

Dakota County Board of Commissioners
Monday, December 12, 2022-3:00 p.m.
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

Chair Giese called the meeting to order at 3:00 p.m. Present at Roll Call: Giese, Gill, Launsby. Absent: Love, Albenesius. 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 – November 28, 2022
 - b. Approval of payroll claims for November 27 – December 10, 2022
 - c. Approval of accounts payable claim for F&M Health Insurance Account
3. NEW BUSINESS & RESOLUTIONS
 - a. **3:00 p.m. Public Hearing** for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding a request for a Conditional Use Permit to establish a community event center located in rural Jackson, Moody Road, in Section 23, Township 29N, Range 7E, Dakota County, Nebraska.
 - b. Board to approve or not approve a Conditional Use Permit to establish a community event center located in rural Jackson, Moody Road, in Section 23, Township 29N, Range 7E, Dakota County, Nebraska. Dakota County Planning Commission recommends approval.
 - c. Approve Resolution 22C-030 directing the Highway Superintendent to study the use being made of public roads specific to the Petition to Vacate a portion of West First Street, Millis Beach, adjacent to 1610 Erie Drive parcel 220073724.
 - d. Approve Resolution 22C-031 to declare mobile equipment as surplus.
4. MISCELLANEOUS & OLD BUSINESS
 - a. Jolene Gubbels, Highway Superintendent – Bi-weekly Road Report
 - b. Kathy Wiltgen, Clerk of District Court, requesting Board approve Chair to sign the Certificate of Cost Allocation Plan allowable per Title 2 of the CFR, Part 200 Child Support indirect cost rate.
 - c. Kristin Robinette, Juvenile Diversion Coordinator, requesting approval for the FY2024 Juvenile Diversion Grant in the amount of \$68,230.84 for the period of 7/1/2023 to 6/30/2024.
 - d. Approve project/s with monies from the American Rescue Plan Act (ARPA) relief funding.
 - Strip and re-coat tile flooring on second floor in county court area
 - Randy Rahn, Nebraska Senior Citizens Center, requesting ARPA funds for building improvements, specifically remodeling of kitchen.
 - Cornhusker State Industries quote to re-upholster jury chairs.
 - Courthouse maintenance - interior painting
 - County Court Office remodel and flooring
 - District Courtroom flooring
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
 - Big Fire Law & Policy Group LLC regarding “Opposition to the Proposed Summit Carbon Pipeline and Navigator Heartland Greenway Carbon Pipeline.”
 - *Source for Siouxland* publication.
7. ADJOURNMENT

Chair Giese called for public comment about any item not on the agenda. (1) Trudy Jepsen, Hubbard, spoke regarding M Avenue paving project. She talked with LeMoyné Schultz, Nebraska Department of Transportation, and he emphasized that a written request for relaxation of standards (speed limit) needs to come from the County Highway Superintendent and Engineer which should address the rules and regulations why needed; cost is not a factor that is considered and safety is the key. Ms. Jepsen also talked with the Hubbard Village Board and they are not interested in annexation of this area unless approached by a developer. Chair Giese stated the Board has talked with Hubbard, NRD, Games & Parks and Rural Water and would like to set up a meeting again soon. He thought the Board should be able to make a decision on this project within the next several months. (2) William Haafke, Dakota City, spoke regarding support

for paving 155th Street and Lik-u-wanta Drive. Mr. Haafke stated he did a traffic count in 2020 with a field camera and from July 12th to August 3rd the average was 111.8 cars per day. There are about 15 homes on the Lake with a population of 48. The road is 4,750 feet. He spoke with the Omaha NRD regarding funding for dredging Crystal Lake 10 feet which should bring back water at a depth of 9 feet for approximately 50 years.

Chair Giese called for approval of the consent agenda items: (a) approval of the previous meeting minutes of November 28, 2022; (b) approval of payroll claims for November 27 to December 10, 2022; (c) approval of an accounts payable claim for F&M Health Insurance account. Commissioner Gill moved, seconded by Commissioner Launsby, to approve the consent agenda items. ROLL CALL VOTE: Launsby- yes, Giese- yes, Love- absent, Gill- yes, Albenesius- absent. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer- Gross Salaries-\$161,365.39; Net Pay-\$116,286.67; Total Retirement-\$11,100.00; Total FICA-\$11,995.98; Health Plan-\$39,000.00; Dental Plan-\$1,170.00; Life Insurance-\$ 199.43; Larry Albenesius-\$1,152.39; Robert Giese-\$1,198.54; Janet Gill-\$1,152.39; Troy Launsby-\$ 952.39; Scott Love-\$1,152.39; Cherie Conley-\$1,776.00; Robin Hansen-\$1,360.00; Paola Ledesma-\$1,400.00; Joan Spencer-\$2,367.92; Kathy Abbe-\$1,375.20; Dawn Bousquet-\$2,367.92; Maria Garcia-\$1,134.41; Stephanie Gatzemeyer-\$1,611.15; Jalissa Hattig-\$1,363.20; Brenda Landaverde-\$1,283.20; Samantha Mitchell-\$1,274.40; Debera Benton-\$1,360.00; Christy Abts-\$2,367.92; Melissa Collins-\$1,577.60; Joseph O'Neil-\$576.92; Karen Jimenez-\$1,569.60; Katherine Wiltgen-\$2,367.92; Louvontree Hunter-\$2,907.37; Debra Jensen-\$2,207.28; Johnette Gatzemeyer-\$1,280.00; Kevin Hansen-\$2,184.73; Tammy Dunn Peterson-\$1,329.16; Shaun Bird-\$2,361.17; Timothy Decker-\$2,507.65; Brian Ellinger-\$2,507.56; Penny Epting-\$2,903.25; Brian Fernau-\$2,371.92; Tyler Fulkerth-\$2,428.07; Martin Guerrero-\$2,315.78; Melvin Harrison III-\$2,556.08; Jason James-\$2,581.69; Douglas Johnson-\$2,485.18; Kimberly Johnson-\$ 222.17; Jared Junge-\$2,569.05; Christopher Kleinberg-\$2,583.09; Gregory Nyhof-\$2,137.64; Mardi Schnee-\$1,155.20; Ryne Sell-\$1,521.43; Sarah Hammond-\$2,178.85; Shantel Krull-\$1,016.00; Melinda Sandvick (Wicks)-\$1,538.46; Debra Schmiedt-\$3,476.65; Kimberly Watson-\$3,697.27; Emma Wiebelhaus-\$1,388.00; Jacob Acero-\$1,860.94; Juan Fernando Aguilar-\$1,134.60; Angelica Antonio Flores-\$1,877.07; Shaelee Barreras-\$96.08; Rebecca Broer-\$1,866.98; Kacie Brown-\$1,782.40; Lacey Clark-\$1,632.12; Leonardo Davalos-\$ 827.54; Elisabet DeRoin-\$2,096.44; Jesse Doelle-\$1,704.80; Maria Francisco Pablo-\$ 925.84; Jonathan Gray-\$1,865.88; Nicole Gray-\$680.76; Sara Gritten-\$1,649.98; Kara Groetken-\$1,851.46; Todd Hammer-\$2,364.00; Zoey Henrichs-\$1,797.37; Adam Hough-\$1,774.40; Keith Johnson-\$1,567.44; Brandon Long-\$1,604.88; Jose Magana-\$1,611.12; Jennifer Marquez-\$1,567.44; Skyler Miner-\$1,880.13; Keaton Mueller-\$1,597.52; Kelsey O'Neill-\$1,567.44; Kimberly Peterson-\$1,806.02; Adrian Ramos-\$1,759.02; Michele Rohde-\$1,502.44; Jonathan Romo-Rodriguez-\$1,611.12; Rebecca Schoep-\$1,659.00; Jennifer Svendsen-\$3,029.99; Estrella Vazquez-\$1,864.63; Randall Walsh-\$2,485.23; Steven Zarate-\$1,545.12; Deanna Hagberg-\$2,080.80; Jolene Gubbels-\$2,086.14; Jana Adam-\$ 315.09; Yvette Aldana-\$1,572.48; Jennifer Ankerstjerne-\$1,684.80; Theresa Grove-\$2,337.60; Courtney Swick-\$1,019.70; Willard Johnston-\$2,147.42; Nicholas Nieman-\$ 522.00; **General Fund Employee:** Federal Tax-\$10,951.15; State Tax-\$5,798.44; Soc Sec-\$9,722.22; Medicare-\$2,273.76; Extra Fit-\$1,471.00; Extra Sit-\$ 160.00; Retirement-\$7,529.02; Health Plan-\$2,300.00; Dental Plan-\$ 462.00; Colonial Health-\$219.59; Sheriff Union Dues-\$ 390.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$670.00; Garnishments-\$1,331.06; Flex Plan Medical-\$1,002.58; VSP Vision Prem-\$404.01; Legal Shield-\$172.47; Liberty Nat'l Pretax-\$83.99; VSP Vision Base-\$83.43; **Road Fund Employer:** Gross Salaries-\$19,610.10; Net Pay-\$13,945.12; Retirement-\$1,323.70; Total FICA-\$1,458.98; Health Plan-\$5,000.00; Dental Plan-\$ 150.00; Life Insurance-\$24.61; Brent Byroad-\$1,980.80; Paul Jerome Conley-\$1,726.93; Robert Hacker-\$1,765.60; Lance Jacobsen-\$1,729.60; David Kneiff-\$1,899.34; Kimon Litras-\$2,044.90; Troy Madison-\$1,729.60; Vernon McFarland II-\$1,680.53; Dean Pallas-\$1,753.60; Gunner Stanwick-\$1,649.60; Jeffrey Stanwick-\$1,649.60; **Road Fund Employee:** Federal Tax-\$1,308.52; State Tax-\$685.01; FICA-\$1,182.44; Medicare-\$276.54; Retirement-\$882.44; Health Plan-\$450.00; Dental Plan-\$ 63.00; Colonial Health-PreTax-\$ 38.23; Colonial Health L/D-\$ 35.10; Garnishments-\$530.77; Road Union Dues-\$150.00; VSP Vision Prem-\$15.34; Legal Shield-\$18.44; Liberty National PreTax-\$6.50; VSP Vision Base-\$22.65; **Health Program Grant Employer:** Gross Salaries-\$1,730.76; Net Pay-\$1,366.52; Retirement-\$106.63; Total FICA-\$130.42; Health Plan-\$500.00; Dental Plan-\$15.00; Life Insurance-\$2.55; Mohamud Ibrahim-\$ 151.09; Yesica Saldana Cisneros-\$1,579.67; **Health Program Grant Employee:** Federal Tax-\$90.40; State Tax-\$ 46.44; FICA-\$105.70; Medicare-\$24.72; Retirement-\$71.09; Dental Plan-\$21.00; VSP Vision-\$ 4.89; **Juvenile Services Aid Employer:** Gross Salaries-\$1,275.00; Net Pay-\$1,076.78; Retirement-\$86.06; Total FICA-\$97.54; Kristin Robinette-\$1,275.00; **Juvenile Services Aid Employee:** Federal Tax-\$22.15; State Tax-\$21.15; FICA-\$79.05; Medicare-\$18.49; Retirement-\$57.38.

Accounts Payable: General Fund: F&M Bank Health Insurance Account- \$250,000.

Chair Giese opened the Public Hearing at 3:15 p.m. for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding a request for a Conditional Use Permit to establish a community events center located in rural Jackson, Moody Road, in Section 23, Township 29N, Range 7E, Dakota County. Chair Giese called for comments and there were none. Chair Giese closed the hearing at 3:16 p.m. Samantha Perryman, Crary Huff Law Firm, representing Kevin Pedersen, informed the Board that the events center is an existing facility that is being updated with bathrooms and running water and hopes to be ready to book for June, 2023, events. Commissioner Launsby moved, seconded by Commissioner Gill, to approve the conditional use permit for a community events center located on Moody Road, rural Jackson. ROLL CALL VOTE: Gill- yes, Albenesius- absent, Launsby- yes, Giese- yes, Love- absent. UNANIMOUS MOTION CARRIED.

Commissioner Gill moved, seconded by Commissioner Launsby, to approve Resolution 22C-030 directing the Highway Superintendent to study the use being made of public road specific to the Petition to Vacate a portion of West First Street,

Millis Beach, adjacent to 1610 Erie Drive (parcel 220073724). ROLL CALL VOTE: Giese- yes, Love- absent, Gill- yes, Albenesius- absent, Launsby- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 22C-030

A RESOLUTION DIRECTING THE HIGHWAY SUPERINTENDENT
TO STUDY THE USE BEING MADE OF PUBLIC ROAD

WHEREAS, Sec. 39-1722 Nebr. R.R.S., 1943, makes provisions for a county board of commissioners to commence the process of vacation or abandonment of public roads in its county; and

WHEREAS, a clear and unambiguous description of the road to be relocated, vacated or abandoned, is as follows, to-wit:

The East Half of Platted West First Street—Right-of-Way portion approximately 20 feet west and approximately 110 feet north and south adjacent to Lot 9, Block 3, Crystal Beach, (parcel 220073724) Dakota City, Nebraska, Section 6, Township 28N, Range 9E

Aerial map showing said County Right-of-Way to be vacated or abandoned in Dakota County, Nebraska is hereto attached, marked Exhibit "A",

WHEREAS, the vacation or abandonment of said roads is for one or more of the following reasons:

1. Said public road is not used by the public and is of no value to the public, and it therefore serves no purpose for it to remain open to the public.
2. The board cannot foresee any reason that the said road would have to be reopened in the future if it were vacated or abandoned.

NOW THEREFORE, BE IT RESOLVED, that the Dakota County, Nebraska Board of Commissioners deems that the public interest may require the vacation and/or abandonment of said public roads described above.

AND BE IT FURTHER RESOLVED, that the Dakota County Highway Superintendent be directed to study the use being made of such public road and that said County Highway Superintendent be directed to submit in writing to the Board, within 30 days from this date, a report upon the study made of his recommendation as to the vacation and/or abandonment thereof.

AND BE IT FURTHER RESOLVED, that this Resolution and the written report of the Dakota County Highway Superintendent be retained in the office of the County Clerk of Dakota County, Nebraska, as a part of the permanent public records of the Dakota County, Nebraska, Board of Commissioners.

Chair Giese moved, seconded by Commissioner Launsby, to approve declaring mobile equipment at the Road Department as surplus and to sell via Big Iron on-line auction. ROLL CALL VOTE: Gill- yes, Albenesius- absent, Launsby- yes, Giese- yes, Love- absent. UNANIMOUS MOTION CARRIED.

RESOLUTION 22C-031

RESOLUTION TO DECLARE

MOBILE EQUIPMENT AS SURPLUS PROPERTY

WHEREAS, the County owns mobile equipment which has an estimated value of five thousand dollars or more and which is not usable by the County and/or obsolete; and

WHEREAS, said mobile equipment consists of the following property:

1. 1996 Bush Hog mower #533-9496
2. 1972 International Tractor Model 2656 #2460120U015507
3. 2002 Ford F250 Ext. Cab pickup (parts) #1FTNX21L02EB02667

WHEREAS, the County intends to dispose of said property as surplus pursuant to Nebraska Revised Statute 23-3115 and shall be sold by competitive bidding.

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS THAT the mobile equipment listed is unusable by the County and/or obsolete and is therefore declared surplus property.

IT IS FURTHER RESOLVED THAT the Highway Superintendent be directed to coordinate disposal of said property in accordance with the laws of the State of Nebraska.

Jolene Gubbels, Highway Superintendent, presented the Road Report for November 27 to December 10, 2022. Total road maintenance- 234.5 hours; overtime- 28.75 hours; snow removal – 181.75 hours; no gravel hauling; sign repair/ barricading- 10.5 hours. Grading concerns- Blyburg Road. Commissioner Launsby noted that a project list for 2023-24 should be completed for projects to be bid in a timely manner.

Kathy Wiltgen, Clerk of District Court, presented information regarding child support indirect costs and funding update and stated it would be slightly less than last year. The Child Support Enforcement Subawards average for October 2019 to September 2024 is \$181,820 based on child support cases in Dakota County. Commissioner Gill moved, seconded by Commissioner Launsby, to approve chair to sign the Certificate of Cost Allocation Plan with Maximus for child support rate computation. ROLL CALL VOTE: Launsby- yes, Giese- yes, Love- absent, Gill- yes, Albenesius- absent. UNANIMOUS MOTION CARRIED.

Kristin Robinette, Juvenile Diversion Coordinator, reviewed the FY2024 Juvenile Diversion Grant with the Board. The funding is 11.5% less and Ms. Robinette stated she has plans on how to spend down all the monies awarded. If she needs more money, there is additional funding grant dollars available to apply for. She would like to spend some of the money on educational material about behaviors that are currently trending such as vaping. Chair Giese moved, seconded

by Commissioner Launsby, to approve the chair to sign the FY2024 Juvenile Diversion Grant application (7/1/2023 to 6/30/2024 for \$68,230.84). ROLL CALL VOTE: Giese- yes, Love- absent, Gill- yes, Albenesius- absent, Launsby- yes. UNANIMOUS MOTION CARRIED.

ARPA Projects were discussed. (1) Strip and re-coat tile flooring on second floor in county court area in the amount of \$2,000; (2) Randy Rahn, President, Senior Citizen Center board, spoke regarding the funding request in the amount of \$50,000 for the Nebraska Senior Citizens Center in South Sioux City. He stated the center was closed and in debt. Funds were raised to pay the debt and, in order to open and serve meals, a grease trap needs to be installed in the kitchen plus some additional remodeling of the kitchen area. Donuts and coffee are now available for those who congregate at the center; Meals on Wheels could start again when the grease trap is installed per City code. The Center is also looking for a director. (3) Cornhusker State Industries submitted a quote to re-upholster District Court jury chairs in the amount of \$1,235; (4) interior courthouse trim painting- \$79.03; (5) County Court office remodel (\$3,906.30) and flooring (\$9,977) quotes were received and Chair thought Clerk Magistrate was getting additional quotes; (6) District Court flooring in the amount of \$8,676.

Chair Giese moved, seconded by Commissioner Launsby, to approve four projects: strip and re-coat tile flooring- \$2,000; re-upholster District Court jury chairs- \$1,235; interior trim paint- \$79.03 and District Court flooring- \$8,676. ROLL CALL VOTE: Gill- yes, Albenesius- absent, Launsby- yes, Giese- yes, Love- absent. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Commissioner Gill- attended Tri-State Legislative forum addressed local housing needs; rural work force housing; electric vehicle infrastructure. Mail: (1) Big Fire Law & Policy Group LLC sent the Board a letter expressing opposition to the proposed Summit Carbon Pipeline and Navigator Heartland Greenway Carbon Pipeline—risks to land and water and disturbing historical tribal lands; (2) *Source for Siouxland* publication is available with statistics updated.

Chair Giese adjourned the Board of Commissioners meeting of December 12, 2022, at 3:55 p.m.

Dakota County Board of Commissioners

Robert J. Giese, Chair

Joan Spencer, County Clerk/Board Secretary