

Dakota County Board of Commissioners
Monday, November 2, 2020 - 1:00 p.m.
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

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

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 – October 19, 2020
- b. Approval of accounts payable if applicable
- c. Approval of Veterans Service Officer, Sheriff and Jail Quarterly Reports

4. NEW BUSINESS

- a. Board to approve the payroll claims for October 18 - 31, 2020.
- b. Board to award bid for Third Party Administrator (TPA) to administer health insurance claims processing for Dakota County employees. All proposed fees and costs must be disclosed in the proposal. Bidders may be disqualified for failure to adhere to the RFP submission, bidding requirements and/or instructions.
- c. Board to approve Resolution 20C-026 to extend the County's commitment to participate in NIRMA and NIRMA II for the period of July 1, 2021 through June 30, 2024, with an Interlocal Agreement for risk management and loss prevention insurance coverage between Dakota County and Nebraska Interlocal Risk Management Association (NIRMA).
- d. Jeff Curry, Assessor, requesting the Board accept his Letter of Resignation.
- e. Jeff Curry, Assessor, requesting the Board appoint Christy Abts as Dakota County Assessor to complete his unexpired term.

5. MISCELLANEOUS

- a. Fred Kellogg, Highway Superintendent – Bi-Weekly Road Report
- b. Robert Giese, Treasurer, requesting board approve Resolution 20C-027 directing the County Treasurer to issue tax sale certificates to the County of Dakota upon all parcels of real estate upon which there are delinquent taxes and which said delinquent taxes were not sold on tax sale and taxes have been delinquent for three years or more.
- c. Robert Giese, Treasurer, to present the 2019 Distress Warrant Report. §77-1742
- d. Approve a voting delegate and alternate to cast the ballot for Dakota County at the Nebraska Association of County Officials (NACO) Annual meeting held December 9, 2020, in Kearney.

6. COMMISSIONER COMMITTEE REPORTS

7. MAIL AND/OR EMERGENCY BUSINESS

8. ADJOURNMENT

Commissioner Gomez moved, seconded by Commissioner Albenesius, to leave Resolution 20C-005 to declare a moratorium on wind energy farms in Dakota County on the table. ROLL CALL VOTE: Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes. UNANIMOUS MOTION CARRIED.

Chair Hohenstein called for Public Comment about any item not on the agenda. There was none.

Chair Hohenstein called for approval of the consent agenda—(a) approval of the October 19, 2020, minutes; (b) approval of accounts payable claims (payroll) and (c) approval of Veterans Service Officer, Sheriff and Jail Quarterly Reports. Commissioner Gill moved, seconded by Commissioner Rohde, to approve the consent agenda items. ROLL CALL VOTE: Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes. UNANIMOUS MOTION CARRIED.

Discussion was had regarding pay increase requests for County Attorney, Assessor and Public Defender employees. Ed Matney, Attorney, spoke regarding the low level of wages in the County Attorney's Office. Mr. Matney felt it was problematic to lose experienced personnel and offered to be a resource on the duties in the office to bring core staff stability. Chair Hohenstein stated he was not comfortable approving additional pay than what was done for other courthouse employees. Commissioner Rohde stated officials should have the discretion within their budget. Commissioner Albenesius wondered if there was excess money in the Attorney's budget. Assessor Jeff Curry explained the career path and levels of testing and license requirements for his employees. Chair Hohenstein moved, seconded by Commissioner Albenesius, to approve the payroll claims for October 18-31, 2020, excepting to not approve the increases requested until positions reviewed. Commissioner Rohde asked if approved, will the raises be paid retroactive. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- abstain. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$160,040.62; Net Pay-\$113,350.48; Total Retirement-\$10,935. Total FICA-\$11,907.69; Health Plan-\$35,760.00; Dental Plan-\$1,224.25; Life Insurance-\$209.50; 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-\$1,553.31; Leticia Vargas-\$1,321.60; Joan Spencer-\$2,191.68; Kathy Abbe-\$1,186.40; Maria Garcia-\$1,000.00; Stephanie Gatzemeyer-\$1,540.13; Robert Giese-\$2,191.68; Jalissa Hattig-\$1,186.40; Brenda Landaverde-\$1,048.00; Samantha Mitchell-\$1,048.00; Debera Benton-\$1,160.00; Christy Abts-\$2,106.57; Melissa Collins-\$1,100.80; Jeffrey Curry-\$1,685.91; Courtney Lane-\$1,100.80; Joseph O'Neil-\$265.30; Phyllis Obermeyer-\$2,191.68; Katherine Wiltgen-\$1,508.97; Louvontree Hunter-\$2,690.97; Debra Jensen-\$1,705.24; Karen Jimenez-\$1,208.00; Kevin Hansen-\$2,141.36; Tammy Dunn Peterson-\$1,184.00; Shaun Bird-\$1,735.13; Sergio Castillo-\$2,891.93; Timothy Decker-\$2,387.41; Brian Ellinger-\$2,264.00; Brian Fernau-\$2,184.56; Tyler Fulkerth-\$2,086.36; Brent Gilster-\$2,141.60; Martin Guerrero-\$2,210.25; Richard Hansen-\$2,355.87; Melvin Harrison III-\$2,354.07; Jason James-\$2,129.60; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$791.34; Jared Junge-\$2,222.40; Christopher Kleinberg-\$2,390.83; Kevin Rohde-\$2,271.38; Mardi Schnee-\$1,088.80; Penny Wendte-\$3,626.46; Codi Jones-\$896.00; 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-\$2,500.00; Jacob Acero-\$1,720.71; Angelica Antonio-\$1,533.84; Shaelee Barreras-\$103.50; Zachery Bickett-\$1,533.84; Broer-\$1,708.29; Kacie Brown-\$1,769.90; Elisabet DeRoin-\$1,651.44; Jesse Doelle-\$1,582.76; Jon Enstrom-\$1,570.36; Jonathan Gray-\$1,713.96; Kara Groetken-\$2,272.84; Todd Hammer-\$2,305.74; Alexa Hansen-\$1,374.45; Adam Hough-\$1,744.21; Victor Huerta-\$194.04; Brenda Irwin-\$1,682.43; Hunter Jones-\$1,726.59; Brady Mathis-\$1,087.37; Skyler Miner-\$1,378.43; Mark Nelson-\$1,763.59; Gregory Nyhof-\$2,123.65; Kimberly Peterson-\$1,664.04; Jorge Reyes-\$1,369.45; Darius Richardson Barnes-\$1,164.24; Michele Rohde-\$1,362.40; Rebecca Schoep-\$1,358.28; Jennifer Svendsen-\$1,955.86; Taylor Tadlock-\$1,651.44; Danielle Thibodeau-\$1,656.84; Anthony Von Haden-\$1,382.16; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,388.00; Fred Kellogg-\$375.00; Matthew Roost-\$265.30; Jana Adam-\$1,562.00; Yvette Aldana-\$1,520.00; Jennifer Ankerstjerne-; Erica Brodersen-\$1,358.50; Shay Gillaspie-\$1,015.00; Theresa Grove-\$1,948.80; Natasha Ritchison-\$2,040.00; Yesica Saldana Cisneros-\$1,417.50; Jacqueline Traum-\$1,210.64; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$12,696.80; State Tax-\$5,798.53; Soc Sec-\$9,650.66; Medicare-\$2,257.03; Extra Fit-\$849.00; Extra Sit-\$155.00; Retirement-\$7,431.08; Health Plan-\$1,850.00; Dental Plan-\$525.00; Colonial Health-\$264.48; Sheriff Union Dues-\$405.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$2,130.00; Garnishments-\$791.07; Flex Plan Medical-\$1,022.74; Flex Plan Dependent Care-\$208.33; VSP Vision-\$481.46; Legal Shield-\$69.26; Liberty Nat'l-\$50.70; **Road Fund Employer:** Gross Salaries-\$19,188.43; Net Pay-\$13,506.64; Retirement-\$1,295.25; Total FICA-\$1,441.19; 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-\$2,804.22; Fred Kellogg-\$2,067.81; David Kneifl-\$1,706.80; Kimon Litras-\$1,615.20; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,487.20; Matthew Roost-\$1,555.20; **Road Fund Employee:** Federal Tax-\$1,643.21; State Tax-\$727.06; FICA-\$1,168.03; Medicare-\$273.16; Extra Fit-\$150.00; Retirement-\$863.45; 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-\$6.50; **Health Planning Grant Employer:** Gross Salaries-\$1,277.98; Net Pay-\$984.03; Retirement-\$86.26; Total FICA-\$95.00; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,277.98; **Health Planning Grant Employee:** Federal Tax-\$56.12; State Tax-\$27.19; FICA-\$76.99; Medicare-\$18.01; Extra Sit-\$5.00; Retirement-\$57.51; Dental Plan-\$21.00; VSP Vision-\$15.18; Legal Shield-\$16.95; **Juvenile Services Aid Employer:** Gross Salaries-\$1,207.80; Net Pay-\$670.84; Retirement-\$81.53; Total FICA-\$64.02; 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-\$12.14; Retirement-\$54.35; Health Plan-\$350.00; Dental Plan-\$21.00.

Nebraska Association of County Officials (NACO) asked to quote a bid for Dakota County health insurance coverage. Dennis Maggert and Judd Allen explained quotes to the Board. It is a fully funded plan but offers a variety of options. Dakota County is a member of the NACO self-funded pool and would be part of a large statewide pool of county employees. The deductibles for the NACO Blue Cross Blue Shield (BCBS) administered coverage are higher than currently negotiated with union contracted employees, but could be "bought down" by the county. NACO pool holds the reserves which helps stabilize increases and renewal would be in July coinciding with the county fiscal year budget.

Discussion was had for the two (2) bids received for a Third Party Administrator (TPA) to administer health insurance claims processing for Dakota County employees. The bids received were from Mid-American Benefits [\$46,191.60] and Group Resources dba Three Rivers Benefits [\$54,696.00].

Chair Hohenstein moved, seconded by Commissioner Gill, to award the bid to Mid-American Benefits to administer the county's health insurance claims processing as their Third Party Administrator. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gomez moved, seconded by Commissioner Rohde, to approve Resolution 20C-026 to extend the County's commitment to participate in NIRMA and NIRMA II for the period of July 1, 2021 through June 30, 2024, with an Interlocal Agreement for risk management and loss prevention insurance coverage between Dakota County and Nebraska Interlocal Risk Management Association (NIRMA). ROLL CALL VOTE: Hohenstein- yes, Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-026
FOR AMENDMENT and ADDENDUM TO
NIRMA/NIRMA II INTERGOVERNMENTAL/INTERLOCAL AGREEMENTS

WHEREAS, Dakota County has previously entered into Intergovernmental/Interlocal Agreements with various other Nebraska Counties and other public agencies to form and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) as authorized by the Intergovernmental Risk Management Act (Neb. Rev. Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801 et seq.); and

WHEREAS, Counties and other Public Agencies as defined in Neb. Rev. Stat. §44-4303 are allowed to participate in said cooperative undertakings; and

WHEREAS, the Legislature has found that proper risk management requires the spreading of risk so as to minimize fluctuation in insurance needs and that benefits can be derived through the pooling of insurance purchasing by local government, and

WHEREAS, NIRMA and NIRMA II have provided coverages to the County in a cost effective way which meet and exceed that provided by standard insurance carriers; and

WHEREAS, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits, claims and litigation management, and coverages tailored to address loss exposures counties and other related public entities face not economically available from other sources; and

WHEREAS, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

WHEREAS, the current Intergovernmental/Interlocal Agreements will expire on June 30, 2021, and

NOW, THEREFORE, BE IT RESOLVED that the Dakota County Board hereby:

1. Extends its commitment to participate in NIRMA and NIRMA II for the period July 1, 2021 through June 30, 2024; and
2. Declares that this Resolution shall serve as an amendment and addendum to the previous Intergovernmental/Interlocal Agreements entered into by the County Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

PASSED AND APPROVED this 2nd day of November, 2020.

Jeff Curry, Assessor, submitted his letter of resignation to the Board effective November 2nd and stated he will be moving out of county which does not allow him to hold an elected office in the county.

He thanked the Board and the residents of Dakota County for the experience. He stated Deputy Christy Abst has 20 plus years of experience and is very qualified and capable to be appointed to the office. The current office staff are also currently taking the Assessor certification testing. Chair Hohenstein & Commissioner Gomez thanked Jeff for the tough job he did and the excellent improvements he made. Chair Hohenstein moved, seconded by Commissioner Gomez, to accept Mr. Curry's letter of resignation. ROLL CALL VOTE: Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gomez moved, seconded by Chair Hohenstein, to appoint Christy Abts as Dakota County Assessor effective November 3, 2020, to finish the term of Jeff Curry per his resignation. 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 October 18-31, 2020. Total road maintenance- 237 hours; tree/debris removal- 2 hours; garbage pickup- 2 hours; snow removal- 97.75 hours; gravel hauling- 68.5 hours; tons of gravel hauled- 516.59; sign repair/barricading- 23 hours. Grading concerns: G Avenue, N Avenue and spots worked on Fiddler Creek.

Treasurer Robert Giese requested the board approve Resolution 20C-027 but clarified there were no current delinquent taxes for three years or more. Commissioner Rohde moved, seconded by Commissioner Gomez, to approve Resolution 20C-027 directing the County Treasurer to issue tax sale certificates to the County of Dakota upon all parcels of real estate upon which there are delinquent taxes and which said delinquent taxes were not sold on tax sale and taxes have been delinquent for three years or more. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes. UNANIMOUS MOTION CARRIED.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DAKOTA COUNTY, NEBRASKA
RESOLUTION NO. 20C-027

BE IT RESOLVED by the Board of County Commissioners of the County of Dakota, Nebraska, in regular session duly assembled this 2nd day of November, 2020, as follows:

WHEREAS, made and filed with this Board on November 2, 2020, setting out a list of all parcels of real estate in said county on which the taxes are delinquent and which were not sold, for want of bidders at the last annual tax sale held in this county the board finds that all parcels of real estate with taxes which have been delinquent for three years or more, should be foreclosed upon; and

WHEREAS, Section 77-1918 of the Revised Statutes of Nebraska, as amended, provides that the county Board shall select the method of procedure to be followed;

NOW, THEREFORE, this Board of County Commissioners direct the County Treasurer to issue tax sale certificates to the County of Dakota upon all parcels of real estate upon which there are delinquent taxes. The County Treasurer is further authorized and directed to endorse on tax sale certificates heretofore issued and upon tax sale certificates issued pursuant to this Resolution, real estate taxes as the same become delinquent subsequent to the issuance of said tax sale certificates and to endorse thereon all special assessment taxes or installments of special assessment taxes as the same become delinquent after the issuance of a tax sale certificate as above set forth; said endorsements herein provided shall be made by the County Treasurer up until the time said tax sale certificates are turned over to the County Attorney for foreclosure as hereinafter provided. The County Treasurer is further authorized to issue new tax sale certificates to and in favor of the County of Dakota in those instances, if any, where a previous tax sale certificate may have existed; and

Whereas, it is found to be in the best interest of the County of Dakota that the County Attorney be directed to foreclose all tax sale certificates heretofore issued by the County Treasurer of the Dakota County, Nebraska, to the County of Dakota, Nebraska, which have been issued for a period of three years, or as provided in Section 77-1901, as amended. The County Attorney is further authorized to take the tax foreclosure proceedings pending at this time to decree, confirmation and issuance of sheriff's deeds;

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Dakota, Nebraska that the County Treasurer be and he hereby is directed to issue tax sale certificates to the County of Dakota covering delinquent taxes upon any and all parcels of real estate within the confines of said County, that have been offered for one or more consecutive years or as provided in Section 77-1901, as amended, and not sold for want of bidders at the date of the annual tax sale by the Treasurer of said county, in accordance with Section 77-1902, Revised Statutes of Nebraska, as amended;

AND BE IT FURTHER RESOLVED that the County Attorney of Dakota County be and she is hereby authorized to institute actions upon all tax sale certificates issued in favor of the County of Dakota, as to which three years have expired from the date of such issuance and to proceed to decree and confirmation in all pending tax foreclosure proceedings on behalf of the County of Dakota.

DATED this 2nd day of November, 2020, at the Courthouse, Dakota City, Dakota County, Nebraska.

Robert Giese, Treasurer, submitted the 2019 Distress Warrant Report: The Dakota County Sheriff's Department received the 2019 Distress Warrants on October 29, 2020. There were 173 Distress Warrants issued, with a total due of \$29,080.09. (Tax- \$27,466.29; Interest- \$1,267.80; Fees- \$346.00). A list of parcels was attached to the report. The Dakota County Sheriff's Office will be collecting the taxes due.

Commissioner Rohde moved, seconded by Commissioner Hohenstein, to approve Janet Gill as the voting delegate and Joan Spencer as alternate to cast the ballot for Dakota County at the Nebraska Association of County Officials (NACO) annual meeting in December. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes, and Albenesius- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Chair Hohenstein reported on the Veterans Oversight Committee meeting and Janet Gill on the Planning & Zoning meeting. Mail: Lynelle Bieber submitted a letter to the Commissioners regarding her concerns in allowing wind services. No emergency business.

Chair Hohenstein adjourned the Board of Commissioners meeting of November 2, 2020, at 2:27 p.m.

Dakota County Board of Commissioners

Martin Hohenstein, Chair

Date signed

Joan Spencer, County Clerk/Secretary Date