

Dakota County Board of Commissioners  
Tuesday, September 7, 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 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. 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 – August 23 and 30, 2021
  - b. Approval of payroll claims for July 25 – August 7, 2021
  - c. Approval of accounts payable claim/s if applicable
3. NEW BUSINESS & RESOLUTIONS
  - a. Board to approve or not approve an increase in the base restricted funds of the 2021-22 County Budget by an additional 1% of \$60,408.81 for a total increase in restricted funds in the amount of \$211,430.83.
  - b. Board to approve or disapprove Resolution 21C-040 for the adoption and appropriations of the proposed 2021-22 county budget.
  - c. **3:02 p.m.** Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the Final Tax Request at a different amount than the prior year tax request.
  - d. Board to approve or disapprove Resolution 21C-041 setting the county property Tax Request at \$6,916,680.82.
  - e. Board to approve Resolution 21C-042 for County Treasurer's Pledged Securities.
  - f. Board to approve amended Resolutions 21C-035/Ag Society and 21C-036/Historical Society to determine final allocation of levy authority per corrected change in county valuation.
4. MISCELLANEOUS & OLD BUSINESS
  - a. Jolene Gubbels, Highway Superintendent – Bi-weekly Road Report
  - b. Board to approve request for Payment #2 from Nelson & Rock for Jackson High Bridge repair in the amount of \$127,130.50.
  - c. Brian Ellinger, Deputy Sheriff, response to Resolution 21C-032 Negotiation Impasse and Implementation of Final Offer.
  - d. Board to review and certify each officer's notarized inventory statement of all county personal property in the possession of that officer as valid and file them in the County Clerk's Office. §23-347
  - e. Joan Spencer, County Clerk/Election Commissioner, requesting approval for purchase over \$5,000 for gWorks election mapping.
  - f. ARPA funds discussion regarding possible committee, projects, application and procedures.
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
7. ADJOURNMENT

Chair Gill called for Public Comment. Jean Broyhill, Dakota City, wanted to update the Board regarding her research on immigration or people coming over the southern border. Ms. Broyhill reached out to Nebraska congressmen and spoke with a Representative from Adrian Smith's office who told her the people will not be just dropped off, but their coming will be coordinated by a request from a charity or sponsor but that information is not available. He also told Ms. Broyhill that there is a request before Congress to make that information available to the state where and if a group will be re-located in Nebraska. The office of Senator Deb Fischer told Ms. Broyhill that the military is controlling what is going on with ICE people and currently Nebraska has no ICE detention centers. She did not hear from Senator Sass's office. Lance Hedquist, South Sioux City Administrator, told her that his concerns were for preparedness in the areas of finance, health, education and safety. She was told a church in Sioux City is offering to help immigrants from Afghanistan.

Chair Gill called for approval of the consent agenda: (a) approval of the previous meeting minutes of August 23 & 30, 2021; (b) approval of payroll claims for August 22 – September 4, 2021; (c) no accounts payable claims. Commissioner

Love moved, seconded by Commissioner Giese, 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-\$161,113.93; Net Pay-\$113,363.26; Total Retirement-\$11,138.19; Total FICA-\$11,909.99; 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-\$1,347.71; Dawn Bousquet-\$2,321.49; Maria Garcia-\$1,131.25; Stephanie Gatzemeyer-\$1,908.35; Jalissa Hattig-\$1,269.84; Brenda Landaverde-\$1,048.00; Samantha Mitchell-\$1,048.00; Debera Benton-\$1,431.88; 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-\$1,212.00; Kevin Hansen-\$1,911.90; Tammy Dunn Peterson-\$1,184.00; Shaun Bird-\$2,888.24; Sergio Castillo-\$2,875.94; Timothy Decker-\$4,177.81; Brian Ellinger-\$2,364.80; Penny Epting-\$3,655.68; Brian Fernau-\$2,467.03; Tyler Fulkerth-\$2,707.87; Brent Gilster-\$2,342.60; Martin Guerrero-\$2,712.37; Melvin Harrison III-\$3,018.80; Jason James-\$3,261.92; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$ 752.16; Jared Junge-\$3,352.02; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,216.80; Mardi Schnee-\$1,088.80; Ryne Sell-\$ 318.80; Shantel Krull-\$ 960.00; Debra Schmiedt-\$3,295.38; Kimberly Watson-\$3,624.77; Melinda Wicks-\$2,500.00; Emma Wiebelhaus-\$1,200.00; Jacob Acero-\$1,788.53; Rebecca Broer-\$1,779.05; Kacie Brown-\$1,856.25; Ricardo Chavez-\$1,534.80; Lacey Clark-\$1,549.80; Leonardo Davalos-\$ 221.40; Alexander DeLeon-\$1,572.48; Elisabet DeRoin-\$1,755.40; Jesse Doelle-\$1,664.00; Jonathan Gray-\$1,882.96; Kimberly Greco-\$1,549.05; Sara Gritten-\$1,528.80; Kara Groetken-\$1,785.62; Todd Hammer-\$2,296.80; Adam Hough-\$1,851.46; Brenda Irwin-\$1,804.81; Jacob McCollum-\$1,549.80; Skyler Miner-\$1,602.84; Keaton Mueller-\$ 687.50; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,833.19; Kimberly Peterson-\$1,747.20; Michele Rohde-\$1,362.40; Jonathan Romo-Rodriguez-\$1,589.20; Rebecca Schoep-\$1,592.48; Jennifer Svendsen-\$2,096.53; Taylor Tadlock-\$1,735.35; Danielle Thibodeau-\$1,734.60; Estrella Vazquez-\$1,549.80; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,575.50; Matthew Roost-\$ 265.30; Jana Adam-\$1,864.50; Yvette Aldana-\$1,531.88; Theresa Grove-\$2,269.23; Raquel Jimenez-\$1,215.00; Yesica Saldana Cisneros-\$1,400.00; Jacqueline Traum-\$1,291.50; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$12,912.33; State Tax-\$5,985.12; Soc Sec-\$9,652.54; Medicare-\$2,257.45; Extra Fit-\$ 836.00; Extra Sit-\$ 140.00; Retirement-\$7,584.97; 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 Pretax-\$ 71.04; VSP Vision Base-\$ 77.70; **Road Fund Employer:** Gross Salaries-\$16,533.60; Net Pay-\$11,493.34; Retirement-\$1,116.04; Total FICA-\$1,240.31; Health Plan-\$4,470.00; Dental Plan-\$ 147.50; Life Insurance-\$ 24.61; Brent Byroad-\$1,923.20; Kevin Chambers-\$1,613.60; Ryan Chambers-\$1,613.60; Robert Hacker-\$1,625.60; Lance Jacobsen-\$1,601.60; David Kneifl-\$1,613.60; Kimon Litras-\$1,741.60; Dean Pallas-\$1,625.60; Tyler Pallas-\$1,561.60; Matthew Roost-\$1,613.60; **Road Fund Employee:** Federal Tax-\$1,336.63; State Tax-\$ 601.96; FICA-\$1,005.23; Medicare-\$ 235.08; Extra Fit-\$ 150.00; Retirement-\$ 743.99; Health Plan-\$ 200.00; Dental Plan-\$ 63.00; Colonial Health-\$ 38.23; Garnishments-\$ 400.91; 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-\$1,520.00; Net Pay-\$1,163.03; Retirement-\$ 102.60; Total FICA-\$ 113.52; Health Plan-\$ 447.00; Dental Plan-\$ 14.75; Life Insurance-\$ 2.55; Jennifer Ankerstjerne-\$1,520.00; **Health Planning Grant Employee:** Federal Tax-\$ 78.39; State Tax-\$ 38.53; FICA-\$ 92.00; Medicare-\$ 21.52; Extra Sit-\$ 5.00; Retirement-\$ 68.40; 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.

Chair Gill noted the budget hearing was held August 30<sup>th</sup>. Chair Gill moved, seconded by Commissioner Love, to approve an increase in the base restricted funds of the 2021-22 county budget by an additional 1% (\$60,408.81) for a total increase in restricted funds in the amount of \$211,430.83. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Launsby, to approve Resolution 21C-040 for the adoption and appropriations of the proposed 2021-22 county budget. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

#### RESOLUTION 21C-040

#### ADOPTION AND APPROPRIATION OF BUDGET

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2021, to June 30, 2022, prepared by the Budget Making Authority, was transmitted to the County Board on the 23rd day of August, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Dakota County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2021, to June 30, 2022, as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the Budget for Dakota County for said fiscal year.

SECTION 2. That the offices, departments, activities and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2021, and ending June 30, 2022.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

DATED AND PASSED THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2021.

Chair Gill opened the Public Hearing at 3:11 p.m. and asked for comments from taxpayers in support, opposition, criticism or suggestions and observations relating to setting the Final Tax Request at a different amount than the prior year tax request. No comments from the public in attendance. Chair Gill closed the Public Hearing at 3:12 p.m.

Commissioner Love moved, seconded by Commissioner Giese, to approve Resolution 21C-041 setting the county property tax request at \$6,916,680.82. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-041  
SETTING THE PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the County of Dakota passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request.

NOW, THEREFORE, the Governing Body of the Dakota County, resolves that:

1. The 2020-2021 property tax request be set at \$6,916,680.82
  2. The total assessed value of property differs from last year's total assessed value by 5.38%.
  3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.347797 per \$100 of assessed value.
  4. The County of Dakota proposes to adopt a property tax request that will cause its tax rate to be \$0.348739 per \$100 of assessed value.
  5. Based on the proposed property tax request and changes in other revenue, the total operating budget of Dakota County will exceed last year's by 81.23%.
  6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2021.
- Adopted this 7<sup>th</sup> day of September, 2021.

Dawn Bousquet, Treasurer, explained the pledged security changes were due to increased funds from the property tax collection. Chair Gill moved, seconded by Commissioner Love, to approve Resolution 21C-042 for County Treasurer Pledged Securities. ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-042  
APPROVAL OF PLEDGED SECURITIES

WHEREAS, the County Treasurer may deposit in any bank, capital stock financial institution, or qualifying mutual financial institution of the county in which she is treasurer in excess of the amounts authorized in §77-2318 and guaranteed by the Federal Deposit Insurance Corporation (FDIC) plus the maximum amount of the bond given by such bank; and

WHEREAS, the following depository secures the deposits by giving security for excess funds as provided in the Public Funds Deposit Security Act as authorized in §77-2318.01:

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Dakota County, Nebraska, that BANK FIRST be permitted to Pledge the following securities, held in escrow by the Dakota County Treasurer (trustee) to secure deposits in the County in said bank, to wit:

Union Bank & Trust	Union Bank & Trust
Pledge Cusip: #194262BA8	Pledge Cusip #10620NAF5
Par Amount: \$8,600,000	Par Amount: \$6,950,000.00
Amount Pledged: \$1,500,000.00	Amount Pledged: \$5,000,000.00
Maturity: 3/1/2042	Maturity: 6/25/2042

APPROVED AND ADOPTED this 7th day of September, 2021.

Commissioner Giese moved, seconded by Commissioner Albenesius, to approve amended Resolutions 21C-035 (Dakota County Ag Society) and 21C-036 (Dakota County Historical Society) to determine final allocation of levy authority per corrected change in county valuation. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

LEVY ALLOCATION FOR MISCELLANEOUS SUBDIVISION  
RESOLUTION 21C-035

Amended

Whereas, Nebraska Revised Statute 77-3443(3) provides that miscellaneous subdivisions are subject to levy allocation by the County Board; and,

Whereas, the miscellaneous subdivisions have filed a preliminary tax request with the County Board; and,

Whereas, the County Board must determine the final allocation of levy authority for its subdivisions.

Therefore, the Dakota County Board of Commissioners hereby allocates to the miscellaneous subdivision as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Ag Society			

General	\$95,000.00	\$95,000.00	0.004790
Capital Improvement	<u>45,000.00</u>	<u>45,000.00</u>	<u>0.002269</u>
TOTAL	140,000.00	\$140,000.00	0.007059

\*Levy Allocation is the rate per \$100 valuation.

LEVY ALLOCATION FOR MISCELLANEOUS SUBDIVISION  
RESOLUTION 21C-036  
**Amended**

Whereas, Nebraska Revised Statute 77-3443(3) provides that miscellaneous subdivisions are subject to levy allocation by the County Board; and,

Whereas, the miscellaneous subdivisions have filed a preliminary tax request with the County Board; and,

Whereas, the County Board must determine the final allocation of levy authority for its subdivisions.

Therefore, the Dakota County Board of Commissioners hereby allocates to the miscellaneous subdivision as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota County Historical Society			
Total	\$36,475.20	\$36,475.20	0.001839

\*Levy Allocation is the rate per \$100 valuation.

Jolene Gubbels, Highway Superintendent, presented the Road Report for August 22 – September 4, 2021. Total road maintenance- 180 hours; tree/debris removal- 62.5 hours; Culvert Projects: O Avenue- 56.5 hours; 260<sup>th</sup> & L Ave- 17 hours; Wigle Creek Rd- 16.5 hours; garbage pickup- 3.5 hours; magnet- 2 hours; gravel hauling – 89 hours; tons of gravel hauled – 933.57; sign repair/barricading – 9 hours. Gravel concerns for 175<sup>th</sup> Street, Hamlin Avenue and Fiddler Creek Road. Ms. Gubbels stated Waterbury South (Burcham) bridge would open tomorrow and Jackson High bridge hopefully in 2 weeks. The 265<sup>th</sup> Street bridge bids will be opened at the next Commissioner meeting.

Commissioner Giese moved, seconded by Commissioner Albenesius, to approve the request for Payment #2 from Nelson & Rock for Waterbury South bridge repair project in the amount of \$127,130.50. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Lt. Brian Ellinger, Deputy Sheriff, addressed the Board in response to Resolution 21C-032 – Negotiation Impasse and Implementation of Final Offer. Lt. Ellinger handed each board member a copy of his Letter to the Editor printed in the August 19th edition of the Dakota County Star. He read a letter from the FOP: The FOP49 is advising the Dakota County Board that the Resolution passed August 9<sup>th</sup> was not appropriate and furthermore the FOP Lodge 49 does not agree to the final offer and will not sign said document. The FOP Lodge 49 is asking that the Dakota County Commissioners go back to the table and continue to negotiate. We do not believe that 3 meetings were good enough for good faith negotiations and we felt we were really close to settling. If the Dakota County Board would talk to us directly and stop taking the advice from the attorney they hired the county would be better off and save a substantial amount of money. The taxpayers of this county should know the Dakota County Board of Commissioners has paid their attorney \$32,377.16 so far. This attorney wants us to go to arbitration and that would do nothing but break the union and cost the taxpayers hundreds of thousands of dollars. The Dakota County Board of Commissioners has to understand that they are not the school board, we are not teachers and we do not all do the same job so you can't treat all county employees the same way...none of the other employees are certified law enforcement officers or certified correctional officers. We have employees staffed 24/7 and we absolutely cannot all be treated the same. It is asinine to think that would be acceptable. Federal contracts with US Marshals and Immigration Customs Enforcement brings in revenue to this County. In 2019 - \$902,517.57 cents and even when 2020 was slowed by the covid pandemic – \$699,942.50 was brought in by the federal contracts and housing inmates by other counties and other revenues brought in \$81,521.20 in 2019 and \$76,182.54 in 2020. Yet, the board chose to spend \$32,377.16 to an attorney to remove benefits from Sheriff Office employees— money spent on that attorney would have been better served if it would have gone to the deputies and correctional officers who had to work through the pandemic—face to face with citizens and inmates with no options to close the door or make appointments. I know the Dakota County Board of Commissioners probably has no idea what it takes to become a certified law enforcement officer or a certified correctional officer. It takes written testing and physical testing to even get hired has a correctional officer or deputy sheriff. Correctional Officers have 80 hours of training—both written and physical to become certified and they must complete 18 hours of continuing education to keep their certification. The deputies must meet physical requirements before they can get into the academy. The deputies then are required to complete 12-16 weeks of training in Grand Island, Nebraska, where they must live during the week and are only allowed to spend weekends at home. They are then required to complete an additional 30 hours of continuing education a year to keep their certification. We have always negotiated with the Dakota County Board in good faith; not once has the board allowed an outside counsel to come in and take over. Lodge 49 has agreed to numerous wage freezes over the years due to lack of county money. The raises have been a lot but still have not made up for those years lost. The Sheriff's Office has received at most 7.5% over the last 5 years with the jail receiving 6% or less. We have tried to give back to our county in the past and now here we are faced with a final offer. We feel completely disrespected, unappreciated and undermined by the current county board of commissioners. In the 19 years I have been back here, I have never dealt with this type of negotiations where Dakota County Board of Commissioners lets outside counsel run the show. Nebraska

Revised Statute 48-824 Labor negotiations; prohibited practices, therefore FOP Lodge 49 advises the Dakota County Commissioners that it has executed a prohibitive practice for any public employer, public employee, public employee organization, or collective-bargaining agent to refuse to negotiate in good faith with respect to mandatory topics of bargaining and refusing to negotiate collectively with representatives of collective-bargaining agents as required by the Industrial Relations Act and refusing to participate in good faith in any impasse procedure for public employees as set forth in the Industrial Relations Act. It shall also be noted that due to the fact the county board is not going to negotiate anymore that they cannot impose a 4-year contract. In accordance with the Commission of Industrial Relations, you will have to accept that we are being forced to work under your passed resolution under duress. I would like to invite each of you, with the Sheriff's permission, to do a ride-along with the deputies and spend some time with the correctional officers in the jail spending time on each shift so you can see the differences between a normal 9-5 job and what being a deputy sheriff or correctional officer entails. Come and see what a day in our boots is like—how can you possibly know without experiencing it. In closing, - an excerpt from a poem by Michael Marks that hangs on my office wall – “..and maybe just remind the few, if ill of us they speak, that we are all that stands between The Monsters And The Weak.” Respectfully, Lodge 49.

The following persons spoke regarding the Sheriff deputies union contract negotiations:

(1) Bobbie Stapleton, Dakota City. I know this sounds a bit cliché, but we own several properties and a business in Dakota County and we also pay a lot of taxes to this county. If I have an emergency and need law enforcement, I want to know that we have good, trained, reliable law enforcement such as we have. I find it ridiculous that you are spending tax dollars to hire an outside attorney to negotiate with your own Sheriff's Office. For years the commissioners have always done these negotiations and now you have hired an outside counsel to take even more benefits away from them. A Lieutenant for the South Sioux City Police Department makes \$10 more an hour than a Lieutenant for the Sheriff's Office. I have an issue with you guys trying to undercut the men and women who serve and protect this county. You keep trying to compare this Sheriff's Office with other counties in the state and it can't be done. You are comparing apples to oranges. I know Dakota County isn't a huge county, but there is a lot of ground to cover. South Sioux City is the only city that has it's own police force. Emerson has one police officer. If I have an emergency and called for assistance and one deputy was in Emerson and one deputy in Homer and I live by Jackson, that would take them at least 15-20 minutes to make it to my home and that is if they can leave the call they are on. If that was one of your loved ones, would you be okay with that? That is a lot of precious minutes that could potentially be life or death. You have to understand that the world we live in is changing. Drugs for one are a huge issue in this area and along with drug addiction comes a lot of theft. We are a tri-county area and right off a major interstate. I feel we need more deputies and we need to take care of the ones we have. If this goes to arbitration, it will cost the county hundreds of thousands of dollars and for what? Our law enforcement is dealing with enough—crimes, drugs and evil on the streets so we can sleep in peace at night. They shouldn't have to fight their own people too.

(2) Traci Ellinger, Homer. I come with a unique perspective as a wife and mother of a sheriff's office employee as well as a dispatcher at the LEC for the past 23 years. The current group of sheriff office employees we have are excellent in my opinion. As a long-time dispatcher, I've seen a lot of people come and go over the years and the things they've often left for is better pay and better benefits. I don't understand the mentality of depriving a group of hardworking men and women who work shifts around the clock no matter if it is bad weather or a holiday of the benefits and pay they deserve. None of us can really fully understand what it is like to do the jobs the deputies and jailers do. It is not very glamorous and most of us wouldn't or couldn't do it. Why not take some pride in our county sheriff's office and keep their benefits and pay competitive and keep them here. My final thought—instead of Dakota County being a stepping stone for a deputy, a jailer or county attorney's career, why not make Dakota County a place to work for the duration of their career. It has been said a bad manager can take a good staff and destroy it, causing the best employees to flee and the remainder to lose all motivation. For the sake of Dakota County, let's not let that happen here.

(3) Gayle Rohde, Hubbard. For the commissioners that are sitting here, you have been elected by the people. And, being elected by the people, you should do what is right for the people. And I feel very strongly about everything that has been said. These law enforcement officers and jailers put their lives on the line for each and everyone of us. And I think that everyone of you need to reconsider your thoughts on this. You will be doing our county a big disservice if you continue on the road you are going on right now.

(4) Margarite Cain, Homer. I am here to totally support the law enforcement and I know a lot of people don't think we are going to get more criminals or more people, but you know the border is open, the Afghans are coming—they have to go somewhere and some are going to come here and we are not going to know who they are, they don't talk, don't have English, and they don't know who they are themselves. These law enforcement officers put their lives on the line every day. I would like to ask you when you leave your house in the morning, the only time you put your life on the line is when you drive your vehicle to work or grocery store and these guys do it all the time and they deserve a lot more respect than they are getting from this latest benefit cut especially. Give more thought and respect to your employees. They truly do a great job. I know you hear complaints about them, but that's everywhere and for the most part they do a great job and deserve your respect.

(5) Arlan Kuehn, South Sioux City. I appreciate the last time I was here to discuss what was going on. We really need to think about these wages. Troy is on the board (Merit Commission) to hire jailers, Janet has been on the board, and I have



been on for several years and it's getting tougher all the time. When I first started, we were interviewing 12-14 people each time we interviewed and now we are lucky to get 3 – 5. I am concerned that as a business person, we try to get our wages up a little bit. I appreciate the board approving the addition to the jail. The other night I had an alarm go off at my business and the sheriff deputy was there to help me out. The guys do a good job and so do you (commissioners).

(6) Randall Groetken, Dakota City. I just came for moral support, but as I listened to this, a couple of things caught my attention. I know you compare everything to other sheriff departments in Nebraska. As a private employer, you have to take Sioux City as a factor—the employee base is the whole Siouland area, not just this side of the river. My other question would be why did you guys not negotiate on your own, why did you go to an outside source and why did you spend over \$30,000 dollars of mine and everybody else's tax dollars? Commissioner Launsby stated the board needed the contracts to be looked over by an attorney who specializes in union contracts. Mr. Groetken thought they could still have negotiated themselves. Commissioner Launsby thought a union rep for the deputies would have made things go smoother. Commissioner Albenesius and Gill clarified the \$30,000 was for 3 simultaneous union negotiations. Mr. Groetken asked what the plan going forward was and Commissioner Gill said the current process is complete. Mr. Groetken didn't think it was because the contract wasn't signed by both parties.

Lt. Ellinger stated the board cannot enact a 4-year contract because anything you go to arbitration for is a year at a time. So, if the board does not go back to the table, the union is possibly taking you to arbitration to get you back to the table and he felt any judge would agree with the FOP that the board did not negotiate in good faith and it will cost everyone more money. He felt we should be able to talk. Commissioner Love stated we all needed to remember that we all get paid by the same checkbook. We need to all get along and work with each other. He would be willing to try to figure this out—what is our next step. There is no reason why the public should be here, we should be able to work it out.

Sgt. Penny Epting, Emerson (Deputy Sheriff). We don't want to argue with you guys and go back and forth and have bad blood between us and any county agency. That being said, we are asking you come back and negotiate with us. We are not asking for anything outlandish, we are willing to give and take and in the past you guys have always been willing to give and take. I understand that you have obtained legal representation. I'm not saying that is not a good move because I think that is a responsible move by the Commissioners. That being said, at some point, you have to be able to reconcile the cost of that with the cost of your point. I was going to go to Omaha PD – this is just ridiculous. Commissioner Love stated that Jim Hanks, Des Moines, negotiated for the Board prior to when he became a commissioner in 2011. There were a lot of one-year contracts. This year we needed verbiage and input from an attorney. Commissioner Love stated he asked (Pigsley) what his cost would be and it was estimated at \$10,000 - \$12,000. The longer he is around, the more it is going to cost. Ms. Epting stated she realizes they are going to ask for things the board can't give; but would ask that the board make a collective decision to sit down with us again.

Chair Gill stated the board hired counsel because there were 3 contracts and we felt it would be helpful to have expertise and labor laws have changed over the years and it has been a while. She felt the deputies do a great job. The board did compare like counties in our area and Dakota County is one of the smallest valuation counties and realizes we are competing with Sioux City from a labor point of view. But, our budget is determined by our taxpayers and our valuation here is quite small. With the Jail, we did increase the hiring rate significantly. The deputies stated that we are in a metropolitan area—unlike surrounding counties. Chair Gill said the wage increase is the biggest in 5 years and comparable to other counties—too bad we don't have big pockets.

Commissioner Love stated his opinion is that we owe you (FOP) to sit down and talk with you. Commissioner Love asked Kim Watson if we can sit down after the resolution the board signed—she stated she has not been involved. Commissioner Love and Giese said, if doable, agreed things could be hashed out in one meeting.

Rick Bousquet, South Sioux City, felt the board might have been coached into doing the resolution without thinking. When you did that resolution you sent these guys a final offer and I don't think you can back out of it—pretty much set in stone. Think clearly - possibly rescind the resolution and go back into negotiations. I support these guys and want to see the safety of Dakota County continue and hate to see this a lawless community. He agrees with chair that we have to compete with Woodbury County and the county has the largest employer in the state—Tyson, and Seaboard, Heinz Foods—we're huge. As a past commissioner, he felt the board should negotiate.

Martin Hohenstein, Dakota City, stated he has served both as a law enforcement officer and as a commissioner and seen the issue from both sides. He thought everyone here would agree that the deputies deserve any kind of raise you can get because it is dangerous out there—you all (jailers too) deal with everything. But we all have to share a piece of the pie with everybody. He thanked Sgt. Epting for saying the board was responsible in hiring counsel. We are a small county and everything is based on the valuation of the county and how many tax dollars you get. You guys bring in 7 – 8 – 900,000/year because of the jail. Okay, Victims Assistance—say your wife or daughter is assaulted and you have to take her to Victims Assistance. That Victims Assistance lady, she doesn't have an opportunity to go out and make more money—she can't said I need a raise because all these people bring money to me because I'm doing my job. If a tornado comes through, it's the same way with Emergency Management—they can't say. Well, I go out and manage tornadoes in other counties and we get more money coming in because of that. You are in one of the few situations where you can bring money into the county. You guys deserve everything you can get....open your eyes...all sides deserve respect.

The average person at Hy-Vee probably doesn't want to give another \$100 out of their pocket to give a raise to the deputies and there is only so much money. He hopes everything works out and you guys do a great job.

Commissioner Love felt the whole board should negotiate.

Jacob Acero, Sioux City (Jailer). You guys hired an attorney, but the bottom line you voted to take benefits away from our Jail staff that cost this county zero dollars. So to say that this board would not do things to just do it is mind baffling, but I think that Brian and everyone else said that if we sat down and talked person to person, we could hash this out, because like Brian stated we felt dis-respected and undermined and you guys did something just because you could—you took benefits away from people that cost zero dollars for no reason whatsoever. We took 0% pay raises year after year after year. The lieutenant in the city makes \$10 more per hour than our guy does. And I get that, the budgets are different, and it's just common sense. Someone across the river in the tri-state area makes \$15.00 more per hour than I do and I'm not asking for a \$15.00 per hour raise—we are not being outlandish. Our jail staff asked to keep the benefits we already had, again, costing zero dollars, and you still decided to do away with them for no reason. So, I am thinking there was something underlying there, but I think we can come together and make a deal and a contract work that's beneficial to everybody because we've always been able to.

Commissioner Albenesius asked when the jail started making money. Discussion was had regarding how much money the county was spending (outboarding) and why a new jail was built with ½ cent sales tax bond. Commissioner Love stated federal money went from 7 figures to low 6 figures and then Sheriff took the jail back. Commissioner Albenesius was concerned about a contract with the federal government—authority to sign, inflated price from Phase 1. Chair Gill said cost for Phase 2 will be reviewed again next month (Architect cost estimate).

Chair Gill moved, seconded by Commissioner Giese, to approve each officer's inventory statement of all county personal property as of June 30<sup>th</sup> and to file them in the Office of County Clerk. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Launsby, to approve the purchase of gWorks for election/voter registration electronic mapping. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

American Rescue Plan Act (ARPA) fund plans was discussed. Commissioner Giese talked with Candace Meredith, NACO, for uses of funds received by the county—broadband, EPA approved box culverts, grant assistance to private businesses and Health Departments. Commissioner Giese has invited Jon Cannon, NACO Director, to present ARPA information at the board's October 4<sup>th</sup> meeting. The board supported a committee being formed—a representative from each village, the chamber, rural residents. Commissioner's Giese and Love expressed interest to be on the committee.

Commissioner Committee Reports: Albenesius- SIMPCO; No mail or emergency business.

Chair Gill adjourned the Board of Commissioners meeting of September 7, 2021, at 4:23 p.m.

Dakota County Board of Commissioners

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Janet Gill, Chair

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Date signed

\_\_\_\_\_  
Joan Spencer, County Clerk/Secretary

\_\_\_\_\_  
Date