

Dakota County Board of Commissioners
Monday, June 1, 2021
3:00 p.m. - Regular Business Meeting
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

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

The agenda for the meeting 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 meeting minutes – May 17, 2021
- b. Approval of payroll claims for May 16 - 29, 2021
- c. Approval of accounts payable claims – Dawson County (time clocks)
- d. Approval of Treasurer to release and surrender pledge security receipt #6983 with Union Bank & Trust

4. NEW BUSINESS & RESOLUTIONS

- a. Jerad Reimers, District Coordinator | Communications Assistant, bringing updates from House Representative Adrian Smith's office. [Conference Call]
- b. Dakota-Thurston County Fair board members requesting approval for a Special Designated Liquor (SDL) license during the County Fair scheduled for August 5 to 8, 2021, at the following events: Tractor Pull, ATV Rodeo, Ranch Rodeo, Comedian Show, Mud Volleyball and Extreme Bull Riding.
- c. Dakota-Thurston County Fair board members requesting approval to close a portion of Stable Drive for safety reasons starting Wednesday, August 4 and ending Sunday, August 8 and permission to use the Road Closed signs from the Road Department if available.

5. MISCELLANEOUS & OLD BUSINESS

- a. Dakota County Road Report for May 17 to 27, 2021
- b. Discussion and approval of county policy regarding the mowing of the county right-of-way. §39-1811
- c. Discussion and approval of changing the Road Director position from one position to two positions: (1) Road Foreman and (2) Administrative Assistant/Highway Superintendent(paperwork only) vs. Road Department Director (Highway Superintendent/Road Foreman).
- d. Approval of appointing a full time Highway Superintendent/Administrative Assistant or an interim Dakota County Highway Superintendent due to the retirement of Fred Kellogg (License Number S-1475, Class A) §39-2302 and §39-2501 to 39-2505
 - ❖ Jolene Gubbels – Hwy Supt License Number S-1698 / Class B
- e. Janet Gill, Board Chair, to correct appointment of board members serving on the Dakota County Board of Health per §71-1630(1).
- f. Approval of Dakota County Handbook and Resolution 21C-017 Joint Resolution and Agreement adopting a joint employee handbook that provides employment practices and policies to all offices and departments.

6. COMMISSIONER COMMITTEE REPORTS

7. MAIL AND/OR EMERGENCY BUSINESS

- a. South Sioux City Planning Commission Notice of Public Hearing to make Amendment to the General Redevelopment Plan for the Northeast Redevelopment Area

8. ADJOURNMENT

Jerad Reimers, representative in the 3rd district for the office of Congressman Adrian Smith attended the meeting via telephone conference call. Mr. Reimers stated his office in Grand Island handles case work for Representative Smith. Any resident needing help with a broad range of federal issues such as a letter of support for a grant or a passport expedited should feel free to contact the Congressman. Mr. Reimers stated Representative Smith sits on the Ways & Means Committee with a primary voice regarding taxes, trade policy, supporting resolutions supporting farmers,

producers, and packers. He co-chairs and is an advocate for the ethanol industry—one of the greatest exports of Nebraska outside of livestock. Mr. Reimers stated that Representative Smith is one of the co-sponsors of legislation opposing the 30x30 program proposed by President Biden. Commissioner Giese asked Mr. Reimers to explain Congressman Smith's position on the 1/6 Commission vote and he replied Congressmen Smith felt the Commission had the potential to be used as a political weapon for election purposes versus viewing the facts and that a select committee option would be much more efficient and accomplish the same goals. No other questions were asked.

No action was taken to remove the tabled item from the agenda regarding the wind energy moratorium—a public hearing will be held at the June 14th meeting regarding wind energy regulation changes.

Chair Gill called for Public Comment about any item not on the agenda. Arlan Kuehn, South Sioux City, stated he was concerned with what he is hearing regarding the Sheriff's Department. He stated he was a member of area businessmen who helped build the jail when everyone said it could not be done. He feels the Department has low pay and is losing employees and the Board does not need someone in Lincoln telling us how to run the county. The Board needs to think what would happen if the Sheriff would quit or move staff back to the LEC or turn the Jail back to the board and lose the income from housing federal prisoners. Dakota County is a great place to live and the deputies do a great job. Mr. Kuehn stated we need to spend the extra government money wisely. Mr. Kuehn stated he serves on the Merit Commission that is now trying to hire people and now Sioux City is building a new jail and will be hiring more people also. He stated he is not mad, just very concerned.

Marci Broyhill, Dakota City, stated she supports Congressman Smith and Governor Ricketts opposition of the 30x30 program and shared that the Governor's website can give you more information and the schedule of his town hall meetings.

Chair Gill moved to the consent agenda. Dawn Bousquet, Treasurer, stated the extra pledge is no longer needed. Chair Gill stated the accounts payable claim is for time clocks being purchased from Dawson County and that payroll included the two wages increases from the County Attorney's Office and she would like to see those postponed until the board hears back on research and asked for discussion. There was none. Chair Gill moved, seconded by Commissioner Giese, to approve the consent agenda items except for the two wage increases requested by the County Attorney's Office as we have not heard back on the research being done. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Accounts Payable: Dawson County Treasurer, time clocks - \$2000.00;

Payroll: General Fund Employer: Gross Salaries-\$155,943.28; Net Pay-\$110,464.64; Total Retirement-\$10,897.69; Total FICA-\$11,515.01; Health Plan-\$34,866.00; Dental Plan-\$1,150.50; Life Insurance-\$201.21; 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-\$1,032.81; Stephanie Gatzemeyer-\$1,626.77; Jalissa Hattig-\$1,186.40; Brenda Landaverde-\$1,062.74; Samantha Mitchell-\$1,077.48; 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-\$2,075.80; Tammy Dunn Peterson-\$1,184.00; Shaun Bird-\$1,729.60; Russell Briggs-\$0.00; Sergio Castillo-\$2,891.93; Timothy Decker-\$2,991.67; Brian Ellinger-\$2,264.00; Penny Epting-\$2,224.22; Brian Fernau-\$2,183.78; Tyler Fulkerth-\$2,120.95; Brent Gilster-\$2,221.91; Martin Guerrero-\$2,355.85; Richard Hansen-\$2,102.98; Melvin Harrison III-\$2,298.81; Jason James-\$2,169.53; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$654.22; Jared Junge-\$2,597.43; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,207.44; Mardi Schnee-\$1,088.80; Shantel Krull-\$960.00; Katie Lehmann-\$1,332.00; Debra Schmiedt-\$3,295.38; Kimberly Watson-\$3,624.77; Melinda Wicks-\$2,500.00; Emma Wiebelhaus-\$960.00; Jacob Acero-\$1,686.60; Angelica Antonio-\$1,554.59; Shaelee Barreras-\$59.51; Zachery Bickett-\$1,639.92; Rebecca Broer-\$1,697.75; Kacie Brown-\$1,778.02; Ricardo Chavez-\$1,358.28; Alexander DeLeon-\$1,719.48; Elisabet DeRoin-\$1,664.04; Jesse Doelle-\$1,578.80; Jon Enstrom-\$1,533.84; Jonathan Gray-\$1,698.48; Kimberly Greco-\$1,358.28; Sara Gritten-\$388.08; Kara Groetken-\$1,716.23; Todd Hammer-\$2,222.40; Adam Hough-\$1,770.32; Brenda Irwin-\$1,666.79; Skyler Miner-\$1,545.84; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,752.28; Kimberly Peterson-\$1,664.29; Michele Rohde-\$1,362.40; Jonathan Romo-Rodriguez-\$764.16; Rebecca Schoep-\$1,554.84; Jennifer Svendsen-\$2,401.73; Taylor Tadlock-\$1,651.44; Danielle Thibodeau-\$1,651.44; Estrella Vazquez-\$1,164.24; Randall Walsh-\$5,798.28; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,388.00; Fred Kellogg-\$312.50; Matthew Roost-\$265.30; Jana Adam-\$737.00; Yvette Aldana-\$1,472.50; Kevin Blosch-\$961.53; Theresa Grove-\$1,948.80; Kristin Robinette-\$72.00; Yesica Saldana Cisneros-\$1,430.63; Jacqueline Traum-\$1,422.00; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$11,914.10; State Tax-\$5,615.75; Soc Sec-\$9,332.42; Medicare-\$2,182.59; Extra Fit-\$846.00; Extra Sit-\$140.00; Retirement-\$7,415.93; Health Plan-\$2,800.00; Dental Plan-\$546.00; Colonial Health-\$264.48; Sheriff Union Dues-\$435.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$1,225.00; Garnishments-\$791.07; Flex Plan Medical-\$997.50; Flex Plan Dependent Care-\$208.33; VSP Vision Prem-\$475.52; Legal Shield-\$86.21; Liberty Nat'l-\$71.04; VSP Vision Base-\$77.70; **Road Fund Employer:** Gross Salaries-\$24,577.14; Net Pay-\$16,852.59; Retirement-\$1,658.99; Total FICA-\$1,852.54; Health Plan-\$4,917.00; Dental Plan-\$162.25; Life Insurance-\$26.27; Brent Byroad-\$1,665.20; Kevin Chambers-\$1,567.20; Ryan Chambers-\$1,567.21; Robert Hacker-\$1,579.20; Lance Jacobsen-\$1,555.20; Fred Kellogg-\$8,799.13; David Kneifl-\$1,567.20; Kimon Litras-\$1,615.20; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,515.20; Matthew Roost-\$1,567.20; **Road Fund Employee:** Federal Tax-\$2,707.42; State Tax-\$1,075.68; FICA-\$1,501.40; Medicare-\$351.14; Extra Fit-\$150.00; Retirement-\$1,105.93; Health Plan-\$200.00; Dental Plan-\$84.00; 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-\$1,501.00; Net Pay-\$1,149.35; Retirement-\$101.32; Total FICA-\$112.06; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,501.00; **Health Planning Grant Employee:** Federal Tax-\$76.27; State Tax-\$37.64; FICA-\$90.82; Medicare-

\$21.24; Extra Sit-\$5.00; Retirement-\$67.55; Dental Plan-\$21.00; VSP Vision-\$15.18; Legal Shield-\$16.95; **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;

Cherie Conley, Dakota-Thurston County Fair Board Member, requested approval for Special Designated Liquor licenses for Fair dates of August 5 to 8 and for the events of (1) Tractor Pull, (2) ATV Rodeo and Comedian Show, (3) Ranch Rodeo, Extreme Bull Riding and Barrel Racing, (4) Mud Volleyball. Commissioner Love moved, seconded by Chair Gill, to approve the Special Designated Liquor licenses for the Dakota County Fair Events held August 5 to 8. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Cherie Conley, Dakota-Thurston County Fair Board Member, requested approval to close a portion of Stable Drive for safety reasons starting at 1:00 p.m. on August 4th through 6:00 p.m. on August 8th and permission to use county road department signage if available. She has not heard any complaints from Stable Drive residents about the road being closed during the County Fair. Commissioner Love moved, seconded by Commissioner Albenesius, to approve the Fair Board to close a portion of Stable Drive for safety reasons for the dates of August 4 to 8 and to use county signage. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Jolene Gubbels gave the Road Report for May 16-29, 2021. Total road maintenance- 217 hours; tree/debris removal- 25.5 hours; culverts/road projects- 20 hours—Willis bridge; garbage pickup- 5.5 hr.; gravel hauling – 102 hours; tons of gravel hauled – 1507.59, weed spraying/inspections- 9 hours; sign repair – 49 hours. Requests for gravel on I Avenue, R Avenue, 185th Street.

Discussion was had regarding mowing the road right-of-way on county roads. The county is currently mowing hard surface roads (18 miles) and unpaved roads are being mowed by the landowner. Chair Gill read a portion of §39-1811 “(1) It shall be the duty of the landowners in this state to mow all weeds of all public roads and drainage ditches running along their lands at least twice each year, namely, sometime in July for the first time and sometime in September for the second time.” Chair Gill contacted several other counties who do require the landowner to mow and one county assessed \$400 per ½ mile penalty against the landowner’s annual tax statement if the county had to mow the right-of-way for the landowner. Commissioner Giese asked Jolene Gubbels if the county has had problems with landowners mowing—she said most owners comply after receiving a written letter or phone call. Notification to landowners on hard surface roads that the county will no longer be mowing the right-of-way was discussed. Fee assessment research will be done. Commissioner Love thought there would be no problems with landowners mowing the road right-of-way except for Veterans Drive. NIRMA suggested an inter-local agreement with the City of South Sioux City and he thought the cost would be \$15,000 for the season. Chair Gill moved, seconded by Commissioner Launsby, to put a notice in the Dakota County Star regarding the responsibility and enforcement of mowing per Statute 39-1811. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Discussion was had regarding changing the job description for the road department director position from one position with the duties of both highway superintendent and road foreman or splitting the job to combine the paperwork portion of the highway superintendent position with the administrative assistant position and hands-on road management highway superintendent duties with a Road Foreman position. Commissioner Giese thought two positions were a good idea. Commissioner Launsby would like to advertise one position to see what the county would get for an applicant pool. Commissioner Love thought Ms. Gubbels was very capable of doing the job. Commissioner Love moved, seconded by Chair Gill, to make 2 positions (1) Administrative Assistant/Highway Superintendent paperwork and (2) Road Foreman/Highway Superintendent road plan and road employee project supervision duties. ROLL CALL VOTE: Gill- no; Love- yes, Giese- yes, Larry- yes, Launsby- no. MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Giese, to appoint Jolene Gubbels as the full time Highway Superintendent/Administrative Assistant. (License Number S-1698 / Class B). ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- no, Gill- no. MOTION CARRIED.

Chair Gill appointed Commissioner Scott Love to serve on the Health Board and Commissioners Launsby and Giese will no longer serve.

Commissioner Launsby moved, seconded by Commissioner Giese, to approve the updated Handbook and Resolution 21C-017 adopting a joint employee handbook. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Gill- Region IV and RC&D. Giese- Health Department. Mail: Commissioner Love will attend the South Sioux City Public Hearing regarding the Amendment to the General Redevelopment Plan for the Northeast Redevelopment Area. No emergency business.

Chair Gill adjourned the Board of Commissioners meeting of June 1, 2021, at 4:32 p.m.

Dakota County Board of Commissioners

Janet Gill, Chair

Date signed

Joan Spencer, County Clerk/Secretary

Date