the Board unanimously accepted the recommendation of the Planning Commission and approved the 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. Zoning Administrator Jean Andrews said that this is not a renewal of an existing permit; it is a new permit and will be good for 5 years.

Zoning Administrator Jean Andrews reminded the board about the NIRMA Self-defense Conference to be held on October 20-21 in Kearney. Ms. Andrews also told the Board that the ASSIST grant application deadline is November 1, 2022. The ASSIST grant provides funding to help pay for equipment, training or other initiatives to reduce losses. Interested individuals can go to [NIRMA.info](http://NIRMA.info) to apply and/or register.

Highway Superintendent Scott Huppert updated the Board on projects going on in the Roads Department. Work should be complete on Q Road this week. The retention pond at 1<sup>st</sup> and Railroad St. was dug out. Workers are repairing guard rails on bridges throughout the county. Sawyer Construction is working on T Road and have discovered 8" of concrete under the asphalt they are digging up that will also have to be dug up before they can pour the concrete, which is set to begin on August 30. Graham Construction plans to begin tearing out the concrete on Yager Road on September 6. Superintendent Huppert said the state is closing a lot of roads for the By-Pass 30 project; he is asking them to open some of the roads by adding asphalt approaches at the intersections, so residents don't have to travel so far to get on the bypass. On the By-Pass 275 project near Scribner they are done using the pit on County Road C. Superintendent Huppert had requested the state get some gravel on the roads that were being used to haul the material from this pit. The State acquired gravel with a lot of nails and wire in it, so they had to get a metal detector to pull out the metal. A lot of residents ended up with flat tires. Old Hwy 8 will be closed for 17 days for the By-Pass 77 project; they will be working on the approach to the by-pass. Pruss Excavation Co. would like to get started on the Scribner/Elkhorn Riverbank Stabilization project this fall. A permit for the berm removal and a permit for permission to access private property must be obtained. Supervisor Tawney said City officials from North Bend wanted him to

thank the Roads Department for cleaning out the ditch east of North Bend; this had not been done for years and is greatly appreciated.

At 10:11 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 received the Dodge County valuation for 2022-23.

Dodge County Assessor Debbie Churchill asked the Board if they were aware of what the Village of Winslow is doing with properties in the Village. She told the Board that the Village of Winslow received a Federal Emergency Management Agency (FEMA) grant to purchase properties in Winslow and raze the homes. The property will then become green space. FEMA makes this grant money available to villages like Winslow to discourage people from continuing to build in a flood way.

At 10:15 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, September 7, 2022 at 10:00 A.M.

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

At 10:16 A.M., the Board unanimously passed a motion to go into closed session to discuss the appeal of denial of the three-time max in a calendar year for general assistance to a client.

At 10:28 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the appeal.

The Board unanimously passed a motion to extend an additional three months of rent assistance to the client.

The Board unanimously finalized the 2022/2023 County Budget for a public hearing on September 7, 2022 at 10:15 A.M. County Clerk Mytty said when setting the budget, the original goal of the finance committee was to keep the county's property tax request below an increase of 2% + growth. It is possible with the use of Inheritance Taxes and ARPA fund monies and other transfers, but discussion was held on what the county's position next year would be. After further discussion, the board unanimously accepted the Finance Committee's recommendation and to have the public hearing at 10:15 A.M., September 7, 2022.

At 10:54 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, September 7, 2022 at 9:00 A.M.

Fred Mytty  
Dodge County Clerk