

Dakota County Board of Commissioners
Monday, March 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 Cherie Conley, Deputy 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.

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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*

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 – February 22, 2021
- b. Board to approve the payroll claims for February 21 – March 6, 2021
- c. Approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court (February)
- d. Approval of Accounts Payable NE NACO Spring Workshop claims
- e. Approval of Treasurer's Office Journal Entries to correct (1) double payment/SSA Finder's Fee and (2) correctly apply Highway Supt. Incentive Payment.
- f. Approval of F&M Bank Irrevocable Letter of Credit No. 68790

4. NEW BUSINESS and RESOLUTIONS

- a. **3:01 p.m Public Hearing** to give citizens the opportunity to offer their support, opposition or neutral comments regarding the proposal to amend Zoning Regulation Section 202. Definitions to add the definition of Consanguinity.
- b. **3:02 p.m Public Hearing** to give citizens the opportunity to offer their support, opposition or neutral comments regarding the proposal to amend Zoning Ordinance Section 640.5 Recreational Vehicle Parks – Occupancy.
- c. Board to approve or not approve amendment of the Zoning Regulation Sections 202. Definitions to add the definition of Consanguinity. Amendment comes with a recommendation of approval from Planning and Zoning.
- d. Board to approve or not approve amendment of the Zoning Ordinance Section 640.5 Recreational Vehicle Parks – Occupancy. Amendment comes with a recommendation of approval from Planning and Zoning.
- e. Jeremy Stewart, Blyburg Road, rural Homer, to address the Board regarding the condition of the county roads.
- f. Dale Barclay, Blyburg Road, rural Homer, to address the Board regarding the condition of the county roads.
- g. Scott Skow, M Avenue, rural Hubbard, to address the Board regarding the condition of the county roads.
- h. Board to approve Resolution 21C-007 Signing of Project Program Agreement BL2113 with the Nebraska Department of Transportation regarding the County Bridge Match Program STWD-CBMP(5) Omaha Creek South on 265th Street Bridge No. C002213410P project.

5. MISCELLANEOUS and OLD BUSINESS

- a. Fred Kellogg, Highway Superintendent – Road Report
- b. Sheriff Kleinberg to present the February Jail Report.
- c. Sergeant Todd Hammer, Deputy Sheriff, requesting the Board set date and time to open negotiations with the Sheriff's Deputies Comprehensive Master Agreement – Fraternal Order of Police, Dakota County Lodge #49.
- d. Kevin Hansen, Building & Grounds Supervisor, requesting Board approval for purchase of a used scissors lift.
- e. Board to set date and time for county road tour.

- f. Board to approve the contract terms with Verizon Connect for installation of GPS tracking program on road department fleet vehicles.
 - g. Board to approve Contract for Dakota County, South Sioux City West, Bridge #C002210810P (Jackson High Bridge) Project—Nelson & Rock Contracting \$243,123.05.
 - h. Board to approve Chair to sign Midlands Choice Agreements: (1) Group Agreement (2) Addendum to the Midlands Choice Group Agreement; (3) Premier Payer to Amendment to Midlands Choice Group Agreement; (4) Network Access Fee – Appendix A; (5) Business Associate Agreement; (6) Business Associate Agreement Mid-American Benefits, LLC and Dakota County and (7) Designated Privacy Personnel Certificate of Authority & Notice of Confidentiality.
6. COMMISSIONER COMMITTEE REPORTS
 7. MAIL AND/OR EMERGENCY BUSINESS
 - a. The Nebraska Public Employees Local 251 is requesting the Board to set a date and time to open contract negotiations with the Road Department Local 251 union.
 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.

Chair Gill called for Public Comment about any item not on the agenda.

Diana Hauck – Bus driver for Homer School District, provided the Board with several road safety issues and concerns. The buses have 4 routes that she feels are dangerous because of washboards, soft spots, water sitting and bad culverts. South Bluff Road, Likuwana turn around, Blyburg Road, Wigle Creek Road, Fiddler Creek Road, I Avenue, K Avenue, L Avenue, Jewel Avenue and corner of 260th & M. She requested grading and gravel.

Chair Gill called for approval of the consent agenda—(a) Approval of the previous meeting minutes – February 22, 2021; (b) Board to approve the payroll claims for February 21 – March 6, 2021; (c) Approval of Officials Reports for February from County Clerk, Register of Deeds, and Clerk of District Court; (d) Approval of accounts payable claims; (e) Approval of Treasurer's Office journal entries to correct 1) double payment/SSA Finder's fee and 2) correctly apply Highway Supt Incentive Payment; and (f) Approval of F&M Bank Irrevocable Letter of Credit No. 68790. Commissioner Love moved, seconded by Commissioner Launsby, to approve the consent agenda items as presented. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Accounts Payable: General Fund: NE NACO, Spring workshop fees, \$82.00.

Payroll: General Fund Employer: Gross Salaries-\$155,360.50; Net Pay-\$111,164.86; Total Retirement-\$10,733.46; Makeup Retirement-\$0.00; Total FICA-\$11,511.47; Health Plan-\$34,866.00; Dental Plan-\$1,150.50; Life Insurance-\$204.65; 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-\$878.13; Stephanie Gatzemeyer-\$1,540.13; Jalissa Hattig-\$1,186.40; Brenda Landaverde-\$1,048.00; Samantha Mitchell-\$1,061.10; 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-\$2,084.00; Tammy Dunn Peterson-\$1,206.20; Shaun Bird-\$1,771.50; Sergio Castillo-\$2,872.07; Timothy Decker-\$2,387.41; Brian Ellinger-\$2,264.00; Penny Epting-\$2,286.38; Brian Fernau-\$2,249.95; Tyler Fulkerth-\$2,719.37; Brent Gilster-\$2,241.99; Martin Guerrero-\$2,170.54; Richard Hansen-\$2,209.46; Melvin Harrison III-\$2,436.97; Jason James-\$2,129.60; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$481.85; Jared Junge-\$2,222.40; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,382.42; Mardi Schnee-\$1,088.80; Ryne Sell-\$268.19; Shantel Krull-\$960.00; Katie Lehmann-\$1,394.45; Deidra Mossberg-\$401.25; Debra Schmiedt-\$3,295.38; Kimberly Watson-\$3,624.77; Melinda Wicks-\$2,500.00; Jacob Acero-\$1,686.81; Angelica Antonio-\$1,679.92; Zachery Bickett-\$1,552.35; Rebecca Broer-\$1,697.75; Kacie Brown-\$1,778.02; Ricardo Chavez-\$1,545.34; Alexander DeLeon-\$1,554.84; Elisabet DeRoin-\$1,662.24; Jesse Doelle-\$1,573.18; Jon Enstrom-\$1,533.84; Robert Foster-\$1,545.34; Jonathan Gray-\$1,698.48; Kara Groetken-\$1,716.23; Todd Hammer-\$2,236.29; Adam Hough-\$1,765.10; Brenda Irwin-\$1,682.37; Hunter Jones-\$1,746.81; Skyler Miner-\$1,700.92; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,747.08; Kimberly Peterson-\$1,664.04; Jorge Reyes-\$1,489.10; Michele Rohde-\$1,362.40; Rebecca Schoep-\$1,467.73; Jennifer Svendsen-\$1,921.35; Taylor Tadlock-\$1,651.44; Danielle Thibodeau-\$1,659.84; Estrella Vazquez-\$387.08; Anthony Von Haden-\$1,364.55; 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-\$491.50; Theresa Grove-\$1,948.80; Melissa Hans-\$459.00; Mohamud Ibrahim-\$236.13; Natasha Ritchison-\$4,080.00; Kristin Robinette-\$423.00; Yesica Saldana Cisneros-\$1,470.01; Jacqueline Traum-\$1,320.00; Willard Johnston-\$2,016.66; **General Fund Employee**: Federal Tax-\$11,760.90; State Tax-\$5,625.07; Soc Sec-\$9,329.53; Medicare-\$2,181.94; Extra Fit-\$891.00; Extra Sit-\$140.00; Retirement-\$7,295.77; Makeup Retirement-\$0.00; Health Plan-\$2,350.00; Dental Plan-\$504.00; Colonial Health-\$244.24; Sheriff Union Dues-\$420.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$520.00; Garnishments-\$975.22; Flex Plan Medical-\$1,012.50; Flex Plan Dependent Care-\$208.33; VSP Vision Prem-\$417.91; Legal Shield-\$99.16; Liberty Nat'l Pretax-\$88.37; Liberty Nat'l-\$0.00; VSP Vision Base-\$77.70; **Road Fund Employer**: Gross Salaries-\$18,995.44; Net Pay-\$13,488.18; Retirement-\$1,282.23; Total FICA-\$1,427.14; Health Plan-\$4,917.00; Dental Plan-\$162.25; Life Insurance-\$26.27; Brent Byroad-\$1,659.20; Kevin Chambers-\$1,567.20; Ryan Chambers-\$1,802.32; Robert Hacker-\$1,816.08; Lance Jacobsen-\$1,555.20; Fred Kellogg-\$2,067.81; David Kneifl-\$1,772.93; Kimon

Litras-\$1,872.67; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,515.20; Matthew Roost-\$1,787.63; **Road Fund Employee:** Federal Tax-\$1,555.69; State Tax-\$707.69; FICA-\$1,156.63; Medicare-\$270.51; Extra Fit-\$150.00; Retirement-\$854.76; Health Plan-\$200.00; Dental Plan-\$63.00; Colonial Health-\$65.66; Garnishments-\$208.62; Road Union Dues-\$175.00; Legal Shield-\$46.29; Liberty National PreTax-\$6.50; VSP Vision Base-\$46.91; **Health Planning Grant Employer:** Gross Salaries-\$1,515.25; Net Pay-\$1,159.63; Retirement-\$102.28; Total FICA-\$113.15; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,515.25; **Health Planning Grant Employee:** Federal Tax-\$77.84; State Tax-\$38.31; FICA-\$91.70; Medicare-\$21.45; Extra Sit-\$5.00; Retirement-\$68.19; 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;

Chair Gill opened the Public Hearing at 3:12 p.m to give citizens the opportunity to offer their support, opposition or neutral comments regarding the proposal to amend Zoning Regulation Section 202. Definitions to add the definition of Consanguinity. There were no comments made and Chair Gill closed the public hearing at 3:14 p.m.

Chair Gill opened the Public Hearing at 3:14 p.m to give citizens the opportunity to offer their support, opposition or neutral comments regarding the proposal to amend Zoning Ordinance Section 640.5 Recreational Vehicle Parks – Occupancy. There were no comments made and Chair Gill closed the public hearing at 3:16 p.m.

Commissioner Gill moved, seconded by Commissioner Love, to approve the proposal to amend Zoning Regulation Section 202. Definitions to add the definition of Consanguinity. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Revision of Section 202. Definitions

Consanguinity: Relationship by Descent from a common ancestor; close relationship or connection.

Commissioner Giese moved, seconded by Commissioner Love to approve the proposal to amend Zoning Ordinance Section 640.5 Recreational Vehicle Parks – Occupancy. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Revision of Section 640.5 Recreational Vehicle Parks - Occupancy

Occupancy of each site is limited to one (1) recreational vehicle, two (2) automobiles or truck, and one (1) miscellaneous recreational vehicle including but not limited to boats and all-terrain vehicles, accommodating one camping party. Recreational vehicle parks shall be allowed to operate from April through October in a calendar year, being closed for the remainder of the year. Private recreational vehicle parks may establish their own times of operation, but they must fall between the months of April through October each year. 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 and all vehicles must be licensed and road worthy.

Tent camping shall be allowed in recreational vehicle parks. No more than two (2) tents shall be allowed on each lot. Tent camping shall be allowed under the same date guidelines stated above for recreational vehicles.

Portable storage sheds are permitted in recreational vehicle parks. All sheds shall be constructed of wood products, painted and have asphalt shingled roofs. Sheds shall not exceed one hundred twenty (120) total square feet. Sheds must be portable. ~~and removed under the same guidelines for removal as recreational vehicles.~~

Jeremy Stewart, 2680 Blyburg Road, rural Homer, expressed his concerns regarding the roads stating he feels they are unsafe and there are culverts that need replaced or repaired. Informed that the Homer school bus will not pick up or drop off at his place if the road is bad and that isn't acceptable.

Dale Barclay, 2524 Blyburg Road, rural Homer, stated the grader on his road only grades a mile then sits, drives 3 miles, grades a mile then sits and wonders why he doesn't grade the entire road. Stated there are culverts that are washed out and too small and the drainage ditch is silted in and needs cleaned out.

Scott Skow, 2045 M Avenue, rural Hubbard, stated cemetery hill (M Avenue) is really bad with washboards and believes an accident is inevitable. Would like paving to be looked at again.

Chair Gill and Commissioner Love informed the concerned residents that a road tour is being scheduled and all the concerns would be addressed.

Commissioner Love moved, seconded by Commissioner Giese to approve Resolution 21C-007 Signing of Project Program Agreement BL2113 with the Nebraska Department of Transportation regarding the County Bridge Match

Program STWD-CBMP(5) Omaha Creek South on 265th Street Bridge No. C002213410P project. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Fred Kellogg, Highway Superintendent, presented the road report for February 21 – March 6, 2021. Total road maintenance- 364 hours; overtime- 78 hours; garbage pick up – 4 hours, snow removal- 121.5 hours; gravel hauling – 156 hours. Tons of gravel hauled – 2436.05, sign repair – 2 hours. Road Concerns: S Bluff Rd, Millis Beach, Blyburg.

Sheriff Kleinberg presented the Jail Report for the month of February, 2021.

January (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
77	23		100
		0.36	

2021 Calendar (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
76	25		101
		0.16	

2020-2021 Fiscal (Average per day):

County Inmates	Federal Inmates	Juveniles	Total-In-House
69	32		101
		0.06	

Federal Income

February Marshal	\$43,193.12	Fiscal Marshals:	\$514,611.19
February ICE:	.00	Fiscal ICE:	8,261.83
February OMMS/SDMS:	.00	Fiscal BIA/OMMS:	455.00
February Federal:	\$ 43,193.12	Fiscal Federal:	\$523,328.02

2021 Calendar Federal: \$98,375.36

February County Contracts: \$0.00 2019-20 Fiscal County Contracts: \$4,038.00

December Phone/Commissary Commission: \$10,058.55

Cost Per Inmate Per Day 2020:

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
61.18	65.80										

The jail spent \$185,633.44 for the month of February—64% of yearly budget or 3% under fiscal year budget. In February 2020, the jail had spent 70% of yearly budget. The Jail spent \$31,665.06 less than was allotted for February 2021 budget or 14.5% under budget for the month.

January Bookings:

DCSO:	41	DAKOTA COUNTY:	30
SSCPD:	22	OTHER NE:	16
NSP:	3	SIOUX CITY:	19
COURT/SELF:	6	OTHER IA:	4
FED:	2	OTHER STATES:	6
OTHER:	1	HOMELESS:	0
TOTAL:	75	TOTAL:	75

Sergeant Todd Hammer, notified the Board of Commissioners that the Sheriff's Deputies Fraternal Order of Police, Dakota County Lodge #49 is ready to open negotiations on their Master Agreement union contract and will coordinate a date sometime in April.

Kevin Hansen, Building and Grounds Supervisor requested the purchase of a used Genie lift and a list of projects it would be used for. Commissioner Love moved, seconded by Commissioner Gill to approve the purchase of the Genie lift after Commissioner Launsby and Kevin Hansen do an inspection of it and believe it is a good investment. ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

Road Tour is set for March 22, 2021, leaving the courthouse at 10:00 a.m. Diana Hauck – Bus driver for Homer School District, volunteered to drive a bus for the tour.

Commissioner Gill moved, seconded by Commissioner Launsby, to approve the contract terms with Verizon Connect for installation of GPS tracking program on road department fleet vehicles at \$376.95/month. [Jolene Gubbles designated as the on-line coordinator.] ROLL CALL VOTE: Love- No, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Launsby to approve the Contract for Dakota County, South Sioux City West, Bridge #C002210810P (Jackson High Bridge) Project—Nelson & Rock Contracting \$243,123.05. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gill moved, seconded by Commissioner Love to approve the signing of the Midlands Choice Agreements: (1) Group Agreement (2) Addendum to the Midlands Choice Group Agreement; (3) Premier Payer to Amendment to Midlands Choice Group Agreement; (4) Network Access Fee – Appendix A; (5) Business Associate Agreement; (6) Business Associate Agreement Mid-American Benefits, LLC and Dakota County and (7) Designated

Privacy Personnel Certificate of Authority & Notice of Confidentiality. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: None. Mail: The Board acknowledged the Nebraska Public Employees Local 251 is requesting the Board to set a date and time to open contract negotiations with the Road Department Local 251 union. No emergency business.

Chair Gill adjourned the Board of Commissioners meeting of March 8, 2021, at 4:10 p.m.

Dakota County Board of Commissioners

Janet Gill, Chair

Date signed

Cherie Conley, Deputy County Clerk/Secretary Date