

**Dakota County Board of Commissioners**  
Monday, September 11, 2017 at 3:02 p.m.  
County Board Meeting Room, First Floor  
Dakota County Courthouse, Dakota City, Nebraska

Chair Love called the Board of Commissioners meeting to order at 3:02 p.m. Roll Call was taken: Love, Gomez, K. Rohde, Hohenstein were present. Absent: B. Rohde. Also present were Kim Watson, County Attorney and Joan Spencer, County Clerk, acting as secretary. Chair noted the location of the Open Meetings Act.

The agenda for the meeting was as follows:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL – Excused Absence

A current copy of the *Open Meetings Act* is posted on the west wall near the entrance of the County Board Meeting Room and is available for review by all citizens in attendance.

*The Dakota County Board of Commissioners reserves the right to adjust the order of items on this agenda if necessary.*

1. **CONSENT AGENDA** *Any individual item may be removed by a Commissioner for special discussion and consideration. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners.*
  - a. Approval of the previous minutes – August 28, 2017
  - b. Approval of payroll claims
  - c. Approval of accounts payable claims if applicable
2. **NEW BUSINESS**
  - a. 3:05 p.m. Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2017-2018 proposed County Budget.
  - b. Board to approve an increase in the base restricted funds by an additional 1% - \$62,091.99 - for a total increase in restricted funds in the amount of \$217,321.97
  - c. Board to approve Resolution 17C-019 for the adoption and appropriations of the proposed 2017-2018 county budget.
  - d. 3:10 p.m. Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request.
  - e. Board to approve Resolution 17C-020 setting the county property tax request at \$6,948,736.86
3. **MISCELLANEOUS**
  - a. Fred Kellogg, Highway Superintendent – Road Report
  - b. Fred Kellogg, Highway Superintendent, present written report to the Board with his recommendation as to vacation or abandonment of Lynch Avenue (minimum maintenance portion).
  - c. Board to approve Resolution 17C-021 to set date and time for public hearing to vacate or abandon a public road – minimum maintenance portion of Lynch Avenue. §39-1722
  - d. Sheriff Kleinberg – Jail Report
  - e. Sheriff Kleinberg to request board award security camera bid for the Jail.
  - f. Bob Giese, Treasurer, to verify report on distress warrants to the county board and make an itemized report covering the amount uncollected. §77-1719.02
  - g. Board to review and certify each officer's notarized inventory statement of all county personal property in the possession of that officer as valid and file them in the clerk's office. §23-347
4. **COMMISSIONER COMMITTEE REPORTS**
5. **MAIL AND/OR EMERGENCY BUSINESS**
  - a. Veterans Drive Dedication Ceremony on Friday, September 22 at 11 a.m. RSVP/Luncheon at the Marina Inn.
  - b. P-MRNRD dinner (Vince Kramper farm) and Board or Directors meeting September 14
6. **PUBLIC COMMENT**
7. **ADJOURNMENT**

Chair Love moved, seconded by Commissioner Gomez, to excuse Commissioner B. Rohde from today's meeting.  
ROLL CALL VOTE: Gomez- yes, K. Rohde- yes, Hohenstein- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Chair Love called for approval of the consent agenda: (a) approval of the previous minutes – August 28, 2017; (b) approval of payroll claims (c) approval of accounts payable claims if applicable. Commissioner K. Rohde moved, seconded by Commissioner Hohenstein, to approve the consent agenda items. ROLL CALL VOTE: K. Rohde-yes, Hohenstein- yes, B. Rohde- absent, Love- yes, Gomez- yes. UNANIMOUS MOTION CARRIED.

**Payroll Claims: General Fund Employer:** Gross Salaries-\$151,885.38; Net Pay-\$104,853.10; Retirement-\$10,617.99; FICA-\$9,130.36; Medicare-\$2,135.40; Health Plan-\$19,000.00; Dental Plan-\$890.50; Life Insurance-\$223.64; Antonio Gomez-\$1,079.86; Martin Hohenstein-\$1,079.86; Scott Love-\$926.01; Kevin Rohde-\$879.86; William Rohde-\$879.86;

Cherie Conley-\$1,463.72; Laura Salinas-\$1,116.00; Joan Spencer-\$2,187.59; Kathy Abbe-\$1,009.60; Marisol Curiel-\$1,145.60; Stephanie Gatzemeyer-\$1,138.40; Robert Giese-\$2,187.59; Jalissa Hattig-\$988.38; Jolene Heinemann-\$1,435.88; Alondra Perez-\$689.92; Debera Benton-\$1,081.60; Christy Abts-\$1,508.49; Jeff Curry-\$2,187.59; Rita Deichert-\$962.64; Joseph O'Neil-\$250.00; Phyllis Obermeyer-\$2,187.59; Cheryl Perkins-\$1,137.28; Louvontree Hunter-\$2,685.96; Debra Jensen-\$1,444.80; Katherine Wiltgen-\$1,140.00; Chance Engel-\$1,680.00; Laura Salinas-\$279.00; Tammy Dunn-Peterson-\$1,072.80; Sergio Castillo-\$2,576.15; Timothy Decker-\$2,249.72; Brian Ellinger-\$2,521.30; Penny Epting-\$3,349.02; Brian Fernau-\$1,828.80; Tyler Fulkerth-\$116.64; Brent Gilster-\$2,409.60; Martin Guerrero-\$2,554.40; Zachary Hanish-\$2,137.41; Richard Hansen-\$2,407.72; Melvin Harrison III-\$2,533.10; Jason James-\$2,510.00; Douglas Johnson-\$2,185.65; Kimberly Johnson-\$634.48; Jared Junge-\$2,450.67; J Christopher Kleinberg-\$2,386.37; Jaleesa Nelson-\$864.00; Kevin Rohde-\$2,020.00; Sell, Ryne-\$466.56; Samantha Hargrave-\$1,826.00; Katie Lehmann-\$1,120.00; Lisa Olsen-\$1,280.00; Debra Schmiedt-\$3,100.00; Kimberly Watson-\$3,415.70; Melinda Wicks-\$1,961.54; Jacob Acero-\$1,804.11; Shaun Bird-\$1,766.54; Rebecca Broer-\$2,174.70; Kacie Brown-\$1,839.72; Michael Cliff-\$1,371.00; Elisabet DeRoin-\$1,871.77; Jesse Doelle-\$1,482.40; Nathaniel Eriksen-\$2,004.55; Tyler Fulkerth-\$1,818.72; Kara Groetken-\$1,891.17; Alma Gunderson-\$1,920.72; Hammer, Todd-\$2,071.77; Deanna Haukap-\$1,890.12; Adam Hough-\$1,819.42; Stephanie Jensen-\$1,769.88; Michelle Jones-\$2,580.40; Brenda Kelly-\$1,579.20; Thelma Lawrence-\$1,281.00; Gregory Nyhof-\$1,999.86; Kimberly Peterson-\$1,871.58; Michele Rohde-\$1,280.00; Jennifer Svendsen-\$1,874.72; Taylor Tadlock-\$1,759.26; Robert Tarno-\$1,890.76; Danielle Thibodeau-\$1,776.48; Ashly Verzani-\$1,536.00; Randy Walsh-\$2,185.70; Jewel Williams-\$2,002.42; Deanna Hagberg-\$1,826.00; Jolene Gubbels-\$1,305.60; Fred Kellogg-\$375.00; Leon Pies-\$1,491.20; Theresa Grove-\$1,836.01; Tiffany Hansen-\$2,307.69; Bonnie Kahler-\$863.86; Natasha Ritchison-\$1,170.00; Yesica Saldana Cisneros-\$933.75; Willard Johnston-\$1,931.59; **General Fund Employee:** Federal Tax-\$16,118.21; State Tax-\$5,425.41; FICA-\$11,265.76; Medicare-\$2,135.40; Retirement-\$7,215.21; Health Plan-\$1,900.00; Dental Plan-\$588.00; Colonial Health-\$419.68; Sheriff Union Dues-\$465.00; Colonial Life/Disability-\$116.90; Deferred Comp-\$1,321.68; Garnishments-\$456.01; Flex Plan Medical-\$1,125.58; Flex Plan Dependent Care-\$125.00; VSP Vision-\$433.50; Legal Shield-\$56.34; **Road Fund Employer:** Gross Salaries-\$16,880.84; Net Pay-\$11,475.81; Retirement-\$1,139.48; FICA-\$1,007.59; Medicare-\$235.64; Health Plan-\$2,612.50; Dental Plan-\$119.46; Life Insurance-\$28.05; Brent Byroad-\$1,657.89; Kevin Chambers-\$1,465.60; Ryan Chambers-\$1,465.60; Robert Hacker-\$1,489.60; Lance Jacobsen-\$1,465.60; Scott Jorgenson-\$1,465.60; Fred Kellogg-\$1,948.55; David Kneiff-\$1,465.60; Kimon Litras-\$1,513.60; Dean Pallas-\$1,477.60; Matthew Roost-\$1,465.60; **Road Fund Employee:** Federal Tax-\$1,750.97; State Tax-\$546.12; FICA-\$1,243.23; Medicare-\$235.64; Retirement-\$759.62; Health Plan-\$400.00; Dental Plan-\$84.00; Colonial Health-\$65.66; Garnishments-\$222.47; Flex Plan Medical-\$25.00; Road Union Dues-\$225.00; VSP Vision-\$55.04; Legal Shield-\$27.92; **Health Planning Grant Employer:** Gross Salaries-\$1,088.75; Net Pay-\$861.96; Retirement-\$73.49; FICA-\$66.45; Medicare-\$15.54; Health Plan-\$237.50; Dental Plan-\$10.86; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,088.75; **Health Planning Grant Employee:** Federal Tax-\$53.44; State Tax-\$25.42; FICA-\$81.99; Medicare-\$15.54; Retirement-\$48.99; **Minority Health Grant Employer:** Gross Salaries-\$370.00; Net Pay-\$307.36; Retirement-\$16.20; FICA-\$22.65; Medicare-\$5.30; Health Plan-\$237.50; Dental Plan-\$10.86; Life Insurance-\$2.55; Ibrahim, Mohamud-\$130.00; Yesica Saldana Cisneros-\$240.00; **Minority Health Grant Employee:** Federal Tax-\$13.52; State Tax-\$5.63; FICA-\$27.95; Medicare-\$5.30; Retirement-\$10.80; VSP Vision-\$4.74; **Juvenile Services Aid Employer:** Gross Salaries-\$1,197.00; Net Pay-\$668.22; Retirement-\$80.80; FICA-\$51.21; Medicare-\$11.98; Health Plan-\$237.50; Dental Plan-\$10.86; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,197.00; **Juvenile Services Aid Employee:** Federal Tax-\$28.37; State Tax-\$12.35; FICA-\$63.19; Medicare-\$11.98; Retirement-\$53.87; Health Plan-\$350.00; Dental Plan-\$21.00;

At 3:05 p.m. Chair Love opened the public hearing for the 2017-18 proposed county budget and asked for comments from the audience showing support, opposition, criticism, suggestions or observations.

Criticism: Employees Jolene Heinemann, Stephanie Gatzemeyer, Kathy Abby, Deb Benton and Deb Jensen voiced their disappointment regarding the wage freeze, insurance deductible increase, and the unfairness of monies being spent on graders, extension office lease renewal, sheriff radios, new board room and new health department offices versus no wage increase. They felt they were responsible, reliable employees who deserved a wage increase.

Observations: Ron Hartnett asked how the \$500,000 shortfall was addressed. Chair Love stated each office was asked to cut 10% from their budget request—some offices did and some did not. The board imposed a wage and hire freeze; positions were terminated, positions not filled after employee terminated, several full time positions were cut back to part time, while other offices continue to work under staffed. Mr. Hartnett asked if the county value increased. Yes—by \$36,975,312. Mr. Hartnett asked how many taxpayers filed valuation protests this year—around 400 (half as many as last year). Mr. Hartnett asked how the 20% increase in the levy is justified—the county beginning cash balance was significantly lower and cash reserve needed to be increased. (General Fund expenditures \$1.7 million less than previous year.)

Chair Love closed the budget hearing at 3:34 p.m.

Chair Love moved, seconded by Commissioner K. Rohde, to approve an increase in the base restricted funds by an additional 1% (\$62,092). ROLL CALL VOTE: Hohenstein- yes, B. Rohde- absent, Love- yes, Gomez- yes, K. Rohde- yes. UNANIMOUS MOTION CARRIED.

Chair Love moved, seconded by Commissioner Gomez, to approve Resolution 17C-019 for the adoption and appropriations of the proposed 2017-2018 county budget. ROLL CALL VOTE: Love- yes, Gomez- yes, K. Rohde- yes, Hohenstein- yes, B. Rohde- absent. UNANIMOUS MOTION CARRIED.

Resolution 17C-019

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2017, to June 30, 2018, prepared by the Budget Making Authority, was transmitted to the County Board on the 11<sup>th</sup> day of September, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners Dakota County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2017, to June 30, 2018, as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the Budget for Dakota County for said fiscal year.

SECTION 2. That the offices, departments, activities and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2017, and ending June 30, 2018.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

DATED AND PASSED THIS 11<sup>TH</sup> DAY OF September, 2017.

Chair Love opened the public hearing at 3:36 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request. Hearing no comments from the audience, Chair Love closed the public hearing at 3:36 p.m.

Chair Love moved, seconded by Commissioner K. Rohde, to approve Resolution 17C-020 setting the county property tax request at \$6,948,736.86. ROLL CALL VOTE: Gomez- yes, K. Rhode- yes, Hohenstein- yes, B. Rohde- absent, Love- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 17C-020

SETTING THE PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Dakota passes by majority vote a resolution or ordinance setting the tax request at different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the County of Dakota that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the County of Dakota, by a majority vote, resolves that:

1. The 2017-2018 property tax request be set at \$6,948,736.86
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 14, 2016.

Adopted this 11<sup>th</sup> day of September, 2017.

Road report for August 27 to September 9, 2017 was read by Chair Love. Total road maintenance- 370.5 hours; overtime hours- 3; 190<sup>th</sup> Street project- 3 hours; Wigle Creek & 260<sup>th</sup> Street project- 141 hours; mowing- 18 hours; 767.5 tons of gravel hauled- 63.5 hours; signs/barricading- 2 hours; 2 road concerns for grading.

Chair Love summarized the Highway Superintendent's written report to the Board with his recommendation as to the vacation or abandonment of Lynch Avenue (minimum maintenance portion) with the following findings: (1) this portion of the road gets used as a dump site for trash and is tore up after rains by people 4-wheeling; (2) liability can and will be reduced for the county and (3) no landowners in the section will be land locked. Superintendent Kellogg's recommendation was to vacate the road and relinquish the right-of-way back to the adjacent landowners as long as all land owners are in agreement.

Commissioner Gomez moved, seconded by Commissioner Hohenstein, to approve Resolution 17C-021 to set date and time for public hearing to vacate or abandon a public road—minimum maintenance portion of Lynch Avenue. ROLL CALL VOTE: K. Rohde- yes, Hohenstein- yes, B. Rohde- absent, Love- yes, Gomez- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 17C-021  
A RESOLUTION TO SET DATE AND TIME FOR PUBLIC HEARING  
TO VACATE OR ABANDON A PUBLIC ROAD

WHEREAS, Sec. 39-1722 Nebr. R.R.S., 1943, makes provisions for a county Board of Commissioners as to the vacation or abandonment of public roads in its county; and

WHEREAS, a clear and unambiguous description of the road to be relocated, vacated or abandoned, is as follows, to-wit:

Lynch Avenue (minimum maintenance portion), from residence at 1451 Lynch Avenue approximately 6300' or 1.2 miles north to Moody Road. Section 26 & 23, Township 29N, Range 7E, Dakota County, Nebraska.

WHEREAS, by action of the Dakota County Board of Commissioners on August 14, 2017, Dakota County Highway Superintendent Fred Kellogg was directed to perform a study and report to the Board as provided by the laws of the State of Nebraska; and,

WHEREAS on September 11, 2017, Mr. Kellogg submitted a written report with the following findings and recommends to vacate the road and relinquish the right-of-way back to the adjacent landowners as long as all land owners are in agreement.

1. The portion of road that the County desires to vacate is a minimum maintenance road that gets used as a dump site for trash and is tore up after rains by people 4-wheeling.
2. By vacating the aforementioned road, liability can and will be reduced for the county.
3. It does not appear that vacating said road will land lock any landowners in the section.

NOW THEREFORE, BE IT RESOLVED, by the Dakota County Board of Commissioners, that the matter of vacation or abandonment of said road shall be advertised for three consecutive weeks and set for public hearing October 9, 2017, at 3:05 p.m. in the Dakota County Commissioners Board meeting room, Dakota City, Nebraska.

Resolved this 11<sup>th</sup> day of September, 2017.

No Jail Report was available and will be put on next meeting's agenda.

Sheriff Kleinberg requested the board award the security camera bid to Com-Tec as other bids received could not tie in to proprietary existing Com-Tec software needed to fully run the jail. The cameras will be upgraded from analog to digital. Existing video is hard to decipher and creates a liability for the county. The Com-Tec bid for materials and installation for the new IP camera system is \$194,876. Chair Love moved, seconded by Commissioner Hohenstein, to award the Jail security camera bid of \$194,876 to Com-Tec and that the cost be expended from Jail Bond Fund 3300. ROLL CALL VOTE: Hohenstein- yes, B. Rohde- absent, Love- yes, Gomez- yes, K. Rohde- yes. UNANIMOUS MOTION CARRIED.

Bob Giese, County Treasurer, verified to the Board an itemized account of the amount uncollected on the Distress Warrants Report presented by Captain Walsh on August 14<sup>th</sup> - \$3,955.67.

Commissioner Gomez moved, seconded by Commissioner Hohenstein, to approve and certify each officer's notarized inventory statement for fiscal year 2016-17. ROLL CALL VOTE: Love- yes, Gomez- yes, K. Rohde- yes, Hohenstein- yes, B. Rohde- absent. UNANIMOUS MOTION CARRIED.

Committee Reports: Commissioner Gomez reported the Safety Committee had an incident/accident free quarter and will be sending a NIRMA report form to each department to complete when an incident or accident occurs.

Mail or emergency business. Invitations to P-MRNRD dinner on September 14<sup>th</sup> and Veterans Drive Dedication Ceremony on September 22<sup>nd</sup>.

No Public comment.

Chair Love adjourned the Board of Commissioners meeting of September 11, 2017 at 3:58 p.m.

Dakota County Board of Commissioners

\_\_\_\_\_  
Scott Love, Chair

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Date signed

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Joan Spencer, County Clerk

\_\_\_\_\_  
Date

Date entered in book

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