

Dakota County Board of Commissioners
Monday, September 21, 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 1:01 p.m. with the Pledge of Allegiance. Present at Roll Call: Hohenstein, Albenesius, Gill. Absent: Gomez, Rohde. 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 meeting minutes – September 8, 2020
- b. Approval of accounts payable claims
- c. Approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court

4. NEW BUSINESS

- a. Board to approve the payroll claims for September 6 - 19, 2020.
- b. 1:01 p.m. Open and Award bid for Wigle Creek overlay project.
- c. Terry Schumacher, PMRNRD Land & Water Programs Coordinator, requesting the Board close and/or abandon a portion of 240th (O Ave – O'Dell Ave) for the purpose of a Pigeon/Jones 12-A Structure Project.
- d. 1:02 p.m. Public Hearing for the purpose of giving citizens the opportunity to offer oral or written support, opposition or make neutral comment regarding the presentation of the Dakota County One and Six Year Road Plan with proposal to adopt said Plan.
- e. Residents of the Farmsteads (rural Dakota City) to address the Board with concerns regarding the Zoning Regulation 610.1 Principal Permitted Uses #6 particularly the part that states: "Farm animals and livestock shall be located no closer than five hundred (500) feet from the lot line when adjoining property is used for residential, motel, hotel, or cabin resort purposes."

5. MISCELLANEOUS

- a. Fred Kellogg, Highway Superintendent – Road Report
- b. Approve Resolution 20C-021 Signing of the County Annual Certification of Program Compliance Form 2020. §39-2120, §39-2121(1)
- c. Approval of Annual Road Report
- d. Ron Raynor, rural Dakota City, requesting minimum maintenance road be closed to allow for a shooting range.
- e. Sheriff Kleinberg – Jail Report
- f. Approve Resolution 20C-022 to declare personal property as surplus and obsolete and/or unusable by the county and authorize county official to sell surplus personal property pursuant to Nebraska surplus statutes.
- g. Approve Chair to sign contract documents for the Dakota County Jackson Bank Stabilization project for bridge C002221710.
- h. Approve Chair to sign contract document Agreements for the Old Sawmill Road Paving Project

6. COMMISSIONER COMMITTEE REPORTS

7. MAIL AND/OR EMERGENCY BUSINESS

- a. NIRMA Board of Directors 2020 Election—appoint person to cast the ballot.

8. ADJOURNMENT

Chair Hohenstein moved, seconded by Commissioner Gill, to excuse Commissioners Gomez and Rohde from today's meeting. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes. UNANIMOUS MOTION CARRIED.

No action was taken to remove the item for discussion of a wind energy farm moratorium from the table. Chair Hohenstein noted that permits for wind farms would need to be approved by the Planning & Zoning Commission and the Board of Commissioners when at that time the Board could impose stricter or more stringent rules and that he was not in favor of a moratorium. Commissioner Gill stated she is in favor of viable green energy as a resource for the county, and wanted to be mindful of the health and safety of Dakota County residents and did not want a huge, massive wind farm. Chair Hohenstein also felt he could not tell people what they can and cannot do on their property. Joe O'Neill, Zoning Director, felt that the current regulations for wind energy farms were stringent and the setbacks protect the resident from having a wind tower right beside them. There is also a decibel limit. There are also updated regulations on the decommissioning process—the company would be required to have an insurance policy or actual check to cover the cost. The roads and bridges would be protected by an Agreement with the County Highway Superintendent. Layers of protection could be added with the Conditional Use Permit process. Commissioner Gill thought there were changes with the tax credit for wind farms. Marci Broyhill stated both Gage and Lancaster county setbacks are one mile. Ms. Broyhill's concern was to educate the landowners regarding signing something that would take away their right to do what they want with the land—usually for a long period of time. Chair Hohenstein would like to make a decision at the next board meeting.

Chair Hohenstein called for Public Comment about any item not on the agenda. Joe O'Neill wanted to clarify that Section 610.1 is strictly for Ag/Residential zoning.

Chair Hohenstein called for approval of the consent agenda—(a) approval of the September 8, 2020, minutes; (b) approval of accounts payable claims and (c) approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court. Commissioner Gill moved, seconded by Commissioner Albenesius, to approve the minutes of September 8, 2020, the accounts payable claims and the officials reports. ROLL CALL VOTE: Hohenstein- yes, Gomez- absent, Rohde- absent, Albenesius- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Discussion was had regarding the raises requested for the employees of the County Attorney's Office that were more than the recommendation by the budget committee which was 2% and/or 35 cents per hour whichever was greater. Chair Hohenstein thought the payroll increases requested should not be approved as a blanket for the whole office and could be looked at individually if certain steps are met. Chair Hohenstein moved, seconded by Commissioner Gill, to approve the payroll claims with the County Attorney's office to be set at the 2% and/or 35 cents for September 6-19, 2020. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- absent. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$163,947.26; Net Pay-\$114,481.18; Total Retirement-\$11,169.64; Total FICA-\$12,176.46; 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-\$1,705.59; Leticia Vargas-\$1,470.00; Joan Spencer-\$2,191.68; Kathy Abbe-\$1,158.40; Maria Garcia-\$18.75; 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-\$1,320.43; Christy Abts-\$1,600.80; Melissa Collins-\$1,100.80; Jeffrey Curry-\$2,191.68; Courtney Lane-\$1,100.80; Joseph O'Neil-\$235.30; Phyllis Obermeyer-\$2,191.68; Katherine Wiltgen-\$1,479.38; Louvontree Hunter-\$2,690.97; Debra Jensen-\$1,709.12; Karen Jimenez-\$1,208.00; Kevin Hansen-\$1,735.02; Tammy Dunn Peterson-\$1,333.74; Russell Briggs-\$0.00; Sergio Castillo-\$2,236.72; Timothy Decker-\$2,635.38; Brian Ellinger-\$2,773.40; Brian Fernau-\$2,105.60; Tyler Fulkerth-\$2,401.74; Brent Gilster-\$2,543.20; Martin Guerrero-\$2,329.38; Richard Hansen-\$2,435.73; Melvin Harrison III-\$2,409.33; Jason James-\$2,528.90; Douglas Johnson-\$2,546.77; Kimberly Johnson-\$867.77; Jared Junge-\$2,652.99; Christopher Kleinberg-\$2,390.83; Kevin Rohde-\$2,249.72; Mardi Schnee-\$1,223.91; Ryne Sell-\$0.00; Penny Wendte-\$2,396.92; Codi Jones-\$448.00; Katie Lehmann-\$1,332.00; Sheyanne Lozano-\$1,170.40; Edward Matney-\$1,923.08; Debra Schmiedt-\$3,295.38; Kimberly Watson-\$3,422.08; Melinda Wicks-\$2,314.61; Jacob Acero-\$1,685.37; Angelica Antonio-\$1,899.04; Shaelee Barreras-\$115.00; Zachery Bickett-\$1,953.82; Shaun Bird-\$2,005.32; Rebecca Broer-\$1,675.20; Kacie Brown-\$2,144.34; Elisabet DeRoin-\$1,651.44; Jesse Doelle-\$1,572.80; Jon Enstrom-\$1,784.62; Jonathan Gray-\$2,075.83; Kara Groetken-\$2,139.90; Todd Hammer-\$2,250.18; Alexa Hansen-\$1,228.92; Adam Hough-\$1,754.90; Brenda Irwin-\$1,661.60; Hunter Jones-\$2,080.44; Brady Mathis-\$1,724.44; Skyler Miner-\$1,628.92; Mark Nelson-\$1,936.49; Gregory Nyhof-\$2,123.78; Kimberly Peterson-\$1,664.04; Jorge Reyes-\$1,352.28; Darius Richardson Barnes-\$1,453.80; Michele Rohde-\$1,501.15; Rebecca Schoep-\$1,259.76; Jennifer Svendsen-\$2,583.62; Taylor Tadlock-\$1,872.96; Danielle Thibodeau-\$1,742.92; Ashley Verzani-\$2,060.22; Anthony Von Haden-\$95.52; Randall Walsh-\$2,546.88; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,521.00; Fred Kellogg-\$375.00; Matthew Roost-\$260.10; Jana Adam-\$1,122.00; Yvette Aldana-\$1,152.00; Erica Brodersen-\$1,216.00; Shay Gillaspie-\$841.00; Theresa Grove-\$1,948.80; Mohamud Ibrahim-\$170.15; Jesus Hernandez-\$0.00; Natasha Ritchison-\$2,040.00; Yesica Saldana Cisneros-\$1,512.38; Jacqueline Traum-\$1,179.75; Willard Johnston-\$1,987.67; **General Fund Employee:** Federal Tax-\$13,383.51; State Tax-\$6,039.72; Soc Sec-\$9,868.49; Medicare-\$2,307.97; Extra Fit-\$849.00; Extra Sit-\$155.00; Retirement-\$7,591.95; 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-\$1,773.43; Flex Plan Medical-\$1,072.74; Flex Plan Dependent Care-\$208.33; VSP Vision-\$474.70; Legal Shield-\$69.29; Liberty Nat'l-\$50.72; **Road Fund Employer:** Gross Salaries-\$17,977.81; Net Pay-\$12,647.93; Retirement-\$1,213.54; Total FICA-\$1,345.32; 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-\$2,257.81; David Kneiff-\$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-\$1,498.75; State Tax-\$650.96; FICA-\$1,090.32; Medicare-\$255.00; Extra Fit-\$150.00; Retirement-\$808.97; Health Plan-\$200.00; Dental Plan-\$84.00; Colonial Health-\$65.66; Garnishments-\$208.62; Road Union Dues-\$200.00; VSP Vision-\$50.33; Legal Shield-\$41.88; Liberty National-\$22.14; Liberty National-\$3.25; **Health Planning Grant Employer:** Gross Salaries-\$1,031.89; Net Pay-\$800.47; Retirement-\$69.65; Total FICA-\$76.17; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,031.89; **Health Planning Grant Employee:** Federal Tax-\$32.62; State Tax-\$18.05; FICA-\$61.73; Medicare-\$14.44; Extra Sit-\$5.00; Retirement-\$46.44; Dental Plan-\$21.00; VSP Vision-\$15.19; Legal Shield-\$16.95; **Juvenile Services Aid Employer:** Gross Salaries-\$1,207.80; Net Pay-\$670.85; Retirement-\$81.53; Total FICA-\$64.01; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,207.80; **Juvenile Services Aid Employee:** Federal Tax-\$32.48; State Tax-\$15.11; FICA-\$51.88; Medicare-\$12.13; Retirement-\$54.35; Health Plan-\$350.00; Dental Plan-\$21.00.

Accounts Payables: General Fund: Pender Times, publications-\$350.21; Leaf, copier lease-\$78.02; One Office Solutions, office supplies-\$208.99; Dakota County Star, publications-\$234.90; DAS State Acct, state software-\$81.00; Charlotte Doenhoefer, prior years service-\$10.00; H2O4U, water-\$26.73; MIPS, monthly software-\$919.91; Security Shredding, shredding-\$35.00; US Bank, supplies-\$149.53; Irene VanLent, prior years service-\$16.00; Margie Rahn, prior years service-\$12.00; Bralda Inc, appraisal services-\$720.00; Melissa Collins, assessors test-reimburse-\$75.00; Dakota County Star, publications-\$23.20; EWDS Inc, appraisal services-\$736.00; Innovative Appraisal Services, appraisal services-\$774.00; Courtney Lane, assessors test-reimburse-\$75.00; NE Assoc of County Assessors, 2021 dues-\$50.00; One Office Solutions, supplies-\$76.85; Security Shredding, shredding-\$35.00; Madelyn Thorsland, prior years service-\$10.00; US Bank, on-line classes-\$360.00; One Office Solutions, labels, letter opener-\$358.08; Secretary of State, voter ID cards-\$30.00; Leaf, copier lease-\$103.00; One Office Solutions, copies-\$5.55; Pender Times, publications-\$24.54; US Bank, postage-\$6.95; RTI, monthly support & licenses, payment-\$5,764.75; US Bank, domaine name-\$6.95; Leaf, copier lease-\$94.03; MIPS, scanning-\$131.00; One Office Solutions, copy usage-\$135.41; Marco, copier lease-\$634.17; Microfilm Imaging, scanning-\$177.00; Security Shredding, shredding-\$70.00; Perla Alarcon-Flory, interpreter-\$50.00; Leaf, copier lease-\$130.00; One Office Solutions, copier lease-\$85.20; Jury Trial, Witness fees & mileage-\$859.07; Jury Trial, Juror fees & mileage-\$13,613.00; Dakota County Court, court costs-\$1,079.00; Dakota County Sheriff, papers & warrants-\$566.94; Dakota County District Court, court costs-\$492.00; Dixon County Sheriff, paper service-\$60.30; Sue Hansen, Covid cleaning-\$828.00; Randy Hisey, crt appt atty fees-\$1,920.00; Owens Educational Services, juvenile tracker services-\$4,728.38; Douglas Roehrich, crt appt atty fees-\$1,207.50; Security Shredding, shredding-\$35.00; US Bank, juror costs-\$2,436.18; Robert Wichser, crt appt atty fees-\$14,060.55; Ateam Heating & Cooling, turned boilers on-\$102.00; City of Dakota City, utilities-\$209.83; Eakes Office Solutions, janitorial supplies-\$770.72; G&R Controls, service call-\$135.00; Gill Hauling Inc., dumpster-\$95.00; Menards, building supp-\$365.08; MidAmerican Energy, utilities-\$648.80; NPPD, utilities-\$2,181.54; Trembly Termite & Pest Control, pest control-\$55.00; US Bank, Amazon subs, fuel, paint-\$278.91; Verizon, cell phone-\$51.14; Wilmes Hardware, oil-\$177.18; Angela Abts, mileage & lodging-\$309.69; Carol Larvick, mileage-\$47.73; Leaf, copier lease-\$98.82; One Office Solutions, copies-\$120.56; Papio-Missouri NRD, monthly rent-\$600.00; Tammy Peterson, milage & lamp-\$104.08; US Bank, postage & ad-\$19.25; WalMart, orchard supplies-\$24.64; AT & T Mobility, cell phones-\$328.68; Autozone, parts, brakes & oil-\$307.80; Axon Enterprises Inc, taser payment-\$528.00; Linda Carson, prior years service-\$11.00; City of SSC, fuel-\$3,556.29; CMI Inc, intoxilyzer-\$2,211.17; First State Bank, payment 2020 vehicles-\$10,488.57; Fremont Tire, tire repairs-\$182.11; Jack's Uniforms, uniforms-\$333.75; Old Republic Surety Co, notary bond-\$50.00; Shane's Towing, towing-\$65.00; Siouxland Federal Credit Union, fuel, meals, office supp-\$80.98; TransUnion Risk & Alternative, searches-\$110.30; US Bank, fuel, law enforcement supp, ink,-\$758.64; Verizon, cell phone-\$200.05; Wilmes Hardware, tool-\$16.99; Marco, copier lease-\$223.28; Marco Technologies, printer contract-\$119.87; Nebraska.gov, certified copies-\$11.00; NE Public Health Environmental Lab, lab fees-\$6.90; Security Shredding, shredding-\$70.00; US Bank, certified copies-\$50.00; Interstate All Battery Center, siren batteries-\$455.80; Advanced Correctional Healthcare, doctor fees & Rx-\$9,929.94; AT&T Mobility, phones-\$45.66; Bob Barker Co, inmate supplies-\$506.09; Bunkers Feed & Supply, softner salt-\$197.65; City of SSC, fuel-\$95.85; CW Suter Services, exhaust fans-\$162.50; DAS State Acct, language line-\$55.30; Eakes Office Solutions, supplies-\$1,900.11; ECOLAB, cleaners-\$661.39; Gill Hauling Inc., dumpster-\$205.00; GRP, disposal-\$52.00; Jack's Uniforms, uniforms-\$673.70; JC Roofing & Insulating, roof repair-\$745.00; Long Lines, internet-\$160.00; Marco, copier lease-\$621.89; MidAmerican Energy Co, utilities-\$468.06; NPPD, utilities-\$4,474.19; Roto Rooter, pump pit-\$300.00; Security Shredding, shredding-\$70.00; Summit Food Service, food & bevearge-Jail-\$11,595.62; Trembly Termite & Pest Control, pest control-\$50.00; US Bank, training, fuel, medical, supp-\$1,135.26; Verizon, cell phone-\$41.05; Wilmes Hardware, supplies-\$21.94; Motorola Solutions, radio install-\$772.30; US Bank, Sparklight-\$160.27; Verizon, phones-\$81.09; NE Weed Control Assoc, registraton-\$120.00; US Bank, meals-\$43.38; Jennifer Ankerstjerne, mileage-\$39.68; Availity/Realmed, medical billing-\$250.00; Priority Communications, phone setup-Covid related-\$547.50; US Bank, COVID-language line, supp, postage, misc-\$2,153.15; Dr Thomas Wenthe, consulting physician fee-\$250.00; Woods Aitken LLP, atty fees-\$4,853.90; Bill Johnston, mileage-\$139.15; One Office Solutions, copier maintenance-\$20.00; CMI Inc, intoxilyzer-\$7,696.58; DAS State Acct, payroll/acct payable-\$41.60; Fibercomm, phone-\$679.61; Group Resources, Flex plan fees-\$90.00; Innovative Appraisal Services, BOE hearings-\$9,578.75; MercyOne Siouxland, Monthly EAP-\$1,089.50; MIPS, HR software-\$613.98; NE DHHS Beatrice, quarterly fees-\$276.00; NE DHHS Lincoln, quarterly fees-\$1,136.63; Norm Waitt Sr YMCA, membership-\$164.00; One Office Solutions, copy paper-\$1,749.00; Region IV Behavioral Health, quarterly fees-\$10,360.00; US Postal Service, postage-\$2,500.00; Mainelli Wagner & Assoc, engineering-\$4,695.00; Road Improvement Fund 0802, Transfer funds-\$13,020.00; **Road Fund:** Advance Auto, parts & tools-\$115.94; Atokad Heritage Express, fuel-\$163.70; Bomgaars, shop supplies-\$32.46; Bosselman Pump & Pantry, fuel-\$1,942.70; Central Valley Ag, chemicals-

\$62.05; Emerson Heritage Express, fuel-\$29.19; Fastenal, shop supplies-\$83.23; Fremont Tire, tires-\$150.00; Gill Hauling Inc., dumpster-\$70.50; Grossenburg Implement, tractor rental-\$2,000.00; H2O4U, water-\$44.50; Bob Hacker, clothing-\$100.00; Heavy Metal Repair, parts & labor-\$131.00; Walter Heinemann, prior years service-\$25.00; Industrial Tools & Mach, parts-\$171.77; I State Truck Cetner, parts-\$10.36; J & J's Pronto, fuel-\$85.90; Bob Jacobsen, prior years service-\$17.00; Lawson Products, shop supplies-\$180.96; Lux Bros Trucking, culverts & gravel-\$25,285.56; Matheson, oxy/acetylene-\$126.10; Arnie Mellick, prior years service-\$13.00; Midwest Svc & Sales, signs, blades-\$6,881.15; Midwest Wheel, tools-\$63.50; Marlan Millard, prior years service-\$15.00; NPPD, electric-\$46.74; NNTC, telephones-\$163.95; Northeast Power, electricity-\$334.28; O'Reilly Auto Parts, parts, supp-\$106.23; Pumps, tires-\$660.00; Power Plan/Murphy, parts & labor-\$654.92; Productivity Plus, parts-\$1,909.03; Robertson Imp, parts, oil, shop supp-\$147.21; Sapp Bros Petroleum, fuel-\$716.06; Stephan Welding Inc, labor-\$570.00; Straight-Line Striping, pavement markers-\$16,522.91; Tri-County Aggregates, gravel-\$3,850.98; Troy's Auto World, labor-\$230.00; US Bank, parts-\$297.23; Verizon, cell phone-\$100.01; Village of Emerson, utilities-\$38.10; Warren Oil, fuel-\$4,346.20; Wilmes Hardware, supplies-\$58.10; Ziegler's, oil/supplies-\$2,368.34; **Road Improvement:** Veenstra & Kimm, Old Sawmill Road Paving design-\$13,020.00; **Visitor Promo:** SSC Chamber of Commerce, visitor promo-\$18,136.24; **P & M Fund:** MIPS, monthly software-\$411.84; MIS, computer lease-\$245.00; **Health Dept Grant:** US Bank, sparklight-\$160.21; **Minority Health Grant:** US Bank, educational curriculum, phone-\$197.48; Verizon, cell phone-\$96.24; **Juvenile Grant:** Owens Educational Services, juvenile tracker services-\$260.00; **Public Safety:** Fund 7850 RFD Sales Tax, Rural Fire Dept collection-\$26,858.31;

Fred Kellogg, Highway Superintendent, opened the bids for the Wigle Creek overlay project [Option A- remove existing asphalt road approximately 470' x 23', stabilize 18" base with Portland cement at a rate of 6% and furnish and install 6" hot mix asphalt. Option B- saw cut and remove broken up asphalt, compact base and patch back areas with full depth (5") hot mix asphalt; clean, tack and overlay road with 2" average depth of hot mix asphalt. Both Option A and Option B will require work done to adjoining road Omaha Avenue—edge mill, clean, tack and overlay heavily cracked areas with 2" hot mix asphalt.] The bids were as follows: (1) Barclay Asphalt- Option A- \$71,755 and Option B- \$47,870; (2) Knife River- Option A no bid and Option B- \$49,923. Commissioner Albenesius moved, seconded by Chair Hohenstein, to award the bid for the Wigle Creek overlay project to Barclay Asphalt for \$71,755 for Option A (remove existing asphalt road approximately 470' x 23', stabilize 18" base with Portland cement at a rate of 6% and furnish and install 6" hot mix asphalt). ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- absent, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Terry Schumacher, Papio-Missouri River NRD Land & Water Programs Coordinator, informed the Board regarding the Pigeon/Jones 12-A proposed structure watershed project (map distributed). Mr. Schumacher asked the Board to abandon the portion of 240th Street from O Avenue to O'Dell Avenue. Commissioner Gill clarified Stone Arch would not be under water. Fred Kellogg said the road is currently closed. Forms will be sent to PMRNRD to start the road closed project.

Chair Hohenstein opened the Public Hearing at 1:35 p.m. for the purpose of giving citizens the opportunity to offer oral or written support, opposition or make neutral comment regarding the county One and Six Year road plan. Fred Kellogg, Highway Superintendent, read the current projects:

PROJECT NO.	IMPROVEMENT PROJECTS 2020-21	ESTIMATED COST
C-22(261)	Paving on Old Sawmill Road from Rottunda Way to Hwy 20 approx. 3500 ft. Section 32, T-29-N, R-9-E	450,000.00
C-22(262)	Overlay on Wigle Creek Road Section 23, T- 27-N, R-8-E. Approximately 470 ft.	69,755.20
C-22(263)	Replace Bridge #C002200110 on T Avenue. Bridge is on County Line and will cost share 50-50 with Dixon Co. Section 10, T-27-N, R-6-E	141,456.28
C-22(264)	Overlay on Ponderosa Lane from Old Sawmill Rd, north Section 31, T-29-N, R- 9-E. Approx. 710 ft	55,000.00
C-22(265)	North Bluff hard surface repair. Section 35, T-29-N, R-7-E and Sections 1,2,11,12,14, T-28-N, R-7-E.	100,000.00
C-22(266)	North Bluff Bank Stabilization (bridge #C002221710) Section 35, T-29-N, R-7-E	100,841.50
C-22(267)	M Ave Bridge Repair Section 22 & 23, T-28-N, R-7-E	150,000.00
C-22(268)	Jackson High Bridge bank Stabilization C002210810P Section 21, T-29-N, R-8-E	552,428.40

C-22(269)	Replace Bridge #C002230910P on Oakdale Road Section 28, T-29-N, R-7-E	150,000.00
C-22(270)	Kenny Burcham Bridge repair on T Avenue. Bridge is on County Line and will cost share 50-50 with Dixon Co. Section 10, T-28-N, R-6-E	150,000.00
Total		<u>1,919,481.38</u>

Several projects were discussed. Bill Rohde, Homer, requested the paving project on South Bluff Road be kept on the 1 & 6 Year Road Plan. Mr. Rohde explained it is the only entrance/exit into Homer when the bridge is unavailable or railroad crossing is blocked; Landman Golf course will cause increased use; Rohde Trucking (3 trucking firms employing over 40 people) have over 32 trucks frequently traveling the road and pay significant road-use taxes. Chair Hohenstein asked for any other comments in support, opposition or neutral. Commissioner Gill noted that M Avenue paving project has also been discussed as a county road project. Chair Hohenstein closed the hearing at 1:49 p.m.

Farmstead residents addressed the board regarding their concerns in complying with the 500' set back from the lot line requirement for Ag/Residential zoning and being able to keep their animals. Amanda, 932 Ithaca Way, (5.6 acres) explained she does have some fencing and coops/runs and that their neighbor would not agree to putting up a privacy fence on their boundary line and their animals do occasionally get out. Nebraska is a fence in/fence out state, so the neighbor also has a responsibility to fence out farm animals. She stated it is impossible to comply with the 500' set back as the homes are 200' to 300' from each other and their animals are part of who they are. Dakota County is a livestock friendly county and she is asking that the 500' setback be removed. Bobbi Stapleton, Ithaca Way, thought maybe the 500' set back was a typo and would like it figured out as it makes it impossible to have animals. Rick Bousquet stated he helped with the zoning regs and thought this 500' regulation should be looked at and possibly changed. Fencing was discussed. Chair Hohenstein suggested Planning and Zoning re-look at the Ag/Residential zoning regulations specific to the Farmsteads so that the residents can keep their animals.

Fred Kellogg, Highway Superintendent, presented the Road Report for September 6 – 19, 2020. Total road maintenance- 241.5 hours; tree/debris removal- 99 hours; garbage pickup- 3.5 hours; gravel hauling- 93 hours; tons of gravel hauled- 2369.64; sign repair/barricading- 8 hours. Grading and gravel concerns- M Ave, Oakdale Rd, Hamlin Ave, 200th St, Nodaway Rd, Q Ave, Blyburg Rd, Likuwanta Drive. The east end of Likuwanta Drive had more crushed concrete put where the garbage truck and school bus turn around. Chair requested signage "no through traffic" as semi-trucks travel (GPS) all the way to Nodaway Road north of Jackson and cannot turn around.

Commissioner Gill moved, seconded by Commissioner Albenesius, to approve Resolution 20C-021 Signing of the County Annual Certification of Program Compliance Form 2020. ROLL CALL VOTE: Hohenstein- yes, Gomez- absent, Rohde- absent, Albenesius- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

SIGNING OF THE
COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM
RESOLUTION 20C-021

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121 and 39-2505(2) requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 3-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include a copy of a resolution of the governing body of the county authorizing the signing of the certification form.

Be it resolved that the County Board Chairperson of DAKOTA COUNTY is hereby authorized to sign the attached County Annual Certification of Program Compliance form.

Adopted this 21st day of September, 2020, at Dakota City, Nebraska.

Ron Raynor, rural Dakota City, requesting approval for a shooting range (hunter safety courses) on a minimum maintenance /field entrance road. The farmers do not want the road closed. Mr. Raynor stated he would leave a portable shooting shack far enough past the field entrance, otherwise all other equipment is moved in and out each time. He also stated he has insurance coverage up to \$1 million per occurrence/\$3 million aggregate. There is no money exchanged so it was his understanding there can be no recourse against the county. The shooting would be down the road toward the berm (steel target). The range would not be open to the public. Chair Hohenstein said they would review the insurance document and statutes he highlighted for the Board and contact him at a later date.

Chair Hohenstein moved, seconded by Commissioner Albenesius, to approve the Annual Road Report. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- absent. UNANIMOUS MOTION CARRIED.

Chair Hohenstein reviewed the Jail Reports for July and August, 2020.

July (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
52	34	0	86

2020 Calendar (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
55	34	0.15	89

2020-2021 Fiscal (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
52	34	0	86

Federal Income

July Marshal:	\$70,284.60	Fiscal Marshals:	\$ 70,284.60
July ICE:	974.60	Fiscal ICE:	974.60
July OMMS/SDMS:	<u>.00</u>	Fiscal BIA/OMMS:	<u>0.00</u>
July Federal:	\$71,259.20	Fiscal Federal:	\$ 71,259.20

2020 Calendar Federal: \$488,433.67

July County Contracts: \$1,595.00

2019-20 Fiscal County Contracts: \$1,595.00

June Phone/Commissary Commission: \$8,071.68

Cost Per Inmate Per Day 2020:

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
99.65	88.46	\$73.25	69.66	69.33	81.69	94.08					

The jail spent \$255,252.26 for the month of July. (budget not yet approved)

July Bookings:

DCSO:	27	DAKOTA COUNTY:	36
SSCPD:	27	OTHER NE:	13
NSP:	2	SIOUX CITY:	22
COURT/SELF:	21	OTHER IA:	13
FED:	13	OTHER STATES:	6
OTHER:	<u>3</u>	HOMELESS:	<u>3</u>
TOTAL:	93	TOTAL:	93

August (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
58	38	0	96

2020 Calendar (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
56	34	0.13	90

2020-2021 Fiscal (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
55	36	0	91

Federal Income

August Marshal:	\$77,593.38	Fiscal Marshals:	\$147,877.98
August ICE:	3,280.93	Fiscal ICE:	4,255.53
August OMMS/SDMS:	<u>.00</u>	Fiscal BIA/OMMS:	<u>0.00</u>
August Federal:	\$80,874.31	Fiscal Federal:	\$152,133.51

2020 Calendar Federal: \$569,307.98

August County Contracts: \$1,705.00

2019-20 Fiscal County Contracts: \$3,300.00

June Phone/Commissary Commission: \$8,071.68

Cost Per Inmate Per Day 2020:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
99.65	88.46	\$73.25	69.66	69.33	81.69	94.08	65.94				

The jail spent \$199,744.36 for the month of August. (budget not yet approved)

August Bookings:

DCSO:	26	DAKOTA COUNTY:	41
SSCPD:	37	OTHER NE:	17
NSP:	2	SIOUX CITY:	26
COURT/SELF:	17	OTHER IA:	9
FED:	14	OTHER STATES:	4
OTHER:	<u>3</u>	HOMELESS:	<u>2</u>
TOTAL:	99	TOTAL:	99

Commissioner Gill moved, seconded by Chair Hohenstein, to approve Resolution 20C-022 to declare personal property as surplus and authorize county official to sell surplus personal property pursuant to Nebraska surplus statutes. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- absent, Albenesius- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-022
RESOLUTION TO DECLARE PERSONAL PROPERTY
AS SURPLUS PROPERTY

WHEREAS, the County owns personal property which is not usable by the County and/or is obsolete; and

WHEREAS, said property consists of a Decatur Electronics Inc. Model 05-350 Radar Speed Trailer (SN#0535001131) and,

WHEREAS, the County intends to dispose of said property as surplus pursuant to Nebraska Revised Statute 23-3107 (as amended),

NOW THEREFORE BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS THAT the property stated is unusable by the County and/or obsolete and is therefore declared surplus property.

IT IS FURTHER RESOLVED THAT the Dakota County Sheriff be directed to dispose of said property in accordance with the laws of the State of Nebraska.

DATED this 21st day of September, 2020.

Commissioner Gill moved, seconded by Chair Hohenstein, to approve chair to sign contract documents for the Jackson Bank Stabilization project for bridge C002221710. ROLL CALL VOTE: Hohenstein- yes, Gomez- absent, Rohde- absent, Albenesius- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gill moved, seconded by Chair Hohenstein, to approve chair to sign contract document Agreements for the Old Sawmill Road Paving Project. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- absent. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Gill- hazardous waste recycling event had a great turn out. Gill & Hohenstein- health insurance bid for TPA RFP was sent/open October 19th. Zoning Board of Adjustments needs two new members.

Mail: Chair Hohenstein moved, seconded by Commissioner Albenesius, to appoint Joan Spencer to cast the ballot for Dakota County at the NIRMA Board of Directors 2020 Election. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- absent, Albenesius- yes. UNANIMOUS MOTION CARRIED.

No emergency business.

Chair Hohenstein adjourned the Board of Commissioners meeting of September 21, 2020, at 2:59 p.m.
Dakota County Board of Commissioners

Martin Hohenstein, Chair Date signed

Joan Spencer, County Clerk/Secretary Date