

Dakota County Board of Commissioners
Monday, October 5, 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, Albenesius, Gill. Rohde arrived at 1:01 p.m. Absent: Gomez. 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 – September 21, 2020
 - b. Approval of accounts payable – postage claim
4. NEW BUSINESS
 - a. Board to approve the payroll claims for September 20 – October 3, 2020.
 - b. 1:00 p.m. Open and award bids to replace Bridge C002230910P Jackson NW
 - c. Andrew Forney, D.A. Davidson, requesting the board approve Resolution 20C-023 for the purpose of approving and authorizing the acquisition of law enforcement vehicles and related equipment through a lease purchase agreement with NACO leasing Corporation by D.A. Davidson and authorizing Chair to sign Agreement, Engagement Letter and related certificates and documents.
 - d. Ron Raynor, rural Dakota City, requesting Board approval to allow a portable shooting range and permanent shack be placed on the unused portion of an unnamed minimum maintenance road / field entrance south of Hwy 35 between I Avenue and K Avenue.
5. MISCELLANEOUS
 - a. Fred Kellogg, Highway Superintendent – Bi-Weekly Road Report
 - b. Petition filed with County Clerk requesting closing/vacating of road as follows: 240th Street along East ½ Sec 8 & 17 T27N, R7E between O'Dell Avenue and O Avenue (minimum maintenance) to facilitate the Papio-Missouri River NRD Pigeon-Jones Watershed Site 12-A construction project.
 - c. Board to approve Resolution 20C-024 directing the Highway Superintendent to study the use being made of public road 240th Street along the east ½ of Sections 8 & 17, Township 27N, Range 7E.
 - d. County Board shall make quarterly visit to county jail. §47-109
6. COMMISSIONER COMMITTEE REPORTS
7. MAIL AND/OR EMERGENCY BUSINESS
8. ADJOURNMENT

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

No action was taken to remove the item for discussion of a wind energy farm moratorium from the table. The set-back was discussed.

Chair Hohenstein called for Public Comment about any item not on the agenda. There were no comments.

Chair Hohenstein called for approval of the consent agenda—(a) approval of the September 21, 2020, minutes; (b) approval of accounts payable claim. Commissioner Gill moved, seconded by Commissioner Rohde, to approve the consent agenda items. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Accounts Payable: General Fund: U.S. Postmaster, postage- \$5,000.00.

Much discussion was had regarding the raise requested for Ms. Wicks in the County Attorney's Office that was more than the budget line approved (2%). Commissioner Rohde stated he felt the Elected Official should manage their budget how they wished within their budgeted authority, but he understood the theory behind the 2%. Mr. Rohde clarified that if a department head can give a larger increase that does not affect their overall budget authority this year or next year, he would support that. Commissioner Albenesius stated the budget has already been approved at the 2% increase and felt it was no longer negotiable. Commissioner Gill asked when union contracts would come up for renegotiation (2021). Chair Hohenstein recognized the need for a system to be put in place whereas an employee can be given a pay increase by meeting certain steps, training, responsibility or longevity. Commissioner Gill questioned the practice of not keeping separate the budget authority for accounts payable versus payroll expense. Commissioner Gill moved, seconded by Commissioner Albenesius to approve the payroll (without the additional increase for Ms. Wicks). Ed Matney, Deputy County Attorney, addressed the Board. He stated there is a dire situation in the County Attorney's office. He felt the staff needed to be compensated for their level of experience and all the extra work their office does outside of normal office hours. He felt Ms. Wicks was a very qualified, dedicated, experienced, good person and should be compensated accordingly. He stated she could be hired in Woodbury County for much more than she is currently making. The Commissioner's looked at the budget and payroll claims. Ms. Watson stated the office has lost 4-5 attorney's in the past several years for higher wages. Commissioner Gill thought there should be a rationale or justification for the county attorney pay scale. Commissioner Albenesius stated he thought other employees would also be requesting a large pay increase if this pay increase was approved. Commissioner Gill asked if there was a median compromise versus the 10.15% increase request. Mr. Matney stated he would be willing to participate in a public/private partnership with the county to supplement Ms. Wick's wage as she has become the lead for working with juveniles, also supplements the office with felony matters and the need for professionalism. Kim Watson said it takes a year to train a new employee. Chair Hohenstein also noted that attorney's in the office have applied for the open judgeship in Dakota County possibly losing an experienced employee. Commissioner Albenesius wondered if everyone would want a \$5,000 pay increase. Commissioner Gill asked if this wage was comparable to similar counties such as Washington and Gage. Ed Matney clarified that this \$65,000 salary would stay as a wage level in the attorney's office. Mr. Matney stated the County Official should give a raise to their employees based on merit and not have that determined by the Board with an across-the-board certain percent increase. Chair Hohenstein again stated the county needs to work on pay levels. Commissioner Gill and Commissioner Albenesius agreed to withdraw their motion. Commissioner Albenesius moved, seconded by Chair Hohenstein, to approve the payroll claims for September 20 to October 3, 2020 and approve the increase for Ms. Wicks, County Attorney's office. ROLL CALL VOTE: Hohenstein- yes, Gomez- absent, Rohde- abstain, Albenesius- yes, Gill- no. MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$160,340.98; Net Pay-\$113,553.68; Total Retirement-\$10,928.77; Total FICA-\$1,927.82; Health Plan-\$33,972.00; Dental Plan-\$1,165.25; Life Insurance-\$206.95; 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-\$1,951.42; Leticia Vargas-\$1,321.60; Joan Spencer-\$2,191.68; Kathy Abbe-\$1,354.40; Maria Garcia-\$1,000.00; Stephanie Gatzemeyer-\$1,212.41; Robert Giese-\$510.12; Jalissa Hattig-\$1,357.41; Brenda Landaverde-\$1,216.00; Samantha Mitchell-\$1,216.00; Debera Benton-\$1,160.00; Christy Abts-\$1,750.56; Melissa Collins-\$1,235.20; Jeffrey Curry-\$2,191.68; Courtney Lane-\$1,235.20; Joseph O'Neil-\$296.50; Phyllis Obermeyer-\$2,191.68; Katherine Wiltgen-\$1,860.57; Louvontree Hunter-\$2,690.97; Debra Jensen-\$1,532.80; Karen Jimenez-\$1,342.40; Kevin Hansen-\$2,317.09; Tammy Dunn Peterson-\$1,250.60; Sergio Castillo-\$2,653.67; Timothy Decker-\$2,387.41; Brian Ellinger-\$2,278.15; Brian Fernau-\$2,210.80; Tyler Fulkerth-\$1,959.00; Brent Gilster-\$2,141.60; Martin Guerrero-\$2,117.60; Richard Hansen-\$2,156.22; Melvin Harrison III-\$2,436.97; Jason James-\$2,129.60; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$705.15; Jared Junge-\$2,305.74; Christopher Kleinberg-\$2,390.83; Kevin Rohde-\$2,261.28; Mardi Schnee-\$1,088.80; Penny Wendte-\$2,279.48; Codi Jones-\$896.00; Katie Lehmann-\$1,215.45; Sheyanne Lozano-\$1,310.40; Edward Matney-\$1,923.08; Debra Schmiedt-\$3,618.43; Kimberly Watson-\$3,422.08; Melinda Wicks-\$3,839.23; Jacob Acero-\$1,682.24; Angelica Antonio-\$1,554.84; Shaelee Barreras-\$219.92; Zachery Bickett-\$1,543.10; Shaun Bird-\$1,651.44; Rebecca Broer-\$1,706.61; Kacie Brown-\$1,761.77; Tomio Castro-\$95.52; Elisabet DeRoin-\$1,681.31; Jesse Doelle-\$1,582.63; Jon Enstrom-\$1,548.78; Jonathan Gray-\$1,698.48; Kara Groetken-\$1,711.08; Todd Hammer-\$2,222.40; Alexa Hansen-\$1,374.20; Adam Hough-\$1,770.57; Victor Huerta-\$127.36; Brenda Irwin-\$1,661.60; Hunter Jones-\$1,719.23; Brady Mathis-\$1,366.24; Skyler Miner-\$1,358.28; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,757.46; Kimberly Peterson-\$1,664.04; Jorge Reyes-\$1,242.09; Darius Richardson Barnes-\$1,358.28; Michele Rohde-\$1,362.40; Rebecca Schoep-\$1,358.28; Jennifer Svendsen-\$1,921.35; Taylor Tadlock-\$1,646.04; Danielle Thibodeau-\$1,488.74; Ashley Verzani-\$736.92; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,388.00; Fred Kellogg-\$375.00; Matthew Roost-\$296.50; Jana Adam-\$1,336.50; Yvette Aldana-\$1,520.00; Erica Brodersen-\$1,387.00; Shay Gillaspie-\$790.25; Theresa Grove-\$1,948.80; Mohamud Ibrahim-\$128.48; Natasha Ritchison-\$2,040.00; Yesica Saldana Cisneros-\$1,395.63; Jacqueline Traum-\$1,076.63; Willard Johnston-\$2,190.54; **General Fund Employee:** Federal Tax-\$12,682.79; State Tax-\$5,794.72; Soc Sec-\$9,666.94; Medicare-\$2,260.88; Extra Fit-\$889.00; Extra Sit-\$155.00; Retirement-\$7,420.00; Health Plan-\$1,850.00; Dental Plan-\$525.00; Colonial Health-\$264.48; Sheriff Union Dues-\$405.00; 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-\$469.64; Legal Shield-\$69.26; Liberty Nat'l-\$50.70; **Road Fund Employer:** Gross Salaries-\$17,787.81; Net Pay-\$12,511.91; Retirement-\$1,200.72; Total FICA-\$1,333.28; 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-\$2,067.81; David Kneiff-\$1,567.20; Kimon Litras-\$1,615.20; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,475.20; Matthew Roost-\$1,555.20; **Road Fund Employee:** Federal Tax-\$1,482.76; State Tax-\$642.51; FICA-\$1,080.56; Medicare-\$252.72; Extra Fit-\$150.00;

Retirement-\$800.41; 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-\$16.56; **Health Planning Grant Employer:** Gross Salaries-\$1,144.14; Net Pay-\$884.92; Retirement-\$77.23; Total FICA-\$84.76; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,144.14; **Health Planning Grant Employee:** Federal Tax-\$43.34; State Tax-\$21.50; FICA-\$68.69; Medicare-\$16.07; Extra Sit-\$5.00; Retirement-\$51.49; Dental Plan-\$21.00; VSP Vision-\$15.18; 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;

Fred Kellogg, Highway Superintendent, opened the bids for the Jackson NW (Willis) replacement: (1) Norfolk Contracting Inc., Norfolk, NE- \$193,634.00. It was noted four (4) invitations were sent. Options were discussed as there is minimum traffic on the road. Chair Hohenstein moved, seconded by Commissioner Rohde, to reject the bid. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- absent, Rohde- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gill moved, seconded by Commissioner Albenesius, to approve Resolution 20C-023 for the purpose of approving and authorizing the acquisition of law enforcement vehicles (3) and related equipment through a lease purchase agreement with NACO leasing corporation by D. A. Davidson and authorizing chair to sign Agreement, Engagement Letter and related certificates and documents. ROLL CALL VOTE: Hohenstein- yes, Gomez- absent, Rohde- yes, Albenesius- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Ron Raynor, rural Dakota City, requested approval for a shooting range (hunter safety courses) on a minimum maintenance/field entrance road in rural Hubbard. The County Attorney stated the county's insurance carrier would like the road closed to eliminate any possible liability for the county. The Board asked Mr. Raynor to complete a Petition to Close or Vacate a Road which requires 10 signatures of electors residing within ten (10) miles of the road proposed to be closed.

Fred Kellogg, Highway Superintendent, presented the Road Report for September 20 to October 3, 2020. Total road maintenance- 241.25 hours; tree/debris removal- 14 hours; garbage pickup- 10 hours; gravel hauling- 33 hours; tons of gravel hauled- 435; sign repair/barricading- 9.5 hours. The letter received regarding Lik-u-wanta Road was noted.

John Krause, Papio-Missouri River NRD, presented the Petition to close 240th Street between O'Dell and O Ave (Minimum Maintenance) with the signatures completed and requested the board set a hearing. The purpose of the request is to facilitate the construction of a flood control structure known currently as P-J 12A will flood water over the roadway making the roadway impassible.

Commissioner Rohde moved, seconded by Commissioner Albenesius, to approve Resolution 20C-024 directing the Highway Superintendent to study the use being made of public road 240th Street. ROLL CALL VOTE: Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- absent. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-024
A RESOLUTION DIRECTING THE HIGHWAY SUPERINTENDENT
TO STUDY THE USE BEING MADE OF PUBLIC ROAD

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

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

240th Street: The County Road (minimum maintenance) running east and west between O Avenue and O'Dell Avenue in East ½ Sections 8 & 17, Township 27N, Range 7E in Dakota County, Nebraska;

Aerial map showing said County Road to be vacated or abandoned in Dakota County, Nebraska is hereto attached, marked Exhibit "A",

WHEREAS, the vacation or abandonment of said roads is for one or more of the following reasons:

1. Construction of a flood control structure known currently as P-J12A will flood water over the roadway making the roadway impassible.
2. Said public road is not used by the public and is of no value to the public, and it therefore serves no purpose for it to remain open to the public.
3. The board cannot foresee any reason that the said road would have to be reopened in the future if it were vacated or abandoned.

NOW THEREFORE, BE IT RESOLVED, that the Dakota County, Nebraska Board of Commissioners deems that the public interest may require the vacation and/or abandonment of said public roads described above.

AND BE IT FURTHER RESOLVED, that the Dakota County Highway Superintendent be directed to study the use being made of such public road and that said County Highway Superintendent be directed to submit in writing to the Board, within 30 days from this date, a report upon the study made of his recommendation as to the vacation and/or abandonment thereof.

AND BE IT FURTHER RESOLVED, that this Resolution and the written report of the Dakota County Highway Superintendent be retained in the office of the County Clerk of Dakota County, Nebraska, as a part of the permanent public records of the Dakota County, Nebraska, Board of Commissioners.

PASSED AND APPROVED this 5th day of October, 2020.

The County Board did not make a quarterly visit to the county jail due to COVID19 precautions.

There were no commissioner committee reports. Mail: Lynell Bieber, share a news article letter to the editor: "Beware of Wind Tower Deals." No emergency business.

Chair Hohenstein adjourned the Board of Commissioners meeting of October 5, 2020, at 2:30 p.m.

Dakota County Board of Commissioners

Martin Hohenstein, Chair Date signed

Joan Spencer, County Clerk/Secretary Date