

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, April 5, 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, proof of publication regarding Dodge County Board of Supervisor's tour of Martin Marietta on March 29, 2023, certification from County Treasurer Bargstadt of Return of Tax Sale Proceedings, Certificates of Insurance for Everett & Pebble Township, Minutes of the Dodge County Highway Department Safety Committee meeting held on March 23, 2023, correspondence from Nebraska Department of Environment and Energy regarding a Letter of Noncompliance regarding the requirement to have a wastewater treatment system or be connected to a wastewater works at 549 E. County Road T, Fremont, NE, Minutes of the March 21, 2023 Planning Commission Meeting, Utility Installation Agreement for Westel Systems to install fiber telecommunications cable in Section 26 of Hooper Township and correspondence from Nebraska State Probation, Sixth Probation District, Patty Lyon, Chief Probation Officer, regarding Probation – Quarterly County Billings 2022/2023 and reimbursement of expenses to Dodge County for the period January 1, 2023 to March 31, 2023.

The Board unanimously approved the minutes of the March 22, 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 71 inmates in custody; the daily average inmate count is 72. In the month of March there were 130 inmates booked into custody. County Attorney Hopkins reported that the Washington County Attorney presented the contract for the housing of inmates in Washington County to the Washington County Board of Supervisors. He indicated that the Board had several questions and will discuss the contract at their next meeting on April 11, 2023.

At 9:06 A.M., Chairman Missel adjourned the Board as a Board of Corrections until Wednesday, April 19, 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 wage & hour claims as submitted in the amount of \$283,045.77.

The Board unanimously approved the financial claims as submitted in the amount of \$313,435.32.

The Board unanimously adopted a resolution in support of requiring 911 dispatchers to be trained on T-CPR (telecommunicator cardiopulmonary resuscitation). Supervisor Tawney read the resolution for the record. Dodge County 911 Director Shelly Holzerland was present and gave the Board some statistics about how important it is for individuals having out-of-hospital cardiac arrest to have access to 911 operators that can provide T-CPR. She said Dodge County 911 has been providing this emergency medical dispatch service for ten years. The American Heart Association Nebraska Government Relations Director Brian Krannawitter approached Ms. Holzerland about presenting this resolution to the Board; he planned to attend this meeting, but could not due to a conflict.

The Board unanimously accepted the recommendation of the Fremont & Dodge County Convention and Visitors Bureau (CVB) Advisory Committee and approved \$25,000 in funding to the Fremont Area Art Association for Phase 2 of their construction project. The total estimated cost for this project is \$267,000.

The Board unanimously approved the revised By-Laws of the Fremont & Dodge County Visitors Committee. Fremont and Dodge County CVB Director Molly Paden was present and said one of the main changes made to the by-laws is the number of board members. The Fremont and Dodge County CVB Advisory Committee will consist of five members (one of which must be a representative of the hotel/motel industry) or seven members (two of which must be representatives of the hotel/motel industry).

The Board unanimously accepted the recommendation of the Fremont & Dodge County (CVB) Advisory Committee and approved \$8,000 in funding to sponsor 3 events during John C. Fremont Days - \$3,000 for new Dinosaur Exhibit, \$2,500 for Hot Air Balloon Glow & \$2,500 for the Rodeo.

The Board unanimously received a news release identifying the City of Fremont Mayor Spellerberg's recommendations for the new seven member Municipal Inland Port Authority Governing Board. Megan Skiles, Executive Director of the Greater Fremont Development Council was present to show their support for the new governing board. She said this project has been in the works for over a year and she thinks this is a well-rounded group of individuals to lead it into the future. In a separate motion, the Board unanimously adopted the list of appointees to the Municipal Inland Port Authority Governing Board.

Highway Superintendent Scott Huppert reported that employees are still working on potholes, removing snow fence, installing culverts and doing dirt work. The work on the Elkhorn River bridge at Winslow is ahead of schedule. Superintendent Huppert plans to attend a meeting with the state this morning about the By-Pass 30 project starting up again; there will be roads closed while they complete this project. The State has also started hauling dirt for the By-Pass 275 at Scribner. Bids will be opened on Monday, April 10 for the roadway grading and paving project on County Road 18 as well as the concrete box culvert project on County Road F. Superintendent Huppert learned more about the Highway Safety Improvement Program that will provide stop signs, stop ahead signs and posts that will be installed throughout the county. This is an 80/20% cost share program; Dodge County's 20% share will be the installation of these signs.

A Public Hearing was held to consider the request of Craig Langemeier of 1583 County Road E, Scribner, NE 68057 to obtain a Conditional Use Permit (CUP) to store

and apply Bio-solids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in the East ½ SW ¼ Section 12, Township 18 North, Range 6 East and West ½ NE ¼ Section 13, Township 18 North, Range 6 East in Cotterell Township, Zoning District A-1, Intensive Ag. Zoning Administrator Jean Andrews reported that the Planning Commission unanimously recommended approval of this CUP for Craig Langemeier, with the stipulation that the product be incorporated into the ground within a week to ten days after application.

Scott Nun, representing the City of Fremont and Craig Langemeier, was present to speak about applying Bio-solids. Mr. Nun assured the Board that during the application process, all Dodge County regulations are followed as they have been for the past 20 years. He added that they follow all of the EPA's regulations which includes rules on setbacks and soil testing. Mr. Nun told the Board that Craig Langemeier planned to attend this meeting, but could not due to illness. **Steve Dvorak** (1260 Foothill Rd., North Bend, NE) is a neighboring property owner and he asked who set the application rate of 10 tons of Bio-solids per acre. He also said the Dodge County regulations on setbacks should be carefully considered before this conditional use permit is granted. He said that he was disappointed with the Planning Commission's decision and added that some of the members did not know about the setback regulations. His concern with the setbacks is the bodies of water and his home that are within 1,000' of where this product is proposed to be applied. **Keith Kontor**, Wastewater Superintendent for the City of Fremont, addressed the Board. He said the City of Fremont began hauling Bio-solids in 2004 and they have always followed the EPA's regulations for applying this product. It is Mr. Kontor's opinion that the 1000' setback referred to by Mr. Dvorak applies to the pile, not to where the product is spread. He also spoke to why the application rate is 10 tons/acre. When they first started applying Bio-solids, they conferred with the State of Nebraska and the local Nebraska Extension Service representatives to make sure the application rate was appropriate. They determined that they were applying too much and needed to adjust that amount to meet nitrogen levels in the soil, so they changed it to 10 tons/acre. Supervisor Tawney asked Mr. Kontor what happens if a rule is not followed during the application process. Mr. Kontor said the EPA would address any complaints or mismanagement regarding the application of Bio-solids. **Alvin Kloke** (Ames, NE) is another resident in the area and has the 13-acre pond that was mentioned. He asked who is responsible for cleaning it up if it gets contaminated by the Bio-solids. The EPA would be responsible. He also stated that, if incorporated, the product should not cause any problems. **Andy Langemeier** (348 N. William Ave., Fremont, NE) is the brother of Craig Langemeier and read a statement on Craig's behalf explaining why this farm is a good candidate for Bio-solid application. He acknowledged the concerns that have been raised and stated that he plans to follow all guidance provided by the City of Fremont and Scott Nun. **Ron Mueller** (Ames, NE) lives north of the property where the Bio-solids are to be applied and said he is not in favor of using Bio-solids. He asked if this is Class A or Class B Bio-solids. Scott Nun answered that these are Class B. Mr. Mueller also asked if the pile could be placed away from his residence. **Brian Bruckner**, Assistant General Manager of the Lower Elkhorn Natural Resources District, said he was contacted by Mr. Dvorak and Mr. Kloke about this particular conditional use permit application. The natural resources districts are responsible for ground water management. He told the Board they may want to consider amending regulations regarding Bio-solid application. Some examples he gave were enhancing setbacks, incorporating the product into the ground and planting a cover crop. Hearing no other testimony for or against the request, Chairman Missel closed the hearing. 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. The motion also included that all setbacks are to be adhered to and the product must be incorporated in a week or 10 days after delivery, weather permitting.

The 9:35 A.M. Public Hearing to consider the request of Jay Uehling of 731 County Road 5, Oakland, NE 68045 to obtain a Conditional Use Permit to store and apply Bio-solids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in SE ¼ SE ¼ Section 5, Township 18 North, Range 8 East and North ½ SE ¼ Section 5, Township 18 North, Range 8 East; South ½ NW ¼ Section 5 Township 18 North, Range 8 East in Nickerson Township, Zoning District A-1, Intensive Ag was withdrawn. No action was taken.

At 10:06 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 approved tax roll correction #5582.

The Board unanimously received correspondence from the Nebraska Tax Equalization and Review Commission regarding Fourth Amended Order for Hearing & Notice of Hearing for 2020 appealed valuations for Gallery 23 East LLC (Case Nos. 20R 0151 - 20R 0305).

The Board unanimously approved the Exemption Application (Form 451) for Bluffs Trinity Lutheran Church that includes the value of Real Property, which was missing on the application when it was first approved. County Assessor Churchill said including the value of Real Property on this form will be required next year. The Department of Revenue wants everyone to know the value of Real Property to be exempted; they requested that this form, with the value of Real Property included, be approved by the Dodge County Board a second time.

The Board unanimously approved the Referee Agreement and letter used to solicit protest referees that will be used for the upcoming property valuation protest season.

The Board unanimously approved the Protest Cover Sheet to be used during the upcoming property valuation protest season.

At 10:11 A.M., the Board unanimously passed a motion to go into closed session to discuss legal issues related to Tax Equalization and Review Commission (TERC) appeals.

At 10:28 A.M., the Board unanimously passed a motion to go back into open session from the discussion of legal issues related to TERC appeals. The Board unanimously approved directing Dodge County Attorney Hopkins to appeal the Decision and Order entered by the TERC on March 8, 2023 regarding Case No. 20C 0124 and 21C 0385 - Dodge County Board of Equalization v. The Kroger Company.

At 10:30 A.M., Chairman Missel adjourned the Board as a Board of Equalization until Wednesday, April 19, 2023 at 10:00 A.M.

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

The Board listened to informational presentations from Tred-Mark Communications (current county phone system provider) & Applied Connective Technologies (current IT Managed Service Provider) about the pros and cons of hosted voice service phone systems and on-premise phone systems. These presentations were meant to provide the board with information about alternative phone systems as they research upgrading the current phone system. No cost information was provided in these discussions.

At 11:24 A.M., the Board unanimously passed a motion to go into closed session to discuss general assistance claims.

At 11:39 A.M., the Board unanimously passed a motion to go back into open session from the discussion of the claims. No action was taken as a result of the closed session.

At 11:40 A.M., Chairman Missel adjourned the Board as a Board of Supervisors until Wednesday, April 19, 2023 at 9:00 A.M.

Micki Gilfry
Dodge County Clerk