

Dakota County Board of Commissioners
Monday, September 8, 2020 - 1:00 p.m.
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

Chair Hohenstein called the Board of Commissioners meeting to order at 1:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Hohenstein, Gomez, Rohde (arrived at 1:03 p.m.), Albenesius, Gill. Absent: None. Also present was Kim Watson, County Attorney and Joan Spencer, County Clerk, acting as Board Secretary. Chair noted the location of the Open Meetings Act.

Agenda 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. TABLED ITEMS

- a. Board to discuss, approve or not approve Resolution 20C-005 to declare a moratorium on wind energy farms in Dakota County.

- *Motion required to take from the Table*

2. PUBLIC COMMENT. The Board of Commissioners will hear comments about any item not on the agenda. The Chair has the discretion to limit the time of comment.

3. 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 24, 2020
- b. Approval of accounts payable if applicable

4. NEW BUSINESS

- a. Board to approve the payroll claims for August 23 – September 5, 2020.
- b. **1:05 p.m.** Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2020-21 proposed County Budget.
- c. Board to approve or not approve an increase in the base restricted funds by an additional 1% - \$58,337.82 - for a total increase in restricted funds in the amount of \$207,099.25.
- d. Board to approve or disapprove Resolution 20C-019 for the adoption and appropriations of the proposed 2020-21 county budget.
- e. **1:06 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.
- f. Board to approve or disapprove Resolution 20C-020 setting the county property tax request at \$6,897,992.89.
- g. **1:07 p.m.** Public Hearing for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding the request for a zoning change from AG to Business (Andersen Farms, Inc.) at proposed location of S ½ S ½ 28-28N-8E, N ½ SE ¼ 28-28N-8E, & S33-28N-8E.
- h. Board to approve or disapprove the request for zoning change from AG to Business for the proposed location of S ½ S ½ 28-28N-8E, N ½ SE ¼ 28-28N-8E (west of Road) & S33-28N-8E (except 2 building sites in SE 1/4 , all west of county road), Homer, Dakota County, Nebraska. A recommendation for approval was received from the Planning & Zoning Commission.
- i. Joe O'Neill, Planning & Zoning Director, requesting Board direction regarding clarification on enforcement of zoning regulation 610.1 Principal Permitted Uses #6 Feeding and raising of farm animals.
- j. Board to award the bid for the paving project along Old Sawmill Road between Rottunda Way and Elgin Avenue, and along Elgin Avenue between Old Sawmill Road and Highway 20.

5. MISCELLANEOUS

- a. Fred Kellogg, Highway Superintendent – Bi-Weekly Road Report
- b. Sheriff Kleinberg – Monthly Jail Report
- c. Sheriff Kleinberg - CAPS Program Agreement discussion
- d. Sheriff Kleinberg requesting to purchase law enforcement vehicles with an estimated value in excess of \$10,000.
- e. Sarah Deck, Juvenile Diversion Coordinator, requesting approval for Chair to sign the Alternatives to Detention Grant 20-EB-0613 Award of \$50,000.00 and the special conditions binding the grant award.
- f. 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 County Clerk's Office §23-347

- g. Approve Chair to sign a Letter of Support for the Siouxland Interstate Metropolitan Planning Council's (SIMPCO) application to the Nebraska Investment Finance Authority (NIFA) for a Housing Study Grant for improving housing conditions for Dakota County residents.
6. COMMISSIONER COMMITTEE REPORTS
7. MAIL AND/OR EMERGENCY BUSINESS
 - a. Nebraska Intergovernmental Risk Management Association (NIRMA) letter regarding Election and Nomination of NIRMA Board Members
8. ADJOURNMENT

No action was taken to remove the item for discussion of a wind energy farm moratorium from the table. Joe O'Neill, Dakota County Planning & Zoning Director, reviewed the recent regulation changes.

Chair Hohenstein called for Public Comment about any item not on the agenda. Bill Haafke, Likuwanta Drive, Dakota City, shared traffic count data on Likuwanta Drive and 156th Street from his trail camera used July 12 to August 3. Likuwanta Drive (1 exit) had 111 average daily vehicles on the road (15 homes) and 156th Street (2 exits) had 44.9 average vehicles per day (7 homes). Mr. Haafke requested better, harder surface as there is a lot of dust. Different road products and application were discussed.

Chair Hohenstein called for approval of the consent agenda—(a) approval of the August 24, 2020, minutes; (b) approval of accounts payable claims if applicable. Commissioner Gill moved, seconded by Commissioner Albenesius, to approve the minutes of August 24, 2020. ROLL CALL VOTE: Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gomez moved, seconded by Commissioner Gill, to approve the payroll claims of August 23 to September 5, 2020. ROLL CALL VOTE: Rohde- abstain, Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$159,644.20; Net Pay-\$112,306.44; Total Retirement-\$10,815.51; Total FICA-\$11,847.29; Health Plan-\$34,419.00; Dental Plan-\$1,165.25; Life Insurance-\$204.40; Larry Albenesius-\$1,081.50; Janet Gill-\$1,081.50; Antonio Gomez-\$1,081.50; Martin Hohenstein-\$1,125.94; Kevin Rohde-\$881.50; Cherie Conley-\$1,522.85; Leticia Vargas-\$1,293.60; Joan Spencer-\$2,191.68; Kathy Abbe-\$1,158.40; Stephanie Gatzemeyer-\$1,509.93; Robert Giese-\$2,191.68; Jalissa Hattig-\$1,158.40; Brenda Landaverde-\$1,020.00; Samantha Mitchell-\$1,020.00; Debera Benton-\$1,471.60; Christy Abts-\$1,569.43; Melissa Collins-\$1,072.80; Jeffrey Curry-\$2,191.68; Courtney Lane-\$1,072.80; Joseph O'Neil-\$260.10; Phyllis Obermeyer-\$2,191.68; Katherine Wiltgen-\$1,479.38; Louvontree Hunter-\$2,690.97; Debra Jensen-\$1,502.40; Karen Jimenez-\$1,180.00; Kevin Hansen-\$2,034.90; Tammy Dunn Peterson-\$1,156.00; Shaun Bird-\$711.81; Sergio Castillo-\$2,997.83; Timothy Decker-\$3,042.86; Brian Ellinger-\$2,306.45; Brian Fernau-\$2,381.96; Tyler Fulkerth-\$2,492.73; Brent Gilster-\$2,221.91; Martin Guerrero-\$2,594.12; Richard Hansen-\$2,249.39; Melvin Harrison III-\$2,271.18; Jason James-\$2,808.41; Douglas Johnson-\$2,273.95; Kimberly Johnson-\$624.29; Jared Junge-\$2,305.74; Christopher Kleinberg-\$2,390.83; Kevin Rohde-\$2,274.74; Mardi Schnee-\$1,060.80; Ryne Sell-\$433.30; Penny Wendte-\$2,873.61; Katie Lehmann-\$1,304.00; Sheyanne Lozano-\$1,142.40; Edward Matney-\$1,923.08; Debra Schmiedt-\$3,230.77; Kimberly Watson-\$3,422.08; Melinda Wicks-\$2,269.23; Jacob Acero-\$1,682.06; Angelica Antonio-\$1,568.54; Shaelee Barreras-\$0.00; Trent Bertram-\$0.00; Zachery Bickett-\$1,597.75; Shaun Bird-\$1,415.52; Rebecca Broer-\$1,727.55; Kacie Brown-\$1,753.65; Elisabet DeRoin-\$1,651.44; Jesse Doelle-\$1,572.93; Jon Enstrom-\$1,358.28; Jonathan Gray-\$1,698.48; Kara Groetken-\$1,782.51; Todd Hammer-\$2,576.60; Alexa Hansen-\$1,497.46; Adam Hough-\$1,770.44; Victor Huerta-\$457.70; Brenda Irwin-\$1,897.94; Hunter Jones-\$1,718.54; Brady Mathis-\$1,358.28; Skyler Miner-\$1,358.28; Mark Nelson-\$1,729.01; Gregory Nyhof-\$1,847.12; Kimberly Peterson-\$1,664.04; Darius Richardson Barnes-\$1,164.24; Michele Rohde-\$1,334.40; Rebecca Schoep-\$1,362.20; Jennifer Svendsen-\$2,968.17; Taylor Tadlock-\$1,707.13; Danielle Thibodeau-\$1,748.99; Ashley Verzani-\$1,734.65; Randall Walsh-\$2,274.00; Deanna Hagberg-\$1,900.00; Jolene Gubbels-\$1,360.00; Fred Kellogg-\$375.00; Matthew Roost-\$260.10; Yvette Aldana-\$1,554.75; Erica Brodersen-\$1,591.25; Cole Coover-\$380.00; Shay Gillaspie-\$870.00; Theresa Grove-\$1,910.40; Mohamud Ibrahim-\$143.01; Jesus Hernandez-\$878.75; Natasha Ritchison-\$2,000.00; Yesica Saldana Cisneros-\$1,372.80; Jacqueline Traum-\$1,282.88; Willard Johnston-\$1,987.67; **General Fund Employee:** Federal Tax-\$13,017.95; State Tax-\$5,840.76; Soc Sec-\$9,601.70; Medicare-\$2,245.59; Extra Fit-\$839.00; Extra Sit-\$145.00; Retirement-\$7,360.05; Makeup Retirement-\$0.00; Health Plan-\$2,200.00; Dental Plan-\$525.00; Colonial Health-\$264.48; Sheriff Union Dues-\$420.00; Colonial Life/Disability-\$81.75; Deferred Comp-\$2,130.00; Garnishments-\$791.07; Flex Plan Medical-\$1,072.74; Flex Plan Dependent Care-\$208.33; VSP Vision-\$474.38; Legal Shield-\$69.26; Liberty Nat'l-\$50.70; **Road Fund Employer:** Gross Salaries-\$17,735.27; Net Pay-\$12,475.31; Retirement-\$1,197.17; Total FICA-\$1,326.98; Health Plan-\$4,917.00; Dental Plan-\$162.25; Life Insurance-\$27.16; Brent Byroad-\$1,659.20; Kevin Chambers-\$1,567.20; Ryan Chambers-\$1,567.20; Robert Hacker-\$1,579.20; Scott Jorgenson-\$1,555.20; Fred Kellogg-\$2,027.27; David Kneifl-\$1,567.20; Kimon Litras-\$1,615.20; Dean Pallas-\$1,567.20; Tyler Pallas-\$1,475.20; Matthew Roost-\$1,555.20; **Road Fund Employee:** Federal Tax-\$1,472.43; State Tax-\$636.74; FICA-\$1,075.46; Medicare-\$251.52; Extra Fit-\$150.00; Retirement-\$798.05; Health Plan-\$200.00; Dental Plan-\$84.00; Colonial Health-\$65.66; Garnishments-\$208.62; Road Union Dues-\$200.00; VSP Vision-\$50.28; Legal Shield-\$41.82; Liberty National-\$22.13; Liberty National-\$3.25; **Health Planning Grant Employer:** Gross Salaries-\$1,142.78; Net Pay-\$883.89; Retirement-\$77.14; Total FICA-\$84.66; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,142.78; **Health Planning Grant Employee:** Federal Tax-\$43.21; State Tax-\$21.46; FICA-\$68.61; Medicare-\$16.05; Extra Sit-\$5.00; Retirement-\$51.43; Dental Plan-\$21.00; VSP Vision-\$15.18; Legal Shield-\$16.95; **Juvenile Services Aid Employer:** Gross Salaries-\$1,184.40; Net Pay-\$653.25; Retirement-\$79.95; Total FICA-\$62.22;

Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,184.40; Juvenile Services Aid Employee.; Federal Tax-\$30.24; State Tax-\$14.39; FICA-\$50.43; Medicare-\$11.79; Retirement-\$53.30; Health Plan-\$350.00; Dental Plan-\$21.00.

Chair Hohenstein opened the Public Hearing at 1:14 p.m. for the pupose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2020-21 proposed County Budget. Chair asked if there was anyone present wishing to make comment regarding the 2020-21 budget in support—there were no comments; oppose—there were no comments; criticism—there were no comments; make suggestions—there were no comments; make observations—there were no comments. Chair Hohenstein closed the Hearing at 1:15 p.m.

Commissioner Rohde moved, seconded by Commissioner Gomez, to approve an increase in the base restricted funds by an additional 1% (\$58,337.82) for a total increase in restricted funds in the amount of \$207,099.25. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gill moved, seconded by Commissioner Albenesius, to approve Resolution 20C-019 for the adoption and appropriations of the proposed 2020-21 county budget. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-019

ADOPTION AND APPROPRIATION OF BUDGET

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2020, to June 30, 2021, prepared by the Budget Making Authority, was transmitted to the County Board on the 27th day of July, 2020.

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

SECTION 1. That the budget for the Fiscal Year July 1, 2020, to June 30, 2021, 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, 2020, and ending June 30, 2021.

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 8TH DAY OF SEPTEMBER, 2020.

Chair Hohenstein opened the Public Hearing at 1:17 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers regarding the setting of the final tax request at a different amount than the prior years tax request. Chair asked if there was anyone present wishing to make comment regarding the setting of the final tax request in support—there were no comments; oppose—there were no comments; criticism—there were no comments; make suggestions—there were no comments; make observations—there were no comments. Chair Hohenstein closed the Hearing at 1:18 p.m.

Commissioner Gomez moved, seconded by Commissioner Rohde, to approve Resolution 20C-020 setting the county property tax request at \$6,897,992.89. ROLL CALL VOTE: Hohenstein- yes, Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-020

SETTING THE PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the County of Dakota passes by a majority vote a resolution or ordinance setting the tax request; and

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

NOW, THEREFORE, the Governing Body of the County of Dakota, resolves that:

1. The 2020-2021 property tax request be set at \$6,897,992.89
 2. The total assessed value of property differs from last year's total assessed value by 4%.
 3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.352700 per \$100 of assessed value.
 4. The County of Dakota proposes to adopt a property tax request that will cause its tax rate to be \$0.366511 per \$100 of assessed value.
 5. Based on the proposed property tax request and changes in other revenue, the total operating budget of Dakota County will exceed last year's by 4%.
 6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2020.
- Adopted this 8th day of September, 2020.

Chair Hohenstein opened the Public Hearing at 1:19 p.m. for the purpose of hearing support, opposition or neutral comment by citizens regarding the request for a zoning change from AG to Business by Andersen Farms at the proposed location (S ½ S ½ 28-28N-8E, N ½ SE ¼ 28-28N-8E, & S33-28N-8E). Chair asked if there was anyone present wishing to make comment regarding the zoning change from AG to Business at the stated location in support—there were no comments; oppose—there were no comments; neutral—there were no comments. Chair Hohenstein closed the Hearing

at 1:19 p.m. Chair noted the request comes with a recommendation for approval from the Planning & Zoning Commission.

Commissioner Rohde moved, seconded by Commissioner Albenesius, to approve the request for zoning change (Ag to Business located S ½ S ½ 28-28N-8E, N ½ SE ¼ 28-28N-8E (west of Road) & S33-28N-8E (except 2 building sites in SE 1/4 , all west of county road), Homer, Dakota County, Nebraska). ROLL CALL VOTE: Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes. UNANIMOUS MOTION CARRIED.

Joe O'Neill, Planning & Zoning Director, addressed the Board regarding a resident (Nicky Komvongsa) living at the Farmsteads (Ithica Way, rural Dakota City) who is raising farm animals—chickens, ducks (fowl) and pigs (swine) on his property. Mr. O'Neill stated he visited the site in June, 2019, and his concern was that the animals—fowl at that time—were not contained. Those concerns were expressed to Mr. Komvongsa. A later visit concern was that he now had pigs and the pigs were located on the property line. Mr. O'Neill stated he tried calling and stopping by several times and unable to make contact and that he was receiving complaints from the neighbors regarding the animals not being contained and damage by the pigs. Mr. O'Neill read the regulation 610.1 (6) which states the “feeding and raising of farm animals, including livestock, not to exceed a concentration of two (2) animal units per acre. Farm animals and livestock shall be located no closer than five hundred (500) feet from the lot line...” Mr. O'Neill stated he was contacted by Nicky on August 27th regarding his right to cut branches over hanging on the property line. Mr. O'Neill stated that was a civil issue and to consult an attorney. He visited again with him on Saturday (8/29/20) to see what his plans were going forward. Mr. Komvongsa stated he plans to build an 8' privacy fence. Mr. O'Neill said a certified letter was sent to him letting him know he was in violation of certain zoning regulations and had until September 22nd to correct the issue/s. Mr. O'Neill visited again on 9/5/2020 and clarified the zoning is Ag Residential, not Ag. Mr. O'Neill stated the livestock needs to be moved 500' back from property line and neighbors' rights also need to be protected. Chair Hohenstein stated the zoning is clearly Ag Residential and to move forward to enforce the zoning regulations. Commissioner Gill clarified that Mr. Komvongsa had a copy of the regulations and the problem is containment, not numbers. Commissioner Albenesius wondered if the size of the lot would allow him to comply with the 500' setback from lot line.

Chad Kehrt, project Engineer, stated the bids were opened and three (3) bids were received for the paving project along Old Sawmill Road between Rottunda Way and Elgin Avenue, and along Elgin Avenue between Old Sawmill Road and Highway 20. None of the bids contained an alternate bid for asphalt. The low bid of Harris Construction for \$405,824.28 was recommended by Chad Kehrt, Veenstra & Kimm, Inc. The project has a December 1st substantial completion date (open to public). Commissioner Albenesius had questions regarding the plans coordination with the area businesses and Knife River asphalt plant. Chair Hohenstein moved, seconded by Commissioner Gomez, to accept and award the bid to Steve Harris Construction in the amount of \$405,824.28 for the paving project on a portion of Old Sawmill Road/Elgin Road. ROLL CALL VOTE: Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes. UNANIMOUS MOTION CARRIED.

Fred Kellogg, Highway Superintendent, presented the Road Report for August 23 to September 5, 2020. Road maintenance- 294 hours; tree/debris removal- 13 hours; Culvert/Rd projects- 122 hours on 120th Street; garbage pickup- 3 hours; mowing- 5 hours; gravel hauling- 17 hours; tons of gravel applied- 198.1 tons; weed spraying/inspections- 8 hours; sign repair/barricading- 32 hours. Commissioner Albenesius had road concerns for rock on M Ave (Hubbard limits to bridge) and water drainage by Birkley building site on North Bluff Road.

Sheriff Kleinberg presented the Jail Report for the month of June, 2020.

June (Average per day):

County Inmates	Federal Inmates	Juveniles		Total-In-House
45	31	0		76

2020 Calendar (Average per day):

County Inmates	Federal Inmates	Juveniles		Total-In-House
56	31	0.18		90

2019-2020 Fiscal (Average per day):

County Inmates	Federal Inmates	Juveniles		Total-In-House
65	36	0.5		101

Federal Income

June Marshal:	\$60,385.33	Fiscal Marshals:	\$809,378.99
June ICE:	0.00	Fiscal ICE:	63,628.58
June OMMS/SDMS:	<u>325.00</u>	Fiscal BIA/OMMS:	<u>29,510.00</u>
June Federal:	\$60,710.33	Fiscal Federal:	\$902,517.57

2020 Calendar Federal: \$417,174.47

June County Contracts: \$1,445.95 2019-20 Fiscal County Contracts: \$20,979.73

April Phone/Commissary Commission: \$7,790.79

Cost Per Inmate Per Day 2020:

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
99.65	88.46	\$73.25	69.66	69.33	81.69						

The jail spent \$187,081.48 for the month of June and is at 98% of the total estimated yearly budget or 2% under budget for the fiscal year. In June 2019 the jail was at 100% of the total estimated yearly budget and spent \$39,948.07 less than was allotted for the month which was 17.5% under budget for the month.

June Bookings:

DCSO:	16	DAKOTA COUNTY:	34
SSCPD:	18	OTHER NE:	21
NSP:	5	SIOUX CITY:	15

