

## 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, September 20, 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, correspondence from Charter Communications regarding changes in channel lineup and the removal of The Walt Disney Company programming effective August 31, 2023, notice of annual inspection of the Dodge County Holding facility on September 19, 2023 for the Nebraska Jail Standards Board, Nebraska Intergovernmental Risk Management Association (NIRMA) correspondence regarding the NIRMA Annual Membership Meeting/Luncheon and Dividend Distribution on October 20, 2023, NIRMA correspondence regarding the Nomination/Election of four (4) NIRMA Board Members whose terms expire December 31, 2023, Moving Permit for Barnhart Crane to move a crane on September 11 through 16<sup>th</sup>, 2023 over county roads and Board of Trustees Minutes for August 7, 2023 meeting, Statement of Revenue & Expenses FINAL, June 2023, Statement of Revenue and Expenses FINAL, July 2023 and Statement of Revenue and Expenses, August 2023 for Fremont Community Health Resources.

The Board, with Supervisors Tawney and Strand abstaining since they were not present at the September 6, 2023 meeting, unanimously approved the minutes of the September 6, 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 64 inmates in custody with 46 of them being held in Saunders County, 15 in Washington County and 3 with the Nebraska Department of Correctional Services. County Attorney Hopkins reported that the arrangement for the housing of Dodge County inmates in Washington County is going well. They are housing some male inmates, sometimes on short notice, based on Dodge County's needs. County Attorney Hopkins also advised the board that the courts would like to have electronic hearings for the inmates located in Saunders County. Washington County has this capability and it makes processing inmates quicker and more efficient. Chairman Missel asked if this issue has recently been discussed with Saunders County. County Attorney Hopkins said it has not, but Dodge County has consistently voiced frustration about the lack of access to inmates being held there because of the inability to conduct electronic hearings. Supervisor Beam said Saunders County has been reluctant to commit other officers to accommodate electronic hearings. Chairman Missel said he thinks Saunders County indicated when the jail first opened that they would be able to hold electronic hearings. He added that he would like for the Jail Standards Committee to reach out to Saunders County Corrections and see if they can attain the capability to hold electronic hearings. Supervisor Beam and County Attorney Hopkins will work together on this issue.

At 9:07 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, October 4, 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 transferring \$79,134.24, which is the balance of the Road Fund (301), to the Road-Bridge Fund (300). Road Fund (301) was established when a county road tax was levied. It needs to remain open in the event delinquent taxes are collected from a year the county road tax was levied and for the possibility of the assessment of a future levy.

The Board unanimously granted a "standing approval" to transfer any future money collected in Road Fund (301) to Road-Bridge Fund (300). This action eliminates the need for the County Treasurer to obtain Board approval each time a transfer needs to be completed from Road Fund (301) to Road-Bridge Fund (300).

The Board unanimously approved the transfer of \$10,633.75 from the Drug Law Enforcement/Education Fund to the Opioid Fund. This was the first deposit of Opioid Settlement money that came in before the Opioid Fund was created.

The Board unanimously approved the wage & hour claims as submitted in the amount of \$271,341.34.

The Board unanimously approved the financial claims as submitted in the amount of \$531,074.98.

The Board unanimously received a list from County Treasurer Bargstadt of delinquent taxes for years 2017 and prior through 2021 which have been offered for sale at public sale and remain unsold and unanimously passed a motion adopting and authorizing the Chairman to sign a Resolution directing the County Treasurer to place Tax Sale Certificates on said delinquent taxes.

The Board unanimously approved Amendment #1 to the Scope of Services agreement for NR216526XXXXC010 (Rawhide Creek WFPO Plan-EA), Dodge County between JEO Consulting Group and Dodge County for professional services and authorized the signature of the Dodge County Board Chairman on the amended agreement. JEO is claiming the management costs for project management and coordination, alternatives evaluation and plan writing which increased due to changes in the scope of the project. This is not a request for more funding, the funds are already in the budget for this project.

The Board unanimously adopted a Resolution setting Dodge County's tax request at \$13,436,455 (Tax Rate (\$'s/\$100 of value) = \$0.24247 for Fiscal Year July 1, 2023 through June 30, 2024 and authorized the necessary signatures on the Resolution. Supervisor Bendig read the Resolution for the record.

The Board unanimously approved adding the allowable 2.5% plus growth in excess of 2.5% of restricted funds for carryover to the 2024/2025 County Budget.

The Board unanimously approved an additional 1% of restricted funds (\$366,540.75) requiring a super majority vote, which is 75% of the governing body.

The Board unanimously adopted a Resolution approving the 2023/2024 Dodge County Budget and authorized the signatures of the Dodge County Board of Supervisors on the Resolution. Supervisor Strand read the Resolution for the record.

The Board unanimously adopted a Resolution on transfers as outlined in the 2023/2024 County Budget and authorized the necessary signatures on the Resolution. Supervisor Bendig read the Resolution for the record.

During discussion from the public, Gene Schultz, 2306 Jean Dr., Fremont, NE read testimony that he provided to the Board. There was also additional testimony that was emailed to the Dodge County Clerk that will be kept with the record of this meeting. Mr. Schultz reiterated that in consideration of the adoption of the FY2023-2024 county budget, he is against the county renewing any contracts with Election Systems and Software (ES&S). He also said he would like for Dodge County to return to traditional paper ballots with minimal absentee ballots and one day voting. He also voiced his support of Dodge County's return to hand counting ballots.

Committee Reports – Supervisor Bendig reported from the Information Technology Committee that Dodge County is still in the running for \$9,000 grant money for the Nebraska Statewide Cyber Security Plan. This money would be used to establish a contingency plan for cyber threats; Applied Connective Technologies would assist in the creation of this plan. He also reported that the boardroom chairs have been ordered and should arrive in early October. Supervisor Backens reported that the Merit Commission interviewed candidates for deputy sheriff last week.

Zoning Administrator Jean Andrews shared information with the board regarding a training session Cuming County is hosting on November 8<sup>th</sup> about zoning laws and meeting procedures to mention a few topics; Attorney Dave Ptak with DHP Consulting will be the presenter. Ms. Andrews reminded the Board of the Self Defense for County Officials Conference & Annual Membership Meeting sponsored by NIRMA on October 19 & 20 in Kearney. NIRMA Assist grant applications are due November 1. This grant funding is to be used to pay for safety equipment, training or other initiatives that will reduce losses.

The Board unanimously adopted the Resolution of the Dodge County Board of Supervisors accepting the Dodge County Highway Department's 2023-2024 Road Fund Budget Forms and authorized the necessary signatures on the Resolution. Supervisor Strand read the Resolution for the record.

The Board unanimously approved the Local Public Agency (LPA) Agreement - Statewide Upgrading Existing STOP Sign Location on Rural Roads, Project No. HSIP-STWD(203), CN 01063, adopted the Resolution – Signing of the Project Program Agreement and authorized the necessary signatures on the agreement and the Resolution. Highway Superintendent Huppert said Dodge County will be replacing stop signs at 175 intersections. The state supplies the stop sign, signpost and reflective strip for each sign as part of this statewide program that is funded by Federal-aid funds.

The Board unanimously adopted Resolution of Dodge County, NE Address Signage and authorized the necessary signatures on the Resolution. Supervisor Backens read the Resolution for the record. Superintendent Huppert said there are members of the public removing the rural address signs and this Resolution is needed

to clarify the responsibilities of Dodge County and the public regarding the address signs. Supervisor Strand said there is a need for some public relations regarding this project. Supervisor Backens said a notice was sent to KHUB and the North Bend Eagle and others have been distributed to businesses and private citizens.

The Board unanimously approved the request of Supervisor Weddle to rescind the motion he made at the September 6, 2023 Dodge County Board of Supervisors' meeting to adopt the Resolution renaming Old US Highway 30 to County Road U. After this Resolution was adopted, it was pointed out that Saunders County also has a County Road U with Fremont addresses. This eliminates County Road U being used for addresses in Dodge County. Highway Superintendent Huppert said he is getting calls from businesses and residents communicating that they want this issue resolved as soon as possible. Supervisor Tawney said he met with Shelly Holzerland, Director of Communications – Fremont/Dodge County 911, to discuss possible names to replace Old US Highway 30. Chairman Missel said he would like to make this a priority and get it done.

Highway Superintendent Scott Huppert reported that employees are finishing work on County Road 8 between County Roads L and K. Sawyer Construction is working on the shoulders for the County Road 18 paving project and OPPD will be moving the poles soon. The road may be open at the end of next week depending on the weather. The concrete was poured yesterday for the box culvert project on County Road F, shoulder work will be done at the end of this week and striping will be done next week. This project should be finished by the end of next week or the first week in October. County Roads 13 and F are still closed for the Highway 275 bypass around Scribner. Superintendent Huppert said he will start bridge inspections in October. The blocks for the salt/sand shed are set. The building is to be delivered on Monday and set-up is planned for the following week. Chairman Missel mentioned that he has had constituents call with concerns about the intersection at Ridge Road and new Highway 30. He asked if the state could add more signage at this dangerous intersection. Superintendent Huppert said he has talked to the state about this problem, but there most likely won't be any signs added.

The Board unanimously received Dodge County's Countywide Cost Allocation Plan from WJE Consulting LLC based on actual costs for fiscal year ended June 30, 2022 and Indirect Cost Rate Computations for July 1, 2023 through June 30, 2024 fiscal year and authorized Chairman Missel to sign the Certificate of Cost Allocation Plan.

At 9:59 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, October 4, 2023 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 received correspondence from Nebraska Tax Equalization & Review Commission (TERC) regarding the following: Notice of Appeal & Order to Show Cause & Notice of Hearing for Robert L. Kucera, Case No. 23H 0611 and Wayne L. Stuehmer, Case Nos. 23A 0218, 23A 0219 & 23A 0220 and Notice of Appeal for RVR Bank, Case No. 23C 0115.

The Board unanimously received correspondence from the TERC regarding Order for Single Commissioner Hearing & Notice of Hearing for the following: The Row

Fremont, LP, Case Nos. 22R 0331 through 22R 0355, First National Bank of Omaha, Case No. 22C 0526, Elkhorn Valley Golf Club, Case No. 22C 0371, AutoZone Development Corporation, Case No. 21C 0258, Hidden Brook Townhomes II, LLC, Case Nos. 22R 0302 through 22R 0311, Robert J. Schmidt, Case No. 21A 0600 and Case No. 22A 0449, Fremont Golf Club, Case No. 22C 0373 and Case No. 22C 0372 & Kishen M. Patel, Case No. 22C 0276.

The Board unanimously accepted the recommendation of the county attorney and did not receive correspondence from the TERC for agenda items 28n through 28s.

The Board unanimously received correspondence from the TERC regarding the following: Motion to Dismiss for AutoZone Development Corp., Case No. 21C 0258.

The Board unanimously accepted the recommendation of County Treasurer Bargstadt on form 457, Application for Exemption from Motor Vehicle Taxes for 2023 on a 2006 Pace Cargo Trailer from Church of the Nazarene, 960 N Johnson Road, Fremont, NE, granted the exemption and authorized Chairman Missel to sign the form.

Fred Mytty, in reference to comments made by Gene Schultz earlier in the meeting, said there was a study done nationwide on the number of people elected per capita and Nebraska is #3. Which means each voter in Nebraska has a higher number of people to cast a vote for per ballot than do voters in 47 other states. His point being that there are so many names on the ballot, it would take a long time to hand count the ballots. He also said the log Gene is talking about in the voting machines does keep track of all activity while ballots are being counted. This log can be destroyed 22 months after an election so this log from the 2020 General Election no longer exists.

At 10:08 A.M., the Board unanimously passed a motion to go into closed session to discuss Tax Equalization & Review Commission (TERC) appeals.

At 10:44 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the TERC appeals.

As a result of the closed session, the Board unanimously authorized County Attorney Hopkins to hire legal counsel to assist with TERC appeals.

At 10:45 A.M. Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, October 4, 2023 at 10:00 A.M.

Micki Gilfry  
Dodge County Clerk