

Dakota County Board of Commissioners  
Monday, October 18, 2021  
3:00 p.m. - Regular Business Meeting  
County Board Meeting Room, First Floor  
Dakota County Courthouse, Dakota City, Nebraska

Vice-Chair Giese called the meeting to order at 3:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Love, Giese, Albenesius, Launsby. Absent: Gill. 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 – October 4, 2021
  - b. Approval of payroll claims for October 3 - 16, 2021
  - c. Approval of accounts payable claims
  - d. Approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court
3. NEW BUSINESS & RESOLUTIONS
  - a. 3:01 p.m. Public Hearing for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding an amendment to the Dakota County Planning & Zoning regulations to include Section 900.4 Solar Conversion Systems.
  - b. 3:02 p.m. Public Hearing for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding a change in zoning from AG to Business at the proposed location of 645A & 645B Hwy 35, S12-T28N-R8E, Dakota City, Nebraska.
  - c. 3:03 p.m. Public Hearing for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding an amendment to the Dakota County Planning & Zoning regulations to revise Section 509 Enforcement to impose fines for building without a building permit.
  - d. Board to approve or not approve amending the Zoning Regulations to include Section 900.4 Solar Conversion Systems.
  - e. Board to approve or not approve the request to rezone the location of 645A & 645B Hwy 35, Dakota City, from AG to Business.
  - f. Board to approve or not approve revising zoning regulation Section 509 Enforcement to include imposing a fine for building without a building permit.
  - g. Jolene Gubbels, Highway Superintendent to present and submit written road study for the vacation or abandonment of road: Platted as an alley on Block 3, Crystal Beach, between Lots 1-9 on the north and Lots 10-18 on the south, excepting portion of Eagle Drive, Dakota City, Nebraska. S6, T28N, R9E.
  - h. Approve Resolution 21C-045 to Set Date and Time for Public Hearing to Vacate or Abandon Road: Platted as an alley on Block 3, Crystal Beach, between Lots 1-9 on the north and Lots 10-18 on the south, excepting portion of Eagle Drive, Dakota City, Nebraska. S6, T28N, R9E.
4. MISCELLANEOUS & OLD BUSINESS
  - a. Jolene Gubbels, Highway Superintendent – Bi-weekly Road Report
  - b. Board to approve Chair to sign the Notice of Award to Norfolk Contracting for the Homer South (265<sup>th</sup>) Bridge #C002213410P Replacement Project (bid- \$549,639.00)
  - c. Sheriff Kleinberg – Monthly Jail Report
  - d. Sheriff Kleinberg, requesting Board approval of Geotechnical Engineer's proposal to perform soil borings for the Jail Phase 2 project site.
  - e. Dawn Bousquet, Treasurer, requesting approval for investment of funds.
  - f. Board to appoint members to a committee for the purpose of reviewing American Rescue Plan Act (ARPA) funds application requests; determining eligible uses and make a recommendation to the Board of Commissioners for final approval.
  - g. Board to approve the formation of a committee for the purpose of discussion and input regarding health and dental insurance benefits for county employees.
  - h. Approve Board Chair to sign the Certification Statement for the Cost Allocation Plan computing indirect cost reimbursement for the Clerk of District Court Child Support function.

- i. Board to designate Deanna Hagberg to participate on the steering committee to help with the Missouri River Northeast Community Wildfire Protection Plan (CWPP) plan updating to ensure that pertinent changes are included in the plan and that local issues remain front and center.
  - j. Board to approve Chair to sign Payer Access Agreement between OptumHealth Care Solutions, LLC and Dakota County, NE, pursuant to the Distributor Agreement with Hines & Associates for scheduled services and fees to facilitate health care benefits.
  - k. Board to appoint voting delegate and alternate for election of officers at the NACO Annual meeting on December 10, 2021.
  - l. County Board shall make quarterly visit to county jail. §47-109
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
- Gordon Hansen, Waterbury
  - Tri-State Legislative Forum invite held December 3rd

#### ADJOURNMENT

Vice-Chair Giese moved, seconded by Commissioner Albenesius, to excuse Chair Gill from today's meeting. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

Vice-Chair Giese called for Public Comment. Sheriff Kleinberg addressed comments to Commissioners Albenesius, Launsby and Gill regarding the status of the Phase 2 Jail construction project. For 10 years, the Sheriff has been part of many dire budget related issues requiring elected officials to cut, save, and struggle to pay the help. We watched our taxes increase with minimal relief. The Board signed two contracts six weeks ago with the federal government for housing inmates and with an architect for design and since then no action has been taken to move forward. The citizens of Dakota County need to have an explanation why. It was his opinion it could only be a combination of these three things— incompetence, ignorance or vengeance. The project will bring revenue to the county and in the past the County has struggled to make payroll and this is an unfortunate fact the board does not seem to take seriously. Employees have sacrificed raises over the past 10 years to make sure we stayed solvent. County officials and staff have done whatever they could do to bring in revenue. In the case of the Sheriff's Office, we have taken on the added responsibility of housing federal inmates and other agencies. Housing federal inmates is not without risk to jail employees, but one they have been willing to take because of additional revenue. The professionalism shown by the jail staff has earned them distinction with the federal marshals and no other agency has been offered a deal like this one. This contract pays for the county jail without one penny coming out of the county coffers and promising a revenue stream we can enjoy in this county for the next 10 years. The project is ready to go, the plans in place and when a vote came to hire a construction management company designed to keep the project moving forward (it failed). Sheriff explained that an inmate dug his way out of deadlock because sheetrock was used by the previous general contractor not familiar with how to build a jail. The general contractor hired for Phase 1 cut corners and he would like to see a construction manager hired for Phase 2. Sheriff stated he worked hard to bring this project together and wondered if the vote to not hire the construction manager was aimed at him—he stated this project will bring him extra work but he feels it is in the best interest of the County and its citizens to move forward with the agreements already signed. If the Board backs out of the contracts at a cost to the county, they should resign. Sheriff presents a monthly jail report to the Board each month and asked if they knew how much revenue is generated each month. Sheriff Kleinberg stated the revenue from housing feds is \$50,000 to \$60,000 per month and \$700,000 yearly not counting revenue from commissary and transports. Sheriff stated once the jail is built the revenue generated would be \$400,000 to \$500,000 per month. Sheriff Kleinberg stated he just doesn't understand the Board's hesitation to move forward with hiring a construction manager after signing the contracts with this step built in. He felt the project is now 2 months behind and asked the board members to resign.

Chief Deputy Sheriff Tim Decker also spoke in public comment. He gave the Board projected revenue statistics possible with the federal marshal contract. Chief Decker stated the part of the contract for 30-months filling 85 beds at \$150 per inmate would generate the \$10 to \$11.4 million to pay for the construction of the jail. The money guaranteed after the jail is built could generate \$24.8 million over a 10-year period. The current contract is with the Iowa marshals, but the Sheriff has had interest expressed from both the Sioux Falls and Omaha federal marshal offices to house at Dakota County also which could generate another \$6 million. The county's location is an asset. The jail commissary generates \$3500 per month pure profit/\$168,000 per year. There is a lot of money that needs consideration. Resident's taxes could go down—be the hero.

Vice-Chair Giese called for approval of the consent agenda: (a) approval of the previous meeting minutes of October 4, 2021; (b) approval of payroll claims for October 3-16, 2021; (c) accounts payable claims (d) approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court. Commissioner Love moved, seconded by Commissioner Launsby, to approve the consent agenda items. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent, Love- yes. UNANIMOUS MOTION CARRIED.

**Payroll: General Fund Employer:** Gross Salaries-\$158,861.50; Net Pay-\$112,152.45; Total Retirement-\$10,966.34; Total FICA-\$11,706.92; Health Plan-\$34,866.00; Dental Plan-\$1,150.50; Life Insurance-\$200.32; 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-\$1,641.60; Leticia Vargas-\$1,380.84; Joan Spencer-\$2,321.49; Kathy Abbe-\$1,335.21; Dawn Bousquet-\$2,321.49; Maria

Garcia-\$1,117.10; Stephanie Gatzemeyer-\$1,625.50; Jalissa Hattig-\$1,323.20; Brenda Landaverde-\$1,268.96; Samantha Mitchell-\$1,237.60; Debera Benton-\$1,320.00; Christy Abts-\$2,321.49; Melissa Collins-\$1,200.00; Courtney Lane-\$1,222.50; Joseph O'Neil-\$285.26; Karen Jimenez-\$1,539.20; Katherine Wiltgen-\$2,321.49; Louvontree Hunter-\$2,850.36; Debra Jensen-\$2,325.81; Casandra Pedroza-\$1,212.00; Kevin Hansen-\$2,092.50; Tammy Dune Peterson-\$1,255.21; Shaun Bird-\$1,853.80; Sergio Castillo-\$2,180.80; Timothy Decker-\$2,482.82; Brian Ellinger-\$2,394.36; Penny Epting-\$2,363.34; Brian Fernau-\$2,248.95; Tyler Fulkerth-\$2,068.00; Brent Gilster-\$3,031.60; Martin Guerrero-\$2,180.80; Melvin Harrison III-\$2,347.64; Jason James-\$2,192.80; Douglas Johnson-\$2,412.78; Jared Junge-\$2,296.80; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,272.22; Mardi Schnee-\$1,121.60; Shantel Krull-\$965.63; Debra Schmiedt-\$3,442.25; Kimberly Watson-\$3,624.77; Melinda Wicks-\$2,587.00; Emma Wiebelhaus-\$1,236.00; Jacob Acero-\$1,802.66; Rebecca Broer-\$2,475.20; Kacie Brown-\$1,906.38; Ricardo Chavez-\$1,528.80; Lacey Clark-\$1,549.80; Leonardo Davalos-\$544.28; Alexander DeLeon-\$1,600.56; Elisabet DeRoin-\$1,871.68; Jesse Doelle-\$1,664.00; Lynn Fleming-\$1,565.20; Jonathan Gray-\$1,844.06; Sara Gritten-\$1,528.80; Kara Groetken-\$1,780.26; Todd Hammer-\$2,325.51; Adam Hough-\$1,900.23; Brenda Irwin-\$1,872.91; Jose Magana-\$1,586.70; Jacob McCollum-\$1,549.80; Skyler Miner-\$1,841.02; Keaton Mueller-\$548.50; Mark Nelson-\$1,907.00; Gregory Nyhof-\$1,881.63; Zoey Olson-\$1,586.70; Kimberly Peterson-\$1,788.80; Michele Rohde-\$1,460.55; Jonathan Romo-Rodriguez-\$1,549.80; Rebecca Schoep-\$1,593.48; Jennifer Svendsen-\$2,477.15; Taylor Tadlock-\$743.40; Danielle Thibodeau-\$1,765.58; Estrella Vazquez-\$1,544.55; Randall Walsh-\$2,412.84; Deanna Hagberg-\$2,020.14; Jolene Gubbels-\$1,653.10; Matthew Roost-\$273.26; Jana Adam-\$1,812.80; Yvette Aldana-\$1,506.89; Theresa Grove-\$2,269.23; Mohamud Ibrahim-\$85.86; Raquel Jimenez-\$1,507.50; Yesica Saldana Cisneros-\$1,449.86; Jacqueline Traum-\$1,330.25; Willard Johnston-\$2,084.86; **General Fund Employee:** Federal Tax-\$11,736.59; State Tax-\$5,743.07; Soc Sec-\$9,487.95; Medicare-\$2,218.97; Extra Fit-\$836.00; Extra Sit-\$140.00; Retirement-\$7,442.91; Health Plan-\$3,200.00; Dental Plan-\$567.00; Colonial Health-\$264.48; Sheriff Union Dues-\$435.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$1,225.00; Garnishments-\$1,444.01; Flex Plan Medical-\$997.50; Flex Plan Dependent Care-\$208.33; VSP Vision Prem-\$455.01; Legal Shield-\$99.19; Liberty Nat'l Pretax-\$71.06; VSP Vision Base-\$82.98; **Road Fund Employer:** Gross Salaries-\$17,910.20; Net Pay-\$12,268.12; Retirement-\$1,208.96; Total FICA-\$1,338.95; Health Plan-\$4,470.00; Dental Plan-\$147.50; Life Insurance-\$24.61; Brent Byroad-\$1,923.20; Kevin Chambers-\$2,990.20; 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-\$1,599.32; State Tax-\$685.57; FICA-\$1,085.17; Medicare-\$253.78; Extra Fit-\$150.00; Retirement-\$805.94; Health Plan-\$200.00; Dental Plan-\$63.00; Colonial Health-\$38.23; Garnishments-\$400.91; Road Union Dues-\$175.00; Legal Shield-\$36.88; Liberty National PreTax-\$101.31; VSP Vision Base-\$46.97; **Health Planning Grant Employer:** Gross Salaries-\$1,809.31; Net Pay-\$1,370.01; Retirement-\$122.13; Total FICA-\$135.64; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,809.31; **Health Planning Grant Employee:** Federal Tax-\$111.54; State Tax-\$52.56; FICA-\$109.93; Medicare-\$25.71; Extra Sit-\$5.00; Retirement-\$81.42; Dental Plan-\$21.00; VSP Vision-\$15.19; Legal Shield-\$16.95; **Juvenile Services Aid Employer:** Gross Salaries-\$1,252.80; Net Pay-\$705.85; Retirement-\$84.56; Total FICA-\$67.46; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,252.80; **Juvenile Services Aid Employee:** Federal Tax-\$35.62; State Tax-\$16.49; FICA-\$54.67; Medicare-\$12.79; Retirement-\$56.38; Health Plan-\$350.00; Dental Plan-\$21.00.

**Accounts Payable: General Fund:** Pender Times, publications-\$518.55; US Bank, Giese workshop-\$25.00; Leaf, copier lease-\$78.02; One Office Solutions, office supplies-\$871.04; Pender Times, publications-\$50.12; Curry Floor & Acoustics, carpet-\$775.00; DAS State Acct, state software-\$81.00; MIPS, monthly software-\$940.91; One Office Solutions, office supplies-\$190.67; Irene VanLent, prior years service-\$16.00; Cherie Conley, ROD mileage & meal-\$332.32; Holiday Inn Kearney, ROD lodging-\$114.95; Margie Rahn, prior years service-\$12.00; Christy Abts, office supplies-\$248.64; Bralda, Inc., appraisal services-\$1,707.75; EWDS Inc, appraisal services-\$1,582.00; IAAO, membership-\$225.00; Leaf, copier lease-\$77.18; One Office Solutions, copies-\$25.04; Madelyn Thorsland, prior years service-\$10.00; Cherie Conley, Election workshop mileage-\$76.72; La Quinta Hotel, lodging-\$299.85; Scott Bousquet, P&Z meeting-\$33.36; Ron Collins, P&Z meeting-\$33.92; Tim Decker, P&Z meeting-\$26.20; Ron Gill, P&Z meeting-\$38.96; Jolene Gubbels, P&Z meeting-\$150.00; Gordon Heggee, P&Z meeting-\$22.56; Paul Ireland, P&Z meeting-\$18.36; Dick McCabe, P&Z meeting-\$59.12; Harold Moes, P&Z meeting-\$45.68; Martin Rohde, P&Z meeting-\$47.92; RTI, monthly support & licenses-\$14,305.75; US Bank, domaine name & domaine fee-\$1,215.98; Leaf, copier lease-\$94.03; MIPS, scanning-\$133.00; One Office Solutions, copier lease-\$123.11; Dakota County Court, checks & deposit slips-\$120.00; Marco, copier lease-\$431.01; Microfilm Imaging, scanning-\$177.00; Nebraska Law Review, subscription-\$70.00; US Bank, Paint and office supplies-\$98.50; Leaf, copier lease-\$65.00; One Office Solutions, copier lease & supplies-\$170.35; US Bank, CLE NE State Bar Assn 2021-\$500.00; Jane Anderson, mental health hearing-\$100.76; Maggie Cook, mental health hearing court reporter-\$75.00; Christine Costantakos, crt appt atty fees-\$1,130.50; Dakota County Court, court costs-\$1,433.47; Dakota County District Court, court costs-\$640.00; Dakota County Sheriff, papers & warrants-\$709.54; Galyen Boettcher Baier PC, crt appt atty fees-\$885.38; Sophia LeMoine, visitor services crt appt-\$487.50; Stuart Mills, crt appt atty fees-\$4,753.75; Douglas Roehrich, crt appt atty fees-\$4,050.10; Richard Thramer, crt appt atty fees-\$4,612.50; Robyn Watchorn Newbrey, mental health hearing-\$100.76; Robert Wichser, crt appt atty fees-\$12,802.15; Maximus, child support services-\$1,050.00; A Team Heating & Cooling, control system-\$519.50; Barkley Asphalt Inc, East Parking Lot-\$10,560.00; City of Dakota City, utilities-\$167.16; Eakes Office Solutions, janitorial supplies-\$253.22; Gill Hauling Inc., dumpster-\$101.65; Kevin Hansen, fuel reimbursement-\$27.71; LA Concrete Inc., East Parking Lot-\$2,816.25; Menards, flooring materials & paint-\$390.68; MidAmerican Energy, utilities-\$833.64; Midwest Alarm Co, service call-\$130.20; NPPD, utilities-\$2,157.85; Trembly, pest control-\$55.00; US Bank, bldg & ground supp & membership-\$445.86; Verizon, cell phone-\$41.02; Wilmes

Hardware, building & ground material-\$279.25; Angela Abts, mileage-\$402.80; Carol Larvick, mileage-\$236.32; Leaf, copier lease-\$217.60; One Office Solutions, supplies-\$350.28; Papio-Missouri NRD, monthly rent-\$600.00; Walmart, supplies-\$103.57; AT & T Mobility, cell phones-\$400.40; Autozone, parts, brakes & oil-\$340.26; Linda Carson, prior years service-\$11.00; City of SSC, fuel-\$4,893.74; F & M Bank, 4th payment 2021 Diesel trucks-\$12,532.27; Fremont Tire, tire repair-\$22.00; Jack's Uniforms, uniforms & equipment-\$1,147.20; NSA/Poan, 2022 NSA membership-\$405.00; Sign Masters, repair lettering-\$295.00; Stapleton Salvage, vehicle part-\$135.00; Team Trouble Chaser Graphics, Jr badge stickers-\$75.00; TransUnion Risk & Alternative, searches-\$120.00; US Bank, lodging, training, supplies, fuel-\$1,496.67; Verizon, cell phone-\$200.05; Aaron Voss, vehicle conversions-\$20,742.38; AT&T Mobility, cell phones-\$87.45; Marco, copier lease-\$223.28; Marco Technologies, printer contract-\$62.06; Nebraska.gov, certified copy-\$26.00; Kim Watson, mileage-\$88.48; City of South Sioux City, LEC Share & communications upgrade-\$169,393.62; Advanced Correctional Healthcare, doctor fees & Rx-\$9,722.52; Ameri-Tech Industrial Inc, lint screen-\$45.03; Associated Fire Protection, sprinkler head repairs-\$1,141.54; AT&T Mobility, phones-\$93.96; Bob Barker, inmate supplies-\$574.04; Cash-Wa Distributing, kitchen supplies-\$274.68; City of Dakota City, water-\$2,660.45; City of South Sioux City, jail fuel-\$131.79; Eakes Office Solutions, supplies-\$2,841.43; Ecolab, laundry supplies-\$1,018.31; Foulk Brothers Plumbing & Heating, repairs-\$343.29; Gill Hauling Inc., dumpster-\$219.35; GRP, disposal-\$52.00; Jack's Uniforms, uniforms-\$365.60; JC Roofing & Insulating, roof repair-\$695.00; Long Lines, phones-\$160.00; MidAmerican Energy Co, utilities-\$310.22; NPPD, utilities-\$3,805.79; Summit Food Service, food & beverage-Jail-\$16,331.48; Trembly, pest control-\$50.00; Tri-State Communications, batteries-\$1,020.00; US Bank, training, medical, supp-\$857.69; Wells Fargo Financial Leasing, copier lease-\$375.03; Wilmes Hardware, fuses-\$28.73; Dodge County Clerk, 2nd quarter-\$13,367.38; City of SSC, fuel-\$56.30; US Bank, Sparklight & office supplies-\$308.19; Leaf, copier lease-\$103.00; One Office Solutions, copier contract-\$11.63; Verizon, phones-\$41.02; Availity/Realmed, medical billing-\$125.00; GlaxoSmithKline, Fluarix QIV-\$1,017.43; Marco Technologies, copier contract-\$391.62; Sanofi Pastuer, Fluzone HD QIV-\$1,136.12; US Bank, meals, vaccine, postage, website, misc-\$882.43; Verizon, cell phone-\$94.97; Dr Thomas Wenthe, consulting physician fee-\$250.00; Bill Johnston, mileage-\$322.56; One Office Solutions, copy fees-\$37.98; US Bank, law library-\$329.60; City of Sioux City IA, Hazmat agreement-\$1,204.00; DAS State Acct, payroll/acct payable-\$41.60; Dakota City Post Office, Emergency Management PO Box-\$62.00; F & M Bank, A/P acct service fees-\$43.58; Fibercomm, phone-\$578.28; MercyOne Siouxland, Monthly EAP-\$229.50; MIPS, HR software-\$1,025.32; Wally Nelsen, Hale Cemetery-\$1,000.00; Norm Waitt Sr YMCA, monthly fees-\$102.50; Region IV Inc, 2nd quarter-\$5,320.25; Stanard Appraisal Serv, protests 2021-\$1,210.00; US Postal Service, postage-\$2,000.00; US Bank, postage machine supp, phone cords-\$187.16; Woods & Aitken, legal counsel-unions-\$3,535.00; Road Improvement fund 802, transfer-engineering & contractor-\$9,748.65; **Road Fund:** Advance Auto Parts, supplies-\$20.79; Agrivision, shop supplies-\$140.70; Bader's Highway & Street, crack sealing N Bluff Rod-\$33,265.00; Bauer Built, tires-\$1,567.96; Bomgaars, shop supplies-\$98.84; Bosselman Pump & Pantry, fuel-\$2,842.31; Eakes Office Solutions, office supplies-\$47.34; Emerosn Heritage, fuel-\$32.92; Fremont Tire, tires-\$1,759.60; Gill Hauling Inc., dumpster-\$75.44; H2O4U, water-\$47.50; J&J's Pronto, fuel-\$278.32; Bob Jacobsen, prior years service-\$17.00; K&K Hubbard Mini Mart, fuel-\$726.43; LG Everist Inc, gravel-\$20,303.78; Marx Truck/Trailer, shop supplies-\$18.36; Matheson, oxy/acetylene-\$122.45; James McCluskey, anchor bolts-\$90.00; Arnie Mellick, prior years service-\$13.00; Menards, concrete for flag pole, fencing-\$266.78; Marlan Millard, prior years service-\$15.00; NPPD, Homer service-\$48.40; NNTC, telephones-\$171.90; Northeast Power, electric-\$281.53; O'Reilly Auto Parts, parts-\$146.51; Pender Times, publications-\$189.36; Power Plan/Murphy, parts-\$120.27; Productivity Plus, oil & shop supplies-\$185.50; Sapp Bros Petroleum, fuel, oil/grease, shop supplies-\$3,516.60; Stephen Welding, flag pole-\$250.00; UnityPoint Clinic, drug testing-\$64.00; US Bank, NEPPD, cleaner-\$158.13; Verizon Connect, GPS trackers-\$376.95; Verizon, cell phone-\$100.19; Village of Emerson, utilities-\$37.52; Warren Oil, fuel-\$8,615.74; Wilmes Hardware, supplies, tools, misc-\$241.99; Ziegler's, parts & repair-\$18,159.92; **Road Improvement:** JEO, engineering-K Burcham & 50/50 Dixon-\$1,996.25; Nelson & Rock Contracting Inc, K Burcham bridge-partial pymt-\$7,752.40; **Visitor Promo:** SSC Chamber of Commerce, visitor promo-\$23,641.28; **P&M Fund:** MIPS, monthly software-\$591.44; Microfilm Imaging, monthly software-\$210.00; **CEFS Grant:** Dakota County Treasurer-2700 Fund, reimbursement seed money-\$50,000.00; **Health Grant** Jennifer Ankerstjerne, mileage, lodging & meals-\$664.44; US Bank, Sparklight-\$181.20; **Health Dept Grants:** US Bank, living well conf-lodging-\$384.60; **Juvenile Grant:** Community Based Services, youth coaching-\$76.00; Community Monitoring Services, family support \$880.20; Owens Educational Services, electronic monitoring-\$42.68; **E911 Fund:** City of South Sioux City, 911 monies-\$8,100.21; **Public Safety:** Fund 7850 RFD Sales Tax, Rural Fire Dept collection-\$35,788.10.

Vice-Chair Giese opened a Public Hearing at 3:19 p.m. for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding an amendment to the Dakota County Planning & Zoning regulations to include Section 900.4 Solar Conversion Systems. Vice-Chair Giese called for comments in support and opposition and there were none. Vice-Chair Giese called for neutral comments. Marci Broyhill, Dakota City, asked for more information on decommissioning as the panels are a bio-hazardous material which when put in a landfill could leach into the soil; and if a dollar amount has been fixed for the bond in escrow for decommissioning. Vice-Chair Giese closed the Public Hearing regarding Solar Conversion Systems at 3:26 p.m.

Vice-Chair Giese opened a Public Hearing at 3:26 p.m. for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding a change in zoning from AG to Business at the location of 645A/B Hwy 35, Dakota City. Vice-Chair Giese called for comments in support and opposition and there were none. Vice-Chair Giese called for neutral Comments. Jean Broyhill, Dakota City, asked for clarification on the use of the site. Bob Malcom, owner, stated he is removing the duplex and out-building and constructing an outside storage business. He clarified that the area would be fenced, have a coded entrance gate, be well lit and secure with approximately twelve cameras and has

support from surrounding landowners. The existing well and septic system would be kept facilitating a small office on-site. Vice-Chair Giese closed the Public Hearing regarding a request for zoning change from Ag to Business at 3:32 p.m.

Vice-Chair Giese opened a Public Hearing at 3:32 p.m. for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding an amendment to the Dakota County Planning & Zoning regulations to revise Section 509 Enforcement to impose fines for building without a building permit. Vice-Chair Giese called for comments in support and opposition and there were none. Vice-Chair Giese called for neutral Comments. Troy Porter, Jackson, asked if there were current fines established now. Tim Decker, Planning & Zoning member, stated there currently is no fine and residents building without a permit needed to be addressed. The fine would be effective when cited and each day construction continues without a permit. If construction stopped those days would not carry a fine but failing to comply would be a Class III misdemeanor. Vice-Chair Giese closed the Public Hearing regarding imposing a fine for building without a permit at 3:35 p.m.

Commissioner Love moved, seconded by Vice-Chair Giese, to approve amending the Zoning Regulations to include Section 900.4 Solar Conversion Systems. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- absent, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

## **Section 900.4 Solar Conversion Systems**

### **Section 900.4.100 Applicability**

No solar panel, neighborhood solar or Commercial Solar shall be installed or constructed within the zoning jurisdiction of Dakota County unless a Conditional Use Permit, if applicable, and a Zoning Permit have been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

### **Section 900.4.101 General Solar Definitions**

**ACCESSORY SOLAR ENERGY SYSTEMS:** include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

**CONCENTRATED SOLAR POWER:** A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

**DEVELOPMENT:** Any plat, subdivision, or planned unit development created under the Dakota County subdivision and zoning regulations.

**ELECTRIC UTILITY:** The public electric utility providing retail service to a given area.

**NET EXCESS GENERATION:** On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;

**NET METERING:** Net metering means a system of metering electricity in which a local distribution utility:

1. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and

2. Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period;

**SOLAR ACCESS:** the ability to receive sunlight across real property for any solar energy device.

**SOLAR ACCESS EASEMENT:** A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

**SOLAR CONVERSION SYSTEM (SCS):** An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

**SOLAR CONVERSION SYSTEM, COMMERCIAL:** A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

**SOLAR CONVERSION SYSTEM, GROUND-MOUNTED:** Any SCS which is directly supported and attached to the ground.

**SOLAR CONVERSION SYSTEM, INDIVIDUAL:** An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

**SOLAR CONVERSION SYSTEM, NEIGHBORHOOD:** A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

**SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED:** Any SCS which is directly connected to and supported by a building.

**SOLAR SKYSPACE:** The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.

2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

**SOLAR ORIENTED SUBDIVISION:** A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

**SOUTH OR SOUTH-FACING:** True south, or 20 degrees east of magnetic south.

#### **Section 900.4.102 General Provisions Applying to ISCS, NSCS, and/or CSCS**

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section

1. For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.

2. For commercial and neighborhood SCS: Applicant shall comply with specific requirements of the appropriate Rural Fire District.

3. Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.

4. Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by Dakota County, the electric utility, and the owner/developer.

5. Repowering: If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.

6. Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.

7. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.

8. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.

9. SCS may be installed in the floodway fringe subject to the Dakota County floodplain regulations, as may be amended from time to time, given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.

10. No SCS shall be constructed in the identified Floodway.

11. Concentrated Solar Power (CSP) systems are prohibited within Dakota County.

12. Financial assurances shall be in place as part of the Decommissioning Plan.

### **900.4.103 Individual Solar Conversion Systems**

**1. General Requirements for ISCS:** ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:

- a. An SCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
- b. A ground-mounted SCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
- c. No ground-mounted SCS shall be located in the required side yard or front yard.
- d. All ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted SCS is in place and operational.
- e. The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

**2. Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

**3. Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

**4. Preexisting Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid zoning permit issued by Dakota County, may continue to be utilized so long as it is maintained in operational condition.

### **5. Decommissioning**

- a. Whenever an SCS ceases operation on a property, it shall be required to report this to the Dakota County Zoning Office and the electric utility.
- b. Whenever, a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

### **Section 900.4.104 Neighborhood Solar Conversion Systems**

**1. General Requirements for NSCS:** NSCS's shall meet the following requirements as provided herein:

- a. An NSCS shall be set on its own lot within the neighborhood/development;
- b. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development;
- c. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement;
- d. The developer shall provide Dakota County with all solar easements established; however, Dakota County shall not be responsible for enforcing said easements;
- e. All solar easements shall be enforced by an establish Homeowners Association for the development/neighborhood.
- f. A ground mounted NSCS shall be protected with fencing and/or bollards;
- g. All connections to the uses within the neighborhood shall be made underground;
- h. An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency;
- i. A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
- j. All ground mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

**2. Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

### **3. Solar Oriented Subdivision/Plot Plan:**

- a. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot(s) or outlot (s) where the NSCS will be placed.
- b. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.

c. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

d. The developer shall install all underground wiring as prescribed by the electric utility.

e. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.

f. The developer shall provide Dakota County with As-builts of the wiring locations within the subdivision.

#### **4. Decommissioning**

a. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Dakota County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.



## **Section 900.4.200 Commercial Solar Conversion Systems:**

### **1. Applicability**

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, Dakota County finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, non-urbanized, or low-density areas with other uses.

### **2. Site Development Standards:**

a. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.

b. Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.

c. Height: The average height of the solar panel arrays shall not exceed 12 feet.

d. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.

e. Stormwater Management: Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.

f. A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.

g. Signage shall conform to the Dakota County Sign Regulations.

h. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.

i. Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight feet in height is permitted provided the fencing material is predominantly open.

j. All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

### **3. Submittal Requirements:**

All Plans shall contain the following:

a. These requirements shall apply to both the Conditional Use Permit.

b. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;

c. The plot plan shall include any roads, electric lines and/ or overhead utility lines;

d. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District;

e. A copy of the interconnection agreement with the local electric utility

f. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar powerplant;

g. Structural engineering analysis for a solar panel, array and its foundation, as applicable.

h. Manufacturer's recommended installations, if any; and

i. Documentation of land ownership and/or legal authority to construct on the property.

j. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Dakota County reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

### **4. Compliance with Other Regulations:**

a. Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and

b. This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

### **5. Discontinuation.**

A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within 90 days of abandonment.

Commissioner Love moved, seconded by Commissioner Albenesius, to approve rezoning the location of 645A/B Hwy 35, Dakota City, from AG to Business. ROLL CALL VOTE: Launsby- yes, Gill- absent, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED

Commissioner Love moved, seconded by Commissioner Launsby, to approve amending the Zoning Regulations to revise Section 509 Enforcement to include imposing a fine for building without a building permit. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent. UNANIMOUS MOTION CARRIED

**Section 509. Enforcement.** An administrative official, who shall be known as the Building Inspector and who shall be designated by the County Commissioners, shall administer, and enforce these regulations. He/she may be provided with assistance of such other persons as the County Board may direct.

If the Building Inspector shall find that any of the provisions of these regulations are being violated, he/she shall notify by calling or visiting the person responsible for the violation. If within a 2-week period the violation has not been corrected the administrator shall notify the violator by registered letter to correct the violation. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with, or to prevent violation of its provisions. If after a period of 2 weeks the violation has not been corrected, the building inspector shall assist the County Attorney in documenting violations and in providing additional information which may be required before legal action can be taken. (Revised 6-1-10)

**Any owner or agent of a building or premises who fails to obtain a building permit before beginning construction will be assessed a \$100 fine. For each and every day that the violation continues shall constitute a separate offense.**

Jolene Gubbels, Highway Superintendent, presented her written report regarding the request to vacate the platted alley in Block 3, Crystal Beach, Dakota City. Ms. Gubbels stated the platted alley has no rural water or utilities and the closure has the support of the neighbors. Her recommendation was to close the alley.

Commissioner Love moved, seconded by Vice-Chair Giese, to approve Resolution 21C-045 to set date and time for public hearing to vacate or abandon the road platted as an alley, Block 3, Crystal Beach, between Lots 1-9 (north) and Lots 10-18 (south), excepting the portion of Eagle Drive, Dakota City, Nebraska. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent, Love- yes. UNANIMOUS MOTION CARRIED.

#### RESOLUTION 21C-045

#### 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:

Platted as an Alley Platted as an Alley in Block 3, Crystal Beach, between Lots 1 - 9 on the north and Lots 10 - 18 on the south, excepting portion of Eagle Drive, Dakota City, Nebraska, Section 6, Township 28N, Range 9E.

WHEREAS, by action of the Dakota County Board of Commissioners on October 4, 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 October 11, 2021, Ms. Gubbels submitted a written report with the following findings and recommends to close the road for use by ---

1. The portion of road that the County desires to vacate is a platted alley, but is not in use, and never maintained by the road department.
2. Said public road is not used by the public and is of no value to the public, and it therefore serves no purpose to remain open to the public.
3. By vacating the aforementioned road, liability can and will be reduced for the county.
4. 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 November 15, 2021, at 3:01 p.m. in the Dakota County Commissioners Board meeting room, Dakota City, Nebraska.

Resolved this 18th day of October, 2021.

Jolene Gubbels, Highway Superintendent, presented the Road Report for October 3-16, 2021. Total road maintenance- 293.5 hours; tree/debris removal- 32 hours; Culvert Projects: North Bluff/3.5 hrs; K.Burcham bridge approaches/49 hrs; Prepping roads for pavement markings/36 hours; garbage pickup- 4 hours; gravel hauling – 23 hours; tons of gravel hauled – 235.65; sign repair/barricading- 60 hours. Grading concerns- Oakdale Road. Commissioner

Albenesius had a list of road concerns. Vice-Chair Giese asked Ms. Gubbels to compile a list where box culverts could be installed using ARPA funds.

Commissioner Love moved, seconded by Commissioner Albenesius, to approve vice-chair to sign the Notice of Award to Norfolk Contracting for the Homer South (265<sup>th</sup>) Bridge #C002213410P replacement project for the accepted bid of \$549,639.00. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- absent, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Discussion was had regarding approval of soil boring tests for Jail Phase 2 site. Commissioner Love moved, seconded by Vice-Chair Giese, to approve Certified Testing Services, Inc., to perform a geotechnical exploration for the Jail Phase 2 project site. ROLL CALL VOTE: Launsby- yes, Gill- absent, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Vice-Chair Giese moved, seconded by Commissioner Love, to approve giving the Treasurer a letter of approval for authority to invest county funds. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent. UNANIMOUS MOTION CARRIED.

Vice-Chair Giese appointed the following members to the Dakota County American Rescue Plan Act (ARPA) Committee: Cherie Conley, Dawn Bousquet, Deanna Hagberg, Troy Launsby, Robert Giese, Paul Boggess, Kody Snyder, Bill Rohde, Lisa Bousquet, Tarry Daum, Tim Decker and Kristi Quinn or designee from the South Sioux City Chamber of Commerce. The Committee is to review application requests for county ARPA fund monies. The committee will determine eligible use per requirements and consult with Lutz & Company. Recommendations will be made to the Board of Commissioners for final approval. The County will complete all portal entry and meet all deadlines.

Discussion was had regarding a Health and Dental Insurance Committee. Members on the committee will be two (2) representatives each from the Sheriff FOP union, Correctional Officer FOP union, Road Local 251 union, non-union employees and Board of Commissioners. Commissioner Love moved, seconded by Commissioner Giese, to approve the formation of a committee for the purpose of discussion and input regarding health and dental insurance benefits for county employees. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Vice-Chair Giese, to approve chair to sign the Certification Statement for the Cost Allocation Plan computing indirect cost reimbursement for the Clerk of District Court Child Support function. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- absent, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Vice-Chair Giese moved, seconded by Commissioner Launsby, to designate Deanna Hagberg to participate on the steering committee to help with the Missouri River Northeast Community Wildfire Protection Plan (CWPP) representing Dakota County. ROLL CALL VOTE: Launsby- yes, Gill- absent, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Vice-Chair Giese moved, seconded by Commissioner Love, to approve vice-chair to sign the Payer Access Agreement between OptumHealth Care Solutions, LLC and Dakota County, pursuant to the Distributor Agreement with Hines & Associates for scheduled services and fees to facilitate health care benefits. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent. UNANIMOUS MOTION CARRIED.

Vice-Chair Giese moved, seconded by Commissioner Launsby, to appoint Joan Spencer, County Clerk, as the voting representative for Dakota County at the Annual NACO business meeting in December, 2021, and Robert Giese, Commissioner, as the alternate delegate. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- absent, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Launsby- Road Department—interviewed an applicant for new job opening. No emergency business. Mail: (1) Gordon Hansen, Waterbury, regarding destroyed fencing during bridge project. The Highway Superintendent, Road Foreman or Commissioner Launsby will reach out to Mr. Hansen. (2) Tri-State Legislative Forum invite – Commissioner Giese is interested in attending. (3) The South Sioux City Community Schools is reaching out for support for renovations and needed updates to the Cardinal Activity Complex.

The County Board recessed at 4:55 p.m. to make the quarterly visit to the county jail. Chief Deputy Tim Decker gave the board members a tour of the jail and where the phase 2 addition would locate.

Vice-Chair Giese adjourned the Board of Commissioners meeting of October 18, 2021, at 5:18 p.m.

Dakota County Board of Commissioners

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Robert Giese, Vice-Chair

Date signed

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Joan Spencer, County Clerk/Secretary

Date