

Dakota County Board of Commissioners  
Monday, November 30, 2020 - 1:00 p.m.  
County Board Meeting Room, First Floor  
Dakota County Courthouse, Dakota City, Nebraska

Chair Hohenstein called the meeting to order at 1:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Hohenstein, Gomez(telephonic), 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. [Note: Governor Executive Order 20-34 allows quorum by telephone per COVID19 quarantine restrictions.]

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 – November 16, 2020
  - b. Approval of accounts payable if applicable

4. NEW BUSINESS

- a. Board to approve the payroll claims for November 15 - 28, 2020.
- b. 1:01 p.m. Public Hearing: To give citizens the opportunity to offer support, opposition or make neutral comments on a request made by Jorge Villalpando for the rezoning of his property from R10 to Business at S30, T28N, R9E, formally known as 546 200<sup>th</sup> Street Dakota City, Nebraska, for a trucking business. No recommendation from Planning & Zoning Board.
- c. 1:02 p.m. Public Hearing: To give citizens the opportunity to offer support, opposition or make neutral comments to amend Section 640.5 Recreational Vehicle Parks, Occupancy, of the zoning ordinances to read as follows: Recreational vehicle parks must close ~~and all vehicles must be removed from the grounds~~ by October 31 of each year and shall open no earlier than April 1 of each year. No permanent or year around occupancy is allowed in recreational vehicle parks. No recommendation from Planning & Zoning Board.
- d. Board to approve or not approve Resolution 20C-032 to Abandon 240<sup>th</sup> Street portion between O Avenue and O'Dell Avenue S8 & S17 T27N R7E.
- e. Fred Kellogg, Highway Superintendent to present and submit written road study for the vacation or abandonment of roads: (1) Platted as Wood Avenue—portion between East 1<sup>st</sup> Street to West 1<sup>st</sup> Street, Crystal Beach aka Millis Beach area, S6, T28N, R9E; and (2) a portion of West 1<sup>st</sup> Street where Wood Avenue jogs west to Erie Drive—approximately 100 feet, Crystal Beach aka Millis Beach area, S6, T28N, R9E.
- f. Approve Resolution 20C-033 to Set Date and Time for Public Hearing to Vacate or Abandon roads: (1) Platted as Wood Avenue—portion between East 1<sup>st</sup> Street to West 1<sup>st</sup> Street, Crystal Beach aka Millis Beach area, S6, T28N, R9E; and (2) a portion of West 1<sup>st</sup> Street where Wood Avenue jogs west to Erie Drive—approximately 100 feet, Crystal Beach aka Millis Beach area, S6, T28N, R9E.

5. MISCELLANEOUS

- a. Fred Kellogg, Highway Superintendent – Bi-Weekly Road Report
- b. Chair to designate a different alternate NACO delegate.
- c. Chair to designate Interview Committee for the Clerk of District Court and Treasurer positions.

6. COMMISSIONER COMMITTEE REPORTS

7. MAIL AND/OR EMERGENCY BUSINESS

8. ADJOURNMENT

No action was taken to remove Resolution 20C-005 to declare a moratorium on wind energy farms in Dakota County from the table.

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 November 16, 2020, minutes; (b) approval of accounts payable claims if applicable. Chair Hohenstein moved, seconded by Commissioner Gill, to approve the consent agenda items. ROLL CALL VOTE: Gomez- yes, Rohde- yes, Albenesius- yes, Gill- yes, Hohenstein- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gomez moved, seconded by Commissioner Albenesius, to approve the payroll claims for November 15-28, 2020. ROLL CALL VOTE: Rohde- abstain, Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes. UNANIMOUS MOTION CARRIED.

**Payroll: General Fund Employer:** Gross Salaries-\$169,167.85; Net Pay-\$119,184.95; Total Retirement-\$11,738.26; Total FICA-\$12,620.99; Health Plan-\$34,419.00; Dental Plan-\$1,180.00; 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-\$1,553.31; 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-\$2,191.68; Melissa Collins-\$1,100.80; Courtney Lane-\$1,100.80; Joseph O'Neil-\$265.30; Katherine Wiltgen-\$1,508.97; Louvontree Hunter-\$2,690.97; Debra Jensen-\$1,633.39; Karen Jimenez-\$1,208.00; Kevin Hansen-\$2,010.24; Tammy Dunn Peterson-\$1,184.00; Shaun Bird-\$2,909.21; Russell Briggs-\$0.00; Sergio Castillo-\$3,785.40; Timothy Decker-\$0.00; Brian Ellinger-\$3,070.55; Brian Fernau-\$2,395.12; Tyler Fulkerth-\$2,977.92; Brent Gilster-\$2,904.63; Martin Guerrero-\$2,567.64; Richard Hansen-\$2,928.20; Melvin Harrison III-\$3,058.72; Jason James-\$2,688.62; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$630.72; Jared Junge-\$3,055.80; Christopher Kleinberg-\$2,390.83; Kevin Rohde-\$3,674.58; Mardi Schnee-\$1,088.80; Penny Wendte-\$3,288.10; Katie Lehmann-\$1,248.75; 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-\$1,685.31; Angelica Antonio-\$2,275.65; Shaelee Barreras-\$36.23; Trent Bertram-\$0.00; Zachery Bickett-\$2,282.50; Rebecca Broer-\$1,697.75; Kacie Brown-\$2,115.24; Tomio Castro-\$0.00; Elisabet DeRoin-\$1,985.72; Jesse Doelle-\$1,572.80; Jon Enstrom-\$2,275.65; Robert Foster-\$1,513.50; Jonathan Gray-\$2,201.76; Kara Groetken-\$2,322.24; Todd Hammer-\$2,222.40; Alexa Hansen-\$1,319.46; Adam Hough-\$2,138.34; Victor Huerta-\$0.00; Brenda Irwin-\$1,661.60; Hunter Jones-\$2,332.72; Brady Mathis-\$1,396.98; Skyler Miner-\$2,016.97; Mark Nelson-\$1,763.59; Gregory Nyhof-\$2,607.94; Kimberly Peterson-\$2,315.50; Jorge Reyes-\$1,513.50; Darius Richardson Barnes-\$1,999.06; Michele Rohde-\$1,366.66; Rebecca Schoep-\$1,999.06; Jennifer Svendsen-\$2,407.06; Taylor Tadlock-\$2,103.62; Danielle Thibodeau-\$2,339.76; Anthony Von Haden-\$1,432.80; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,388.00; Fred Kellogg-\$375.00; Matthew Roost-\$265.30; Erica Brodersen-\$1,035.50; Shay Gillaspie-\$1,036.75; Theresa Grove-\$1,948.80; Natasha Ritchison-\$2,040.00; Kristin Robinette-\$324.00; Yesica Saldana Cisneros-\$1,400.00; Jacqueline Traum-\$1,311.75; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$14,887.98; State Tax-\$6,618.34; Soc Sec-\$10,228.74; Medicare-\$2,392.25; Extra Fit-\$689.00; Extra Sit-\$145.00; Retirement-\$7,987.43; Makeup Retirement-\$0.00; Health Plan-\$1,850.00; Dental Plan-\$525.00; Colonial Health-\$244.24; Sheriff Union Dues-\$390.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$1,330.00; Garnishments-\$975.22; Flex Plan Medical-\$848.16; Flex Plan Dependent Care-\$208.33; VSP Vision-\$476.30; Legal Shield-\$82.21; Liberty Nat'l-\$50.70; **Road Fund Employer:** Gross Salaries-\$17,050.22; Net Pay-\$12,060.01; Retirement-\$1,150.93; Total FICA-\$1,279.43; Health Plan-\$4,470.00; Dental Plan-\$147.50; Life Insurance-\$27.16; Brent Byroad-\$1,659.20; Kevin Chambers-\$1,567.20; Ryan Chambers-\$1,567.20; Robert Hacker-\$1,579.20; Lance Jacobsen-\$777.60; Fred Kellogg-\$2,067.81; David Kneiff-\$1,567.21; Kimon Litras-\$1,615.20; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,515.20; Matthew Roost-\$1,555.20; **Road Fund Employee:** Federal Tax-\$1,382.01; State Tax-\$609.20; FICA-\$1,036.92; Medicare-\$242.51; Extra Fit-\$150.00; Retirement-\$767.22; Health Plan-\$200.00; Dental Plan-\$63.00; Colonial Health-\$65.66; Garnishments-\$208.62; Road Union Dues-\$175.00; VSP Vision-\$41.75; 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; **Minority Planning Grant Employer:** Gross Salaries-\$2,862.75; Net Pay-\$2,053.76; Retirement-\$193.24; Total FICA-\$197.13; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$5.87; Jana Adam-\$1,347.50; Yvette Aldana-\$1,515.25; **Minority Planning Grant Employee:** Federal Tax-\$113.53; State Tax-\$83.63; FICA-\$159.77; Medicare-\$37.36; Extra Sit-\$0.00; Retirement-\$128.83; Health Plan-\$250.00; Dental Plan-\$21.00; VSP Vision-\$14.87; **Juvenile Services Aid Employer:** Gross Salaries-\$1,217.87; Net Pay-\$678.42; Retirement-\$82.21; Total FICA-\$64.79; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,217.09; **Juvenile Services Aid Employee:** Federal Tax-\$33.44; State Tax-\$15.42; FICA-\$52.51; Medicare-\$12.28; Retirement-\$54.80; Health Plan-\$350.00; Dental Plan-\$21.00.

Chair Hohenstein did not open the Public Hearing regarding the rezoning request by Jorge Villalpando as the Planning & Zoning Commission did not take action to approve the request and the Zoning Commission wishes to consider issuing a Conditional Use Permit instead.

Chair Hohenstein did not open the Public Hearing regarding amending Section 640.5 Recreational Vehicle Parks as the Planning & Zoning Commission is considering additional verbiage and did not make a recommendation to the Board of Commissioners.

Commissioner Rohde moved, seconded by Commissioner Albenesius, to approve Resolution 20C-032 to Abandon 240<sup>th</sup> Street portion between O Avenue and O'Dell Avenue with the public right-of-way reverting back to adjoining

landowners. ROLL CALL VOTE: Albenesius- yes, Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-032  
ABANDONMENT OF 240<sup>TH</sup> STREET  
BETWEEN O AVENUE AND O'DELL AVENUE

BE IT RESOLVED BY THE CHAIRMAN AND COUNTY BOARD OF COMMISSIONERS OF DAKOTA COUNTY, NEBRASKA, that a public hearing was held in the Board of Commissioners Room on the 16th day of November, 2020, at 1:11 p.m., pursuant to notice of public hearing published in the Dakota County Star for three consecutive weeks previous to such hearing.

BE IT FURTHER RESOLVED that at such public hearing persons appeared regarding the vacating and abandonment of said road as hereinafter described, and the Board being fully advised and upon consideration of the matter hereby orders that the following road be vacated and abandoned and that the public right-of-way shall be disposed of in the following manner:

1. Shall revert back to the adjacent landowners, one half to each such landowner. Described as follows:  
240<sup>th</sup> Street 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

A certified copy of this Resolution shall be filed with the Register of Deeds and indexed against all affected property.

Fred Kellogg, Highway Superintendent, presented his written road study for the vacation or abandonment of roads platted as Wood Avenue (portion between East 1<sup>st</sup> and West 1<sup>st</sup> Street) and a portion of West 1<sup>st</sup> Street where Wood Avenue jogs west to Erie Drive (approximately 100'). Mr. Kellogg stated the portion of road the County is considering for vacation are not in use and never maintained by the Road Department and are of no value to the public and therefore serves no purpose for them to remain open to the public. His recommendation is to vacate the roads and relinquish the right-of-way back to the adjacent landowners as long as all landowners are in agreement.

Commissioner Rohde moved, seconded by Commissioner Gill, to approve Resolution 20C-033 to set date and time for public hearing to vacate or abandon roads: (1) platted as Wood Avenue—portion between East 1<sup>st</sup> Street to West 1<sup>st</sup> Street, Crystal Beach aka Millis Beach area, S6, T28N, R9E; and (2) a portion of West 1<sup>st</sup> Street where Wood Avenue jogs west to Erie Drive—approximately 100 feet, Crystal Beach aka Millis Beach area, S6, T28N, R9E. ROLL CALL VOTE: Gill- yes, Hohenstein- yes, Gomez- yes, Rohde- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 20C-033  
A RESOLUTION TO SET DATE AND TIME FOR PUBLIC HEARING  
TO VACATE OR ABANDON A PUBLIC ROADS

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

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

- (1) Platted as Wood Avenue—portion between East 1<sup>st</sup> Street to West 1<sup>st</sup> Street, Crystal Beach aka Millis Beach area, Section 6, Township 28N, Range 9E
- (2) A portion of West 1<sup>st</sup> Street where Wood Avenue jogs west and the portion to Erie Drive—approximately 100 feet, Crystal Beach aka Millis Beach area, Section 6, Township 28N, Range 9E.

WHEREAS, by action of the Dakota County Board of Commissioners on November 16, 2020, Dakota County Highway Superintendent Fred Kellogg was directed to perform a study and report to the Board as provided by the laws of the State of Nebraska; and,

WHEREAS on November 30, 2020, Mr. Kellogg submitted a written report with the following findings and recommends to close the road for use by ---

1. Said roads are not used by the public and are of no value to the public, and therefore serve no purpose for them to remain as a platted road for possible public use.
2. The board cannot foresee any reason that the said roads would have to be reopened in the future if it were vacated or abandoned.

NOW THEREFORE, BE IT RESOLVED, by the Dakota County Board of Commissioners, that the matter of vacation or abandonment of said roads shall be advertised for three consecutive weeks and set for public hearing on December 28, 2020, at 1:01 p.m. in the Dakota County Commissioners Board meeting room, Dakota City, Nebraska.

Fred Kellogg, Highway Superintendent, presented the Road Report for November 15-28, 2020. Total road maintenance- 182 hours; Overtime- 2 hours; garbage pickup- 5 hours; gravel hauling- 51 hours; tons of gravel hauled- 574.8; sign repair/barricading- 26 hours. Grading concerns: Saddle Lane and gravel concerns: 220<sup>th</sup> Street, K Ave and Oakdale Road.

No additional alternate was named to cast a ballot at the NACO virtual business meeting held December 10, 2020.

Chair Hohenstein asked Kim Watson and Janet Gill to be on the interview committee along with himself and possibly a newly elected commissioner for the openings of Clerk of District Court and County Treasurer. The committee would then make a recommendation to the full Board to fill those positions.

No Commissioner Committee Reports, mail or emergency business.

Chair Hohenstein adjourned the Board of Commissioners meeting of November 30, 2020, at 1:25 p.m.  
Dakota County Board of Commissioners

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Martin Hohenstein, Chair                      Date signed

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Joan Spencer, County Clerk/Secretary      Date