

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 22, 2019 in the Board Room of the Courthouse, Fremont, Nebraska with the following members present: Saalfeld, Beam, Backens, Strand, Bendig, Weddle and Missel. Absent: None. Prior to roll call, Chairman Missel announced the meeting to be an open public meeting and that the current open meeting laws were 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; received and placed on file the Register of Deeds Report for April, 2019, Fremont Community Health Resources Board of Trustees minutes of their meetings of January 16, 2019, February 11, 2019 and March 11, 2019 and statement of revenue and expenses for January, February & March 2019, three Addendums to Purchase Agreements for radio towers with Vernon & Becky Vodvarka, Kirk M. & Melissa M. Dunker and Kathryn Boehlke P.O.A. for Shirley VonSeggern, notice of Public Hearing of Dodge County Planning Commission on May 21, 2019 at 4:30 P.M. for Dodge County to obtain a Conditional Use Permit for a proposed radio communication tower in NE ¼ of the NE ¼ of Section 16, Township 18N, Range 6E in Cotterell Township, Notices of Public Hearings of the City of Fremont on May 14, 2019 for Doug Whitehead to apply on behalf of NEBCO Inc. for a Conditional Use Permit to construct a private campground on Lake Leba, a request to amend redevelopment plan by Heather A. Carver on behalf of WCBS, LLC of Morningside Area Redevelopment Plan, and a request to amend redevelopment plan by Heather A. Carver on behalf of Morningside Commercial LLC for the Morningside Crossing Redevelopment Project, Notices of Public Hearings of the City of Fremont Planning Commission on May 20, 2019 on the request for a Conditional Use Permit by Stephen Dodd on behalf of the property owners to allow two houses on a single nonstandard lot to be split into two nonstandard lots located at 315 E. Linden and 1250 N. D. Street, a request by Signworks Inc. for approval of sign plan for Methodist Fremont Health on property located at 450 E. 23rd, Fremont, Nebraska, a request by Anew Development LLC on behalf of Brian Zubert for approval of Voluntary Annexation of Lot 2 Fountain Springs 4th Subdivision, a request of Anew Development LLC on behalf of Brian Zubert for a Comprehensive Plan Amendment to Future Land Use Map from Commercial to Residential, a request by Brian Zubert on behalf of Eastowne Development, Fremont Health and Signa Properties, for a Conditional Use Permit for a Residential Cluster for a 216 unit apartment complex described as Lots 1 & 2 Fountain Sprints 2nd Subdivision, a request by Thomas Thompson on behalf of Adams Oil, Inc., property owners for Conditional Use Permit to expand a nonstandard use on property located a 1500 Front Street, Fremont, a request by Kelly Group Inc. property owners for a Conditional Use Permit to expand a nonstandard use on property located at 220 North H, Fremont and a request by Signworks, Inc. for approval of sign plan for Methodist Fremont Health on property generally locate at 450 E. 23rd, Fremont, Nebraska, correspondence from NDEQ (Nebraska Department of Environmental Quality) regarding Theresa Burnham at S, SW, Section 14, Township 17N, Range 6E, possible improperly discharging domestic wastewater to the land surface, two Utility Installation Agreements for Black Hills Energy to install a 1" Natural Gas Line in Section 14, Township 18N, Range 8E and in Sections 11 and 14 in Township 18N, Range 8E, Certificate of Insurance for

Nebraska Machinery Inc., Utility Installation Agreements for WesTel Systems to install buried fiber cable for Hooper Township various sections in Townships 19N & 20N, Ranges 8E & 9E; Hooper & Logan Townships in various sections in Townships 19N & 20N, Range 8E; Hooper Township in Section 30, T19N, R9E; Everett, Maple & Nickerson Townships various sections in Townships 18N & 19N, Ranges 7E & 8E; Everett & Maple Townships in various sections in Townships 18N & 19N, R7E and Everett Township in various sections in T19N, R7E and draft minutes of the Joint Water Management Advisory Board Meeting of May 16, 2019; and received and referred to the Finance Committee the Northeast Nebraska Economic Development District 2019-2020 annual membership request in the amount of \$895 and Region 6 Behavioral Healthcare 2019-2020 budget request in the amount of \$93,967.

The Board unanimously, with Weddle abstaining, approved the minutes of the May 8, 2019 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.

With no items to discuss under Board of Corrections, Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, June 5, 2019 at 9:05 A.M.

At 9:07 A.M., the Board reconvened as a Board of Supervisors. Chairman Missel dispensed with roll all members being present.

The Board unanimously approved and authorized the Chairman to sign three Interlocal Agreements for the cost of sharing of the Flood Disaster of 2019 between Dodge County and the Townships of Webster, Union and Everett.

The Board unanimously approved the wage and hour claims as submitted in the amount of \$220,914.14.

The Board unanimously approved the financial claims as submitted in the amount of \$605,368.55.

The Board unanimously accepted the recommendation of the Dodge County Extension Board and appointed six members to their board of Brad Dahl of Fremont, Nebraska to term expiring December 31, 2020, David Hingst of Hooper, Nebraska to term expiring December 31, 2021, Kathy Kneifl of Fremont, Nebraska to term expiring December 31, 2020, Duane Willnerd of Hooper, Nebraska to term expiring December 31, 2021, Mary Lou Pycha of Scribner, Nebraska to term expiring December 31, 2021 and April Ross of Fremont, Nebraska to term expiring December 31, 2020, all to three-year terms.

The Board unanimously approved and authorized the Chairman to sign a Commercial Lease Agreement with United Way on property at 935 Schneider Street, Fremont, Nebraska, expiring April 30, 2020. (United Way will use the building rent free for storage of donated furniture and appliances for the flood disaster relief.)

Rey Freeman of Communications Consulting presented the County Board with an update of the Motorola Radio Project. He went through a report, which consisted of three categories. The first, "Tower Site Development & Other Facilities Work", outlined the successful work of Jeff Quist obtaining purchase agreements for the four sites, which were visited by RFCC and Dodge County project staff on April 9th. During the week of April 15th, the Motorola site development team visited the sites. Pyramid Networks is the subcontractor for Motorola who will do the actual construction work on the sites. At the Planning Commission meeting last night, Mr. Freeman indicated the permits were successfully approved by the commission with final approval by the County Board at their June 5th meeting. He outlined additional work and equipment that would be needed, such as additional antennas and tower sites. The second, "Motorola Activities", where he outlined the shipment of the radio equipment. He commented on the change orders that needed to be done if rural fire agencies did not want to purchase the equipment. He thought the deadline for that was July 28th. The third, "ORION System & Microwave Radio Connectivity", where he outlined two links to Douglas County and possible routes. It was suggested to form a Radio User Group to be approved by the County Board.

Under any business brought by the public or discussion from the public, Brenda Gustafson from FEMA commented they were leaving the Fremont area on Friday and have been here since March 22nd. They assisted 5,800 residents statewide with funds of \$57 million. She wanted these residents to know there is also a National Flood Insurance Program that offer disaster grant funds for those with flood insurance. She encouraged those to check with their insurance agent for these additional funds.

Committee Report – Supervisor Saalfeld reported he would be attending a Region 6 meeting this afternoon.

The Board unanimously received an Application for Conditional Use Permit with the City of Fremont to construct a carriage house exhibit building on Dodge County Museum property located at 1643 N. Nye Avenue of Fremont, Nebraska and passed a motion to approve and authorize the Chairman to sign the application. Chairman Missel explained years ago the museum had a carriage house. The county needed to be the applicant since the county owns the property.

The Board unanimously passed a motion reappointing Marvin Hansen and Marlin Brabec as members to the Dodge County Planning Commission to three-year terms, expiring May 31, 2022. Jeff Wacker declined serving another term. A certificate of appreciation will be sent to Mr. Wacker for his 13 years of service on the commission.

The Board unanimously approved and authorized the Chairman to sign in duplicate a proposal from Speece Lewis Engineers, Inc. on Project C002701230, ER-36. Highway Superintendent Huppert commented this project is a bridge on the Logan Creek on the Scribner/Herman Road.

Scott Huppert, Highway Superintendent, presented some overhead pictures of damaged roads and bridges, due to the 2019 flood disaster. He commented on the bridge on Road C between Co. Rds. 14 & 15. The county may have to pay to fix one side of the bridge with FEMA

covering the funds to fix the other side. At the Winslow East Project where they are removing concrete and asphalt, they found no base material. They are digging out 4' and filling. He is working with an engineer on the Logan Creek Project off of the Scribner/Herman Road. Both the Winslow East and Logan Creek Projects are out of the emergency classification, but costs will be split 80/20. He commented a lot of his employees are currently working on the Military East Project. There has been no representative from FEMA in the area yet. Therefore, no damage reports have been done. He touched on a few other projects which involved the Lone Tree Road, Scribner Elkhorn River Bank and Scribner SE.

At 10:31 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 correction #4996.

The Board unanimously approved and authorized the Chairman to sign three Agreements with Jeff Reynolds, Barbara J. Ramm and William Kaiser to serve as referees for the upcoming 2019 protest season.

A hearing was held on the request of Ron Sager for Triple S Farms, Inc. of Nickerson, Nebraska to waive the penalty for the late filing of his personal property schedule for 2019. Ron and Nancy Sager were present to ask for the removal of the penalty. Mr. Sager explained that it was a mistake on his part and was under the assumption he did not have to file the return, because there has not been changes. Chad Howser from the Assessor's office commented he thought this was the first time they had filed their schedule late. With no more testimony given, the Board unanimously passed a motion to waive the 10% penalty as assessed by the Assessor, due to this being the first time they filed their schedule late and contingent that the state does not overrule their decision.

The Board unanimously received and placed on file a Findings and Order Adjusting Value before the Nebraska Tax Equalization & Review Commission in the Matter of Equalization of Value of Real Property within Dodge County, Nebraska for tax year 2019.

Next, Chairman Missel reopened a Public Hearing on the request of Fremont Airboat Club for a 2019 exemption on their property, TL 16 & 17, 1.85 acres in Section 12, T17, R8 and TL 18, 1.5 acres in Section 21, T17, R8 (parcel #'s 270102487 & 270102445). County Attorney Glass thanked those members of the club for their rescues during the flood along with others who helped rescue. But, by a legal standpoint, he indicated he stood by the County Assessor's recommendation that the club does not qualify for an exemption just like other clubs in the area that do not. Attorney Leo Eskey remarked he did not represent the Fremont Airboat Club when they were denied their exemption back in 2016. He again remarked they are a non-profit organization who gives out a scholarship every year of \$500 and they have a history of helping boaters on the river. If the tax exemption would be granted, the additional funds would be used for scholarship funds and other things. They assisted in excess of 80 people in the current flood and have incurred a lot of damage themselves. He commented that all their funds are going back into their club and are not keeping anything. Michael Ireland of 1308 Watson Street, Fremont, Nebraska commented they are setting up 100 free educational

programs thru the state. They helped rescue people for three days, during the most recent flood. The University of Nebraska collects the heads from catfish during their fishing tournaments for research. Chad Howser of the Assessor's office read all five criteria needed to qualify for an exemption and pointed out the two they did not meet, that of ownership and exclusive use. Supervisor Beam commented that the taxes would be for the betterment of the community, rather than to the club. Attorney Eskey indicated the \$2,500 was a big part of their budget. Members pay \$150 per year to belong to the club of 48. Attorney Eskey also commented many decisions of the TERC Board have been reversed. With no more testimony, Chairman Missel closed the hearing. The Board unanimously accepted the recommendation of the County Assessor and denied the 2019 exemption to the Fremont Airboat Club.

At 10:55 A.M., Chairman Missel adjourned the Board as a Board of Equalization until 10:00 A.M. on Wednesday, June 5, 2019.

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

The Board unanimously accepted the recommendation of the Joint Water Management Advisory Board (JWMA Board) and approved and authorized the JWMA Board to file a public assistance application with the Federal Emergency Management Agency (FEMA) with necessary signatures of Chairman Missel.

The Board unanimously accepted the recommendation of the Joint Water Management Advisory Board (JWMA Board) and approved and authorized the JWMA Board to file an application for Water Sustainability Funding with the Nebraska Natural Resources Commission (NRC) and a Notice of Intent for Hazard Mitigation Grant Funding with Nebraska Emergency Management Agency (NEMA) with necessary signatures of Chairman Missel.

At 10:59 A.M., the Board unanimously passed a motion to go into closed session to discuss pending litigation effecting Dodge County.

At 11:12 A.M., the Board unanimously passed a motion to go back into closed session from the discussion of the pending litigation. No action was taken nor needed as a result of the closed session.

At 11:14 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, June 5, 2019 at 9:00 A.M.

Fred Mytty
Dodge County Clerk