

Dakota County Board of Commissioners
Monday, February 8, 2021, 3:00 p.m.
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

Chair Gill called the meeting to order at 3:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Gill, Love, Giese, Albenesius, Launsby. Absent: none. Also present was Kim Watson, County Attorney, and Joan Spencer, County Clerk, acting as Board Secretary. The location of the Open Meetings Act was noted.

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*
- b. Board to approve Midwest Alarm Services Basic Agreement for semi-annual fire alarm inspection per NFPA 72 standards for fee of \$1,404 for term of 12 months.
 - *Motion required to take from the Table*
- c. Board to award a bid for the South Sioux City West bridge project #C002210810P for construction of an abutment repair and bank stabilization at 137th Street between J Avenue and I Avenue (Jackson High bridge) [*Motion required to take from the Table*]
 - Nelson & Rock Contracting, Inc., Onawa, Iowa - \$243,123.05
 - Theisen Construction, Inc., Norfolk, Nebraska - \$364,475.54
 - Herbst Construction Inc, Le Mars, Iowa - \$370,618.00
 - B & B Rogers Excavating, Inc., South Sioux City, Nebraska - \$613,446.90

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 – January 25, 2021
- b. Board to approve the payroll claims for January 24 – Feb 6, 2021
- c. Approval of accounts payable claims if applicable
- d. Approval of Quarterly Reports—Veterans Service Officer
- e. Approval of release of additional pledge securities with BankFirst

4. NEW BUSINESS & RESOLUTIONS

- a. **3:02 p.m.** Open and award Bridge Inspection Bid for 2021.
- b. Andrew Forney, D.A. Davidson, requesting approval of Resolution 21C-005 approving, adopting, ratifying and affirming the execution of a lease-purchase agreement with NACO Leasing Corporation for acquisition of property—John Deere Motor Grader.
- c. Matt Wullenwaber, Mid-American Benefits, Inc. and Robert Rapp requesting approval for the Health Insurance Stop Loss Contract Renewal.
- d. Matt Wullenwaber, Mid-American Benefits, Inc., requesting board approve Chair to sign Service Agreement for Section 125 – Cafeteria Plan for Dakota County.
- e. Hunter Jones, Jailer, requesting hearing of grievance with the Board of Commissioners (Step 2) regarding notification procedure for promotional testing.
- f. Board to Approve Resolution 21C-006 honoring NACO Executive Director Emeritus.

5. MISCELLANEOUS & OLD BUSINESS

- a. Fred Kellogg, Highway Superintendent – Road Report
- b. Carol Larvick, Extension Educator, University of Nebraska, presenting to the Board local Extension programming and 2020-21 financial summaries. §2-1606
- c. Carol Larvick, Extension Educator, University of Nebraska, requesting the Board of Commissioners appoint member to the Extension Board. Name submitted: Lynda Cruickshank.
- d. Ron Raynor to update the Board regarding the location for a shooting range.
- e. Board to approve Planning & Zoning membership appointments – one appointment to the following geographical areas: (1) Village of Emerson (2) rural Hubbard and (3) rural Jackson for a 3-year term February 2021 to February 2024.
- f. Approve renewal of the EAP (Employee Assistance Program) contract for services between Dakota County and Mercy Business Health effective March 1, 2021 to March 1, 2022.

- g. Board to approve Chair to sign representation Letter to the Auditor of Public Accounts for the county audit of budget year July 1, 2019 to June 30, 2020.
- 6. COMMISSIONER COMMITTEE REPORTS
- 7. MAIL AND/OR EMERGENCY BUSINESS
- 8. ADJOURNMENT

No action was taken to remove from the table the agenda items for wind energy moratorium or signing of the Midwest Alarm Services Basic Agreement.

Commissioner Love moved, seconded by Chair Gill, to remove the agenda item from the table to take action to award the bid for bridge project #C002210810P. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Launsby, to accept the engineer and Road Committee's recommendation to award the bid to the low bidder of Nelson & Rock in the amount of \$243,123.05 for construction of an abutment repair and bank stabilization for the South Sioux City west bridge project #C002210810P (Jackson High Bridge). ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

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

Chair Gill called for approval of the consent agenda—(a) Approval of the previous meeting minutes – January 25, 2021; (b) Board to approve the payroll claims for January 24 – Feb 6, 2021; (c) Approval of accounts payable claims if applicable; (d) Approval of Quarterly Reports—Veterans Service Officer and (e) Approval of release of additional pledge securities with BankFirst.

Commissioner Love moved, seconded by Commissioner Giese, to approve the consent agenda items #a - #e and approving payroll claims to show vacation paid out at anniversary date. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$153,865.93; Net Pay-\$109,393.85; Total Retirement-\$10,625.78; Makeup Retirement-\$0.00; Total FICA-\$11,429.07; Health Plan-\$34,032.00; Dental Plan-\$1,135.75; Life Insurance-\$207.20; Larry Albenesius-\$1,133.71; Robert Giese-\$1,133.71; Janet Gill-\$1,179.87; Troy Launsby-\$933.71; Scott Love-\$1,133.71; Cherie Conley-\$1,553.31; Leticia Vargas-\$1,321.60; Joan Spencer-\$2,321.49; Kathy Abbe-\$1,186.40; Dawn Bousquet-\$2,321.49; Maria Garcia-\$1,000.00; Stephanie Gatzemeyer-\$1,540.13; Jalissa Hattig-\$1,186.40; Brenda Landaverde-\$1,048.00; Samantha Mitchell-\$1,048.00; Debera Benton-\$1,160.00; Christy Abts-\$2,321.49; Melissa Collins-\$1,100.80; Courtney Lane-\$1,100.80; Joseph O'Neil-\$265.30; Karen Jimenez-\$1,508.97; Katherine Wiltgen-\$2,321.49; Louvontree Hunter-\$2,850.36; Debra Jensen-\$1,532.80; Casandra Pedroza-\$1,200.00; Kevin Hansen-\$2,053.93; Tammy Dunn Peterson-\$1,850.00; Shaun Bird-\$1,662.40; Russell Briggs-\$0.00; Sergio Castillo-\$2,276.43; Timothy Decker-\$0.00; Brian Ellinger-\$2,292.30; Penny Epting-\$2,293.29; Brian Fernau-\$2,157.31; Tyler Fulkerth-\$1,940.80; Brent Gilster-\$2,168.37; Martin Guerrero-\$2,170.54; Richard Hansen-\$2,129.60; Melvin Harrison III-\$2,215.92; Jason James-\$2,169.53; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$744.33; Jared Junge-\$833.40; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,153.60; Mardi Schnee-\$1,088.80; Ryne Sell-\$0.00; Katie Lehmann-\$1,332.00; Sheyanne Lozano-\$1,287.44; Deidra Mossberg-\$360.00; Debra Schmiedt-\$8,485.32; Kimberly Watson-\$3,624.77; Melinda Wicks-\$2,500.00; Jacob Acero-\$1,641.83; Angelica Antonio-\$1,542.97; Zachery Bickett-\$1,533.84; Rebecca Broer-\$1,687.20; Kacie Brown-\$1,761.77; Alexander DeLeon-\$1,554.84; Elisabet DeRoin-\$1,691.26; Jesse Doelle-\$1,573.30; Jon Enstrom-\$1,542.97; Robert Foster-\$1,358.28; Jonathan Gray-\$1,698.48; Kara Groetken-\$1,716.23; Todd Hammer-\$2,250.18; Alexa Hansen-\$1,164.24; Adam Hough-\$1,955.00; Brenda Irwin-\$1,666.79; Hunter Jones-\$1,754.87; Brady Mathis-\$1,533.84; Skyler Miner-\$1,409.57; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,801.38; Kimberly Peterson-\$1,664.04; Jorge Reyes-\$1,358.28; Michele Rohde-\$1,362.40; Rebecca Schoep-\$1,352.28; Jennifer Svendsen-\$2,091.19; Taylor Tadlock-\$1,651.44; Danielle Thibodeau-\$1,664.72; Anthony Von Haden-\$1,350.28; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,388.00; Fred Kellogg-\$375.00; Matthew Roost-\$265.30; Shay Gillaspie-\$1,015.00; Theresa Grove-\$1,948.80; Melissa Hans-\$292.50; Mohamud Ibrahim-\$107.65; Natasha Ritchison-\$2,040.00; Kristin Robinette-\$297.00; Yesica Saldana Cisneros-\$1,400.00; Jacqueline Traum-\$1,320.00; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$12,075.41; State Tax-\$5,613.49; Soc Sec-\$9,262.74; Medicare-\$2,166.33; Extra Fit-\$736.00; Extra Sit-\$145.00; Retirement-\$7,203.51; Health Plan-\$2,100.00; Dental Plan-\$504.00; Colonial Health-\$244.24; Sheriff Union Dues-\$390.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$420.00; Garnishments-\$1,832.61; Flex Plan Medical-\$897.92; Flex Plan Dependent Care-\$208.33; VSP Vision-\$485.59; Legal Shield-\$82.21; Liberty Nat'l-\$50.70; Liberty Nat'l-\$0.00; **Road Fund Employer:** Gross Salaries-\$21,339.54; Net Pay-\$14,976.02; Retirement-\$1,440.43; Total FICA-\$1,605.54; Health Plan-\$4,917.00; Dental Plan-\$162.25; Life Insurance-\$27.16; Brent Byroad-\$1,659.20; Kevin Chambers-\$1,625.98; Ryan Chambers-\$1,625.98; Robert Hacker-\$1,653.23; Lance Jacobsen-\$1,555.20; Fred Kellogg-\$5,168.61; David Kneifl-\$1,567.20; Kimon Litras-\$1,751.51; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,586.23; Matthew Roost-\$1,567.20; **Road Fund Employee:** Federal Tax-\$1,975.16; State Tax-\$860.57; FICA-\$1,301.21; Medicare-\$304.33; Extra Fit-\$150.00; Retirement-\$960.27; Health Plan-\$200.00; Dental Plan-\$63.00; Colonial Health-\$65.66; Garnishments-\$208.62; Road Union Dues-\$175.00; VSP Vision-\$46.91; Legal Shield-\$46.29; Liberty National-\$6.50; **Health Planning Grant Employer:** Gross Salaries-\$1,381.60; Net Pay-\$1,061.47; Retirement-\$93.26; Total FICA-\$102.93; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,381.60; **Health Planning Grant Employee:** Federal Tax-\$64.86; State Tax-\$32.04; FICA-\$83.42;

Medicare-\$19.51; Extra Sit-\$5.00; Retirement-\$62.17; Dental Plan-\$21.00; VSP Vision-\$15.18; Legal Shield-\$16.95; **Minority Planning Grant Employer:** Gross Salaries-\$3,280.00; Net Pay-\$2,356.04; Retirement-\$221.40; Total FICA-\$228.34; Health Plan-\$894.00; Dental Plan-\$29.50; Life Insurance-\$5.87; Jana Adam-\$1,760.00; Yvette Aldana-\$1,520.00; **Minority Planning Grant Employee:** Federal Tax-\$150.45; State Tax-\$102.41; FICA-\$185.06; Medicare-\$43.28; Extra Sit-\$0.00; Retirement-\$147.60; Health Plan-\$250.00; Dental Plan-\$21.00; VSP Vision-\$24.16; **Juvenile Services Aid Employer:** Gross Salaries-\$1,207.80; Net Pay-\$672.01; 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-\$31.32; 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 bridge inspections in 2021: 1. Mainelli Wagner & Associates, Inc.- total for all bridges \$10,315.00 [\$175 for one (1) routine inspection and \$1690 for six (6) truss bridges]. Commissioner Giese moved, seconded by Commissioner Albenesius, to accept and award the bid to Mainelli Wagner for the 2021 inspection of county bridges (1 regular; 6 fracture critical) in the amount of \$10,315.00. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Andrew Forney, D.A. Davidson, was reached by telephone and explained the lease purchase documents for acquisition of a motor grader. Chair Gill moved, seconded by Commissioner Launsby, to approve Resolution 21C-005 adopting, ratifying and affirming the execution of a lease-purchase agreement with NACO Leasing Corporation for the purchase of county motor grader. ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

THE COUNTY OF DAKOTA, NEBRASKA

RESOLUTION NO. 21C-005

A RESOLUTION APPROVING, ADOPTING, RATIFYING AND AFFIRMING THE EXECUTION AND PERFORMANCE OF A LEASE-PURCHASE AGREEMENT WITH NACO LEASING CORPORATION FOR ACQUISITION OF PROPERTY.

BE IT RESOLVED by the Board of Commissioners of The County of Dakota, Nebraska (the "County"), that this Board hereby approves and authorizes the acquisition of a motor grader by the County through a Lease-Purchase Agreement with NACO Leasing Corporation. The Lease-Purchase Agreement shall include the following terms, with such changes as are deemed reasonable or necessary by the Chair of the Board of Commissioners.

1. Principal Amount: \$315,969.39
2. Interest Rate: 1.125%
3. Payment Amount: Not to exceed \$32,551.31
4. Term: February 16, 2021 through January 15, 2026
5. Payment Frequency: semiannually on July 15 and January 15, beginning July 15, 2021

Settlement and closing of the Lease-Purchase Agreement shall be on or about February 16, 2021. NACO Leasing Corporation shall send payment to the equipment vendor or owner for acquisition of the property on the date on which NACO Leasing Corporation receives the signed Lease-Purchase Agreement and accompanying documents from the County.

BE IT FURTHER RESOLVED, that the Chair or Vice Chair of the Board of Commissioners and the County Clerk are hereby authorized and directed to sign the Lease-Purchase Agreement and related certificates and documents; and

BE IT FURTHER RESOLVED, that the Tax-Exempt Financing Compliance Procedure presented to the Board is hereby adopted and approved.

This Resolution shall be in full force and effect from and after its passage and all resolutions or orders, or parts thereof, in conflict with the provisions of this Resolution, are to the extent of such conflict, hereby repealed. This Resolution may be executed by electronic transmission and shall be regarded as an original.

PASSED: February 8, 2021, at Dakota City, Dakota County, Nebraska.

Matt Wullenwaber, Mid-American Benefits, Inc. explained the health insurance stop loss contract renewal to the Board at length. The annual maximum cost increase was less than 1%. Commissioner Giese moved, seconded by Commissioner Love, to approve the renewal Alt #2 (Column H) with the Annual Expected Cost of \$1,001,932.51. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Matt Wullenwaber, Mid-American Benefits, Inc., requested the Board approve Chair to sign the Service Agreement for Section 125 – Cafeteria Plan for Dakota County. Commissioner Love moved, seconded by Commissioner Giese, to approve Chair to sign the Service Agreement with Mid-American Benefits, Inc. for the Dakota County Section 125 Cafeteria Plan. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Hunter Jones, Jailer, explained the Grievance he filed. He cited Section 8.2 of Article 8: Promotions of the Dakota County Sheriff's Merit Commission Rules and Regulations had not been followed. Section 8.2 states the posted notice of examination shall be posted and remain posted until the examinations have been completed—on January 18 he documented the notice was no longer posted and Mr. Jones was unable to verify the date and time of the scheduled exam. Mr. Jones also cited the Sheriff's Rules and Regulations 1-14-09 Promotional Testing Notification had not been

followed. It states: "The dates and times of promotional testing, application deadline and the eligibility requirements will be posted on the employee bulletin board. In addition, all Correctional Officers will receive an internal e-mail notice of same." He documented that the email received from Captain Nelson did not state the date and time of the examination. Sheriff Kleinberg also cited #1-14-09 Promotional Testing Notification in his disposition of the grievance stating that Hunter Jones signed to test on the posted Notice of Examination (dates and times were on said notice) and failed to show for the testing. It was concluded that both parties were at fault: (1) Hunter Jones failed to read or document what he read when he signed the posted notice to take the examination for promotion; (2) the email sent to all Correctional Officers failed to state the date and time of the examination and (3) the posted notice was removed in an untimely manner. Exams were held January 19 at 8:00 a.m. without sufficient applicants to fill the open positions and Sheriff will set another date and time for Exam promotional testing.

Commissioner Love moved, seconded by Commissioner Launsby, to approve Resolution 21C-006 honoring NACO Executive Director Emeritus. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, NEBRASKA

RESOLUTION 21C-006
RESOLUTION DECLARING SEPTEMBER 13, 2021, AS
"LARRY DIX DAY"

WHEREAS, Larry Dix serves as the Executive Director of the Nebraska Association of County Officials (NACO) and is formally retiring February 1, 2021; and

WHEREAS, Larry Dix worked tirelessly to improve and advocate for county government for over 20 years; and

WHEREAS, the Dakota County Board of Commissioners would like to honor Larry Dix for his dedication to county government going above and beyond to give back to Nebraska county officials.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners of Dakota County, Nebraska, declare September 13, 2021, as "Larry Dix Day."

DATED this 8th day of February, 2021. Signed by all board members.

Fred Kellogg, Highway Superintendent, gave the road report for January 24 to Feb 6, 2021. Total road maintenance- 4.5 hours; overtime- 26.5 hours; tree/debris removal- 33.5 hours; garbage pickup- 2 hours; snow removal- 384.5 hours; sign repair/barricading- 22.5 hours. Several road concerns were discussed.

Carol Larvick, Extension Educator, University of Nebraska, presented a handout to each Commissioner including 1) summary of 2019-20 budget expenditures; 2) current fiscal year 2020-21 budget; 3) county impact report; 4) brief program summary for each educator and assistant/associate; and 5) samples of 4-H newsletters, Extension newsletters, major program brochures and other products that represent 2020 programming. The Board thanked the Extension for being so pro-active during the coronavirus epidemic.

Carol Larvick asked the Board to appoint a new member to the Extension Board. Chair Gill moved, seconded by Commissioner Giese, to appoint Lynda Cruickshank to the Dakota County Extension Board. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Ron Raynor updated the Board regarding the location for a shooting range. Research in the Register of Deeds Office showed Road No. 175 approved by the Board of Commissioners on October 15, 1904. A search for a recorded vacation of said road in Section 16, Township 28, Range 8, was not found. Mr. Raynor will take the steps to abandon the road and locate his shooting range on parcel #220075204 with permission of the surrounding landowners. Mr. Raynor stated the range would not be open to the public and the main use of the range would be to teach hunter safety to kids.

Commissioner Love moved, seconded by Chair Gill, to approve the reappointment of the following Planning & Zoning Board members for a 3-year term of February 2021 to February 2024: (1) Richard McCabe- representing the geographical area of the Village of Emerson; (2) Scott Bousquet- representing the geographical area of rural Hubbard; (3) Timothy Decker- representing the geographical area of rural Jackson. ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Giese, to approve the renewal of the Employee Assistance Program (EAP) contract for services between Dakota County and Mercy Business Health for the term of March 1, 2021 to March 1, 2022. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Giese, to approve chair to sign the representation letter to the Auditor of Public Accounts for the county audit of budget year July 1, 2019 to June 30, 2020. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Launsby & Giese- Health Department meeting and Launsby- Merit Commission meeting; Gill- budget meeting.

Mail: (1) Land owned for lease by the Board of Educational Lands and Funds of the State of Nebraska has no current lessee and (2) current wind energy regulations were put in the new board member packets for their reference. No emergency business.

Chair Gill adjourned the Board of Commissioners meeting of February 8, 2021, at 5:05 p.m.

Dakota County Board of Commissioners

Janet Gill, Chair

Date signed

Joan Spencer, County Clerk/Secretary Date