

Dakota County Board of Commissioners
Monday, June 28, 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 Kim Watson, County Attorney, 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. 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.
2. 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 – June 14, 2021
 - b. Approval of payroll claims for June 13 - 26, 2021
 - c. Approval of accounts payable claims if applicable
 - d. Approval of a late collection for an insufficient funds check that was written off by the Office of County Treasurer.
3. NEW BUSINESS & RESOLUTIONS
 - a. Rodney Reisdorph requesting permission to close Stable Drive during “Scene of the Crash” car show being held at the Dakota-Thurston County fairgrounds July 16th & 17th.
 - b. Approve Resolution 21C-020 to appropriate transfer of funds for the over-expended budget of Veteran’s Service Office.
 - c. Approve Resolution 21C-021 adopting the 2021 Papio-Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update.
 - d. Jolene Gubbels, Highway Superintendent, to present her findings and recommendation for the vacation of public road described as a minimum maintenance portion of approximately 1,000 feet of Lynch Avenue.
 - e. Approve Resolution 21C-022 to set date and time for public hearing to vacate or abandon a public road – Lynch Avenue portion, Jackson.
 - f. Andrew Forney, D.A. Davidson, requesting approval of Resolution 21C-023 approving, adopting, ratifying and affirming the execution of a lease-purchase agreement with NACO Leasing Corporation for acquisition of property—Sheriff law enforcement vehicles.
 - g. Approve the following Mid-American Benefits, Inc. plan documents: (1) Administrative Services Agreement (ASA) (Self-Funded); (2) COBRA Service Agreement; (3) Service Agreement between Dakota County and Hines & Associates, Inc. for utilization case management review services.
4. MISCELLANEOUS & OLD BUSINESS
 - a. Jolene Gubbels, Highway Superintendent – Road Report
 - b. Jolene Gubbels, Highway Superintendent, requesting approval of Big Iron Equipment Surplus Sale report.
 - c. Approve Chair to sign the award and conditions for the Community-based Juvenile Services Aid Program Grant 22-CB-507 from the Crime Commission for the period of July 2021 to June 2022 in the amount of \$87,115
 - d. Discussion regarding a County Policy as provided in §13-2203 Additional expenditures; governing body; powers; procedures.
 - e. Closed Session to discuss pending litigation Kimberly M. Watson, Dakota County Attorney, v. The County of Dakota(County Board of Commissioners) Case No. CI21-0195
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
7. ADJOURNMENT

Chair Gill called for Public Comment. There was none.

Chair Gill called for approval of the consent agenda: (a) approval of the previous meeting minutes of June 14, 2021; (b) approval of payroll claims for June 13-26, 2021; (c) no accounts payable; (d) approval of a late collection for an insufficient funds check that was written off by the Office of County Treasurer. Chair Gill moved, seconded by Commissioner Love, to

approve the consent agenda items. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$151,528.37; Net Pay-\$107,263.25; Total Retirement-\$10,506.65; Total FICA-\$11,175.32; Health Plan-\$36,207.00; Dental Plan-\$1,194.75; Life Insurance-\$208.86; 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-\$993.75; Stephanie Gatzemeyer-\$1,576.23; Jalissa Hattig-\$1,197.53; Brenda Landaverde-\$1,052.91; Samantha Mitchell-\$1,057.84; 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-\$1,911.90; Tammy Dunn Peterson-\$1,184.00; Shaun Bird-\$1,989.05; Russell Briggs-\$0.00; Sergio Castillo-\$2,117.60; Timothy Decker-\$2,387.41; Brian Ellinger-\$2,334.75; Penny Epting-\$2,210.40; Brian Fernau-\$2,534.55; Tyler Fulkerth-\$2,020.55; Brent Gilster-\$2,141.60; Martin Guerrero-\$2,144.07; Richard Hansen-\$2,129.60; Melvin Harrison III-\$2,215.92; Jason James-\$2,142.91; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$454.43; Jared Junge-\$2,402.97; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,173.79; 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-\$1,200.00; Jacob Acero-\$1,763.13; Shaelee Barreras-\$15.53; Zachery Bickett-\$1,729.59; Rebecca Broer-\$1,697.75; Kacie Brown-\$1,778.02; Ricardo Chavez-\$1,498.21; Lacey Clark-\$781.75; Alexander DeLeon-\$1,554.84; Elisabet DeRoin-\$1,719.15; Jesse Doelle-\$1,584.80; Jon Enstrom-\$1,533.84; Jonathan Gray-\$1,982.81; Kimberly Greco-\$1,546.47; Sara Gritten-\$1,498.21; Kara Groetken-\$1,716.23; Todd Hammer-\$2,305.74; Adam Hough-\$1,770.32; Brenda Irwin-\$1,679.74; Skyler Miner-\$1,554.84; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,762.64; Kimberly Peterson-\$1,664.04; Michele Rohde-\$1,362.40; Jonathan Romo-Rodriguez-\$1,526.47; Rebecca Schoep-\$1,551.84; Jennifer Svendsen-\$2,409.69; Taylor Tadlock-\$1,651.44; Danielle Thibodeau-\$1,651.44; Estrella Vazquez-\$1,358.28; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,763.00; Matthew Roost-\$265.30; Jana Adam-\$1,754.50; Yvette Aldana-\$1,453.50; Theresa Grove-\$1,948.80; Yesica Saldana Cisneros-\$1,408.75; Jacqueline Traum-\$1,440.00; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$11,196.56; State Tax-\$5,380.62; Soc Sec-\$9,057.08; Medicare-\$2,118.24; Extra Fit-\$846.00; Extra Sit-\$140.00; Retirement-\$7,139.20; 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-\$1,128.53; Flex Plan Medical-\$997.50; Flex Plan Dependent Care-\$208.33; VSP Vision Prem-\$475.52; Legal Shield-\$99.16; Liberty Nat'l-\$71.04; VSP Vision Base-\$82.86; **Road Fund Employer:** Gross Salaries-\$15,878.02; Net Pay-\$11,224.44; Retirement-\$1,071.80; Total FICA-\$1,189.62; Health Plan-\$4,470.00; Dental Plan-\$147.50; Life Insurance-\$24.61; Brent Byroad-\$1,765.22; Kevin Chambers-\$1,567.20; Ryan Chambers-\$1,567.20; Robert Hacker-\$1,579.20; Lance Jacobsen-\$1,555.20; 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-\$1,261.77; State Tax-\$562.64; FICA-\$964.13; Medicare-\$225.49; Extra Fit-\$150.00; Retirement-\$714.47; Health Plan-\$200.00; Dental Plan-\$63.00; Colonial Health-\$38.23; Garnishments-\$208.62; Road Union Dues-\$175.00; Legal Shield-\$36.82; Liberty National PreTax-\$6.50; VSP Vision Base-\$46.91; **Health Planning Grant Employer:** Gross Salaries-\$1,634.00; Net Pay-\$1,244.78; Retirement-\$110.30; Total FICA-\$122.23; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,634.00; **Health Planning Grant Employee:** Federal Tax-\$91.45; State Tax-\$43.88; FICA-\$99.06; Medicare-\$23.17; Extra Sit-\$5.00; Retirement-\$73.53; 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;

Rodney Reisdorph requested permission to close Stable Drive during the *Scene of the Crash* car show event at the county fairgrounds July 16th and 17th. Chair Gill moved, seconded by Commissioner Launsby, to approve closing Stable Drive during the *Scene of the Crash* car show event at the county fairgrounds July 16th and 17th. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Chair Gill moved, seconded by Commissioner Giese, to approve Resolution 21C-020 to appropriate transfer of funds for the over-expended budget of Veteran's Service Office. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-020
RESOLUTION TO APPROPRIATE TRANSFER OF FUNDS
FOR OVER-EXPENDED BUDGET

WHEREAS, the Veteran's Service Office in the General Fund will exceed its budget with the June payment of accounts payable claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the General Fund Miscellaneous budget will have un-appropriated monies left.

BE IT THEREFORE RESOLVED that the Dakota County Board of Commissioners hereby authorize the un-appropriated moneys of the Miscellaneous budget of the General Fund to be utilized for the payment of the over expended budget of the Veteran's Service Office of the General Fund and that said budget be increased by \$100.00 to \$81,558.76 for fiscal year 2020-2021.

BE IT FURTHER RESOLVED, that the Miscellaneous budget be reduced by \$100.00 to \$1,084,272.50 for fiscal year 2020-2021.

Commissioner Giese moved, seconded by Commissioner Love, to approve Resolution 21C-021 adopting the 2021 Papio-Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-021

ADOPTION OF THE 2021 PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Papio-Missouri River Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, Nebraska.

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the Papio-Missouri River Natural Resources District and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the Dakota County Board of Commissioners in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of the Dakota County Board of Commissioners does herewith adopt the 2021 Papio-Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety.

Jolene Gubbels, Highway Superintendent, presented her findings and recommendations for the vacation of public road described as a minimum maintenance portion of approximately 1,000 feet of Lynch Avenue: (1) said road is not used by the public and is of no value to the public and therefore serves no purpose to remain open; (2) county's liability will be reduced; (3) no landowners will be landlocked. Ms. Gubbels written findings were to vacate the road and relinquish the right-of-way back to adjacent landowners as long as all landowners are in agreement.

Commissioner Love moved, seconded by Commissioner Giese, to approve Resolution 21C-022 to Set Date and Time for Public Hearing to Vacate or Abandon a Public Road (Lynch Avenue between parcels 220059462 and 220059713 Davidson property). ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-022

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:

Starting at north end of Lynch Avenue going south between parcels 220059462 and 220059713 (Davidson) approximately 1,000 feet. Section 26, Township 29N, Range 7E. Dakota County, Nebraska.

WHEREAS, by action of the Dakota County Board of Commissioners on June 14, 2021, Dakota County Highway Superintendent Jolene Gubbels was directed to perform a study and report to the Board as provided by the laws of the State of Nebraska; and,

WHEREAS on June 15, 2021, Ms. Gubbels submitted a written report with the following findings and recommends to vacate the road and relinquish the right-of-way back to the adjacent landowners as long as all land owners are in agreement.

1. The portion of road that the County desires to vacate is a minimum maintenance road that ends and becomes field and pasture. Said public road is not used by the public and is of no value to the public, and it therefore serves no purpose for it to remain open to the public.
2. By vacating the aforementioned road, liability can and will be reduced for the County.
3. It does not appear that vacating said road will land lock any landowners in the section.

NOW THEREFORE, BE IT RESOLVED, by the Dakota County Board of Commissioners, that the matter of vacation or abandonment of said road shall be advertised for three consecutive weeks and set for public hearing on July 26, 2021, at 3:01 p.m. in the Dakota County Commissioners Board meeting room, Dakota City, Nebraska.

Sheriff Kleinberg requested the board approve the lease purchase of three new law enforcement vehicles ordered on state bid. Commissioner Love moved, seconded by Commissioner Giese, to approve Resolution 21C-023 approving, adopting, ratifying and affirming the execution of a lease-purchase agreement with NACO Leasing Corporation for acquisition of law enforcement vehicles (principal amount \$109,971.96). ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

THE COUNTY OF DAKOTA, NEBRASKA
RESOLUTION NO. 21C-023

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 sheriff vehicles 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: \$109,971.96
2. Interest Rate: 1.250%
3. Payment Amount: \$8,663.84
4. Term: July 14, 2021 through December 15, 2024
5. Payment Frequency: quarterly on March 15, June 15, September 15 and December 15, beginning December 15, 2021

Settlement and closing of the Lease-Purchase Agreement shall be on or about July 14, 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.

Chair Gill moved, seconded by Commissioner Love, to approve Mid-American Benefits, Inc. plan documents (1) Administrative Services Agreement (self-funded); (2) COBRA Service Agreement and (3) Service Agreements with Hines & Associates for case management review of services. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Jolene Gubbels, Highway Superintendent, presented the Road Report for June 13-26, 2021. Total road maintenance- 295 hours; overtime- 3 hours; tree/debris removal- 37.5 hours; culvert projects on Blyburg Road- 27.5 hours and Perry Avenue- 21 hours; garbage pickup- 7 hours; gravel hauling – 82 hours; tons of gravel hauled – 1388.55; weed spraying/inspections- 5 hours; sign repair/barricading – 41 hours. Road Concerns for grading and gravel: Golf Road, G Avenue, Likuwanta Drive, and Lincoln Way.

Jolene Gubbels, Highway Superintendent, presented the Big Iron Equipment Surplus Report for approval. Chair Gill moved, seconded by Commissioner Launsby, to approve the Surplus Report in the amount of \$15,657.70. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

ITEM	Purchased by:		Paid
	Name	Address	
John Deere 762A Elevating Scraper	Wesley Andersen	Kennard, NE	3,382.00
1977 Heavy Haul 40' Low Boy Flatbed Trlr	Mark Zieser	Rowley, IA	7,540.00
Fuel & Oil Liquid Containment Tanks	Kevin Heppner	Norfolk, NE	9.75
2006 Chevrolet Silverado K1500 4WD Pickup	Dennis Adams	Dannebrog, NE	2,411.95
John Deere 762 Elevating Scraper for parts	Bo Rebman	Repub City, NE	2,314.00
TOTAL			15,657.70

Commissioner Love moved, seconded by Commissioner Giese, to approve Chair to sign the awards and conditions for the Community-based Juvenile Services Aid Program Grant 22-CB-507 from the Crime Commission for July 2021 to June 2022 in the amount of \$87,115. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

The Board briefly discussed creating a policy as provided in §13-2203 for the purchase of plaques, certificates of achievement, etc. It was noted a recognition dinner was had each year with the Pop Association monies. Chair Gill will research doing a resolution for approved or not approved office expenditures using public funds.

