

COUNTY BOARD OF COMMISSIONERS
January 07, 2002 PROCEEDINGS
Re-organizational Meeting
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel called their re-organizational meeting to order at 1:30 p.m. with Pledge of Allegiance.

PRESENT: Commissioners Hartnett, Engel, Todd, Bobier, Denker, and Ted Piepho, Secretary.

ABSENT: All present

Chair Engel opened nominations for Chairman.

Commissioner Denker moved, seconded by Commissioner Todd, to nominate Commissioner Engel to serve as the 2002 Chair of the County Board of Commissioners.

ROLL CALL VOTE: Hartnett- Yea, Engel- Abstained, Todd- Yea, Denker- Yea, Bobier- Yea, MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier that nominations cease and the secretary cast a unanimous ballot for Mr. Engel to serve as the board's chair during calendar 2002.

ROLL CALL VOTE: Engel- Abstained, Hartnett- Yea, Bobier- Yea, Denker- Yea, Todd- Yea, MOTION CARRIED.

Chairperson Engel called for nominations for Vice Chair.

Commissioner Bobier moved, seconded by Commissioner Hartnett, to nominate Commissioner Denker to serve as the Vice-Chairman to the Board of Commissioners during the calendar year 2002.

ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Abstained, Hartnett- Yea, MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Hartnett that nominations cease and the secretary cast a unanimous ballot for Mr. Denker to serve as the board's Vice Chair in calendar year 2002.

ROLL CALL VOTE: Engel- Yea, Hartnett- Yea, Bobier- Yea, Denker- Abstained, Todd- Yea, MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to designate the following banks as depositories for Dakota County with the maximum deposit being governed by securities pledged by each institution: First National Bank in Homer and Dakota County State Bank, Nebraska State Bank, and Siouxland National Banks in South Sioux City.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier, to hold Commissioner's meetings at 1:30 p.m. on Mondays as necessary to pay payroll claims and accounts payable claims. Be it further resolved that on claims day (third Monday) the board shall convene at 10:00 a.m. to review claims. And finally be it resolved that the chair designate other meeting dates as necessary to conduct county business one month in advance of the month in which the meetings are changed.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to retain the present courthouse hours opening at 8:00 a.m. and closing at 4:30 p.m. Monday through Friday.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- Yea, Denker- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to adopt the same holidays as last year. Be it further resolved that the courthouse close at 12:00 noon Christmas Eve and that the employees get one and one-half personal days.

ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker, to adopt the Burial Policy as adopted September 19, 1989 with exception to the fees causing the policy to read as follows:

DAKOTA COUNTY BURIAL POLICY

The purpose of this policy is to establish a standardization of, and a respectable burial for, all welfare burials within Dakota County at a minimum cost to the county.

The Dakota County Board of Commissioners hereby establishes Dakota County Regulations for Dakota County burials to be as follows:

1. All County burials shall be performed by a Funeral Home in Dakota County where possible, and the Dakota County Board of Commissioners, or an individual appointed by said board, shall approve all county funerals prior to the funeral service.

2. The funeral director shall not accept any form of enumeration from any source, except any state or federal funeral benefits that shall be paid to the funeral director and said amounts shall be deducted from the county obligation as stated in the attachments.

3. Dakota County shall not incur any cost for removal for burial to any destination outside Dakota County or, more specifically, a 50-mile radius.

4. Dakota County shall pay a standard fee as stated on the appropriate attachment hereto, for an approved county funeral service should death occur in Dakota County. Should death occur outside of Dakota County, an additional fee may be allowed for mileage in excess of 25 miles one way by shortest route, in the removal of the deceased to the funeral home in charge. If it is necessary to have the body embalmed at a distant point, the county may contract the burial to be performed in the county in which the body lies and reimbursement will be made to said county with prior approval by Dakota County.

5. The funeral director in charge shall furnish wood; cloth covered casket of no lessor type than a flare and square complete with sufficient handles, a burial box, facilities and minimum transportation to cemetery of burial and a lowering device at cemetery.

6. Dakota County will not pay for the setting of a tent at the grave site, nor incur any additional costs for such sundry items as memorial books, acknowledgement cards, newspaper death notices, floral tributes or other related items not deemed necessary for a respectable and dignified burial.

7. If the decedent does not own a lot, the burial must be at the Omaha Valley Cemetery near Homer, Nebraska, and the cost of opening and closing of the graves will be bore by the county. In the case where a family plot has been previously purchased, the burial may take place at said plot. However, a maximum of \$400 will be authorized for opening and closing of the grave.

8. The time and place of the service shall be set at the convenience of the funeral director in charge of the service. The funeral director shall make every effort to secure clothing from the family of the deceased and it is expected that all families shall cooperate.

9. It is the responsibility of the family to reimburse the county with any assets that become available, such as social security, ect. (Excluding any funeral benefits paid to the funeral director in number 2 of these regulations.)

10. The county will not reserve any lot or plot for kin to be buried in a particular lot or plot.

(STILLBORN TO 2 YEARS OLD)

The Funeral Home shall furnish the staff and Professional Services to include;

- 1. Transfer of the remains to the funeral home within twenty-five miles.
- 2. Professional care and preparation of the remains, including the facilities of the preparation room.
- 3. *Embalming
- 4. Transfer of the remains to the crematory
- 5. If cremains are to be buried in a cemetery grave, transfer to the cemetery (within twenty-five miles)
- 6. Securing; recording all necessary forms and permits
- 7. Minimum Cremation Container

TOTAL ALLOWANCE..... \$ 450.00

When family members request a funeral service with burial the following shall apply:

- A. The funeral home shall furnish a tow-hour Visitation Prior To the Scheduled Funeral service at the funeral home.
 - B. The funeral home shall furnish a Minimum Casket/Vault
- For Items A and B ADD\$ 150.00

Dakota County authorizes and pays for the grave space and opening and closing of the grave at the designated cemetery (Omaha Valley Cemetery, Homer, Nebraska).

If the individual has his/her own cemetery space Dakota County will reimburse the funeral home for the opening and closing of the grave (receipt from the cemetery must be attached to the submitted claim) with a maximum not to exceed \$400.00.

(3 YEARS OLD TO 11 YEARS OLD)

The Funeral Home shall furnish the staff and Professional Services to include;

- 1. Transfer of the remains to the funeral home within twenty-five miles.
- 2. Professional care and preparation of the remains, including the facilities of the preparation room
- 3. * Embalming
- 4. Transfer of the remains to the crematory
- 5. If cremains are to be buried in a cemetery grave, transfer to the cemetery (within twenty-five miles)
- 6. Securing; recording all necessary forms and permits
- 7. Minimum Cremation Container

TOTAL ALLOWANCE..... \$ 650.00

When family members request a funeral service with burial the following shall apply;

- A. The funeral home shall furnish a two-hour Visitation Prior To the Scheduled Funeral Service at the funeral home
- B. The funeral home shall furnish a Minimum Cloth Covered Casket

C. The funeral home shall furnish a Minimum Outside Container if required by cemetery

For Items A & B ADD..... \$ 250.00
For Item C Outside Container ADD..... \$ 380.00

Dakota County authorizes and pays for the grave space and opening and closing of the grave at the designated cemetery (Omaha Valley Cemetery, Homer, Nebraska).

If the individual has his/her own cemetery space Dakota County will reimburse the funeral home for the opening and closing of the grave (receipt from the cemetery must be attached to the submitted claim) with a maximum not to exceed \$400.00

(12 YEARS OR OLDER)

The Funeral Home shall furnish the staff and Professional Services to include;

1. Transfer of the remains to the funeral home within twenty- five miles
2. Professional care and preparation of the remains, including the facilities of the preparation room
3. Embalming
4. Transfer of the remains to the crematory
5. If cremains are to be buried in a cemetery grave transfer to the cemetery (within twenty-five miles)
6. Securing; recording all necessary forms and permits
7. Minimum Cremation Container

TOTAL ALLOWANCE \$1050.00

When family members request a funeral service with burial the following shall apply:

- A. The funeral home shall furnish a two- Hour Visitation Prior To the Scheduled Funeral Service at the funeral home
- B. The funeral home shall furnish a Minimum Cloth Covered Casket
- C. The funeral home shall furnish a Minimum Outside Container if required by cemetery

For Items A & B ADD..... \$ 300.00
For Item C Outside Container ADD..... \$ 380.00

Dakota County authorizes and pays for the grave space and opening and closing of the grave at the designated cemetery (Omaha Valley Cemetery, Homer, Nebraska).

If the individual has his/her own cemetery space Dakota County will reimburse the funeral home for the opening and closing of the grow (receipt from the cemetery must be attached to the submitted claim) with a maximum not to exceed \$400.00.

* State of Nebraska
Statutes, Rules and Regulations
Embalming, Funeral Directors, Funeral Establishments
71-4 Embalming Rule 4-1 Unembalmed Bodies.

The body must reach the final destination within twenty-four (24) hours following death, provided, however, that an unembalmed body may be retained in storage at a constant temperature of less than 40 degrees Fahrenheit for not more than seventy-two (72) hours. When such a body is removed from storage within twenty-four hours it must reach final destination.

(NOTE: crematories will not cremate a body until a death certificate has been filed. This usually cannot be done within 24 hours therefore, embalming has been included).

ROLL CALL VOTE: Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett, to appoint the South Sioux City Star as the legal newspaper of the county for the calendar year 2002.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to establish the first Wednesday in October as County Government Day and that the Veteran Service Office be responsible for scheduling the events for that day.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- Yea, Denker- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker, to reappoint Arnold Mellick as Road Foreman, Fred Franklin as the County Surveyor for the duration of the term of the Elected Officials expiring the first Thursday and the first Tuesday in 2003, and to reappoint Duane Upton as County Highway Superintendent.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel asked the following board members to serve on the following agencies/boards or committees until the next re-organizational meeting:

Area Agency for Aged Governing Board	Phyllis Monich
SIMPCO	Bobier
Region IV Mental Health Board	Hartnett
County Health Board	Hartnett
Region IV Developmental Disabilities	Todd
R C & D	Bobier
Ag Land Valuation Board	Denker
Planning & Zoning	Denker
Golden Rod Hills	Engel
Area Agency on Aging	Todd
NE Nebraska Joint Housing Authority	Mellick
Heartland Counseling	Bobier
Working Committees	
Economic Development	Engel (Normally the Chair)
Freenet	Nanci Walsh
Civil Defense/(LEPC,PEP)	Denker & Bobier
Finance/Budget	Denker & Hartnett
Legislative	Todd
Personnel/Policies	Engel & Denker
Property/Space Utilization	Engel & Denker
Road Committee	Engel & Denker
Safety	Hartnett & Engel
LEC	Bobier, Todd & Jim Cahill Pending
ADA	Bobier & Jensen
Recycling	Hartnett
Transportation	Engel (Todd Alternate)
Weed Control	Road Committee
Emergency Closings	Wagner/Denker/Engel/ Nanci Walsh
DCIT	Bobier
DCIT Public Safety	Hartnett & Walsh
Highway 35 Committee	Denker & Engel
Press Committee	Hartnett & Walsh

Note: Other Committees members serve on as Board Members, but not appointed by the county board chair are as follows:

NIRMA	Hartnett
Jail Standards	Hartnett

Donna Goodier, South Sioux City Visitor's & Tourism Director appeared before the board to request that Rick Lecy replace Mo Alavi on the South Sioux City Visitor's and Tourism Board of Directors. Mo was the past manager of the Marina Inn and Rick is presently the manager of the Marina Inn.

Commissioner Denker moved, seconded by Commissioner Hartnett to appoint Rick Lecy on the South Sioux City Visitor's and Tourism Board of Directors replacing Mo Alavi.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Duane Upton, Highway Supt., and Arnold Mellick, Road Foreman appeared before the board to discuss the One and Six Year Road Plan, which they presented as follows:

One and Six Plan - 2002 - 2003:

NEW PROJECTS:

Reconstruct Road 210th Street from P Avenue to Pierce
Reconstruct Road M Avenue from 250th Street to 260th Street
Reconstruct Road O Avenue from 190th Street to 200th Street
Reopen Existing Road because of Bridge Closure S Avenue North 1/2 mile from 3-way intersection of 170th Street, Rowan Avenue and S Avenue

C-22 (74 A & B) Hubbard/Jackson Bluff Road
C-22 (155) Add to 2002 - 2003 Bloomfield Bridge
C-22 (164) Add to 2002 - 2003 North Shore Drive (Prep for BoMag)
C-22 (166) Add to 2002 - 2003 Ireton Avenue (Taylor Cemetery Road)
C-22 (168) Add to 2002 - 2003 So. Bluff Road Bridge
C-22 (169) Add to 2002 - 2003 New Road off K Avenue
C-22 (E71) Add to 2002 - 2003 Minimum Maintenance off Tom Gentrup
C-22 (172) Add to 2002 - 2003 S Avenue

C-22 (109) 2003 - 2004 Galvin Bridge
C-22 (118) 2003 - 2004 Oakdale Road Relocation (Kramper)
C-22 (119) 2003 - 2004 Frank O'Neill
C-22 (123) 2003 - 2004 2nd Bridge, Homer South
C-22 (165) 2003 - 2004 North Shore Drive - Drainage Problem
G-22 (122) 2004 - 2005 Homer South, 1st Bridge

COMPLETED PROJECTS:

C-22 (150) Vern Nelson Bridge
C-22 (158) 260th Street, Perry Avenue to Hwy 35
C-22 (167) Mike Mitchell
C-22 (170) Atokad

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept the bid of Circle R to purchase a 1991 Komatsu PC200LC Excavator with the serial number 74078 for \$32,000.00.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

County Clerk, Ted Piepho, said that John Kahler was in with the plat map of Whispering Meadows subdivision. It had been signed and that a side agreement did not accompany the map. He was seeking to go ahead and attest to the map

because it was a mute issue because the road would have to be surfaced before someone would buy a lot.
It was the consensus of the board to require that the side agreement accompany the map.

Pat Foust appeared before the board. He requested that the chair sign the Sub-Recipient Award. The letter that Mr. Foust received with the requested action is as follows:

December 26, 2001

Pat Foust
Dakota County
Emergency Management Agency
701 W 29th St
South Sioux City NE 68776

Dear Pat:

I am pleased to announce FEMA has now allocated funding for the Agency for FY2002 giving us the ability to fund the SLA program for the current fiscal year.

Enclosed you will find the award document for FY2002, please sign and return the document to Jackie Masek. If you have questions concerning the award process, please contact either Jackie or myself at 402/471-7411/7410.

With the end of the 1st quarter at the end of this month, you should be preparing and submitting your first quarter report of activities of your jurisdiction by the 30th of January.

Sincerely,
Al Berndt

Sub-Recipient Award
State and Local Assistance Program
Nebraska Cooperative Agreement
EMK 2002-GR-2524

Sub-Recipient: Dakota County
Award Amount: \$18,000
Award: X Amendment:

Reimbursement of funds allocated by this award is contingent upon the compliance with applicable Federal regulations and State of Nebraska Section 81-829.31 of the Revised Statutes. The Emergency Management programs and capabilities need to be able to mitigate, prepare for, respond to, and recover from the effects of all hazards. The elected officers of local government shall be responsible for ensuring that emergency management services are provided to their citizens and for coordinating emergency operations in their respective jurisdictions. The local emergency management agency will develop and maintain a local emergency operations plan based upon guidelines established by NEMA.

Nebraska Emergency Management Agency
Assistant Director
Date

Chairman of Governing Board
Dakota County
Date

The Chair signed same.

Linda Cruickshank appeared before the board and presented the following information from Don Becker of the Core of Engineers.

1. Sounds like County has concerns about management of anything done on county lands--definitely a valid concern. On all CE projects, the local government must assume operation and maintenance--this would include any project

that we might construct in/around Crystal Lake. City would maintain anything on city land; county on county land--unless the city and county had an MOA that has the city do O & M on county land.

2. Local in-kind services can be used to defray or reduce requirements for in-kind cash, which would be staff time in developing the project plan and design. Some of the mapping now being done may be eligible--the part on the lake. The value of LERRD's (lands, easements, relocations, right-of ways, disposal areas) contributed to the project can also be credited. If the county uses heavy equipment to haul dirt that is supplemental to any government construction contract on the project--that also can be credited in the construction phase. To get credit for in-kind services during planning and design, we would need to do a FCSA with the city or county (Feasibility Cost Share Agreement). A Project Cost Share Agreement (PCA) covers services in construction phase. I need to bring an example of those agreements up to our next meeting.

3. Not sure what the county land in the lakebed would be valued at--but that could be a significant contribution. A lot of wildlife or wetland type land is going for over \$1,000 acre in the country--would likely be valued higher in an urban area.

4. While it would be good to have the county on board, they are only one piece of the whole. The city has enough land for a stand-alone project, although possibly not all of everyone's dream or vision. But that is something project scoping covers which I hope we can deal with at our January 23 meeting with the city.

5. Those were good questions. Hope this helps. Feel free to toss more out as these come up.

She said that they would have to know whether the county wished for future plans to be drawn up to develop a portion or all of the old Crystal Lake Area; more specifically the part extending from Highway 77 bypass south of the fair grounds extending east, circling to the north and adjoining Crystal Lake. She added that they had to know for a meeting being held January 23rd.

The plans would not cost the county anything unless the county chose to activate the plans some time in the future and then the county would be expected to pay for the cost of the plans.

Commissioner Hartnett moved, seconded by Commissioner Denker to amend the Humane Society Agreement adopted on November 27, 2000, as follows:

SIOUXLAND HUMANE SOCIETY, INC.
AGREEMENT WITH THE
COUNTY OF DAKOTA COUNTY, NEBRASKA

This Agreement effective the 7th day of January, 2002 is entered into by and between the SIOUXLAND HUMANE SOCIETY, INC. (hereinafter "SHS"), and the COUNTY OF DAKOTA, state of Nebraska (hereinafter "County").

WHEREAS, SHS is a nonprofit corporation which maintains facilities for humane shelter, care and disposal of dogs, cats and other animals; and

WHEREAS, the County has certain responsibilities to enforce its Resolutions and state laws pertaining to stray or unleashed animals; and

WHEREAS, the County wishes to use the services and facilities of SHS, from time to time, to assist the County in the enforcement of said ordinances and state laws and in the humane treatment of animals.

IT IS THEREFORE AGREED as follows:

1. Impoundment. Upon delivery of any animal to SHS by any authorized representative of the County, SHS shall provide humane shelter services, including feeding and medical care and, if necessary, isolation, for a period of at least three (3) days. If the animal has not been retrieved by its rightful owner by the end of such period, the animal shall be disposed of as determined by SHS, in its sole discretion.

2. Authorized Representative. For purposes of this Agreement, an authorized representative of the County shall mean any sheriff of sheriffs deputy, any police officer, any animal control officer or any person authorized by telephone by County personnel.

3. Fees for Services. SHS shall be paid the following fees for its services;
a. For each animal brought to the shelter, an incoming fee of \$10.00;
b. For housing each animal, \$7.00 per day, for a maximum period of 4 days.
(In accordance with SHS policy, each animal will be held for a minimum of three (3) days for a minimum housing fee of \$18.00.

4. Responsibility for Fees.

a. In the event the rightful owner or the animal retrieves the animal from SHS, all fees shall be collected from the owner prior to release of the animal. In addition, SHS reserves the right to charge additional fees to such owner. SHS shall make a report to the County of all animals retrieved by their owners.

b. In the event the rightful owner does not retrieve the animal within 4 days, the County shall be responsible for such fees upon submission of an itemized statement from SHS. Fees are due within ten (10) days of billing.

5. Animals Captured or Impounded by County- The County agrees to turn over to SHS for adoption or disposal any animals impounded by the County which are not claimed by the rightful owner within the time period provided by County Resolution.

6. Right to Euthanize. Notwithstanding any minimum holding period provided herein, SHS reserves the right to euthanize at any time any animal which SHS determines, in its sole discretion, is suffering needlessly and will not benefit from medical treatment.

7. Hold Harmless. The County agrees to hold SHS and its employees, volunteers and directors harmless from any right, demand, claim or cause of action arising from any wrongful receipt, impounding or disposition of any animal which is sheltered, retrieved, euthanized or disposed of under this Agreement, so long as SHS complies with the terms of this Agreement.

8. Representations. The County represents that it has been duly authorized to enter into this agreement by the proper body and that the person executing the same on behalf of the County is authorized to do so. SHS represents that it has been duly authorized to enter into this agreement by its board of directors.

9. Term of Agreement. This agreement shall remain in force until properly terminated by either party. Termination shall be effected by either party giving written notice to the other at least thirty (30) days prior to the date of termination. For the purpose of giving notice, the addresses of the parties stated below are sufficient until such time as a party notifies the other of a change in address,

By: _____
Executive Director

By: _____
Chairperson, County Board

Signed: _____, 2002
Date

Signed: _____, 2002
ATTEST: _____ Date

Theodore A. Piepho,
County Clerk

Address:
1665 18th Street
Sioux City, Iowa

Address:
Dakota County Board of Commissioners
%Dakota County Clerk
P.O. Box 39
Dakota City, NE 68731-0039

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- Yea, Denker- Yea, Bobier- Yea,
UNANIMOUS MOTION CARRIED.

Bob Finney appeared before the board. He was asked whether the county should let the law firm that is representing IBP, represent the County, in the Kramper lawsuit. He said that was fine as the county had a blanket indemnity from IBP when letting them put in the monitoring device/s.

He said it would not hurt for the county to make a motion.

Commissioner Hartnett moved, seconded by Commissioner Bobier to authorize The law firm representing IBP in the Kramper lawsuit, to defend the county pursuant to the indemnity clause in the agreement in which the county authorized IBP to install monitoring devices in County right-of-way.

ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea,
UNANIMOUS MOTION CARRIED.

Chair Engel declared a 5-minute break at 3:50 p.m.
The board reconvened at 3:55 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss Litigation.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea,
UNANIMOUS MOTION CARRIED 3:55 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to reconvene in open session.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- Yea, Denker- Yea, Bobier- Yea,
UNANIMOUS MOTION CARRIED 4:27 p.m.

The County Clerk opened the one bid received from Microfilm Imaging Systems, Inc. to sell the county a Panasonic 2065W Scanner for \$6,645.
The purchase was set aside until next meeting.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the payroll submitted by the County Clerk subject to the County Employee Handbook as follows.

COUNTY ROAD PAYROLL: Gross salaries- \$12,434.74, Road Employees Net Pay- \$8,315.83, Employer deductions paid: Retirement- 631.76, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 713.77, Medicare- 166.93, Principal Mutual- 276.80.

Joel Broekemeier- 934.40, Randall Crombie- 1,000.00, Ronald Harder- 961.14, Walter Heinemann- 938.40, Richard Hoesing- 837.36, Robert Jacobsen- 938.40, Fred

Kellogg- 995.88, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 978.51.
ROAD FUND: Employee withholding paid to: Federal- 1,180.87, State- 293.13, Social Security- 713.77, Medicare- 166.93, Retirement- 421.22, Unicare- 741.40, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.
COUNTY GENERAL FUND: Gross salaries- \$65,103.58, General Fund Employees Net Pay- \$43,566.35, Employer deductions paid: Retirement- 3,592.55, Unicare- 9,458.40, Ameritas Dental- 702.00, Unicare Life- 262.84, Social Security Tax- 3,892.04, Medicare- 910.22.
Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 617.05, Bobbi Jo Harsma- 784.13, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 680.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 848.25, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 640.00, Richard Jensen- 1,146.80, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,558.80, Allen Burns JR- 1,667.58, Linda Carson- 1,093.18, Melvin Harrison III- 553.43, Rodney Herron- 1,737.54, Jared Junge- 1,664.40, Donald Mueller Jr.- 1,549.65, Gary Powell- 1,400.45, Gayle Richards- 660.00, James Roberts- 1,362.00, William Thompson- 1,525.61, James Wagner- 1,676.00, Randall Walsh- 1,598.24, Laurie Barclay- 892.01, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 653.84, Denise Kotalik- 745.75, Timothy Maher- 1,403.85, Anthony Bos- 836.55, Rebecca Broer- 1,312.43, Carol Cox- 1,125.40, Leonard Cunningham- 1,116.65, Michael Gregerson Jr.- 1,055.60, Alma Gunderson- 1,219.81, Todd Hammer- 1,125.40, Paula Harrigfeld- 346.50, Brandi McManigal- 396.00, Kevin Rohde- 1,125.40, Linda Schovanec- 926.94, Margaret Stingley- 842.28, Brenda Tanner- 1,125.40, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 1,169.60, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 1,544.24, Ameritas Dental-
GENERAL FUND: Employee withholding paid to: Federal- 7,028.36, State- 2,000.43, Social Security Tax- 3,892.04, Medicare- 910.22, Retirement- 2,395.05, Unicare- 1,372.48, Ameritas Dental- 295.82, Colonial Health- 35.20, Union Dues-, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 710.22, Garnishment- 879.27, Aflac Health- 427.79, Aflac Life/Dsbl- 39.55, Aflac Flex Plan- 197.49.
COPS FAST GRANT: Gross salaries- 1,058.79, Cops Fast Employee Net Pay- 747.22, Employer deductions paid: Retirement- 63.53, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 65.64, Medicare- 15.35, Brad Claypool- 1,058.79.
COPS FAST GRANT: Employee withholding paid to: Federal- 147.18, State- 41.05, Social Security- 65.64, Medicare- 15.35, Retirement- 42.35.
COMMUNITY JUSTICE GRANT: Gross salaries- \$365.00, Community Justice Employee Net Pay- 326.16, Employer deductions paid: Retirement-, Unicare-, Ameritas Dental-, Unicare Life-, Social Security- 22.63, Medicare- 5.29, Nicole Sims-, Cathy Johnson- 365.00.
COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 6.00, State- 4.92, Social Security- 22.63, Medicare- 5.29.
ROLL CALL VOTE: Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The board discussed DCIT's Agreement to update the Juvenile Plan costing the county up to \$5,000. The county has made application for a grant and the county would receive \$2,500, but that has a January 25th deadline on it.

Being that it was not on the agenda a straw vote was taken to see if the agreement would pass for \$2,500.
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- No, Denker- NO,

Chair Engel adjourned the meeting at 4:48 p.m.
DAKOTA COUNTY, NEBRASKA

ATTEST: BY: \s\ _____
 William F. Engel, Board Chair
\S\ _____
 Theodore A. Piepho,
 County Clerk

COUNTY BOARD OF COMMISSIONERS
January 13, 2003 PROCEEDINGS
Re-organizational Meeting
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel called their re-organizational meeting to order at 1:30 p.m. with Pledge of Allegiance.
PRESENT: Commissioners Hartnett, Engel, Todd, Bobier, Denker, and Ted Piepho, Secretary.
ABSENT: All present

Chair Engel opened nominations for Chairman.

Commissioner _____ moved, seconded by Commissioner _____, to nominate Commissioner _____ to serve as the 2003 Chair of the County Board of Commissioners.

Commissioner _____ moved, seconded by Commissioner _____ that nominations cease and the secretary cast a unanimous ballot for Mr. _____ to serve as the board's chair during calendar 2003.

Chairperson Engel called for nominations for Vice Chair.

Commissioner _____ moved, seconded by Commissioner _____, to nominate Commissioner _____ to serve as the Vice-Chairman to the Board of Commissioners during the calendar year 2003.

Commissioner _____ moved, seconded by Commissioner _____ that nominations cease and the secretary cast a unanimous ballot for Mr. _____ to serve as the board's Vice Chair in calendar year 2003.

Commissioner _____ moved, seconded by Commissioner _____, to designate the following banks as depositories for Dakota County with the maximum deposit being governed by securities pledged by each institution: First National Bank in Homer and Dakota County State Bank, Nebraska State Bank, and Siouxland National Banks in South Sioux City.

Commissioner _____ moved, seconded by Commissioner _____, to hold Commissioner's meetings at 1:30 p.m. on Mondays as necessary to pay payroll claims and accounts payable claims. Be it further resolved that on claims day (third Monday) the board shall convene at 10:00 a.m. to review claims. And finally be it resolved that the chair designate other meeting dates as necessary to conduct county business one month in advance of the month in which the meetings are changed.

Commissioner _____ moved, seconded by Commissioner _____, to retain the present courthouse hours opening at 8:00 a.m. and closing at 4:30 p.m. Monday through Friday.

Commissioner _____ moved, seconded by Commissioner _____ to adopt the same holidays as last year. Be it further resolved that the courthouse close at 12:00 noon Christmas Eve and that the employees get one and one-half personal days.

Commissioner _____ moved, seconded by Commissioner _____, to adopt the Burial Policy as adopted September 19, 1989 with exception to the fees causing the policy to read as follows:

Commissioner _____ moved, seconded by Commissioner _____, to appoint the South Sioux City Star as the legal newspaper of the county for the calendar year 2003.

Commissioner _____ moved, seconded by Commissioner _____, to establish the first Wednesday in October as County Government Day and that the Veteran Service Office be responsible for scheduling the events for that day.

Chair Engel asked the following board members to serve on the following agencies/boards or committees until the next re-organizational meeting:

Area Agency for Aged Governing Board	Phyllis Monich
SIMPCO	Bobier
Region IV Mental Health Board	Hartnett
County Health Board	Hartnett
Region IV Developmental Disabilities	Todd
R C & D	Bobier
Ag Land Valuation Board	Denker
Planning & Zoning	Denker
Golden Rod Hills	Engel
Area Agency on Aging	Todd
NE Nebraska Joint Housing Authority	Mellick

Heartland Counseling	Bobier
Working Committees	
Economic Development	Engel (Normally the Chair)
Freenet	Nanci Walsh
Civil Defense/(LEPC,PEP)	Denker & Bobier
Finance/Budget	Denker & Hartnett
Legislative	Todd
Personnel/Policies	Engel & Denker
Property/Space Utilization	Engel & Denker
Road Committee	Engel & Denker
Safety	Hartnett & Engel
LEC	Bobier, Todd & Jim Cahill Pending
ADA	Bobier & Jensen
Recycling	Hartnett
Transportation	Engel (Todd Alternate)
Weed Control	Road Committee
Emergency Closings	Wagner/Denker/Engel/ Nanci Walsh
DCIT	Bobier
DCIT Public Safety	Hartnett & Walsh
Highway 35 Committee	Denker & Engel
Press Committee	Hartnett & Walsh
Note: Other Committees members serve on as Board Members, but not appointed by the county board chair are as follows:	
NIRMA	Hartnett
Jail Standards	Hartnett

Commissioner _____ moved, seconded by Commissioner _____ to amend the Humane Society Agreement adopted on November 27, 2000, as follows:

SIOUXLAND HUMANE SOCIETY, INC.
AGREEMENT WITH THE
COUNTY OF DAKOTA COUNTY, NEBRASKA

This Agreement effective the 7th day of January, 2003 is entered into by and between the SIOUXLAND HUMANE SOCIETY, INC. (hereinafter "SHS"), and the COUNTY OF DAKOTA, state of Nebraska (hereinafter "County").

WHEREAS, SHS is a nonprofit corporation which maintains facilities for humane shelter, care and disposal of dogs, cats and other animals; and

WHEREAS, the County has certain responsibilities to enforce its Resolutions and state laws pertaining to stray or unleashed animals; and

WHEREAS, the County wishes to use the services and facilities of SHS, from time to time, to assist the County in the enforcement of said ordinances and state laws and in the humane treatment of animals.

IT IS THEREFORE AGREED as follows:

1. Impoundment. Upon delivery of any animal to SHS by any authorized representative of the County, SHS shall provide humane shelter services, including feeding and medical care and, if necessary, isolation, for a period of at least three (3) days. If the animal has not been retrieved by its rightful

owner by the end of such period, the animal shall be disposed of as determined by SHS, in its sole discretion.

2. Authorized Representative. For purposes of this Agreement, an authorized representative of the County shall mean any sheriff of sheriffs deputy, any police officer, any animal control officer or any person authorized by telephone by County personnel.

3. Fees for Services. SHS shall be paid the following fees for its services;
a. For each animal brought to the shelter, an incoming fee of \$10.00;
b. For housing each animal, \$7.00 per day, for a maximum period of 4 days.
(In accordance with SHS policy, each animal will be held for a minimum of three (3) days for a minimum housing fee of \$18.00.

4. Responsibility for Fees.
a. In the event the rightful owner or the animal retrieves the animal from SHS, all fees shall be collected from the owner prior to release of the animal. In addition, SHS reserves the right to charge additional fees to such owner. SHS shall make a report to the County of all animals retrieved by their owners.
b. In the event the rightful owner does not retrieve the animal within 4 days, the County shall be responsible for such fees upon submission of an itemized statement from SHS. Fees are due within ten (10) days of billing.

5. Animals Captured or Impounded by County- The County agrees to turn over to SHS for adoption or disposal any animals impounded by the County which are not claimed by the rightful owner within the time period provided by County Resolution.

6. Right to Euthanize. Notwithstanding any minimum holding period provided herein, SHS reserves the right to euthanize at any time any animal which SHS determines, in its sole discretion, is suffering needlessly and will not benefit from medical treatment.

7. Hold Harmless. The County agrees to hold SHS and its employees, volunteers and directors harmless from any right, demand, claim or cause of action arising from any wrongful receipt, impounding or disposition of any animal which is sheltered, retrieved, euthanized or disposed of under this Agreement, so long as SHS complies with the terms of this Agreement.

8. Representations. The County represents that it has been duly authorized to enter into this agreement by the proper body and that the person executing the same on behalf of the County is authorized to do so. SHS represents that it has been duly authorized to enter into this agreement by its board of directors.

9. Term of Agreement. This agreement shall remain in force until properly terminated by either party. Termination shall be effected by either party giving written notice to the other at least thirty (30) days prior to the date of termination. For the purpose of giving notice, the addresses of the parties stated below are sufficient until such time as a party notifies the other of a change in address,

SIOUXLAND HUMANE SOCIETY, INC.

COUNTY OF DAKOTA

By: _____
Executive Director

By: _____
Chairperson, County Board

Signed: _____, 2003
Date

Signed: _____, 2003
ATTEST: Date

Address:
1665 18th Street
Sioux City, Iowa

Theodore A. Piepho,
County Clerk
Address:
Dakota County Board of Commissioners
%Dakota County Clerk
P.O. Box 39
Dakota City, NE 68731-0039

Road Dept

annual weed report

kerry Longwell

abandoned titles

letter of support for resource grant.

Jim Sturm

Commissioner _____ moved, seconded by Commissioner _____ to approve the payroll submitted by the County Clerk subject to the County Employee Handbook as follows.

Chair Engel adjourned the meeting at _____ p.m.
DAKOTA COUNTY, NEBRASKA

ATTEST: BY: \s\ _____
William F. Engel, Board Chair
\S\ _____
Theodore A. Piepho,
County Clerk

COUNTY BOARD OF COMMISSIONERS
JANUARY 22, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 10:05 a.m. with Pledge of Allegiance.

PRESENT: Commissioners Hartnett, Engel, Todd, Bobier, Denker, and Nanci Walsh, acting Secretary.

ABSENT: All present

Others in attendance: Gert Willoughby, Betty O'Neill and Gary Dickson with the South Sioux City Star.

The board reviewed the claims filed with the County Clerk for payment.

County Clerk, Ted Piepho, arrived at 11:15 and assumed the duties of secretary.

The board toured the jail at 11:30 a.m.

The Board commented how nice the jail looked.

It was mentioned that the garage walls should be painted.

The board recessed for lunch at 11:45 a.m.

The board reconvened from lunch at 1:32 p.m. with all members and the County Clerk present.

Betty O'Neill asked if things that were discussed in Closed Executive Session should be kept within the executive session. The board agreed and she asked why they weren't when she appeared before them on December 10, 2001.

She read a letter that she received from Bob Martin as follows:

FROM: Robert E. Martin, Administration

DATE: December 13, 2001 (17)

RE: County Board Meeting

On Monday, December 10, 2001, I received an e-mail note from you telling me about action taken by the Dakota County Board of Equalization. You also noted that you announced to the board that you were on a 6-month disciplinary probation. It came to my attention today that you asked the board to go into executive session in order to make the announcement about your personal situation.

While informing the board about your personal, confidential situation is your choice, asking them to go into executive session in order for you to make the announcement was not appropriate. Doing so caused the board extra work in order to receive information that the board really had no need to know and did not affect the proceedings at the meeting.

If your cause the board to go into executive session again to announce or discuss any personal matters or personal matters concerning the Assessment Office for Dakota County, you will be subject to discipline. Knowledge of such matters is not necessary to the board in order for the board to perform its functions.

You must sign this memo in the space provided below and return it to me to be placed in your personnel file. Your signature simply acknowledges that this memo was given to you and discussed with you. It does not imply that you agree with the contents of the memo.

REM-could not tell who typed

Arnie Mellick, Weed Supt., presented a Noxious Weed Control Plan for Dakota County in 2002, a Noxious Weed Infestation Report and a Activity Report, are due January 31st of each year.

Commissioner Denker moved, seconded by Commissioner Hartnett to acknowledge receipt of and approve the Noxious Weed Control Plan for Dakota County in 2002. BE IT FURTHER RESOLVED to approve the Noxious Weed Infestation Report and the Activity Report as presented.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Arnie Mellick, Road Foreman presented a resolution to request monetary assistance from the Federal Government to move the Rural Water Line for Project BRO 7011(11) Homer South. He said the match would be the same match as the bridge replacement itself.

Commissioner Hartnett moved, seconded by Commissioner Denker to adopt Resolution 02C-01 as follows:

RESOLUTION NO. 02C-01

Dakota County, Nebraska
Project No.: BRO-7022(11) CN 31216 Homer South

WHEREAS, Certain roads and streets in said county have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining there to, and,

WHEREAS, Said County desires to improve a certain portion of the county road system in said County currently programmed as Project No. BRO-7022(11), CN 31216, Dakota County, Nebraska, Homer South, and,

WHEREAS, it has been determined that a rural water line and creek undercrossing are in conflict with the wing walls and channel shaping of the new structure, therefore necessitating the relocation or said water line and creek undercrossing, now therefore,

BE IT RESOLVED, That the Nebraska Department of Roads is hereby requested to act for said county and to request Federal Aid assistance for relocation of said water line and undercrossing.

The estimated cost or such improvement is \$20,000.

BE IT FURTHER RESOLVED, That the Chairman of the County Board of Commissioners is authorized to sign this resolution on behalf of said board and that the county board hereby approves the above contemplated construction prior to first submitting of said project to the Federal Highway Administration.

BE IT FURTHER RESOLVED, That sufficient funds of said county are now, or will be, available and hereby pledged for the purpose of matching federal funds available for the contemplated construction.

Adopted this 22nd day of January, 2002, at Dakota City, Nebraska.

ATTEST:
/s/Theodore A. Piepho
County Clerk

BOARD OF COUNTY COMMISSIONERS
OF DAKOTA COUNTY, NEBRASKA
/s/William F. Engel
Chairman

Board Member Hartnett moved the adoption of said Resolution.
Roll Call 5 yea 0 nay
Resolution adopted, signed, and billed as adopted.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea,
UNANIMOUS MOTION CARRIED.

Cathy Lang, Bob Martin, Mike Goodwillie, Madelyn Thorsland and Dick Erickson form the State's Assessor's Office for Dakota County appeared before the board. Ms. Lang said that their office needs expertise on staff to support valuation issues take to the Tax Equalization and Review Commission.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss pending litigation.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED 1:55 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene in open session.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea,
UNANIMOUS MOTION CARRIED 2:13 pm.

Commissioner Bobier moved, seconded by Commissioner Todd to authorize grant for the contract with the Boys and Girls Home and Jeff Golden to be the facilitator for the Juvenile Services Plan.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea,
UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Denker to authorize and submit a Revised Budget Summary, Grant #01-PL-3024, to the Nebraska Crime Commission for the Total Project Cost of \$2,333.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept and approve the Treasurer's Semi Annual Report for period ending December 31, 2001.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea,
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to convene into Board of Equalization.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea,
UNANIMOUS MOTION CARRIED 2:28 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the Motor Vehicle Exemption Application submitted by the Eastside Baptist Church for a 1978 Chevrolet Van bearing the VIN GGL258V222699; NE Nebr. Senior Center on a 1989 Chevrolet Van bearing the VIN 116BOM1SZXKB130978; and Goldenrod Hills Community Services on the following vehicles: 1989 10 passenger Dodge Van VIN 315933, 1996 GMC 18 passenger Bus VIN 502405, 1994 Dodge 12 passenger van VIN 118752, 1989 Dodge 10 passenger van VIN 317300, and a 1991 Dodge 10 passenger van VIN 133697.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea,
UNANIMOUS MOTION CARRIED 2:30 p.m.

The board received a letter from Northeast Nebraska Area Agency on Aging informing the board that Betty Benschoter has been nominated to their advisory council.

Commissioner Bobier moved, seconded by Commissioner Hartnett to appoint Betty Benscoter to the advisory Board of the Northeast Nebraska Area Agency on Aging replacing Phyllis Monich.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to reappoint Jim Cahill to the LEC Board.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Bobier to participate in having the Corp of Engineers draw plans for the old Crystal Lake Bed.

Responses from Don Becker of the Corp of Engineers.

1. Sounds like County has concerns about management of anything done on county lands--definitely a valid concern. On all CE projects, the local government must assume operation and maintenance--this would include any project that we might construct in/around Crystal Lake. City would maintain anything on city land; county on county land--unless the city and county had an MOA that has the city do O & M on county land.

2. Local in-kind services can be used to defray or reduce requirements for in-kind cash, which would be staff time in developing the project plan and design. Some of the mapping now being done may be eligible--the part on the lake. The value of LERRD's (lands, easements, relocations, right-of ways, disposal areas) contributed to the project can also be credited. If the county uses heavy equipment to haul dirt that is supplemental to any government construction contract on the project--that also can be credited in the construction phase. To get credit for in-kind services during planning and design, we would need to do a FCSA with the city or county (Feasibility Cost Share Agreement). A Project Cost Share Agreement (PCA) covers services in construction phase. I need to bring an example of those agreements up to our next meeting.

3. Not sure what the county land in the lakebed would be valued at--but that could be a significant contribution. A lot of wildlife or wetland type land is going for over \$1,000 acre in the country--would likely be valued higher in an urban area.

4. While it would be good to have the county on board, they are only one piece of the whole. The city has enough land for a stand-alone project, although possibly not all of everyone's dream or vision. But that is something project scoping covers which I hope we can deal with at our January 23 meeting with the city.

5. Those were good questions. Hope this helps. Feel free to toss more out as these come up.

There was discussion concerning cost of the plans. It was noted that if the county would ever develop the area, the county would have to pay the corp the cost for developing the plans.

Also a concern to other board members was the language "the local government must assume operation and maintenance--this would include any project that we might construct in/around Crystal Lake", which is highlighted in bold print. Commissioner Todd withdrew his motion and Commissioner Bobier withdrew his second.

Pat Foust, Emergency Planning Director, informed the board that there was a meeting at 4:30 pm. for the closing of the Communications Study.

Commissioner Hartnett moved, seconded by Commissioner Bobier to authorize the County Clerk to purchase a high speed document scanner as previously bid and to authorize him to replace the recorder used to tape board meetings.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to acknowledge receipt of and approve the Officials Reports of the County Clerk, Register of Deeds and the Clerk of the District Court for December, 2001.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to transfer Dakota County Abandoned Vehicle Title; 02008700012 on a 1993 Dodge Dynasty bearing the serial number 1B3XC4630PD146739 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Engel- Yea, Meinen- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the claims as submitted by the County Clerk as follows except the claim to pay the Drainage Ditch taxes and to solicit a ruling from the County Attorney whether the county has to pay them.

GENERAL FUND: Fred Denker, workshop, meal- 30.96; Jackie Hartnett, mileage- 55.89; Holiday Inn, lodging/workshop- 161.99; NACO, workshop- 260.00; Lyle Todd, mileage, workshop registration- 200.76; Perkins, office supplies- 68.73; Star Printing, publishing- 251.53; Nanci Walsh, mileage- 25.88; Robert and Patricia Chitwood, lektriever lease purchase- 1989.27; Destiny Marketing, switch, repair- 572.72; Iowa Office Supply, envelopes- 175.27; NE Association of County Clerks, dues- 45.00; Perkins, supplies- 700.42; Theodore A Piepho, mileage, software purchase reimbursement- 60.82; Sioux City Wintronics, battery backup- 552.00; Star Printing, publishing- 12.47; Charlotte Doenhoefer, prior years service benefit-10.00; Robert Giese, mileage- 91.26; State of Nebraska, data service- 27.00; Ruth Jensen, Prior years service benefit- 12.00; Nadine Lewon, Prior years service benefit- 17.00; Nebraska County Treasurer, dues- 50.00; Mardell Sorensen, prior years service benefit- 26.00; Staples, supplies- 8.97; United Rentals, lift rental- 90.75; Irene Van Lent, prior years service benefit- 16.00; Bear Graphics, paper- 152.00; NACO, Register of Deeds, due- 45.00; Intab, signs- 139.80; MIPS, monthly support- 49.52; Ted Piepho, mileage- 164.25; Star Printing, publishing- 6.79; Bear Graphics, envelopes- 195.83; Executive Copy, maintenance- 63.55; Nebraska Workforce Development, Rohde unemployment- 2040.00; Perkins, supplies- 80.62; DAS Central Stores, supplies- 309.02; Matthew Bender, law library books- 260.25; NACO County Attorney, dues- 25.00; Perkins, supplies- 217.02; Kurt Rager, reimburse supplies- 8.95; Star Printing, publishing, supplies- 399.50; Thurston County Court, transcripts- 26.71; Cellular One, phone- 89.94; Record Printing and Copy, calendar cards- 82.01; Viking Office Products, supplies- 151.04; Scott Dugan, mileage- 43.80; Frank Gonzalez, interpreting- 160.00; Matthew Bender, manuel- 40.80; Notary Public, notary renewal- 77.50; Perkins, copier repair- 292.50; William Binkard, attorney fees- 426.00; Clerk of District Court, court costs- 410.00; Coffee King, coffee- 39.92; County Judge Office, court costs- 208.00; Dakota County Sheriff, papers, warrants- 1144.80; George Hirschbach, attorney fees- 354.00; Shelly Horak, attorney fees- 378.78; Hurley Law Office, attorney fees- 846.00; Sandra Inkster Ehrich, attorney fees- 1260.00; King County Sheriff, filing- 38.80; Ricardo Limon, witness- 20.36; Doug Luebe Law Office, attorney fees- 1403.00; Matthew Bender, law material- 590.07; Stuart Mills, attorney fees- 810.00; MIPS, jury

selection- 590.40; Michael Schmiedt, attorney fees- 990.00; Shirley Sides, mental health hearing- 180.00; Patricia Slaughter, mental health hearings - 620.71; Richard Thramer, attorney fees- 607.20; West Group, law library material, monthly fee- 3406.94; Jacob Woehler, witness- 20.00; Kelly Woehler, witness, mileage- 23.45; Clerk of District Court, mileage- 87.04; A-Team Heating & Cooling- 426.30; Bomgaars, supplies- 147.42; Dakota Food & Fuel, gas- 12.00; Gill Hauling, dumpster service- 105.00; Wilmes Hardware Hank, supplies- 78.83; Rick Jensen, mileage- 143.59; Maintenance Engineering, supplies- 952.86; Menards, supplies- 277.13; MidAmerican Energy, utilities- 1941.17; Nebraska Dept of Labor, inspection, license fees- 75.00; NPPD, utilities- 1703.77; Dan O'Dell, snow removal- 200.00; O'Keefe Elevators, maintenance- 82.40; Tool Depot, repair- 81.38; Qwest, phone- 38.50; Cellular One, phone- 21.31; Robertson Implement, soft salt- 198.00; Sam's Club Direct, supplies- 146.15; Superior Wholesale, supplies- 459.50; Trembly Pest Control, monthly pest control- 50.00; Walmart, supplies- 23.70; Dakota County Extension, mileage, copier rental, supplies, workshop- 889.20; Aether, software support- 3694.00; Cellular One, phone- 132.47; Cenex Fleetcard, fuel- 1581.90; Crystal Oil, repair- 32.22; Nebraska Department of Labor, unemployment Burrell- 252.00; Farmers Coop, fuel- 8.15; Angel Gigaroa, interpreting- 20.00; Amy Hueser, interpreting- 70.00; Jackson Glass, repair- 10.00; Jacks Uniforms, clothing, supplies- 2572.98; Jims Service, tires, repair, service- 927.90; Knoepfler Chevrolet, fuel pump- 803.92; MTS Safety Products, safety vests- 236.36; NE Crime Commission, film- 7.00; NE Sheriff's Association, dues- 290.00; Perkins, toner-149.98; AJ Phillips Publishing, books- 2892.00; RACOM Corp, phone lines, supplies- 655.00; Vera Salas, interpreter- 25.00; Siouxland Humane Society, animal control- 31.00; Sioux Sales Co, flares- 159.90; Steffen Drug Store, inmate medication- 56.41; Team Ford, repairs- 341.27; Cellular One, phones- 77.02; Department of Labor, unemployment Wilen- 1798.07; DMV, driving record- 19.00; Robert Finney, mileage- 89.70; Grandy Pratt, notary bond- 30.00; H2O4U, water- 20.00; Iowa Office Supply, copier maintenance agreement, supplies- 139.86; Matthew Bender, law books- 59.08; Perkins, supplies- 28.26; Record Printing, business cards- 88.18; City of So Sioux City, LEC Oct-Dec payment- 45,468.64; Avera Medical Clinic, inmate care- 66.00; BI Inc, house arrest- 851.40; Bob Barker, inmate supplies- 340.87; Boys and Girls Home, inmate housing- 11,350.00; Braunger Food, food products- 1161.45; Cedar County Sheriff, inmate housing- 3400.00; Cellular One, phones- 46.10; Coffee King, coffee products- 12.95; Dakota County Sheriff, jail core cookies- 14.94; Dakota Food and Fuel, fuel- 145.65; Dakota Super Valu, food products- 1051.10; Dept of Labor, unemployment Baier- 734.00; Earthgrains Co, bread products- 569.75; Filips Eye Clinic, inmate care- 100.00; Gary Heath, inmate house calls- 450.00; HyVee, food products- 1809.60; Jack's Uniforms, boots- 62.95; Jims Service, tires- 339.20; Louderback Drug, inmate medication- 24.50; Sharon Luong, interpreting- 30.00; Mercy Medical Center, victim care- 2187.30; Nebraska Law Enforcement Training, classes- 70.00; NOVA, housing- 215.00; Redler's Pharmacy, inmate medication- 582.74; Sam's Club Direct, food products, supplies- 78.05; Siouxland Federal Cr Un, credit card payment- 61.49; Sound Powered, phone repair- 25.87; Thurston County Sheriff, housing- 45.00; XPDEX, plates- 213.70; Standard Office Equipment, supplies- 28.39; Briggs Corp, supplies- 34.72; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage- 126.62; Nursing 2002, drugs- 55.90; Redler's Pharmacy, medicine- 68.00; Sioux City Journal, advertisement- 426.60; Alan Boyd, mileage, cell phone- 489.19; Cellular One, phone- 57.29; Luken Memorial, marker- 110.00; Perkins, supplies- 24.15; Sams Club Direct, supplies- 45.98; NNPPD- Crystal Lake utilities- 44.16; Aflac/Flex One, service fees- 36.00; Amsterdam Printing, supplies- 74.57; AT&T, phone- 19.45; Cellular One, phone- 60.58; CCS, software- 3500.00; Dakota City Postmaster, first class permit fee- 125.00; Executive Copy Systems, repair- 100.00; Pitney Bowes, scale rental- 95.00; Lazette Gifford, website upkeep- 40.00; Independent Bus System, postage machine repair- 49.00;

MIPS, software support- 261.69; NACO, dues- 935.00; Sams Club, misc- 62.37; Qwest, phone- 2514.08; Qwest, phone- 131.93; Qwest, phone- 135.33; US Postal Service, postage- 2500.00; WCS Telecom, phone- 444.45.

ROAD AND BRIDGE FUND: Air Filter Cleaning, clean filters- 51.03; Aramark, towel service- 144.16; ATCO, supplies- 313.60; AT&T, phone- 56.35; C&H Truck Parts, parts- 185.00; Duane Barclay Trucking, haul rock- 831.28; Barkley Asphalt, asphalt- 227.14; Kenneth Beermann, haul rock- 261.40; Bierschback Equipment, trailer tape- 76.00; Bridgestone/Firestone, tires- 785.47; Campbell Supply, parts, tools- 53.12; CarQuest Auto Parts, parts- 16.22; Cellular One, cell service- 31.14; Cenex, fuel- 1250.10; Circle R, parts, Excavator- 36789.60; Coyote Chemical, 281.59; Diesel Specialties, parts, service- 29.99; Dust Control, Inc, mag- 82.50; Empire Enterprises, grease gun- 120.00; Ft Calhoun Stone, road rock- 2132.82; Gill Hauling, dumpster service- 40.00; Graham Tire, tires- 1769.68; Great Plains Intl, parts- 185.36; H2O4U, water- 24.00; Heritage Express, fuel- 115.71; Higman, road rock- 3103.46; Joe's Department Store, parts, supplies- 223.17; Kimball Midwest, assorted bolts- 85.69; Knoepfler Chevrolet, parts, filters- 26.78; Linweld, oxy/acty, parts- 78.59; Marx Truck, parts- 413.51; NPPD, utilities- 102.88; NNTC, phone- 125.62; Northeast Co-op, fuel, oil- 208.86; Olsons Trucking, haul road rock- 153.84; O'Reilly Auto Parts, parts, supplies, tools, filters- 566.81; Pilger Sand & Gravel, road gravel- 114.91; Power Plan Murphy, parts- 335.06; Precision Transmission, parts- 350.00; Presco Sales & Service, blades- 289.52; Sioux City Bolt, bolts- 27.61; CW Suter Services, repair- 121.00; Star Printing, bid notice- 34.42; Torco Rmfg, starters, batteries- 389.50; Tractor Supply, pump- 169.66; Warren Oil, fuel- 3412.70; Wilmes Hardware, part- 9.98; Ziegler, filters- 19.37.

ROAD IMPROVEMENT FUND: Appraisers Consultants Inc, appraisal- 1500.00; JEO Consulting, Homer South #2- 2513.50.

POOR RELIEF FUND: Becker-Hunt Funeral Home, burial- 750.00; Siouxland Community Health Center, prescription- 100.50; Walmart Pharmacy, prescription- 121.70.

VETERANS OFFICE: Veterans Service Office, emergency relief- 1500.00.

COMMUNITY JUSTICE GRANT: Cathy Johnson, mileage- 6.21.

CDBG DAY CARE FUND: Sioux Contractors, construction- 2200.00; Penro, construction- 12,587.00; DGR, construction- 2535.00.

INHERITANCE TAX: Siemens Building Tech, temperature controls- 61,971.00.

NOXIOUS WEED CONTROL: Nebraska Weed Control Association, conference- 70.00; Nebraska Department of Agriculture, application license- 180.00.

E911 FUND: City of South Sioux City, 911 monies Oct-Dec 01- 28,722.78.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the Employee Handbook as follows and to rescind all other action identified as being part of the employee's handbook, with exception to any contacts with union employees.

COUNTY

EMPLOYEE

HANDBOOK

DISCLAIMER

In writing this Employee Handbook, we have tried to avoid legal words and phrases as much as possible. This Employee Handbook was written for our employees as a matter of information only, and is not to be construed as a contract between the County and its employees. New situations develop constantly, and it is to be understood that the County reserves the right to

change, suspend, or cancel all or part of this book as circumstances may require.

All employees should understand that nothing contained in this Handbook is intended, nor should it be construed by the employee to constitute a contract for employment of a specified term or duration. Either the County or the employee may terminate their employment, with or without cause, or with or without notice, at any time.

Employees should understand that the language herein contained in this Employee Handbook is written with the scheduled Monday through Friday, 8:00 am. to 4:30 p.m. employee in mind. On occasions situations may arise making judgments necessary to accommodate employees whose hours vary.

If after reading your Handbook you have any questions, please feel free to talk these questions over with your supervisor.

ARTICLE I

Definitions

Section 1. Regular Full-Time Employee

The term "regular full-time employee," as used in this Employee Handbook, shall mean an employee who is scheduled to work 40 hours or more per week year round. A schedule of hours is not to be construed as a guarantee of hours, expressed or implied.

Section 2. Law Enforcement Employees

The term "Law Enforcement Employees" as used in this Employee Handbook, shall mean an employee who is under the jurisdiction of the County Sheriff whether the employee be full time or part time, or whether his/her hours vary or regular schedule.

Section 3. Regular Part-Time Employee

The term "regular part-time employee," as used in this Employee Handbook, shall mean an employee who is scheduled to work at least thirty (30) hours per week year round but less than forty (40) hours per week year round. Except for retirement and insurance, regular part-time employees shall receive benefits in a ratio proportionate to their part-time service. Insurance will be provided the same as for full time employees.

Section 4. Part-Time Employee

The term "part-time employee," as used in this Employee Handbook, shall mean an employee who is scheduled to work less than thirty (30) hours per week year round. Part-time employees shall not be eligible for benefits contained within this Employee Handbook, except retirement.

Section 5. Temporary Employee

The term "temporary employee," as used in this Employee Handbook, shall mean an employee who is scheduled to work twenty four (24) weeks or less. Temporary employees shall not be eligible for benefits contained in this Employee Handbook.

Section 6. Supervisor

The term "supervisor," as used in this Employee Handbook, shall mean any individual having authority in the interest of the Employer to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

Section 7. Employer

The term "Employer," as used in this Employee Handbook, shall mean the elected officials, the department head, or his/her designated representative.

ARTICLE II

Management Rights

Section 1. Enumeration of Rights

In addition to all powers, duties, and rights of the Employer established by constitutional provisions, statute, ordinance, charter, or special act, the Employer expressly reserves unto itself the following powers, duties, and rights which belong solely, exclusively, and without limitation to the Employer, to-wit:

- (a) The right to manage the Employer's operations and to direct the working force;
- (b) The right to hire employees;
- (c) The right to maintain order and efficiency;
- (d) The right to extend, maintain, curtail or terminate operations of the Employer;
- (e) The right to determine the size and location of the Employer's operations and to determine the type and amount of equipment to be used;
- (f) The right to assign work, the right to determine methods and material to be used, including the right to introduce new and improved methods or facilities and to change existing methods and facilities.
- (g) The right at any time to determine, create modify, and terminate jobs, job vacancies, departments, job classifications, and job duties;
- (h) The right to transfer, promote, and demote employees;
- (I) The right to discipline, suspend, and discharge employees;
- (j) The right to lay off at any time;
- (k) The right to enforce and require employees to observe rules and regulations set forth by the Employer;
- (I) The right to determine when and whether a position or job classification is vacant and when it will be filled;

(m) The right to determine how many employees shall be in each classification and whether any employees shall be in any classification; and

(n) The right to determine the individual and relative qualifications ability, ability to perform, and physical fitness of all employees.

ARTICLE III

Work Breaks and Meal Periods

Section 1. Work Breaks

Employees shall be granted a fifteen (15) minute rest period with pay at the approximate middle of each one-half (1/2) shift at a time designated by the employee's supervisor.

Employees shall be granted a fifteen (15) minute rest period ten and one-half (10-1/2) hours (including the one-half (1/2) hour meal period) after they have reported for duty. Said break shall be with pay and shall be taken at a time designated by the employee's supervisor.

Section 2. Meal Period

Employees shall be granted a one-half (1/2) hour meal period without pay scheduled at the approximate middle of the shift.

Section 3. Exclusions

This Article does not apply to Chief Deputies.

ARTICLE IV

Hours of Work

Section 1. Work Day, Work Week, Arrival and Dismissal Times with the exception of those employees whose hours will vary and employees covered under other contracts.

The regular work day shall consist of eight (8) hours exclusive of the meal period.

The regular work week shall consist of forty (40) hours, exclusive of meal periods, Monday through Friday.

The regular arrival time for all employees shall be 8 a.m. and the regular dismissal time for all employees shall be 4:30 p.m.

Section 2. Change in Hours

Daily and weekly work schedules may be changed by the Employer to meet the Employer's requirements. Employees shall be given one (1) week notice, both orally and in writing, of any change in work schedules except in cases of emergency. Employees shall be required to work the hours scheduled by the Employer, including all hours scheduled during any emergency or emergency situation, subject to the restriction on maximum hours as contained within this Article.

Section 3. Emergencies

The existence of emergencies and emergency situations shall be determined exclusively by the Employer. For purposes of this section, employees shall be compensated with a minimum of four (4) hours pay if the courthouse closes its door in the case of inclement weather conditions; except that if an employee worked more than four hours, he/she shall be paid for actual hours worked. If the Employer notifies employees through local media prior to 7:30 am. not to report for work, the day shall be considered as a day off without pay.

Section 4. Paydays

Employees shall be paid every Friday by 12 p.m. one week following the last day of the pay period. Pay checks shall be delivered to employees at their work place or made available to them at the headquarters of the department for which they work.

Section 5. Maximum Hours

No employee shall be required to work more than fourteen (14) consecutive hours except on Election Day and during Emergencies.

Section 6. Limitation

This Article is intended to be construed as a basis for establishing hours of work and shall not be construed as a guarantee of hours.

Section 7. Clean-Up Time

Where established by practice, job-related nonpersonal clean-up time shall be considered work time.

Section 8. Work Requirement

Unless an employee has been granted a paid leave as provided in this Employee Handbook, they will be required to work in order to be paid.

Section 9. Show-up Time

If an employee reports to work, he/she will be provided with 2 hours work/pay. An employee may elect to forfeit this benefit to terminate his/her work day.

Section 10. Call-in Time

Employees who are called to duty during their off-duty time shall be paid a minimum of two hours.

Section 11. Exclusions

Except for Section 4 of this Article, this Article does not apply to Chief Deputies.

ARTICLE V

Overtime Compensation

Section 1. Definition

Work performed by all employees, except salaried employees and Law Enforcement Employees, in excess of forty (40) hours in any week shall be compensated at the rate of one and one-half (1-1/2) times the regular hourly rate of pay for the number of overtime hours worked. Peace officers and correctional officers under the jurisdiction of the County Sheriff whose hours vary shall be compensated after working more than 171 hours in a 28 day cycle by using a method consistent with the Federal Fair Labor Standards Act. Salaried employees who are not exempt from the Federal Fair Labor Standards Act shall be compensated by using a manner consistent with the Federal Fair Labor Standards Act.

Section 2. Holidays

Holidays and personal days shall be counted as days worked in computing overtime. All other days on which an employee does not work, shall not be counted as days worked in computing overtime.

Section 3. Approval of Overtime

No employee shall be compensated for overtime work unless such work has been approved by the employee's department head or his/her designated representative. Where overtime is allowed, it shall be distributed equitably among employees in the same job classification with the understanding that nothing herein shall prohibit the Employer from assigning overtime on a given job to any employee already assigned to that job.

Overtime assignments shall be reviewed on a quarterly basis to determine whether their distribution has been equitable. If the distribution of overtime has not been equitable, overtime assignments in the succeeding quarter(s) shall be allocated in such a manner as to equalize the distribution of overtime within a job classification.

Section 4. Exclusions

The Article does not apply to Chief Deputies.

ARTICLE VI

Sick Leave

Section 1. Purpose

The purpose of sick leave is to provide a benefit to those eligible County employees who are unable to attend work due to illness or injury.

Section 2. Allowance

Employees shall be allowed ten (10) days of sick leave annually. Sick leave shall not be used in increments of less than one (1) hour. For purposes of determining accrual for this section, employees will accrue 5 days every six months from an employee's anniversary date subject to qualifications as mentioned in paragraph 3, Section 1, of this Article. Regular part time employees shall receive sick leave benefits in a ratio proportionate to their regular part-time service.

Employees shall have the right to accumulate unused sick leave up to a maximum of sixty (60) working days.

Sick leave shall not accumulate during periods when an employee is absent due to an extended leave of absence of 30 calendar days or more.

Section 2. Permissible Uses

Sick leave shall be used for personal illnesses and injury, including on-the-job injury or disability, subject to the provisions set out hereinafter. Sick leave will not be allowed if an employee is injured while gainfully employed by a different Employer, or while engaged in any form of self-employment.

An employee may use a maximum of one-half (1/2) of one (1) day of sick leave for attending routine doctor or dentist appointments.

Sick leave shall not be used as vacation leave, however, upon written request, vacation pay may be used to continue compensation during illness when all sick leave has been exhausted.

Section 3. Physician's Statement

The Employer reserves the right to require a physician's statement for any absence due to sickness. If the Employer suspects that sick leave is being abused, it may in its discretion require the employee suspected to provide a physician's statement for all subsequent sick leave days regardless of number provided it first notifies the employee that he/she is suspected of abusing sick leave.

Section 4. . Notice of Employer

To be eligible for sick leave payment, an employee shall notify the Employer as soon as possible but in any event one hour prior to the starting time of the employee's workday.

Section 5. Leaves for On-the-Job Injuries

A leave of absence will be granted by the Employer to any employee for absence required as a result of on-the-job injury covered by Workmen's Compensation Insurance. During such leave, the employee at his/her option may apply his/her accumulated sick leave benefits to be prorated against the difference between his/her regular straight time wages and the compensation to which he/she is entitled under the Workmen's Compensation Law.

ARTICLE VII

Vacation Leave

Section 1. Vacation Benefits

Subject to and in accordance with the provisions of this Article, paid vacations shall be granted to employees after continuous service pursuant to the following schedules:

(a) An employee in the continuous active service of the Employer for one (1) year or more as of the anniversary of his/her most recent date of hire shall be given one (1) week vacation with pay at his/her regular hourly rate.

(b) An employee in the continuous active service of the Employer for two (2) years or more as of the anniversary of his/her most recent date of hire shall be given two (2) weeks vacation with pay at his/her regular hourly rate.

(c) An employee in the continuous active service of the Employer for ten (10) years or more as of the anniversary of his/her most recent date of hire shall be given three (3) weeks vacation with pay at his/her regular hourly rate.

(d) An employee in continuous active service of the Employer for eighteen (18) years or more as of the anniversary of his/her most recent date of hire shall be given four (4) weeks vacation with pay at his/her regular hourly rate.

For purposes of determining years of continuous service, the following absences that are in excess of six months shall be deducted: layoff or an extended leave of absence.

Regular part-time employees shall receive vacation leave in a ratio proportionate to their part-time service.

Section 2. Limitations

The purpose of a vacation is to enable the employee to enjoy periodic rest from his/her regular job so that he may return to his/her work refreshed. The vacation year will be the individual employee's anniversary date to anniversary date. Accordingly:

(a) All vacations earned must be taken by the employee prior to the employees next anniversary date except an employee may carry over 1 week (5 working days) into the following year.

(b) No employee shall be entitled to vacation pay in lieu of vacation.

(c) An employee whose services are terminated, except by discharge for cause, shall receive any vacation earned and not previously taken. Such vacations shall be taken before the employee is dropped from the payroll provided that no vacation may be earned on a pro rated basis until after the employee has worked his/her first full year.

Section 3. Selection

No later than March 1 of each year each department head shall post a vacation schedule of open periods for vacations along with a notice concerning the maximum number fifteen (15) calendar days within which to designate their choice.

In the case of a conflict between designated choices within a department, the employee with the earlier date of hire shall have preference. At the end of said fifteen (15) day period, each department head shall designate on the posted schedule those vacation period selections which have been approved.

All remaining employees entitled to a vacation shall be granted their vacation at the time that they select provided such selection does not conflict with a vacation period previously designated by another employee, or exceed the maximum number of employees who may be on vacation at any given time, or conflict with the operation of the Employer.

During the first year of their employment, employees shall earn but shall not be permitted to take vacation, subject, however, to the following. Any employee serving a probationary period by virtue of a promotion shall be entitled to take a vacation in accordance with the provisions of this Section.

ARTICLE VIII

Temporary Leaves of Absence

Section 1. Funeral Leave

A leave-with pay of not more than (4) consecutive workdays per occurrence shall be granted in the event of a death in an employee's immediate family. For purposes of this section "immediate family" shall mean only the following: spouse, child, step-child, mother, father, sister, brother, mother-in-law, father-in-law, grandchild.

A leave with pay of not more than two (2) consecutive work days per occurrence shall be granted in the event of the death of an employee's grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Funeral leave must be approved by the department head or his/her designated representative and must include the date of the funeral.

Section 2. Jury Duty and Court Appearance

Any employee who is subpoenaed for jury duty during working hours by any person or party, or who is subpoenaed by any person or party to appear in any Court or Administrative proceedings to which he/she is not a party, shall be provided leave with pay for such duty or appearance. However, employees who are subpoenaed to appear in their capacity, as employees of the county shall be provided leave with pay for such appearance, regardless of whether or not they are named as parties.

If the employee chooses to be paid for time served on jury duty or court appearances, any jury or other pay received shall be forfeited to the county.

ARTICLE IX

Extended Leaves of Absence

Section 1. Duration

In the discretion of the Employer an employee may be granted an extended leave of absence without pay not to exceed the probationary period set out herein in Article XI.

Section 2. Application

Application for such a leave of absence must be made in writing to the Employer not less than thirty (30) days, whenever, possible, before the beginning date of the leave, setting forth in writing the length of leave desired and the reasons therefor.

Application for leave may also be made under the Family Medical Leave Policy . A copy of this policy may be obtained from the employee's supervisor or the County Board Administrative Assistant.

Section 3. Benefits During Leave

No vacation time, sick leave, seniority, or other benefits contained in this Employee Handbook shall accrue during the time an employee is on a leave of absence without pay.

ARTICLE X

Holidays

Section 1. Holidays Recognized

The following days shall be recognized as paid holidays and observed on the dates established by the Employer:

New Year's Day	President's Day
Martin Luther King Day	Memorial Day
Independence Day	Labor Day
Veterans Day	
Thanksgiving Day	Day after Thanksgiving
Christmas Day	One and 1/2 Personal Days

Employees shall be dismissed with pay at 12 noon on December 24, when said day falls Monday through Thursday.

Holidays observed are established by the County Board each year. The ones listed above are subject to change each year at the reorganizational meeting and are listed only as a guideline.

Section 2. Observance Of Holidays

The Employer shall designate the day on which the holiday is to be observed except that if an aforementioned holiday falls on a Saturday, the preceding Friday will be observed as a holiday, and if an aforementioned holiday falls on a Sunday, the following Monday will be observed as the holiday. Law Enforcement Employees whose hours vary shall observe the holiday on the day on which it actually occurs (for example, Christmas will be observed on December 25).

Section 3. Eligibility for Holiday Pay

In order to be eligible for receiving holiday pay, an employee must work on the last scheduled work day before the holiday and on the first scheduled work day after the holiday. No employee who has been laid off, or discharged, or who is under suspension will be eligible for holiday pay.

Section 4. Pay for Holidays

Regular full-time employees eligible for holiday pay shall receive as holiday pay their normal rate of pay at straight time up to a maximum of eight (8) hours for any one holiday. Regular part-time employees eligible for holiday pay shall receive as holiday pay their normal rate of pay at straight time prorated based upon their average daily hours of work.

Section 5. Holidays During Vacations

If an observed holiday falls during an employee's vacation period, such observed holiday shall not be charged against the employee's vacation leave.

Section 6. Premium Pay

Employees required to work on the day on which any holiday listed in Section 1 is observed, as provided in Section 2, shall receive compensation at the rate of one and one-half(1-1/2) times their normal hourly rate of pay for the actual number of hours worked and shall receive holiday pay as set out in Section 4 hereof in addition to such premium pay. This section does not apply to Chief Deputies, except Chief Deputy Sheriff when working as a road deputy due to an emergency.

ARTICLE XI

Communications Policy

Section 1. Telephone

The facilities of the county's telecommunications systems are provided for the conduct of county business. In addition, the county's telecommunications systems may be used by county employees and officials for local and long distance calls to children at home, teachers, doctors, day care centers, and baby sitters, to family members to inform them of unexpected schedule changes, and for other essential personal business. The use of the county's telecommunications systems for essential personal business shall be kept to a minimum and shall not interfere with the conduct of county business. Essential personal long distance calls shall be either collect, charged to a third-party, noncounty number, or charged to a personal credit card.

Section 2. Internet

The county internet is not for personal use.

ARTICLE XII

Probationary and Trial Periods

Section 1. New Hires

All newly-hired employees shall serve a probationary period of six (6) months. . Any new hire serving probationary period shall not be entitled to benefits (except insurance and holidays as provided below).

A new hire still in his/her probationary period shall receive holiday pay for holidays which are observed after 3 full months of employment. Personal days are not subject to this waiting period.

Health Insurance is available for new hires on the 1st day of the month which follows 30 days of employment.

The probationary period may be extended for an additional period of up to six (6) months following an unsatisfactory six month evaluation and written notice.

ARTICLE XIII

Wages

Section 1. Coverage

The pay classification for certain employees covered by this Employee Handbook shall be as set forth in Section 2 of this Article. Exclusions include road employees, employees whose salaries are set by other boards, Extension and Health Boards, and one of a kind positions, such as , County Road Supt., Noxious Weed Supt., Jail Supervisor/Matron, and the Building & Grounds Supt.

All Employees (including the employees excluded in paragraph one) shall be paid only for hours actually worked unless otherwise provided herein.

Section 2. Pay Classification

All employees shall be placed in and paid in accordance with one of the following job classes:

CLASS	POSITIONS
I	Filing Clerk-Receptionists-Cooks
II	General Office Clerks-Custodian-Cook II
III	Jailers and Administrative Clerks
IV	Legal Secretary-Abstractors
V	Chief Deputies-Supervisors-Veterans Service Officer-Administrative Assistant to the Board
	(except Chief Deputy Sheriff)
VI	Sheriff's Road Deputies
VII	Sheriff Chief Deputy
VIIIa	Deputy Public Defender
VIIIb	Deputy County Attorney
Ixa	Chief Deputy Public Defender
IXb	Chief Deputy County Attorney

The salary of each employee, except Chief Deputies, shall be fixed by the elected official; the salary of each Chief Deputy shall be fixed by the County Board of Commissioners; and the above pay classification shall be have a maximum rate as established by the Board of Commissioners . No employee shall receive maximum pay until he/she has at least 3 years of continuous employment with the county since his/her most recent date of hire, This provision does not obligate an elected official, nor the County Board, to pay an employee the maximum after three (3) years of continuous employment. In the event an employee is promoted from one class to another class, he/she shall not be entitled to receive the maximum rate for said class until he/she has one year service within said class.

ARTICLE XIV

Sexual Harassment

Sexual harassment is illegal and against the policies of Dakota County. Sexual harassment negatively affects morale, motivation, and lob performance. It is inappropriate, offensive, and illegal, and will not be tolerated.

Sexual harassment involves (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of employment, or (b) making submission to or rejection of such conduct the

basis for employment decisions, or (c) creating an intimidating, offensive, or hostile working environment by such conduct.

Examples of sexual harassment include, but are not limited to. the following:

* Verbal: sexual innuendo, suggestive comments, insults, threats, jokes or derogatory comment based on sex: sexual propositions or advances: pressure for sexual favors.

* Nonverbal: posting of sexually suggestive or derogatory pictures, cartoons or drawings; making suggestive or insulting noises, leering, whistling, or making obscene gestures.

* Physical: touching, pinching, squeezing, patting, brushing against the body; impeding or blocking normal work or movement; coercing sexual intercourse; or assault.

Any employee who believes he or she has been the subject of sexual harassment from another employee for from an outside party in the workplace, or who has observed sexual harassment in the workplace, should report alleged conduct immediately to their supervisor, or to the Administrative Assistant to the Board of Commissioners. Supervisors or managers who receive a sexual harassment complaint are to contact the Administrative Assistant to the Board of Commissioners immediately.

All complaints will be investigated promptly, impartially and confidentially. Upon completion of the investigation appropriate parties will be notified of the findings. No employee will suffer retaliation for reporting llegal instances of sexual harassment.

Any employee found by the county to have sexually harassed another employee will be subject to appropriate corrective action, ranging from a disciplinary warning up to and including termination.

We trust that employees of Dakota County will act in a responsible and professional manner to maintain a pleasant working environment, free of discrimination, allowing each to perform to his or her maximum potential.

ARTICLE XV

Performance Evaluation

Section 1. Function

The performance evaluation serves two functions.

- 1) To help retain good employees by giving them credit for their contribution to county government and recommend appropriate salary increases;
- 2) to serve as a method of documenting poor performance in the event of involuntary discharge.

Section 2. Policy

All employees (supervisory and non-supervisory) shall receive a written evaluation after completing the six month probationary period and every year. The evaluation will included:

1. The quality of work performed as compared to similar workers.
2. The quantity of work, where applicable: and
3. General employment record of absenteeism, etc.

Section 3 Procedures

1. Performance reports shall be completed on forms approved by elected or appointed officials.

2. After completion of the evaluation, the report will be discussed with the employee, who shall have the right to add their comments.

3. The signing of the performance evaluation by the employee does not signify the employee's agreement with the content, but only that they have seen the performance evaluation, that it has been discussed with the employee, and that the employee has been given an opportunity to comment. The evaluator should sign and date the performance evaluation. If the employee refuses to sign, the supervisor and witness shall document the employee's refusal on the employee's performance evaluation form. The employee may attach written comments regarding the evaluation if they desire. These comments shall be submitted within 30 calendar days of the date of the report.

4. Each employee shall receive a copy of their performance evaluation if requested and a copy of each performance evaluation shall be included in the employee's personnel file.

ARTICLE XVI

Section 1. Smoking Policy

PURPOSE: To establish policy and procedures for compliance with the Nebraska Clean Air Act.

1. Effective May 1, 1995 all county buildings are designated as "Smoke Free Facilities."

(a) On the exterior doors of such buildings will be a sign indicating that smoking or carrying a lighted tobacco product inside the building is prohibited.

(b) Specific areas in which smoking or carrying a lighted tobacco product is prohibited includes, but is not limited to:

Highway Department Office and Repair Shops
Vaults of County Offices
Storerooms or Utility Rooms
Courthouse Interior Stairwells and Hallways
Any Attic in County Owned or Leased Proper
Sheriff Offices and Related Indoor Areas
Jail Cells and All Related Indoor Areas
Open and Enclosed Courthouse Offices
Rest Rooms
Boiler-rooms
Courtrooms and Related Areas

Section 2. Violation of Smoking Policy

First time offenders shall be given a verbal warning.

Second time offenders shall be given a written warning to be placed in his/her personnel file.

Third time offenders shall be handled in accordance with the Nebraska Clean Air Act per Neb. Rev. Stat. 71-5712.

EMPLOYMENT-AT-WILL

You are an "at-will" employee. That phrase has a special meaning in the law; it means that either you or the County can terminate our relationship for any reason which is not contrary to law or for no reason at all. If you have any questions about this, we urge you to see your lawyer. You may be terminated for violating any policies explained in this Employee Handbook (as revised from time to time), performance deficiencies, for other reasons, or for no reason at all.

VERIFICATION PROVISION

I have read the County Employee Handbook. I understand its contents, and I will do my best to abide by the rules and regulations of the County. I understand that the Handbook does not constitute a contract between the County and me, but the means of providing general information for my benefit. I understand that the County may in its discretion change, suspend, or cancel all or any part of us Handbook at any time.

Signature _____ Date: _____

Supervisor's
Signature _____ DATE _____

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

The board members reported on any committee meeting that they recently attended.

The County Clerk suggested that the county contact Douglas County to encourage them to appeal the TERC's ruling on the Mutual of Omaha reduction in value by the TERC. He said that it is the burden of proof for valuation is on the tax payer and in listening to Cathy Lang, Douglas County had as reputable Appraisal Firm supporting their value as what the tax payer had. He added that if that stands as is, the impact on commercial values throughout Nebraska could be devastating.

Commissioner Todd reported that he attended the Assessor Workshop and it was brought up that just because a city owns lots, that doesn't automatically make them tax exempt. If they are selling lots to compete with private business then they should be taxed.

Commissioner Denker reported that he attended the same workshop and that they also touched on Tiff Districts. He questioned whether some of the tiffing in South Sioux qualifies as a blighted area.

Chair Engel recessed their meeting at 3:37 p.m. until 6:30 p.m. Monday January 28, 2001 to meet at the Iron Horse Golf Course for the scheduled City, County School joint meeting.

DAKOTA COUNTY, NEBRASKA

BY: \s\ _____
William F. Engel, Board Chair

ATTEST:

\S\

Theodore A. Piepho,
County Clerk

COUNTY BOARD OF COMMISSIONERS
JANUARY 22, 2002 PROCEEDINGS CONTINUED
MONDAY JANUARY 28, 2002 JOINT MEETING
IRON HORSE GOLF COURSE CLUBHOUSE
DAKOTA CITY, NEBRASKA

Mayor, Charles Carson, called the Joint Meeting to order at 6:35 p.m. with Pledge of Allegiance.

Chair Engel called their recessed meeting of January 22, 2002, to order at 6:36 p.m.

PRESENT: Commissioners Engel, Todd, Bobier, Denker, and Ted Piepho, Secretary.
ABSENT: Commissioner Hartnett

Other officials in attendance were: Mark Dorcey and Nanci Walsh.

Mr. Engel briefly addressed the audience as did Bill McClarty, Mayor of South Sioux City and Charles Carson, Mayor of Dakota City.

Lunch was served.

The agenda for the meeting was as follows:

- I. Welcome Honorable Mayor Chuck Carson
- II. Pledge of Allegiance
- III. Bring Meetings of Separate Entities to Order/Roll Call
- IV. State of the City Address--Chuck Carson, Mayor of Dakota City
State of the County--William "Bill" Engel, Chairman - Dakota Co. Commissioners
State of the City - William "Bill" McLarty, Mayor Of South Sioux City
State of the School - Rick Robinette, President-Board of Education- Mr. Robinette could not make it so Steve Rector spoke on his behalf.
Other Cities - Mayor/Council/Clerk Reports--Homer, Hubbard, Jackson, Emerson
- V. Volunteer of the Year Presentation - Presented by Mayor Carson
- VI. Invocation
- VII. Dinner
- VIII. Introductions of Speakers and Presentations
 - A. Hwy 35 Expressway progress report - Don Cook, District Engineer--Nebraska Department of Roads
 - B. Lewis & Clark Area Activities - Skip Meisner
 - C. Community Attitude Survey Report - Kenn Hallgren
 - D. Update on Siouxland Family Center and 2nd Floor Progress--Marge Meinen
 - E. Traffic Flow by South Sioux City JR/SR High Schools - Matt Bayse-FEH
 - F. Storm Water Permitting Report - Lance Hedquist
 - G. Cardinal Opportunity Center - Lance Hedquist
 - H. South Sioux City's Old Library Building - Lance Hedquist
 - I. Crystal Lake--Crystal Cove--wetlands south of

Atokad Park
J. Dakota/Thurston County Fair Update - James
Cahill

IX. Other Comments/Concerns

X. Adjournment

The joint meeting adjourned at 9:00 p.m.

DAKOTA COUNTY, NEBRASKA

BY: \s\ _____
William F. Engel, Board Chair

ATTEST:

\S\ _____
Theodore A. Piepho,
County Clerk

COUNTY BOARD OF COMMISSIONERS
FEBRUARY 04, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. with the Pledge of Allegiance.

PRESENT: Commissioners Engel, Todd, Bobier, Denker, and Nanci Walsh, acting Secretary.

ABSENT: Commissioner Hartnett

Don Becker, from the Army Corp of Engineers in Omaha, appeared before the board to discuss the feasibility of the corp drawing up plans for Crystal Lake. Mr. Becker did not seem enthused about the county offering Crystal Lake as a project because the county did not own the land. He said projects get strung out too long when the applicant has to acquire land for the project.

He suggested that the county sign on supporting the Crystal Lake Project with South Sioux City.

Commissioner Bobier moved, seconded by Commissioner Todd to sign and support the South Sioux City Crystal Cove Project with the Corp of Engineers.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Absent, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Madelyn Thorsland and Dick Erickson, State's Assessor and State's appraiser for Dakota County respectively, appeared before the board with a packet of information concerning Community Development property, which is currently tax exempt.

Dick Erickson reviewed the PA&T 2002 Preliminary Statistics with the board.

Commissioner Todd moved, seconded by Commissioner Bobier to increased the limit of the Road Petty Cash Fund from \$100.00 to \$250.00. The random drug test for road employees must be paid at the time the test is performed rather than being billed to the county as it is done currently.

ROLL CALL VOTE: Todd- Yea, Hartnett- Absent, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to convene into Closed Executive Session to discuss Personnel.

ROLL CALL VOTE: Hartnett- Absent, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED 2:57 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to reconvene into open session.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Absent, UNANIMOUS MOTION CARRIED 3:10 p.m.

Commissioner Bobier moved, seconded by Commissioner Engel to approve the Five Year and One Year Plan of the Northeast Nebraska Joint Housing Authority.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Absent, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Todd to approve the following agreement with DCIT.

The Dakota County Interagency Team hereafter known as DCIT and Dakota County hereby agree to the following:

- * Dakota County shall reimburse DCIT for hours that Pat Somsky works on grants for Dakota County as directed by the County Board.
- * The rate of reimbursement shall be \$50.00 per hour.
- * DCIT and Pat Somsky shall abide by all applicable federal, state and local laws.
- * This agreement shall be effective upon approval of both the Dakota County Board of Commissioners and the DCIT Board and can be terminated with 30 days notice by either party.

Approved by the Dakota County Interagency Team Board on the _____ day of _____, 2002.

_____ Date _____

Board Officer
Dakota County Interagency
Team

Approved by the Dakota County Board of Commissioners on the 4th day of February, 2002.

\s\William F. Engel Date February 4, 2002

Chair

Dakota County Board of Commissioners

ROLL CALL VOTE: Denker- No, Todd- Yea, Hartnett- Absent, Bobier- Yea, Engel- Yea, MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to transfer Dakota County Abandoned Vehicle Title #02028700020 on a 1985 Ford Econoline Van bearing the serial number 1FDEE14H0FHB38401 to Axles & Gears dba C & H Truck Parts for consideration of the storage and towing charges due against said vehicle.

ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the payroll submitted by the County Clerk as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$12,510.83, Road Employees Net Pay- \$8,615.22, Employer deductions paid: Retirement- 637.38, Unicare- 2,049.32,

Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 718.49, Medicare- 168.04.

Joel Broekemeier- 969.44, Randall Crombie- 973.60, Ronald Harder- 987.20, Walter Heinemann- 973.60, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 961.14, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 923.78, State- 297.36, Social Security- 718.49, Medicare- 168.04, Retirement- 424.95, Unicare- 741.40, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$63,577.33, General Fund Employees Net Pay- \$43,410.59, Employer deductions paid: Retirement- 3,515.94, Unicare- 9,773.68, Ameritas Dental- 713.70, Unicare Life- 271.70, Social Security Tax- 3,798.62, Medicare- 888.38.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 592.45, Bobbi Jo Harsma- 808.35, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 680.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Ryan Jensen- 28.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,357.36, Allen Burns Jr- 1,495.75, Linda Carson- 1,093.18, Melvin Harrison III- 878.57, Rodney Herron- 1,560.10, Jared Junge- 1,416.80, Donald Mueller Jr.- 1,506.84, Gary Powell- 1,517.19, Gayle Richards- 660.00, James Roberts- 1,300.00, William Thompson- 1,408.06, James Wagner- 1,676.00, Randall Walsh- 1,469.52, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,176.92, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 1,029.00, Rebecca Broer- 1,129.88, Carol Cox- 1,013.25, Leonard Cunningham- 950.25, Michael Gregerson Jr.- 947.50, Alma Gunderson- 1,036.25, Todd Hammer- 966.00, Paula Harrigfeld- 115.50, Brandi McManigal- 402.00, Kevin Rohde- 966.00, Linda Schovanec- 935.20, Margaret Stingley- 704.41, Brenda Tanner- 882.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 1,169.60, Michelle Stephen- 19.50, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00.

GENERAL FUND: Employee withholding paid to: Federal- 5,806.76, State- 1,923.28, Social Security Tax- 3,798.62, Medicare- 888.38, Retirement- 2,343.95, Unicare- 1,372.48, Ameritas Dental- 276.60, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 953.11, Aflac Health- 427.79, Aflac Life/Dsbl- 39.55, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 832.93, Cops Fast Employee Net Pay- 604.83, Employer deductions paid: Retirement- 49.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 51.64, Medicare- 12.08, Brad Claypool- 832.93.

COPS FAST GRANT: Employee withholding paid to: Federal- 103.31, State- 27.75, Social Security- 51.64, Medicare- 12.08, Retirement- 33.32.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Absent, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 3:48 p.m.

DAKOTA COUNTY, NEBRASKA

BY: \s\William F. Engel
Board Chair

ATTEST:
\S\Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 10:00 a.m. with the Pledge of Allegiance.

PRESENT: Commissioners Engel, Hartnett, Todd, Bobier, Denker, and Ted Piepho, Secretary.

ABSENT: All Present

The board reviewed the claims submitted by the County Clerk for payment.

Chair Engel recessed their morning session at 11:47 a.m. for lunch.

Chair Engel reconvened their afternoon session at 1:30 p.m. with all members of the County Board and Secretary Ted Piepho present.

Sara Koch appeared before the board to solicit support of the board.

Commissioner Denker moved, seconded by Commissioner Hartnett to adopt the following resolution in support of Haven House.

RESOLUTION

BE IT RESOLVED BY THE BOARD OF DAKOTA COUNTY COMMISSIONERS THAT on this 19th day of February, 2002, that we the undersigned duly elected Commissioners of Dakota County hereby find as follows:

1. Haven House Family Services Center, a non-profit corporation incorporated under the laws of Nebraska in 1979, has provided services in the area of domestic violence and sexual assault in Northeastern Nebraska including Dakota County.

2. In 1997, Haven House entered into collaborative efforts and grant requests to provide increased levels of services to Dakota County residents.

3. That in October 1998 these collaborative efforts resulted in the receipt of a grant to form the Dakota County Community Coordinated Response Team.

4. That in order to continue the services and programs created by these efforts Haven House has prepared for submission, a grant request to the Nebraska Crime Commission for funds available under the Violence Against Women Act.

THEREFORE, BE IT RESOLVED THAT THE UNDERSIGNED COMMISSIONERS HEREBY EXPRESS SUPPORT OF THIS GRANT REQUEST AND COMMEND AND SUPPORT THE EFFORTS PUT FORTH IN THE REDUCTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN OUR COUNTY.

DATED this 19th day of February, 2002.

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

Commissioner

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Darrell Mahon appeared before the board as result of an affidavit of owner of isolated land described as follows: East one-half of the Northeast Quarter of the Northeast Quarter, Section Two, Township Twenty-Nine Range Six Dakota County, Nebraska.

AFFIDAVIT OF OWNER OF ISOLATED LAND

STATE OF NEBRASKA}

COUNTY OF NEBRASKA}

I, Darrel E. Mahon, residing at 1418 Hickory St, Dakota City, Nebraska, first being duly sworn, state as follows:

I am the owner of an isolated tract of land. The land referred to in this affidavit is described as follows:

The East one-half of the Northeast Quarter of the Northeast Quarter, Section Two, Township Twenty-Nine, Range Six Dakota County Nebraska.

I am to the North blocked by land owned by Mr. Dan Bloomfield of 1137 Q, Ave. Ponca, Nebraska 68770.

I am to the West and South blocked by land owned Mr. Ira Love of 100 Broadmoor Dr. South Sioux City, Nebraska 68776.

I am, to the East blocked by land owned by Mr. & Mrs. Donald J. and Vickie L. McArthur of 1347 Nodaway, Jackson, Nebraska 68743.

I spoke to Mr. Bloomfield and to the best of my recollection he stated I could not cross his land; however, he would not be against a road going down the county line to the East to State Hy-Way 12. However he gave land to his church for a cemetery and the cemetery lies on the county line. That being the case, I would have to acquire 30 plots at \$500 a plot for a total of \$15,000.

I spoke to Mr. Love and he would sell me at \$650 an acre a strip land 66 feet wide along his north fence line to the right of way of State Hy-Way 12. This land ends at the right of way of the highway but at a point the grade to the highway would be over 40% and as such the state refuses access at this point. My recourse then would be to purchase the land running along the right-of-way to Mr. Love's access to the highway, land Mr. Love refuses to sell.

I spoke to Mr. McArthur and he refuses to sell me access across his land.

\s\Darrel E Mahon

Deponent

Subscribed and sworn to before me this 15th day of February 2002

\s\Theodore A. Piepho

Mr. Mahon said that he was of the opinion that the board had to act within 30 days. Access to this property was possible via three (3) different directions.

Commissioner Todd questioned the accuracy of the direction that this land laid in comparison to Ira Love's property and the McArthurs as stated in the affidavit.

It was determined that the east and west reference to this land described in the 5th and 6th paragraphs of the affidavit were reversed. Mr. Mahon asked the board if that could be amended at the time of discussion and the board said that was ok.

There was discussion that the county thought that Mr. Mahon would have to pay all damages and cost if the county were to provide him access. The County Attorney said that different statutes applied to different situations and that he needed a chance to look at it.

Mr. Mahon did not favor going through the cemetery because it was estimated that 20 to 30 cemetery lots would be disrupted and he did not want to stand the cost for them. He felt the county should build him a road and he suggested going south because that was more of a valley and not as many hills.

The county board, with the County Attorney, was going to look how to proceed from here and suggested that he come back to the next meeting.

The County Attorney will look into this and we were suppose to advise Mr. Mahon as this progresses.

Commissioner Denker moved, seconded by Commissioner Bobier to acknowledge receipt of and approve the Officials Reports filed by the County Clerk, Register of Deeds and the Clerk of the District Court for the month of January, 2002 and the 4th quarter of 2001 filed by the County Sheriff.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

The board discussed Storm Water Regulations.

The board discussed a letter received from the Douglas County Board asking the Dakota County Board to adopt a resolution supporting the legislature changing the law to allow ag land inside the city limits to be green belted. Commissioner Todd moved, seconded by Commissioner Bobier to adopt the following resolution to support the option of farm land inside the city limits to be green belted.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

WHEREAS, the State of Nebraska's current "Greenbelt Law" requires that farmland located within the boundaries of any sanitary and improvement district,

city or village be assessed at the same rate as land used for non-agricultural purposes; and,

WHEREAS, this Board believes that farmland located within the boundaries of any sanitary and improvement district, city or village should be assessed at a lower rate than land used for non-agricultural purposes.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, that this Board hereby strongly encourages the members of the Nebraska State Legislature to amend, during the upcoming regular legislative session, the State's current "Greenbelt Law" to allow for agricultural land located within the boundaries of any sanitary and improvement district, city or village to be assessed at a lower rate than land used for non-agricultural purposes.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to each member of the Ninety-Seventh Nebraska Legislature.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve Juvenile Services Planning Grant 01-PL-3024 and the Law Enforcement Block Grant 01-LE-1103 for a Radar Unit and to authorize the chair to sign all documents for said grants.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the payroll and accounts payable claims as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$12,910.25, Road Employees Net Pay- \$8,895.21, Employer deductions paid: Retirement- 655.78, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 743.25, Medicare- 173.84.

Joel Broekemeier- 934.40, Randall Crombie- 1,096.80, Ronald Harder- 1,091.42, Walter Heinemann- 1,088.00, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 1,053.78.

ROAD FUND: Employee withholding paid to: Federal- 980.34, State- 317.35, Social Security- 743.25, Medicare- 173.84, Retirement- 437.23, Unicare- 741.44, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$62,714.71, General Fund Employees Net Pay- \$43,059.15, Employer deductions paid: Retirement- 3,394.88, Unicare- 9,773.68, Ameritas Dental- 713.70, Unicare Life- 271.70, Social Security Tax- 3,745.13, Medicare- 875.86.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curriel- 543.69, Bobbi Jo Harsma- 795.60, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 782.10, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 415.65, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Ryan Jensen- 28.00, Patricia A.

Stingley- 804.00, Jeremy Bermel- 1,184.08, Allen Burns Jr- 1,480.25, Linda Carson- 1,093.18, Melvin Harrison III- 975.56, Rodney Herron- 1,418.34, Jared Junge- 1,278.20, Donald Mueller Jr.- 1,317.12, Gary Powell- 1,308.62, Eric Reed- 192.00, Gayle Richards- 638.96, James Roberts- 1,150.50, William Thompson- 1,281.94, James Wagner- 1,676.00, Randall Walsh- 1,282.88, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 1,103.74, Rebecca Broer- 1,003.38, Carol Cox- 887.25, Leonard Cunningham- 840.00, Michael Gregerson Jr.- 820.00, Alma Gunderson- 916.00, Todd Hammer- 934.50, Paula Harrigfeld- 57.75, Brandi McManigal- 376.00, Kevin Rohde- 903.00, Linda Schovanec- 946.80, Cory Schultz- 893.00, Margaret Stingley- 612.50, Brenda Tanner- 840.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 1,191.53, Judi Neswick- 13.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00.

GENERAL FUND: Employee withholding paid to: Federal- 5,588.11, State- 1,851.22, Social Security Tax- 3,745.13, Medicare- 875.86, Retirement- 2,263.25, Unicare- 1,372.56, Ameritas Dental- 276.60, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 879.27, Aflac Health- 427.79, Aflac Life/Dsbl- 39.55, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 969.86, Cops Fast Employee Net Pay- 698.42, Employer deductions paid: Retirement- 58.19, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 60.13, Medicare- 14.06, Brad Claypool- 969.86.

COPS FAST GRANT: Employee withholding paid to: Federal- 123.02, State- 35.44, Social Security- 60.13, Medicare- 14.06, Retirement- 38.79.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

GENERAL FUND: Fred Denker, mileage/meals- 38.51; Perkins Office Solutions, supplies- 115.02; Daniel Rohde, prior years service- 23.08; NE Nebraska Association of County Officials, workshop- 60.00; Charles Rush, prior years service- 34.62- Sam's Club, supplies- 19.39; Star Printing & Publishing, publishing- 405.07; Lyle Todd, mileage/meals- 186.43; Nanci Walsh, meal- 4.13; City of Dakota City, joint meeting expense- 181.59; Holiday Inn, lodging- 549.70; Eloise Gormally, prior years service- 103.86; MIPS, marriage file extract- 57.03; NE Nebraska Assn of County Clerks, Register of Deeds & Election Commissioners, dues- 10.00; NE Nebraska Assn of County Officials, workshop- 20.00; OSDI, lektriever maintenance contract- 850.00; Perkins Office Solutions, supplies- 156.02; Theodore Piepho, mileage- 74.83; Redfield & Co, binders- 229.20; Star Printing & Publishing, bid ad- 87.11; Western Office Supply, printer repair- 329.00; Robert Giese, mileage- 69.35; Charlotte Doenhoefer, prior years service- 10.00; Ruth Jensen, prior years service- 12.00; Nadine Lewon, prior years service- 17.00; Mardell Sorensen, prior years service- 26.00; Irene Van Lent, prior years service- 16.00; Des Moines Stamp Mfg, supplies- 175.40; Monroe Systems, office equipment- 283.25; Star Printing & Publishing, semi-annual report- 112.83; Staples, supplies- 17.07; Intergovernmental Data Services, service- 27.00; NE Nebraska Assn of County Clerks, Register of Deeds, & Election Commissioners, dues- 10.00; Bear Graphics, envelopes- 46.10; Perkins Office Solutions, envelopes- 45.87; Lance Corbit, computer network repair- 358.07; Intab, shipping & handling- 6.63; MIPS, monthly support- 49.52; Ramada Inn, lodging- 114.34; Secretary of State, voter registration forms- 25.00; Star Printing & Publishing, primary election notice- 73.13; Margaret Kunzie, mileage-

22.72; Standard Office Equipment, supplies- 57.30; Star Printing & Publishing, meeting notice- 13.41; Acoustical Innovations, headset/amplifier- 97.00; Colene Boyle, prior years service- 46.16; Executive Copy Systems, copier maintenance/fax repair- 196.25; NE Nebraska Assn of County Officials, workshop- 20.00; Office Systems Company, fax repair- 68.00; Perkins Office Solutions, supplies- 161.15; Virginia Piper, reimbursement for supplies- 16.64; Kurt Rager, reimbursement for supplies- 127.79; Redfield & CO, file folders- 150.63; Thurston County Court, transcription supplies- 6.13; Cellular One, phone- 26.59; Scott Dugan, mileage- 405.15; Frank Gonzalez, interpreting- 120.00; NCDAA, seminar- 100.00; Omaha World Herald, want ad- 165.80; Perkins Office Solutions, equipment repair- 41.95; Sioux City Journal, want ad- 64.50; William Binkard, attorney fees- 510.00; Clerk of District Court, court costs- 800.00; Coffee King, coffee- 39.92; George Hirschbach, attorney fees- 150.00; Michelle Kirkpatrick, transcription- 206.25; Ellen Rohde, bailiff fee- 75.00; Michael Schmiedt, mental health hearing- 630.00; Shirley Sides, mental health hearing- 60.00; Patricia Slaughter, mental health hearing- 60.00; Woodbury County Sheriff, return fee- 25.22; West Group, online charge/law materials- 2492.30; Dakota County Sheriff, papers/warrants- 1215.55; JURY PAYROLL: Paula Bartels, jury pay- 44.13; Richard Berding, jury pay- 40.48; Todd Campbell, jury pay- 39.02; James Chamberlain, jury pay- 40.11; Scott Comstock, jury pay- 40.48; Michelle Dribelbis, jury pay- 36.46; Bradley Ebaugh, jury pay- 37.92; Brent Highfill, jury pay- 37.19; Donna Hirsch, jury pay- 38.65; William Hoffman, jury pay- 37.92; Dean Lieber, jury pay- 42.30; Linda Mc Coy, jury pay- 37.19; Roxann Pearson, jury pay- 40.11; Kelli Rahn, jury pay- 37.92; Rose Ramirez, jury pay- 37.19; Beatrice Smith, jury pay- 35.37; Daniel Twohig, jury pay- 39.38; Darlene Vavra, jury pay- 40.48; Lonnie Winbolt, jury pay- 37.92; Dick Wood, jury pay- 38.29; Pharyce Eslick, bailiff- 83.43; Dakota County Court, court costs- 31.00; Frank Gonzalez, interpreting- 280.00; Janet L Adams, witness fees-23.65; Carlos Barrientos, witness fee- 30.95; Lori Curry, witness fees- 223.65; Dustin Denney, witness fees- 27.30; Connie Foust, witness fees- 22.92; Nic Lucart, witness fees- 27.30; Joe Mildorfer, witness fees- 27.30; Julie Saul, witness fees- 23.65; Joyce Wilson, witness fees- 23.65; Jennifer Wittrock, witness fees- 27.30; Sandra Inkster Ehrich, attorney fees- 1185.00; Randy Hisey, attorney fees- 528.00; Hurley Law Office, attorney fees- 456.00; Barbara Kueny, attorney fees- 450.00; Douglas Luebe Law Office, attorney fees- 1278.70; Stuart Mills, attorney fees- 1205.00; Patrick Tott, attorney fees- 1011.00; Lori Ubbinga, attorney fees- 876.00; Clerk of District Court, mileage- 47.12; City of Dakota City, utilities- 1134.38; Cellular One, phone- 23.58; Gill Hauling, garbage- 105.00; Hardware Hank, supplies- 116.19; Rick Jensen, mileage- 124.31; Maintenance Engineering, bulbs- 83.76; Menards, supplies- 552.50; Mid American Energy, utilities- 1930.36; NPPD, utilities- 1691.96; Klemmet Dean, prior years service- 84.00; Dan O'Dell, snow removal- 200.00; O'Keefe Elevator, maintenance- 62.70; Qwest, fire alarm phone- 38.51; Sam's Club, supplies- 96.68; Share, hand cleaner- 76.17; Trembly Pest Control, monthly service- 50.00; Foulk Bros Plumbing, repairs- 175.00; Dakota County Extension, mileage/supplies/copier rental/dues- 1159.48; Cellular One, phone- 181.04; Cenex Fleetcard, fuel- 201.20; City of S Sioux City, phones- 14.69; Crystal Oil, fuel- 152.54; Dakota County Sheriff, cleaning/meals- 21.72; Five Star Enterprises, award- 47.26; Jose Frerro, interpreting- 23.40; Amy Hueser, interpreting- 40.00; Harold's, photos- 18.97; Jack's Uniforms, uniform upkeep- 358.91; Jim's Service, tires/service- 373.94; MTS Safety Products, vests/cones- 501.12; Joy Nixon, prior years service- 23.08; Neva Neal, prior years service- 103.86; Perkins Office Solutions, toner- 489.16; RACOM, edacs/phone line- 505.00; Ray Allen Mfg, leads- 34.90; Robertson Implement, dog food- 107.70; Alicia Solis, interpreting- 110.00; State of Nebraska Health Lab, testing- 220.00; Armon Todd, prior years service- 69.24; Trio Auto Parts, parts- 20.27; Woodland Media Products, tape repair- 10.00; Circle S Stop & Shop, fuel- 1767.62; Cellular One, phone- 88.71;

Nebraska DMV, transcripts- 12.00; Des Moines Stamp Mfg, stamps- 99.20; H204U, supplies- 30.00; International Laser Group, toner- 339.00; Iowa Office Supply, copier maintenance contract- 96.00; Omaha World Herald, subscription- 129.48; Perkins Office Solutions, supplies- 58.60; Record Printing, letterhead/second sheets- 412.49; Schuetts Reporting, deposition- 73.00; Secretary of State, notary renewal- 30.00; Staples, supplies- 124.76; West Group, law updates- 144.50; City of South Sioux City, lec operating expense- 21513.63; BI Inc, house arrest units- 762.30; Boys & Girls Home, juvenile boarding- 6250.00; Braungers, food- 1447.63; Cedar County Sheriff, inmate housing- 8120.00; Cellular One, phone- 48.18; Coffee King, coffee- 38.28; Carol Cox, uniform repairs- 36.00; Dakota Family Dentistry, inmate care- 240.00; Dakota Food & Fuel, fuel- 153.05; Dakota Super Value, food- 793.32; Earthgrains Co, bread products- 644.01; Fremont Tire, repairs- 38.90; Gary Heath, inmate care- 510.00; Hy Vee, food- 1428.49; Jack's Uniforms & Equipment, uniforms- 146.35; Moore Medical, medical supplies- 75.80; NLETC, training- 140.00; Redler's Pharmacy, inmate medication- 1310.25; Quest, lab tests- 78.90; Sam's Club, supplies- 181.56; Siouxland Federal Credit Union, transport fees/payment on acct- 74.05; Steffen Drug, inmate medications- 26.28; Brenda Tanner, mileage- 135.78; Walmart, supplies/inmate medications- 107.65; XPEDX, jail supplies- 368.68; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage- 133.59; Alan Boyd, mileage- 293.10; Army Times, subscription- 33.00; Cellular One, phone- 55.36; CVSOAON, dues- 25.00; Luken Memorial, marker setting- 171.20; Navy Times, subscription- 39.00; Perkins Office Solutions, supplies- 69.10; R Warren Johnston, prior years service- 11.54; Sam's Club, supplies- 86.99; Northeast Nebraska Public Power, crystal lake utilities- 27.00; Aflac/Flexone, service fee- 36.00; AT & T, phone- 40.52; Axles & Gears, storage contract- 750.00; Cellular One, phone- 30.30; DCIT, grant writing- 150.00; Executive Copy, toner- 184.00; MIPS, monthly support- 478.21; Betty O'Neill, prior years service- 46.16; Pitney Bowes, postage meter rental- 95.00; Qwest, trunk line- 135.33; Sam's Club, phone card- 34.70; SIMPCO, community development- 477.30; Thompson Publishing, update fair labor standards- 279.00; US Postal Service, meter postage- 2500.00; WCS, phone- 409.81

ROAD FUND: Advance Auto Parts, parts/supplies- 118.23; A-1 Auto Salvage, parts- 10.00; Ahlers Law Firm, conferences- 155.16; Aramark, supplies- 151.02; AT&T, phone- 43.77; Axles & Gears, parts- 40.00; Barco Municipal Products, strobe light- 231.96; Barkley Asphalt, hi-perf mix- 43.46; Bierschbach Equipment, banners/flags- 67.00; Bomgaars, grease/cleaner- 178.32; Campbell Supply, tools- 149.63; Cellular One, phone- 30.85; Cenex, fuel/oil- 497.85; Circle R, excavator part- 1233.23; Dakota County Register of Deeds, right of way registration- 20.50; Dakota County Road Dept, petty cash- 250.00; Five Star Awards, plaque- 56.77; Fort Calhoun Stone, road rock- 434.16; General Traffic Controls, signal light repair- 17.50; Gill Hauling, garbage- 40.00; Guarantee Oil, anti-freeze- 54.70; H204U, water service- 9.00; Heritage Express, fuel- 438.46; Higan Sand & Gravel, road rock- 1255.35; Richard Hoesing, reimbursement/drug testing- 15.00; Hubbard Mini Mart, fuel- 792.50; Jackson Glass, glass repair- 18.00; JEO Consulting, 1-6 year plan- 731.75; Joe's Dept Store, parts/supplies- 576.89; Knoepfler Chevrolet, parts- 14.36; Linweld, oxy/acetylene- 105.57; Marx Truck, parts- 145.04; Medical Enterprises, drug screenings- 59.80; Midwest Service & Sales, blades/chains- 1170.00; Nebraska Public Power, homer/ibp signals- 353.49; NE Nebraska Public Power, prepay electric- 750.00; NE Nebraska Telephone, phone- 122.02; Newman Signs, signs- 313.25; Northeast Coop, fuel/oil- 1409.24; O'Reilly Auto Parts, parts/supplies- 212.25; Pilger Sand & Gravel, road rock- 2233.42; Powerplan, parts- 29.62; P Q Auto Parts, tool box- 30.00; Precision Transmission, parts/labor- 350.00; Presco Sales, blades- 2409.60; Rees Mack Sales, parts/labor/filters- 428.19; Road Machinery Supply, parts/filters- 722.92; Willis Roeber, prior years service- 69.24; Sioux City Iron, parts/tools- 154.81; Siouxland Hydraulics, parts/labor- 297.85; Stephans Welding,

material/labor- 428.84; CW Suter, heater repair- 255.00; Team Ford, door handle- 68.02; Torco Remfg, parts/labor- 154.50; Town & Country, chain saw & parts- 301.41; Tractor Supply, parts- 79.11; Tri-State Communications, antenna- 17.00; Warren Oil, fuel/oil- 1496.15; Ziegler, parts- 158.81
ROAD IMPROVEMENT FUND: Bill Hall, right of way purchase- 969.00; JEO Consulting, engineering- 2842.50; Robert & Jane Meins, right of way purchase- 625.00; Lewis, Greg & Michael Storm, right of way purchase- 1545.00
POOR RELIEF: Becker Hunt Funeral Home, county burials/lopez/hattig- 3320.00
VETERANS AID: Veterans Service Office, emergency relief- 500.00
S T O P FUND: Staples, monitors/printer/digital cameras/accessories- 1684.84
COMMUNITY JUSTICE GRANT: Nicole Sims, mileage- 89.70
WEED FUND: Atco, chemical supplies- 404.45; Maurice Crofoot, prior years service- 103.86; J Colin Green, prior years service- 57.70; Hubbard Post Office, postage- 50.00
ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Bobier to approve the minutes of February 4, 2002 as typed.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel recessed their meeting at 3:15 p.m. until Monday, February 25, 2002 for the purpose of the One and Six Year Road Hearing and approving the One and Six Year Road Plan.

DAKOTA COUNTY, NEBRASKA

BY: \s\William F. Engel
Board Chair

ATTEST:

\S\Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
FEBRUARY 25, 2002
FEBRUARY 19, 2002 MEETING CONTINUED
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel reconvened their meeting of February 19, 2002 at 1:30 p.m. Monday, February 25 at 10:00 a.m.

Duane Upton, Highway Supt, presented the One and Six Year Road Plan to Board as follows:

ONE & SIX YEAR
ROAD IMPROVEMENT PLAN
DAKOTA COUNTY, NEBRASKA

February, 2002

PRIORITY NO.	PROJECT NO.	ESTIMATED COST
1	C-22 (74) A	\$1,287,000
	C-22 (74) B	\$1,053,000
2	C-22 (173)	\$ 7,500
3	C-22 (174)	\$ 10,000

4	C-22 (175)	\$ 12,500
5	C-22 (176)	\$ 5,000
6	C-22 (155)	\$ 10,000
7	C-22 (164)	\$ 20,000
8	C-22 (166)	\$ 4,000
9	C-22 (168)	\$ 20,000
10	C-22 (169)	\$ 32,000
11	C-22 (171)	\$ 140,000
12	C-22 (172)	\$ 16,000
13	C-22 (109)	\$ 10,000
14	C-22 (118)	\$ 10,000
15	C-22 (119)	\$ 25,000
16	C-22 (123)	\$ 206,000
17	C-22 (165)	\$ 20,000
18	C-22 (122)	\$ 312,000
19	C-22 (124)	\$ 200,000
	C-22 (150)	\$ 531,600
	C-22 (155)	\$ 10,000
	C-22 (158)	\$ 20,000
	C-22 (164)	\$ 20,000
	C-22 (172)	\$ 16,000
	C-22 (166)	\$ 4,000
	C-22 (167)	\$ 16,000
	C-22 (168)	\$ 20,000
	C-22 (169)	\$ 32,000
	C-22 (170)	\$ 16,000
	C-22 (171)	\$ 140,000

He presented the following projects as being completed the last year ending June 30, 2002: C-22 (150), C-22 (155), C-22 (158), C-22 (164), C-22 (172), C-22 (166), C-22 (167), C-22 (168), C-22 (169), C-22 (170), C-22 (171).

Commissioner Hartnett moved, seconded by Commissioner Bobier to adopt the One and Six Year Road Program as presented by JEO Consulting Group, Inc. of Norfolk, Nebraska.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The board discussed the Affidavit of Owner of Isolated Land filed by Darrell Mahon.

County Attorney, Bob Finney, appeared before the board and read the statutes concerning the opening of road.

The board had several questions that Mr. Finney wanted to do research on, so he asked if he could research over the lunch hour.

Chair Engel recessed their meeting at 11:35 a.m.

Chair Engel reconvened their meeting at 12:42 a.m. with all board members and the County Clerk present.

Mr. Finney reported that there had to be a Public Hearing within 30 days of the Affidavit being filed. Since that fell on Sunday, he said that the following Monday would be okay. He said that the adjoining land owners had to be given 15 days notice of the hearing and must be posted in three (3) places 10 days prior to the hearing.

Commissioner Bobier moved, seconded by Commissioner Denker to hold a Public Hearing at 2:30 p.m., Monday March 18, 2002, to take testimony in support of and

in opposition and to give evidence why a road should be opened to property owned by Mr. Mahon in the East one-half of the Northeast Quarter of the Northeast Quarter, Section Two, Township Twenty-Nine, Range Six Dakota County Nebraska. Be It Further Resolved that the land owner be responsible for all cost associated with the opening of said road should the board decide that a road should be built.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 1:05 p.m.

DAKOTA COUNTY, NEBRASKA

BY: \s\William F. Engel
Board Chair

ATTEST:

\S\Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
MARCH 4, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. with the Pledge of Allegiance.

PRESENT: Commissioners Engel, Hartnett, Todd, Bobier, Denker, and Ted Piepho, Secretary.

ABSENT: All Present

Pat Glover, Health Department, introduced Pam DeBries, the new Health Nurse.

The board reviewed the claims submitted by the County Clerk for payment.

Chair Engel opened the Public Hearing on the rezoning application of Kevin Cosgrove to rezone SE 1/4 NW 1/4 SW 1/4 Section 16, Township 29 North, Range 7 East of the 6th P.M. in Dakota City NE from Ag to Ag Residential at 1:35 p.m. Mr. Cosgrove said that his application does not have 400' frontage to the road but has a easement from Milo Birkley for purposes of ingress and egress described as follows: South 50' of SW 1/4 NW 1/4 SW 1/4 Section 16, Township 29 North, Range 7 East of the 6th P.M. in Dakota County, NE.

Chair Engel closed the Public Hearing at 1:40 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the zoning request of Kevin Cosgrove from Ag to Ag Residential for property described as follows: SE 1/4 NW 1/4 SW 1/4 Section 16, Township 29 North, Range 7 East of the 6th P.M. in Dakota County, NE.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED

Commissioner Denker moved, seconded by Commissioner Hartnett to adopt E911 Resolution as follows:

RESOLUTION # _____

WHEREFORE, Dakota County has undertaken a project through Emergency-911 to name and number all rural addressed property within Dakota County; and

WHEREFORE, the efficient use of E-911 technology requires that there be placed at all addressed property, a number designating said property so that rural fire departments and rescue units can efficiently travel to and handle any emergency situations at said properties; and

WHEREFORE, the cost of said signs at each addressed property is \$15.00 and it is required that the signs would be purchased by each owner of addressed property through the City/County Law Enforcement Center; and

NOW THEREFORE, be it resolved that the Dakota County Board of Commissioners hereby enacts said resolution that all owners of addressed property shall be required to purchase and install at each specific addressed property, a sign to be purchased through the City/County Law Enforcement Center and jurisdiction over said addressed property, such sign may be deemed appropriate by the E911 Board; that the sign shall be purchased from the funds currently available to E-911 and the same will be reimbursed by collecting from each owner of addressed property the sum of \$15.00; that said signs shall be purchased by July 15, 2002, and the installation of said sign shall be done by the rural fire departments and by the City/County Law Enforcement Center by installing the same at the appropriate location of each addressed property; the standard method of installation shall be used and if the owner of said addressed property wishes to increase the standard of installation, and increased costs shall be paid for by the owner of said addressed property. Letters/numerals for installation shall be purchased through then City/County Law Enforcement Center at a cost of \$1.75 each.

Failure to install and pay for said signs by July 15, 2002 shall result in a violation and the fine for such violation shall be the sum of \$15.00 plus any Court costs incurred; the Court may also order that the fine be used to pay for said sign or may order special restitution to purchase a sign as may be determined to be appropriate. Specifications for such signs shall be as follows:

6' Fiberglass or weather resistant metal T post

Two 4" x 8" polyetholine or weather resistant plastic material panels, red in color and poly welded together

4" 3M engineer grade numbers on both sides of sign blank which will display a silver or white numeral/letter on a red background and shall be made of reflective material.

Signs stolen, damaged or otherwise displaced or defaced shall be replaced, at the expense of the owner of the addressed property, within fifteen (15) days of such displacement or defacement. Replacement signs shall be purchased through the City/County Law Enforcement Center at a cost of \$15.00. Replacement signs shall meet the same specifications as above described in this resolution.

This resolution is amended this _____ day of _____, 2002, by the Dakota County Board of Commissioners.

\s\William Engel
\s\Jackie Hartnett
\s\Jack Bobier
\s\Fred Denker
\s\Lyle Todd

ATTEST \s\ Ted Piepho

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.

UNANIMOUS MOTION CARRIED

The Board discussed bonding the construction of a bridge to build up softmatch funds so the county can be more aggressive in constructing bridges with Federal and State monies. Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the contract on the Hubbard Jackson Road as follows:

SUPPLEMENTAL AGREEMENT NO.2

THIS AGREEMENT, made and entered into by and between Dakota County, hereinafter referred to as the "County", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the County and the State have previously entered into an agreement, (Program), for Project No. STPE-3925(1) executed by the County May 6,1996 and executed by the State May 22,1996, and Supplemental Agreement No.1 for Project No. EACSTPD-3925(1) executed by the County November 19, 2001 and executed by the State November 29, 2001, and

WHEREAS, now due to an error in Supplemental Agreement No.1, it will be necessary to again supplement the original agreement, and

WHEREAS, this supplemental agreement will clarify the years in which the County will be reimbursed by the State, and

WHEREAS, the County would be reimbursed in the amount of \$625,000 in Fiscal Year 2005 by the State, and reimbursed in the amount of \$625,000 in Fiscal Year 2006 by the State, and reimbursed in the amount of \$625,000 in Fiscal Year 2007 by the State, for both Project No. EACSTPE-3925(2) and this project, contingent upon the availability of federal funds, and limited to a maximum of \$1,875,000 total reimbursement for both projects, or 80% of the total eligible project costs for both projects combined, whichever is less.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. For Project No. EAC-STPE-3925(2) and this project combined, the State agrees to reimburse the County for \$625,000 in Fiscal Year 2005, \$625,000 in Fiscal Year 2006, and \$625,000 in Fiscal Year 2007, limited to a maximum total reimbursement for both projects of \$1,875,000 or 80% of the total eligible project costs for both projects, whichever is less, and such payment is contingent upon the availability of federal funds. In the event that federal funds do not become available, the County will be responsible for 100% of the total project costs for both projects.

SECTION 2. The County and the State agree that, except for the provisions of Section 1 above, all terms and provisions of the original agreement on Project No. STPE.3925(1) identified as Project No. EACSTPE-3925(1) Control No.31305 executed by the County May 6.1996 and executed by the State May 22, 1996, and Supplemental Agreement No.1 on Project No. EACSTPE-3925(1) executed by the County November 19, 2001 and executed by the State November 29, 2001, shall still apply.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this day _____ day of _____, 20____.

WITNESS:

COUNTY OF DAKOTA

County Clerk

Chairman, County Board

EXECUTED by the State this _____ day of _____, 20____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Manager, Government Affairs Division LLD6-HR

SUPPLEMENTAL AGREEMENT NO.2

THIS AGREEMENT, made and entered into by and between Dakota County, hereinafter referred to as the "County", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the County and the State have previously entered into an agreement, (Program), for Project No. STPE-3925(2) executed by the County May 6,1996 and executed by the State May 22,1996, and Supplemental Agreement No.1 for Project No. EACSTPE-3925(2) executed by the County November 19,2001 and executed by the State November 29, 2001 and

WHEREAS, now due to an error in Supplemental Agreement No.1, it will be necessary to again supplement the original agreement, and

WHEREAS, this supplemental agreement will clarify the years in which the County will be reimbursed by the State, and

WHEREAS, the County would be reimbursed in the amount of \$625,000 in Fiscal Year 2005 by the State, and reimbursed in the amount or \$625,000 in Fiscal Year 2006 by the State, and reimbursed in the amount of \$625,000 in Fiscal Year 2007 by the State, for both Project No. EACSTPE-3925(1) and this project, contingent upon the availability of federal funds, and limited to a maximum of \$1 875,000 total reimbursement for both projects, or 80% of the total eligible project costs for both projects combined, whichever is less.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. For Project No. EAC-STPE-3925(1) and this project combined, the State agrees to reimburse the County for \$625,000 in Fiscal Year 2005, \$625,000 in Fiscal Year 2006, and \$625,000 in Fiscal Year 2007, limited to a maximum total reimbursement for both projects of \$1,875,000 or 80% of the total eligible project costs for both projects, whichever is less, and such payment is contingent upon the availability of federal funds. In the event that federal funds do not become available, the County will be responsible for 100% of the total project costs for both projects.

SECTION 2. The County and the State agree that, except for the provisions of Section 1 above, all terms and provisions of the original agreement on Project No. STPE-3925(2) executed by the County May 5,1996 and executed by the State May 22,1996, and Supplemental Agreement No.1 on Project No. EACSTPE-3925(2) executed by the County November 19, 2001 and executed by the State November 29, 2001, shall still apply.

Identified as Project No. EACSTPE-3925(2) Control No.31305

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this _____ day of _____, 20_____.

WITNESS:

COUNTY OF DAKOTA

County Clerk

Chairman, County Board

EXECUTED by the State this _____ day of _____, 20_____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Manager, Government Affairs Division

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Board discussed the Weed Spray Contract with the State of Nebraska.
Commissioner Hartnett moved, seconded by Commissioner Bobier to enter into the agreement with the state for spraying state roads right-of-way at \$60.00 per hour.

Several members from the Jail Core Committee appeared before the board to propose that they adopt a resolution and letter of intent to construct a jail facility and send it to the Jail Standards Board.
The members of the Jail Core Committee in attendance were Jim Wagner, Dale Voss, Pam Miller and Linda Carson.

Commissioner Todd moved, seconded by Commissioner Bobier to pass the following resolution.

DAKOTA COUNTY, NEBRASKA
RESOLUTION _____

WHEREAS; The Dakota County Board of Commissioners currently operate a county jail; and,
WHEREAS, the Board has established a Jail Committee to assess the need for a new jail; and
WHEREAS, the committee has requested a letter of intent be sent to the Nebraska Jail Standards Board, the U.S. Marshall's Office and the U.S. Immigration Department.

BE IT THEREFORE RESOLVED, that the Dakota County Board of Commissioners, hereby resolve to send a letter of intent to construct, renovate or improve the jail facility,

AND BE IT FURTHER RESOLVED, that the letter of intent not be construed as absolute approval of construction, but as an intent to explore all possibilities.

DAKOTA COUNTY, NEBRASKA
BY: \s\ William F. Engel

ATTEST:

\S\Theodore A. Piepho
County Clerk

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the contract with Aflac to pay a fee of \$5.00 per employee for administration of the Flex Plan.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the Final Report for Grant 98-PW-010.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Chair Engel recessed their meeting at 3:10 p.m. and reconvened at 3:12 p.m.

Commissioner Denker gave an update on LB 1293.

Bob Finney, County Attorney, appeared before the board at 3:40 p.m.

County Clerk, Ted Piepho, relinquished the chair reserved for the secretary at 3:40 p.m.

Nanci Walsh, Board Assistant, assumed the duties of secretary.

Bob Finney discussed the Community Corrections Grant.

Commissioner Hartnett moved, seconded by Commissioner Bobier to appoint Pat Somsky to write the Grant Application to renew the Community Justice Grant on behalf of the county.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss personnel.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED 4:12 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to reconvene in open session.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED 4:31 p.m.

Commissioner Bobier moved, seconded by Commissioner Todd to approve the payroll as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$12,309.85, Road Employees Net Pay- \$8,474.42, Employer deductions paid: Retirement- 627.38, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 706.02, Medicare- 165.14, Principal Mutual- 139.47.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 926.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 894.62, State- 288.34, Social Security- 706.02, Medicare- 165.14, Retirement- 418.32, Unicare- 741.40, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$65,911.57, General Fund Employees Net Pay- \$45,114.25, Employer deductions paid: Retirement- 3,497.36, Unicare- 9,931.32, Ameritas Dental- 737.10, Unicare Life- 276.13, Social Security Tax- 3,935.68, Medicare- 920.45.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 538.51, Bobbi Jo Harsma- 808.35, Theodore Piepho- 1,340.00, Cynthia Purucker- 415.65, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Phyllis Ridge- 812.01, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Patricia A. Stingley- 804.00, Jeremy

Bermel- 1,328.48, Allen Burns Jr- 1,588.75, Linda Carson- 1,093.18, Melvin Harrison III- 958.48, Rodney Herron- 1,631.14, Jared Junge- 1,416.80, Donald Mueller Jr.- 1,533.46, Gary Powell- 1,277.75, Gayle Richards- 660.00, James Roberts- 1,235.00, William Thompson- 1,418.56, James Wagner- 1,676.00, Randall Walsh- 1,803.90, Laurie Barclay- 892.01, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,176.92, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 840.00, Rebecca Broer- 1,098.25, Carol Cox- 882.00, Leonard Cunningham- 950.25, Michael Gregerson Jr.- 940.00, Alma Gunderson- 1,036.25, Todd Hammer- 971.25, Paula Harrigfeld- 369.24, Brandi McManigal- 256.00, Kevin Rohde- 966.00, Linda Schovanec- 841.70, Cory Schultz- 761.40, Margaret Stingley- 704.41, Brenda Tanner- 966.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 1,690.02, Gloria Ann Dwyer- 792.00, Patricia Glover- 1,059.95, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 778.09.
GENERAL FUND: Employee withholding paid to: Federal- 6,107.09, State- 2,017.20, Social Security Tax- 3,935.68, Medicare- 920.45, Retirement- 2,331.58, Unicare- 1,467.72, Ameritas Dental- 295.82, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 879.27, Aflac Health- 436.54, Aflac Life/Dsbl- 69.75, Aflac Flex Plan- 197.49.
COPS FAST GRANT: Gross salaries- 924.21, Cops Fast Employee Net Pay- 667.53, Employer deductions paid: Retirement- 55.45, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 57.30, Medicare- 13.40, Brad Claypool- 924.21.
COPS FAST GRANT: Employee withholding paid to: Federal- 116.45, State- 32.56, Social Security- 57.30, Medicare- 13.40, Retirement- 36.97.
COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.
COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the minutes of February 19, 2002 as typed.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Chair Engel adjourned their meeting at 4:33 p.m.
DAKOTA COUNTY, NEBRASKA

BY: \s\William F. Engel
Board Chair

ATTEST:
\S\Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
MARCH 18, 2002 PROCEEDINGS

COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chairman Engel opened the meeting at 10:05 a.m.

PRESENT WERE: Commissioners Denker, Todd, Hartnett, Bobier, Engel and Nanci Walsh acting as Secretary.

Mr. Dave Prokesh from the Nebraska Department of Health and Human Services appeared before the Board. Mr. Prokesh addressed the Board regarding the possibility of Health and Human Services moving out of the Courthouse. The Board must give their approval before Health and Human Services can go forward to have the Department of Administrative Services take bids for rental space.

Currently, the Department occupies approximately 1700 square feet in the courthouse that the county provided in 1983. The department also rents an additional space of about 900 square foot in the courthouse. In addition, the department has satellite offices in South Sioux City. They would like to bid for 8,000 square foot, which would replace all current space and leave room for additional staff in the future.

If the Department moved, under current law, the county would have to pay for the 1700 square foot that they currently provide. There is some reimbursement of this expense currently through the indirect cost allocation process. Rent paid for the 1700 square foot at another location would still qualify for this program.

Discussion was had on the cost to the county. Commissioner Denker expressed concern over an additional burden to the tax payers for this space, especially in the current economic conditions.

Commissioner Bobier moved, seconded by Commissioner Todd, to allow the Department of Health and Human Services to get bids for space outside the courthouse, with the Board retaining the authority to reject the bids if the rent is not acceptable.

ROLL CALL VOTE: Commissioner Denker-No; Commissioner Todd-Yes; Commissioner Hartnett-Yes; Commissioner Bobier-Yes; and Commissioner Engel-Yes; Motion Carried.

The Board reviewed accounts payable and payroll claims. There was some discussion concerning the cost of service agreements on copiers and faxes.

The board recessed for lunch at 11:55 a.m.

Chair Engel reconvened the meeting at 1:30 p.m. with all Commissioners and Joan Spencer, Deputy County Clerk, as Secretary.

Commissioner Bobier moved, seconded by Commissioner Hartnett to accept and approve the Officials Reports from the County Clerk, Register of Deeds and Clerk of District Court for the month of February, 2002.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to award abandoned vehicle 1977 Ford Ltd, VIN 7F63H157699, to C&H Truck Parts for towing costs.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to convene as Board of Equalization.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea. Denker- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED at 1:31 p.m.

Commissioner Bobier moved, seconded by Commissioner Todd to approve the Exemption Application submitted by Treasurer Robert Giese for a 1978 Chevrolet Van bearing VIN #CGL258U222699 owned by Eastside Baptist Church.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea. Denker- Yea, Todd- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea. Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED at 1:32 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to accept the tax list corrections as presented by State Assessor Madelyn Thorsland showing a negative \$257,671.16 adjustment.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED

Doug Lacey appeared before the Board of Commissioners per Attorney Robert Finney's request. Mr. Lacey presented to the Board how his business has a secure process to shred and dispose of documents ready for disposition. Cost and method was discussed. A questionnaire will be sent to department heads for their information and to coordinate a date for him to come.

The Community Corrections Grant was discussed. Nicole Sims will be writing the \$37,000 grant, which is up for renewal in April. She will also be doing the quarterly updates and may request assistance from DCIT if she desires.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Executive Session to discuss legal and personnel issues.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED at 2:00 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene in open session.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED at 2:33 p.m.

Commissioner Engel opened the Public Hearing at 2:35 p.m. on the Affidavit of Isolated Land filed by Darrel Mahon.

Those in attendance for the hearing were Linda and Dan Bloomfield, Les Albrecht, Scott Bottorff, Jan Von Minden, Gary Dickson, Ira Love, Clair Hamar, Dave Mahr, Margaret Mahon, Mary Mahon Graves, Vivian Mahon, Ed Mahon, Henry Mahon, Vicki and Dan McArthur, Bob Anderson and Wayne Boyd.

Mr. Mahon stated that he received the 19.86 acres as a gift from his father. He stated he is leaving the property as strictly an agricultural tract, but would like access to his land without having to pay a toll and is asking to have a road constructed along section lines to permit unlimited access.

Mr. Mellick, Dakota County Road Foreman, addressed the board explaining the three options where a road could be constructed on section lines. (1) East - 3/4 mile, one property owner involved, Dixon County line, and building site; (2) West - 1/4 - 1/2 mile, cemetery and steep access to Hwy 12; and (3) South - 3/4 mile, 3 property owners involved, to access minimum maintenance road. Mr. Mellick referenced Statutes 39.1713 - 1719 which refers to the steps requiring the county to be petitioned, a Public Hearing held for road reinstatement, public notice given, section line information and damages paid to existing land owners, engineering and construction costs. Mr. Mellick estimated a 66' road on the east section line would require 2 drainage culverts and the culverts and road construction would cost from \$10,000 to \$12,000. A road on the south section line would also require two drainage culverts and the cost for culverts and road construction would be approximately \$15,000.

County Attorney, Robert Finney, reviewed the statutes which refer to what the Board has to consider. He also asked Mr. Mahon when the land became isolated? Mr. Mahon stated the land became isolated in 1938 through a foreclosure. He pays Ira Love a toll of \$125 per year. He reiterated that he will keep the land agricultural and is willing to pay all costs and damages incurred to build the road.

Mr. Mahon asked for clarification of statute 39.2103(8) on the definition of a minimum maintenance road.

Chair Engel asked for anyone opposed to construction of the road to please address the board.

Wayne Boyd, Attorney, stated that he interpreted statute 39-1716 on isolated land to show that the Board of Commissioners is prohibited from going any further on this issue since Mr. Mahon was aware of the land's isolation at the time of purchase. Isolation to mean no public access. Mr. Boyd further stated that if a road would be constructed on the south it would split 3 farms, adequate drainage would need to be provided during construction, considerable damage accessed for remaining divided property and problems with frontage at Hwy 12. A road to the east would go through a building site, also has drainage problems, cooperation would be needed from Dixon County since section line divides Dakota and Dixon Counties and a cemetery is involved. A road to the west would be the most direct route, but Hwy 12 access would involve the State Department of Roads.

Mr. Boyd also referred to the statute that addresses finding the amount of use and number of persons served warranting this action. One person is not sufficient to warrant putting a county road on a section line. Another procedural problem would be that Mr. Mahon was aware of the isolation when petitioner acquired it, and now comes wanting access-public access. Also, purchase of property from all adjoining property owners was not sought, creating another procedural problem.

Commissioner Denker questioned whether the estimated cost of the road given by Arnie Mellick included engineering fees. Mr. Mellick stated it did not, and that would add approximately another \$10,000.

Bob Anderson, president of the cemetery board, stated approximately 45 plots at \$500 each would be lost if the road went along the south section line. Mr. Mahon stated he was not interested in going through the cemetery.

Commissioner Denker asked Mr. Mahon if the road would cost you \$25,000, would you still be interested? Mr. Mahon stated he would not be interested.

Commissioner Hartnett moved, seconded by Commissioner Denker to close the hearing.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED at 3:12 p.m.

Mr. Finney asked that anything additional be submitted in writing by March 28th and this be put on the April 1st agenda for formal Board action.

Chair Engel declared a recess at 3:15. The Board reconvened from recess at 3:23 p.m.

The Board of Commissioners were made aware that Les Pederson is asking that a 1/2 mile portion of "C" Avenue be paved. No action was taken.

The Board reviewed a draft copy of a Memorandum of Understanding 29th Street Subdivision that was written by Lance Hedquist. The memo was in regards to a new housing development in South Sioux City. Dakota County was in the memo to grade and gravel the streets as necessary in the subdivision and to Foundry Road. No action was taken.

Commissioner Denker moved, seconded by Commissioner Hartnett to Amend the 1x6 Year Road Plan and adopt the following resolution:

RESOLUTION 02C-07

WHEREAS, it is in the public interest to remove Bridge No. C002220710 and replace it with a new structure at the same location. Said bridge is located on a segment of county road described as beginning at the East quarter corner of section 12, Township 28 North, Range 6 East of the 6th Principal Meridian, Dakota County, Nebraska, then proceeding North, Northwest to a point which lies 1000 feet, more or less, North and 200 feet, more or less West of said corner,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Dakota County, Nebraska, that said structure be constructed and maintained.

BE IT FURTHER RESOLVED, that the project be added to the current One Year Road Program of said County to be known as Project No. C-22(177), Willis Southwest, and,

BE IT FURTHER RESOLVED, that the firm of JEO Consulting Group, Inc. be authorized to begin the process of preparing a request to place said project in the Soft Match Program, and to prepare the plans and specifications for said project.

Adopted this 18th day of March, 2002, at Dakota City, Nebraska.

BOARD OF COUNTY COMMISSIONERS
OF DAKOTA COUNTY, NEBRASKA
/s/ William Engel, Chairman

ATTEST

/s/ Theodore Piepho, Clerk

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED

Commissioner Bobier moved, seconded by Commissioner Todd to agree with the scope of services on the Engineering proposals on the Softmatch Bridge Replacement C00220305P, JEO Project No. 022MI02.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the minutes of March 4, 2002, as presented by the County Clerk.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Highway Superintendent fees were discussed. Arnie will check on a claim possibly paid twice and he will ask Highway Superintendent Duane Upton, Engineer with JEO Consulting Group to attend an upcoming Board of Commissioners meeting to explain his fee scale.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the Homer South Bridge project BRO-7022(11) per County Attorney's approval of an agreement between NRD and Dakota County on the moving of a rural water line.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to authorize Chair Engel to sign two letters sent to the Department of Roads in Lincoln: (1) to reaffirm the commitments made by the county to provide permanent seeding of disturbed areas created by the grading operation for Bridge project BRO-7022(11); and (2) confirming that the utility companies have been informed that any relocation of their utilities must be completed prior to the beginning of construction by the bridge contractor.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to get Mr. Upton's professional opinion on re-calculating the rated load weight on Homer Bridge due to rust on iron bridge stringers.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Josephine McGinty of 467 Dixon Path appeared before the Board of Commissioners regarding the 5 ton weight limit sign on her road preventing the load of gravel needed for her driveway to be delivered. Mr. Mellick stated the sign could be removed until April 1st .

Carol Larvick, Extension Agent, appeared before the Board regarding a computer purchase. The state will not be able to share cost, but purchase will be within the Extension Office budget. Ms. Larvick also shared with the Board of Commissioners the many 4-H events and Extension programs they are doing this spring.

Commissioner Bobier moved, seconded by Commissioner Hartnett, to approve the payroll claims as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$13,478.82, Road Employees Net Pay- \$9,291.82, Employer deductions paid: Retirement- 676.17, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 778.51, Medicare- 182.09.

Joel Broekemeier- 1,197.20, Randall Crombie- 1,202.40, Ronald Harder- 1,343.28, Walter Heinemann- 1,272.80, Richard Hoelsing- 465.20, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 1,282.49.

ROAD FUND: Employee withholding paid to: Federal- 1,063.57, State- 348.98, Social Security- 778.51, Medicare- 182.09, Retirement- 450.82, Unicare- 741.44, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$62,837.36, General Fund Employees Net Pay- \$42,941.61, Employer deductions paid: Retirement- 3,401.61, Unicare- 9,931.32, Ameritas Dental- 737.10, Unicare Life- 276.13, Social Security Tax- 3,733.23, Medicare- 873.09.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 552.32, Bobbi Jo Harsma- 800.70, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 770.25, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Franklin Morse- 24.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,155.20, Allen Burns Jr- 1,286.50, Linda Carson- 1,093.18, Melvin Harrison III- 947.04, Rodney Herron- 1,418.34, Jared Junge- 1,601.60, Donald Mueller Jr.- 1,266.90, Gary Powell- 1,339.55, Gayle Richards- 660.00, James Roberts- 1,215.50, William Thompson- 1,352.00, James Wagner- 1,676.00, Randall Walsh- 1,485.06, Laurie Barclay- 892.00, Rita Chase- 790.40, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,242.30, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 1,132.64, Rebecca Broer- 931.50, Carol Cox- 840.00, Leonard Cunningham- 840.00, Michael Gregerson Jr.- 805.00, Alma Gunderson- 916.00, Todd Hammer- 811.63, Paula Harrigfeld- 246.75, Brandi McManigal- 340.00, Kevin Rohde- 840.00, Linda Schovanec- 1,051.20, Cory Schultz- 568.70, Margaret Stingley- 704.41, Brenda Tanner- 840.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 470.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 979.54, Michelle Stephen- 29.25, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00.

GENERAL FUND: Employee withholding paid to: Federal- 5,513.33, State- 1,832.43, Social Security Tax- 3,733.23, Medicare- 873.09, Retirement- 2,267.77, Unicare- 1,658.30, Ameritas Dental- 295.82, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 879.27, Aflac Health- 436.54, Aflac Life/Dsbl- 69.75, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 981.28, Cops Fast Employee Net Pay- 706.13, Employer deductions paid: Retirement- 58.88, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 60.84, Medicare- 14.23, Brad Claypool- 981.28.

COPS FAST GRANT: Employee withholding paid to: Federal- 124.67, State- 36.16, Social Security- 60.84, Medicare- 14.23, Retirement- 39.25.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

VISITORS PROMOTION: Lodging Tax- \$4,114.44

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the following accounts payable claims excepting the claim to Chris Chernock.
GENERAL FUND: Fred Denker, mileage- 91.25; Jackie Hartnett, mileage- 30.66; Perkins Office Solutions, supplies- 48.57; Star Printing & Publishing, publishing- 64.70; Five Star Awards, laminating- 3.00; General Business Interiors, scanner table- 269.00; Perkins Office Solutions, supplies- 115.24; Ted Piepho, mileage/supplies- 100.73; Staples, supplies- 81.62; Wilmes Hardware Hank, humidifier filter/supplies- 41.12; Robert Giese, mileage- 76.65; Charlotte Doenhoeffer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Standard Office, detector pens- 20.79; Star Printing & Publishing, delinquent tax list- 2055.53; Phillips Printing, supplies- 351.00; Inter Governmental Data Services, monthly fee- 27.00; Bear Graphics, filler paper- 380.00; Executive Copy Systems, toner- 207.00; MIPS, monthly support- 213.48; Patriot Signage, parking signs- 59.25; Star Printing & Publishing, meeting notice- 13.41; Acoustical Innovations, headset replacement- 35.00; Des Moines Stamp Mfg, stamp- 51.50; Perkins Office Solutions, supplies- 210.15; Century Business Products, maintenance contract- 270.00; Des Moines Stamp Mfg, supplies- 74.85; Perkins Office Solutions, supplies- 17.51; Virginia Piper, reimbursement for supplies- 38.86; Kurt Rager, reimbursement for supplies- 77.44; Sam's Club, supplies- 8.95; Standard Office Supplies, supplies- 153.88; West Group, law materials- 57.00; Scott Dugan, mileage- 219.00; Frank Gonzalez, interpreting- 160.00; Dakota County Bar Association, dues- 25.00; NACDL, dues- 125.00; Perkins Office Solutions, supplies- 92.72; Sioux City Journal , want ad- 66.60; West Group, law materials- 114.00; Janet Adams, witness fees- 23.65; Heather Beldin, witness fees- 20.00; Misty Beldin, witness fees- 22.92; William Binkard, attorney fees- 1708.73; Clerk of District Court, court costs- 346.00; Coffee King, jury coffee- 39.92; Mike Davis, witness fee- 27.30; Sandra Inkster Ehrich, attorney fees- 1125.00; Constance Foust, witness fee- 22.92; Frank Gonzalez, interpreting- 80.00; Hy Vee, jury breakfast- 2983; Randy Hisey, attorney fees- 2778.00; Shelly Horak, attorney fees- 378.26; Hungry's North, jury meals- 358.46; Hurley Law Office, attorney fees- 1356.00; Jason Huscher, witness fees- 22.19; Ron Langseth, witness fees- 20.00; Doug Luebe Law Office, attorney fees- 1573.45; M M Court Reporting, court reporting- 135.00; Stuart Mills, attorney fees- 540.00; Nico Montagne, witness fees- 25.48; Nebraska Supreme Court, court costs- 52.00; Otoe County Sheriff, return fees- 5.00; Robert Rehan, attorney fees- 2840.30; Ellen Rohde, baliff fee- 250.00; Julie Saul, witness fees- 20.00; Michael Schmiedt, attorney fees- 461.50; Richard Thramer, attorney fees- 1390.80; Patrick Tott, attorney fees- 657.00; Scott Treft, witness fees- 27.30; Lori Ubbinga, attorney fees- 1249.30; Woodbury County Sheriff, return fees- 35.76; West Group, law materials- 3658.25; Joyce Wilson, witness fees- 23.65; Jennifer Wittrock, witness fees- 22.92; Dakota County Sheriff, papers/warrants- 1203.79; JURY PAYROLL: Carol Neal- 35.00; Mark Neiberger- 120.33; Ann Verzani- 38.65; Patricia Pojar- 37.19; Debra Cutler- 115.95; Orin Selby- 42.30; Jesse Jensen- 36.10; Tracy Flockhart- 37.56; Stanley Kotalik- 37.56; Edith Simons- 111.57; Lois Bowman- 118.14; Pamela Lowe- 39.38; Loudene Esponisa- 115.95; Gerald Rich- 105.00; David Roost- 137.85; Brent Culbertson- 37.19; Patricia Persinger- 111.57; William Leshner- 37.92; Amy Freeman- 43.03; Karen Neppel- 35.00; Brett Irwin- 38.65; Julie Bullis- 113.76; Chrissy Fahey- 38.29; Cary Wede- 37.19; Stephen Heide- 37.92; Kenneth Houlsworth- 37.19; Rory James- 112.68; Alan Pedersen- 38.65; Suzann Ekberg- 37.92; Kerri Durant- 112.68; Donna Jensen- 114.87; Matthew Mogensen- 37.92; Christie Conrad- 35.00; Robert Lindgren- 37.56; Joseph Funck- 38.65; Donald Barclay- 40.11; Paula Bartels- 44.13; Richard Berding- 40.48; Roberta Boyle-

41.21; James Chamberlain- 40.11; Scott Comstock- 35.37; Brent Highfill- 37.19; Donna Hirsch- 38.65; William Hoffman- 37.92; Dean Lieber- 46.68; Linda Mc Coy- 36.46; Anthony Nelson- 47.41; Nick Nelson- 47.41; Roxann Pearson- 40.11; Kelli Rahn- 37.92; Rose Ramirez- 37.19; Beatrice Smith- 35.37; Daniel Towhig- 39.38; Darlene Vavra- 40.11; Lonnie Winbolt- 40.84; Dick Wood- 38.29; Pharyce Eslick- bailiff pay- 80.98; Clerk of District Court, mileage- 47.12; Dakota County Bar Association, dues- 25.00; Holiday Inn Downtown, lodging/parking- 230.04; Norfolk Printing Company, casebinders- 219.38; A Team Heating & Cooling, boiler service- 55.00; Barone Security System, sprinkler inspection- 175.00; Cellular One, phone- 21.35; Dakota Food & Fuel, gas- 14.00; Gill Hauling, garbage pickup- 105.00; WW Grainger, paint supplies- 45.48; Wilmes Hardware Hank, plumbing supplies- 45.27; Jackson Glass, window repair- 57.41; Rick Jensen, mileage- 186.33; Lessman Electric, supplies- 175.10; Menards, supplies- 351.27; Nebraska Dept of Labor, boiler inspection- 120.00; Nebraska Public Power District, utilities- 1503.75; Dan O'Dell, snow removal- 200.00; Qwest, phone- 42.29; Sam's Club, supplies- 80.29; Trembly, pest control- 50.00; Walmart, supplies- 38.49; XPEDX, supplies- 1662.89; Roto Rooter, sewer work- 54.00; Mid American Energy, utilities- 745.29; Dakota County Extension, mileage/supplies/bond/subscriptions- 972.05; Bobbers Car Wash, car wash tokens- 200.00; Cellular One, phone- 175.42; Cenex Fleetcard, fuel- 43.73; Circle R Frame, service- 358.20; Circle S Stop & Shop, fuel- 1647.55; City of S Sioux City, phones/copies- 151.54; Cops Fast, transfer funds- 9787.00; Crystal Oil, fuel- 103.87; Dakota County Sheriff, send evidence- 43.64; Harold's Photo, film developing- 26.28; Amy Hueser, interpreting- 100.00; Jim's Service, service/tires- 206.40; Law Enforcement Equipment, metal detectors- 339.89; Perkins Office Solutions, supplies- 40.13; RACOM, edacs phone line- 580.00; Walmart, supplies- 526.41; Woodland Media Products, video- 175.00; Cellular One, phone- 74.45; Dakota County Bar Association, dues- 100.00; Douglas County Court, certified copies- 1.75; General Business, file cabinet- 720.65; H204U, cooler rent- 30.00; Harold's Photo, film developing- 189.90; Iowa Office Supply, copier contract- 96.00; Perkins Office Supply, supplies- 54.24; Nicole Sims, trial supplies- 16.00; West Group, law materials- 212.00; Western Cartographers, trial supplies- 14.38; City of S Sioux City, monthly operations- 21,513.63; BI Inc, house arrest units- 772.20; Bob Barkers, jail supplies- 465.72; Boys & Girls Home, juvenile boarding- 6250.00; Braungers, food- 704.67; Cedar County Sheriff, inmate housing- 8,000.00; Cellular One, phone- 42.85; Coffee King, jail coffee- 12.92; Dakota Family Dentistry, inmate care- 121.00; Dakota Food & Fuel, fuel- 221.00; Dakota Super Value, food- 703.82; Earthgrains CO, bread products- 525.84; Fremont Tire, service- 18.95; Gary Heath, inmate house calls- 390.00; Hy Vee, food- 1477.31; Jack's Uniforms & Equipment, uniforms- 120.89; KARL'S, washer repair- 72.23; Joan Lammers, inmate care- 50.00; Menards, shelving- 294.41; NE Nebraska Juvenile, boarding- 875.00; Redler's Pharmacy, inmate medications- 353.55; Safeguard, cash receipts- 500.17; Sam's Club, supplies- 181.41; Siouxland Federal Credit Union, transport prisoner- 105.61; Steffen Drug, inmate medication- 731.58; Thurston County Sheriff, inmate housing- 4365.00; Walmart, supplies- 316.87; XPEDX, jail supplies- 240.44; Standard Office Equipment, supplies- 208.12; Pam De Vries, lodging/mileage- 146.78; Dunes Family Medicine, consulting fee- 250.00; Pat Glover, mileage- 141.25; Perkins Office Solutions, supplies- 94.35; Redler's Pharmacy, inoculations- 139.00; Alan Boyd, mileage- 326.31; Cellular One, phone- 72.85; Office Systems Company, copier contract- 79.00; Perkins Office Solutions, supplies- 29.82; NE Nebraska Public Power, crystal lake utilities- 13.50; Aflac/Flexone, service fees- 36.00; AT&T, phone- 22.14; Lazette Gifford, website upkeep- 40.00; MIPS, monthly support- 261.69; Pitney Bowes, postage meter rental- 95.00; Qwest, phone- 1452.02; Scottsdale Insurance CO, errors & omissions insurance deductible- 4500.00; SIMPCO, community development- 683.55; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 70.51

ROAD FUND: Air Filter Cleaning, clean filters- 57.45; Anytime Lock & Key, door lock- 35.00; Aramark, supplies- 154.26; Barkley Asphalt, hi-perf mix- 172.00; Bierschbach Equipment, strobe lights- 174.77; Bomgaars, supplies- 150.94; Bridgestone/Firestone, tire repairs- 177.00; Campbell Supply CO, tools/markers- 168.77; Cellular One, phone- 31.00; Cenex, fuel- 13.32; Diesel Specialties, parts- 11.79; Fremont Tire, tire- 77.35; Gill Hauling, garbage pickup- 40.00; Guarantee Oil, oil/antifreeze- 525.85; H204U, water service- 25.00; Heritage Express, fuel- 98.99; Higman Sand & Gravel, road rock- 1558.62; Hubbard Mini-mart, fuel- 1320.91; Inland Truck Parts, parts- 9.58; Joe's Dept Store, parts/supplies- 198.43; Linweld, oxygen/acetylene- 247.55; Marx Truck, parts- 134.41; Nebraska Public Power, homer/ibp signals- 154.17; NE Nebraska Telephone, service- 146.17; Northeast Coop, fuel/oil- 652.02; O'Dell Electric, repair ibp signal- 144.00; O'Reilly Auto Parts, parts/supplies- 417.67; Pilger Sand & Gravel, road rock- 748.66; Powerplan, parts- 96.94; Presco Sales, blades- 632.00; Road Machinery Supply, parts/filters- 173.28; Sioux City Bolt, bolts- 36.74; Sioux City Iron, parts/tools- 24.11; Siouxland Hydraulic, parts/labor- 44.90; Star Printing & Publishing, 1-6 yr plan- 346.76; Stephans Welding, material/labor- 195.00; Superior Signals, strobes- 274.35; Torco-Remfg, parts- 268.45; Town & Country, chain saw parts- 103.82; Warren Oil, fuel- 1811.58; Ziegler, parts- 1166.52

ROAD IMPROVEMENT FUND: Dakota County Register of Deeds, record row- 42.00; JEO Consulting, engineering- 5999.25

POOR RELIEF: Walmart Pharmacy, prescriptions- 277.69; Becker-Hunt Funeral Home, burial- 1222.00

INSTITUTIONS: Beatrice State Development Center, quarterly payment- 2160.00; Norfolk Regional Center, quarterly payment- 195.00

STOP FUND: Dakota County Treasurer, seminar registration- 65.00

COMMUNITY JUSTICE PRETRIAL GRANT: Cellular One, phone- 28.74; Perkins Office Solutions, office supplies- 38.95

INHERITANCE TAX: Siemens, temperature control requisition- 38,731.00

WEED FUND: Central Community College, spring training orientation- 100.00; Ramada Inn, lodging- 162.82

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 4:30 p.m.

ATTEST

William Engel, Chair

Joan Spencer, Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
APRIL 1, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chairman Engel opened the meeting at 1:30 p.m.

PRESENT WERE: Commissioners Denker, Todd, Hartnett, Bobier, Engel and Ted Piepho, Secretary.

Warren Johnston, Crystal Lake Committee, appeared before the board and discussed the mess at World Wide Salvage Yard to the east of Old Crystal Lake. He reminded the board that they were encroaching 100' on School land. He described what was left on the property and he said that all the stockpiles of insulation was shredded into fine particles and that there is a thick mat of this insulation lying on who knows what underneath it. He presented a letter from the former County Attorney, Kurt Hohenstein, which he had written to Bill Haafke. Mr. Johnston also presented a news article and minutes of the public hearing and a copy of the action taken by the County Board at that time. These are as follows

March 10, 1989

Mr. & Mrs. Bill Haafke
RR 1 Box 121
Dakota City, Nebraska 6873

RE: State of Nebraska v. Jack & Rick Lemmon

Dear Mr. & Mrs. Haafke,

The State of Nebraska has reached an agreement with Worldwide Truck Parts and Medals Inc., regarding the two criminal cases pending against them. The President of Worldwide Truck Parts and Medals Inc., Jack Lemmon will be pleading Nolo contendere with respect to the open burning violation dealing with the polyurathane fire and will be pleading Nolo contendere with respect to the maintaining a nuisance violation with respect to the polyurethane fire. A Nolo contendere plea as far as criminal purposes are concerned is exactly like a guilty plea. With respect to the open burning violation, he will receive a maximum fine of \$100.00 and with respect to the maintaining a nuisance violation, he will receive the maximum fine of \$500.00.

Also, with respect to the maintaining a nuisance violation, the Court shall order that the nuisance be abated. To ensure that no future polyurethane fires occur, the Court will order as follows:

1. That no more than a 30 day accumulation of polyurethane be kept on the premises. In other words, if for some reason they would not be able to adequately cinerate the urethane, in such a manner that complies with DEC regulations, they will have to haul the urethane away. The original pile of polyurethane that was on the premises when the major fire in April, 1988 occurred, was in excess of six to seven months storage. Presently, the pile is about three times as big as it will be allowed to be in the future. We are hoping that by restricting their storage of the urethane on the premises to a 30 day accumulation, we will also sufficiently restrict the future possibility of fire.

2. There will be no open burning, open flame, or any other burning of any nature whatsoever within a 50 yards of any of the stored polyurethane. In other words, if they are cutting up trucks, their cutting torches must be at least 50 yards away from the polyurethane pile. Also, any smelting operations which DEC permits them to continue, or incinerating operations which DEC permits them to continue, must be located at least 50 yards away from the polyurethane pile. We have spoken with the local authorities and they have indicated that they believe 50 yards is an adequate distance to ensure that no flames or sparks will jump to that pile and cause additional problems. The experts in the area have indicated that polyurethane will not start spontaneously and needs to have an open flame or fire of some sort to generate a fire. By restricting any open flame to 50 yards

away, we believe that we can ensure that no future fire like this will ever occur, unless of course it is intentionally set.

3. Further, there will be no storing of any combustible material with the urethane. In other words, any combustible material must be completely segregated from the polyurethane pile, which is permitted to be kept on the premises. This is to attempt to ensure that there will be no combustion fire starting in the urethane pile.

With respect to the Clinker fire, we have been advised that that is not technically an open burning violation. However, the individuals at Worldwide have agreed to completely segregate that material, to enclose it in a fenced in area over 200 yards away from the urethane pile and keep it segregated from any other combustible material which could cause additional fire.

None of these criminal violations which we had filed deal with of course with the smelter operation. The Department of Environmental Control is continuing to monitor that situation and the status of that is as it was at our last meeting. If there are continuing problems with that, we would like to be kept advised.

Our office is pursuing additional action against Worldwide, if the situation regarding the smelter and the problems the neighborhood residences are facing is not resolved. We are therefore, very much interested in any additional or continuing problems you have regarding smoke, or offensive odors coming from the Worldwide facility. This is an informational letter to you only. I do advise you that since the Defendant will be entering pleas in this case, there will not be a jury trial, there will be no need to have a jury trial commencing on March 22nd, 1989. If you have any questions regarding this, please advise.

Sincerely,

Kurt A. Hohenstein

Dakota County Attorney

KAH/rp

DICTIONATED BY ATTORNEY, SIGNED BY HIS SECRETARY TO AVOID DELAY IN MAILING
WORLD WIDE HEARING

Chairman Huggenberger opened the Public Hearing on rezoning of World Wide.

PRESENT WERE: Commissioner Rohde, Commissioner Rush, Commissioner Huggenberger, Commissioner Hartnett, Commissioner Hirschbach and Ted Piepho, Secretary.

PUBLIC ATTENDANCE: Harry Gray, Leland George, Ralph Maslonka, Richard Beermann, Lois Kuhlmann, Sue Franco, Alice Sauer, Carl Rust, Tom Benjamin, Chuck Beermann, Rita Sindelar, Bud Sindelar, Carly Schinzing, Cynthia Fuser, Steve Moore, Fred Pilecki, Angelo Marmo, Vivian Mahon, Francis Mahon, Leah Haafke, Mary Koenigsfield, Joe Koenigsfield, Robert Hirsch, Bruce Hovey, Kurt Hohenstein, Jack Lemon and Doug Flom.

Mr. Doug Flom, attorney on behalf of World Wide, appeared before the board.

First of all I would like to know what this is zoned at now, Bruce, and then what they're asking. Bruce said Jim has the applications that are presently

zoned residential R10 and the request to rezone to Heavy Manufacturing. Ms. Gretchen Hirschbach asked to get the specifics on what is permitted within the latter zone. Bruce replied, the following uses are permitted as the principal

use of any parcel of property in the HM, Heavy Manufacturing Zone: 1. Any use permitted in the LM Zone and any use which can meet the performance standards for this zone, except as herein modified. 2. The following uses shall be

allowed only in this zone: a. Trucking terminals containing in excess of four (4) loading or transfer bays. b. The storage above ground of liquid petroleum

products or chemicals of a flammable or noxious nature when more than one hundred fifty thousand (150,000) gallons are stored on one zoning lot of less than an acre in size or when more than twenty five thousand (25,000) gallons are stored in one tank. c. The storage of flammable or noxious gases above or

below ground in excess of five million (5,000,000) cubic feet on any one zoning

lot of less than one acre or two million (2,000,000) cubic feet in any one tank. d. Meat packing, slaughtering, eviscerating and skinning. e. Poultry killing, plucking and dressing when such operations are of such size as to employ in excess of three (3) persons. f. Rendering of by-products of slaughtering and killing of animals or poultry. g. Yards for the sale, transfer and temporary holding of livestock. h. Junk yards, auto parts salvage and auto wrecking yards; such operations are obscured from any street or from any adjacent property in another zone by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in an enclosed structure provided with such super-heating devices designed to assure complete combustion as may be approved by the Building Inspector. That is what is permitted within the Heavy Manufacturing. Ms. Hirschbach asked Mr. Kurt Hohenstein to clarify where a business is grandfathered into a zone where it would not otherwise be allowed to operate, what the restrictions are. Mr. Hohenstein said as a matter of Nebraska law, if at the time of the enactment of zoning ordinance which would have been February 21st of 1978. If a business was located in any particular zone and did not conform with that zone, then you have what is called a nonconforming use. Under Nebraska law, the continuation of that use would be permitted. The same use would be permitted. That is exactly what we have in this case. We have, which was some time prior to that, a salvage operation, junkyard, whatever you want to call it. Which is a nonconforming use because it does not conform with the R 10,000 Zone. It is grandfathered to the extent of the use at the time the zoning ordinance was enacted. That is essentially what is permitted. Mr. James Huggenberger asked what the date on that was. Mr. Hohenstein said it was originally adopted March 13, 1978 amended to 3 times since then. March 13th 1978, I think, would be your effective original date of the ordinance.

Jack Lemon introduced himself as president of World Wide and Mr. Doug Flom as his attorney. Mr. Flom said he would like to make three points in terms of a presentation that we have to make on behalf of World Wide. First of all, it's our judgment that it is this boards responsibility to determine what the appropriate land use for this particular parcel of ground should be. Because of the development that has occurred immediately east of the property which is in the zoning jurisdiction of the City of South Sioux City, the two or three salvage yards, Trio, C & H, and Garvins, the Truck Wash facility, the existing airport, the mobile home park and to the west of this property, the fertilizer plant; that it is unrealistic to think that in the foreseeable future the piece of ground that we are seeking to rezone is ever going to be used for residential 10,000 square feet. In other words, you have to have a lot that is 10,000 square feet to be able to build a home to get a building permit on that piece of ground as it is currently zoned. It is our judgment and one of the reasons that we have submitted this application that the highest and best use generating the most amount of tax revenue for this county for that piece of ground is going to be rezoning it to permit World Wide Truck Parts & Metals to lawfully operate at that location. As I believe each of you are aware there is a dispute currently be litigated between the county and World Wide as to whether the current use of the property is lawfully grandfathered in or not. That is a separate question. We're here asking you to look at the piece of ground, to look at the predictable foreseeable use of that piece of ground, and make a determination whether that should be used for Heavy Manufacturing to legitimize the use that we are currently making of that piece of ground. I don't know if any of you have had the opportunity to look at the zoning map for Dakota County recently, but the current map for the County indicates there is very little, if any, land zoned for Heavy Manufacturing in all of Dakota County. That is the area in which this board has the responsibility for determining the zoning of. In preparing for this presentation today, I had the opportunity to review the general development plan for Dakota County that was passed in August of 1978. It is a long plan;

the goals for commercial industrial development in Dakota County as adopted by that plan are to achieve orderly industrial growth, realization of adequate employment opportunities in this county, the retention of present industries, availability of public utilities and services for industrial sites, development of commercial activities in concentrated areas, retention and attraction of other commercial activities which served individual communities. No matter which one of those specific standards that you attempt to apply as the land use regulator of Dakota County, in each one of those instances one can reasonably conclude that the rezoning of this piece of property is consistent with the plan that was adopted in February of 1978. The plan concludes in the section involving the summary, involving commerce and industry, by the year 2000 the communities in Dakota County may need a total of 83.7 additional acres of land for commercial activity. Also rural Dakota County may require 132.7 additional industrial acres. If you are going to take any action with respect to the implementation of this plan that was mandated by Nebraska law for you people to pay for and implement, it is going to require the rezoning of certain parcels of ground within Dakota County to meet the projected needs. Now this plan is 12 years old. This plan clearly can be updated. You have all sorts of opportunities to spend a lot of time in learning about land use, but in terms of meeting the needs of this county, as adopted by the plan that was implemented in 1978, there needs to be more Heavy Manufacturing, more industrial, more commercial land allocated in rural Dakota County. Your action today will, in part, albeit a small part, but will be an action that is consistent with that plan that's consistent with appropriate effective land use planning in Dakota County now, quite apart from how the land should be utilized. The land has been utilized since the 60's for salvage operation and while there is a dispute as to how much smelting of metals that occurred prior to 1978 and whether or not our current smelting exceeds the current limit, there is no question, and I have affidavits that I will give to you for you to read or examine at your leisure or in this hearing as you wish that established there was smelting of metals that occurred prior to 1978, but the current use is lawful and conforming. But apart from that there are 18 employees that currently work at World Wide Truck Parts & Metals, and has an annual payroll of \$350,000 to \$400,000. Now, granted there are people adjacent property owners presumably, that are opposed to the particular change that we are proposing. I think you have to also consider the land use needs of the county, their objections, because they are property owners, they're taxpayers, they have every right to object. But there are also employees that are employed by World Wide Truck Parts & Metals that have families, that have relatives, that have people that are close to them. This will have an adverse impact on that operation, if not only do you rule against us, but were also unsuccessful in the lawsuit in Dakota County. Now, should those two events occur, it would mean that the current operation approximately 14 to 15 of those people would no longer be working because we could not smelt the metal which is the current focus of the salvage operation that is being conducted at World Wide Truck Parts & Metals. Now, even if you should decide that it shouldn't be rezoned even if the judge should rule against us, there still is going to be a salvage yard at that location. The only issue before this body and before the court with respect to what we can do there has to do with whether we can continue to incinerate the debris created by the recycling of truck bodies and the smelting of metal. So to the extent that a salvage yard represents an eye sore and I won't say to you that I can't form an opinion that a salvage yard represents an eye sore because I think it isn't necessarily compatible with every use that land may be given. But the reality is the salvage yard is still going to be there. Even if we are unsuccessful here, even if we are unsuccessful in the court case because we are valuable there. We had rights before the zoning ordinance was passed. The step to change the zoning is a small step. The impact the immediate impact for us is, it is going to

legitimize the utilization of that land for smelting the utilization of that land for burning the refuse. Now, I have for you, so that you have an adequate basis upon which to make a decision from our perspective, a group of exhibits, and I'll give them to you Mr. Chairperson. There is a summary sheet in the front and each one of the exhibits is attached. I will briefly tell you what those exhibits comprise. The first two exhibits are affidavits of James Craig and LeRoy Lussebrink, these were two employees that worked at that location when that salvage yard was owned by a prior individual. Those affidavits summarize that the smelting of metals, the reclamation of metals, the cutting of metals, the burning of refuse all occurred. The same activities that we are now seeking to have legitimized by the zoning change. Exhibits B-1, B-2, and C pertain to the existing permits, the construction permit and operating permit for the incinerator, the construction permit for the smelter. As you may be aware as any review of the court case will indicate that we have established that currently as regulated by the Nebraska Department of Environmental Quality we are validly operating both the smelter and the incinerator. Those permits are evidence of that valid operation. Exhibits D and E are extremely complicated, lengthy. I am not even qualified to probably interpret that to you, but they represent extensive testing that occurred by expensive testing facilities that were acceptable to the Nebraska Department Environmental Quality which would establish that our incinerator and smelter are properly designed to meet the needs of our performance requirements. That is to incinerate the debris and to properly smelt the metals so that predictably the amount of air pollution, the amount of particles, that would be generated by that operation, would be within the guidelines established by both the federal and state government. First you have to design the thing so that it complies within a certain set of parameters and then you have to monitor the operation continuously to see that it continues to comply. Finally, exhibit F is a summary of tests that have occurred in the last 12 months. That is the last exhibit that is dated January 31, 1990. It is provided to us by Todd Ellis, the Environmental Compliance Specialists of the air quality division of the Nebraska Department of Environmental Control. An examination of that will establish that there are only 2 violations that occurred within the last 12 month period. Even though we were inspected on 16 different occasions some 34 tests were run in those 16 different compliance tests from January 19, 1989 to December 27, 1989, we were in compliance in all respects except on 2 occasions. January 19, 1989 we were cited and we paid a fine and that was part of the resolution of the fire for which we paid a fine for which we entered into certain cease and desist order with respect to the big fire that occurred in 1988. We had one other problem in June, on June 14, we had a reading that was 29.2. The acceptable readings are 20% opacity plus or minus 7.5% so we were 2 percentage points above and that was because of a broken valve, a broken pipe. That pipe was fixed and repaired and that was the end of it. We were tested on 4 different occasions since then so we have been subject to repeated tests. We have gotten the operating permits and we have continued in our judgment, from our perspective, to operate lawfully. We ask that you consider that information in determining whether or not this application to rezone this property from residential 10,000 square feet to heavy manufacturing would be approved. I believe as was established by Mr. Hovey, if I'm not mistaken, that the lawful permitted use in that zone would be our operation. That is it is one of the accepted permitted uses in a heavy manufacturing zone and that is what we seek to comply and that is why we're coming to you in seeking this zoning change. If you have any questions of us, if you have any questions regarding those exhibits, I realize it is alot of paper to throw at you, I'm here and Mr. Lemon may have something to add. Mr. Lemon had nothing to add but said he would answer any questions anyone had to ask.

Jim asked what does that 20% represent on the inspection.

Mr. Lemon said it is the opacity of the air, they stand and they have to be at a certain angle to determine what the smoke reading is.

Ms. Jackie Hartnett asked if the state has made a determination that they are operating validly or invalidly.

Mr. Lemon said that the state has not made a determination that the zoning is valid or invalid. Mr. Lemon said the tests are very expensive and there are only so many testing agencies in the country that even can perform these tests. There has been significant capital investment to see that we are operating lawfully. Unfortunately, we were being regulated by the Nebraska Department of Environment before this zoning question ever came up.

Jim asked when you get a license from the Environmental Protection and how long is that good for? Is that just an on-going thing?

Mr. Lemon said it is an on-going thing that can be canceled at any time. If you are in violation why they can write and cancel you. Of course you've got court hearings and what have you and naturally you've got a chance to defend it. It's an on-going thing.

Mr. Flom said he thought the point is worth making that if you changed the zoning of this piece of ground you wouldn't in any way eliminate the regulation by the Nebraska Department of Environmental Quality, that would continue. And even if we were operating within correct zoning constraints, that doesn't mean that the Nebraska Department of Environmental Quality can't shut us down, can't issue restraining orders, can't fine us out of business if we don't comply with those requirements. Mr. Lemon said they do not get involved with your local laws. I mean that they're reregulated by the federal government because when we had our session with them, I thought it was quite unfair that you take a 4 minute interval and check it instead of taking an average per 8 hour day. I was finally informed if I would like to lobby the Washington government or the government at Washington D.C. to change that law to be their guests, that they don't make the laws they just try to see that they are performed.

Mr. Flom asked if anyone had any more questions.

Mr. Kim Murphy introduced himself as a resident of rural South Sioux City near the proposal rezoning area. We have in the neighborhood, shall we say, tried to consolidate our presentation, as commissioner Rohde might be able to advise you of, like we did before the planning and zoning. There are many people out there that are adversely affected and opposed to this rezoning, but we thought we would try for revity purposes to consolidate that and make one presentation. There may be some that wish to make separate comments or that you may wish to direct questions to, but for purposes of at least starting the opposition shall we say we would like to have one presentation. The proposed change in zoning would not-the property south across the lake, which is the next property since that the proposed rezoning borders on the property. South across the lake is all homes, private homes, homes to about 45 people. Immediately west, property lying abutting the proposed rezoning, is an area that a group is valiantly working to develop as a park area, recreation area. To the east, immediately right up on their border is a mobile home park that has been there for some time and is home to many people. And just beyond the mobile home park is the goodwill camp, which is the scene of much activity for the local people. I see that the gentleman from the goodwill camp is here and I presume he will probably wish to make a separate statement on behalf of them, that they host many activities and many children from the area. There are many detrimental effects of the proposed use; one is the health of the residents. This is our main concern in the area. One is the noise, the operation as it exists, the equipment and the smelter, the odor, which is a very putrid odor, and can be contacted from very far away. We have been told by people from Lincoln Grain people such as Roger Hubbard that they can detect that smelter operate at their homes or businesses when it's going. There is also a particle discharge many of the people south of the lake find on their vehicles, carbon or powder type

substance that occurs only after that smelter has been running. It limits and severely controls the life of the people in the area. It is not possible to be outside for yard work or recreation or entertainment when that smelter is operating. They've had picnics and barbecues and events such as that actually have to be moved indoors because they were unable to continue outside. Property values in the area. There are two residences along the lake, on the south side of the site, who have recently had their property appraised by licensed independent appraisers for loan and financing purposes. Both appraisals indicated that the junkyard across the lake detracted and negatively affected the value of the property. Mr. Murphy said he would like to depart just slightly from their presentation. This is very similar to what we did to planning and zoning. Mr. Flom's presentation was somewhat different he said. During their presentation, they indicated how similar this operation was and had continued to be. Also during that hearing, however, it came out that there were 190 trees removed from that site since Mr. Lemon has started operating. Over 40,000 yards of ground had been removed from that site. This is what has caused the great concern. The people across the lake and nearby, we can't complain about the fact that there was a salvage yard there prior to the implementation of your zoning ordinances and that it is not anybody's wish to do away with the grandfathered usage as a salvage yard. But there were 190 trees there. You couldn't see it from across the lake. I'm sure all of you have driven by and seen that. It's more like a scar on Dakota County than it is a reasonable operation of a business in the neighborhood that tried to get along and do good. People south across the lake, that built in the 70's, couldn't even see the salvage yard across there because of all the trees and the growth. Now you look there and there are absolutely no trees and suddenly there is this big smelter that belches out smoke periodically and it's putrid odor. Mr. Flom referred to several documents that I have not had a chance to review, but I'm sure he summarized them properly. But you have to keep in mind 2 things when you are talking about the DEC coming up and monitoring that. Those readings are only good for when that person happens to be up and sees what is happening. That isn't a continuing thing that monitors itself or they have some way of coming up like a seismograph that constantly monitors the earth's movement. That only monitors what happens when he is there. We have a letter in March of 89, less than a year ago, from the department. The Haafkes' have been very concerned about this and have over a long period of time made video recordings when they are available to. Because again this can only be done during the day. If that smelter operates at night you can't measure the opacity of the smoke, because you can't see it against the light. The air quality division staff, and I have viewed the video recordings that the Haafkes' sent. I'll pass this around, but I would like to read it. You have furnished depicting activities of World Wide Trucks Parts & Metals during February and March 1989. The unanimous impression of the viewers was that, had an inspector been present to observe personally, several penalties could be imposed. Your evidence is graphic and alarming. Unfortunately, there is a strict protocol which we must follow to make observations. Video recordings do not fit that protocol. You have given a strong verification that your reports are not exaggerated and that when you say an episode is serious, it is. Thank you for your continuing vigilance. Also I'm presuming there may have been these attached to his summary, I'm not sure again. This is one of the reports the state does. They come up and monitor the opacity and they take 24 readings that they take over a limited period of time. The number you probably have for this report that is dated 12-27-89 shows an average of 12.5. You'd think that sounded pretty reasonable, except for the fact that when they started taking the readings, the very first reading which is 30. Two readings later it is 25. There is another reading of 35 and two more of 30 during that period of time. That 20% plus or minus 7.5 was frequently violated during that time, but because by the end of the time period there are 0

readings which would indicate there is nothing at all going on. It brings down an average to 12.5. The average is not what is the concern. The concern is that it is reaching peaks of 30 and 25 during a period of time that it is operating. To rezone to heavy manufacturing in this instance would be spot zoning. There is a trailer court immediately to the east, there is an area that has been a park and is being redeveloped as recreational area to the west, there are homes to the south, there is an airport to the north. That hardly is heavy manufacturing in especially since it has been there longer than most of us have been in anyway too. It's creating an island of heavy manufacturing. You heard Bruce read what could go in there. That's not what the county board wants to be responsible for putting out there in that location. Granted the county needs to make available industrial development area, but it doesn't need to do it in that location. If the business does go on as inconsistent and incapable with the current residential zoning where it is and of the neighboring property, we're sure it would result in litigation to prevent or rescind any zoning. We recognize that for many years prior to the zoning ordinances being adopted in the county that a salvage yard was operated there. It was interesting, Bob Hirsch, after our first one reminded me that there use to be timber lodge out there and many of us can remember that. You couldn't even see that out there. That was the big key to that and even when the salvage yard started, you couldn't see it even driving down the highway. You barely were even able to detect that. You couldn't detect it at all south across the lake. But they have taken 190 trees out and 40,000 yards of sand or ground. More appropriate action for this committee and board would be to determine what happened that allowed the trees to be removed, the ground to be removed and a smelter and incinerator built. You should be working to return it to how it was. That is all that is really needed. Not to further degenerate that neighborhood and allow them to make it worse. Mr. Murphy said that the hearing was scheduled at 2:30 in the afternoon and that is fine because you people have to meet some time and commissioner Rohde will probably advise that there were a substantial number of people who when I asked who was opposed to this at the planning and zoning rose in opposition. Mr. Murphy said he believed Jamie reported that there were over 70 people there and the vast majority of them stood up at that first one. The highest and best use as indicated there had been changes in the presentation compared to the one that was made to planning and zoning, our different approaches to it. So first we have heard the highest and best use in the taxes for this community. This rezoning is not going to change that. He is grandfathered in as a salvage yard. If his operation is correct, he is going to stay there as a salvage yard. That is not going to change his taxes any. All we're asking you to do is not to change it to allow it to expand to grow or become anything else that Bruce read from that list in that area where it is at. Thank you for your time and I will try to answer any questions you may have or ask the appropriate person in the back to respond.

Mr. Fred Pilecki introduced himself as the Vice-President of the Wall Street Mission/Goodwill Industries. Mr. Pilecki said they operate the summer camp there on crystal lake, but not right next to the questioned property, but because right next to them is the mobile park and then we're to the east of that. We acquired that piece of property in 1927. It's part of the mission of Goodwill Industries to operate it as a free summer camp for needy children in the Siouxland area. When we acquired the camp it was basically wilderness out there and I guess our concern now is we understand the grandfathering of the salvage yard and that issue. Our concern is what would happen if this was rezoned and we're really in opposition to that. That could even open it up for further development, further smelting, further burning. We think that this issue needs to go before the court. We have our feelings whether or not changes had been made there and I think that opportunity needs to be heard. Because we operate the camp-I guess what our concerns are things not that the EPA or other

agencies monitor the percentage of the smoke. Typically the kids do not understand that. What kids do understand is what stinks out here. That is what our camp directors and our counselors and things that are beginning to be faced with year after year. In what was originally set up is a wilderness area for city kids to go and be in the wilderness and see wildlife has really changed over the years. We hate to see the zoning change that any further, because if, my understanding is, if this property was rezoned it would give these people the license to make further changes you know that would be of detriment to the children that attend our camp. That is all I have, thank you. Jim asked Mr. Pilecki how long they operate in the summer time in their camp. Mr. Pilecki said 5 weeks. Mr. Pilecki said this year there would be an addition of a 6th week.

Mr. Kurt Hohenstein, County attorney for Dakota County, appeared before the board. There is a question where my concern lies since I am the individual who filed the litigation against World Wide alleging that the present and existing use of properties is inconsistent with the Dakota County zoning ordinances. As I mentioned at the meeting we had in the evening a few weeks back, my feelings are unimportant in this matter, what is important is my obligation and I have a job to insure that the laws of the Nebraska legislature are enforced. Frankly I have a job to insure that the ordinances of Dakota County are enforced. It was my determination after I guess a pretty lengthy and thorough investigation stretching back from about the time the fire started, although that is not really the reason for the litigation because we did have that matter resolved through County Court action and also through some fines that the DEC opposed upon World Wide. It is my determination that the present use of the property was not use that had been in existence in 1978 and I have an obligation to see that the zoning ordinances are enforced. That is what the litigation that I had filed in district court is intended to do. I can't and won't make a prediction on how that will turn out. Mr. Flom believes as does his client that the use that they are presently engaged in is permitted. I don't agree. We are going to try to ascertain by testimony, by witnesses, by evidence, by exhibits, in the court of law whether that is the case. If, in fact, the use that is presently occurring was the use that was occurring in 1978 I am going to lose that lawsuit. But I don't believe that is the case. More importantly, I think if this board rezones the property from R10,000 to heavy manufacturing, is it the lawsuit that we filed really is unimportant, it is useless because you have illegitimized, as Mr. Flom indicated, his clients past and present and existing use of the property. I don't believe that is really fair. If in fact that he as his client has the right to continue to use the property as it is being used today the court will decide that. Let's let the court decide that. I guess there is a couple of other things that I should bring to the board's attention here. The Department of Environmental Control has indicated to us in individual meetings in the evening, meetings with myself, Mr. Flom, his clients, meetings with the public that they are willfully understaffed and that they do not have the adequate resources to adequately monitor any operation like this. They have been here probably more than they have been to any other facility maybe in the state of Nebraska in the history of Department of Environmental Control and that is a direct result of the phone calls. They have probably gotten more phone calls to come here than any other facility in the state of Nebraska, but they have indicated to me that they don't have the man power really to monitor the situation adequately. They have acknowledged that. They have a small staff that just don't have the resources to do it. But even when they do come up here all they do is see how dark the smoke is. The reason that is all they do is because that is all they are permitted to do under the regulations. They don't have regulations for odor. There are none developed. So they don't determine whether there is a problem with odor. These people out there determine that and they have told you that there is. I believe that there is because I have been

out there also and I have smelt it, but the DEC doesn't determine that. It is not in their perivial. They don't determine whether the stuff has come over or crossed the line on cars or on picnic tables or on homes and things like that. They don't determine that. They look and see how dark the smoke is. They also don't determine toxicity and I'm not going to get into that today but that is a concern of the area residents. The DEC has indicated that they would do testing on that but they have never done it to my knowledge. They have attempted to, maybe they have come up, they promised to, but they have never done it, and again I'm not sure whether that is because they don't have the man power to do it or because they don't have the scientific capability to. Those are the concerns that even if the DEC gives a clean bill of health to this operation are not going to be addressed. They just aren't going to be addressed because they don't do it. Those things affect the residents everyday. An argument was made at the prior hearing that the use of that area is changing. Granted there have been things established in that area which are not residential. I say in the area within 2 or 3 miles of that area. Things have been there for a long time which are not residential. This board did not have the power, nor was it asked to advise on whether the establishment of a truck wash in that area was appropriate. It wasn't your decision. I dare to say if it had been your decision, and had anybody in this room known the consequences of that decision it wouldn't have been granted. The people that established that were told that that is not going to be a problem, that it is not going to stink. Drive by there with your window open. That is a use that should not have been allowed either. But this board didn't have anything to do with that use. That was a use that was decided by the South Sioux City Council because that was their zoning jurisdiction. This is a chance that you have to do something about the use. You can allow it to continue, let the court case continues or you can say that we think it ought to be manufacturing. That is inconsistent with the zoning ordinances, despite what the council has indicated, that everything is perfectly consistent. It is not a conforming use it is a nonconforming use because it is inconsistent with the present uses of the property surrounding it. There is a trailer home next to it. There is residences across the lake from it. This is not a manufacturing area and if there is concern about having other manufacturing areas in Dakota County believe me there is 113 or 120 or 350 available in other areas more appropriate for this kind of use that won't cause residential properties problems like this one will cause and has caused and will continue to cause. It is important I think to acknowledge that because a lot of study went into this. It was not zoned R10,000 for no reason. It was zoned because that is what they felt the appropriate use of the property was. It is a residential area and has been for a long time. It is a residential area with a salvage yard operation in the middle of it. That may be, but it is not a residential area with a salvage operation with the extent of salvage that is occurring today. There is some feeling that the people behind me are complaining because of the fire. That fire caused concern. That fire has not been brought up to me by any of them for a year and a half. Once it was resolved that was it. It was concern about the storage of polyurethane and I think those issues that have been addressed are being monitored, but the problems that have been continuously continual and have been brought up to me time and time again have not related to that one fire, but have related to continual operation of the smelting. That is what is causing the problems now. That is not from the fire. Maybe the fire brought it in peoples minds, maybe the removal of the trees brought it open. Maybe more appropriately it was the increase use of the smell that did it. The folks that are concerned about this have a legitimate concern. They are there everyday and they have a problem with their properties. I would not stand here or sit here before you and say that I am in favor of closing down that operation and having those people go out of business because I am not. That is a legitimate operation. It is a useful

operation. To salvage trucks, to return aluminum to a different state and reuse it again. Recycling is the wave of the future. It is a good operation, but it is in the wrong place. That is all we are saying. That operation should not continue where it is at. If this board permits that property to be rezoned today, that is what is going to happen. I would ask you not to do that.

Ms. Hirschbach said she would assume for the record than that Mr. Hohenstein's testimony today is just that. It is testimony by a concerned individual that happens to be the County Attorney as opposed to legal advise to the board.

Mr. Hohenstein said that that is correct.

Jim asked if anyone else would like to come up for testimony. Jim had also asked if the board had anybody they would like to as questions of.

Mr. Flom said if there is nothing further on behalf of those people to close he has a couple of comments and what may. By my count there are 13 properties on the south side of the lake that are the residents that we are talking about. I think that has to be kept in mind. There are only 13 property owners. What happens to those 13 properties is important. But whether 75 people show up at a planning and zoning commission or whether 100 pack this room, we're still talking about 13 property owners that are affected by that. There are on balance because of the nature of the current operation 13 jobs. If we are talking about weighing this group of people is going to adversely affect against this group of people will be adversely affect, I don't think that is the proper focus of the board. I think the proper focus is what should the land use of that particular parcel be. Mr. Hohenstein made an interesting point, he said if this board acted you may not have put the trailer wash facility with its smelly run off pond. You would not have done that had you been given the choice. But because of the nature of the land use in this area that use exists. That is a valid use of that piece of property, just as the salvage yards that are a 1,000 feet away from the northeast corner of our salvage yard are valid uses of the property in that area. The direction of that property except for the 13 houses on the other side of the lake is commercial industrial. I appreciate the concern of goodwill industries. They're right next to that valid use of a truck wash facility. They're right across the street from these other salvage operations. They've got some real problems, but those problems aren't solved by not approving the zoning application for World Wide Truck Parts & Metals. Those problems aren't going to go away. You can't solve their problems. Land use is a tough issue. Not everybody is going to be happy. I think if you focus on what should be done there, what is appropriate given the nature of the area, the change is appropriate, and that is what I ask you to consider. Thank you.

Mr. Huggenberger declared the hearing closed at 3:10 p.m. after no other comments were offered.

Commissioner Hartnett moved, seconded by Commissioner Bobier to request the Nebraska Department of Environmental Quality to look at the property/business as it was operated by Worldside Auto Parts and as it exists today. Specifically the possibility of toxic waste which has accumulated and the hazard it portends. BE IT FURTHER RESOLVED that a letter be drafted by the Dakota County Attorney, from the Dakota County Commissioners to Environmental Quality requesting that appropriate action be taken to determine the extent of the problem, to effect any and all laws and regulations in this case to protect the environmental quality of the property, and to legally assign responsibility for the action to be taken.

AND FINALLY BE IT RESOLVED that the County Attorney brief the County Board on this matter as soon as possible.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

SCAN COPY OF NEWS ARTICLE
BOARD DENIED ZONING REQUEST SCAN

Les Pedersen appeared before the board to request that the county pave the road to his property from K&B Trucking to what is known as the Old G Street, which is now C Street.

He said that if the county would stay on the Section line the distance would be 1971 feet, but he would request that they angle the road to connect to his property and that distance would be 2112 feet.

He briefly described the operation of his business and what products they make.

Mr. Bobier said that he and Marge Meinen met with the city and there was discussion that the city and county would pay half of the paving cost to hard surface this road if the other half could be funded through Economic Development.

The Board asked Mr. Mellick about the project and he questioned being able to obtain outside funding if the road were not on the section line.

The board discussed the request of Darrell Mahon to open a road to his property. Wayne Boyd, Attorney for the opposition, submitted the following:
March 19, 2002

Dakota County Commissioners
P.O. Box 338
Dakota City, NE 68731

RE: DARREL E. MAHON
AFFIDAVIT OF OWNER OF ISOLATED LAND

Dear Commissioners:

After the public hearing on March 18, 2002, you requested any written comments on or before March 28, 2002 with a final decision to be made at your April 1, 2002 meeting. The following comments are submitted on behalf of my clients, the Mahon family and Ira Love.

As I indicated in my presentation at the public hearing, we believe that the applicant fails to meet some of the statutory requirements for the county to obtain right-of-way and construct road to alleged "isolated land".

Neb. Rev. Stat., Section 39-1713 has very specific provisions related to the affidavit or petition to request a road to alleged isolated land. One of those requirements is that the applicant is unable to purchase from any such persons a right-of-way or that it cannot be purchased except at an exorbitant price. The affidavit does set forth negotiations with Ira Love; however, it does not mention any negotiations or attempt to purchase right-of-way from the Mahon family. In that respect, the affidavit is insufficient as it does not meet the requirements of the statute.

The primary procedural issue relates to the findings which the County Board must make if it is to acquire the real estate and construct the road. Neb. Rev. Stat., Section 39-1716, among other requirements, requires "(b) that the isolated land was not isolated at the time it was purchased by the owner...". In his presentation before the Board, the applicant stated that the land was split off by some of his ancestors in 1938 and that he acquired the property from other owners in 1999. He also stated that the land had been isolated from "public access" during that period of time and at the time he acquired title in 1999. He did state that there had been "private access" over

adjoining land owners. As such, we do not believe that you can find that the land was not isolated at the time he purchased it in 1999.

In addition, my preliminary research of the real estate records indicates that the property was probably first divided and split from the remainder of the 80 acres in 1889. In any event, we do not believe that the applicant can provide evidence which would allow the Board to make the required statutory findings.

If the Board decides that they can make those findings, they must then appraise the damages to be suffered by the owners over and through which the access will be provided. As indicated at the public hearing, this includes not only the value of the land to be used for the right-of-way but also any damages to the remainder of the property of the owners. In the case of both of my clients, the proposed road to the south of the applicant's real estate would divide existing farms. It would split them into separate tracts. This would incur damages to the remaining property as well as the value of the land acquired for the road.

In the event that you proceed with the road, we would ask that we be allowed sufficient time to obtain the services of an appraiser to fully appraise the damages to their real estate.

I believe that it was made very clear at the public hearing that the applicant would have to pay the damages to my client's real estate as well as reimburse the County for all engineering and construction costs. If the route to the south is used, I believe that your Road Superintendent estimated the engineering fees at \$10,000.00 and the construction costs at \$25,000.00. This seems to be excessive when coupled with the cost of acquiring the access for minimal use and service of one person. This is another finding required by Neb. Rev. Stat., Section 39-1716.

On behalf of my clients, we would respectfully request that you deny the applicant's request for access to cross their real estate.

Respectfully submitted,

BOYD LAW OFFICE

Wayne E. Boyd

For the Firm

Commissioner Hartnett moved, seconded by Commissioner Denker to deny the request of Darrell Mahon to provide public access crossing other private property.
ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea,
UNANIMOUS MOTION CARRIED.

The board discussed the Letter of Agreement with Mercy Medical Services.
Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the following agreement and to authorize the chair to sign same.

Mercy Business Health Services

And

Dakota County

This Health Program Agreement ("Agreement") is effective this 1st day of April, 2002, by and between Mercy Medical Services, Inc., an Nebraska non-profit Corporation, d/b/a/ Mercy Business Health Services ("MMS"), 4301 Sergeant Rd., Sioux City, Iowa and Dakota County, Dakota City, Nebraska.

RECITALS

Whereas, in furtherance of the mission and values of Mercy Medical Services, MMS seeks to provide medical care for the Dakota County jail inmates.

Whereas, MMS and Dakota County desire to enter into an agreement whereby MMS will provide various medical service to Dakota County jail inmates.

Now, therefore, in consideration of the foregoing recitals and the following terms and conditions, MMS and Dakota County hereby agree as follows:
TERMS AND CONDITIONS

1. MIMS agrees to provide Dakota County with health services as set forth in this Agreement.

2. Dakota County agrees to pay such fees for health services provided.

3. This Agreement shall become effective as of _____, 2002, and shall continue for a one (1) year period until _____, 2003. This Agreement may be renewed for additional one (1) year periods upon subsequent agreement by the parties and set forth in a written addendum to this Agreement signed by both parties. This Agreement may be terminated as follows:

A. At any time, by either party upon notification to the other party in writing of it's intention to terminate at least sixty (60) days prior to the termination date.

B. Upon mutual written agreement of the parties.

C. Immediately if MMS or Dakota County becomes insolvent or if any petition pertaining to bankruptcy or insolvency, reorganization or other relief from creditors shall be filed by or against either party, or if either party makes or offers a composition of its debt for its creditors, or if a receiver, trustee or similar officer or creditor's committee shall be appointed to take charge of any property of or to operate or wind up with affairs of any such party.

D. Immediately if MMS or Dakota County determines, based on actual or threatened action by a federal or state governmental agency, or in the opinion of their respective legal counsel that continued operation of the Agreement would violate the provision of any federal or state law and cannot be rectified by amendment.

6. Except as otherwise provided herein, upon termination of this Agreement the rights of the parties hereunder shall terminate, provided that such action shall not relieve either MMS or Dakota County of obligations imposed with respect to matters occurring prior to such termination including payment for services rendered.

7. The relationship between MMS and Dakota County is that of independent contractors. None of the provisions of this Agreement are intended to create or to be construed as creating any agency, partnership, joint venture or employee-employer relationships between MMS and Dakota County.

8. To the extent not otherwise in consistent with the laws of the State of Nebraska, each party shall indemnify and hold harmless the other, its appointed boards, officer, employees, agents, individually and collectively, from all fines, claims, demands, suites or actions of any kind or nature arising by reason of the indemnifying party's acts or omissions in the course of its performance of its obligations under this Agreement. Nothing in this Agreement or in its performance shall be construed to result in any person being the officer, servant agent or employee of the other party.

9. This Agreement constitutes the entire understanding between MMS and Dakota County. All prior negotiations of the parties have been merged into this Agreement, There are no understandings, representations or agreements, either oral or written, other than those set forth herein and all prior agreements are expressly terminated as of the effective date of this Agreement. No amendment, waiver, change, modification or termination of any terms, provisions or conditions of this Agreement shall be effective unless made in writing and signed by both parties. Waiver of any provision of this Agreement shall not be deemed a waiver of future compliance herewith and such provisions shall remain in full force and effect.

10. In the event any provision of this Agreement is held invalid, illegal or unenforceable, in whole or in part, the remaining provisions of this Agreement shall not be affected and shall continue to be valid and enforceable.

In the even any provisions of this Agreement is held to be unenforceable or illegal as written, the parties agree to promptly and in good faith negotiate an amendment to such provision so as to remove the violation of law, rule or regulation.

11. None of the right, privileges, duties or obligations hereunder may be assigned by either party without the express written consent of the other party.

12. This Agreement shall be construed and interpreted under the laws of the state of Nebraska.

13. Notices required to be or otherwise are in writing shall be deemed duly served when personally received by one of the parties set forth below, or, in lieu of such personal service, when deposited in the United States mail, first class, postage prepaid, addressed to such party at the following addresses:

If sent to MMS, to: Mercy Business Health Services
4301 Sergeant Rd.
Sioux City, IA 51106

If sent to Dakota County Jail, to: James Wagner
P.O. Box 385
Dakota City, NE 68731

Section 2

1. Routine On-Site Medical Care. MMS shall furnish the services of a licensed physician to provide non-emergency on-site medical care of inmates at the Dakota County Jail. Such services shall be scheduled weekly as needed. Additional on-site medical services shall be provided, as the parties shall agree. Dr. Clayton Van Balen shall provide such services or other physician approved by the Dakota County Sheriff.

2. Emergency Medical Care. MMS shall assist in providing emergency medical care for inmates at the Dakota County Jail. Such care shall be provided as requested by the Dakota County Sheriff or his designee. To the extent the provisions of such care can, in the medical judgment of the providing physician, reasonably be administered at the Dakota County Jail, MMS will do so.

3. Fees. Subject to the agreement of MMS and Dakota County Sheriff concerning fees for emergency medical care administered at facilities operated by MMS, MMS shall be compensated as follows for services provided pursuant to this Letter of Agreement:

A. On-Site Physician Services

\$30.00 per inmate seen at jail

B. Nursing Consultation

Shall be provided by Dakota County Health Department.

Mercy Medical Services, Inc.

By: _____ Date: _____

Peter Makowski
President and CEO

Dakota County Board of Commissioners

By: _____ Date: _____

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea,
UNANIMOUS MOTION CARRIED.

Linda Carson informed the Board of Commissioners that Rick Boucher was do research for her concerning the reimbursement for state prisoners.

The Board opened the bid from Suter for cleaning the vents in the jail. Commissioner Denker moved, seconded by Commissioner Bobier to table awarding the bid to Suter for cleaning the vents for the jail.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Lyle reported that he had attended a Region IV meeting at Norfolk and there was talked about an independent study on providing health insurance.

Following is information pertaining to that.

BENEFIT ADMINISTRATORS, INC.

Providing cost-effective employee benefit plans/administrative services, tailored to your specific group needs.

WHO WE ARE

BAI is an employee benefits brokerage and administrative services firm, established in 1983 by benefits professional, Cindy Margritz, CEBS. BAI services a broad range of clients via conventional and self-funded group insurance plans, utilizing a variety of quality insurance carriers. Since 1995, BAI has been responsible for the marketing and servicing of employee benefit programs for all of the Northwestern Mutual Life Agents in Nebraska (80+).

The BAI staff has extensive industry experience to provide you with an efficiently managed plan that best meets the service and support needs of your employees and your company.

WHAT WE PROVIDE

As a BAI client, we provide your organization with professional representation and consultation. Our focus is on understanding the unique nature of your business, to reduce or eliminate excessive time spent by your staff in evaluating and comparing benefit plans, and to work with you in selecting and maintaining the most cost effective plans that fit your needs. BAI can provide an array of products and services including:

- Life and Accidental Death and Dismemberment Coverage
- Dependent & Supplemental Life
- Medical/Dental plans including PPO/HMO/POS options, conventionally insured, partially self-funded, and fully self-funded programs
- Short and long term disability program
- Prescription drug card coverage
- Section 125 flexible benefit plans
- 401(k) retirement plans

PERSONALIZED SERVICES

BAI provides its clients with customized services to help support plan administration on an ongoing basis. Services include:

- Access to BAI staff members via our toll-free 800 number for employees outside of the local service area
- Representation at employee meetings to explain coverage provided upon:
 - Plan start-up
 - Periodical review or changeover
 - Enrollment services
 - Assistance with COBRA/HIPAA administration
- Ongoing benefit, eligibility, and claims

resolution

- Assistance with other HR-related issues

REFERENCES

Following are a few of the clients for which Benefit Administrators, Inc. provides employee benefit and/or administrative services.

*The American Pop Corn Company Sioux City, IA (170 employees)	Mr. Garrett Smith (712)239-1232 Vice President
*Bomgaars Supply Company Sioux City, IA (300 employees)	Mr. Roger Bomgaars (712)277-2000
*Mead Lumber Columbus, NE (150 employees)	Sue Hanzel (402)564-5225 Employee Benefits Manager
*Pathology Medical Services Lincoln, NE (80 employees)	Ms. Sherla Post (800)742-7414 Director of Human Resources
*Peel's Salon Services Omaha, NE (300 employees)	Mr. Rod Bennink (402)333-0202

Commissioner Todd moved, seconded by Commissioner Denker to authorize Nanci Walsh, Assistant to the Board, to contact Cindy Margritz, to see if it would be beneficial for them to look at Dakota County Health Insurance Coverage.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to transfer Dakota County Abandoned Vehicle Title; 02081700019 on a 1981 Ford Fairmont Station Wagon bearing the serial number 1FABP23D5BK123515 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicle.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

ROLL CALL VOTE: Engel- Yea, Meinen- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

The board discussed a policy change for Principle Insurance.
March 7, 2002

COUNTY OF DAKOTA COUNTY
1601 BROADWAY FL 1
DAKOTA CITY NE 68731

RE: POLICY NUMBER N88028

You will soon receive updated contract(s) for your group insurance benefits issued by Principal Life Insurance Company. The amendment title page(s) included with that mailing, need to be signed and kept with your contract(s). Do NOT return the title page(s) and contract(s) that you receive separate from this mailing.

Please refer to the cover of your contract(s) and booklets for class/coverage information before adding to or replacing your materials. There may be occasions when additional policy(ies) and booklets were issued for your amendment (in this event your existing materials may not need to be revised or reprinted). If booklets are affected by your recent change, they will be shipped under separate cover. Due to our printing process you may not receive all of your booklets in the same shipment.

Enclosed is a duplicate copy of your amendment title page. Please indicate your acceptance of the changes by signing the enclosed amendment title page(s) and returning to:

Principal Life Insurance Company
711 High Street
Des Moines, IA 50309-9979

Thank you for choosing Principal Life Insurance Company for your insurance needs. If you have questions, please call 1-800-986-EDGE.

Enclosure(s)

Mailing Address: Des Moines, Iowa USA 50392-0001 (515) 247-5111

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the following amendment to Dakota County's policy as follows and to authorize the chair to sign same.

CHANGE NO. --2-- AMENDMENT TO BE ATTACHED TO
AND MADE A PART OF
PRINCIPAL LIFE INSURANCE COMPANY GROUP
POLICY NO. GLT N88028 ISSUED TO

COUNTY OF DAKOTA COUNTY NEBRASKA

It is agreed that the above Group Policy be amended effective as of January 1, 2002, by striking all pages and replacing such pages with the following updated Group Policy.

The effect of this change is to completely replace the documentation of the contract between the above-named Policyholder and The Principal. Therefore, as of the effective date of this change, all prior versions of that documentation are null and void. This change is not intended to renew the contract between the Policyholder and The Principal in any way which affects the time limits of the coverage or limitations as stated in the original documentation.

The provisions and conditions set forth on any attached page are part of this Amendment the same as if set forth above.

This Amendment will not become effective unless a fully executed copy is received by The Principal at its Home Office in Des Moines, Iowa, within 30 days following the date executed by The Principal or such longer period as The Principal may allow.

Executed by The Principal as of March 7, 2002.

Senior Vice President and Corporate Secretary President and Chief Executive Officer ALL SIGNED.

Countersigned: Director, Group Compliance
Executed by the Policyholder as of _____

COUNTY OF DAKOTA COUNTY NEBRASKA

By: _____

Title: _____

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The Board signed letters to all state senators concerning legislative bills.

The Board briefly discussed Federal Storm Water Sewer Regulations. Their concern was whether it had to be done now or whether they were subject for change.

The Board's Assistant will check into this and report back.

Commissioner Bobier moved, seconded by Commissioner Denker to adopt the following proclamation.

PROCLAMATION

PROCLAMATION OF THE CHAIRMAN OF THE COUNTY
COMMISSION OF DAKOTA COUNTY, NEBRASKA
National Public Safety Telecommunications Week
April 14 - 20, 2002

Whereas emergencies can occur at anytime that require law enforcement, fire or emergency services;

And Whereas when an emergency occurs the prompt response of sheriff's deputies, firefighters and paramedics is critical to the protection of life and preservation of property;

And Whereas the safety of our sheriff's deputies and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City/County Law Enforcement Center Communications Center;

And Whereas Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services;

And Whereas Public Safety Dispatchers are the single vital link for our sheriff's deputies and firefighters by monitoring their activities by radio, providing them with information and insuring their safety;

And Whereas Public Safety Dispatchers of the City/County Law Enforcement Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

And Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year

Therefore Be It Resolved that the County Board of Commissioners declares the week of April 14 through 20, 2002 to be National Telecommunications Week in Dakota County, in honor of the professional telecommunicators whose diligence and professionalism keep our county and citizens safe.

Signed This _____ Day of April, 2002

Bill Engel, Chairman

Dakota County Board of Commissioners

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea,
UNANIMOUS MOTION CARRIED.

Bob Finney, County Attorney, appeared before the board to see if they had any questions.

They asked Mr. Finney to take a look at the agreement with Mercy previously adopted in this meeting and asked him to review it.

Chair Engel declared a recess at 2:55 p.m.

Chair Engel reconvened their meeting at 3:10 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the Payroll as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$12,216.81, Road Employees Net Pay- \$8,380.97, Employer deductions paid: Retirement- 677.38, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 700.25, Medicare- 163.79, Principal Mutual- 4.14.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 926.40, Walter Heinemann- 938.40, Richard Hoelsing- 837.36, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 875.66, State- 281.50, Social Security- 700.25, Medicare- 163.79, Retirement- 451.65, Unicare- 741.40, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$65,468.36, General Fund Employees Net Pay- \$44,679.35, Employer deductions paid: Retirement- 3,494.75, Unicare- 9,773.68, Ameritas Dental- 725.40, Unicare Life- 271.70, Social Security Tax- 3,901.11, Medicare- 912.36.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 614.89, Bobbi Jo Harsma- 805.80, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 752.40, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 405.45, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,155.20, Allen Burns Jr- 1,402.75, Linda Carson- 1,093.18, Melvin Harrison III- 969.86, Rodney Herron- 1,418.34, Jared Junge- 1,393.70, Donald Mueller Jr.- 2,735.89, Gary Powell- 1,424.52, Gayle Richards- 660.00, James Roberts- 1,300.00, William Thompson- 1,211.88, James Wagner- 1,676.00, Randall Walsh- 1,590.05, Laurie Barclay- 892.01, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 887.01, Rebecca Broer- 931.50, Carol Cox- 850.50, Leonard Cunningham- 840.00, Michael Gregerson Jr.- 810.00, Alma Gunderson- 921.73, Todd Hammer- 900.32, Paula Harrigfeld- 218.63, Brandi McManigal- 268.00, Georgia Risley- 44.00, Kevin Rohde- 1,226.93, Linda Schovanec- 940.99, Cory Schultz- 752.00, Margaret Stingley- 612.50, Brenda Tanner- 840.00, Margaret Kunzie- 820.01, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 899.13, Judi Neswick- 13.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 23.09.

GENERAL FUND: Employee withholding paid to: Federal- 6,076.19, State- 1,996.03, Social Security Tax- 3,901.11, Medicare- 912.36, Retirement- 2,329.87, Unicare- 1,562.97, Ameritas Dental- 315.04, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 852.93, Aflac Health- 436.54, Aflac Life/Dsbl- 69.75, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 947.03, Cops Fast Employee Net Pay- 682.96, Employer deductions paid: Retirement- 56.82, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 58.72, Medicare- 13.73, Brad Claypool- 947.03.

COPS FAST GRANT: Employee withholding paid to: Federal- 119.74, State- 34.00, Social Security- 58.72, Medicare- 13.73, Retirement- 37.88.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the minutes of March 18, 2002 as typed.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 3:40 p.m.

DAKOTA COUNTY, NEBRASKA

BY: \s\ William F. Engel

ATTEST:

William F. Engel, Board Chair

\S\Theodore A. Piepho

Theodore A. Piepho, County Clerk

COUNTY BOARD OF COMMISSIONERS

APRIL 15, 2002 PROCEEDINGS

COUNTY BOARD MEETING ROOM

DAKOTA COUNTY COURTHOUSE

Chair Engel open the regularly scheduled Board meeting at 10:00 a.m. with pledge of allegiance to the flag. Present were Commissioners Bobier, Hartnett, Todd and Engel with Joan Spencer, Deputy County Clerk as Secretary.

Commissioner Hartnett arrived at 10:06 a.m. Absent was Commissioner Denker.

ABSENT: Commissioner Denker.

Tom Lynch appeared before the Board requesting clarification on a letter received from Planning and Zoning. The letter stated he was not in compliance with P&Z regulations by leasing a lot to the travel trailer and pickup camper. He asked if he was to inform his lessees to vacate the lots. The Board of Commissioners said they would contact Arnold Mellick, Planning and Zoning Administrator, and asked Mr. Lynch to stop back in the afternoon if possible.

Rob Wood, Smith Hayes Financial Services Corp, presented information to the Board of Commissioners on the Highway Allocation Fund Bonds for the Hubbard-Jackson road project (approximately \$2.34 million) and two bridge projects (approximately \$350 thousand).

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the Highway Allocation Fund Bonds.

ROLL CALL VOTE: Bobier-Yea, Hartnett-Yea, Todd- Yea, Engel- Yea, Denker- Absent. UNANIMOUS MOTION CARRIED.

Arnold Mellick appeared before the Board and explained to them the letter sent Tom Lynch. He stated Mr. Lynch was in non-compliance with P&Z regulations, section 550.1 because the campers were not permanent residential dwellings. A public hearing would be required to change Recreational Zoning to allow campers, as non-permanent dwellings, on one acre lots.

Nanci Walsh, Assistant to the Board, presented a proposal from Cellular One to group all county cell phones as one major account allowing the minutes used to be pooled. Each office would be separately billed. A minimum of twenty phones would be required for their plan. The Board of Commissioners took no action. Ms. Walsh will do further research.

Lynette Beermann, Clerk of the District Court, appeared before the Board per their request regarding the change with Child Support being handled by the State. She stated there is still a lot of correspondence in regard to child support and the workload in her office has not decreased.

Nicole Sims, Community Corrections officer, informed the Board that as of June 30th there will be no more state funding for her position and the program will be closed. Judge Redmond, Jim Wagner, Linda Carson and Robert Finney were also in attendance. Mr. Finney, County Attorney, expressed the great need for a juvenile diversion mechanism to be in place to set standards and provide uniformity and availability for everyone. The Community Corrections/Pre-trial office was a valuable service which identified individuals who did not need to be in jail. He would like to keep the program alive for pre-trial diversion, monitoring community service hours and drug testing, etc. With no one available to supervise these individuals, it is no longer an effective tool.

Judge Redmond cited the cost of out boarding prisoners and said the county would save money in the long run by keeping people out of jail with supervision.

The program could be more flexible without the constrictions of the grant. Summer interns could possibly be used.

Commissioner Hartnett asked them to present the Board with a written proposal, job description and funds needed for the county to continue this position.

The Board of Commissioners took their quarterly tour of the jail.

The meeting was recessed for lunch at 12:20 p.m.

The Board reconvened from lunch break at 1:30 p.m.
Present were Commissioners Bobier, Denker, Hartnett, Todd and Engel with Joan Spencer, Deputy County Clerk as Secretary.

Arnold Mellick, Road Supervisor, opened the Gravel Bids from 1) Pilger Sand and Gravel, 2) Higman Sand and Gravel and 3) Erlandson Sand and Gravel. The Chair referred the bids to the Road Committee for evaluation.

Jim Cahill, with the Fair Board, requested the county act as median to purchase ground up asphalt for a portion of the fair grounds. Taylor Martin will pay expenses.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the purchase of ground asphalt from the state for the Ag Society.

ROLL CALL VOTE: Hartnett-Yea, Todd- Yea, Denker- Yea, Engel- Yea. Bobier-Yea.
UNANIMOUS MOTION CARRIED.

Duane Upton, Highway Superintendent, appeared before the board with Dick Sklenar and Randy Hummel from Rural Water. They are requesting the county share the engineering cost proportionally for relocating their water line for completion of Project C22-123 Homer South. The relocated Rural Water line will be totally on County right-of-way.

Commissioner Bobier moved, seconded by Commissioner Denker to authorize Duane Upton to add a clause to project C22-123 Homer South stating the county will share the engineering cost proportionally for relocating the rural water line. ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea. Bobier-Yea, Hartnett-Yea. UNANIMOUS MOTION CARRIED.

Since the Jackson-Hubbard Road Project will have engineering services estimated to be over \$100,000, Mr. Upton outlined the specific procedures to follow to select an engineering consultant. They were as follows: (1) Solicit technical proposals from at least three firms; (2) a selection committee of at least three individuals; and (3) furnish state with all documentation of your consultant selection.

Chair Engel appointed Commissioner Denker, Commissioner Bobier and Arnold Mellick to be on the selection committee.

Commissioner Bobier will be present for the Plan-in-Hand inspection at the Homer South Bridge project on April 23rd at 1:00 p.m.

Commissioner Todd will attend the 29th Street Subdivision Development meeting in South Sioux City set for either the 23rd or 25th of April at 1:00 p.m.

Dave Boschult from the Department of Agriculture gave the Board of Commissioners his report on the annual review of our Noxious Weeds program by the state. Total score for the year was 3333 out of a possible 3400 points. He said Arnie Mellick was doing a good job of administering the program and controlling the noxious weeds-very good use of time and resources.

Arnold Mellick, Road Supervisor, asked the Board to approve him hiring part time help this summer (May to mid-August) for running the drag and mowing weeds. The Board of Commissioners had no objections and gave their approval.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the following payroll claims:

COUNTY ROAD PAYROLL: Gross salaries- \$12,311.85, Road Employees Net Pay- \$8,446.27, Employer deductions paid: Retirement- 683.08, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 706.14, Medicare- 165.16.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 928.40, Walter Heinemann- 938.40, Richard Hoesing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 889.35, State- 286.44, Social Security- 706.14, Medicare- 165.16, Retirement- 455.46, Unicare- 741.44, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$62,185.09, General Fund Employees Net Pay- \$42,286.42, Employer deductions paid: Retirement- 3,276.91, Unicare- 9,773.68, Ameritas Dental- 725.40, Unicare Life- 271.70, Social Security Tax- 3,697.55, Medicare- 864.73.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Karilyn Watkins- 215.10, Marisol Curiel- 524.27, Bobbi Jo Harsma- 805.80, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 767.25, Phyllis Ridge- 771.41, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette

Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,209.35, Allen Burns Jr- 1,255.50, Linda Carson- 1,093.18, Melvin Harrison III- 935.62, Rodney Herron- 1,418.34, Jared Junge- 1,386.65, Gary Powell- 1,328.37, Eric Reed- 96.00, Gayle Richards- 660.00, James Roberts- 1,444.86, William Thompson- 1,204.87, James Wagner- 1,676.00, Randall Walsh- 1,348.97, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 646.00, Timothy Maher- 1,403.85, Anthony Bos- 886.88, Rebecca Broer- 931.50, Carol Cox- 840.00, Leonard Cunningham- 840.00, Michael Gregerson Jr.- 871.50, Alma Gunderson- 950.35, Todd Hammer- 860.00, Paula Harrigfeld- 121.45, Brandi McManigal- 276.00, Georgia Risley- 224.00, Kevin Rohde- 860.00, Linda Schovanec- 969.96, Cory Schultz- 752.00, Margaret Stingley- 612.50, Brenda Tanner- 840.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 891.82, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual-.

GENERAL FUND: Employee withholding paid to: Federal- 5,430.68, State- 1,802.58, Social Security Tax- 3,697.55, Medicare- 864.73, Retirement- 2,184.60, Unicare- 1,563.05, Ameritas Dental- 315.04, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 1,197.93, Aflac Health- 436.54, Aflac Life/Dsbl- 69.75, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 1,004.10, Cops Fast Employee Net Pay- 721.57, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Brad Claypool- 1,004.10.

COPS FAST GRANT: Employee withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

ROLL CALL VOTE: Denker- Yea, Engel- Yea. Bobier- Yea, Hartnett- Yea, Todd- Yea. UNANIMOUS MOTION CARRIED.

Several members of the Jail Core Committee appeared before the board. Present were Jim Wagner, Linda Carson, Rod Herron and Al Burns. Sheriff Wagner made the Board aware of the progress by the Jail Core Committee and requested permission from the Board to proceed with interviewing and hiring a consultant to help work on the project- someone to match the specific needs of Dakota County. It was the consensus of the Board to let the committee go forward with the interviewing of jail consultants.

Commissioner Denker moved, seconded by Commissioner Hartnett to table the bids received from Sutter (\$2,390) and Ace Fireplace Cleaning (\$2,400) to clean the air ducts in the jail.

ROLL CALL VOTE: Engel- Yea. Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea. UNANIMOUS MOTION CARRIED.

Neal Nelson appeared before the Board representing Omaha Valley Cemetery. The State Road Department requested the cemetery remove their current sign from state property. He would like to sign a lease agreement with the county to relocate their sign on the north side of Hwy 77 and Hull Avenue intersection, 913' north of mile marker 173. The new sign made by Joe McKivergan is 18"x 5'.

Robert Finney, county attorney and Arnie Mellick, road supervisor, will look at the lease agreement.

Theodore Piepho, County Clerk, appeared before the Board concerning the construction of a sidewalk at the new polling place for Ward 4B at the South Sioux City Indoor Pool. The sidewalk would be located from the south door to the parking lot. The City of South Sioux City has agreed to pay one half of the cost, which is estimated at \$175.

Commissioner Hartnett moved, seconded by Commissioner Bobier to pay for one half the cost of a new sidewalk at the polling place for Ward 4B.

ROLL CALL VOTE: Bobier-Yea, Hartnett-Yea, Todd- Yea, Denker- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Chair Engel declared a recess at 3:05. The Board reconvened from recess at 3:15 p.m.

The Board of Commissioners received a letter from Horsemen's Atokad Downs regarding interstate guide signs for Atokad Downs. Atokad Downs requested that the original sign stating that exit as the "Atokad" exit be restored as before it was covered by the "Fairgrounds" sign at I-129 exit 1A. Jim Cahill, fair board member, requested the Board choose to leave the sign as it is now as "Fairgrounds" and Atokad Downs, as a private business, advertise their location in some other way. The Board of Commissioners' decision was to not make any changes in regards to the "Fairgrounds" sign.

Tom Lynch reappeared before the Board of Commissioners in regard to clarification on the ground he leased to several campers. Arnold Mellick, Road Foreman, explained that the campers, as non-permanent dwellings, were not in compliance with P&Z regulations. He further stated that Mr. Lynch consider expanding the size of his RV park to include the land he is currently leasing to campers, thus bringing it into compliance. The permit for an RV Park will be voted on Tuesday, April 16th, at the Planning & Zoning meeting.

Marty Castor, William Moes, Paul Beltz and Janet McCormick, all residents of 200th Street, brought the "sludge" odor and condition of their road to the attention of the Board.

Mr. Castor stated that trucks are hauling 10 to 20 loads of "sludge" a day on their road. The smell can be so bad you can't go outside, open your windows or hang out clothes. They have contacted the Sheriffs Department, but the Sheriffs Department stated they can't do anything since the owners have 30 days to incorporate the sludge under current laws. No one was sure what the actual product was. Mr. Finney, County Attorney, thought the Nebraska Department of Environmental Quality should be contacted. The Board of Commissioners will review their sludge ordinance. Commissioner Hartnett suggested that Arnie Mellick and the Road Committee visit with Mr. Anderson to find out what the product is. They agreed to do so.

Commissioner Hartnett moved, seconded by Commissioner Denker to approve a lease contract with the Omaha Valley Cemetery, which references county zoning code for the erection of a Highway Advertising sign.

ROLL CALL VOTE: Hartnett-Yea, Todd- Yea, Denker- Yea, Engel- Yea, Bobier-Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the following accounts payable claims:

GENERAL FUND: Perkins, supplies- 53.76; Star Printing & Publishing, publishing- 510.34; Lyle Todd, mileage- 56.58; Des Moines Stamp Mfg, stamps- 60.80; Galaxy Computer Services, clean printers- 328.25; Microfilm Imaging Systems, scanner lease- 328.25; Perkins, supplies- 142.84; Staples, software- 42.78; Ted Piepho, mileage- 25.55; Robert Giese, mileage- 85.78; Charlotte Doenhoeffer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, Prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Office Systems, clean typewriter- 84.52; CCS, computer support- 110.00; Bear Graphics, binders/paper- 801.78; ASAP Pack & Ship, shipping- 9.43; ES & S, ballot stock- 711.64; Lockwood Co, ballot envelopes- 397.84; MIPS, monthly support- 49.52; Perkins, supplies- 203.00; Redfield & Co, election manuals- 94.87; Star Printing & Publishing, election notice- 398.50; Holiday Inn, lodging- 308.44; Arnold Mellick, mileage- 154.76; Marlan Millard, mileage- 154.76; NACO P&Z, workshop- 25.00; Lynette Beermann, mileage- 410.34; Executive Copy Systems, copier repair- 80.00; Gateway Computers, computers- 4672.00; Perkins, supplies- 104.42; DAS Material Division, supplies- 452.82; Audio-Video Graphics Inc, supplies- 598.08; Century Business Products, maintenance contracts- 1252.50; Perkins, supplies- 272.36; XPEDX, copier paper- 455.20; Sam's Club, printer cartridges- 48.86; Cellular One, phone service- 29.41; Lawsoft Inc, child support calculator- 80.00; Maurice Redmond, hard drive- 174.51; Gateway Computers, computer- 1168.00; Scott Dugan, mileage- 135.05; Frank Gonzalez, interpreting- 120.00; Perkins, supplies- .66; Sioux City Journal, want ad- 66.60; Star Printing & Publishing, subscription- 35.00; William Binkard, attorney fees- 900.00; Capsoft Development, software- 230.00; Clerk of District Court, court costs- 356.00; Coffee King, jury coffee- 39.92; Dakota County Sheriff, papers/warrants- 1038.15; Sandra Inkster Ehrich, attorney fees- 1740.00; Thomas Fitch, attorney fees- 1122.00; Frank Gonzalez, interpreting- 440.00; George Hirschbach, attorney fees- 741.00; Randy Hisey, attorney fees- 3240.00; Doug Luebe, attorney fees- 1049.70; Mahaska County Sheriff, return fees- 17.50; Stuart Mills, attorney fees- 2825.00; M M Court Reporting, depositions- 154.60; Nebraska Supreme Court, court costs- 52.00; Redfield & CO, journals- 332.67; Ellen Rohde, bailiff fees- 25.00; Michael Schmiedt, attorney fees- 706.00; Richard Thramer, attorney fees- 1439.40; Patrick Tott, attorney fees- 801.00; West Group, law materials- 2021.23; Woodbury County Sheriff, return fee- 22.64; Clerk of District Court, mileage- 49.60; Bean Electric, garage wiring- 1594.50; Curry Floor, jail tile- 313.50; Cellular One, Phone- 23.33; City of Dakota City, utilities- 1101.11; Gill Hauling, dumpster service- 105.00; Foulk Brothers, plumbing repairs- 166.40; WW Grainger, supplies- 53.73; Hardware Hank, supplies- 28.52; Rick Jensen, mileage- 122.60; Maintenance Engineering, bulbs- 388.92; Menards, supplies- 476.31; Northeast Coop, generator diesel- 174.72; MidAmerican Energy, utilities- 734.70; Nebraska State Fire Marshall, fuel tank license- 120.00; Nebraska Public Power District, utilities- 1564.05; Mary O'Dell, flags- 130.00; O'Keefe Elevator, maintenance- 82.40; Qwest, fire alarm phone- 46.06; Robertson Implement, generator repair- 248.36; Superior Wholesale, janitorial supplies- 229.75; Trembly Pest Control, monthly service- 50.00; Walmart, supplies- 38.49; XPEDX, supplies- 460.45; Dakota County Extension, mileage/supplies/copier contract/computer- 2695.09; Cellular One, phone- 180.95; Cenex Fleetcard, fuel- 58.89; Circle R Frame Aligners, service- 97.84; City of S Sioux City, phone- 7.78; Crystal Oil, fuel/tire repairs- 242.41; Nebraska U C Fund, unemployment- 3153.50; Dakota County Sheriff, supplies/checks- 331.90; Amy Huser, interpreting- 47.00; Jackson Glass, repairs- 229.35; Jack's Uniforms & Equipment, equipment/upkeep- 3605.60; Jim's Service, service/tires- 475.60; Knoepfler Chevrolet, repairs- 233.43; MTS Safety Products, safety vests- 37.91; Duc Nguyen, interpreting- 20.00; Perkins, supplies- 193.89; RACOM, EDACS phone line- 509.00; Ray Allen Mfg, dog collar- 44.95; Tri State Communications, fuse- 31.00; Walmart, file folders- 3.54; Circle S Stop & Shop, fuel- 1942.12; Laurie Barclay, supplies- 14.96; Cellular One, phone- 74.87; Dakota County Treasurer,

registration- 35.00; Nebraska DMV, transcripts- 19.00; Georgetown Law Bookstore, law materials- 51.95; H204U, water cooler- 42.00; Iowa Office Supply, copier contract- 93.60; James Publishing, law materials- 69.94; Lawsoft Inc, software- 80.00; Matthew Bender, law materials- 168.54; MM Court Reporting, depositions- 37.00; St Lukes Home Health, blood draws- 300.00; Secretary of State, certified copy- 20.00; Staples, supplies- 181.89; West Group, law updates- 165.00; Nebraska County Attorneys Association, registrations- 100.00; City of S Sioux City, lec expenses- 21,513.63; BI Inc, house arrest units- 1054.35; Boys & Girls Home, juvenile boarding- 6250.00; Braunger's, food- 923.35; Cardiovascular Associates, inmate care- 20.00; The Center for Neuroscience, inmate care- 123.00; Cellular One, phone- 51.67; Coffee King, jail coffee- 38.25; Dakota Family Dentistry, inmate care- 298.00; Dakota Food & Fuel, fuel- 226.08; Dakota Super Value, food- 803.38; Earthgrains Co, bread products- 504.39; Gary Heath, inmate care- 620.00; Hy Vee, food- 1543.81; Karl's, washer repair- 55.25; NE Nebraska Juvenile Service, boarding- 6312.50; Redler's Pharmacy, inmate medications- 322.50; Sacred Heart Medical Clinic, inmate care- 57.00; Sam's Club, supplies- 154.78; Siouxland Federal Credit Union, charges for transport fees- 62.82; Thurston County Sheriff, inmate housing- 4185.00; Walmart, supplies/meds- 47.56; XPEDX, supplies- 160.20; Margaret Kunzie, mileage- 7.67; Briggs, pill planners- 134.32; Sheila Curiel, interpreting- 65.00; Pam DeVries, mileage- 136.28; Dunes Family Medicine, consulting fees- 250.00; Gloria Dwyer, supplies- 39.83; Pat Glover, mileage- 162.56; HCFA Lab Program, lab licensure- 150.00; Perkins, supplies- 87.46; Positive Promotions, supplies- 59.85; Alan Boyd, mileage- 267.55; Cellular One, phone- 50.09; Northeast Nebraska Public Power, crystal lake utilities- 13.50; Aflac/Flex One, service fees- 36.00; AT&T, phone- 19.25; Axles & Gears Inc, storage contract- 750.00; Executive Copy, copier maintenance- 402.99; MIPS, monthly support- 261.69; NIRMA, repay work comp claim- 569.00; Northstar Services, quarterly services- 5320.25; Qwest, phone- 1443.82; Region IV Mental Health & Abuse Svc, quarterly services- 7032.86; Scottsdale Insurance Co, errors & omissions deductible- 704.85; US Postal Service, monthly meter postage- 2500.00; WCS Telecom, phone- 281.45; XPEDX, computer paper- 309.18.

ROAD FUND: Ace Industrial Supply, safety glasses/tools- 356.60; Advance Auto Parts, battery- 69.99; Aramark, supplies- 208.56; AT & T, phone- 20.30; Kenneth Beermann, haul rock- 504.20; Bomgaars, supplies- 89.28; Bridgestone/Firestone, tires- 444.00; Campbell Supply Co, supplies- 79.20; Cellular One, phone- 30.85; Ft Calhoun Stone, road rock- 975.30; Gill Hauling, dumpster- 40.00; H204U, water service- 25.75; Heritage Express, fuel- 73.01; Higman Sand & Gravel, road rock- 4436.23; Hubbard Mini Mart, fuel- 2156.34; Joe's Dept Store, parts/supplies- 777.32; Kimball Midwest, supplies- 144.40; Knoepfler Chevrolet, supplies- 15.35; Linweld, oxygen tanks- 26.60; Marx Truck & Trailer Parts, parts- 474.86; Menards, power sprayer- 110.02; NPPD, service/signals- 139.00; Iowa-Nebraska State Bank, grader payment- 39,963.01; NE Nebraska Telephone, service- 162.33; Northern Tool & Equipment, engine/lights- 446.23; O'Reilly Auto Parts, parts/supplies- 461.92; Pilger Sand & Gravel, road rock- 570.40; PowerPlan, filters- 59.09; Rees Mack Sales, parts/filters- 37.44; Sioux City Iron, supplies/tools- 221.25; Stephans Welding, cut iron- 75.50; Surplus Property, tools- 60.50; Torco Remfg, repair motor- 24.00; United Building Center, flag stakes- 19.62; United Rental, auger- 65.44; Utility Equipment Co, shurlock pipe- 556.00; Warren Oil, fuel- 2367.43; Ziegler, parts- 561.82

HARD SURFACE ROAD FUND: Wells Fargo, operating expense- 730.00

ROAD IMPROVEMENT FUND: JEO Consulting, engineering- 1951.50

POOR RELIEF FUND: Siouxland Community Health Center, prescription- 6.00

S T O P FUND: Alyssa Nelson, seminar meals- 25.49

L E EQUIPMENT GRANT: MPH Industries, radar unit- 1889.00

COMMUNITY JUSTICE GRANT- PRETRIAL: Cellular One, phone- 28.74; Nicole Sims, conference registration- 25.00; Dakota County, phone service- 602.41

LEC DEBT: Wells Fargo Bank, service fees- 730.00
WEED FUND: ATCO International, spray dye- 378.75; Arnold Mellick, fuel- 26.50
E911 FUND: City of S Sioux City, 911 monies- 28,348.41
ROLL CALL VOTE: Engel- Yea, Bobier-Yea, Hartnett-Yea, Todd- Yea, Denker-Yea.
UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Executive Session to discuss matters concerning possible litigation.
ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea, Bobier-Yea, Hartnett-Yea.
UNANIMOUS MOTION CARRIED at 4:15 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to reconvene in open session.
ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier-Yea, Hartnett-Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED at 4:45 p.m.

Chair Engel adjourned their meeting at 4:46 p.m.

ATTEST

William Engel, Chair

Joan Spencer, Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
APRIL 29, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the pledge of allegiance to the flag. Present were Commissioners Bobier, Hartnett, Denker and Engel with Joan Spencer, Deputy County Clerk as secretary. Commissioner Todd arrived at 1:37 p.m.

Jason Clancy with NIRMA gave a brief review of our workmen's compensation loss listing. He stated we were above the national average and our accidents are being reduced and a pro-active stance is being taken. He will be giving training seminars at the Highway Department this fall and next spring. Mr. Clancy will also be giving training to all employees on stress management and additional information through payroll staffers. He would like to meet with the county officials to prepare a business contingency plan in the event of a major disaster. Mr. Clancy awarded the county with a Certificate of Recognition to Dakota County Officials and Employees for the pro-active employee safety and health commitment for the period of July 1, 2000 to June 30, 2001.

Commissioner Denker moved, seconded by Commissioner Hartnett to adopt the following resolution authorizing Board Chair Engel to sign the contracts for Federal Aid Projects EACSTPE-3925(1) and EACSTPE-3925(2):

RESOLUTION #02C-08

WHEREAS, there has been signed by Dakota County on the 6th day of May, 1996, and the State on the 22nd day of May, 1996, an agreement providing for the construction of a Federal Aid Project No. EACSTPE-3925(1) beginning approximately 0.25 mile west of the Southeast Corner of Section 14, Township 28 North, Range 7 East and extends 2.0 miles north, terminating 0.15 mile east of the Northwest Corner of Section 12, Township 28 North, Range 7 East and Project No. EACSTPE-3925(2) beginning approximately 0.1 mile east of the southwest corner of Section 1, Township 28 North, Range 7 East and extends 1.8 miles north, terminating approximately 0.25 mile south and 0.5 mile west of the Northeast Corner of Section 35, Township 29 North, Range 7 East....and,

WHEREAS, in the above agreement, the County has pledged sufficient funds to finance its share of the cost of the construction of this project identified as EACSTPE-3925(1) & EACSTPE-3925(2) and

WHEREAS, the above mentioned agreement provided that the County would pay all costs not paid for with Federal or State funds, and

WHEREAS, the State received bids for the construction of this project on April 18, 2002, at which time 3 bids were received for the construction of this proposed work. and

WHEREAS, the following contractor(s) for the items of work listed has been selected as the low bidder(s) to whom the contract(s) should be awarded:
Gill Construction, Inc., Jackson, Nebraska;
Grading. Concrete Pavement, Culverts, General Items; \$1,296,647.09

NOW THEREFORE, in consideration of the above facts, the Board of Commissioners of Dakota County, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the County hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Board hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Board hereby authorizes the Chairman to sign the contract(s) with the above mentioned contractor(s) for the above mentioned work.
4. The Board does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

DATED THIS 29th DAY OF APRIL, A.D. 2002.

BOARD OF COUNTY COMMISSIONERS
OF DAKOTA COUNTY.

/s/ Chairman William F. Engel

Attest: /s/ Theodore A. Piepho

Board Member Denker moved the adoption of said resolution. Roll Call: 5 yea, 0 nay.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Todd to grant the Construction Engineering Selection Committee of Arnie Mellick and Commissioners Denker and Bobier the authority to select the Engineering firm for the construction of the Jackson-Hubbard road project.

ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept the Officials Reports for fees earned and collected in March, 2002, from the County Clerk, Register of Deeds and Clerk of District Court. Also received was the interest earned for the first quarter of 2002 from the County Clerk and fees earned and collected by the Sheriff for the first quarter of 2002.

ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to authorize Chair Engel to sign the following letter of intent to construct a new jail facility:

U.S. Marshal
Dennis H. Blume
320 6th Street
Sioux City IA 51101

RE: Letter of Intent to Construct a New Jail Facility

Dear Marshal Blume:

I am writing in behalf of the Dakota County Board of Commissioners to relate to you our intentions of building a new jail facility. Our current projections reveal that the jail should be completed towards the latter half of the year 2004 or during the fiscal year 2004-2005.

The jail will be built to hold between 100 and 125 inmates. It is being planned to hold 20 Marshal inmates and 10 INS holds for this new facility. I understand that this will be for a period of 10 years as per the federal contract guidelines.

It would be greatly appreciated if you would consider our county available for CAP funds as we intend to provide the available space for federal inmates. We are in the process of hiring a jail consultant within the next 30 to 60 days. I have talked to representatives from both federal agencies and understand the contractual agreements must also be developed and signed at a later date.

Respectfully Yours,

/s/ Bill Engel

Chairman, Dakota County Board of Commissioners

ROLL CALL VOTE: Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Chairman Engel opened the Supplemental Budget Hearing at 2:00 p.m. No one was in the audience to give comment. Chair Engel closed the Hearing at 2:02 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to adopt the following amended budget:

NOTICE OF SUPPLEMENTAL BUDGET HEARING AND BUDGET SUMMARY

Statement of Publication

Dakota County, Nebraska

Public Notice is hereby given, in compliance with the provisions of Section 13-511, R.R.S., 1943, that the governing body will meet on the 29th day of April, 2002 at 2:00 p.m., in the County Board Meeting Room, Dakota County Courthouse, Dakota City, Nebraska, for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the following proposed changes in the budget of the Hard Surfacing Fund. The budget detail is

available at the Office of the County Clerk in the Dakota County Courthouse, Dakota City, NE.

The purpose of this hearing is to increase the budget revenues and expenditures of the Hard Surfacing Fund to enable to the county to utilize bond proceeds for the purpose of road paving and bridge construction.

\s\Nanci Walsh, Budget Coordinator

HARD SURFACING FUND (0302)

ACTUAL EXPENSE;

- 1. Prior Year 1998-1999 \$ 55,365.69
- 2. Prior Year 1999-2000 \$ 39,812.94
- 3. Last Year 2000-2001 \$ 44,559.31

REQUIREMENTS:	ADOPTED	CHANGE	TOTAL	
4. Current Year 2001-2002	+\$ 99,890.00		\$2,735,000.00	\$ 2,834,890.00
5. Necessary Cash Reserve	+\$ 0.00		0.00	0.00
6. Cash on Hand and Estimated other Revenues	- \$99,890.00		\$2,735,000.00	\$ 2,834,890.00
7. Collection Fee & Delinquent Allowance	+\$ 0.00			0.00
0.00				
8. Total Property Tax Requirement	=\$ 0.00		0.00	0.00

Published April 25, 2002

ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Bobier to send SIMPCO a letter of support in their efforts to request help in their attempt to increase the share of state and federal grant funds coming to Siouxland communities.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea. UNANIMOUS MOTION CARRIED.

Nanci Walsh, Administrative Assistant to the Board, explained several cellular phone proposals. The Board would like Ms. Walsh to get additional quotes before making a decision.

Scott Messing with Siemens Building Technologies, Inc. appeared before the Board of Commissioners to give them a project update. He stated they had 75 to 80 percent of the temperature control project done and plan completion for the end of May. Heating valves need to be installed when the boilers can be shut down and heating within the building is no longer needed. Computer installation and training with Rick Jensen will be done next week. Re-heat valves with the boiler system will be checked for replacement.

An invitation was received from Salem Lutheran Church to attend World Day of Prayer this Thursday, May 2nd, at 7:00 a.m.

Scott Dugan, Public Defender, informed the Board of his progress in hiring an assistant public defender.

Chair Engel declared a recess at 2:55 p.m. The Board reconvened from break at 3:05 p.m.

Lynette Beermann, Clerk of the District Court, appeared before the Board. She stated she was planning a micro-film project of priority documents.

Arnie Mellick, Road Forman, updated the Board on roads and weed spraying. He will follow up with the County Attorney on our Sludge ordinance.

Michelle Thorson, Justice Benefits, Inc., appeared before the Board of Commissioners to explain how her program could work for our county housing foreign-born inmates. Dakota County is already spending its monies and providing these reimbursable services. JBI's role is to document the cost of the reimbursable services and recover the Federal dollars due our county. JBI would require a county liaison to provide the data; they would analyze and help file our yearly claim. JBI would be paid 22% of monies actually reimbursed. The Board of Commissioners will have the County Attorney review their contract and advise them at their next Board meeting.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the following payroll claims:

COUNTY ROAD PAYROLL: Gross salaries- \$12,313.85, Road Employees Net Pay- \$8,447.72, Employer deductions paid: Retirement- 683.20, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 706.27, Medicare- 165.19, Principal Mutual- 273.61.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 889.64, State- 286.50, Social Security- 706.27, Medicare- 165.19, Retirement- 455.54, Unicare- 741.40, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$62,904.36, General Fund Employees Net Pay- \$42,887.91, Employer deductions paid: Retirement- 3,336.39, Unicare- 9,773.68, Ameritas Dental- 725.40, Unicare Life- 271.70, Social Security Tax- 3,742.15, Medicare- 875.18.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Karilyn Watkins- 86.64, Marisol Curiel- 562.03, Bobbi Jo Harsma- 726.75, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Shirley Sides- 220.00, Cynthia Purucker- 419.48, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,155.20, Allen Burns Jr- 1,286.50, Linda Carson- 1,093.18, Melvin Harrison III- 912.80, Rodney Herron- 1,418.34, Jared Junge- 1,274.63, Gary Powell- 1,266.37, Eric Reed- 138.00, Gayle Richards- 660.00, James Roberts- 1,514.66, William Thompson- 1,190.86, James Wagner- 1,676.00, Randall Walsh- 1,321.75, Laurie Barclay- 892.01, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 925.83, Rebecca Broer- 1,029.25, Carol Cox- 840.00, Leonard Cunningham- 840.00, Michael Gregerson Jr.- 861.00, Alma Gunderson- 916.00, Todd Hammer- 860.00, Paula Harrigfeld- 313.60, Brandi McManigal- 248.00, Georgia Risley- 224.00, Kevin Rohde- 860.00, Linda Schovanec- 964.16, Cory Schultz- 676.80, Margaret Stingley- 621.25, Brenda Tanner- 840.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00,

Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 935.68, Dr. David Grote- 400.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 1,526.46, Dakota Co Treasurer, Drainage Tax- 6,862.50.
GENERAL FUND: Employee withholding paid to: Federal- 5,449.93, State- 1,806.48, Social Security Tax- 3,742.15, Medicare- 875.18, Retirement- 2,224.26, Unicare- 1,562.97, Ameritas Dental- 315.04, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 1,197.93, Aflac Health- 436.54, Aflac Life/Dsbl- 69.75, Aflac Flex Plan- 197.49.
COPS FAST GRANT: Gross salaries- 855.75, Cops Fast Employee Net Pay- 620.55, Employer deductions paid: Retirement- 51.35, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 53.06, Medicare- 12.41, Brad Claypool- 855.75.
COPS FAST GRANT: Employee withholding paid to: Federal- 106.59, State- 28.91, Social Security- 53.06, Medicare- 12.41, Retirement- 34.23.
COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.
COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.
VISITORS PROMOTION: Lodging Tax- 4,243.34
ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the minutes as written for April 1 and 15, 2002.
ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett brought several items to the Board's attention: 1) She and Commissioner Todd met with officials from the Boys and Girls Home. The home will no longer be taking girls. At the Executive Board meeting Commissioner Hartnett attended, the Boys and Girls Home stated they will be restructuring the shelter due to budget concerns and slow referrals. Their contract with the County will end in October, 2002; and 2) The County Health Department gave out 650 flu shots this season.

Commissioner Bobier moved, seconded by Commissioner Denker to convene in Executive Session regarding a legal contract issue.
ROLL CALL VOTE: Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED at 4:05 p.m.

Commissioner Denker moved, seconded by Commissioner Bobier to reconvene in open session.
ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED at 4:17 p.m.

Chair Engel adjourned their meeting at 4:18 p.m.

ATTEST

William Engel, Chair

Joan Spencer, Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
MAY 13, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Chairman Engel called the meeting to order at 1:30 p.m.

PRESENT: Commissioner William Engel, Commissioner Fred Denker, Commissioner Lyle Todd, Commissioner Jackie Hartnett, and Commissioner Jack Bobier, and Administrative Assistant Nanci Walsh acting as Secretary.

The pledge of allegiance was said at the opening of the proceedings.

Sheriff Wagner addressed the board with a presentation of three scenarios for three, two or one School Liaison Officers for the schools in Dakota County. These positions would be fund through COPS Grants with no match requirement. They would be required to be in the schools 75% of their time. Also, the county must agree to keep the officers for one budget year beyond the three year grant funding. The deadline for the first round is Friday, May 17, 2002, with the second round deadline in June. Sheriff Wagner wished to apply for the first round.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to fund option three of Sheriff Wagner's proposal for one officer.

ROLL CALL VOTE: DENKER-YEA; TODD-YEA; HARTNETT-YEA; BOBIER-YEA; AND ENGEL-YEA; UNANIMOUS MOTION CARRIED.

Mike Carlson, District Probation; Linda Carson, Administrative Assistant to the Sheriff; Dick Brown, District Probation; Glenn Irwin, District Probation; and Sheriff Wagner were present to discuss the problems the county has been experiencing with boarding juveniles.

Mike Carlson and Linda Carson first addressed the board. Ms. Carson stated that the Boys and Girls Home is no longer accepting our female juveniles and we are limited to two beds. In the past couple weeks there were several days in row that the jail transport officer had to run juveniles back and for during the night to the juvenile facility at Madison, NE and then return for them for court.

Mr. Carlson stated that there was a mix up at the Boys and Girls Home and when they had two they refused a third which was contrary to their statements when a group of Dakota County and State Employees had visited with them recently. Subsequently, Mr. Carlson had received an apology for this refusal.

Dick Brown stated that is not just a problem for Dakota County but for other counties in Northeast Nebraska also.

Transportation and housing issues were discussed. Linda Carson will contact a transport company about transporting juveniles. The board will discuss the whole situation with Dakota County Attorney Bob Finney and the Boys and Girls Home and will also explore housing in Sioux City.

Sheriff Wagner stated that in some ways juveniles are treated in a more strict manner than adult offenders. Juveniles cannot sign and go as some adults can and many of the offenses are only offenses because of age.

The Board asked if the jail core committee had looked at addressing juveniles when looking into a new jail. This has not been done, but will be looked at.

Sheriff Wagner stated that it is time for a new solution. At this point the Bob Finney, County Attorney, joined the discussion. He did not feel that it is possible to house juveniles in Sioux City because of the problems with extradition, etc.

The board will meet with Bob Sheehan and Rich Pope of the Boys and Girls Home at their next meeting and would like those present at today's meeting and a representative from the South Sioux City Police Department and Nebraska State Patrol to attend as well.

Commissioner Denker moved, seconded by Commissioner Bobier, to convene in executive session to discuss possible litigation. ROLL CALL VOTE: TODD-YEA; HARTNETT-YEA; BOBIER-YEA; ENGEL-YEA AND DENKER-YEA. UNANIMOUS MOTION CARRIED at 2:25 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett, to reconvene in open session. ROLL CALL VOTE: HARTNETT-YEA; BOBIER-YEA; ENGEL-YEA; DENKER-YEA; AND TODD-YEA. UNANIMOUS MOTION CARRIED at 2:51 p.m.

Duane Upton, Highway Superintendent, gave a quick report on the Jackson-Hubbard Project Preconstruction conference that was held earlier that day. The contract would like to start on June 1, 2002, which is earlier than planned. Mr. Upton's team will begin the preconstruction staking in the next week. Mr. Upton plans to meet with the residents along the project before construction begins so that all are aware of how to get in and out of their residences.

Mr. Upton presented information on the Genthrop bridge project.

Commissioner Denker moved, seconded by Commissioner Bobier, to approve the plans on the Genthrop Bridge and to advertise for bids with opening of the bids set for 2:00 p.m. on June 10, 2002. ROLL CALL VOTE: BOBIER-YEA; ENGEL-YEA; DENKER-YEA; TODD-YEA; AND HARTNETT-YEA. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett, to approve the contract with the Papio Missouri Natural Resources District for the waterline relocation on the Homer South Bridge project.

INTERLOCAL AGREEMENT
BETWEEN
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
AND
DAKOTA COUNTY, NEBRASKA
RELOCATION OF WATER DISTRIBUTION SYSTEM
HOMER SOUTH
PROJECT NO. BRO-7022(11)
CONTROL NO.31216
AGREEMENT

Project No. BRO-7022(11), Homer South
Control No.31216

THIS AGREEMENT, made and entered into this 13th day of May, 20Q2, by and between Papio-Missouri River Natural Resources District, Dakota County Rural Water District, Dakota County, Nebraska, hereinafter referred to as the "Utility" and the County of Dakota, Nebraska, hereinafter referred to as the "County".

WITNESS:

WHEREAS, the County has plans for certain construction work on Omaha Avenue at its intersection with Wigle Creek Road, and

WHEREAS, said construction has been designated as Project No. BRO-7022(11), CN 31216, Homer South, hereinafter known as the "Project" and

WHEREAS, the Utility owns and operates a water distribution system along and adjacent to a portion of this project, some of which is resting outside of the limits of the old county road right-of-way and on private property, and

WHEREAS, because of the widened right-of-way which the County has acquired for the new construction, and because of the construction itself, it becomes necessary to adjust some, if not all, of Utility's facility along this project, and

WHEREAS, the Utility is willing to have its facility rehabilitated where same is presently located outside of the old public right-of-way and on private property, and,

WHEREAS, the Utility is willing to have the rehabilitation work, both inside and outside the old public right-of-way, be made a part of the plans and specifications of Project No. BRO-7022(11), CN 31216, Homer South, and let to contract as a part of the Project.

Now THEREFORE, in consideration of the facts, the parties hereto agree as follows:

SECTION 1. It is agreed and understood by the parties that the Utility will retain the services of a Nebraska Registered Professional Engineer to prepare plans and specifications for the relocation and rehabilitation of the Utility's water distribution system. Said plans and specifications will be in a format acceptable to the Nebraska Department of Roads, Lincoln, Nebraska. Any costs associated with the preparation of said plans and specifications will be the sole responsibility of the Utility. The County will share proportionally in the cost of the preparation of said plans and specifications regarding the relocation and rehabilitation of the utilities water distribution system.

SECTION 2. It is agreed and understood by the parties that upon receipt of the plans and specifications from the Utility, the County will proceed to incorporate these plans and specifications into the Project plans and specifications and forward same to the Nebraska Department of Roads, Lincoln, Nebraska, to be included in the Project letting.

SECTION 3. It is agreed and understood by the parties, that the Utility will have access to the construction site during the adjustment and installation of its facility for the purpose of construction observation. Any deviation from the approved plans and specifications noted by the Utility's observer, will be reported immediately to the Project Manager.

SECTION 4. It is agreed and understood by the parties that upon completion of the project, and upon receipt of an itemized statement, the Utility will reimburse the County the total cost involved in relocating and rehabilitating that part of the facility located within the old right-of-way.

SECTION 5. It is agreed and understood by the parties that all costs involved in relocating and rehabilitating that part of the facility located outside the old right-of-way will be paid by the County.

SECTION 6. The County hereby grants to the Utility a permit to use the County road right-of-way in the vicinity of the project for ingress and egress for the purpose of operating and maintaining said water distribution system.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the proper officials thereunto duty authorized as of the dates below indicated.

Executed by the County this 13th day of May 2002.

\s\Theodore A. Piepho County Clerk
County of Dakota, Nebraska
William F. Engel
Chairperson of the County Board

Executed by the Utility this 29th day of April, 2002.

WITNESS Papiro-Missouri River
Natural Resources District
Dakota County Rural Water District

By: _____
Title _____

ROLL CALL VOTE: ENGEL-YEA; DENKER-YEA; TODD-YEA; HARTNETT-YEA; AND BOBIER-YEA.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier, that board accept all the gravel bids previously received and buy some gravel from each vendor.
ROLL CALL VOTE: DENKER-YEA; TODD-YEA; HARTNETT-YEA; BOBIER-YEA; AND ENGEL-YEA.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to approve resolution 02C-09 and the contract to purchase a digital camera and a scanner/printer for bridge inspections through the state programs.

RESOLUTION
Dakota County
Project No. BR-NBIS(42)

Whereas: Counties with 50 or more bridges are required by the State to report bridge inspection data in electronic format, and

Whereas: The State and Counties will be using a computer program called BISON to enable electronic reporting of bridge inspection data, and

Whereas: Federal bridge replacement funds made available by Title 23 of the United States Code may be used by any county, regardless of its number of bridges, for the purchase of digital cameras to attach photos to the bridge inspection data with BISON, now therefore,

Be It Resolved: That the State is hereby requested to act for said county, to program a project for the purchase of digital cameras and supporting equipment, choose the model, purchase and distribute the equipment to said county. The estimated cost to the county is \$189.60, based on equipment costing \$948.00. If the county wishes to purchase additional equipment, the county will pay 100% of those costs.

Be It Further Resolved: That the chairman of the county board is authorized to sign this resolution on behalf of said board and that the county board hereby approves the above purchase.

Be It Further Resolved: That sufficient funds of said county are now, or will be, available and are hereby pledged to the State in the amount and at the

required time for the purpose of matching available federal funds, and for any additional equipment the county orders under this project.

Adopted this 13th day of 2002, at Dakota City, Nebraska.

Attest: The Board of County Commissioners
of Dakota County

Theodore A. Piepho
County Clerk

William F. Engel
Chairman
Board Member Hartnett
Moved the adoption of said
resolution

Project No. BR-NBIS(42) Roll Call: 5 yea 0 nay
Resolution adopted,
Signed, and billed as
Adopted.

AGREEMENT

THIS AGREEMENT, made and entered into by and between Dakota county, hereinafter referred to as the "County", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the State requires counties with 50 bridges or more to report inspection data in electronic format, and

WHEREAS, the State will utilize a computer program called BISON to enable electronic reporting of bridge inspection data, including digital photos, and

WHEREAS, Federal-Aid Bridge Replacement Funds made available by Title 23 of the United States Code may be used by an County, regardless of its number of bridges, for the purchase of digital cameras and supporting equipment to contribute to the bridge inspection record, and

WHEREAS, the Federal share payable on this project shall be eighty (80) percent of the cost of the first camera and zero (0) percent of the cost of any additional units ordered by the County, and

WHEREAS, the County share payable on this project shall be twenty (20) percent of the first camera and one hundred (100) percent of any additional units purchased, and this shall be from County funds, and

WHEREAS, the County has earmarked and will place in its fiscal budget sufficient funds to pay all project costs not paid for by Federal funds, and

WHEREAS, regulations for carrying into effect the provisions of the above mentioned code provide that the Federal share of the cost of such projects shall be paid only to the State, and

WHEREAS, the estimated cost to the County of the first camera will be twenty (20) percent of \$948.00 or \$189.60. The exact cost will be determined when orders are received and the State negotiates with a computer supplier, and

WHEREAS, the State will handle the negotiation and purchase of these cameras, and

WHEREAS, the County shall indicate here how many units it wishes to purchase:

One digital cameras with supporting equipment and One scanner/printers, and

WHEREAS, when the State orders the computers, it will invoice the County for the County's share which is due and payable within thirty (30) days of receipt of the invoice, and

WHEREAS, the equipment shall be used for the purposes intended.

NOW THEREFORE, in consideration of these facts, the parties agree as follows:

SECTION 1. The State agrees to choose and purchase the digital camera and supporting equipment for the County to use in bridge inspections. The equipment chosen is as follows:

- Olympus 3020 Zoom camera
- Soft Case
- Hewlett Packard psc 750xi printer/scanner
- B-60SU Ni-MH Overnight charger and battery set-
- Nickel metal hydride
- C-7AU AC Adapter
- M-64 PIU SmartMedia (64 MB)
- Microtech Card Reader/Writer
- Vehicle DC Adapter

SECTION 2. The County agrees to indicate to the State how many cameras and supporting equipment it desires to purchase. The package listed in SECTION 1 is estimated to cost \$948.00 each with the funding to be shared as stated in SECTION 3. The County may purchase additional packages without the printer/scanner at an estimated cost of \$713.00.

SECTION 3. The State and the County agree that the funding will be as follows on this project for the first package purchased:

- Federal-Aid Bridge Replacement Funds 80%
- County Funds 20%

Any additional packages ordered by the County will be funded as follows:

- County Funds 100%
- Federal-Aid Bridge Replacement Funds 0%

SECTION 4. The State agrees to invoice the County at the time the equipment is ordered and the County agrees to pay the State within thirty (30) days of receipt of this invoice.

SECTION 5. The County agrees to use the equipment for the purpose intended.

SECTION 6. Upon delivery, the County shall be the owner of the equipment, and the County will assume maintenance responsibility for the equipment.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this 13th day of May, 2002.

ATTEST:

COUNTY OF DAKOTA

County Clerk

Chairman, County Board

EXECUTED by the State this _____ day of _____, 20_____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Manager, Government Affairs Division

ROLL CALL VOTE: TODD-YEA; HARTNETT-YEA; BOBIER-YEA; ENGEL-YEA; AND DENKER-YEA.
UNANIMOUS MOTION CARRIED.

The board discussed the contract with Justice Benefits briefly with the County Attorney. It was tabled until the next week to allow the county attorney time to visit with Platte and Dawson Counties about this program.

Health insurance was discussed and it was decided to solicit some preliminary quotes and discuss it again at the next meeting. Dental insurance was also discussed and tabled.

Cellular phones for Officials were discussed. The most economical plan appears to be the Cellular One plan to pool minutes among all offices.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to use Cellular One for cellular service. ROLL CALL VOTE: HARTNETT-YEA; BOBIER-YEA; ENGEL-YEA; DENKER-YEA; AND TODD-YEA. UNANIMOUS MOTION CARRIED.

Chairman Engel called a short recess at 3:28 p.m.

Chairman Engel reconvened the meeting at 3:37 p.m.

Ted Piepho, County Clerk, addressed the board regarding a recorder for the board room. The current recorder does not work consistently. A recorder like the one we have would cost \$3200. The cost of tapes averages \$300 per year. A digital recording software system and computer would cost approximately \$4,000. The cost to back up this system on cd's instead of tapes would be \$10-15 per year. Discussion was had on the pros and cons. Service was a big question. The board directed Mr. Piepho to continue researching these options.

Commissioner Denker moved, seconded by Commissioner Bobier, to approve the payroll as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$12,313.85, Road Employees Net Pay- \$8,447.69, Employer deductions paid: Retirement- 683.20, Unicare- 2,049.32, Ameritas Dental- 152.10, Unicare Life- 56.11, Social Security Tax- 706.26, Medicare- 165.19, Principal Mutual-

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 889.64, State- 286.50, Social Security- 706.26, Medicare- 165.19, Retirement- 455.54, Unicare- 741.44, Ameritas Dental- 57.66, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 220.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$62,955.24, General Fund Employees Net Pay- \$42,627.43, Employer deductions paid: Retirement- 3,403.01, Unicare- 9,773.68, Ameritas Dental- 725.40, Unicare Life- 271.70, Social Security Tax- 3,745.28, Medicare- 875.90.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 552.32, Bobbi Jo Harsma- 780.30, Theodore Piepho- 1,340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 760.50, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,155.20, Allen Burns Jr- 1,705.00, Linda Carson- 1,093.18, Melvin Harrison III- 947.03, Rodney Herron- 1,418.34, Jared Junge- 1,266.90, Gary Powell- 1,502.75, Gayle Richards- 660.00, James Roberts- 1,347.14, William Thompson- 1,572.72, James Wagner- 1,676.00, Randall Walsh- 1,873.90, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 684.00, Timothy Maher- 1,403.85, Anthony Bos- 849.25, Rebecca Broer- 989.00, Carol Cox- 840.00, Leonard Cunningham- 824.25, Michael Gregerson Jr.- 840.00, Alma Gunderson- 916.00, Todd Hammer- 860.00, Paula Harrigfeld- 173.25, Brandi McManigal- 232.00, Georgia Risley- 56.00, Kevin Rohde- 881.50, Linda Schovanec- 900.36, Cory Schultz-

752.00, Margaret Stingley- 612.50, Brenda Tanner- 855.75, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 884.51, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual-
GENERAL FUND: Employee withholding paid to: Federal- 5,647.77, State- 1,871.65, Social Security Tax- 3,745.28, Medicare- 875.90, Retirement- 2,268.68, Unicare- 1,563.05, Ameritas Dental- 315.04, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 1,197.93, Aflac Health- 436.54, Aflac Life/Dsbl- 69.75, Aflac Flex Plan- 197.49.
COPS FAST GRANT: Gross salaries- 889.98, Cops Fast Employee Net Pay- 644.12, Employer deductions paid: Retirement- 53.40, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 55.18, Medicare- 12.90, Brad Claypool- 889.98.
COPS FAST GRANT: Employee withholding paid to: Federal- 111.52, State- 30.66, Social Security- 55.18, Medicare- 12.90, Retirement- 35.60.
COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 157.64, Ameritas Dental- 11.70, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.
COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

ROLL CALL VOTE: TODD-YEA; HARTNETT-YEA; BOBIER-YEA; ENGEL-YEA; AND DENKER-YEA.
UNANIMOUS MOTION CARRIED.

Chairman Engel adjourned the meeting at 4:05 p.m.

COUNTY BOARD OF COMMISSIONERS
MAY 20, 2002, PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 10:00 a.m. with the pledge of allegiance to the flag. Present were Commissioners Bobier, Hartnett, Todd, Denker and Engel with Joan Spencer, Deputy County Clerk as secretary.

Nicole Sims, Community Corrections, and Robert Finney, County Attorney, appeared before the Board regarding the budgeting for a Community Corrections Officer position.

Mr. Finney encouraged the Board to fund a diversion program stating it is worth well the cost. There would be a substantial savings in regard to juvenile alcohol related offenses and the housing cost of adult jail inmates could show a savings with a pretrial release program. He thought there would be fewer "failure to appears" and evaluation could begin immediately. There would not only be a savings in money, but in paperwork time for Probation and County Attorney. He also thought there would be fewer court-appointed attorneys, which would also be a savings.

Commissioner Hartnett asked if there would be any cost reimbursement to the county? Ms. Sims said their would be through the provisions of LB640 and also from house arrest, diversion revenue and community service. Commissioner Hartnett also asked if Ms. Sims could provide the Board with a quarterly report showing activity and cost reimbursement. Ms Sims stated she was currently doing

that as a requirement of the grant and would be able to continue doing a quarterly report.

Commissioner Denker moved, seconded by Commissioner Hartnett to state that it is the intent of the Board of Commissioners to fund a Community Corrections Officer position.

ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED.

The budget and final job description will be worked on.

Accounts Payable claims were reviewed.

Chair Engel declared a recess for lunch at 11:55 a.m. The Board reconvened from lunch at 1:32 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept the Officials Reports for fees earned and collected in April, 2002, from the County Clerk, Register of Deeds and Clerk of District Court.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea. UNANIMOUS MOTION CARRIED.

No action was taken on the contract with Justice Benefits and the item was tabled to the next meeting.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the following accounts payable claims:

GENERAL FUND: Fred Denker, mileage- 21.17; Gifford & Associates, computer repair- 120.00; Perkins, supplies- 80.90; Star Publishing & Printing, publishing- 263.85; Bean Electric, connection repair- 140.00; Bear Graphics, envelopes- 316.00; Des Moines Stamp Mfg, stamps- 63.70; Microfilm Imaging Systems, scanner payment/cd's- 841.00; Perkins, supplies- 88.05; Redfield & Co, index- 50.98; Sam's Club, chair mat- 13.97; S Sioux City Star, subscription renewal- 35.00; Joan Spencer, supplies/mileage- 10.27; Staples, supplies- 132.39; Robert Giese, mileage- 76.65; Charlotte Doenhoefer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Intergovernmental Data Services, data services- 54.00; Des Moines Stamp Mfg, supplies- 77.85; Staples, supplies- 191.04; Bear Graphics, binder- 67.50; Election Systems & Software, ballot scanner maintenance/code stock- 2505.65; MIPS, monthly support- 49.52; Ted Piepho, supplies/election food- 185.59; Sam's Club, election food- 63.75; Joan Spencer, supplies/mileage- 20.66; Star Printing & Publishing, ads- 324.75; Dakota City Fire Hall, poll rental- 40.00; Dakota City Legion Hall, poll rental- 40.00; Emerson Fire Hall, poll rental- 40.00; First Lutheran Church, poll rental- 60.00; Hubbard Community Center, poll rental- 40.00; Jackson Legion Hall, poll rental- 40.00; Knights of Columbus Hall, poll rental- 40.00; Salem Lutheran Church, poll rental- 40.00; S Sioux City Fire Hall, poll rental- 40.00; S Sioux City Legion Hall, poll rental- 60.00; Marvin Anderson, poll worker- 90.05; Lois Appleton, poll worker- 99.56; Annette Artz, poll worker- 89.10; Betty Bliven, poll worker- 84.45; Beverly Bliven, poll worker- 81.53; Lillian Bossow, poll worker- 89.21; Alan Boyd, election worker- 16.92; Dusty Boyd, election worker- 10.50; L Irene Buck, poll worker- 83.72; Jannette Burns, poll worker- 78.95; Wilma Burns, poll worker- 88.83; Josephine Cain, poll worker- 69.53; Linda Carson, election worker- 10.50; Agnes Deal, poll worker- 87.02; Constance Denker, poll worker- 99.78; Sylvia Dickes, poll worker- 84.45; Brandi Dickey, election worker- 36.03; Catherine Eriksen, poll worker/canvas board- 124.51; Pharyce Eslick, poll worker- 92.35; Joyce Ferdig, poll worker- 86.66; Aloise Ferris, poll worker- 87.02; Myra

Gentrup, poll worker- 94.67; Doris Georg, poll worker- 88.10; Patricia Giese, poll worker- 82.24; Fred Gillaspie, election worker- 14.00; Ruth Gillaspie, election worker- 24.50; Nancy Graham, poll worker- 103.59; Margaret Green, poll worker- 87.37; Sharon Greenleaf, poll worker- 95.40; Eunice Hansen, poll worker- 72.10; Elaine Harris, poll worker- 86.64; Jolene Heinemann, election worker- 8.75; Evelyn E Hoem, poll worker- 81.53; Ginger Huggenberger, poll worker- 146.28; Honore Huse, poll worker- 123.73; Marjorie Jarvill, poll worker- 82.24; Charlene Jensen, poll worker- 81.53; Ruth Jensen, poll worker- 66.95; Trudy Jepsen, poll worker- 99.28; Carol Johnston, poll worker- 83.65; Rollan E Jones, workshop- 12.00; Betty Jorgensen, poll worker- 84.45; Dorothy Keyser, poll worker- 81.87; Joan Koch, poll worker- 84.45; Dolores Kramper, poll worker- 97.38; Rachel Kubik, poll worker- 54.08; Lois Larson, poll worker- 82.26; Rosemary Larson, poll worker- 69.53; Mary Lindquist, poll worker- 69.53; Marvel Lukens, poll worker- 99.78; Randy Lussier, poll worker- 69.53; Jean Lynch, poll worker- 88.83; Joanne Mast, poll worker- 81.53; Clara Maurice, poll worker- 88.83; Brandi Mc Manigal, election worker- 10.50; Betty Meisner, poll worker- 81.87; Janet Merchant, poll worker- 83.33; Franklin Morse, poll worker- 97.71; Elva Neill, poll worker- 13.83; Mary O'Dell, poll worker- 91.53; Joyce Oban, poll worker- 69.53; George Olson, poll worker- 69.53; Ruth Pallesen, election worker/canvas board- 50.53; Richard Peltz, poll worker- 102.86; Melva Persinger, poll worker- 69.53; Gordon Piper, poll worker- 81.53; Delores Porter, poll worker- 86.29; Shirley Rager, poll worker- 69.53; Ellen Rohde, poll worker- 106.86; Barbara Steiner, poll worker- 61.80; Cleo Stephan, poll worker- 100.29; Marcia Stinger, canvas board- 39.49; Colleen Tighe, poll worker- 86.28; Hazel Tomek, poll worker- 81.53; Geraldine Tramp, poll worker/canvas board- 101.36; June Turpen, poll worker- 82.60; Irene Van Lent, poll worker- 81.53; Betty Wagner, poll worker- 72.10; Nanci Walsh, election worker- 17.50; Esther Watkins, poll worker- 88.83; Clara Woten, poll worker- 87.03; Klemmet Dean, set up/tear down polls- 400.00; Lloyd Cain, set up poll- 25.00; Chris Knudsen, clean up poll- 25.00; Don Kramper, set up poll- 25.00; Ron Marsh, set up poll- 30.00; Charles Rush, set up poll- 30.00; Gene Cantrell, mileage- 15.33; Jim Jepsen, mileage- 2.19; Dan Krause, mileage- 14.60; Dick Mc Cabe, mileage- 26.28; Dick Mc Near, mileage- 21.90; Marlan Millard, mileage- 10.22; Neil Miller, mileage- 12.41; Nebraska P&Z, workshop- 195.00; Joe O'Neill, mileage- 5.11; Martin Rohde, mileage- 5.84; S Sioux City Star, meeting notice- 5.68; Lynette Beermann, supplies- 75.65; Nebraska DMV, mileage- 178.85; Des Moines Stamp Mfg, stamp- 27.85; Executive Copy Systems, copier maintenance- 156.25; Perkins, supplies- 345.94; Gateway, computer- 1468.00; Perkins, Supplies- 59.98; Kurt Rager, supplies- 88.95; Thurston County Court, supplies- 8.73; Cellular One, phone- 26.54; Office Systems, typewriter contract- 102.22; Scott Dugan, mileage- 125.56; Frank Gonzalez, interpreting- 200.00; NCDAA, seminar- 115.00; NE Supreme Court Publications, law materials- 350.00; Nebraska Notary Association, notary renewal- 112.64; Omaha World Herald, subscription- 100.10; Perkins, supplies- 9.48; Sioux City Journal, subscription/ad- 213.60; William Binkard, attorney fees- 612.00; Clerk of District Court, court costs- 651.00; Coffee King, coffee- 119.76; Thomas Fitch, attorney fees- 1,017.00; Hungry's North, jury lunches- 984.56; Hy Vee, jury breakfast- 37.92; Connie Lee, transcript & deposition- 338.25; Doug Luebe Law Office, attorney fees- 973.70; Matthew Bender & Co, law materials- 4.80; Lori Ubbinga, attorney fees- 210.00; West Group, law materials- 2,020.25; Woodbury County Sheriff, return fees- 105.10; Dakota County Sheriff, papers/warrants- 1052.10; JURY PAYROLL: Kathleen Awtry- 37.19; Thong Bounnavong- 38.65; Gary Bowman- 113.76; Dave Bracht- 37.19; Brianna Brandes- 111.57; Maryellen Brazzell- 113.76; Michelle Cain- 38.65; James Casson- 36.83; Darlene Cunningham- 125.82; Elmer Denker- 51.06; Joan Deroin- 42.30; Patrick Dorcey- 41.57; Connie Dougherty- 38.65; Gerard Doyle- 39.75; Mark Edwards- 37.19; Lynn Engel- 37.19; Joyce Ferdig- 37.92; Donald Ferris Sr- 40.11; Jennifer Flair- 36.46; Mark Foreman- 240.66; Gail Fowler- 39.75; Roland Fowler- 39.75; Donna

Foxhoven- 210.00; Carol Fritza- 37.19; Ramona Gatz- 37.92; Karen Gatzemeyer- 37.19; Allan Gentrup- 51.06; Sandra Gilligan- 37.56; Mary Graham- 36.10; Douglas Green- 35.00; Josaleen Gutzmann- 48.14; Gordon Hansen- 51.06; Steven Harris Jr.- 40.11; Marjorie Hassler- 40.84; Janice Hayes- 210.00; Jason Heisinger- 39.38; Richard Heitzman- 227.52; Kent Herbold- 36.46; Holly Anne Hicks- 40.11; William Hittle Jr- 39.02; Lisa Hoch- 39.38; Annette Holguin- 41.57; Tony Holmberg- 35.00; Amy Huser- 37.92; Steven Jensen- 304.20; Douglas Johnson- 40.11; Ranelle Johnson- 37.19; Ruben Johnson- 37.56; Renee Knight- 37.19; Becky Knudsen- 37.92; Gigi Knudsen- 126.90; Robin Knudsen- 245.04; Paul Kosinski- 38.65; Beth Koster- 38.29; Darrell Kotalik- 115.95; Scott Krei- 231.90; Rachel Kubik- 49.60; Kathie Laird- 36.83; Thomas Landholm- 38.65; Linda Larson- 118.14; Toni Lauer- 42.30; Shannon Lias- 37.92; Susan Livingston- 38.65; Renae Logan- 117.48; Wayne Long- 36.46; Frances Madison- 54.71; John Mazurek- 36.46; Kevin Mc Bride- 229.74; Mickey Mc Caffrey- 39.38; Earl Mc Kinley- 118.14; Dorothy Mc Manigal- 231.90; Terrance Mc Manigal- 117.06; Reta Mellick- 47.41; Corey Millard- 40.11; Donald Miller- 37.56; Maria Mojica- 40.48; Betty Moore- 236.28; Kenzie Moore- 35.00; Steve Moore- 234.12; Earl Morgan- 35.00; Jack Morrison- 38.65; Annette Moulton- 223.14; Glenda Naveja- 245.04; Amy O'Dell- 39.38; DaDavid Olsen- 38.29; Wesley Orr Jr- 38.29; Richard Osler- 38.29; Peggy Ott- 37.19; Ruth Pallesen- 43.76; Charles Parker Jr- 114.87; Lester Paulsen- 40.84; Cathy Pies- 40.11; Sheryl Quint- 37.92; Deborah Raff- 38.65; Delphia Reed- 39.38; Ellen Rohde- bailiff fee- 750.00; Connie Schmadeke- 38.65; Sandra Schnoes- 38.65; Kevin Schwartz- 40.11; Darcey Schmitz- 35.00; David Soelberg- 115.95; Christopher Svoboda- 38.65; Linda Swanson- 38.65; Thomas Vipond- 218.76; Shirley Voss- 37.92; William Wallwey- 47.41; Charles Watkins- 38.65; Jason Wenquist- 36.46; Murray White- 43.03; Paul Wiig- 38.29; Gregory Wipping- 40.11; Vernon Witzka- 38.29; David Burrell, witness fee- 60.00; Lisa Tarno, jury donuts- 24.95; Dakota County Court, court costs- 1210.00; Amanda Olszewski, witness fee- 29.12; Sandra Inkster Ehrich, attorney fees- 825.00; Randy Hisey, attorney fees- 552.00; 1,556.00; Richard Thramer, attorney fees- 532.20; Shelly Horak, attorney fees- 96.00; Hurley Law Office, attorney fees- 114.00; Patrick Tott, attorney fees- 1722.00; Clerk of District Court, mileage- 59.52; Lisa Tarno- mileage/meals/parking- 379.16; A Team, service/repairs- 292.17; Bomgaars, supplies- 75.95; Cellular One, phone- 23.79; Dakota Food & Fuel, mower gas- 14.00; Gill Hauling, dumpster service- 105.00; W W Grainger, ac ducts- 70.15; Hardware Hank, supplies- 72.09; Rick Jensen, mileage- 166.36; Menards, supplies- 515.54; Mid American Energy, utilities- 677.94; Nebraska Dept. of Labor, inspection fee- 75.00; Nebraska Public Power, utilities- 1802.02; O'Keefe Elevator, service/inspection- 305.46; Qwest, fire alarm phone- 42.28; Sam's Club, supplies- 46.93; Trembly Pest Control, monthly fee- 50.00; Walmart, service mower- 38.63; Dakota County Extension, mileage/supplies/copier rental/chairs- 1911.32; Cellular One, phone- 217.95; Cenex Fleetcard, fuel- 49.70; Circle S, fuel- 1614.18; City of S Sioux City, phones- 22.56; Crystal Oil, fuel- 459.18; Norma De Lao, interpreting- 20.00; Dolezal Motors, repairs- 635.93; Gateway, computer- 1160.00; Jackson Glass, windshields- 524.41; Jack's Uniforms & Equipment, uniform upkeep- 141.90; Jim's Service, car service & tires- 550.25; Knoepfler Chevrolet, repairs- 1,333.54; Kustom Signals, microphone- 115.00; NE Crime Commission, directory- 42.00; Perkins, supplies- 103.14; RACOM, phone line/microphone repair- 659.00; Rogers Frame Repair, repairs- 112.72; Vera Salas, interpreting- 20.00; Siouxland Federal Credit Union, aol- 35.27; Siouxland Lock & Key, repair simplex- 50.00; Sirchie, fingerprint kits- 803.25; Tri State Communications, camera installation- 200.00; James Wagner, training- 39.46; Walmart, supplies- 12.72; Willis Animal Clinic, nero checkup- 63.30; B&S Surgical Supply, illuminator- 15.00; Burt County Court, certified transcript- 4.50; Cellular One, phone- 75.54; Computer SOS, printer repair/maintenance- 195.00; Nebraska DMV, transcripts- 8.00; Douglas County Court, certified transcripts- 2.50; H204U, water cooler- 21.00; Iowa Office

supply, copier maintenance/fax toner- 216.00; Nebraska Supreme Court Publications, subscriptions- 350.00; Pathology Medical Services, autopsy- 1415.00; St Luke's Home Health, blood draw- 100.00; Secretary of State, certified copy- 20.00; Sioux City Journal, subscription- 147.00; Connie Lee, transcript/deposition- 161.00; Bruce Meyer Productions, slides- 31.50; City of S Sioux City, lec expenses- 538.77; Avera, inmate care- 132.00; BI Inc, house arrest- 668.25; Bob Barker, supplies- 1382.47; Braunger's, food- 939.29; Cedar County Sheriff, inmate housing- 12,680.00; Cellular One, phone- 61.67; Coffee King, jail coffee- 38.25; Dakota Food & Fuel, jail fuel- 408.08; Dakota Super Value, food- 918.58; Earthgrains, bread products- 622.11; Fremont Tire, tire repairs- 12.00; Hartington Family Dentistry, inmate care- 47.00; Gary Heath, inmate care- 540.00; Amy Hueser, interpreting- 133.00; Hy Vee, food- 1418.89; J&R Pharmacy, inmate prescriptions- 132.44; Karl's, washer- 121.95; Madison Co Sheriff, transport fees/prisoner boarding- 1314.58; Mercy Medical Center, inmate care- 422.20; NE Nebraska Juvenile Services, juvenile boarding- 1625.00; Quest Diagnostics, lab tests- 294.06; Redler's Pharmacy, inmate medications- 299.60; Sam's Club, supplies- 385.58; Siouxland Federal Credit Union, supplies/computer charges- 2100.38; Steffen Drug, inmate medications- 7.44; Thurston County Sheriff, prisoner boarding- 1035.00; Walmart, inmate medications- 103.25; XPEDX, jail supplies- 515.01; Arch Wireless, pager- 93.36; Briggs Corporation, medical supplies- 122.86; Sheila Curiel, interpreting- 40.00; Pam DeVries, mileage/supplies- 94.70; Dunes Family Medicine, consultation fee- 250.00; Gloria Dwyer, supplies- 64.05; Pat Glover, supplies/mileage- 121.16; Hemocue Inc, power supply- 23.75; Redler's Pharmacy, medical supplies- 87.50; Siouxland Community Health, medical supplies- 66.00; Alan Boyd, mileage- 446.03; Cellular One, phone- 46.50; NE Nebraska Public Power, crystal lake utilities- 42.00; Aflac/Flex One, service fees- 36.00; AT & T, phone- 19.25; Business Telecomm Systems, power supply- 355.00; DCIT, grant writing/paperwork- 125.00; Executive Copy, maintenance- 71.84; Lazette Gifford, website upkeep- 40.00; MIPS, monthly support- 261.69; NE Nebraska Area on Aging, 2003 fiscal year administrative match- 3168.00; Pitney Bowes, postage meter rental- 190.00; Qwest, phone- 1448.04; Sam's Club, membership/administrative fees- 310.00; SIMPCO, community development- 950.95; S Sioux City Area Chamber, governors day- 520.00; WCS Telecom, phone- 1109.72.

ROAD FUND: Air Filter Cleaning, clean filters- 41.28; Aramark, supplies- 154.26; Atco, supplies- 682.25; Axles & Gears Inc, tank- 150.00; Barco, parts/sheeting- 528.68; Kenneth Beermann, haul rock- 125.70; Bomgaars, supplies- 45.94; Bridgestone/Firestone, tires- 2687.00; Cellular One, phone- 35.85; Clement Inc, parts/labor- 26.52; Ft. Calhoun Stone, road rock- 1064.53; Gill Hauling, dumpster- 40.00; Graham Tire, tires- 258.10; Higman Sand & Gravel, road rock- 4149.08; HME Inc, haul rock- 1860.00; John Howard Trucking, haul rock- 3906.29; H204U, water cooler- 25.75; Hubbard Mini-Mart, fuel- 2838.84; Hydraulic Sales, parts/labor- 185.12; Joe's Dept Store, parts/supplies- 245.94; Kimbell Midwest, supplies- 139.17; Linweld, oxygen tanks- 26.60; Kimon Litras, reimburse CDL- 50.00; Medical Enterprises, screenings- 59.80; Nebraska Public Power District, service/signals- 116.96; Newman Signs, signs- 692.00; Northeast Coop, kerosene- 23.10; Northeast Equipment, tractor lease- 475.00; Northeast Nebraska Telephone, service- 158.37; O'Reilly's Auto, parts/supplies- 424.22; Power Plan, filters- 559.20; Presco Sales, blades- 1896.00; Road Machinery Supply, parts/labor- 1652.31; Select Industries, bolts/washers- 171.12; Sioux City Iron, bolts/washers- 41.51; Sioux City Journal, ad- 64.56; Sioux City Tarp, parts- 11.50; Jeffrey Sukup, recalibrate drill- 90.00; Tractor Supply, tool box- 229.99; Utility Equipment, pipe- 205.00; Warren Oil, fuel- 2770.53; Willers Inc/dba Pilger Sand & Gravel, road rock- 1669.38; Wilmes Hardware Hank, paint- 18.88; Ziegler, parts- 307.47

HARD SURFACE ROAD FUND: Nebraska Dept of Roads, jackson hubbard road- 1,478,177.69; Rembolt Ludtke & Berger, bond counsel- 5000.00; Union Bank & Trust, account set up- 500.00

ROAD IMPROVEMENT FUND: JEO Consulting, engineering- 20,836.25

POOR RELIEF FUND: Nebraska Dept of Social Services, administrative fees- 50.75

COMMUNITY JUSTICE GRANT - PRETRIAL: BI Inc, electronic monitoring- 79.20; Cellular One, phone- 30.30; Holiday Inn, conference- 59.95; Nicole Sims, mileage/meal- 160.84

INHERITANCE TAX: Siemens, temperature control requisition- 38,731.40

WEED FUND: Bomgaars, spray equipment repair- 55.37; Bridgestone/Firestone, tires- 312.00; Fimco, spray equipment repair- 368.74; Holiday Inn, lodging/workshop- 157.99; Hydraulic Sales, motor repair- 207.20; Joe's Dept. Store, parts/repairs- 68.54; Nutra-Flo, repairs- 23.09; Andy Olson, repair boom- 225.00; O'Reilly's Auto Parts, filters- 13.92; S Sioux City Star, weed notice- 102.00; Standard Office Equipment, supplies- 15.11; Tri-State Communications, antenna connector- 2.00.

ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to accept the Board of Commissioner's minutes as presented for May 13, 2002.

ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to convene as Board of Equalization.

ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED at 2:00 p.m.

Chair Engel opened the Tax Exempt Property Application Hearing at 2:00 p.m. The Board reviewed Madelyn Thorsland, State Assessor's recommendations on the Affidavits of Use for Continued Tax Exemption applications. All applications were filed per Tax Exempt Regulation 40-005 Educational, Religious, Charitable and Cemetery Property Tax Exemptions. The Hearing was closed at 2:05 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept the recommendation of the State Assessor for those properties with total exemption and one property for total exemption with penalty applied for late filing.

ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea. UNANIMOUS MOTION CARRIED.

Chair Engel opened the Tax Exempt Hearing for the Islamic Center of Siouxland. Mr. Saied Zangenehpour, President, stated that they have broken ground, and the work on their building was delayed for a time due to building codes changes. Commissioner Bobier moved, seconded by Commissioner Denker, to grant the Islamic Center of Siouxland total exemption, the same as last year, on parcel 220177104. ROLL CALL VOTE: Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to accept the recommendation by State Assessor for partial 66% exemption for Cownie-Church Legion Post #307, parcels 220027307 and 220150966.

ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept the recommendation by State Assessor for partial 38% exemption on Affidavit of Use

for Continued Tax Exemption received from the Fraternal Order of Eagles #2492, parcel 220042136.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Ronnie Van Deventer, Secretary for Assembly of God Church, Inc., appeared before the Board for the tax exempt hearing on the churches application of Affidavit of Use for Continued Tax Exemption. He stated that the vacant lots, parcels 220205167 and 220205086, the State Assessor was recommending to deny exemption on are used for church activities and scouting activities. It was noted that the State Assessor approved said parcels as exempt in 2001.

Commissioner Bobier moved, seconded by Commissioner Denker to grant 100% exemption for Assembly of God Church, Inc., on all four parcels: 220030308, 220030219, 220205167 and 220205086. Discussion was had.

ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the Exemption Application filed with County Treasurer, Robert Giese, for a 1996 Ford Bus bearing VIN 1FDKE30F9THA74356 owned by Northeast Nebraska Senior Citizen Inc.

ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker, to accept the State Assessor's recommendation for denial of exemption on the application of Affidavit of Use for Continued Tax Exemption from Prairie Haven, Inc., parcel 220048614.

ROLL CALL VOTE: Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to accept the State Assessor's recommendation for partial exemption on Affidavit of Use for Continued Tax Exemption received from Omadi Lodge #AF&M, for that part of the building which is used for meetings on parcels 220028192 and 220151326.

ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Todd to reconvene as Board of Commissioners.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Ron Rapp with Interstate Insurance Service of South Sioux City appeared before the Board of Commissioners requesting guidance from the Board on pursuing a new health insurance carrier for the County. The Board of Commissioners' recommendation was to not look at a new insurance policy at this time due to time frame constrictions. It was suggested the issue be addressed next January or February.

Bob Sheehan and Rich Pope from Boys and Girls Home addressed the Board regarding the Agreement made and entered into October 1, 2001, between Dakota County and the Boys and Girls Home. Those also in attendance were Robert Finney, Debra Fergan, Dick Brown, Glenn Irwin, Pat Foust, Scott Ford, Jim Wagner and Linda Carson.

Mr. Sheehan stated that Ron Ross with Health and Human Services in Lincoln has changed his vision for the Boys and Girls Home and no longer wants to use the facility as a shelter. The Shelter will close September 30, 2002. The contract with Dakota County was for 1000 "bed days"; the county has used 617 which leaves 383 days left to use in the time frame of 153 contract days. Mr. Sheehan stated that he will honor his contract with Dakota County; however, he has one room with three beds and cannot house both a male and female in that one room at the same time.

Robert Finney, County Attorney, addressed the female issue. He stated Dakota County relied on the contract to house female detainees and are now being informed the facility has changed and the shelter can no longer take both sexes.

Commissioner Todd asked Mr. Sheehan if the Boys and Girls Home could reimburse the county for the extra fees the county is incurring having to transport and house female detainees in Madison County? Could you remedy the damages he thought incurred from a breach of contract? Mr. Sheehan answered no, as cost reimbursement would not be feasible.

Commissioner Bobier questioned if the Boys and Girls Home in Sioux City might be used? Robert Finney stated we cannot go across state lines.

Commissioner Bobier asked Mr. Sheehan, "What do we do with our girls?" Mr. Sheehan stated that if they currently had no boys at the shelter, they could take girls, but if they then were asked to take a boy or boys the girl would have to be moved, etc.

Linda Carson stated that the County had had no notification or pre-warning of this change. Mr. Sheehan apologized.

Sheriff Jim Wagner described a recent transport problem with a girl runaway. Dick Brown, Probation, stated that his officers cannot "babysit" the detainee from time brought in to time when ready to transport.

Mr. Sheehan suggested that all those involved send letters to Ron Ross in Lincoln regarding the problems with the change in the shelter.

Mr. Sheehan also stated that the Boys and Girls home would "hold" a female detainee from 2 to 5 hours while waiting for transport at no additional charge.

Commissioner Denker moved, seconded by Commissioner Bobier to convene into Executive Session.

ROLL CALL VOTE: Todd- Yea, Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED at 3:50 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene in open session.

ROLL CALL VOTE: Denker- Yea, Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED at 4:28 p.m.

Terry Cantrell, insurance representative with Bill Markve & Associates, reviewed the current health insurance policy the County has with Unicare. He informed the Board that Unicare would also be interested in carrying the County's dental insurance. Fees were discussed.

Commissioner Hartnett moved, seconded by Commissioner Bobier to stay with our current health insurance policy.

ROLL CALL VOTE: Engel- Yea, Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to change our dental insurance to the Unicare dental program.

ROLL CALL VOTE: Bobier- Yea, Hartnett- Yea, Todd- Yea, Denker- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett will meet with Board Chair, Linda Benjamin, at Dawson County regarding the SCAP program and Justice Benefits.

Chair Engel adjourned the meeting at 4:50 p.m.

Willlliam Engel, Chair

ATTEST:

Joan Spencer, Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
MAY 28, 2002, PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the pledge of allegiance to the flag. Present were Commissioners Bobier, Todd, Denker and Engel and Ted Piepho, Secretary.

Absent: Commissioner Hartnett.

The board reviewed the payroll claims sbmitted by the County Clerk for payment. Commissioner Denker moved, seconded by Commissioner Bobier to approve the payroll claims as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$12,993.85, Road Employees Net Pay- \$10,012.42, Employer deductions paid: Retirement- 683.20, Unicare-, Ameritas Dental-, Unicare Life-, Social Security Tax- 805.61, Medicare- 188.42, Principal Mutual-.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoesing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Adam Krause- 680.00, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 1,075.27, State- 342.91, Social Security- 805.61, Medicare- 188.42, Retirement- 455.54, Unicare-, Ameritas Dental-, Reassure America Life-, Colonial Health-, Union Dues-, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health-, Aflac Life/Dsbl-, Aflac Flex Plan-.

COUNTY GENERAL FUND: Gross salaries- \$64,009.69, General Fund Employees Net Pay- \$45,546.65, Employer deductions paid: Retirement- 3,379.36, Unicare-, Ameritas Dental-, Unicare Life-, Social Security Tax- 3,968.56, Medicare- 928.11.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Karilyn Watkins-

143.40, Marisol Curiel- 621.37, Bobbi Jo Harsma- 882.30, Theodore Piepho- 1,340.00, Cynthia Purucker- 495.98, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Kimberly Kuehl- 700.00, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 411.83, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Ryan Jensen- 539.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,184.08, Allen Burns Jr- 1,364.00, Linda Carson- 1,093.18, Melvin Harrison III- 912.80, Rodney Herron- 1,418.34, Jared Junge- 1,317.12, Gary Powell- 1,351.62, Gayle Richards- 697.14, James Roberts- 1,221.50, William Thompson- 1,309.97, James Wagner- 1,676.00, Randall Walsh- 1,866.00, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 860.00, Rebecca Broer- 977.50, Carol Cox- 840.00, Leonard Cunningham- 756.00, Michael Gregerson Jr.- 840.00, Alma Gunderson- 916.00, Todd Hammer- 978.27, Paula Harrigfeld- 115.50, Brandi McManigal- 404.00, Kevin Rohde- 870.75, Linda Schovanec- 941.00, Cory Schultz- 794.30, Margaret Stingley- 612.50, Brenda Tanner- 840.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 840.65, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual-.

GENERAL FUND: Employee withholding paid to: Federal-5,958.92, State- 1,984.10, Social Security Tax- 3,968.56, Medicare- 928.11, Retirement- 2,252.89, Unicare-, Ameritas Dental-, Colonial Health-, Credit Union- 1,350.31, Colonial Life-, Deferred Comp- 750.22, Garnishment- 1,269.93, Aflac Health-, Aflac Life/Dsbl-, Aflac Flex Plan-.

COPS FAST GRANT: Gross salaries- 912.80, Cops Fast Employee Net Pay- 659.81, Employer deductions paid: Retirement- 54.77, Unicare-, Ameritas Dental-, Unicare Life-, Social Security- 56.59, Medicare- 13.24, Brad Claypool- 912.80.

COPS FAST GRANT: Employee withholding paid to: Federal- 114.81, State- 31.84, Social Security- 56.59, Medicare- 13.24, Retirement- 36.51.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 783.44, Employer deductions paid: Retirement- 62.98, Unicare-, Ameritas Dental-, Unicare Life-, Social Security- 65.08, Medicare- 15.22, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 107.21, State- 36.71, Social Security- 65.08, Medicare- 15.22, Retirement- 41.99, Aflac Health-, Aflac Life/Dsbl-.

HARD SURFACE ROAD: Wells Fargo Bank- interest on Golf Road, \$777.16

LEC Debt: Wells Fargo Bank- interest on LEC Bonds, \$1,262.88

VISITORS PROMOTION: Lodging Tax- \$5,352.85

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned the meeting at 1:57 p.m.

Willlliam Engel, Chair

ATTEST:

Ted Piepho, County Clerk

COUNTY BOARD OF COMMISSIONERS
JUNE 10, 2002, PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the Pledge of Allegiance to the flag. Present were Commissioners Bobier, Todd, Denker, Hartnett and Engel and Joan Spencer, Deputy County Clerk, acting as secretary.

Absent: All Present

Chair Engel opened the hearing for the Special Designated Liquor License for Gateway Bar and Grill at 1:32 p.m. The Mad Mudders Mud Racing event will be held on June 22, 2002. No one in the audience presented an objection. There was a letter of support from the County Sheriff's office. The hearing was closed at 1:34 p.m.

The Dakota County Board of Commissioners considered an Application for Special Designated License in the name of Richard L. Coan Gateway Bar & Grill, 1558 Gateway Drive, South Sioux City, Dakota, NE 68776; for the location at 1541 Atokad Drive, South Sioux City, Nebraska, Dakota County, 68776.

Commissioner Hartnett moved, seconded by Commissioner Denker to approve the Special Designated License in the name of Richard L. Coan Gateway Bar & Grill, 1558 Gateway Drive, South Sioux City, Dakota, NE 68776; for the location at 1524 Atokad Drive, South Sioux City, Nebraska, Dakota County, 68776.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Doug Graves and Laura Christensen appeared before the Board regarding the easement in front of their house at 468 North Shore Drive. The easement is three feet from their front steps and they would like to buy the easement from the county or sign an agreement with the county that would allow them to improve their steps and have use of a driveway while also allowing the county access to maintain drainage.

It was the consensus of the Board to have them talk with Arnie Mellick, Road Forman, and Robert Finney, County Attorney, to possibly come up with an agreement to use the easement and the county retains ownership.

A written request by LaSalle Systems Leasing, Inc. for a tax adjustment and refund per their computer/clerical error was presented to the Board from the County Treasurer's Office.

Commissioner Bobier moved, seconded by Commissioner Todd to approve the tax refund to LaSalle Systems Leasing, Inc. for a tax adjustment and refund as result of a computer/clerical error by LaSalle and that the county reassess this one piece of equipment and grant a tax refund of \$3,557.76 for tax year 2001.

Madelyn Thorsland, State Assessor, presented a list of Mobile Home tax list corrections to the Board for acceptance. The total gain/loss figure was a negative -\$777.74. Commissioner Hartnett moved, seconded by Commissioner Denker to approve the Tax List Corrections as presented by the Assessor's Office amounting to a negative \$777.74 to the tax rolls.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- yea, Bobier- Yea, Denker- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to convene as Board of Equalization.

ROLL CALL VOTE: Engel- Yea, Todd- yea, Bobier- Yea, Denker- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED 1:58 p.m.

Dick Erickson, State Appraiser for Dakota County, asked the Board to make the following adjustments to two parcels owned by VBC of Nebraska for the tax year of 2002: parcel #220181101 with a current value of \$2,126,375 to a requested value of \$1,817,415 and parcel #220058628 with a current value of \$4,253,235 to a requested value of \$3,686,770. The reason for the changes are because the TERC rolled VBC's value back last year and the Assessor's Computer brought the assessed figures previous to the TERC's reduction forward to from 2001.

Commissioner Todd moved, seconded by Commissioner Bobier to make the following adjustments to two parcels owned by VBC of Nebraska for the tax year of 2002: parcel #220181101 with a current value of \$2,126,375 to a requested value of \$1,817,415 and parcel #220058628 with a current value of \$4,253,235 to a requested value of \$3,686,770 because the TERC rolled VBC's value back last year and the Assessor's Computer brought the assessed figures previous to the TERC's reduction forward to from 2001.

ROLL CALL VOTE: Todd- yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to reconvene as Board of Commissioners 2:05 p.m.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- yea.
UNANIMOUS MOTION CARRIED.

Mark Dorcey, Register of Deeds, appeared before the Board for approval to upgrade the records in his office using a document imaging system. The lease of a laser printer, PC and copier would be \$200.00 per month. The total budget increase would be approximately \$500.00 per year. Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the upgrade for the Register of Deeds office. Commissioner Todd recommended that Mr. Dorcey research three to four other companies that have a digital imaging system to compare lease agreements. Commissioner Hartnett withdrew her motion and Commissioner Bobier withdrew his second for approval of the upgrade. Commissioner Denker asked Mr. Dorcey to check on the possibility of networking with the digital imaging system in the County Clerk's office.

Brian McDonald informed the Board of Commissioners that the letting for the Jackson SW bridge would be June 24th. Construction is estimated to begin late fall. The road and creek will have a different alignment to straighten the road curve and creek meandering. Also, some right-of-ways will need to be purchased.

Mr. Duane Upton, JEO Inc. opened the bids for the Gentrup Bridge Project No. C22-171 at 2:10 p.m. They were as follows:

BIDDER	TOTAL PROJECT	START DATE
Oden Enterprises	\$107,924.14	10-30-02
Norfolk Contracting	\$117,774.80	03-31-03 or late fall 2002
Dixon Construction	\$175,444.00	Before 01-06-03
Theisen Construction	\$117,680.80	11-02

All bids included 5% bid bond money and all bidders acknowledged addendum's one and two except Dixon Construction did not acknowledge addendum two.

Commissioner Bobier moved, seconded by Commissioner Denker to recommend the bid be awarded to Oden Enterprises pending a check of bid numbers and their experience record.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Mr. John Nelson addressed the Board concerning the completion of drainage near his farm on the county road north of Jackson. He requested the Board of Commissioners to make a motion to complete the building of the road by providing drainage and culverts for his 23 acres of farm ground under water. Commissioner Todd had the understanding that a prior judgment prohibits the board from doing anything with the road. Commissioner Engel suggested that Mr. Nelson check with Robert Finney, County Attorney, on the status of the road.

Mr. James Wagner, Dakota County Sheriff, Ms. Linda Carson, Jail Administrator and Mr. Scott Ford, So. Sioux City Chief of Police, presented the Board with the following agreement regarding joint use of the server that the Sheriff's Department has for the mobile data terminals:

AGREEMENT
Between The
Dakota County Sheriffc
And The
South Sioux City Police Department

Be it Hereby Agreed That:

The Dakota County Sheriff and the South Sioux City Chief of Police agree to share and jointly utilize the functions of State Interface Server which is owned by the Dakota County Sheriff's Department and located at the County Wide Communications Center, inside the City/County Law Enforcement Center at 701 West 29th Street, South Sioux City, Nebraska.

The Dakota County Sheriff and the South Sioux City Chief of Police agree that access to the Nebraska Law Enforcement Teletype System (NLETS) shall be accomplished only by authorized, trained and certified law enforcement officers.

The Dakota County Sheriff and the South Sioux City Chief of Police agree that all access to and usage of the NLETS system shall be solely for law enforcement purposes, and such access and usage shall be within the guidelines and governing regulations set forth by the Nebraska State Patrol.

Commissioner Denker moved, seconded by Commissioner Hartnett to accept the agreement between the Dakota County Sheriff and the So. Sioux City Chief of Police to jointly utilize the State Interface Server.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- yea, Bobier- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Mr. James Wagner, Dakota County Sheriff, and Ms. Linda Carson, Jail Administrator, appeared before the Board to present the bid proposals of two consulting firms that may be hired to help the Jail Core Committee in planning for the future of the Dakota County Jail. DLR Group from Omaha provided a bid of \$36,500 for their professional consulting services. Newstrom-Davis Construction Company submitted a bid of \$36,000. Mr. Wagner encouraged the Board to proceed forward with the allocation of funds to hire one of these consulting firms. The Board of Commissioners preferred to see more examples from the firms and would like to see the total cost estimates of the project before making a final decision.

Ms. Linda Carson, Jail Administrator, presented the Board with a Training Payback Agreement for acceptance. This agreement would require a Deputy Sheriff

to reimburse the County for all of the cost of training furnished him/her by the County if his/her employment is terminated on his/her own initiative within a period of three years.

Commissioner Hartnett moved, seconded by Commissioner Bobier to adopt the following Training Payback Agreement which requires all employees employed as Deputy Sheriff 's to agree to reimburse the County for all of the cost of training furnished him/her by the County if his/her employment is terminated on his/her own initiative within a period of three years.

TRAINING PAYBACK AGREEMENT

The County of Dakota, Dakota County, Nebraska, a municipal corporation (County), has agreed to employ (Name of Employee"), and has agreed to furnish the cost of training the Employee at the Nebraska Law Enforcement Training Center at Grand Island, Nebraska, which will provide for certification of the Employee for the position of Deputy Sheriff with the Dakota County Sheriff's Office, subject to the terms and conditions of this agreement and,

The Employee acknowledges that the County would be put to considerable expense in training the Employee and that during the period of training the Employee will not be able to render full service to the County until the Employee is adequately trained, and,

The Employee further acknowledges that this agreement is to ensure that the County does not invest time and money training persons for the position of Deputy without receiving any services of a fully trained and certified officer for the period of time set forth herein.

NOW THEREFORE, the parties agree as follows:

1. That the County will furnish the cost of training the Employee for the position of Deputy at the Nebraska Law Enforcement Training Center at Grand Island, Nebraska for a period of twelve (12) weeks commencing on the ____day of _____, 20____, through successful completion of such training Employee agrees to devote full time to the training.
2. That the Employee agrees that if his/her employment with the County is terminated on his/her own initiative within a period of three (3) years from the date of completion of training at the Nebraska Law Enforcement Training Center, Employee will on demand reimburse the County for all of the cost of training furnished him/her by the County. Cost of training as used in this statement shall include, but not be limited to study materials, Employee's salary paid during the period of training (including payments made by the County for social security, pension, insurance, etc.), and a prorated share of Employee's salary during periods of on-the-job training (Field Training Program) following completion of instructional courses, as well as any other cost directly attributable to training of the Employee for position of Deputy.
3. Reimbursement will not be payable in the event that the Employee fails to satisfactorily complete or is dismissed during the training period, or in the event he or she is required to terminate his or her employment due to a disabling illness or injury. This exception shall not apply in the event that there is substantial evidence that the Employee has been dismissed as a result of misrepresenting his or her basic qualifications for employment or has caused his or her dismissal failure, illness or injury in an attempt to avoid repayment under the terms of this agreement.

4. In the event that the Employee is called to active military duty, has his or her probationary period extended, or is granted a leave of absence during the period covered by this agreement, the period of the agreement shall be extended accordingly.

5. This agreement shall become effective after completion of the training at the Nebraska Law Enforcement Training Center and shall remain in full force and effect for a period of three (3) years thereafter.

6. If the Employee fails to reimburse the County for the cost of training furnished to Employee by the County, upon demand by the County as provided for in this agreement, the County may bring civil action against the Employee in a court of competent jurisdiction and Employee agrees to pay the costs of that action as well as a reasonable attorney's fee to be determined by the Court and/or the County may deduct all, or any part of the cost of training, from funds which may be due the Employee, for any reason, from the County of Dakota, Dakota County, Nebraska.

SIGNED in duplicate this _____ day of _____, 20_____.

DAKOTA
NEBRASKA,
corporation,

COUNTY OF
DAKOTA COUNTY,
A municipal

BY: _____

ATTEST:
CHAIR

DAKOTA COUNTY BOARD

COUNTY CLERK

EMPLOYEE

EMPLOYEE'S

SPOUSE

ROLL CALL VOTE: Engel- Yea, Todd- yea, Bobier- Yea, Denker- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to accept and sign the Justice Benefits Contract for the SCAAP program as follows:

AGREEMENT FOR PROFESSIONAL SERVICES

between

Justice Benefits, Inc.

and

Dakota County, NE

This Agreement is entered into by and between Dakota County, NE (hereinafter referred to as the "County") and Justice Benefits, Inc., a business unit of Unificare, LTD, (hereinafter referred to as "JBI" or "Contractor"), located at 2010 Valley View Lane, Suite300, Dallas, Texas 75234.

WITNESSETH

WHEREAS, many of the services provided by the County are funded directly by local and state funds when, in fact, some of those services are eligible for Federal Financial Participation (hereinafter "FFP"); and

WHEREAS, JBI is willing and able to provide professional assistance to explore opportunities for new FFP, to review prospects for expansion of existing FFP, and to secure additional FFP as may be appropriate for the County;

NOW, THEREFORE, for and in consideration of these mutual covenants and promises recorded herein, the parties hereto agree as follows.

ARTICLE I
RESPONSIBILITIES OF JBI

1.01 JBI agrees to perform the following services:

a. JBI will review the policies and procedures used by the County to identify such additional Federal and other revenue sources, if any, as may be available to the County through participation in new programs or expansion of existing FFP. To secure additional revenues for the County, JBI will:

i. Meet with County officials, including those who represent programs providing services that may be eligible for FFP, and identify FFP opportunities;

ii. Prepare a written summary (the "Initiative") sufficient to briefly describe the FFP opportunity;

iii. Assist the County in its efforts to prepare and present a claim for recovery of additional Federal dollars following approval of an Initiative; and

iv. Assist the County in negotiations with Federal agencies to ensure that the County receives the additional revenues identified by JBI.

1.02 JBI will continually monitor for new opportunities of funding.

a. Whenever a new opportunity arises, the County shall have sixty (60) days to act on its own.

b. Sixty (60) days after an opportunity becomes available and the County has not acted to claim the new dollars, JBI may (i) notify the County of that opportunity, (ii) obtain County approval of a new Initiative embracing the opportunity. JBI will then assist the County to claim revenues identified by the approved Initiative and be entitled to compensation as set forth in Article VI of this Agreement.

ARTICLE II
RESPONSIBILITIES OF THE COUNTY

2.01 The County agrees to perform the following activities:

a. Designate a contract monitor who shall:

i. Be the person responsible for monitoring JBI's performance under the terms and conditions of this agreement; and

ii. Authorize payment for services rendered based upon properly submitted invoices to the County in accordance with Article VI of this agreement (i.e. Compensation).

c. Provide JBI with copies of or access to documents and databases that are necessary for the successful completion of work required by this agreement.

ARTICLE III
INITIAL TERM AND RENEWAL

3.01 The initial term of this Agreement is four (4) years, commencing with the date of this contract (the 'Initial Term"). Provided, however, either party may cancel this Agreement by giving thirty (30) day's written notice prior to the beginning of the County's fiscal year. Upon receipt of such notice, JBI shall complete the federal reimbursement claims for the fiscal year in which the notice is given. JBI shall be compensated for these final federal claims in accordance with Article VI.

3.02 Upon conclusion of the Initial Term of this Agreement, this Agreement will automatically be renewed on a year-by-year basis, under the same terms and conditions as set forth herein, unless written notice is given at least thirty (30) days prior to the expiration of this Agreement.

ARTICLE IV
REPORTS

JBI shall furnish the County with periodic reports on the effectiveness of JBI's engagement.

ARTICLE V
CONFIDENTIALITY

The County and JBI mutually agree that the confidentiality of the information obtained by JBI shall be strictly observed, as permitted by law, in any reporting, auditing, invoicing and evaluation, provided however, that this provision shall be construed as a standard of conduct and not a limitation upon the right to conduct the foregoing activities.

ARTICLE VI
COMPENSATION

6.1 The intent of this Agreement is to compensate JBI only for new revenues received by the County that are a direct result of JBI's efforts. The parties agree JBI will be compensated for new or enhanced revenue sources that directly result from JBI's activities at the following rate:

* Twenty-two percent (22%) of all revenue paid to the County (prospectively or retroactively) as described in each of the Initiatives.

6.2 Unless otherwise agreed or directed by JBI in writing, the County shall make payment to the order of JBI, at 2010 Valley View Lane, Suite 300, Dallas, Texas 75234.

6.3 Notwithstanding any other provision herein, JBI will be due its fees for monies paid pursuant to each Initiative approved by the County for a minimum period of two (2) years. The start date will be from the date each new or enhanced claim is submitted for reimbursement under a County approved Initiative or program. JBI's compensation period may be extended beyond the minimum period of two (2) years, depending on the term and renewals set forth in this Agreement.

6.4 Both parties recognize that delays in payment or reimbursement to the County by the Federal government may occur. JBI will be reimbursed within twenty-one (21) days after funds are actually received by the County and an accurate invoice is delivered to the County by JBI, even if those receipts occur beyond the term of contract.

6.5 JBI agrees that in the unlikely event any funds recovered by the County as a result of this agreement be subsequently disallowed, that the related fees paid to JBI based on such disallowed reimbursements will be credited against future payments to JBI, or be promptly repaid to the County should this agreement be terminated. In any event, the monetary amount of damages and the full extent of JBI's liability to the County, if any, shall be strictly limited to the amount of funds paid to, or owed to, JBI as a result of this Agreement.

6.6 JBI is not obligated to make the County aware of all possible opportunities and shall have no liability for any omission to identify the same.

6.7 JBI shall have the right to review the County's claims, grant awards, and such books, records, other documents as may be required to ensure that the payment of JBI's fees is in accordance with this Agreement.

ARTICLE VII NOTIFICATION

Any notice, specifications, reports, or other written communications from JBI to the County shall be considered delivered when posted by certified mail. Any notice, delivered by certified mail to JBI at the address on the first paragraph of this Agreement shall be considered delivered when posted.

ARTICLE VIII MISCELLANEOUS PROVISIONS

8.1 Authority. All necessary approvals for the execution of this Agreement have been obtained and each person executing this agreement on behalf of the County is authorized to execute this Agreement as the binding act of the County.

Some programs require a submission with digital signature from an authorized elected official of the County. Contractor will prepare the claim and then provide step-by-step instructions for the authorized County official to complete the online form.

8.2 Changes to be in Writing. This Agreement may be modified to include additional work the County desires to be completed on a fixed or contingent fee basis with the written consent of both parties.

8.3 Choice of Law, Forum Selection and Alternative Dispute Resolution. Once records are made available, the claim preparation work will be performed by the Contractor at its headquarters in Dallas County, Texas. This Agreement shall be governed by the laws of the State of Nebraska, and any disputes shall be resolved in said state. The parties prefer informal resolution of any disputes. Prior to filing litigation, the parties shall discuss participating in alternative dispute resolution, including a pre-suit mediation or settlement conference.

8.4 Counterparts. This Agreement and the Initiatives that follow may be executed in separate counterparts, each of which shall be deemed to be an

original, and such counterparts shall together constitute but one and the same document.

8.5 Entire Agreement. This Agreement and its attachments (including all approved Initiatives), if any, contain the entire Agreement between the Contractor and the County. Any previous proposals, offers, discussions, preliminary understandings and other communications relative to this Agreement, oral or written, are hereby superseded by this Agreement.

8.6 Force Majeure. Contractor shall be excused from performance during any delay beyond the time named for the performance of this contract caused by any act of God, war, civil disorder, strike or other cause beyond its reasonable control.

8.7 Headings. The headings used herein are for convenience only and shall not limit the construction or interpretation hereof.

8.8 Inconsistencies. Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements that are made a part hereof by reference or otherwise, the provisions of this Agreement shall control.

8.9 Indemnification. Contractor agrees to indemnify the County, its officers, employees and agents for injury to persons or property, including contractor, its officers, employees or agents, the County, its officers, employees or agents, or other persons where such injury proximately results from an intentional act or omission of the Contractor or its employees.

8.10 Independent Contractor. Contractor shall be considered an independent contractor and not an employee of the County. Contractor shall be solely responsible for paying its own staff and the out-of-pocket expenses it incurs in providing services hereunder. Contractor shall also maintain general liability insurance at its own expense, in addition to workers' compensation coverages as may be required by law, and will provide proof of insurance to the County upon twenty (20) days notice.

8.11 Legal Fees. In the event a claim for damages is made under this Agreement the claimant shall be entitled to recover reasonable and necessary attorneys' fees, provided that said claim is first presented in writing and remains unpaid for thirty (30) days.

8.12 Non-Discrimination. In performing this Agreement, contractor agrees it will not engage in discrimination in employment of persons because of the race, color, sex, national origin or ancestry, or religion of such persons.

8.13 Prohibition against Assignment. There shall be no assignment or transfer of this Agreement without the prior written consent of both parties hereto, except as follows: Contractor shall be permitted to assign its right to be paid by the County after completing its work on an Initiative.

8.14 Rule of Construction. Each party and its legal counsel have been afforded the opportunity to review and revise this Agreement. The normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments of exhibits hereto.

8.15 Severability. Each paragraph and provision hereof is severable from the entire Agreement and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

8.16 Terminology and Definitions. All personal pronouns used herein, whether used in the masculine, feminine or neutral, shall include all other genders; the singular shall include the plural and the plural shall include the singular.

8.17 Waiver. The failure on the part of any party to exercise or to delay in exercising, and no course of dealing with respect to any right hereunder shall operate as a waiver thereof; nor shall any single or partial exercise of any right hereunder preclude any other or further exercise thereof or the exercise of any other right. The remedies provided herein are cumulative and not exclusive of any remedies provided by law or in equity, except as expressly set forth herein.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the date written below.

EXECUTED THIS _____ DAY OF _____, 2002

AGREED:

ACCEPTED BY:

Dakota County, NE:

Justice Benefits, Inc.
A Business Unit of Unificare, Ltd.
Federal Identification Number 75-2795617

Name

John Hennessey

Title
Suite 300
Address:_____

Director of Marketing
2010 Valley View Lane,
Dallas, Texas 75234

ROLL CALL VOTE: Todd- yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Mr. Pat Foust, LEC, updated the Board on the condition of the roof at the Law Enforcement Center. A computer and typewriter were lost due to leaks in the roof during heavy rains.

Mr. Theodore Piepho, County Clerk, appeared before the board for approval of a Digital Recording System which would be used to record the Board of Commissioner and Board of Equalizations minutes. Mr. Piepho estimated that it would cost \$3,200 to replace the present recorder and a new digital recording system would cost approximately \$3,000 for the necessary software and microphones, and \$1800 for a computer. Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the purchase of a \$5,000 digital recording system to be used during Board of Commissioner and Board of Equalization meetings.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- yea.
UNANIMOUS MOTION CARRIED.

Mr. Frederick Pinkelman, Cedar County Commissioner, appeared before the Board with questions about moving from a three-member board to a five member Board of

Commissioners at Cedar County. Mr. Pinkelman was interested in the duties and salaries of Dakota County's road foreman, administrative assistant, and commissioners in general.

The Cooperative Agreement for Child Support Enforcement Services with the Clerk of District Court was tabled for County Attorney approval.

Commissioner Denker moved, seconded by Commissioner Hartnett to accept and sign the annual Inter-Local Cooperation Agreement for Enhanced (E911) Emergency Telephone Service, for a period of one year as follows:

INTER-LOCAL COOPERATION AGREEMENT
ENHANCED (E911) EMERGENCY TELEPHONE SERVICE

Pursuant to Neb. Rev. Stat., Chap. 13, Art. 8, this Inter-local Cooperation Agreement is entered into by, between, and among the County of Dakota, the City of South Sioux City, the City of Dakota City, the Village of Emerson, the Village of Homer, the Village of Hubbard, the Village of Jackson, the Emerson Rural Fire District, the Homer Rural Fire District, Dakota-Covington Rural Fire District, and all applicable subdivisions of the State of Nebraska this 10th day of June, 2002.

1. Duration: This agreement shall continue for a period of one (1) year expiring June 1, 2003.

2. Separate Legal or Administrative Entity; Delegation. The administration of this agreement is delegated to the Dakota County Board of Commissioners or their appropriate designee or such individual or entity as they may properly designate.

3. Purpose. The purpose of this agreement is to provide for a 911 emergency telephone communications system for the territory consisting of the telephone exchange boundaries of South Sioux City, Dakota City, Homer, Emerson, Jackson, and Hubbard, all of which are located within the jurisdictional boundaries of the parties hereto.

4. Manner of financing and maintaining a Budget. Each party shall continue to impose a one dollar (\$1.00) per line per month surcharge upon all telephone lines within each party's jurisdiction, pursuant to Neb. Rev. Statute. 86-1003 and 86-1006. The Dakota County Board of Commissioners or their appropriate designee shall administer said 911 emergency telephone communications Systems; shall establish and maintain a budget therefore; shall establish and maintain rules and regulation for the operation thereof; and shall acquire, hold, and dispose of real and personal property used in this undertaking solely in its name.

5. Termination. This agreement shall remain in effect and be in force until June 1, 2003. Termination prior to that time shall require the mutual consent of all parties.

6. Administrator. The Dakota County Board of Commissioners or their appropriate designee is hereby appointed administrator for this cooperative undertaking.

7. A Manner of Disposing of Property. It is understood and agreed that all property will be acquired in the name of the Dakota County Board of Commissioners or their appropriate designee. Property shall be disposed of in accordance with the laws and rules applicable to said Department. Proceeds of any such disposal shall be and remain the property of said Department.

Dated this 10th day of June, 2002.

ATTEST:
County Clerk

County of Dakota
Board Chair

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to transfer Dakota County Abandoned Vehicle Titles: #02155700025 on a 1987 Chevrolet Cavalier bearing the serial number 1G1JE1111HJ105308 and #02155700024 on a 1979 Chevrolet Monte Carlo bearing the serial number 1Z37M9K536360, to C&H Truck Sales for consideration of the storage and towing charges due against the said vehicles.
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- yea, Bobier- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Budget meetings with department heads were set for June 25, 2002 starting at 9:00 a.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the payroll claims submitted by the County Clerk for payment as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$13,673.36, Road Employees Net Pay- \$9,559.09, Employer deductions paid: Retirement- 718.95, Unicare- 2,356.64, Unicare Dental- 149.89, Unicare Life- 56.11, Social Security Tax- 796.77, Medicare- 186.35, Principal Mutual- 141.02.

Joel Broekemeier- 934.40, Randall Crombie- 1,079.20, Ronald Harder- 1,070.00, Walter Heinemann- 1,079.20, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Adam Krause- 720.38, Kimon Litras- 1,104.90, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 969.83.

ROAD FUND: Employee withholding paid to: Federal- 1,063.79, State- 345.19, Social Security- 796.77, Medicare- 186.35, Retirement- 479.36, Unicare- 639.48, Unicare Dental- 59.40, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$65,619.84, General Fund Employees Net Pay- \$44,363.12, Employer deductions paid: Retirement- 3,470.13, Unicare- 11,420.64, Unicare Dental- 726.39, Unicare Life- 276.13, Social Security Tax- 3,894.14, Medicare- 910.69.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Karilyn Watkins- 101.58, Marisol Curiel- 564.40, Bobbi Jo Harsma- 816.00, Theodore Piepho- 1,340.00, Cynthia Purucker- 415.65, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Kimberly Kuehl- 514.08, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Ryan Jensen- 504.00, Franklin Morse- 24.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,328.48, Allen Burns Jr- 1,426.00, Linda Carson- 1,093.18, Melvin Harrison III- 1,066.88, Rodney Herron- 1,710.94, Jared Junge- 1,583.68, Gary Powell- 1,584.12, Gayle Richards- 660.00, James Roberts- 1,284.32, William Thompson- 1,425.57, James Wagner- 1,676.00, Randall Walsh- 1,251.78, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 760.00, Timothy Maher- 1,403.85, Anthony Bos- 861.32, Rebecca Broer- 1,104.00, Carol Cox- 958.13, Leonard Cunningham- 963.38, Michael Gregerson Jr.- 984.38, Alma Gunderson- 1,030.54, Todd Hammer- 994.42, Paula Harrigfeld- 57.75, Brandi McManigal- 392.00, Kevin Rohde- 989.04, Linda Schovanec- 946.76, Cory Schultz- 864.80, Margaret Stingley- 704.41, Brenda Tanner- 997.51, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00,

Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 934.22, Dr. David Grote- 100.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 786.73.

GENERAL FUND: Employee withholding paid to: Federal- 5,886.79, State- 1,957.02, Social Security Tax- 3,894.14, Medicare- 910.69, Retirement- 2,313.45, Unicare- 1,797.49, Unicare Dental- 344.86, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 1,296.27, Aflac Health- 436.54, Aflac Life/Dsbl- 83.25, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 1,095.41, Cops Fast Employee Net Pay- 783.33, Employer deductions paid: Retirement- 65.72, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 67.92, Medicare- 15.88, Brad Claypool- 1,095.41.

COPS FAST GRANT: Employee withholding paid to: Federal- 141.10, State- 43.36, Social Security- 67.92, Medicare- 15.88, Retirement- 43.82.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

ROLL CALL VOTE: Engel- Yea, Todd- yea, Bobier- Yea, Denker- Yea, Hartnett- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Executive Session to discuss matters concerning Union Negotiations.

ROLL CALL VOTE: Todd- yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED at 4:20 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene in open session.

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- yea. UNANIMOUS MOTION CARRIED at 4:30 p.m.

Chair Engel adjourned their meeting at 4:37 p.m.

ATTEST

Joan Spencer, Deputy County Clerk

William Engel, Chair

COUNTY BOARD OF COMMISSIONERS
JUNE 17, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 10:05 a.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Bobier and Engel. Absent were Commissioners Todd and Hartnett. Laura Resar was present and acting secretary.

The Board of Commissioners reviewed the accounts payable claims submitted.

Chair Engel recessed the meeting for lunch at 11:38 a.m.

The Board reconvened from break at 1:30 p.m. with the same members present as the morning session. Joan Spencer, Deputy County Clerk, acted as secretary for the afternoon session.

Commissioner Bobier moved, seconded by Commissioner Denker to approve new members Gloria Oorlog, Chris Rich and Pat Anderson to the Convention and Tourism Board and accept the proposed budget with a projected income of \$71,500.00 and expenses of \$71,493.33 as presented by Donna Goodier.

ROLL CALL VOTE: Denker- Yea, Bobier- Yea, Engel- Yea, Hartnett- Absent, Todd- Absent. UNANIMOUS MOTION CARRIED.

Pat Foust, Director, Law Enforcement Center, informed the Board that he will start working this week on his new budget. There will be some equipment purchases yet on this year's budget.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the following Cooperative Agreement for Child Support Enforcement Services/Clerk of the District Court:

COOPERATIVE AGREEMENT
FOR CHILD SUPPORT ENFORCEMENT
(CLERK OF THE DISTRICT COURT)

This agreement is made and entered into by and between the Nebraska Department of Health and Human Services including the Child Support Enforcement Unit of said Department (hereinafter referred to as "DEPARTMENT"), and the County Board of Commissioners or Supervisors and the Clerk of the District Court of County, Nebraska (hereinafter referred to as "COUNTY").

WITNESSETH:

WHEREAS, the DEPARTMENT, pursuant to Title IV-D of the United States Social Security Act (42 U.S.C. 651 et seq.) and pursuant to Neb. Rev. Stat §§ 43-512 to 43-512.08 has been authorized to develop and implement a program to establish paternity and secure support for children receiving Aid to Dependent Children (ADC)/(Temporary Assistance to Needy Families - TANF) benefits, and for non-ADC (TANF) applicants; and,

WHEREAS, it is the purpose of this Agreement to provide, through the resources and professional ability of the COUNTY, assistance in administering Nebraska's State Plan for Child Support Collection and the Establishment of Paternity under Title IV-D of the Social Security Act, as filed with the United States Department of Health and Human Services under the provision of 45 CFR 302;

NOW THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the DEPARTMENT and COUNTY agree as follows:

A. DEFINITIONS

1. "ADC (TANF) IV-D Case" shall mean a case with an absent parent whose child(ren) is eligible under Title IV-A of the Social Security Act pursuant to 45 CFR 232.11 and Nebraska Revised Statutes, Section 43-512.07. This includes foster care cases where a child is receiving foster care maintenance payments.

2. "Non-ADC (TANF) Case" shall mean a case where a relative, lawful custodian, guardian or next friend has made application for IV-D services under 45 CFR 302.33, or where the child(ren) of an absent parent has stopped receiving ADC (TANF) payments, or is currently receiving Medicaid services only.

3. "IV-D Case" shall mean any case receiving child support enforcement services under Title IV-D of the Social Security Act.

4. "State Debt" shall be computed as: the DEPARTMENT's unreimbursed assistance or the total court ordered delinquency as of the effective date of the partial termination of assignment, whichever is less. In foster care cases "State Debt" shall be computed as the DEPARTMENT's unreimbursed assistance or the amount of child support due for any months during which payments, aid or assistance was made, whichever is less.

5. "IV-D judgment" shall include child support, spousal support, state ward, grant reimbursement, medical reimbursement, genetic testing and medical support.

6. "Delinquency" shall include principal and interest.

B. SCOPE OF SERVICES

1. All services to be provided shall be in accordance with and pursuant to the Revised Statutes of Nebraska and subject to reimbursement in accordance with the provisions of the United States Code, the Code of Federal Regulations, and the Revised Statutes of Nebraska. In providing services, the COUNTY agrees to abide by regulations published in Title 466 of the Nebraska Administrative Code (NAC) which relate to the processing of cases and claims for reimbursement, so long as such regulations are consistent with statutory obligations of said COUNTY, and the provisions of the Agreement.

2. The services to be provided by the Clerk of the District Court pursuant to this Agreement shall include, but are not limited to, the following:

a. The Clerk of the District Court shall submit (electronically or by paper) collections due to the State on a daily basis.

b. The Clerk of the District Court shall electronically transmit information regarding all support court orders. The DEPARTMENT must be notified of all changes in the court orders on a daily basis.

c. The Clerk of the District Court shall accept notices of assignments and partial and final termination of assignments from the DEPARTMENT by any of the following: first class U.S. Postal Service, fax and/or electronic means.

d. In processing child support payments, the Clerk of the District Court shall follow the business processes specified in the current version of the Clerk of the District Court

Reference Guide provided by the DEPARTMENT.

e. The Clerk of the District Court shall accept support payments that are designated by a court order as "targeted payments", in accordance with 466 NAC 11-002. The Clerk of the District Court shall forward any such payment to CSE Finance, accompanied by a copy of the appropriate order of the court. The Clerk of the District Court shall identify the funds as a targeted payment, in accordance with 466 NAC 11-002, if appropriate, and indicate the language in the order specifying the court's direction to CSE Finance regarding the distribution of the funds.

f. The Clerk of the District Court shall accept occasional cash support payments, as ordered by the court pursuant to Neb. Rev. Stat. § 42-369(1). The Clerk of the District Court shall receive cash payments, convert the funds to a

check, and forward the check and any supporting documentation to the Payment Center. If the court has ordered that the payment is to be processed as a "targeted payment", in accordance with 466 NAC 11-002, the Clerk of the District Court shall forward the check and supporting documentation to CSE Finance.

g. The Clerk of the District Court shall also undertake from time to time such additional responsibilities as may be established by the statutes of the State, by State or Federal Regulations and by policies and procedures as set forth by the DEPARTMENT upon the same priority and discretion as established in Paragraph B 1 above.

C. RESPONSIBILITIES OF THE DEPARTMENT

The DEPARTMENT is responsible for administration of the program and retains authority for setting standards and interpreting performance under the terms of this Cooperative Agreement. The DEPARTMENT will work cooperatively with the COUNTY in monitoring performance.

The DEPARTMENT shall:

1. Notify the Clerk of the District Court of assignments and partial and final termination of assignments of support payments in Nebraska ADC (TANF) cases and of termination of such assignments. The DEPARTMENT will distribute the support payments according to 45 CFR 302.51.
2. Make available and update all applicable State and federal laws and regulations pertaining to services provided under this Agreement.
3. Provide technical assistance, training and advice to the COUNTY in support of the activities to be performed under this Agreement.
4. Provide reimbursement for services, as hereinafter set forth.

D. REIMBURSEMENT OF COUNTY EXPENSES

1. This contract/agreement must be signed and filed with the DEPARTMENT by August 31, 2002.
2. Reimbursement to Clerks of the District Court offices is based on a percentage of time allocable to the Title IV-D program. Time allocation will be determined through the analysis of data in the use of automated systems.
3. The Clerk of the District Court must complete a quarterly billing document, to include all direct personnel services (salaries, benefits) and any operating expenditure (postage, travel, training, etc.) associated with the administration of the office. The DEPARTMENT shall apply the percentage of Title IV-D time allocable against the quarterly expenditures claimed by the Clerk of the District Court for reimbursement.
 - a. Allowable costs also include travel expenses for training directly related to child support enforcement. Reimbursement for travel expenses will be subject to the limitations set by the State for DEPARTMENT employees.
 - b. Salaries and benefits claimed must reflect expenditures for which time records have been maintained.
 - c. Documentation of expenditures shall be maintained for all direct expenses claimed for reimbursement. A copy of this documentation shall be attached to the expenditure report.
4. The COUNTY agrees to repay the DEPARTMENT for any overpayment or claim that is later disallowed by the Federal Government. Repayment will be in the form of reduction of future reimbursement.

5. The above reimbursement plans will be subject to annual reviews or possible modification as required by Federal Law.

6. The DEPARTMENT reserves the right to defer or disallow payment of any claim submitted by the COUNTY in which any of the following apply:

a. The DEPARTMENT requires additional justification or documentation for any expenditure included on the quarterly claim.

b. Failure to maintain and/or provide such records, statistics, and reports to the DEPARTMENT as required by this Agreement or as are required by applicable statutes, the State Plan and Manual, or the regulations of the Federal Government.

7. The DEPARTMENT will reimburse expenditures by the COUNTY for activities related to IV-D child support enforcement at the current federal financial participation rate.

8. The COUNTY will be reimbursed by the DEPARTMENT for the federal share of indirect expenses incurred and supported by a current cost allocation plan submitted to and approved by the DEPARTMENT. The DEPARTMENT reserves the right to limit reimbursement of indirect expenses.

9. Prior written approval shall be obtained from the DEPARTMENT for the purchase, lease or rental (when State or Title IV-D federal matching funds are used) of equipment and other personal property, with a unit cost of five hundred dollars (\$500) or more. The COUNTY shall maintain an inventory of such items. A copy of said inventory shall be provided to the DEPARTMENT on an annual basis to be received with the reimbursement claim for the quarter ending September 30. If the inventory is not received within forty-five (45) days after the end of the quarter with the reimbursement request, there will be no reimbursement of expenses. The inventory should be mailed to:

Child Support Enforcement Finance Division
Nebraska Health & Human Services System
West Campus Bldg. #14, 2nd Floor
P.O. Box 94728
Lincoln, NE 68509-4728

10. Reimbursement by the DEPARTMENT to the COUNTY shall be on a quarterly basis. The COUNTY shall submit all quarterly claims within forty-five (45) days after the end of the quarter for which reimbursement is being claimed. The DEPARTMENT, shall pay approved claims within sixty (60) days of the date on which the COUNTY submits an approved claim for reimbursement. If claims are not received within forty-five (45) days after the end of the quarter for which reimbursement is being claimed, there will be no reimbursement of expenses. Claims received within the above time line may be revised up to eighteen (18) months after the quarter ending date.

11. The federal share of the residual value of all equipment and other personal property (indicated in item #9 above) purchased by the COUNTY under the terms of this Cooperative Agreement shall revert to the DEPARTMENT upon disposal of the property, cancellation or termination of this Cooperative Agreement. At the option of the COUNTY, the federal share of the residual value (based on a depreciation schedule acceptable to the DEPARTMENT) will be paid to the DEPARTMENT, or title and physical possession of said equipment or other personal property will be transferred to the DEPARTMENT.

Any computer, printer and/or other equipment that is provided by the DEPARTMENT, shall remain the property of the DEPARTMENT.

F. REPORTS

The COUNTY must file program reports using forms and automated processes established by the DEPARTMENT. The COUNTY shall have the right to review and propose alternations or substitutions in State forms or reporting processes. In all cases, the DEPARTMENT has the right to require reporting in formats and processes compatible with its needs.

G. RECORDS

The COUNTY shall maintain such records as are deemed necessary for accounting purposes in accordance with the statutes of the State of Nebraska and the budget act contained therein. The parties declare that such a budget act will establish the proper accounting requirements for the activities under this Agreement. Such accounting record shall be available from time to time for inspection by the DEPARTMENT, its auditors or authorized representatives of the U.S. Department of Health and Human Services. Such records shall also be kept for at least four (4) years beyond the date of origination. IV-D case files shall be available for inspection by the DEPARTMENT, State or Federal staff. Federal procedures may require that the COUNTY make copies of materials and send them to the DEPARTMENT for transmittal to Federal audit staff.

Audits are to be conducted in accordance with the Office of Management and Budget (OMB) Circular A-128. A Child Support Enforcement Supplemental Internal Control Questionnaire for cash handling and accounting for child support collections is to be completed as part of the audit and submitted to the Nebraska Department of Health and Human Services, Finance and Support, P.O. Box 95026, Lincoln, NE 68508-5026.

H. UNAVAILABILITY OF FUNDING

Due to unanticipated future reductions in State and/or Federal appropriations, the DEPARTMENT cannot guarantee the continued availability of funding for this Agreement, notwithstanding the considerations stated above. In the event funds to finance this Agreement become unavailable, either in full or in part, the DEPARTMENT may terminate the Agreement or reduce the consideration upon notice in writing to the COUNTY. The DEPARTMENT shall be the final authority as to the availability of funds.

The effective date of such Agreement termination or reduction in consideration shall be specified in the notice as to the date of service of said notice or the actual effective date of the federal funding reduction, whichever is later. Provided, that reductions shall not apply to payments made for services satisfactorily completed prior to said effective date. In the event of a reduction in consideration, the COUNTY may cancel this Agreement as of the effective date of the proposed reduction upon the provision of advance written notice to the DEPARTMENT.

I. NON-DISCRIMINATION

The COUNTY agrees to comply fully with Title VI of the Civil Rights Act of 1964, as amended; the Rehabilitation Act of 1973, Public Law 93-112, as amended; the Americans with Disabilities Act of 1990, Public Law 101-336; and the Nebraska Fair Employment Practice Act, as amended, in that there shall be no

discrimination against any employee who is employed in the performance of this Agreement, or against any applicant for such employment, because of age, color, national origin, ancestry, race, religion, creed, disability, sex or marital status. This provision shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The COUNTY agrees that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the COUNTY. The COUNTY further agrees to insert similar provisions in all sub-contracts for services allowed under this Agreement.

J. LOBBYING

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the COUNTY, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement.

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the COUNTY shall complete and submit Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

K. RENEWAL, MODIFICATION AND TERMINATION OF AGREEMENT

This Agreement commences June 1, 2002, and terminates on June 30, 2004.

Federal and state statute and IV-D rule changes that result in modification to this Agreement shall be incorporated automatically. The DEPARTMENT shall keep the COUNTY informed of all changes that materially affect this Agreement. Advance notice will be given prior to implementation of rule changes that might affect this Agreement.

This Agreement may be amended at any time in writing upon the agreement of both parties.

This Agreement contains options to renew upon the same terms and conditions for two (2) additional two (2) year periods. Exercise of the renewal options will be solely at the discretion of the DEPARTMENT.

L. CORRECTIVE ACTION

The DEPARTMENT will take corrective action should the COUNTY fail to follow federal or state laws, the Agreement itself, or fail to meet required performance standards.

The DEPARTMENT shall send written notification to the COUNTY identifying the violation and requesting a corrective action plan. The COUNTY shall send the corrective action plan to the DEPARTMENT within thirty (30) days of receiving the request.

The COUNTY will be given a period of three (3) to twelve (12) months to correct any program, performance, or operating deficiencies, depending on the extent and nature of the deficiency. Corrective action may include reduction of future reimbursements.

M. RULES

The COUNTY agrees to comply with Title IV-D, implementing regulations, and any other applicable federal regulations and requirements. As provided in Section C.2. of this Agreement, the DEPARTMENT agrees to provide the COUNTY with copies or updates of all applicable state laws, regulations and requirements.

N. DRUG-FREE WORKPLACE

The COUNTY hereby assures the DEPARTMENT that it will operate a drug-free workplace and has implemented a drug-free workplace policy. A copy of the COUNTY's policy is attached.

O. WORKERS' COMPENSATION

If the COUNTY has employees involved in the carrying out of this Contract, the COUNTY shall certify that it has obtained a policy providing coverage under the Nebraska Workers' Compensation Act for its employees or will obtain proof of such coverage within 30 days after the commencement of this Contract and shall provide the DEPARTMENT with proof of such coverage. A copy of the certificate of coverage is or shall be attached to this Contract. If the COUNTY subcontracts for certain of the work involved in this Contract and has obtained approval for such subcontracting, it shall insure that the subcontractor has obtained workers' compensation insurance and will file proof of such insurance with the COUNTY. Subcontractors are subject to all terms and conditions recited herein.

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

BY:
Dated this ____ day of _____, 2002
Ron Ross, Director

FOR THE COUNTY OF:

By _____
2002
Chairman, County Board of
Supervisors or Commissioners

Dated this ____ day of _____,

By _____
2002
Clerk of the District Court

Dated this ____ day of _____,

Federal Taxpayer Identification Number

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Hartnett- Absent, Todd- Absent, Denker- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the minutes of June 10, 2002, as presented.

ROLL CALL VOTE: Engel- Yea, Hartnett- Absent, Todd- Absent, Denker- Yea, Bobier- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the following Resolutions for Budget Changes:

RESOLUTION 02C-10

WHEREAS, Legal Services will exceed its budget with the payment of June, 2002, Accounts Payable claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the Public Defender Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Public Defender Budget of the General Fund to be utilized for the payment of the over expended budget of the Legal Services and that said budget be increased by \$12,000 to \$200,396 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the Public Defender Budget be reduced by \$12,000.00 to \$128,161.66 for fiscal year 2001-2002.

Passed and adopted this 17th day of June, 2002.

/s/ William Engel, Chair

/s/ Theodore Piepho, County Clerk

RESOLUTION 02C-11

WHEREAS, the County Attorney will exceed its budget with the payment of June, 2002, Accounts Payable and Payroll claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the Public Defender Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Public Defender Budget of the General Fund to be utilized for the payment of the over expended budget of the County Attorney and that said budget be increased by \$5,000 to \$311,315.20 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the Public Defender Budget be reduced by \$5,000.00 to \$123,161.66 for fiscal year 2001-2002. This is in addition to Resolutions 02C-10.

Passed and adopted this 17th day of June, 2002.

/s/ William Engel, Chair

/s/ Theodore Piepho, County Clerk

RESOLUTION 02C-12

WHEREAS, the County Jail (Prisoners Boarding) will exceed its budget with the payment of June, 2002, Accounts Payable claims and Payroll claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the County Sheriff Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the County Sheriff Budget of the General Fund to be utilized for the payment of the over expended budget of the County Jail and that said budget be increased by \$20,000 to \$663,99.88 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the County Sheriff Budget be reduced by \$20,000.00 to \$703,339.80 for fiscal year 2001-2002.

Passed and adopted this 17th day of June, 2002.

/s/ William Engel, Chair

/s/ Theodore Piepho, County Clerk

RESOLUTION 02C-13

WHEREAS, the Child Support Budget will exceed its budget with the payment of June, 2002, Accounts Payable claims and Payroll claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the Clerk of District Court Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Clerk of District Court Budget of the General Fund to be utilized for the payment of the over expended budget of the Child Support Budget and that said budget be increased by \$500.00 to \$32,442.98 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the Clerk of District Court Budget be reduced by \$500.00 to \$119,809.03 for fiscal year 2001-2002.

Passed and adopted this 17th day of June, 2002.

/s/ William Engel, Chair

/s/ Theodore Piepho, County Clerk

RESOLUTION 02C-14

WHEREAS, the Jail Budget will exceed its budget with the payment of June, 2002, Accounts Payable claims and Payroll claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the Miscellaneous General Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Miscellaneous General Budget of the General Fund to be utilized for the payment of the over expended budget of the

Jail Budget and that said budget be increased by \$60,000 to \$723,992.88 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the Miscellaneous General Budget be reduced by \$60,000.00 to \$245,767.66 for fiscal year 2001-2002.

Passed and adopted this 17th day of June, 2002.

/s/ William Engel, Chair

/s/ Theodore Piepho, County Clerk

RESOLUTION 02C-15

WHEREAS, the Jail Budget will exceed its budget with the payment of June, 2002, Accounts Payable claims and Payroll claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the Health Department Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Health Department of the General Fund to be utilized for the payment of the over expended budget of the Jail Budget and that said budget be increased by \$25,000 to \$748,992.88 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the Health Department Budget be reduced by \$25,000.00 to \$114,914.96 for fiscal year 2001-2002.

Passed and adopted this 17th day of June, 2002.

/s/ William Engel, Chair

/s/ Theodore Piepho, County Clerk

ROLL CALL VOTE: Hartnett- Absent, Todd- Absent, Denker- Yea, Bobier- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED.

Those in attendance for the Foundry Road Gate discussion were: Sandra Ehrich, attorney for Viola Greene, Doug Garwood, Viola Greene, Bob Hegdahl, Hatfield Farm Management Company, Roger Monk and Doug Goddard.

Ms. Ehrich said the Foundry Road is a city/county area road. Viola Greene has also attended a South Sioux City Council meeting regarding the build up for the bike path changing the dynamics of the area and causing excessive run off from rains resulting in her crops being drowned out. She is also getting run off from 29th and 24th streets. She also expressed her wish that a gate not be put up as it would restrict access.

It was the consensus of the group that no gate be erected on the Foundry Road.

Ms. Greene would like the county to use their equipment to dig out the ditches for better water flow. The city would burn any trees that needed to be removed.

Doug Goddard stated that there was illegal dumping and trespassing on his land. He also stated that he would like a sharp grade made on the ditches dug out by the county to prevent trespassers from using them as access. Commissioner Bobier thought there were regulations on how steep the grade could be cut.

The Board of Commissioners will have Arnie Mellick, Road Foreman, call Sandra Ehrich regarding the ditches to be dug out.

Commissioner Denker moved, seconded by Commissioner Bobier to accept the Officials Reports for fees earned and collected in May, 2002, from the County Clerk, Register of Deeds and Clerk of the District Court.

ROLL CALL VOTE: Todd- Absent, Denker- Yea, Bobier- Yea, Engel- Yea, Hartnett- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier, to convene into Executive Session regarding pending litigation.

ROLL CALL VOTE: Denker- Yea, Bobier- Yea, Engel- Yea, Hartnett- Absent, Todd- Absent. UNANIMOUS MOTION CARRIED at 2:40 p.m.

Commissioner Denker moved, seconded by Commissioner Bobier to reconvene in open session.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Hartnett- Absent, Todd- Absent, Denker- Yea. UNANIMOUS MOTION CARRIED at 3:07 p.m.

Theodore Piepho, County Clerk, was in attendance and acting as secretary for the Board.

The Board discussed the Juvenile Detention Center.

Commissioner Bobier moved, seconded by Commissioner Denker, to approve the following accounts payable claims:

GENERAL FUND: Gifford & Associates, computer repair- 252.50; Perkins, supplies/printer/stand- 2168.95; S Sioux City Star, notices- 118.67; Nanci Walsh, mileage- 13.29; Color Optic Literature Display, display case- 229.94; Des Moines Stamp Mfg, stamp- 30.85; MIS, record scanning- 1365.28; Perkins, supplies- 85.76; Ted Piepho, mileage/reimburse recorder- 2811.87; Radio Shack, microphone- 65.71; Sioux City Wintronics, network cable- 104.25; S Sioux City Star, ad- 86.63; Robert Giese, mileage- 73.00; Charlotte Doenhoefer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Phillips Printing, supplies- 225.00; Dugan Printing, forms- 914.70; General Business, office equipment- 5061.78; Staples, supplies- 113.93; Redfield & CO, supplies- 328.29; NE Information Management Services, data service- 27.00; Office Systems, service contract- 359.80; Bear Graphics, paper- 293.35; Des Moines Stamp Mfg, stamp- 26.75; Elections Systems & Software, software- 2719.59; MIPS, monthly support- 56.86; MIS, scanner payoff- 5624.00; S Sioux City Star, sample ballot notice- 2742.00; Bean Electric, computer wiring- 200.00; Marico, cleaning- 14.00; Holiday Inn Midtown, lodging- 64.95; S Sioux City Star, balance due- .79- Lynette Beermann, mileage/supplies- 354.00; Holiday Inn, lodging- 211.50; Perkins, supplies- 73.43; ProMicro Systems, microfilming- 3986.60; Redfield & Co, indexes/binders- 442.54; Mark Roost, install/hook up computers- 300.00; Thurston County Court, supplies- 14.86; Cellular One, phone- 27.32; Scott Dugan, mileage/lodging- 306.24; Frank Gonzalez, interpreting- 160.00; Omaha World Herald, attorney ads- 524.45; Perkins, supplies- 126.16; Sioux City Journal, attorney ads- 66.60; William Binkard, attorney fees- 1398.75; Clerk of District Court, court costs- 907.00; Coffee King, jury coffee- 39.92; Frank Gonzalez, interpreting- 40.00; Randy Hisey, attorney fees- 2328.00; Hurley Law Office, attorney fees- 3630.00; Hy Vee, jury supplies- 134.27; Lexis Nexis, law materials- 1541.07; Douglas Luebe Law Office, attorney fees- 1003.70; Minnehaha County Sheriff, return fees- 1.20; Ellen Rohde, baliff fees- 75.00; Michael Schmiedt, attorney fees- 465.00; West Group, law materials- 2055.73; Woodbury County Sheriff, return fees- 33.70; Dakota County Sheriff, papers/warrants-

2585.41; Kurt Bornholtz, witness fees- 27.30; Dakota County Court, court costs- 185.25; Sandra Inkster Ehrich, attorney fees- 360.00; Matt Fiedler, witness fees- 21.09; Shelly Horak, attorney fees- 96.00; Stuart Mills, attorney fees- 660.00; Richard Thramer, attorney fees- 967.20; Patrick Tott, attorney fees- 1029.00; Lori Ubbinga, attorney fees- 1560.00; Clerk of District Court, mileage- 47.12; Bean Electric, service a/c- 443.68; Bomgaars, supplies- 145.28; Cellular One, phone- 22.12; Dakota Food & Fuel, mower gas- 13.74; Foulk Bros., replace sink- 1086.35; Gill Hauling, dumpster- 120.00; W W Grainger, supplies- 44.45; Rick Jensen, mileage- 154.43; Maintenance Engineering, bulbs- 744.33; Menards, supplies- 282.43; Mid American Energy, utilities- 857.70; Nebraska Public Power District, utilities- 2103.44; Qwest, phone- 42.28; Sam's Club, supplies- 105.00; Share, supplies- 157.31; Superior Wholesale, supplies- 183.80; Trembly Pest Control, monthly fee- 50.00; Walmart, tools- 49.96; Dakota County Extension, mileage/supplies/copier rental- 3737.20; Cellular One, phone- 220.22; City of S Sioux City, phones/copies- 141.02; Circle S, fuel- 1638.64; Cyrstal Oil, fuel- 222.87; Dakota County Sheriff, postage/training- 42.08; Executive Copy, toner- 207.00; Harold's Photo, film processing- 22.05; Amy Hueser, interpreting- 110.00; Jackson Glass, windshield- 261.52; Jack's Uniforms, uniform upkeep- 486.05; Jim's Service, service/tires- 222.68; National Sheriff's Association, membership- 100.00; NLETC, tests- 15.00; Postmaster, envelopes- 478.00; RACOM, phone line- 596.50; USPCA, training- 40.00; Vera Salas, interpreting- 50.00; Sofia Sanchez, interpreting- 20.00; Siouxland Humane Society, animal control- 31.00; Alicia Solis, interpreting- 40.00; Siouxland Federal Credit Union, training/fuel charges- 332.73; Tri State Communications, radio repair- 37.50; Ace Inc, computer- 1030.79; Advanced Network Source, computer repair- 63.60; Cellular One, phone- 75.26; Des Moines Stamp Mfg, stamp- 27.85; Debra Fergen, mileage- 231.80; H2O4U, water cooler- 21.00; Amber Hegarty, meals/calls- 37.75; Iowa Office Supply, copier contract/supplies- 116.94; Denise Kotalik, mileage- 18.60; Timothy Maher, meals- 230.85; Nebraska County Attorney Assoc., dues/training seminar- 1695.60; Pathology Medical Services, autopsies & transfer/testimony- 5465.94; Record Printing, envelopes/paper- 327.00; Staples, supplies- 35.80; S Sioux City Star, subscription- 35.00; Wingate Inn, lodging- 744.00; City of S Sioux City, lec operating expenses- 43027.26; Bob Barker, towels- 166.62; Boys & Girls Home, juvenile boarding- 12500.00; Braungers, food- 1472.96; Cedar Co Sheriff, inmate housing- 7640.00; Cellular One, phone- 48.96; Coffee King, jail coffee- 38.25; Dakota Family Dentistry, inmate care- 47.00; Dakota Food & Fuel, fuel- 280.95; Denny's Dakota Super Valu, food- 1291.65; Norma Delao, interpreting- 20.00; Earthgrains Co, bread products- 758.20; Guard-Rite Security, juvenile transport- 711.80; Gary Heath, inmate care- 570.00; Hy Vee, food- 2369.61; J & R Pharmacy, inmate medications- 86.82; Louderback Drug, inmate medications- 31.05; NE Nebraska Juvenile Services, juvenile housing- 2055.00; Redler's Pharmacy, inmate medications- 593.29; Perkins, toner/chairs- 509.64; Prairie Surgical Association, inmate care- 81.50; Quest Diagnostics, lab tests- 670.72; Sam's Club, supplies- 241.07; Sirchie, fingerprint pads- 75.78; S Sioux City Star, subscription- 60.00; St Luke's Health, inmate care- 261.00; Walter Stephens, laundry cart- 195.00; Text & Data Technologies- software- 1500.00; Walmart, supplies/inmate medications- 278.24; XPEDX, supplies- 211.86; Postmaster, stamps/envelopes- 226.00; Dept of Corrections, safekeeping- 51046.35; Mercy Medical, inmate care- 28985.85; Siouxland Radiology Partners, inmate care- 1003.57; Mercy Rehabilitation Clinic, inmate care- 1000.00; NW Iowa Emergency Physicians, inmate care- 330.00; Gifford & Associates, computer repair- 236.79; Nebraska Dept of Roads, laptop computer- 420.00; Alpha Land Surveying, surveying- 2000.00; Sheila Curiel, interpreting- 40.00; Pam DeVries, mileage- 60.95; Dunes Family Medicine, consulting physician- 250.00; Executive Copy Systems, copier contract- 385.00; Pat Glover, mileage- 123.28; Homocue Inc, medical supplies- 61.00; Perkins, supplies- 23.32; Public Health Foundation, s&h- 5.50; Alan Boyd, mileage- 293.83; Cellular One, phone- 82.20; Luken

Memorials, set markers- 200.00; Board of Educational Lands & Funds, lease- 696.40; Aflac/Flex One, service fees- 33.00; AT&T, phone- 19.98; Dakota City Postmaster, box rentals- 430.00; Executive Copy, copier maintenance- 99.38; Lazette Gifford, website upkeep- 40.00; MIPS, monthly support- 261.69; Perkins, fax machine- 750.00; Pitney Bowes, postage meter rental- 95.00; Qwest, phone- 1457.28; SIMPCO, community development- 386.95; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 163.72; Road Fund 300, transfer- 95598.77; Road Improvement Fund 802, transfer- 62512.48.

ROAD FUND: Ace Industrial, tools- 157.94; Aramark, supplies- 240.23; ATCO, supplies- 172.00; Barkley Asphalt, hot mix- 210.00; Kenneth Beermann, haul rock- 879.15; Bodlak Trucking, haul rock- 125.35; Bomgaars, supplies- 3.40; Bridgestone/Firestone, tires- 412.00; Cellular One, phone- 45.34; Ft Calhoun Stone, rock- 660.54; Gill Hauling, dumpster- 40.00; Great Plains International, parts- 58.08; Guarantee Oil, gear lube- 51.20; Higman Sand & Gravel, rock- 16344.39; HME Inc, haul rock- 1680.00; John Howard Trucking, haul rock- 6601.02; H2O4U, water service- 25.75; Hubbard Mini Mart, fuel/prepay- 7504.63; Inland Truck Parts, parts- 810.39; Joe's Dept. Store, parts/supplies- 307.87; Kimball Midwest, supplies- 66.49; Linweld, oxygen tanks- 104.93; Menard's, tools- 19.72; Mercy Business Health, cpr/first aid classes- 185.00; Midwest Equipment, parts/oil- 73.95; Nebraska Public Power, service- 15.93; Iowa Nebraska State Bank, grader payment- 12280.38; Newman Signs, signs- 204.53; Northeast Coop, oil- 819.50; NE Nebraska Public Power, security light- 76.38; Northeast Nebraska Telephone- phone- 167.57; Olson Trucking, haul rock- 130.90; O'Reilly's Auto, parts/supplies- 338.41; Parsons Equipment, rental- 110.00; Piorier Equipment, parts- 29.07; Powerplan, filters- 627.12; Rees Mack Sales & Service, parts- 51.86; Road Machinery Supply, parts/labor- 426.94; Sam's Club, supplies- 37.92; Siouxland Hydraulic, parts- 55.44; S Sioux City Star, notices- 18.62; Stephan's Welding, repairs- 51.00; The Feed Shed, erosion control- 128.75; Town & Country, oil- 6.49; Utility Equipment CO, pipe- 290.00; Warren Oil, fuel- 2241.27; Willers Inc, dba Pilger Sand & Gravel, road rock- 2857.80; Presco Sales & Service, culverts/bands- 4793.42; Midwest Striping, highway striping- 4913.00.

ROAD IMPROVEMENT FUND: JEO Consulting, engineering- 27166.94; NORE Inc, crack seal- 3211.88; S Sioux City Star, bid request- 52.72

POOR RELIEF: Meyer Brothers Colonial Chapel, funeral expense- 1050.00; Nebraska Dept. of Social Services, administrative fees- 60.75

INSTITUTIONS: Beatrice State Development Center, quarterly payment- 2199.00; Norfolk Regional Center, quarterly services- 705.00

COMMUNITY JUSTICE GRANT-PRETRIAL: BI Inc, electronic monitoring- 89.10; Cellular One, phone- 30.30; Dakota County, phone- 89.40; Electronic Engineering, pager- 89.50; Gifford & Associates, computer repair- 60.00; Nicole Sims, mileage/meal- 59.13; Perkins, supplies- 209.29

INHERITANCE TAX: Dakota County Treasurer, transfer to general fund- 100000.00

WEED FUND: Bomgaars, parts- 36.09; Bridgestone/Firestone, tires- 64.74; Crop Production Services, spray equipment repair- 452.69; Hubbard Mini-Mart, fuel- 220.60; Hydraulic Sales & Service, pump- 348.69; Joe's Dept. Store, supplies- 11.03; Northeast Coop, chemical- 2531.33; Nutra-Flo, pump assembly- 15.58; O'Reilly's parts- 144.56; Standard Office Equipment, supplies- 12.62

E911: City of S Sioux City, e911 surcharge- 27907.45; Dakota County Treasurer, general fund transfer- 12077.00

ROLL CALL VOTE: Engel- Yea, Hartnett- Absent, Todd- Absent, Denker- Yea, Bobier- Yea. UNANIMOUS MOTION CARRIED.

Chair Engel adjourned the meeting at 3:25 p.m.

Chair William Engel

ATTEST:

Joan Spencer, Deputy Co Clerk

COUNTY BOARD OF COMMISSIONERS
JUNE 24, 2002, PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the Pledge of Allegiance to the flag. Present were Commissioners Bobier, Todd, Denker, Hartnett and Engel and Joan Spencer, Deputy County Clerk, acting as secretary.

Absent: All Present

Jim Wagner, County Sheriff, informed the Board on the status of the current inmate population and boarding costs. He stated they are at a critical point and urged them to push forward and hire a consultant who will help in the planning of a new jail. He presented the Board with additional project information on DLR Group and Newstrom-Davis Construction Company, the two consultants recommended by the Jail Core Committee. Commissioner Hartnett suggested that the Board get back to the Sheriff's Department with a decision at a later point in the meeting and continue with the agenda item scheduled at 1:30.

Commissioner Hartnett moved, seconded by Commissioner Denker to convene in Executive Session to discuss court action with County Attorney, Robert Finney.
ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED at 1:45 p.m.

Commissioner Hartnett moved, seconded by Commissioner Denker to reconvene in open session.
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED at 2:52 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene as Board of Equalization.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED at 2:53 p.m.

Madelyn Thorsland, State Assessor for Dakota County, submitted the following clerical error for the Board's consideration and asked that they order placement of the corrected value on the 2002 Real Estate tax roll: Parcel ID#220167478 with a current value of \$186,800 and a corrected 2002 value of \$206,800. Also, Ms. Thorsland sought the Board's approval to add property omitted from the 2002 Real Estate Tax Roll on parcel ID#'s 220018405 and 220212732 to reflect the new house value of \$93,725. Commissioner Denker moved, seconded by Commissioner Bobier to approve the value of \$206,800 on parcel ID#220167478 and place the adjusted increase of \$20,000 on the 2002 real estate tax rolls and to add the omitted new house value of \$93,725 on parcel ID#'s 220018405 and 220212732; notice of the evaluation changes will be sent to owners of the said properties.
ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Chair Engel opened the Tax Exempt Status Hearing at 2:55 p.m. to hear testimony in support and/or opposition to removing the tax exempt status from

properties Lot 10, Block 115 and Lot 8, Block 115 in Dakota City and to add the said properties to the tax rolls. Chair Engel asked the audience if anyone was opposed or had comments on the exempt status. No comment was given and Chair Engel closed the hearing at 2:58 p.m. Commissioner Bobier moved, seconded by Commissioner Hartnett to add tax exempt properties Lot 10, Block 115 and Lot 8, Block 115 of Dakota City to the tax rolls and to send owners notification of value.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED at 2:59 p.m.

Brian McDonald, Engineer, JEO Inc, appeared before the Board requesting authorization to advertise for sealed proposals for the construction of "Jackson Southwest" Bridge Project No. 022BR15 and signature on Title Sheet. The bids to construct the 135' Steel Girder Bridge shall be received in the Dakota County Clerk's office by 1:35 p.m. on the 15th day of July, 2002. Commissioner Hartnett moved, seconded by Commissioner Bobier to authorize the advertisement of Invitation to Bid on the "Jackson Southwest" Bridge Project No. 022BR15 and Chair Engel to sign Title Sheet.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Discussion regarding the hiring of a consultant as recommended by the Jail Core Committee resumed. Commissioner Denker recommended delaying action for further research and questions. Chair Engel felt the Jail Core Committee's research was sufficient and that it was very important to move forward with the hiring of a consultant. Commissioner Todd agreed with the importance, but felt for that reason it should not be rushed. Commissioner Denker moved, seconded by Commissioner Hartnett to take action on the hiring of a jail consultant at the next Board of Commissioner meeting.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Abstain, Denker- Yea, Todd- Yea.
MOTION CARRIED.

Mark Dorcey, Register of Deeds, addressed questions the Board raised regarding his request to purchase or lease a document imaging system. The Board discussed the advantages of purchasing versus leasing. Mr. Dorcey outlined the benefits his office would receive in space, labor and supply savings, security, microfilming costs and GIS mapping. Commissioner Bobier moved, seconded by Commissioner Hartnett to lease a digital document imaging system to be used in the Register of Deeds office.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to approve and sign, per County Attorney approval, the clarification amendment to the existing agreement between MAXIMUS, Inc and Dakota County which engages MAXIMUS to prepare cost allocation plans that allow the County to recover indirect costs from certain federally mandated programs.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Pat Foust, LEC Director, explained the Wireless 911 Project to the Board. Commissioner Hartnett moved, seconded by Commissioner Denker to accept the following agreement:

AGREEMENT FOR PROVISION OF WIRELESS ENHANCED 911 INFRASTRUCTURE AND SERVICE

This is an agreement ("Agreement") between DAKOTA COUNTY ("Customer"), and Qwest Corporation ("Qwest"), for the provision of local exchange carrier infrastructure and service to implement wireless enhanced 911 service ("Service"), as defined below. Throughout this Agreement, Customer and Qwest may individually be referred to as "Party" and/or collectively as "Parties". Additionally, it is the intent of the Parties that funding for all the costs associated with this Agreement will be provided by the Enhanced Wireless 911 Fund pursuant to 2001 Laws Neb. 585 ("LB 585").

1. SCOPE.

1.1 Qwest shall provide and Customer shall purchase emergency telephone service whereby the public has the exclusive use of telephone number "911" for universal emergency service. 911 Service is an exchange telecommunications service whereby one or more Public Safety Answering Point (PSAP) locations, designated by Customer, may receive telephone calls dialed to the telephone number 911.

1.2 Wireless E911 network, is a telephone communication service whereby one or more PSAPs designated by the E911 service provider may receive wireless telephone calls dialed to the telephone number 911. E911 service includes network facilities necessary for the answering, transferring, dispatching and forced disconnect of emergency 911 calls originated by persons within the serving area.

2. TERM. This Agreement is effective on the latest signature date and expires Twelve (12) months from the date Service is available to Customer, as evidenced by Qwest records. This Agreement shall automatically renew for additional twelve month terms, unless terminated in writing by either party thirty (30) days prior to the termination of each current term.

3. DEFINITIONS. The definitions listed below are to be applied throughout this Agreement.

Automatic Location Identification "ALI" shall mean a feature by which the address associated with the telephone number is forwarded to the PSAP for display. ALI consists of the name and address of the caller.

ALI Database shall mean the database containing the name, address and responding agencies associated with the number of the telephone used to dial 911. This information is displayed at the PSAP at the time the call is answered.

Automatic Number Identification "ANI" shall mean the telephone number used to route the call to the specific PSAP closest to the caller. ANI is also used to route the call to retrieve location information about the caller from the 911 database.

CellLink shall mean a non-blocking trunk signaling protocol converter. The CellLink accepts the Mobile Switching Center (MSC's) connection using Feature Group 0 (FGD) signaling which includes the wireless subscriber's telephone number and the ESRO or pANI associated with the cell site which handled the 911 call. The CellLink then splits the digital stream and sends the ESRD to the selective routing switch allowing the call to be processed to the PSAP. It simultaneously digitally transmits the wireless subscriber's telephone number

and the ESRD to the ALI delivery system for retrieval by the PSAP via an ANI bid using the ESRD.

Commission shall mean the Public Service Commission as defined and used in LB 585 Section 1 (3).

Emergency Service Routing Digit "ESRD" shall mean the same as PANI below.

Eligible Costs shall mean any and all costs determined by the Commission to be eligible for funding from the Enhanced Wireless 911 Fund pursuant to LB 585.

Enhanced Wireless 911 Fund has the same meaning as defined and used by LB 585 Section 8.

Pseudo Automatic Location Identification "PAL1" shall mean an ALI record associated with a PANI, configured to provide the location of the wireless cell or sector and information about its coverage or serving area (footprint).

Pseudo Automatic Number Identification "PANI" shall mean the telephone number used to support routing of wireless 9-1-1 calls. It may identify a wireless cell, cell sector of PSAP to which the call should be routed. Also known as routing number.

Public Safety Answering Point "PSAP" shall mean the answering location for 911 calls.

Wireless Carriers has the same meaning as defined and used in LB 585 Section 1(13).

Wireless Master Street Address Guide "MSAG" shall mean a database of cell sector and cell site locations within the jurisdiction of a local PSAP. The cell sector / site addresses are assigned a distinct selective routing Emergency Service Routing Digit or Key (ESRD/K) to enable the call to be delivered to the appropriate predetermined PSAP.

4. CHARGES AND BILLING.

4.1 In conformity with "LB 585" Sections 10 and 11, Customer shall apply by written application to the Commission for disbursement of funds from the Enhanced Wireless 911 Fund for all costs associated with this Agreement.

4.2 The Parties anticipate that all costs associated with this Agreement will be eligible costs.

4.3 The charges for Services under this Agreement, including any and all discounts to which Customer may be entitled, will be offered and billed by written application to the Commission for disbursement of funds from the Enhanced Wireless 911 Fund, independently from and regardless of the Customer's purchase of any other customer premises equipment or enhanced services from Qwest.

4.4 In all billings for Customer, Qwest shall specify non-recurring and recurring costs by wireless carrier.

5. PRICE SCHEDULE. The rates and charges contained herein are in addition to any applicable charges rendered by other local exchange carriers in connection with the provisioning of this Service to the E911 provider. Consistent with the terms for payment contained in this Agreement, Customer shall apply by written

application to the Commission, in conformity with Paragraph 4 and LB 585. Customer will then use the funds obtained from the Enhanced Wireless 911 Fund to pay Qwest for the following service costs:

Selective Routing/Automatic Location Identification:

Description	Monthly		Non-recurring	
	USOC	Charges/each	Charges/each	
Transport, per 1,000 subscribers	C9T	\$ 29.89	\$ 62.13	
Feature Functionality, per 1,000 subscribers	E8Z	\$ 72.11	\$1637.87	
Cell Trace, per port	9AN	\$177.55	\$ 439.95	

6. CHANGES. Service terms, conditions, rates and charges are subject to change at any time upon Qwest's providing thirty (30) days written notice to Customer. Such notices shall be automatically incorporated into this Agreement. Service elements added after the signature date of this Agreement will be at the then current applicable Tariff rates without supplementing this Agreement. Qwest's service records shall document such additions and are incorporated herein by reference.

7. CUSTOMER RESPONSIBILITIES.

7.1 The CUSTOMER shall have the responsibility to continue to verify the accuracy of the routing information contained in the MSAG.

7.2 The CUSTOMER shall request, submit on an "as occurred" basis, changes, deletions, and additions (updates) which the CUSTOMER desires to have made in the MSAG.

7.3 CUSTOMER shall make operational tests to determine whether the system is functioning properly for its use. The CUSTOMER shall promptly notify QWEST in the event the system is not functioning properly.

7.4 Where facilities permit, the Customer can request diversification and redundancy of any or all inter-office and/or local facility routers. Additional charges for such Services utilizing the facilities, or the construction and provisioning thereof, will be the responsibility of the provider and will be assessed on an individual case basis.

8. QWEST RESPONSIBILITIES.

8.1 The rates charges for wireless E911 transport Services do not contemplate the inspection or constant monitoring of facilities to discover errors, defects, and malfunctions in the Service, nor does QWEST undertake such responsibility.

8.2 Redundancy/diversity will be provided on circuits whenever possible. Routing of the data circuits to the ALI database will follow the same diversity rules used currently for wireline. Access points located in two different central offices will be used to connect the data circuits to the ALI database.

8.3 Qwest will perform the following functions:

- a) be a single point of contact for wireless carrier's, PSAPs and wireless third party service providers;

- b) generation and maintenance of network inventory;
- c) deliverance of network design recommendations that use existing Customer facilities to their fullest extent;
- d) Service implementation coordination;
- e) coordination of network interconnection;
- f) management of Pseudo Automatic Number Identification ("pANI"), based on Customer's recommended standard and
- g) ongoing maintenance of pANI/pALI information.

9. CellLink™ UPDATE INTERFACES.

9.1 Qwest will provide Customer with all necessary existing and future CellLink™ interfaces including electrical connectivity, protocols, message sets and data content specification provide to detailed interconnection capability. Qwest will maintain and update current CellLink™ interfaces, as industry needs require at no additional costs. Upgrades of interfaces, including expansion to meet Phase II requirements, will be developed by Qwest with a fee billed by written application to the Commission for disbursement of funds from the Enhanced Wireless 911 Fund, which fee shall be negotiated with Customer at the time of delivery based on actual development costs.

9.2 In the event a Customer's customer requires custom development of a specific CellLink™ interface that does not conform with an existing interface, Qwest will develop that interface at a one time fee agreed upon by Customer and approved by written application to the Commission for disbursement of funds from the Enhanced Wireless 911 Fund. Customer would then have the ability to offer that connectivity option to all additional Wireless Customers at no additional development cost. Since additional effort is required to migrate the custom interfaces into newer versions of the SR/ALI platform, Qwest may have additional costs for this development, the scope and amount of which will be negotiated based upon actual development costs with a maximum of one update per year, with all such additional costs being billed by written application to the Commission for disbursement of funds from the Enhanced Wireless 911 Fund.

9.3 It is understood that Customer and Qwest desire to keep the number of CellLink™ interfaces to a minimum. Migration to industry standard protocols and interfaces, when defined, will be a requirement of Customer and Qwest. When standards are published by a recognized entity, time frames will be established to reduce the number of supported interfaces to a mutually agreed upon number.

10. CONFIDENTIALITY. All information associated with Qwest's provision of Service shall be treated as Confidential Information. Prior to any release of Qwest proprietary or Confidential Information to any third parties, or any other information marked as Qwest's proprietary or confidential information related to the provision of Service, Customer will cause such third party to execute a confidentiality agreement with either Customer, naming Qwest as an intended third party beneficiary or with Qwest directly, assuring non-disclosure and/or proper use of Qwest's proprietary and confidential information.

11. CUSTOMER NOTICE REQUIREMENTS.

11.1. For the purposes of calculating applicable charges, Qwest will update the quantity of wireless subscriber access lines served by Customer. Such update will be based upon information supplied by the Customer and will take place on not less than a quarterly basis. The reports of this subsection may be sent by regular United States mail, fax, or other agreed upon medium.

11.2 Customer will provide to Qwest reasonable notice of Customer's intention of or obligation to provide new Service to PSAP. Qwest shall initiate Service

relative to such agreement not later than sixty (60) days after Qwest's receipt of such notice.

12. TERMINATION.

12.1 Since it is the intent of the Parties that funding for all the costs associated with this Agreement will be provided by the Enhanced Wireless 911 Fund, if funding for any of these costs is not so provided, such a funding failure will be a material breach and therefore cause for termination. Upon such a funding failure, either Party may terminate this Agreement by written notice specifying the cause for termination. Such termination shall be effective as of that written notice's date. No termination charges will be allowed for a funding failure termination.

12.2 In all other circumstances, either Party may terminate this Agreement for cause provided written notice specifying the cause for termination and requesting correction within thirty (30) days is given the other Party and such cause is not corrected within that thirty (30) day period. Cause is any material breach of the terms of this Agreement. If Qwest terminates this Agreement for cause or if Customer terminates this Agreement WITHOUT cause, Customer shall pay early termination charges. If termination is prior to installation of Service and after execution of this Agreement, early termination charges shall be those reasonable expenses incurred by Qwest through the date of termination. If Customer disconnects all or part of Service after installation, Customer shall pay a termination charge equal to fifteen percent (15%) of the monthly rate for Service terminated multiplied by the number of months, or portion thereof, remaining in the term of this Agreement; plus the balance of all billed but unpaid recurring and all outstanding non-recurring charges.

12.3 A termination charge will be waived when the Customer discontinues Services and ALL of the following conditions are met: 1) Customer signs a new service agreement for any other Qwest provided service(s). All applicable nonrecurring charges will be assessed for the new service(s); 2) Both the current Service and the new service(s) are provided solely by Qwest; 3) The order to discontinue Service and the order to establish new service(s) are received by Qwest at the same time; 4) The new service(s) installation must be completed within thirty (30) calendar days of the disconnection of Service, unless such installation delay is caused by Qwest; 5) The total value of the new service(s), excluding any special construction charges, is equal to or greater than one hundred fifteen percent (115%) of the remaining value of this Agreement; 6) A new Minimum Service Period, if applicable, will go into effect when the new service(s) agreement term begins; and 7) Customer agrees to pay any previously billed, but unpaid recurring, and any outstanding nonrecurring charges - these charges cannot be included as part of the new service(s) agreement.

12.4. New service is defined as a newly installed subscriber service placed under contract or newly installed additions to an existing subscriber service under contract at the time of the waiver request. Renewals of expiring contracts, renegotiations of existing contracts and conversions from month to month service to contracted service, DO NOT QUALIFY for waiver approval.

12.5 This Agreement shall terminate immediately upon mutual agreement of the Parties to terminate as set forth in writing and executed by both Parties.

13. INTERRUPTIONS TO SERVICE. If Qwest causes an interruption to Service that lasts for more than twenty-four (24) consecutive hours after Customer notifies Qwest of the interruption, an out-of-service credit will be applied to

Customer's bill. The credit shall be based on a thirty (30) day month and shall be calculated by dividing the monthly charge for the portion of Service affected by thirty (30) days; and then multiplying that amount by the number of days, or major fraction thereof, that Service was interrupted.

14. PROVISION OF SERVICE FOR OTHER WIRELESS CARRIERS.

14.1 Following the execution of any and all other wireless services contracts between Customer and various Wireless Carriers (Other(s)), and upon receipt of such contracts, Qwest will respond to each as an order for service and implement and facilitate Service between Customer and the Other.

14.2 Such Service between Customer and the Other(s), shall be automatically incorporated into this Agreement and will be at the then current applicable Tariff rates without supplementing this Agreement.

15. PERSONAL INJURY; PROPERTY DAMAGE. Each Party shall be responsible for any actual physical damages it directly causes to the other in the course of its performance under this Agreement, limited to damages resulting from personal injuries, death, or property damage arising from negligent acts or omissions; PROVIDED HOWEVER, THAT NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, OR SPECIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY LOSS OF USE, LOSS OF BUSINESS., OR LOSS OF PROFIT.

16. LIMITATION OF LIABILITY. QWEST SHALL NOT BE LIABLE TO CUSTOMER FOR ANY INCIDENTAL, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO ANY LOSS OF USE, LOSS OF BUSINESS, OR LOSS OF PROFIT. EXCEPT AS PROVIDED UNDER "PERSONAL INJURY; PROPERTY DAMAGE" ABOVE, ANY QWEST LIABILITY TO CUSTOMER FOR ANY DAMAGES OF ANY KIND UNDER THIS AGREEMENT SHALL NOT EXCEED, IN AMOUNT, A SUM EQUIVALENT TO THE APPLICABLE CREDIT FOR INTERRUPTIONS TO SERVICE UNDER THIS AGREEMENT. REMEDIES UNDER THIS AGREEMENT ARE EXCLUSIVE AND LIMITED TO THOSE EXPRESSLY DESCRIBED IN THIS AGREEMENT. NOTWITHSTANDING THE FOREGOING LIMITATION PROVISION, ANY STATUTORY LIMITATION OF LIABILITY APPLICABLE TO QWEST SHALL APPLY TO THIS TRANSACTION.

17. NO WARRANTIES. THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

18. UNCONTROLLABLE CIRCUMSTANCES. Neither Party shall be deemed in violation of this Agreement if it is prevented from performing any of the obligations under this Agreement by reason of severe weather and storms; earthquakes or other natural occurrences; strikes or other labor unrest; power failures; nuclear or other civil or military emergencies; acts of legislative, judicial, executive or administrative authorities; or any other circumstances which are not within its reasonable control.

19. DISPUTE RESOLUTION.

19.1. Other than those claims over which a regulatory agency has exclusive jurisdiction, all claims, regardless of legal theory, whenever brought and whether between the Parties or between one of the Parties to this Agreement and the employees, agents or affiliated businesses of the other Party, shall be resolved by arbitration. A single arbitrator engaged in the practice of law and knowledgeable about telecommunications law shall conduct the arbitration in accordance with the then current rules of the American Arbitration Association ("AAA").

19.2. All expedited procedures prescribed by the AAA shall apply. The arbitrator's decision shall be final and binding and judgment may be entered in any court having jurisdiction thereof.

19.3. Other than the determination of those claims over which a regulatory agency has exclusive jurisdiction, federal law (including the provisions of the Federal Arbitration Act, 9 U.S.C. Sections 1-16) shall govern and control with respect to any issue relating to the validity of this Agreement to arbitrate and the arbitrability of the claims.

19.4. If any Party files a judicial or administrative action asserting claims subject to arbitration, and another Party successfully stays such action and/or compels arbitration of such claims, the Party filing the action shall pay the other Party's costs and expenses incurred in seeking such stay or compelling arbitration, including reasonable attorney's fees.

20. **LAWFULNESS.** This Agreement and the Parties' actions under this Agreement shall comply with all applicable federal, state, and local laws, rules, regulations, court orders, and governmental agency orders. Any change in rates, charges or regulations mandated by the legally constituted authorities will act as a modification of any contract to that extent without further notice. This Agreement shall be governed by the laws of the state where Service is provided.

21. **SEVERABILITY.** In the event that a court, governmental agency, or regulatory agency with proper jurisdiction determines that this Agreement or a provision of this Agreement is unlawful, this Agreement, or that provision of the Agreement to the extent it is unlawful, shall terminate. If a provision of this Agreement is terminated but the Parties can legally, commercially and practicably continue without the terminated provision, the remainder of this Agreement shall continue in effect.

22. **GENERAL PROVISIONS.**

22.1. Failure or delay by either party to exercise any right, power, or privilege hereunder, will not operate as a waiver hereto.

22.2. This is a retail end user contract. It may be assigned only with the consent of Qwest. Customer may not assign to a reseller or a telecommunications carrier under any circumstances.

22.3. This Agreement benefits Customer and Qwest. There are no third party beneficiaries.

22.4. This Agreement constitutes the entire understanding between Customer and Qwest with respect to Service provided herein and supersedes any prior agreements or understandings.

22.5. Notwithstanding anything to the contrary, Customer may not make any disclosure to any other person or any public announcement or press release regarding this Agreement or any relation between Customer and Qwest, without the prior written consent of the Qwest Senior Vice President of Corporate Communications. Qwest shall have the right to terminate this Agreement and any other agreements between the parties if Customer violates this provision.

22.6 Notices and requests given in connection with this Agreement shall be in writing and deemed given as of the day they are received by

- a) hand delivery;
- b) overnight delivery service; or

c) United States mail, postage prepaid, certified and return receipt requested.

23. EXECUTION. The Parties hereby execute and authorize this Agreement as of the latest date shown below. Notices concerning this Agreement may be sent to Qwest's Customer billing address of record or to Customer's Address for Notices specified herein, if any.

Qwest Corporation

_____		_____	
Authorized Signature		Authorized Signature	
_____		____Kathy Simeno_____	
Name Typed or Printed		Name Typed or Printed	
_____		____Sales Manager_____	
Title		Title	
_____		_____	
Date		Date	

Address for Notices:

Address for Notices:
 1314 DOTM 3rd Floor
 Omaha NE 68102

ATTACHMENT I
 TO THE AGREEMENT FOR
 PROVISIONING OF WIRELESS ENHANCED 911 INFRASTRUCTURE AND SERVICE BETWEEN
 DAKOTA COUNTY
 AND
 QWEST CORPORATION

Carrier	Number of Access Lines	Number of
CellTrace Ports		
ALLTEL	226	
4		
WESTERN	3000	
0		
NEXTEL	132	
2		
	Total	3358
6		

Total Monthly Recurring Charge:
 \$1,371.30

Total Non-Recurring Charge:
 \$7,739.70

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea.
 UNANIMOUS MOTION CARRIED.

Commissioner Hartnett asked Mr. Foust if he had any updates for the Board? Mr. Foust said they were planning on phasing in replacement of communication equipment.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the minutes of June 17, 2002.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the following resolution:
RESOLUTION 02C-16

WHEREAS, the Building and Grounds Budget will exceed its budget with the payment of June, 2002, Accounts Payable claims and Payroll claims, and

WHEREAS, An emergency exists; and,

WHEREAS, the Treasurer Budget of the General Fund has unappropriated moneys left;

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Treasurer Budget of the General Fund to be utilized for the payment of the over expended budget of the Building and Grounds Budget and that said budget be increased by \$5000.00 to \$218,176.83 for fiscal year 2001-2002.

BE IT FURTHER RESOLVED, That the Treasurer Budget be reduced by \$5000.00 to \$203,331.79 for fiscal year 2001-2002.

Passed and adopted this 24th day of June, 2002.

/s/William Engel, Chair

/s/Theodore Piepho, County Clerk

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene in Executive Session to discuss personnel.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED at 3:45 p.m

Commissioner Bobier moved, seconded my Commissioner Hartnett to reconvene in regular session.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED at 3:58 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker, to approve the following payroll claims as amended to show no additional other pay on Arnold Mellick's salary:

COUNTY ROAD PAYROLL: Gross salaries- \$14,712.11, Road Employees Net Pay- \$10,283.24, Employer deductions paid: Retirement- 766.23, Unicare- 2,356.64, Unicare Dental- 149.89, Unicare Life- 56.11, Social Security Tax- 861.19, Medicare- 201.41, Joel Broekemeier- 1,162.16, Randall Crombie- 1,237.60, Ronald Harder- 1,192.15, Walter Heinemann- 1,255.20, Richard Hoesing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 1,204.32, Adam Krause- 858.50, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, Leon Pies- 926.40, James Swanson- 1,082.73.

ROAD FUND: Employee withholding paid to: Federal- 1,214.87, State- 397.66, Social Security- 861.19, Medicare- 201.41, Retirement- 510.86, Unicare- 639.52, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 81.68, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08, Aflac Flex Plan- 10.00.

COUNTY GENERAL FUND: Gross salaries- \$66,027.52, General Fund Employees Net Pay- \$44,803.71, Employer deductions paid: Retirement- 3,417.37, Unicare- 11,420.64, Unicare Dental- 726.39, Unicare Life- 276.13, Social Security Tax- 3,919.37, Medicare- 916.63.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Marisol Curiel- 478.97, Bobbi Jo Harsma- 785.40, Theodore Piepho- 1,340.00, Cynthia Purucker- 411.83, Laura Resar- 564.38, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Kimberly Kuehl- 700.00, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Karilyn Watkins- 255.00, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 777.56, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Ryan Jensen- 560.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,155.20, Allen Burns Jr- 1,240.00, Linda Carson- 1,093.18, Melvin Harrison III- 975.59, Rodney Herron- 1,418.34, Jared Junge- 1,266.90, Michael Kreegar- 906.39, Gary Powell- 1,437.63, Gayle Richards- 660.00, James Roberts- 1,256.40, William Thompson- 1,190.86, James Wagner- 1,676.00, Randall Walsh- 1,586.16, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 750.50, Timothy Maher- 1,403.85, Anthony Bos- 909.66, Rebecca Broer- 1,115.50, Carol Cox- 1,233.75, Leonard Cunningham- 981.75, Michael Gregerson Jr.- 903.00, Alma Gunderson- 984.70, Todd Hammer- 860.00, Paula Harrigfeld- 511.50, Brandi McManigal- 336.00, Kevin Rohde- 860.00, Linda Schovanec- 1,059.86, Cory Schultz- 695.60, Margaret Stingley- 612.50, Brenda Tanner- 840.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 891.82, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual-.

GENERAL FUND: Employee withholding paid to: Federal- 5,719.17, State- 1,913.16, Social Security Tax- 3,919.37, Medicare- 916.63, Retirement- 2,278.27, Unicare- 1,797.59, Unicare Dental- 345.04, Colonial Health- 35.20, Credit Union- 1,350.31, Colonial Life- 3.00, Deferred Comp- 750.22, Garnishment- 1,478.57, Aflac Health- 436.54, Aflac Life/Dsbl- 83.25, Aflac Flex Plan- 197.49.

COPS FAST GRANT: Gross salaries- 1,083.98, Cops Fast Employee Net Pay- 775.59, Employer deductions paid: Retirement- 65.04, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 67.21, Medicare- 15.72, Brad Claypool- 1,083.98.

COPS FAST GRANT: Employee withholding paid to: Federal- 139.46, State- 42.64, Social Security- 67.21, Medicare- 15.72, Retirement- 43.36.

COMMUNITY JUSTICE GRANT: Gross salaries- \$1,049.65, Community Justice Employee Net Pay- 760.76, Employer deductions paid: Retirement- 62.98, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 64.54, Medicare- 15.09, Nicole Sims- 1,049.65.

COMMUNITY JUSTICE GRANT: Employees withholding paid to: Federal- 105.89, State- 36.13, Social Security- 64.54, Medicare- 15.09, Retirement- 41.99, Aflac Health- 8.75, Aflac Life/Dsbl- 16.50.

VISITORS PROMOTION: Lodging Tax- 5,466.27

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea. UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 4:05 p.m.

William Engel, Chair

ATTEST:

Joan Spencer, Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
JULY 8, 2002, PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the Pledge of Allegiance to the flag.

Present were: Commissioners Denker, Todd, Hartnett, Bobier, Engel and Ted Piepho Secretary.

Absent: All present

Linda Cruickshank, Debra Borg, Leon Jessen and Jim Cahill, all members of the Fair Board appeared before the board and presented the Fair Board's future plans.

Leon Jessen asked the board if they would authorize the Fair Board to purchase a tractor. They would take one-half out of this years budget and one-half out of next years budget.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier, to authorize the Fair Board to purchase a tractor and front end loader paying one-half out of this years budget and one-half out of next years budget.

The Fair Board had mentioned that one of their long range plans is to relocate the road running through the fair grounds. They would like to move it to the south end of their property and asked Arnie Mellick, Road Foreman about that.

Mr. Mellick thought that area may be considered wet lands and it may be to expensive to move the road to the south edge of their property.

Carol Larvick and Dick Leitschuck for the Ag. Extension Office appeared before the board to let them know that 4-H is hosting South Sioux City Chamber's Coffee Friday, July 12, 2002 in honor of the 100th year anniversary of 4-H.

Ms. Larvick also asked about purchasing a copier. The one that they liked the best cost about \$5,000. She mentioned several ways that they could pay for it.

Virgil Fowler, from Tompkins Addition, appeared before the board and was upset about the dogs running at large out at Tompkins.

Mr. Finney, County Attorney said there was a statute that covers animals at large. He will review them and will advise the Sheriff's Office what can be done.

Jeff Golden, Public Relations Director of the Boys and Girls Home of Nebraska appeared before the board and complimented Dakota County's Juvenile Services Plan. He called special attention to funding the Diversion Program, Staff secure Shelter /holdover and pretrial services on page 32 of the Juvenile Services Planning for Dakota County, Nebraska.

Chair Engel declared a break at 2:40 p.m.
Chair Engel reconvened from break at 2:55 p.m.

Dell Fuelberth introduced himself and Lowell Bechenhauer Jr. from Beckenhauer Construction to the Board. They presented a presentation to the board about their company and recommended a CM (Construction Management) for the construction of a new jail. They felt that they were qualified to take on the responsibilities of CM for Dakota County.

Jim Wagner appeared before the board to update the board on the jail population on July 8, 2002.

His written report showed 43 males, 10 Females, 1 on house arrest, 1 at the Boys and Girls Home, 6 at the Diagnostic Center, 4 at Thurston County, 6 at Cedar County, 2 at York and 3 in treatment, for a total of 70.

He then recommended to the board that they hire a jail consultant and discussion followed.

Commissioner Denker moved, seconded by Commissioner Bobier to convene in closed executive session.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 3:40 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to reconvene in open session.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED. 4:10 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the minutes of June 24, 2002 as typed.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the following payroll claims:

COUNTY ROAD PAYROLL: Gross salaries- \$13,456.78, Road Employees Net Pay- \$9,438.49, Employer deductions paid: Retirement- 490.16, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.68, Social Security Tax- 783.97, Medicare- 183.35, Principal Mutual- .
Joel Broekemeier- 1205.96, Randall Crombie- 1079.20, Ronald Harder- 1174.70, Walter Heinemann- 1184.80, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 1065.36, Adam Krause- 784.13, Kimon Litras-930.40, Richard McNear- 938.40, Arnold Mellick- 1,117.05, Marlan Millard- 938.40, James Swanson- 1169.58.

ROAD FUND: Employee withholding paid to: Federal- 1,068.59, State- 351.11, Social Security- 783.97, Medicare- 183.35, Retirement- 460.14, Unicare- 639.48, Unicare Dental- 59.40, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 180.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$71,412.22, General Fund Employees Net Pay- \$48,349.37, Employer deductions paid: Retirement- 3706.96, Unicare- 11,964.48, Unicare Dental- 760.98, Unicare Life- 289.42, Social Security Tax- 4246.33, Medicare- 993.09.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1,021.04, Karilyn Watkins- 113.53, Marisol Curiel- 503.99, Bobbi Jo Harsma- 765.00, Theodore Piepho- 1,340.00, Cynthia Purucker- 411.83, Laura Resar- 506.25, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1,340.00, Ruth Gillaspie- 981.52, Jolene

Heinemann- 792.00, Kimberly Kuehl- 542.50, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 411.83, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.75, Scott M Dugan- 1,676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1,146.80, Ryan Jensen- 448.00, Franklin Morse- 48.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1,325.97, Allen Burns Jr- 1526.94, Linda Carson- 1,093.18, Melvin Harrison III- 1,387.27, Rodney Herron- 1560.10, Jared Junge- 1,487.64, Michael Kreegar- 997.14, Gary Powell- 1665.92, Eric Reed- 192.00, Gayle Richards- 660.00, James Roberts- 1,407.02, William Thompson- 1621.14, James Wagner- 1,676.00, Randall Walsh- 2001.61, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1,588.46, Robert Finney- 2,168.00, Amber Hegarty- 1,307.69, Denise Kotalik- 755.25, Timothy Maher- 1,403.85, Nicole Sims- 1049.65, Anthony Bos- 995.60, Rebecca Broer- 1,408.54, Carol Cox- 1036.69, Leonard Cunningham- 994.92, Michael Gregerson Jr.- 875.40, Alma Gunderson- 1,217.10, Todd Hammer- 1012.48, Paula Harrigfeld- 235.20, Paula Harrigfeld- 231.00, Brandi McManigal- 416.00, Kevin Rohde- 1047.86, Linda Schovanec- 947.40, Cory Schultz- 800.92, Margaret Stingley- 704.41, Brenda Tanner- 985.84, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 890.36, Dr. David Grote- 100.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 1579.51.

GENERAL FUND: Employee withholding paid to: Federal- 6486.10, State- 2173.74, Social Security Tax- 4246.33, Medicare- 993.09, Retirement- 2,471.31, Unicare- 1,797.49, Unicare Dental- 404.26, Colonial Health- 35.20, Credit Union- 1,393.31, Colonial Life- 3.00, Deferred Comp- 791.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 108.75, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 1499.64, Cops Fast Employee Net Pay- 1019.38, Employer deductions paid: Retirement- 89.98, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 92.98, Medicare- 21.74, Brad Claypool- 1,499.64.

COPS FAST GRANT: Employee withholding paid to: Federal- 235.22, State- 70.33, Social Security- 92.98, Medicare- 21.74, Retirement- 59.99.

Chair Engel adjourned their meeting at 4:24 p.m.

Chair Engel adjourned their meeting at 4:05 p.m.

ATTEST:
Engel, Chair

William

Ted Piepho, County Clerk

COUNTY BOARD OF COMMISSIONERS
JULY 15, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 10:05 a.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, and Engel and Laura Resar, acting Deputy County Clerk, was present as secretary. Absent was Commissioner Bobier.

The Board of Commissioners reviewed the accounts payable claims submitted.

Linda Carson, Jail Administrator, provided the Board with information regarding the prospective jail consultants so that the Board could look the information over prior to the afternoon meeting.

Chair Engel recessed the meeting for lunch at 11:35 a.m.

The Board reconvened from break at 1:30 p.m. Commissioner Bobier and Ted Piepho, County Clerk, were also present for the afternoon session.

Brian McDonald, Engineer, JEO Inc., opened the bids for the Jackson SW Bridge C-022(177) at 1:35 p.m. They were as follows:

BIDDER	TOTAL PROJECT	START DATE
03 Capital Contractors, Inc.	\$357,645.95	01-06-
02 Elk Horn Construction	\$392,837.00	09-01-
01-03 Theisen Construction	\$261,857.20	04-

All bids included 5% bid bond money and all bidders acknowledged addendum one.

Commissioner Denker moved, seconded by Commissioner Bobier to accept the bid for the Jackson SW Bridge C-022(177) of Theisen Construction for the amount of \$261,857.20 pending a check of bid numbers.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea.
UNANIMOUS MOTION CARRIED.

Duane Upton, JEO Inc., appeared before the Board to clear up any confusion there may have been regarding the width of the Hubbard-Jackson road. Mr. Upton informed them that according to the Board of Public Roads Classifications and Standards, the acceptable lane width of the road in question would be 10 ft. The actual lane width is 11 ft and maintains a grade in the ditch of 3:1. Mr. Upton felt that the 11 ft. width was safe and that the proposed 12 ft. width by Joe Gill was financially unnecessary.

Dick Erickson, State Appraiser for Dakota County, asked the Board to consider the following adjustment on parcel #220206279 for the tax year 2001: Current value of \$139,850 to a requested value of \$164,208. The reason for the change was due to an error that was made in the entry of the values for the 2001 tax year. Commissioner Engel said that the Board would take the adjustment under advisement.

Commissioner Denker moved, seconded by Commissioner Bobier to convene as Board of Equalization.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea.
UNANIMOUS MOTION CARRIED at 1:50 p.m.

The Board of Equalization heard valuation protests as scheduled by the County Clerk.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea.
UNANIMOUS MOTION CARRIED at 2:30 p.m.

Bill Horneber, Attorney for Restaurant Bar El Ranchito, appeared before the Board to obtain a Special Designated Liquor License for El Ranchito's upcoming rodeo on August 18, 2002. The event will last from 12:00 p.m. to 10:00 p.m. and will be held in conjunction with the Dakota-Thurston County Fair. Mr. Hornebor said that they would use local deputies throughout the day. The Board considered the application for the Special Designated License in the name of Restaurant Bar El Ranchito, Inc., 2101 Cornhusker Drive, South Sioux City, NE 68776; for the location at Dakota County Agricultural Society Arena, 1547 Stable Drive, South Sioux City, Nebraska, Dakota County 68776.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the Special Designated License in the name of Restaurant Bar El Ranchito, Inc., 2101 Cornhusker Drive, South Sioux City, NE 68776; for the location at Dakota County Agricultural Society Arena, 1547 Stable Drive, South Sioux City, Nebraska, Dakota County 68776.

ROLL CALL VOTE: Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea.
UNANIMOUS MOTION CARRIED.

Judy Renkel appeared before the Board to express her concerns with the current situation that exists between the Dakota County Agricultural Society and the Thurston County Agricultural Society. Ms. Renkel made it clear that she was speaking on behalf of herself and was not representing the Agricultural Society. Ms. Renkel felt that Dakota County did not have any voting power when it came to taking care of the fairgrounds and wanted to know how Dakota County could get some power into their hands instead of letting Thurston County have total control. Some Board members felt as though this situation should be brought up to the Agricultural Society and that the Board had no business to interfere in the matter.

The Board recessed for a break at 3:00 p.m. and reconvened at 3:10 p.m.

Gerald "Jerry" Johnson, Johnson Construction Inc., presented the Board with information about his Siouxland-based construction management firm and the role his staff would play in building a jail for Dakota County. Johnson Construction built the 40-bed jail in Elk Point and has also completed projects in Miller County, Sturgis, Idaho, and Wyoming. Mr. Johnson said that his company could either manage the entire project or they could act as the County's agent and oversee the project. Phase I of the project would include preliminary draw-ups, budgeting, programming, and something to sell to the public; Mr. Johnson felt this could be done for \$20,000. Phase II would include the full design and the actual construction. The Board, along with Linda Carson, Jail Administrator, and James Wagner, Dakota County Sheriff, continued discussion with Mr. Johnson about what Dakota County needed in a jail.

Commissioner Bobier moved, seconded by Commissioner Denker to convene as Board of Equalization to hear information pertaining to the Flamingo Inn.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED. 4:17 p.m.

Commissioner Denker moved, seconded by Commissioner Bobier to reconvene as Board of Commissioners.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED. 4:20 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the following accounts payable claims:

GENERAL FUND: Gifford & Associates, computer repair- 335.00; Jackie Hartnett, mileage- 58.40; Perkins, supplies- 192.91; S Sioux City Star, printing- 450.53; Nanci Walsh, mileage- 55.85; Cellular One, phone- 22.49; Cellular One, phone- 22.49; Robert & Patricia Chitwood, lektriever payment- 1989.27; Des Moines Stamp Mfg, notary stamp- 25.75; MIS, balance of scanner payment- 81.00; NACO, workshop registration- 65.00; Perkins, supplies- 10.63; Ted Piepho, mileage/supplies- 222.82; Quality Inn & Suites, lodging- 121.94; Redfield & Co, forms- 156.45; Sam's Club, cd's- 44.96; Robert Giese, mileage- 85.78; Charlotte Doenhoefer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Executive Copy, copier repair- 40.00; Intergovernmental Data Services, data services- 27.00; Quality Inn & Suites, lodging- 213.53; Mark Dorcey, mileage- 253.39; MIS, scanner lease- 480.00; Perkins, supplies- 64.95; NACO, dues- 65.00; MIPS, support/annual fee- 709.56; Perkins, supplies- 278.11; Redfield & Co, photo paper- 175.26; Creighton Law Review, law library- 25.00; DAS Material Division, supplies- 142.39; Cellular One, phone- 30.44; Scott Dugan, mileage- 284.70; Frank Gonzalez, interpreting- 80.00; Omaha World Herald, attorney ads- 298.10; Sioux City Journal, attorney ads- 66.60; William Binkard, attorney fees- 1909.00; Clerk of District Court, court costs- 348.00; Thomas Fitch, attorney fees- 1772.00; Frank Gonzalez, interpreting- 120.00; Hy Vee, jury supplies- 5.00; Lexis Nexis, law materials- 467.72; Douglas Luebe Law Office, 912.60; MM Court Reporting, depositions- 245.30; Stuart Mills, attorney fees- 1890.00; Ellen Rohde, baliff fees- 25.00; Michael Schmiedt, attorney fees- 525.00; Richard Thramer, attorney fees- 1078.00; Patrick Tott, attorney fees- 501.00; West Group, law materials- 2885.27; Dakota County Sheriff, papers/warrants- 1230.25; Dakota County Court, court costs- 106.00; Sandra Inkster Ehrich, attorney fees- 786.00; Monica Morgan, witness fees- 25.11; Don Mueller, witness fees- 67.45; David Trobaugh, witness fees- 27.30; Amanda Wendte, witness fee- 27.30; Clerk of District Court, mileage- 49.60; Norfolk Printing, casebinders- 594.38; A Team Heating & Cooling, a/c service- 312.50; John Barone Co, inspection- 345.00; Bomgaars, supplies/tools- 246.06; Cellular One, phone- 25.69; City of Dakota City, utilities- 1112.61; Dakota Food & Fuel, mower gas- 36.00; Gill Hauling, dumpster service- 120.00; Grainger, supplies- 143.69; Hardware Hank, supplies- 94.08; Rick Jensen, mileage- 140.48; Maintenance Engineering, bulbs- 744.33; Menards, supplies- 540.31; Mid American Energy, utilities- 846.88; Nebraska Public Power District, utilities- 3866.68; O'Keefe Elevator, maintenance contract- 82.40; Qwest, fire alarm phone- 42.27; Robertson Implement, softner salt- 198.00; Sam's Club, supplies- 164.82; SHARE, weed spray- 184.73; Trembly Pest Control, monthly fee- 50.00; XPEDX, paper towels- 511.47; Walmart, radios- 34.97; Dakota County Extension, lodging/supplies/box rental- 217.64; Ammunition, training ammo- 886.00; Cellular One, phone- 175.88; Circle S Stop & Shop, fuel- 697.07; City of S Sioux City, phones- 25.33; Crystal Oil, tire repairs- 239.41; Dakota County Sheriff, training- 697.73; Harolds, film processing- 41.14; Amy Hueser, interpreting- 60.00; Jack's Uniforms & Equipment, uniform upkeep- 113.82; Jim's Service, service/tires- 1250.95; Law

Enforcement Systems, tickets- 169.00; Midwest Lab Inc, chemical spill analysis- 19.00; Midwest Radar, certifications- 405.00; Moore, citations- 526.32; RACOM, phone lines- 662.25; Robertson Implement, dog food- 53.85; Vera Salas, interpreting- 40.00; Siouxland Humane Society, animal control- 31.00; Siouxland Federal Credit Union, training charges- 197.47; Alicia Solis, interpreting- 55.00; State of Nebraska Lab, tests- 55.00; Nebraska Workforce Development, unemployment payments- 2911.87; Walmart, gun cleaning- 41.79; Willis Animal Clinic, nero checkup- 36.50; Linda Carson, reimburse supplies- 231.87; Cellular One, phone- 97.87; Nebraska DMV, transcripts- 16.00; H204U, water cooler- 10.50; Iowa Office Supply, copier contract/supplies- 187.53; Timothy Maher, parking/mileage- 81.30; Lexis Nexis, law materials -21.74; M M Court Reporting, depositions- 63.00; Morrill County Court, certified copy- 1.00; Perkins, supplies- 13.20; Staples, supplies- 207.38; St Luke's Home Health, blood draw- 100.00; West Group, law materials- 339.00; Medical Correspondence Management, record request- 36.02; Robert Finney, cell phone- 230.04; BI Inc, house arrest- 351.45; Bob Barker's, jail supplies- 302.49; Charles Bohlin, inmate care- 30.00; Boys & Girls Home, juvenile boarding- 6250.00; Braungers, food- 1403.32; Cedar Co Sheriff, inmate housing- 6680.00; Cellular One, phone- 56.70; Coffee King, jail coffee- 12.95; Dakota Family Dentistry, inmate care- 174.00; Dakota Food & Fuel, fuel- 332.16; Dakota Super Value, food- 866.24; Dept of Corrections, safekeepers- 5816.49; Earthgrains, bread products- 713.48; Electronics Unlimited, monitor- 190.00; Fremont Tire, service- 30.95; Galls, supplies- 51.96; Guard-Rite Security Services, transport juveniles- 798.70; Hy Vee, food- 1749.14; Jack's Uniforms & Equipment, uniform upkeep- 26.73; Jeffrey Physical Therapy, inmate care- 100.00; Jim's Service, tires- 154.56; Karl's, washer repair- 60.40; Madison Co. Sheriff, shared boarding- 704.70; NE Nebr. Juvenile Service, juvenile care- 7437.50; Oral Surgery Associates, inmate care- 35.00; Office Systems, typewriter maintenance- 569.70; Perkins, supplies- 245.33; Quest Diagnostics, lab tests- 91.15; Redler's Pharmacy, inmate medications- 772.37; Sam's Club, supplies- 76.64; Thurston County Sheriff, inmate housing- 1395.00; Walmart, supplies/cameras- 543.61; XPEDX, supplies- 442.90; Yankton Medical Clinic, inmate care- 272.00; Thurston Co. Sheriff, inmate boarding- 2885.00; Gifford & Associates, backup drive/tapes- 536.64; Sheila Curiel, interpreting- 20.00; Pam DeVries, mileage- 162.42; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage- 69.35; Perkins, supplies- 23.88; Alan Boyd, mileage- 371.57; Cellular One, phone- 57.45; VM Farms, land lease- 100.00; Aflac/Flex One, service fees- 33.00; AT & T, phone- 17.08; Executive Copy, toner- 276.00; Lazette Gifford, website upkeep- 40.00; IBM Corp, maintenance contract- 358.14; Money Handling Machines, service checkwriter- 59.00; MIPS, monthly support- 272.16; NACO, association dues- 954.00; NIRMA, work comp/liability insurance- 51,529.00; Qwest, phone- 1455.47; Region IV Inc, qtrly payment- 5320.25; Region IV Mental Health & Substance Abuse, qtrly payment- 7032.84; Romans, Wiemer, & Associates, audit- 12,350.00; SIMPCO, dues- 3565.00; Sioux Air, spray backwaters- 1000.00; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 71.70; Cellular One, phones- 948.00; Boys & Girls Home, juvenile services plan- 2500.00

ROAD FUND: Ahlers, Cooney Law Firm, legal service- 2350.21; Air Filter Cleaning, clean filters- 140.22; Aramark, supplies- 77.13; Barco Municipal Products, strobe lights- 362.75; Bierschbach, strobe lights- 62.70; Bodlak Trucking, haul rock- 371.60; Bridgestone/Firestone, tires- 1175.09; Campbell Supply, tools- 92.98; Carquest, parts- 11.41; Cellular One, phone- 66.45; Circle R, parts- 254.53; Dakota Co Road, petty cash- 184.15; Erlandson Transportation, road rock- 5104.54; Ft Calhoun Stone, road rock- 4446.25; Gill Hauling, dumpster service- 40.00; Great Plains International, parts- 15.48; Heritage Express, fuel- 35.50; Higman Sand & Gravel, road rock- 7728.22; HME Inc, haul rock- 1260.00; John Howard Trucking, haul rock- 2582.03; H204U, water cooler- 25.75; Hydraulic Sales, parts- 531.72; Jackson Glass, install glass- 55.32; Joe's Dept. Store,

parts/supplies- 306.66; Linweld, oxygen tanks- 15.20; Lux Brothers Trucking, haul rock- 492.85; Midwest Equipment, parts/oil- 222.95; Midwest Sales & Service, parts- 83.92; NE Nebraska Public Power, pre pay electric- 600.00; Nebraska Public Power, homer service- 15.93; Newman Signs, signs- 82.23; NIRMA, work comp/liability insurance- 51,529.00; Northeast Coop, oil- 190.33; Northeast Equipment, tractor lease- 1025.96; Northeast Nebraska Telephone, phone- 154.57; Olson Trucking, haul rock- 769.25; O'Reilly's Auto, parts/supplies- 900.58; Piorier Equipment, parts- 324.92; Power Plan, parts- 37.26; Rees Mack Sales, parts- 47.76; Sam's Club, supplies- 63.91; Siouxland Hydraulic, parts- 135.25; Steffen, parts- 56.94; Stephan Welding, repairs- 475.00; T & W Tire, tire repair- 77.35; TJ's Radiator, core/labor- 628.12; Tractor Supply, supplies- 190.14; Warren Oil, fuel- 3108.22; Willers Inc, road rock- 2493.76; Ziegler Inc, parts- 76.18; Principal Life Insurance, 283.12

ROAD IMPROVEMENT FUND: JEO Consulting, engineering- 7627.50

POOR RELIEF: Becker-Hunt Funeral Home, burial- 1680.00

COMMUNITY JUSTICE GRANT-PRETRIAL: American Bio Media Corporation, drug test supplies- 333.27; BI Inc, monitoring devices- 143.55; Cellular One, phone- 21.91; Gifford & Associates, computer repair- 401.50; Nebraska State Probation, drug test supplies- 265.00; Perkins, supplies- 47.46; Record printing, business cards- 88.95; Nicole Sims, mileage/meals- 7.99; Dakota County, payroll & supplies- 696.81

WEED FUND: Heritage Express, fuel- 32.64; Hubbard Post Office, postage- 100.00; Joe's Dept. Store, supplies- 25.28; Arnold Mellick, workshop expense- 10.00; Northeast Coop, chemicals- 2132.31; Nutra-Flo, pump/valve- 445.77; Tucker Glass, mirror- 15.00

ROLL CALL VOTE: Bobier- Yea, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to approve the minutes of July 8, 2002, as presented.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea. UNANIMOUS MOTION CARRIED.

Ted Piepho, County Clerk, recommended that the Board table the Tax List Correction that Mr. Dick Erickson presented on parcel #220206279 until the next Board meeting. The adjustment would change the current value of \$139,850 to a requested value of \$164,208. The reason for the change was due to an error that was made in the entry of the values for the 2001 tax year.

Commissioner Denker moved, seconded by Commissioner Hartnett to table the Tax List Correction on parcel #220206279 until the next Board meeting on July 22, 2002.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea. UNANIMOUS MOTION CARRIED.

The Board took a recess at 4:25 p.m. and reconvened at 4:47 p.m.

Jerry Johnson, Johnson Construction Inc., requested that the Board table their request to finalize the Phase I amount for \$20,000 so that he could put together a contract. The Board agreed that Mr. Johnson would draw up a contract and fax it to them before the July 22nd meeting so that Robert Finney, County Attorney, could look it over.

Chair Engel adjourned their meeting at 4:55 p.m.

ATTEST

Engel, Chair

Laura Resar, acting Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
JULY 22, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, Engel, and Ted Piepho, County Clerk. Laura Resar, acting Deputy County Clerk, was present as secretary. Absent was Commissioner Bobier.

Robert Giese, County Treasurer, presented his Semi-Annual Report to the Board for approval. Commissioner Denker moved, seconded by Commissioner Todd to approve and sign the County Treasurer's Semi-Annual Report for period covering January 1, 2002 through June 30, 2002.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Todd- Yea, Engel- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Jerry Johnson, Johnson Construction Inc., appeared before the Board to present the Standard Forms of Agreement for GA Johnson Construction, Inc. and HMN Architects, Inc.'s services for the Dakota County Jail Project. Representing HMN Architects were Steve Davis, Associate, and Rick Freeman, Director and Project Development. HMN Architects have worked with Johnson Construction before as construction mangers, most recently on the Elk Point Jail. Mr. Johnson also laid out the three different phases of the project: Pre-Bond Services, Information and Education for Bond Issue, and Post Bond Services. Mr. Johnson said that Phase I, which includes Needs Assessment, Architectural Programming, Site Selection, Concept Design, Budget/Schedule Development, Project Financing Alternatives, and Recommendation/Approval, could all be done for \$20,000. That amount includes both Johnson Construction and HMN Architect's costs. James Wagner, Dakota County Sheriff, felt that Phase I was very thorough and was pleased that those initial services could be done for such a low cost. Commissioner Todd moved, seconded by Commissioner Hartnett to approve the contract for GA Johnson Construction, Inc. and HMN Architects, Inc.'s services pending approval by Robert Finney, County Attorney.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Engel- Yea, Denker- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Hartnett to convene as Board of Equalization.

ROLL CALL VOTE: Todd- Yea, Engel- Yea, Denker- Yea, Hartnett- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED at 2:07 p.m.

Chair Engel opened the Tax Exempt Status Hearing at 2:08 p.m. to hear testimony in support and/or opposition of approving the tax-exempt status for parcels #220035490 and #220156271. Madelyn Thorsland, State Assessor, appeared before the Board with a recommendation to approve that 70% of parcel #220035490,

Siouxland Moose Lodge, be given tax-exempt status. The other 30% is currently used for alcohol sales and is to remain on the tax rolls.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the recommendation for 70% Tax Exemption on parcel #220035490.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Hartnett- Yea, Todd- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Madelyn Thorsland, State Assessor, also recommended that the Board approve the Exemption Application for Tax Exemption on Real and Personal Property for parcel #220156271, Glad Tidings Lighthouse, because the property was purchased after January 1, 2002.

Commissioner Hartnett moved, seconded by Commissioner Denker to approve the Exemption Application of Glad Tidings Lighthouse for Tax Exemption on Real and Personal Property for parcel #220156271.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Todd- Yea, Engel- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Chair Engel closed the hearing at 2:11 p.m.

Commissioner Denker informed the Board that he would like to rethink the total value of \$254,715.00 that the Board of Equalization placed on parcel #220006040 during the 2002 Board of Equalization.

Commissioner Denker moved, seconded by Commissioner Todd to rescind the motion of No change per the assessor's recommendation on parcel #220006040.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Engel- Yea, Denker- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to take 10% off of the total value of \$254,715.00 that the Board of Equalization set on parcel #220006040. The new values are \$5,100.00 on the land, \$224,145.00 on the improvements for a total value of \$229,245.00.

ROLL CALL VOTE: Todd- Yea, Engel- Yea, Denker- Yea, Hartnett- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED at 2:12 p.m.

Dick Erickson, State Appraiser, informed the Board that the Assessor's Office recently received a package from the TERC Board stating that there were ten cases still pending. Mr. Erickson said that he was not aware that these cases had been filed with the TERC Board.

Chair Engel opened the Tax Exempt Status Hearing at 2:15 p.m. to hear testimony in support and/or opposition to removing the tax-exempt status from parcel #220002231.

Madelyn Thorsland, State Assessor, appeared before the Board with a request that the property, which is owned by Northeast Nebraska Telephone Company, be placed back on the tax rolls. The property was purchased in June from the Jackson School District. Chair Engel closed the hearing at 2:18 p.m.

Commissioner Hartnett moved, seconded by Commissioner Todd to place parcel #220002231 back on the tax rolls and to send owner notification of value.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Hartnett- Yea, Todd- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to reconvene as Board of Commissioners.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Todd- Yea, Engel- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED at 2:20 p.m.

Commissioner Todd moved, seconded by Commissioner Denker to deny the tax list correction on parcel #220206279 that would have raised the current value of \$139,850.00 to a requested value of \$164,208.00.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Engel- Yea, Denker- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Madelyn Thorsland, State Assessor, requested that the Board extend the Homestead Exemption Application Deadline to July 22, 2002 because the original deadline of July 20, 2002 fell on a Saturday.

Commissioner Todd moved, seconded by Commissioner Hartnett to extend the Homestead Exemption Application Deadline to July 22, 2002.

ROLL CALL VOTE: Todd- Yea, Engel- Yea, Denker- Yea, Hartnett- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Richard Coan, Gateway Bar & Grill, appeared before the Board to obtain a Special Designated Liquor License. Mr. Coan said that the Fair Board had approached him and asked if he would sell beer at the fair for the last three days of the fair. The Dakota County Board of Commissioners considered the Application for Special Designated License in the name of Richard L. Coan - Gateway Bar & Grill, 1558 Gateway Drive, South Sioux City, Nebraska, Dakota County, 68776; for the location at 1470 Stable Drive, South Sioux City, Nebraska, Dakota County, 68776. Commissioner Denker moved, seconded by Commissioner Todd to approve the Special Designated License in the name of Richard L. Coan - Gateway Bar & Grill, 1558 Gateway Drive, South Sioux City, Nebraska, Dakota County, 68776; for the location at 1470 Stable Drive, South Sioux City, Nebraska, Dakota County, 68776. ROLL CALL VOTE: Engel- Yea, Denker- Yea, Hartnett- Yea, Todd- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to convene into Executive Session to discuss possible litigation.

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Todd- Yea, Engel- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED at 2:30 p.m.

Commissioner Hartnett moved, seconded by Commissioner Denker to reconvene in open session.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Engel- Yea, Denker- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED at 2:49 p.m.

Ted Piepho left the room at 2:50 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to accept and approve the Officials Reports from the County Clerk, Register of Deeds, and Clerk of District Court for the month of June 2002 and from the Sheriff for the months of April, May, and June 2002.

ROLL CALL VOTE: Todd- Yea, Engel- Yea, Denker- Yea, Hartnett- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to transfer Dakota County Abandoned Vehicle Titles: #02200700033 on a 1987 Chevrolet S10 Pickup bearing the serial number 1GCBS14E0H2194284 and #02200700034 on a 1986 Toyota Celica bearing the serial number JT2ST63C0G7053025, to C&H Truck Sales for consideration of the storage and towing charges due against the said vehicles.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Hartnett- Yea, Todd- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

The Board toured the Courthouse at 2:55 p.m. to look at the appearance and overall condition of the building. Board members had concerns with carpet

stains in the Extension Office and on the second floor. They also mentioned missing ceiling tiles and general cleaning concerns. Rick Jensen, Building & Grounds Supervisor, said that he would plan on touching up the paint on the main walls and along the elevators. The Board plans on bringing in the current cleaning staff and going over their contract to make sure all expectations are being met.

Commissioner Hartnett moved, seconded by Commissioner Denker to approve the following payroll claims:

COUNTY ROAD PAYROLL: Gross salaries- \$13955.65, Road Employees Net Pay- \$9786.94, Employer deductions paid: Retirement- 710.59, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.68, Social Security Tax- 814.89, Medicare- 190.57, Principal Mutual- .

Joel Broekemeier- 1179.68, Randall Crombie- 1220.00, Ronald Harder- 1052.55, Walter Heinemann- 1158.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 1204.32, Adam Krause- 890.38, Kimon Litras- 1165.98, Richard McNear- 938.40, Arnold Mellick- 1117.05, Marlan Millard- 938.40, James Swanson- 1221.69.

ROAD FUND: Employee withholding paid to: Federal- 1141.36, State- 376.94, Social Security- 814.89, Medicare- 190.57, Retirement- 473.76, Unicare- 639.51, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$69132.79, General Fund Employees Net Pay- \$46929.40, Employer deductions paid: Retirement- 3552.50, Unicare- 11964.48, Unicare Dental- 760.99, Unicare Life- 289.43, Social Security Tax- 4107.47, Medicare- 960.63.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1021.04, Marisol Curiel- 517.80, Bobbi Jo Harsma- 816.00, Theodore Piepho- 1340.00, Cynthia Purucker- 408.00, Laura Resar- 515.63, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Kimberly Kuehl- 673.75, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Karilyn Watkins- 155.00, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 702.00, Scott M Dugan- 1676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1146.80, Ryan Jensen- 560.00, Patricia A. Stingley- 804.00, Jeremy Bermel- 1191.20, Allen Burns Jr- 1443.50, Linda Carson- 1093.18, Melvin Harrison III- 1277.15, Rodney Herron- 1418.34, Jared Junge- 1438.95, Michael Kreegar- 931.20, Gary Powell- 1293.53, Gayle Richards- 660.00, James Roberts- 1152.80, William Thompson- 1514.69, James Wagner- 1,676.00, Randall Walsh- 1472.00, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1588.46, Robert Finney- 2168.00, Amber Hegarty- 1307.69, Denise Kotalik- 684.00, Timothy Maher- 1403.85, Nicole Sims- 1049.65, Anthony Bos- 1205.36, Rebecca Broer- 1027.71, Carol Cox- 933.50, Leonard Cunningham- 881.48, Michael Gregerson Jr.- 941.70, Alma Gunderson- 952.00, Todd Hammer- 896.00, Paula Harrigfeld- 556.92, Brandi McManigal- 320.00, Joseph Purucker- 630.40, Kevin Rohde- 929.60, Linda Schovanec- 983.52, Cory Schultz- 783.08, Margaret Stingley- 612.50, Brenda Tanner- 876.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 946.65, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual-.

GENERAL FUND: Employee withholding paid to: Federal- 6074.77, State- 2029.19, Social Security Tax- 4107.47, Medicare- 960.63, Retirement- 2368.35, Unicare- 1797.60, Unicare Dental- 364.85, Colonial Health- 35.20, Credit Union- 1,393.31, Colonial Life- 3.00, Deferred Comp- 801.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 108.75, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 1059.10, Cops Fast Employee Net Pay- 758.77, Employer deductions paid: Retirement- 63.55, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 65.66, Medicare- 15.36, Brad Claypool- 1059.10.

COPS FAST GRANT: Employee withholding paid to: Federal- 135.88, State- 41.07, Social Security- 65.66, Medicare- 15.36, Retirement- 42.36.

VISITORS PROMOTION: Lodging Tax- 5,864.37

ROLL CALL VOTE: Denker- Yea, Hartnett- Yea, Todd- Yea, Engel- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to approve the minutes of July 15, 2002, as presented.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Engel- Yea, Denker- Yea, Bobier- Absent. UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 4:00 p.m.

ATTEST

William Engel, Chair

Laura Resar, acting Deputy County Clerk

COUNTY BOARD OF COMMISSIONERS
AUGUST 5, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, Engel, Bobier and Ted Piepho, County Clerk.

ABSENT: All present.

Lance Hedquist appeared before the board and a summary of his concern and discussion for Storm Water Regulations is as follows:

County meeting

Issues

Storm Water Permitting -

1. Federal unfunded mandate
2. March 2003 compliance date for Phase II local governments
3. 6/7 activities required
 - a. Public education
 - b. Public participation
 - c. Illicit discharge identification and elimination
 - d. Construction site run-off controls
 - e. Post Construction management
 - f. Pollution prevention
 - g. Program Assessment
4. Mapping is a key component
 - a. River to 7th

- b. 7th to 13th
- c. fly over Woodbury county
- d. NRD - DNR \$52,000
- e. FEMA - flood plain map updates and digitized -Olsson and Associates.
- f. Storm plan

5. Area covered is urbanized area SSC and Dakota County and the area that drains into or from this area.

6. Questions

- a. Who is writing county plan?
- b. Who is county's designated party
- c. Who is writing county ordinance
- d. Who is responsible for monitoring for illegal dumping?
- e. Who is responsible for pre-construction review and approval?
- f. What specifications do contractors - including the county have to meet?

Every 14 days and after rains likely.

- g. Who is responsible for post construction review and approval? How often and when?
- h. Who is to determine county area to be covered?
- i. What stage is the county storm water mapping in?
- j. Who is preparing the educational documents
- k. Who is going to be certified if it is requires - one of three options being discussed?
- l. Who is doing the required public notices?
- m. Who submits the annual reports?
- n. Who is responsible for and documenting of Good Housekeeping requirements?

7. Project examples

- a. Foundry Road
- b. BPI
- c. 29th Subdivision
- d. Broin
- e. Sewer or electric line construction
- f. Grading or upgrading of roads?

8. Why go jointly?

- a. Save taxpayers dollars
- b. Use expertise of existing personnel
- c. Easier for the public to understand
- d. Leverage of outside sources of dollars
- e. Consistency of ordinances

9. Need to establish interlocal agreement with NRD - City and County

ECONOMIC DEVELOPMENT

1. Why

- a. Expanded tax base
- b. Quality jobs

2. The county is not being covered when DED/NPPD/SI or other contacts come in.

3. County and cities/villages have land and bldgs.

- a. McMasters by Dakota City
- b. Area by IBP
- c. Area by 110
- d. Jackson 4 laning will increase value and review of zoning
- e. Building by Homer

f. Several vacant buildings

4. Direct payback - every \$1,000,000 in expansion generates about \$17,000 in taxes to county/school etc.

5. Requires participation by county and cities to get site and bldg information.

The Board discussed opening Foundry Road.

Mrs. Green spoke highly in favor of the road being open. She mentioned that the city should replace the gravel that was removed from the road back when the board closed it.

Doug Garwood also thought that the road should be opened.

Lance Hedquist said that the city would also like to open the road and may be willing to share in some of the cost to open and upgrade the road.

Mr. Mellick thought that it would cost about \$15,000 to reopen the road.

Rod Herron, Deputy Sheriff, appeared before the board and informed them that Gary Powell was leaving the County's employ. He said that Mr. Powell was the handler of one of the K9 Units and that the K9 was really too old to train with another handler. He provided the board with a statute that authorizes the county board to sell the dog for a nominal fee.

Commissioner Hartnett moved, seconded by Commissioner Bobier to transfer ownership of the K9 unit named Nero to Gary Powell for a fee of \$25.00, provided that county would no longer have any liability for the unit.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Mark Fort, Senior Vice President for Taylor & Martin, appeared before the board to request the county to install a tube in the berm located in the ditch north of Taylor & Martin previously owned by Atokad.

Commissioner Bobier moved, seconded by Commissioner Denker to authorize and direct the Road Foreman to install a tube in the berm located in the south road ditch of the east-west part of Atokad Drive, just south of Freeway Trailer Court.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Pat Foust, Emergency Management Director, appeared before the board to bring them up to date on LEC's budget and said that next years budget would be submitted with zero growth.

Robert Finney, County Attorney, appeared before the board. He said that he had some things to discuss in executive session.

He said that he also had looked at the Jail Contract and that it is a standard contract. The legal language is ok, but that the discretionary clauses in it would be for the board to determine.

He reported that the Juvenile Services Contract is a standard format. One year and could be terminated after 60 day notice. The contract ran from year to year or one year at a time.

It would benefit the county and the county would be charged at the same rate as contract counties meaning the same as the counties that originally joined when Northeast Juvenile facility was built in Madison.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the following agreement to be an Associate Member with the Northeast Juvenile Services, Inc. to be effective the first day of August, 2002 as follows:

ASSOCIATE MEMBER
JUVENILE SERVICES AGREEMENT

This agreement is entered into on this 1st day of August, 2002, by and between Dakota County, (County) Nebraska, and Northeast Nebraska Juvenile Services, Inc., a Nebraska non-profit corporation (NNJS).

RECITALS

WHEREAS, NNJS was formed to organize and operate a facility for the detention of juveniles in Northeast Nebraska; and

WHEREAS, the County has a continuing need for juvenile detention; and

WHEREAS, NNJS has built a facility located in Madison, Nebraska; and

WHEREAS, the County is prepared to commit to an agreement of at least 1 year; and

WHEREAS, each party is demonstrating its concern for the safe, secure and economical detention of juveniles.

NOW, THEREFORE, LET IT BE KNOWN that the parties hereto have made this day an agreement to carry out the mutual terms, conditions and covenants contained herein.

I. SERVICES TO BE RENDERED

1. NNJS hereby agrees to provide juvenile detention facilities and services to the County including, but not limited to the following:

- A. Appropriate sleeping facilities;
- B. Safe and secure holding areas;
- C. Adequate food service for juvenile detainees;
- D. Educational services;
- E. Provision of medical services;
- F. Reports on conditions and behavior of detainees;
- G. Communication with the County concerning detainees;
- H. Facilities, services and programs that are in full compliance with federal, state and local laws, rules and regulations regarding juvenile detention services and facilities;
- I. Mental health services.

2. The County agrees to pay for all charges specified herein in order to provide the facilities and services stated above.

3. NNJS shall guarantee placement of all juvenile detainees of the County for the life of this agreement, or as long as the charges specified herein are

kept current, knowing that the Counties of the Corporation have priority for bed space.

4. The County agrees to place all of its juvenile detainees exclusively with NNJS unless so ordered by a court of competent jurisdiction. The County further agrees to make all good faith efforts to place all of its juvenile detainees with NNJS. Nothing contained in this agreement shall be construed to mean that the County must provide a minimum number of juvenile detainees with NNJS, nor that all juveniles in custody with the County must be placed with NNJS. All juvenile detainees to be placed with NNJS are those juveniles that have been arrested for criminal violations, those being held by NNJS by order of any court of competent jurisdiction, and those juveniles placed at the facility by the County that do not violate any state or federal laws concerning detention or incarceration of juveniles.

II. ASSESSMENTS, DAILY CHARGES, AND EXPENSES

A. Annual Assessments

1. The County agrees to pay an annual assessment based on the population of the County. The population figures will be based upon the most current issue of the NACO Directory of County Officials in Nebraska.

2. The parties hereto agree that the per capita cost at \$1.25.

3. The annual assessment to be levied hereunder shall be applied exclusively to operational costs.

4. Payment of the annual assessment and payment of all daily charges as specified herein shall guarantee bed space for all juvenile detainees of the County at NNJS, as stated according to Sec. I #3. In the event that insufficient bed space is available at the new facility, NNJS shall be responsible for finding bed space for the juvenile detainees at another facility that meets all state and federal regulations for juvenile detention, at no additional cost to the County.

5. Failure, breach, default, or modification of any term or condition stated in this agreement shall not relieve the County of the obligation to pay the annual assessment as stated herein. The parties hereto specifically agree and acknowledge that payment of the annual assessment is of paramount importance and that breach or failure of any other term or condition in this agreement shall not be sufficient cause to discharge the obligation for payment of the annual assessment.

6. Annual assessment payments shall be due no later than April 1 of each calendar year beginning April 1, 1999 for the life of the bonds, and interest shall accrue at the rate of 16% per annum for each day past April 1 of each calendar year for late payments.

7. County agrees to provide to NNJS a copy of the preliminary budget indicating that annual assessments shall be appropriated or allocated each year. NNJS, to the extent necessary, shall then deliver a copy of said preliminary budget to the trustee for the bondholders as continuing evidence of the commitment of the county. The county also agrees to provide such other and further information as may be necessary to maintain the revenue bonds and this agreement in good standing.

8. County acknowledges that as a result of tax exempt financing, the project shall be owned by Madison County upon retirement of the bond indebtedness.

B. Daily Charges

1. The County shall be charged a fee for each day or portion of a day that a juvenile detainee is placed with NNJS. The daily rate shall be the same as the daily rate set for contract counties with full membership.

2. NNJS shall be responsible for invoicing the County for the cost of the daily room charges and the County shall pay said invoices within 30 days of receiving the invoice from NNJS.

3. NNJS shall submit said invoice in a manner and form appropriate for submitting claims to the County.

4. All past due accounts shall accumulate interest at the rate of 12% per annum beginning after 30 days.

5. Failure to pay past due accounts within 120 days shall relieve NNJS of the duty to honor this contract.

6. Fees and expenses that NNJS shall not be responsible for include the following:

A. Medical services rendered by health care professionals outside the facility;

B. Prescription medicine;

C. Legal counsel;

D. Emergency protective custody procedures;

E. Transportation and delivery of personal items of the detainee;

F. All other services not provided by NNJS.

7. NNJS agrees to set and revise from time to time as necessary the per diem charge so as to be sufficient to generate revenues adequate to pay its operating expenses, which is defined to include all expenses of operation, including related reserve fund replenishment requirements and any operating reserve fund requirements, less any revenue received from sources other than members of the corporation.

III. DURATION OF AGREEMENT

1. This agreement will be effective on the 1st day of August, 2002, and will continue for one year.

2. Neither party may terminate this agreement without the express written consent of the other party, at least 60 days in advance.

IV. GENERAL TERMS

1. The County agrees to comply with all federal, state and local laws regarding detention of juveniles and further agrees that it will not demand that NNJS violate any federal and state laws, regulations, or rules concerning the detention of juveniles.

2. NNJS agrees that it will carry sufficient general liability insurance to protect the interests of the corporation and the member counties, and associate members.

3. NNJS provides the County with the following covenants:

A. That it will operate and maintain a facility in a safe, secure and economic manner;

B. That it will not provide free or subsidized service;

C. That it will maintain the building in good working order and make all repairs necessary to continue operation;

D. That it will maintain professionally qualified management;

E. That it shall provide such information, assistance and cooperation as may be necessary to complete the issuance of revenue bonds, collect the funds necessary to retire said bond indebtedness, and take such other and further steps as may be necessary in the best interests of the member counties to prevent liability from being imposed on the member and associate member counties;

F. It shall make best efforts to insure that the facility meets all building and program standards for the American Correction Association.

V. MODIFICATION OF THE AGREEMENT

This agreement may be modified by the parties hereto provided that such amendments are duly approved by each of the parties, that said amendments are in writing and that the amendments comply with all federal, state and local laws, rules and regulations concerning juvenile detention. No modifications or amendments shall be made which adversely affect the payment of all obligations required to be paid hereunder or which would violate any provision of any document related to the bond or other indebtedness incurred by NNJS.

VI. SUCCESSORS AND ASSIGNS

The parties hereto also acknowledge and agree that this detention agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

VII. JUVENILE CLASSIFICATION

The parties hereto agree that classification of juveniles placed with NNJS shall be at the exclusive discretion and authority of NNJS. The County shall have no authority, power, influence or ability to determine whether juveniles held by NNJS shall be classified as secure detention, staff secure or such other classifications as NNJS may deem appropriate.

VIII. SEVERABILITY

The County and NNJS hereby agree and understand that if any part, terms or provisions of this agreement is held by any court of competent jurisdiction to be illegal or in conflict with any law of the United States or the State of Nebraska, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and

enforced as if the contract did not contain the particular part, terms or provisions held to be invalid.

Dated: _____, 2002

NORTHEAST NEBRASKA JUVENILE SERVICES, INC.,

By _____ Facility Administrator

DAKOTA COUNTY,

By _____ Chairman

Attest: County Clerk

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Todd to convene into Closed Executive Session to discuss litigation.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED. 3:08 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene into open session.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED. 3:47 p.m.

Commissioner Denker moved, seconded by Commissioner Bobier to convene into Board of Equalization.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 3:55 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the Motor Vehicle Exemption Application by Eastside Baptist Church.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED. 3:57 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the following Juvenile Diversion Program.

Diversion Client Guidelines Program Agreement

* The juvenile is innocent of any crime until proven guilty in court, and does not have to plead guilty in order to participate in the program

* By participating in a pretrial diversion program, the juvenile is waiving his/her right to a speedy trial.

* The juvenile has the right to consult an attorney, at the participant's expense, before making the decision to participate in the pretrial diversion program.

Participation in the pretrial diversion program is voluntary.

* If the juvenile voluntarily withdraws from the pretrial diversion program before the juvenile has successfully completed, the diverted case will be remanded to the court system without prejudice during the ordinary course of prosecution.

* If the juvenile successfully completes the program requirements within the time allowed, the diverted case will be dismissed, or it equivalent.

* If the juvenile does not successfully complete the program requirements within the time allowed, the diverted case will be remanded to the court system.

* If the juvenile is charged with another crime while participating in the pretrial diversion program, the diverted case may be remanded to the court system without prejudice during the ordinary course of prosecution. The second offense may or may not be eligible for diversion.

* Information received regarding the juvenile is confidential. If information is going to be shared, for example with the school to monitor the juvenile's school performance, the juvenile and a parent or legal guardian will sign a release.

COMMUNITY SERVICE REQUIREMENTS:

* Completing community service hours.

* Completing your community service hours by the date of

* Calling the areas in your community to set up hours for your community service work. The Community Corrections Officer will give you suggestions of possible places to complete your hours.

* Calling the Community Corrections Officer at least once per week to give an update on your community service hours and ask any questions that may arise. If you do not contact the Community Corrections Officer in two weeks, you may be required to meet with the officer in person on a weekly basis or you may be dismissed from the Diversion Program as unsuccessful. A letter will then be submitted to the County Attorney stating why you were dismissed from the Diversion Program as Unsuccessful.

* Having the names and numbers on the sheet entitled "Community Service Hours" from the people to whom you have provided services.

* Notifying the Community Corrections Officer if you are having difficulty finding places to complete your community service hours.

* Turning in your sheet entitled "Community Service Hours" when you have completed your required hours. You need to complete your community service hours within the time frame and guidelines set forth by the Community Corrections Officer. If you fail to turn in your sheet entitled "Community Service Hours" within the set time frame; a letter will be submitted to the County Attorney stating that you have not successfully completed the Diversion Program.

Other Program Requirements:

* The juvenile shall not violate any laws, refrain from disorderly conduct or acts injurious to others.

* The juvenile shall obey all rules, and abide by a set curfew of his/her parent(s)/guardian(s).

* The juvenile shall attend school and not be truant or suspended.

* The juvenile shall avoid social contact with those persons having criminal records, who are on probation or parole, or have a questionable diameter as determined by his/her parent(s).

* The juvenile shall not possess or consume drugs or alcohol unless prescribed by a physician. The juvenile will voluntarily submit to random chemical testing of his/her breath or urine upon request of the Community

Corrections officer. Refusal of testing will constitute as noncompliance of the program. The juvenile will be assessed a \$5.90 fee per test with the payment in the form of a money order or cashier's check made payable to Dakota County Nebraska. These fees will be due upon completion of the Diversion Program.

* The juvenile shall appear at all Court proceedings.

* The Dakota County Community Corrections Officer will monitor the pretrial diversions program. The juvenile shall report as directed by the Community Corrections Officer.

* Noncompliance by the juvenile or the parent(s)/guardian(s) with any provisions of this program may result in the immediate termination of the program.

* Pay a non-refundable Administrative/Supervision fee of \$35.00 payable to Dakota County, Nebraska. This payment should be in the form of a check or money order,

The juvenile will also be required to attend the SODAS class conducted by Jackie Heaton with Visinet of Iowa. The cost of this class is \$65.00. Please contact Mrs. Heaton for dates and times of the class at (712) 234-1997.

The pretrial diversion will officially start on _____ and all requirements of the pretrial diversion program shall be completed by _____

I have read and understand the above guidelines as set forth by the Community Corrections Officer. I also understand that if the juvenile fails to meet any of the guidelines set forth by the Community Corrections Officer, the juvenile will be deemed Unsuccessful in the program and will be referred back to Office of the County Attorney for continued actions in this matter.

Program Immunity- Dakota County, or any department thereof, or any employee thereof, shall not be held liable as an employer for any injury to the accused by reason of accident suffered in the course of the Juvenile Diversion Program, and any occasioned simply because the accused was working on a requirement of the program.

SIGNATURES

Diversion Client: _____ Date: _____

Parent (s)/Guardian(s) : _____ Date: _____

Parent (s)/Guardian(s) : _____ Date: _____

Juvenile Services Coordinator/
Community Corrections Officer: _____ Date : _____

Community Service Hours Contacts

South Sioux City Community Center

Homer High School

2120 Dakota Ave Street 494-3259 NE Contact: Hilda 698-2377		212 S. 3rd Homer, 402-
City of South Sioux Volunteer Fire Dept. 1615 1st Ave 110 John St. 494-7500 Contact : Ed Winton or Gene	Homer, NE	Homer 402-698-2136
City of Dakota City City Senior Center 116 N 16th St 1501 W 29th St 987-3448 Contact: Chuck Ragar	S Sioux City, NE	S Sioux 494-1500
Department of Human Services City Dakota Co. Courthouse 1601 Broadway City, IA 987-3445 Contact: Joan Alexander		Boys Club of Sioux 823 Pearl St Sioux 258-5545
Siouxland Humane Society of Sioux City 1665 18th St 723 Myrtle St Sioux City, IA City, IA 252-2614		Girls Inc. Sioux 252-1088
Siouxland Christian Food Pantry Eagles 1800 G St. Hwy 20 S Sioux City, NE NE 494-1601 494-2788		Fraternal Order of 666 S Sioux City,
Sioux City Gospel Mission Columbus 301 W 8th St Hwy 20 Sioux City, IA City, NE 255-1769 494-2516		Knights of W S. Sioux
South Sioux City Community Schools 3301 G St. Gateway Dr		Veterans of Foreign Wars 1554

S Sioux City, NE
NE

494-3143

494-6168

Contact : Terry Kobenick-Activites Director

S Sioux City,

South Sioux City Post Office

801 W 29TH St

39th St

S Sioux City, NE

494-1312

Contact: Jim Bullard-Postmaster

Michalski

Boys and Girls Home

110 E

S Sioux City, NE

Contact: Shana

American Legion Hall

Jaycees

109 E 19TH St

City Optimist Club

S Sioux City, NE

Rotary Club

494-4543

S Sioux City

S Sioux

S Sioux City

*Any Non-Profit organization is usually acceptable. Check with proper personnel if you are not sure.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the payroll claims submitted by the County Clerk subject to the Employee Handbook as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$13578.27, Road Employees Net Pay- \$9519.35, Employer deductions paid: Retirement- 702.72, Unicare Health- 2175.36, Unicare Dental- 138.24, Unicare Life- 51.56, Social Security Tax- 791.49, Medicare- 185.11, Principal Mutual- 285.59.

Joel Broekemeier- 1039.52, Randall Crombie- 1264.00, Ronald Harder- 1183.43, Walter Heinemann- 1158.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 1247.75, Adam Krause- 826.63, Kimon Litras- 956.58, Richard McNear- 938.40, Arnold Mellick- 1117.05, Marlan Millard- 938.40, James Swanson- 1039.31.

ROAD FUND: Employee withholding paid to: Federal- 1085.55, State- 357.13, Social Security- 791.49, Medicare- 185.11, Retirement- 468.51, Unicare- 639.48, Unicare Dental- 59.40, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$67893.86, General Fund Employees Net Pay- \$46007.87, Employer deductions paid: Retirement- 3587.87, Unicare- 12145.76, Unicare Dental- 771.87, Unicare Life- 293.18, Social Security Tax- 4030.64, Medicare- 942.67.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1021.04, Marisol Curiel- 461.71, Bobbi Jo Harsma- 800.70, Theodore Piepho- 1340.00, Cynthia Purucker- 408.00, Laura Resar- 211.88, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Kimberly Kuehl- 463.75, Phyllis Ridge- 806.93, Mark J. Dorcey- 514.08, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 780.00, Scott M Dugan- 1676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1146.80, Ryan Jensen- 504.00, Pamela Davis- 27.00, Franklin Morse- 108.00,

Patricia A. Stingley- 804.00, Jeremy Bermel- 1206.09, Allen Burns Jr- 1375.70, Linda Carson- 1093.18, Melvin Harrison III- 996.80, Rodney Herron- 1418.34, Jared Junge- 1343.55, Michael Kreegar- 931.20, Gary Powell- 1279.19, Gayle Richards- 660.00, James Roberts- 1347.36, William Thompson- 1352.01, James Wagner- 1,676.00, Randall Walsh- 1480.00, Laurie Barclay- 892.00, Rita Chase- 821.60, Debra Fergen- 1588.46, Robert Finney- 2168.00, Amber Hegarty- 1307.69, Denise Kotalik- 755.25, Timothy Maher- 1403.85, Nicole Sims- 1049.65, Anthony Bos- 940.80, Rebecca Broer- 1009.78, Carol Cox- 1,056.72, Richard Criss- 157.60, Leonard Cunningham- 876.00, Michael Gregerson Jr.- 938.97, Alma Gunderson- 952.00, Todd Hammer- 999.60, Paula Harrigfeld- 572.62, Brandi McManigal- 352.00, Joseph Purucker- 788.00, Kevin Rohde- 916.00, Linda Schovanec- 989.55, Cory Schultz- 157.60, Margaret Stingley- 612.50, Brenda Tanner- 876.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 972.23, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, Principal Mutual- 1,593.29, NE Nebr Juvenile Svc Inc- 25316.25, Dakota Co Sheriff- 10.00, NE DMV Titles & Reg.- 20.00.

GENERAL FUND: Employee withholding paid to: Federal- 5912.14, State- 1961.14, Social Security Tax- 4030.64, Medicare- 942.67, Retirement- 2391.91, Unicare- 1797.49, Unicare Dental- 364.67, Colonial Health- 35.20, Credit Union- 1,393.31, Colonial Life- 3.00, Deferred Comp- 801.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 1127.63, Cops Fast Employee Net Pay- 805.12, Employer deductions paid: Retirement- 67.66, Unicare- 181.28, Unicare Dental- 11.52, Unicare Life- 4.42, Social Security- 69.91, Medicare- 16.35, Brad Claypool- 1127.63.

COPS FAST GRANT: Employee withholding paid to: Federal- 145.74, State- 45.40, Social Security- 69.91, Medicare- 16.35, Retirement- 45.11.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Closed Executive Session for union negotiations.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED. 4:03 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to reconvene in Open Session.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 4:12 p.m.

The board reviewed the mail.

Chair Engel adjourned their meeting at 4:12 p.m.

ATTEST

William Engel, Chair

Theodore A. Piepho, County Clerk

COUNTY BOARD OF COMMISSIONERS
AUGUST 19, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM

DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 10:00 a.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, Engel, Bobier and Ted Piepho, County Clerk.

ABSENT: All present.

The board reviewed the Accounts Payable and Payroll claims submitted by the County Clerk for payment.

Dick Erickson appeared before the board concerning several properties that were going to be heard by the TERC on October 3rd.

The first, Sioux City Lease Housing, he recommended to confess judgment at 2.8 million, which was down from 3.5 million as originally valued.

He stated the reason for the decrease is because of the occupancy rate.

Mr. Erickson said that he did not know who was representing the Flamingo, but suggested a value that agreed with what the 2002 Board of Equalization set.

Mr. Erickson recommended confessing judgment on Louie Storm's house to the value that agreed with what the 2002 Board of Equalization set.

Chair Engel recessed their morning session at 11:50 a.m.

Chair reconvened their meeting at 1:30 p.m. with all members of the board present and it's secretary, Ted Piepho, County Clerk.

Larry Pelan, Manager of NIRMA, appeared before the board and updated the board on NIRMA. No action taken.

Kerry Johnson with Marico, the county's cleaning service, appeared before the board at it's request to discuss the cleaning of the courthouse. The reason for the board requesting to talk with her is that the board has heard complaints about the cleanliness of the courthouse.

Ms. Johnson provided the board with envelopes of staples that were pulled out of the carpet from the County Attorney and County Court's Offices and insinuated that they would have more time to clean if they didn't have to pull staples.

Pat Foust, LEC Communications Director, appeared before the board with SIMPCO representative to request that the county be the lead agency in applying for a \$160,000 USDA Loan to replace the Communications Equipment.

Commissioner Hartnett moved, seconded by Commissioner Denker to SIMPCO to make application on behalf of Dakota County, who shall be the lead agency in the application of a \$160,000 loan from USDA to purchase new communications equipment.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Mr. Foust said that the LEC budget was under budget for 2001-02 fiscal year to the tune of about \$100,000. He asked for permission to set \$30,000 aside to replace the LEC's roof. He said that Bruce Davis from the South Sioux City's Finance Committee agreed that the City of South Sioux would set aside \$30,000.

Discussion was had how the money should be held. Mr. Foust said that there was a three year guarantee on the present roof. He said that this money would not

be used for the everyday repairs on the roof, but that it would only be used for replacement of or major repairs on the roof.

Commissioner Bobier moved, seconded by Commissioner Todd to set \$30,000 of the unspent monies in the LEC 2001-02 budget aside within the county's monies and reserve it for the replacement of the LEC's roof.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Mr. Foust informed the board that they had a lot of complaints concerning the fire works. He also discussed the need for the county to have animal control.

Denise Kotalik appeared before the board and expressed interest in providing the building cleaning service.

Alan Boyd informed the board that he was looking into leasing a van from DAV and they would provide the gas and everything if he would use volunteer drivers to transport Veterans. This would relieve him from driving veterans to appointments and lessen his mileage expense.

Commissioner Denker explained what had been done with the proposed budget and what the Budget Committee was proposing for the 2002-03 budget. He talked about the board implementing a hiring freeze.

Commissioner Denker moved, seconded by Commissioner Bobier to transfer Dakota County Abandoned Vehicle Title 02219700008 on a 1983 Ford Ranger Pickup bearing the serial number 1FTBR10A6DUA66676 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel recessed their meeting at 3:40 p.m.

Chair Engel reconvened their meeting at 3:58 p.m.

Commissioner Bobier moved, seconded by Commissioner Todd to authorize American Technical Services, Inc. to take a soil sample on the proposed jail site.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the minutes of August 5, 2002 as typed.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Todd to approve the accounts payable and payroll claims submitted by the County Clerk as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$13029.05, Road Employees Net Pay- \$9124.36, Employer deductions paid: Retirement- 692.86, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.68, Social Security Tax- 757.46, Medicare- 177.14.

Joel Broekemeier- 1188.44, Randall Crombie- 1220.00, Ronald Harder- 1174.70, Walter Heinemann- 1132.00, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Adam Krause- 554.63, Kimon Litras- 1043.83, Richard McNear- 938.40, Arnold Mellick- 1117.05, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 1005.66, State- 331.30, Social Security- 757.46, Medicare- 177.14, Retirement- 461.94, Unicare- 639.51, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$71745.63, General Fund Employees Net Pay- \$48676.43, Employer deductions paid: Retirement- 3709.62, Unicare- 12145.76, Unicare Dental- 772.52, Unicare Life- 293.85, Social Security Tax- 4269.45, Medicare- 998.52.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1021.04, Karilyn Watkins- 258.28, Marisol Curriel- 517.80, Bobbi Jo Harsma- 787.95, Theodore Piepho- 1340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 792.00, Kimberly Kuehl- 700.00, Phyllis Ridge- 812.00, Mark J. Dorsey- 514.08, Marilyn McGowen- 640.00, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 731.25, Scott M Dugan- 1676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1146.80, Ryan Jensen- 448.00, Pamela Davis- 57.00, Patricia A. Stingley- 1128.22, Jeremy Bermel- 1448.09, Allen Burns Jr- 1395.64, Linda Carson- 1093.18, Melvin Harrison III- 1003.03, Rodney Herron- 1418.34, Jared Junge- 1371.38, Michael Kreegar- 931.20, Gary Powell- 3014.55, Eric Reed- 252.00, Gayle Richards- 660.00, James Roberts- 1282.51, William Thompson- 1240.02, James Wagner- 1,676.00, Randall Walsh- 1336.00, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1588.46, Robert Finney- 2168.00, Amber Hegarty- 1307.69, Denise Kotalik- 760.00, Timothy Maher- 1403.85, Nicole Sims- 1049.65, Anthony Bos- 1089.20, Rebecca Broer- 1195.06, Carol Cox- 886.95, Richard Criss- 797.85, Leonard Cunningham- 788.40, Michael Gregerson Jr.- 930.75, Alma Gunderson- 952.00, Todd Hammer- 1117.20, Paula Harrigfeld- 371.30, Brandi McManigal- 380.00, Joseph Purucker- 788.00, Kevin Rohde- 967.53, Linda Schovanec- 964.00, Margaret Stingley- 612.50, Brenda Tanner- 876.00, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 947.81, Dr. David Grote- 200.00, Robyn Lieber- 26.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00.

GENERAL FUND: Employee withholding paid to: Federal- 6541.06, State- 2139.29, Social Security Tax- 4269.45, Medicare- 998.52, Retirement- 2473.10, Unicare- 1797.59, Unicare Dental- 364.86, Colonial Health- 35.20, Credit Union- 1,393.31, Colonial Life- 3.00, Deferred Comp- 801.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 1202.39, Cops Fast Employee Net Pay- 853.72, Employer deductions paid: Retirement- 72.14, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 74.55, Medicare- 17.43, Brad Claypool- 1202.39.

COPS FAST GRANT: Employee withholding paid to: Federal- 158.18, State- 50.41, Social Security- 74.55, Medicare- 17.43, Retirement- 48.10.

GENERAL FUND: Cellular One, phone- 25.89; Gifford & Associates, computer repair- 50.00; Perkins, supplies- 59.34; S Sioux City Star, printing- 645.41; Cellular One, phone- 26.79; NE Nebraska Association of County Officials, workshop registration- 17.00; Norfolk Printing, title folders- 1794.10; Perkins, Supplies- 230.08; Staples, cd writers/cd's- 133.71; Tri State Electronics, set up software- 480.00; Capital One-Visa, software- 83.84; Radio Shack, electronic connections- 83.11; Robert Giese, mileage- 80.30; Charlotte Doenhoefer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Office Systems, service contract- 89.95; Ruth Gillaspie, repair fees- 32.50; Staples, supplies- 370.70; S Sioux City Star, semi-annual report- 109.99; Iowa Office

Supply, supplies- 74.40; Information Management Services, data service- 27.00; Monroe Systems, supplies- 69.30; Iowa Office Supply, toner- 81.00; Advance Services Inc, part-time help- 176.88; MIPS, computer networking- 242.00; SS Coe Screen printing, book covers- 20.00; Jacob North Companies, transfer statements- 34.72; Bear Graphics, envelopes- 132.41; Sioux City Journal, subscription- 234.00; S Sioux City Star, election notice- 86.25; NE Nebraska Association of Co Officials, workshop registration- 17.00; Executive Copy Systems, copier maintenance- 156.25; NE Nebraska Association of Co Officials, workshop registration- 17.00; Perkins, supplies- 327.12; Pro Micro Systems Inc, microfilming- 3986.48; Lexis Nexis, law materials- 658.35; Microfilm Service Bureau, microfilming- 425.88; Office Systems Co, service contract- 445.22; Virginia Piper, supplies- 24.05; Sioux City Journal, published ad- 137.20; Star Printing & Publishing, envelopes- 449.00; S Sioux City Star, published ad- 18.80; Thurston County Court, transcription supplies- 7.58; Scott Dugan, mileage- 321.20; NCDAA, membership- 75.00; Perkins, supplies- 44.31; Sioux City Journal, attorney ads- 66.60; Paula Barclay, witness fee- 25.47; William Binkard, attorney fees- 1512.00; Clerk of District Court, court costs- 400.00; Coffee King, jury coffee- 79.84; Dakota County Court, court costs- 272.60; Crary, Huff, Inkster, Sheehan, Ringgenberg, Hartnett, Storm, & Jensen PC, attorney fees- 812.00; Thomas Fitch, attorney fees- 777.80; Frank Gonzalez, interpreting- 120.00; Randy Hisey, attorney fees- 3306.00; Hurley Law Office, attorney fees- 1266.00; Barbara Kueny, attorney fees- 174.00; Lexis Nexis, law materials- 527.56; Douglas Luebe Law Office, attorney fees- 804.30; Stuart Mills, attorney fees- 2230.00; Nebraska Law Review, law materials- 42.00; Ellen Rohde, bailiff fees- 25.00; Richard Thramer, attorney fees- 4210.80; Patrick Tott, attorney fees- 1782.00; David Trobaugh, witness fees- 27.30; Amanda Wendte, witness fees- 20.00; West Group, law materials- 3908.70; Dakota County Sheriff, papers/warrants- 813.65; Clerk of District Court, mileage- 62.00; Bomgaars, supplies- 148.08; Cellular One, phone- 30.07; Dakota Food & Fuel, mower gas- 12.78; Earl May, shrubs/flowers- 155.10; Foulk Brothers Plumbing, jail repairs- 89.50; G & R Electric, a/c repair- 355.00; Gill Hauling, dumpster service- 120.00; Grainger, a/c materials- 1507.61; Hardware Hank, supplies- 51.18; Rick Jensen, mileage- 178.52; Maintenance Engineering, light bulbs- 391.61; Menards, supplies- 578.85; Mid American Energy, gas- 847.00; Nebraska Public Power Dist, electricity- 4328.37; Qwest, fire alarm phone- 42.27; Roto Rooter, sewer repairs- 65.00; Robertson Implement, mower repairs- 202.49; Sam's Club, supplies- 57.86; Trembly Pest Control, monthly fee- 50.00; Dakota County Extension, mileage/supplies- 611.64; AJ Phillips, data sheets- 275.00; Albrecht Cycle Shop, helmet/club- 38.00; Cellular One, phone- 109.23; Cenex Fleetcard, fuel- 8.95; Circle S Stop & Shop, fuel- 90.64; City of S Sioux City, phone/copier- 171.67; Crystal Oil, fuel- 21.50; Dakota County Clerk, titles- 110.00; Dakota Co Sheriff, training meals- 119.98; Harold's, film processing- 98.46; Amy Hueser, interpreting- 90.00; Jack's Uniforms & Equipment, uniforms- 484.33; Jim's Service, service/tires- 1016.10; NLETC, training- 75.00; Perkins, supplies- 22.00; PhilFleet Advantage, fuel- 1134.55; RACOM, edacs/phone line- 641.50; Roger's Frame Repair, accident repairs- 250.00; Vera Salas, interpreting- 85.00; Siouxland Federal Credit Union, fuel/key charges- 92.56; Siouxland Humane Society, animal control- 62.00; S Sioux City Star, distress warrant ad- 61.60; Randy Walsh, reimbursement for plaque- 79.90; Cellular One, phone- 100.09; Dept of Motor Vehicles, transcripts- 12.00; Robert Finney, supplies- 9.76; H204U, supplies- 26.25; Iowa Office Supply, copier contract/supplies- 110.00; Lexis Nexis, law book updates- 21.74; St Luke's Home Health Care, blood draws- 200.00; St Luke's Regional Medical Center, medical reports- 115.00; West Group, law materials- 303.00; York County Court, certified copies- 2.25; City of S Sioux City, lec expenses July/Aug- 43027.26; Cellular One, phone- 35.15; Nicole Sims, mileage- 14.96; BI Inc, house arrest- 232.65; Bob Barkers, jail supplies- 265.85; Boys & Girls Home, august boarding- 6250.00;

Braungers, food- 1124.17; Cedar County Sheriff, inmate housing- 7640.00; Cellular One, phone- 65.07; Dakota Food & Fuel, fuel- 354.74; Dakota Super Value, food- 1133.79; Dept of Correctional Services, June/July inmate boarding- 15768.04; Earthgrains, bread products- 621.70; Mike Gregerson, mileage- 135.78; Guard Rite Security, transport juveniles- 778.41; Gary Heath, inmate house calls- 150.00; Hy Vee, food- 1351.13; Jack's Uniforms & Equipment, uniforms- 184.75; Ken's Apothecary Shop, inmate medications- 64.99; Mercy Medical Center, inmate care- 508.00; Mercy Business Health & Urgent Care, inmate house calls- 210.00; NLETC, training- 150.00; Oral Surgery Associates, inmate care- 35.53; Midwest Special Services, juvenile care- 67.50; Moore Medical, supplies- 221.40; Redler's Pharmacy, inmate medications- 908.66; Robinson Textiles, inmate uniforms- 1822.84; Sam's Club, supplies- 239.55; Sony, camera repair- 171.00; Steffen Drug, inmate medications- 46.01; Walmart, supplies- 204.32; Winnebago Indian News, subscription- 25.00; XPEDX, supplies- 369.10; Wayne County Clerk, share probation costs- 17303.90; Nebraska Dept of Roads, balance due on laptop- 14.96; Pam DeVries, mileage- 144.90; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage- 66.67; Alan Boyd, mileage- 839.14; Cellular One, phone- 48.74; Carlyle Memorials, set marker- 130.75; Office Systems, copier contract- 80.58; NE Nebraska Public Power, crystal lake utilities- 12.00; ACE Inc, phone computer repair- 145.00; Aflac/Flex One, service fees- 45.00; AT & T, phone- 19.15; Axles & Gears Inc, storage contract- 750.00; Executive Copy, toner- 303.60; Lazette Gifford, website upkeep- 40.00; MIPS, monthly support/networking- 514.16; Pitney Bowes, postage meter rental- 190.00; Qwest, phone- 3147.78; Sam's Club, phone cards- 277.60; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 163.32; XPEDX, copier paper- 1262.95

ROAD FUND: Advance Auto Parts, pump- 97.09; Ahlers, Cooney Attorneys, legal services- 196.11; ATCO, supplies- 327.85; B's Enterprises, flag materials- 321.00; Barkley Asphalt, hot mix- 43.40; Bierschbach, wide load banner- 24.70; Bridgestone/Firestone, tires- 584.26; Cellular One, phone- 55.77; Circle R, parts- 59.00; Electronic Engineering, antenna rod- 3.45; Erlandson Transportation, road rock- 948.20; The Feed Shed, erosion control- 147.50; Ft Calhoun Stone, road rock- 860.81; Fremont Tire, tire/repairs- 186.05; Gill Hauling, dumpster service- 40.00; Great Plains International, parts- 138.13; Harris Repair Shop, repair a/c- 227.00; Higman Sand & Gravel, road rock- 6315.13; Hubbard Mini Mart, fuel- 279.69; H204U, water service- 10.00; Joe's Dept. Store, parts/supplies- 101.87; Linweld, oxygen tanks- 58.93; Lux Brothers, haul rock- 254.80; Medical Enterprises, random screenings- 59.80; Midwest Sales & Service, blades/planks- 4801.00; Nebraska Dept of Roads, millings- 23307.05; Nebraska Public Power Dist, homer service- 15.94; Northeast Coop, oil- 156.30; Northeast Equipment, equipment rental- 950.00; Northeast Nebraska Telephone, phone- 153.02; O'Reilly's Auto Parts, parts/supplies- 388.31; Piorier Equipment, parts- 123.39; Power Plan, parts- 59.32; Presco, blades/culverts- 3329.17; Stephan Welding, plates- 78.00; Town & Country, oil- 5.50; Tractor Supply, umbrella/bracket- 119.10; UECO, shurlock pipe- 289.80; Warren Oil, fuel- 3387.02; Willers Inc, road rock- 908.88; Ziegler Inc, parts- 417.71

ROAD IMPROVEMENT FUND: S Sioux City Star, bid request- 45.62

POOR RELIEF: Becker Hunt Funeral Home, funeral expenses/Charles Clark-1350.00; Meyer Brothers Funeral Home, funeral expenses/Minh Van Le- 2130.00

VETERAN'S AID: Veteran's Service Office, emergency aid- 1000.00

STOP FUND: Staple's, digital camera/accessories- 729.96

COMMUNITY JUSTICE GRANT-PRETRIAL: BI Inc, electronic monitoring- 108.90

WEED FUND: O'Reilly Auto Parts, parts/filters- 165.42; Tires, Tires, Tires, parts/labor- 870.82

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to acknowledge receipt and approve the Officials Reports filed by the County Clerk, Register of Deeds and the Clerk of the District Court for July 2002.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss Personnel.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 4:30 p.m.

Commissioner Denker moved, seconded by Commissioner Todd to reconvene into open session.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED 4:48 p.m.

Chair Engel adjourned their meeting at 4:48 p.m.

ATTEST

William Engel, Chair

Theodore A. Piepho, County Clerk

COUNTY BOARD OF COMMISSIONERS
AUGUST 26, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel opened the regularly scheduled Board meeting at 1:30 p.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, Engel, Bobier and Ted Piepho, County Clerk.

ABSENT: All present.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Closed Executive Session to discuss litigation.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 1:30 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to reconvene in open session.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 2:13 p.m.

Commissioner Hartnett moved, seconded by Commissioner Todd to Confess Judgment to the TERC for a \$950,000 value to be placed on parcel 220048614 Prairie Haven, Inc.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Hartnett to Confess Judgment to the TERC for a \$2,820,000 value to be placed on parcel 220197393 Sioux City Leased Housing.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Todd to Confess Judgment to the TERC for a \$219,810 value to be placed on parcel 220178429 Robert & Patricia Lane.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Steve Davis, Rick Freeman and Jerry Johnson appeared before the board and presented draft information pertaining to a Jail Bond issue.

Robert Wood with Smith Hayes financial Group presented a Debt Service Schedule if bonds were issued in the amount of 5 through 8 million for 10, 15 and 20 year payoff.

Commissioner Bobier moved, seconded by Commissioner Denker to adopt Levy Resolution 02C-017 as follows:

RESOLUTION 02C-17

LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

Whereas, LB1114 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 by September 1, 2002.

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

Subdivision	Property Tax Request	Tax Allocation	Property Levy*
Dakota Co Historical Society .002222	18,035.11		18,035.11

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

Passed and adopted this 26th day of August, 2002.

County Clerk

Board Chair

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to adopt levy Resolution 02C-018 as follows:

RESOLUTION 02C-18

LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

Whereas, LB1114 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 Fire Districts in the Mutual Finance Organizations received funding and must levy the same rate; and,

Whereas, the County Board must determine the final allocation of levy authority for its subdivisions by September 1, 2002.

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

Subdivision Levy*	Property Tax Request	Property Tax Allocation	
Fire Protection Dist #1, Homer General	25,055.02		
25,055.02		.034195	Sinking
2,808.22		2,808.22	.003833
Total	27,863.24		
27,863.24		.038028	
Dakota Covington Rural Fire General	53,472.98		
53,472.98		.027921	
Sinking	17,352.16	17,352.16	.009060
Total	70,825.14	70,825.14	
.036981			
Emerson Rural Fire General	28,993.00		
28,993.00		.033196	
Ambulance Fund	12,223.04	12,223.04	.013995
Total	41,216.04	41,216.04	
41,216.04		.047191	

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

BE IT FURTHER RESOLVED, that the Fire Districts actual levy will be lower than these allocations due to the award of Mutual Finance Organization Dollars and that said levy will be .0250 as approved by the Dakota County Mutual Finance Organization.

Passed and adopted this 26th day of August, 2002.

ATTEST

William F. Engel, Chair

Theodore A. Piepho

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to adopt Resolution 02C-019 as follows:

RESOLUTION 02C-19
LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

Whereas, LB1114 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 by September 1, 2002.

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

Subdivision	Property	Property Tax
Levy*	Tax Request	Allocation
General	\$64,000.00	\$64,000.00
.007884	Capital Construction	40,000.00
40,000.00	.004927	
Total	104,000.00	104,000.00
.012811		

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

Passed and adopted this 26th day of August, 2002.

ATTEST _____
William F. Engel, Chair

Theodore A. Piepho
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea,
UNANIMOUS MOTION CARRIED.

Chair Engel recessed their meeting to 10:00 a.m. Friday August 30th, 2002.

ATTEST _____
William Engel, Chair

Theodore A. Piepho, County Clerk

* * * * *

COUNTY BOARD OF COMMISSIONERS
AUGUST 30, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel reconvened their regularly scheduled Board meeting of August 26, 2002 at 10:00 a.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, Engel, Bobier and Ted Piepho, County Clerk.

ABSENT: All present.

Steve Davis, Jerry Johnson and Stan Wheelock appeared before the board and gave a presentation on a propose jail.

Nanci Walsh presented a array of payback possibilities for various amounts and time periods, which was furnished by Smith, Smith & Haynes.

Commissioner Todd moved, seconded by Commissioner Hartnett to adopt Resolution as follows:

RESOLUTION 02C-020

A RESOLUTION OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, CALLING FOR SUBMISSION TO THE ELECTORS OF THE COUNTY OF A PROPOSITION FOR THE ISSUANCE OF BONDS OF THE COUNTY TO FINANCE ACQUISITION, CONSTRUCTION, IMPROVING, REMODELING, EQUIPPING AND FURNISHING OF COUNTY JAIL AND COURTHOUSE FACILITIES, AND THE LEVY OF A TAX TO PAY INTEREST, PREMIUM, IF ANY, AND PRINCIPAL ON THE BONDS AS THE SAME BECOME DUE.

BE IT RESOLVED by the Board of Commissioners of the County of Dakota in the State of Nebraska as follows:

1. The Board of Commissioners of the County of Dakota, in the State of Nebraska ("County") finds and determines that it is advisable to submit to the electors of the County a proposition for the issuing of bonds of the County in the amount of not to exceed Eleven million two hundred eighty-five thousand Dollars (\$ 11,285,000) to pay the costs of acquisition, construction, improving, remodeling, equipping and furnishing of County jail and courthouse facilities, and for the levy of a tax based on actual valuation of all taxable property in the County for the purpose of paying principal, interest, and premium on the bonds as they become due and payable.

2. It is hereby ordered to be placed on the November 5, 2002 general election to be held in the County the following proposition for consideration by all qualified electors of the County:

"Shall the County of Dakota, State of Nebraska issue its negotiable bonds in the principal amount of not to exceed Eleven million two hundred eighty-five thousand Dollars (\$11,285,000) for the purpose of paying costs of acquiring, constructing, improving, remodeling, equipping and furnishing County jail and courthouse facilities and costs of issuance of the bonds (said bonds to be dated and become due on such date or dates that may be determined by the County Board of Commissioners at the time of their issuance and to bear interest of such rate or rates as shall be determined by the County Board); and

Shall the County of Dakota, State of Nebraska levy annually, as long as any of said bonds are outstanding, a tax upon all of the taxable property in said County sufficient in rate and amount to pay the interest, premium, if any, and principal of said bonds as the same become due and payable, which tax shall be in addition to and in excess of the annual levy permitted for County building purposes pursuant to Section 23-120(2) of the Nebraska Revised Statutes."

3. The County Election Commissioner is authorized and directed to make all necessary arrangements for inclusion of the proposition on the November 5, 2002 general election ballot including preparation and publication of notice of such election and of the sample ballot as required by law.

This Resolution shall be in full force and effect from and after its passage and publication as required by law.

Dated this 30th day of August, 2002.

Moved by Commissioner Todd and seconded by Commissioner Hartnett that the above Resolution be adopted. Motion Carried.

Yeas:

5 _____ 0 _____ 0 _____

Nays:

Absent:

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 11:25 a.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho

* * * * *

COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 3, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel convened their regularly scheduled Board meeting at 1:30 p.m. with the pledge of allegiance to the flag. Present were Commissioners Denker, Todd, Hartnett, Engel and Ted Piepho, County Clerk. ABSENT: Commissioner Bobier

Scott Messing and Kent Vitols with Siemens appeared before the board to update the board on the heating and cooling project. They said that the project was near completion except for some punch list items. They said that they had not had an opportunity to evaluate the heating mode, but said that they would do that in October. Kent explained the Service contract on the system which included software updates to the systems computer. The board expressed that should not be necessary since the software presently is set for our systems.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene as Board of Equalization. ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, UNANIMOUS MOTION CARRIED 2:00 p.m.

Madelyn Thorsland, States Assessor for Dakota County, appeared before the board with two (2) Exemption Applications. One application was by the Glad Tidings Lighthouse of So. Sioux City and the other by St. Pauls United Methodist Church. Ms. Thorsland recommended denial of both applications. Her recommendation on the Glad Tidings Lighthouse was because there was not specific use or religious use of the property described as Part of the North 100 feet East of the East line of "B" Street. She said that they acquired the property in June. Pastor Michael Ring confirmed that it was acquired in June, and that they did not acquire the property with any particular use in mind. They presently use it as a drive for some members of the congregation to use to enter and exit the parking lot from the north. Some of the problem is that the entrance coming in from the east is blocked occasionally by trucks from Ted's signs. He said that they have not rocked the newly acquired property. A couple of board members expressed that they could not exempt the property. Ms. Thorsland said that she interpreted the regulations to say that the property must be used for religious purposes by August 1.

Mark Talstead, Trustee of United Methodist Church, appeared before the board concerning their Exemption Application on Lot 6, Block 15 Stanton Addition. Ms. Thorsland recommended disapproval on this application because it was acquired and is being treated as an investment as they are trying to sell the property.

Mr. Talstead confirmed that they had inquired about putting it on the market and probably would do so in about a month and the proceeds from the sale would go to the Church's General Fund.

He asked if they held church service there once a year whether it would qualify for exemption.

Bob Finney, County Attorney, explained what past court cases looked at in determining exempt status.

Madelyn Thorsland recommended to add Lots 20 & 21 Block 8 First Railway Addition to the tax rolls. The property had been owned by South Sioux City Chamber and was sold to JV Squared, L.L.C. who does not qualify for Exempt Status. She recommended that a value of \$66,645.00 be placed on the property.

Commissioner Denker moved, seconded by Commissioner Hartnett to add Lots 20 & 21 Block 8 First Railway Addition to the tax rolls and to place a total value of \$66,645 on the property.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Todd to deny the Exemption Application applied for by the Glad Tidings Lighthouse and St. Pauls United Methodist Church's because the use of the parcels are not for Religious purposes prior to August 1, 2002.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to convene into Closed Executive Session to discuss possible litigation concerning TERC cases.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED 2:18 p.m.

Commissioner Hartnett moved, seconded by Commissioner Todd to convene in open session.

ROLL CALL VOTE: Bobier- Absent, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:28 p.m.

Commissioner Hartnett moved, seconded by Commissioner Denker to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, UNANIMOUS MOTION CARRIED 2:28 p.m.

The board briefly discussed whether the Budget Hearing and the hearing on restricted funds could be held at the same time.

Chair Engel opened the Public Hearing for the County Budget at 2:38 p.m.

Chair Engel opened the Public Hearing for Tax Request at 2:38 p.m.

Nanci Walsh explained the County Budget. Commissioner Denker asked if we should have a budget for Jail Information and/or Jail Bond.

It was discussed whether that budget would be outside the lid.

Chair Engel asked if there was any comments from the public in favor of or in opposition to the proposed budget and the suggested changes.

Robert Finney, County Attorney, addressed the Community Corrections Budget. His concern was Nikki's salary and that if you equate what the Budget Committee is proposing, it is a 2 cent an hour raise. He mentioned that we get good people in these jobs and we should try to keep them. He thought that the Corrections Officer, (Nikki) should be paid in line with the Probation Office. He proposed, with the Correction Officer's approval, to move \$500 from the bottom part of her budget to personal services so she can get the same percentge increase as other county employees.

The Budget Committee's position was that she did not become a county employee until July 1, 2002 and that they tried to align her salary with courthouse employees and not grant employees. She had received her last raise as a grant/state employee January 1. It was thought that this is what she agreed to if the county would take over the program.

Mr. Finney continued with his (County Attorney) budget. He said that he prepared his budget on historic expenditures.

He concluded his request addressing his Chief Deputy's Salary. He said that Deb took over for Ed Matney and that he would like the board to increase her salary to \$45,000. She is very valuable to his office and she takes her work seriously and does an excellent job. She is very conscientious and he would like to see her get what Mr. Matney was getting when he left.

He requested the County Board to put back \$5300.00 into his budget. \$3300 back in certain line items other than Personal Services and \$2000 under the line item for his deputy.

The Budget Committee said they are holding budgets at the bottom line trying to hold down taxes. They would rather approve a lessor budget and add latter if need be.

Judge Redmond, District Judge, appeared before the board and requested 6300 dollars back in his budget. His reason was to get someone to help Connie and to be a bailiff.

Nanci quoted the tax request for 2002-2003 budget over last year.

The board discussed the language for the jail bond issue.

Chair Engel closed the Budget Public hearing at 3:08 p.m. and likewise closed the Tax Request Public Hearing at 3:08 p.m.

The board discussed a hiring freeze. The County Attorney Bob Finney, County Clerk Ted Piepho and Linda Carson spoke against a freeze from hiring someone to replace an existing employee.

Pat Foust presented the LEC Budget.

Chair recessed their meeting at 3:30 p.m.

Chair reconvened their meeting at 3:40 p.m.

The Board discussed Revenues for the 2002-2003 budget.

Commissioner Hartnett moved, seconded by Commissioner Denker to approve the LEC Budget as presented by Pat Foust.

Commissioner Denker moved, seconded by Commissioner Todd, to authorize an increase of one percent for the restricted funds in the County's Budget.
ROLL CALL VOTE: Bobier- Absent, Denker- Yea, Hartnett- Yea, Engel- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Hartnett to amend Resolution 02C-020 passed Friday, August 30, 2002 to include language asking the voters to exclude the Bonds for a new jail to be outside of the county's 50 cent lid and to adopt Resolution 02C-021 reading as follows:

RESOLUTION 02C-021

A RESOLUTION OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, CALLING FOR SUBMISSION TO THE ELECTORS OF THE COUNTY OF A PROPOSITION FOR THE ISSUANCE OF BONDS OF THE COUNTY TO FINANCE ACQUISITION, CONSTRUCTION, IMPROVING, REMODELING, EQUIPPING AND FURNISHING OF COUNTY JAIL AND COURTHOUSE FACILITIES, AND THE LEVY OF A TAX TO PAY INTEREST, PREMIUM, IF ANY, AND PRINCIPAL ON THE BONDS AS THE SAME BECOME DUE.

BE IT RESOLVED by the Board of Commissioners of the County of Dakota in the State of Nebraska as follows:

1. The Board of Commissioners of the County of Dakota, in the State of Nebraska ("County") finds and determines that it is advisable to submit to the electors of the County a proposition for the issuing of bonds of the County in the amount of not to exceed Eleven million two hundred eighty-five thousand Dollars (\$ 11,285,000) to pay the costs of acquisition, construction, improving, remodeling, equipping and furnishing of County jail and courthouse facilities, and for the levy of a tax based on actual valuation of all taxable property in the County for the purpose of paying principal, interest, and premium on the bonds as they become due and payable.

2. It is hereby ordered to be placed on the November 5, 2002 general election to be held in the County the following proposition for consideration by all qualified electors of the County:

"Shall the County of Dakota, State of Nebraska issue its negotiable bonds in the principal amount of not to exceed Eleven million two hundred eighty-five thousand Dollars (\$11,285,000) for the purpose of paying costs of acquiring, constructing, improving, remodeling, equipping and furnishing County jail and courthouse facilities and costs of issuance of the bonds (said bonds to be dated and become due on such date or dates that may be determined by the County Board of Commissioners at the time of their issuance and to bear interest of such rate or rates as shall be determined by the County Board); and

Shall the County of Dakota, State of Nebraska levy annually, as long as any of said bonds are outstanding, a tax upon all of the taxable property in said County sufficient in rate and amount to pay the interest, premium, if any, and principal of said bonds as the same become due and payable, which tax shall be in addition to and in excess of the annual levy permitted for County building purposes pursuant to Section 23-120(2) of the Nebraska Revised Statutes, and which tax shall be in addition to and in excess of the maximum annual levy limitation of fifty cents per \$100 assessed valuation as set forth in Article VIII, Section 5 of the Nebraska Constitution and all corresponding provisions in the Nebraska Revised Statutes."

3. The County Election Commissioner is authorized and directed to make all necessary arrangements for inclusion of the proposition on the November 5,

2002 general election ballot including preparation and publication of notice of such election and of the sample ballot as required by law.

This Resolution shall be in full force and effect from and after its passage and publication as required by law.

Dated this 3rd day of September, 2002.

Moved by Commissioner Todd and seconded by Commissioner Hartnett that the above Resolution be adopted. Motion Carried.

Yeas: _____ Nays: _____ Absent: _____
 4 0 1 Commissioner Bobier Absent

ROLL CALL VOTE: Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the Request for Funding from the Public Service Commission in the amount of \$10,259.78 and to approve the AGREEMENT FOR PROVISION OF WIRELESS ENHANCED 911 INFRASTRUCTURE AND SERVICE, Agreement number NUM-020605-0050.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Engel to approve Supplemental Agreement No. 1 to increase Project Nos. EACSTPE-3925(1) & (2), Control Nos. 31305 and 31306 by \$9,000 for increased concrete.

ROLL CALL VOTE: Bobier- Absent, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to Authorize the Chair to sign a NOTICE TO PROCEED and the STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE with Theisen Construction, which was signed by Pat Gubbels President of Theisen on July 15, 2002 for the Jackson Southwest Project, C-22(177).

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, UNANIMOUS MOTION CARRIED.

The board briefly discussed whether there should be someone in charge of the Road Department when the Road Foreman is on vacation or out of the county.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss personnel.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, UNANIMOUS MOTION CARRIED 4:28 p.m.

Commissioner Denker moved, seconded by Commissioner Todd to convene into open session.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 4:40 p.m.

Commissioner Hartnett moved, seconded by Commissioner Todd to approve the Payback Agreement with Tony Bos as follows:

TRAINING PAYBACK AGREEMENT

The County of Dakota, Dakota County, Nebraska, a municipal corporation (County), has agreed to employ Anthony D. Bos ("Employee"), and has agreed to furnish the cost of training the Employee at the Nebraska Law Enforcement Training Center at Grand Island, Nebraska, which will provide for certification

of the Employee for the position of Deputy Sheriff with the Dakota County Sheriff's Office, subject to the terms and conditions of this agreement and,

The Employee acknowledges that the County would be put to considerable expense in training the Employee and that during the period of training the Employee will not be able to render full service to the County until the Employee is adequately trained, and,

The Employee further acknowledges that this agreement is to ensure that the County does not invest time and money training persons for the position of Deputy without receiving any services of a fully trained and certified officer for the period of time set forth herein.

NOW THEREFORE, the parties agree as follows:

1. That the County will furnish the cost of training the Employee for the position of Deputy at the Nebraska Law Enforcement Training Center at Grand Island, Nebraska for a period of 12 weeks commencing on September 22, 2002, through successful completion of such training Employee agrees to devote full time to the training.
2. That the Employee agrees that if his/her employment with the County is terminated on his/her own initiative within a period of three (3) years from the date of completion of training at the Nebraska Law Enforcement Training Center, Employee will on demand reimburse the County for all of the cost of training furnished him/her by the County. Cost of training as used in this statement shall include, but not be limited to study materials, Employee's salary paid during the period of training (including payments made by the County for social security, pension, insurance, etc.), and a prorated share of Employee's salary during periods of on-the-job training (Field Training Program) following completion of instructional courses, as well as any other cost directly attributable to training of the Employee for position of Deputy.
3. Reimbursement will not be payable in the event that the Employee fails to satisfactorily complete or is dismissed during the training period, or in the event he or she is required to terminate his or her employment due to a disabling illness or injury. This exception shall not apply in the event that there is substantial evidence that the Employee has been dismissed as a result of misrepresenting his or her basic qualifications for employment or has caused his or her dismissal failure, illness or injury in an attempt to avoid repayment under the terms of this agreement.
4. In the event that the Employee is called to active military duty, has his or her probationary period extended, or is granted a leave of absence during the period covered by this agreement, the period of the agreement shall be extended accordingly.
5. This agreement shall become effective after completion of the training at the Nebraska Law Enforcement Training Center and shall remain in full force and effect for a period of three (3) years thereafter.
6. If the Employee fails to reimburse the County for the cost of training furnished to Employee by the County, upon demand by the County as provided for in this agreement, the County may bring civil action against the Employee in a court of competent jurisdiction and Employee agrees to pay the costs of that action as well as a reasonable attorney's fee to be determined by the Court and/or the County may deduct all, or any part of the cost of training, from funds which may be due the Employee, for any reason, from the County of Dakota, Dakota County, Nebraska.

SIGNED in duplicate this 3rd day of September, 2002.

COUNTY OF DAKOTA
DAKOTA COUNTY, NEBRASKA,
A municipal corporation,

BY:

DAKOTA COUNTY BOARD
CHAIR

ATTEST:

COUNTY CLERK

/s/ Anthony D. Bos

EMPLOYEE

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to acknowledge receipt of and approve the inventories filed with the County Clerk prior to September 1, 2002 by the following offices: COMMISSIONERS, COUNTY CLERK, ELECTION COMMISSIONER, TREASURER, REGISTER OF DEEDS, CLERK OF DISTRICT COURT, LEGAL SERVICES, LAW LIBRARY, PUBLIC DEFENDER, BLDG AND GROUNDS, EXTENSION, SHERIFF, JAIL, COUNTY ATTORNEY, S.T.O.P. FUND, HEALTH NURSE, VETERANS, DISTRICT JUDGE, ROAD DEPARTMENT, WEED, PLANNING AND ZONING, HWY SUPERINTENDENT, SURVEYOR and COMMUNITY CORRECTIONS.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to transfer Dakota County Abandoned Vehicle Title 02238700055 on a 1993 Eagle bearing the serial number 2E3ED66F3PH563732 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Engel- Yea, Meinen- Yea, Bobier- Absent, Denker- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to approve the claims filed with the County Clerk and submitted by him for payment as follows:
COUNTY ROAD PAYROLL: Gross salaries- \$12725.23, Road Employees Net Pay- \$8877.25, Employer deductions paid: Retirement- 687.49, Unicare Health- 2175.36, Unicare Dental- 138.24, Unicare Life- 51.58, Social Security Tax- 738.62, Medicare- 172.73.

Joel Broekemeier- 934.40, Randall Crombie- 1228.80, Ronald Harder- 1235.78, Walter Heinemann- 1114.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 1152.21, Adam Krause- 131.75, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1117.05, Marlan Millard- 938.40, James Swanson- 1134.84.

ROAD FUND: Employee withholding paid to: Federal- 983.28, State- 323.82, Social Security- 738.62, Medicare- 172.73, Retirement- 458.37, Unicare- 639.48, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$67969.71, General Fund Employees Net Pay- \$45930.00, Employer deductions paid: Retirement- 3609.51, Unicare- 11964.48, Unicare Dental- 760.34, Unicare Life- 288.80, Social Security Tax- 4035.36, Medicare- 943.76.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1021.04, Marisol Curiel- 552.32, Bobbi Jo Harsma- 816.00, Theodore Piepho- 1340.00, Cynthia Purucker- 408.00, Joan Spencer- 981.52, Darlene Davis- 740.00, Robert Giese- 1340.00, Ruth Gillaspie- 981.52, Jolene Heinemann- 772.20, Kimberly Kuehl- 700.00, Phyllis Ridge- 812.00, Mark J. Dorcey- 514.08, Marilyn McGowen- 90.00, Margaret Rahn- 981.52, Cynthia Purucker- 408.00, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Tracy Smock- 882.18, Lisa Tarno- 680.06,

Scott M Dugan- 1676.00, Mary Gamble- 860.00, Carol Dunham- 680.00, Richard Jensen- 1146.80, Patricia A. Stingley- 921.68, Jeremy Bermel- 1302.89, Anthony Bos- 1175.64, Allen Burns Jr- 1431.54, Linda Carson- 1093.18, Melvin Harrison III- 1071.56, Rodney Herron- 1418.34, Jared Junge- 1558.20, Michael Kreegar- 931.20, Eric Reed- 264.00, Gayle Richards- 660.00, James Roberts- 1509.51, William Thompson- 1307.25, James Wagner- 1,676.00, Randall Walsh- 1544.00, Laurie Barclay- 892.00, Rita Chase- 832.00, Debra Fergen- 1588.46, Robert Finney- 2168.00, Amber Hegarty- 1307.69, Denise Kotalik- 736.25, Timothy Maher- 1403.85, Nicole Sims- 1049.65, Rebecca Broer- 1153.21, Carol Cox- 903.38, Richard Criss- 852.04, Leonard Cunningham- 944.45, Michael Gregerson Jr.- 908.85, Alma Gunderson- 987.70, Todd Hammer- 1030.40, Paula Harrigfeld- 309.40, Brandi McManigal- 256.00, Joseph Purucker- 788.00, Kevin Rohde- 1104.96, Linda Schovanec- 1001.59, Margaret Stingley- 612.50, Brenda Tanner- 892.43, Margaret Kunzie- 820.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,300.00, Gloria Ann Dwyer- 792.00, Patricia Glover- 939.34, Dr. David Grote- 200.00, Alan Boyd- 851.90, MariCo Cleaning- 1,678.00, NE Nebraska Assoc. of Co Officials- 51.00.

GENERAL FUND: Employee withholding paid to: Federal- 6037.06, State- 2004.52, Social Security Tax- 4035.36, Medicare- 943.76, Retirement- 2406.38, Unicare- 1797.49, Unicare Dental- 364.81, Colonial Health- 35.20, Credit Union- 1,393.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 996.80, Cops Fast Employee Net Pay- 716.64, Employer deductions paid: Retirement- 59.81, Unicare- 181.28, Unicare Dental- 11.52, Unicare Life- 4.42, Social Security- 61.80, Medicare- 14.45, Brad Claypool- 996.80.

COPS FAST GRANT: Employee withholding paid to: Federal- 126.90, State- 37.14, Social Security- 61.80, Medicare- 14.45, Retirement- 39.87.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Engel to convene as Board of Equalization to consider confessing judgement on several TERC cases.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, UNANIMOUS MOTION CARRIED 4:44 p.m.

Commissioner Hartnett moved, seconded by Commissioner Todd to authorize the County Attorney to Confess Judgment before the Equalization and Review Commission (TERC) as follows; \$950,000 value to be placed on parcel 220048614 Prairie Haven, Inc; \$2,820,000 value to be placed on parcel 220197393 Sioux City Leased Housing; \$219,810 value to be placed on parcel 220178429 Robert & Patricia Lane.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, UNANIMOUS MOTION CARRIED 4:50 p.m.

The board discussed the budget and whether expenditures should be added as requested by the County Attorney and District Judge. Commissioner Engel expressed his wishes were to give them their request especially if the Corrections Officer is saving the county as much as we think she is.

Mr. Denker said that he and Commissioner Hartnett came to the courthouse one morning for the sole purpose of listening to anybody that had concerns with their proposed budget and no one showed up.

Commissioner Denker moved, seconded by Commissioner Hartnett to adopt Resolution 02C-022 as follows:

RESOLUTION NO. 02C-022
SETTING THE PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the COUNTY OF DAKOTA passes by a majority vote a resolution or ordinance setting the Tax request at a different amount; and

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

WHEREAS, it is in the best interests of the COUNTY OF DAKOTA that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the COUNTY OF DAKOTA resolves that:

- 1. The 2002-2003 property tax request be set at \$2,478,510.80.
- 2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2001.

Passed and adopted this 3rd day of September, 2002 at Dakota City, Nebraska.

ATTEST

William Engel, Chair

Theodore A. Piepho,
County Clerk

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Absent, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to adopt the budget as proposed by the Budget Committee, except that the miscellaneous budget of the General Fund be reduced by \$1,000.00 and transfer said monies to a newly established Jail Project Fund #4200. Be it further resolved to authorize expenditures for information purposes pertaining to construction and financing of a new jail. Be it further resolved to authorize a budget transfer from the newly created Jail Project Fund for all unexpended monies left in the fund after the election held November 5, 2002.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- No, MOTION CARRIED.

Chair Engel adjourned their meeting at 5:18 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho

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COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 16, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 10:00 a.m. Present were: Commissioners Bobier, Hartnett, Todd, Denker, Engel and Ted Piepho, Secretary. All present

The board reviewed the claims submitted by the County Clerk for payment.

Lynette Beermann, Clerk of the District Court, appeared before the board and discussed hiring another person.

Arnie Mellick discussed moving a house from Old Saw Mill Road to Highway 12 and then to Ponca.

Chair Engel recessed their meeting at 11:42 a.m.

Chair Engel reconvened their meeting at 1:30 p.m. with all members and the County Clerk present.

Mike Carlson with Probation and Rich Pope and Bob Sheehan from the Boys and Girls Home discussed the possibility of the Boys and Girls Home holding juveniles for 24 hours.

Commissioner Bobier moved, seconded by Commissioner Todd to authorize the Probation Office to utilize the Boys and Girls Home for juvenile intake at \$150.00 per day based on availability.

ROLL CALL VOTE: Denker -YEA, Todd- YEA, Hartnett- YEA, Bobier- YEA and Engel- YEA. UNANIMOUS MOTION CARRIED.

Arnie Mellick, Planning and Zoning Administrator met with the board and suggested that the County Board change fees for Building Permits to \$50.00, Conditional or Special Use permits to \$70.00 and renewals to \$35.00, Zoning Changes for Variances and Flood Plain Development Permits to \$90.00, and Subdivision Plats to \$70.00 plus \$2.00 per lot being plotted.

Commissioner Hartnett moved, seconded by Commissioner Bobier to change Planning & Zoning fees as follows; Building Permits to \$50.00, Conditional or Special Use permits to \$70.00 and renewals to \$35.00, Zoning Changes for Variances and Flood Plain Development Permits to \$90.00, and Subdivision Plats to \$70.00 plus \$2.00 per lot being plotted.

ROLL CALL VOTE: Todd- YEA, Hartnett- YEA, Bobier- YEA, Engel- YEA AND Denker- YEA. UNANIMOUS MOTION CARRIED.

Denker moved, seconded by Bobier to table the Tort claim filed by Elliott Saunders on September 3, 2002 claiming that the improvements to L Avenue in 1995 caused improper drainage off his property.

ROLL CALL VOTE: Hartnett- YEA, Bobier- YEA, Engel- YEA, Denker- YEA and Todd- YEA. UNANIMOUS MOTION CARRIED.

Denker moved, seconded by Hartnett to acknowledge receipt of and approve the Officials Reports filed by the County Clerk, Register of Deeds and the Clerk of the District Court for the month of August, 2002.

ROLL CALL VOTE: Bobier- YEA, Engel- YEA, Denker- YEA, Todd- YEA and Hartnett- YEA. UNANIMOUS MOTION CARRIED.

Hartnett moved, seconded by Denker to approve the minutes of September 3, 2002.

ROLL CALL VOTE: Engel- YEA, Denker- YEA, Todd- YEA, Hartnett- YEA and Bobier- ABSTAINED. MOTION CARRIED.

Denker moved, seconded by Hartnett to convene into Closed Executive Session to discuss Personnel. 2:27 p.m.

ROLL CALL VOTE: Denker -YEA, Todd- YEA, Hartnett- YEA, Bobier- YEA and Engel- YEA. UNANIMOUS MOTION CARRIED.

Bobier moved, seconded by Hartnett to reconvene in Open Session. 3:00 p.m.

ROLL CALL VOTE: Todd- YEA, Hartnett- YEA, Bobier- YEA, Engel- YEA AND Denker- YEA. UNANIMOUS MOTION CARRIED.

Bobier moved, seconded by Denker to approve the Accounts Payable Claims and Payroll claims submitted by the County Clerk with exception to Laurie Barclay's claim, which should be paid at \$11.48 an hour rather than \$11.65 an hour, as submitted.

COUNTY ROAD PAYROLL: Gross salaries- \$11387.45, Road Employees Net Pay- \$7915.27, Employer deductions paid: Retirement- 627.62, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.70, Social Security Tax- 655.66, Medicare- 153.34, Principal Mutual-

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1117.05, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 809.88, State- 263.63, Social Security- 655.66, Medicare- 153.34, Retirement- 418.48, Unicare- 639.51, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$75001.34, General Fund Employees Net Pay- \$50751.38, Employer deductions paid: Retirement- 3930.62, Unicare- 11964.48, Unicare Dental- 760.98, Unicare Life- 289.46, Social Security Tax- 4471.28, Medicare- 1045.69.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1204.88, Marisol Curiel- 551.37, Bobbi Jo Harsma- 951.42, Theodore Piepho- 1340.00, Cynthia Purucker- 482.52, Joan Spencer- 1158.22, Darlene Davis- 894.56, Robert Giese- 1340.00, Ruth Gillaspie- 1158.22, Jolene Heinemann- 957.60, Kimberly Kuehl- 700.00, Phyllis Ridge- 977.60, Mark J. Dorcey- 514.08, Marilyn McGowen- 430.00, Margaret Rahn- 1158.22, Cynthia Purucker- 486.46, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 1160.00, Tracy Smock- 971.88, Lisa Tarno- 251.06, Scott M Dugan- 1676.00, Mary Gamble- 1014.00, Richard Jensen- 1353.26, Joycelyn Moody- 48.00, Patricia A. Stingley- 828.00, Jeremy Bermel- 1422.03, Anthony Bos- 1385.16, Allen Burns Jr- 1323.86, Linda Carson- 1093.18, Thomas Hardy- 192.00, Melvin Harrison III- 1127.63, Rodney Herron- 1418.34, Jared Junge- 1677.45, Michael Kreegar- 931.20, Eric Reed- 102.00, Gayle Richards- 880.00, James Roberts- 1325.76, William Thompson- 1389.42, James Wagner- 1,676.00, Randall Walsh- 1544.00, Laurie Barclay- 1037.20, Rita Chase- 1052.00, Debra Fergen- 1949.05, Robert Finney- 2168.00, Amber Hegarty- 1835.85, Denise Kotalik- 974.50, Timothy Maher- 1826.37, Nicole Sims- 1049.65, Rebecca Broer- 1105.42, Carol Cox- 1007.44, Richard Criss- 837.29, Leonard Cunningham- 1007.44, Michael Gregerson Jr.- 1037.55, Alma Gunderson- 1094.80, Todd Hammer-

957.60, Paula Harrigfeld- 580.51, Cathy Harsma- 398.93, Brandi McManigal- 478.00, Joseph Purucker- 827.44, Kevin Rohde- 1062.03, Linda Schovanec- 1001.59, Margaret Stingley- 929.91, Brenda Tanner- 1007.44, Margaret Kunzie- 1002.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 935.09, Pamela DeVries- 1,515.40, Gloria Ann Dwyer- 924.00, Patricia Glover- 1111.92, Judi Neswick- 16.25, Alan Boyd- 1005.26, MariCo Cleaning- 1,678.00. GENERAL FUND: Employee withholding paid to: Federal- 7140.39, State- 2359.42, Social Security Tax- 44471.28, Medicare- 1045.69, Retirement- 2620.41, Unicare- 1797.58, Unicare Dental- 364.86, Colonial Health- 35.20, Credit Union- 1,393.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00. COPS FAST GRANT: Gross salaries- 1239.77, Cops Fast Employee Net Pay- 874.55, Employer deductions paid: Retirement- 74.39, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 76.87, Medicare- 17.98, Brad Claypool- 1239.77. COPS FAST GRANT: Employee withholding paid to: Federal- 167.87, State- 52.91, Social Security- 76.87, Medicare- 17.98, Retirement- 49.59. GENERAL FUND: Cellular One, phone- 713.56; Perkins, supplies, toner- 1,074.46; S Sioux City Star, printing, meeting notice - 475.41; Staple's, supplies- 7.25; Robert Giese, mileage- 73.00; Charlotte Doenhoefer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; National Auto Dealers Corp, nada book- 58.00; Ruth Gillaspie, supplies- 6.74; Staples, supplies- 36.69; Commercial Computer Systems, computer support- 110.00; Sam's Club, toner, supplies, membership- 866.05; Microfilm Imaging Systems, lease payment- 240.00; Star Printing & Publishing, envelopes- 65.00; Data Source, supplies- 284.51; Pawnee County Court, transcription supplies- 13.24; Kurt Rager, supplies- 96.95; Thurston County Court, transcription supplies- 7.43; United Bank of Iowa, copier payment- 218.04; University of NE College of Law, seminar materials- 45.00; Scott Dugan, mileage- 423.40; Frank Gonzalez, interpreting- 280.00; Sioux City Journal, attorney ads- 66.60; Clerk of District Court, court costs- 566.00; Des Moines Stamp Mfg, stamp- 45.94; Frank Gonzalez, interpreting- 720.00; Hungry's North, jury lunches- 211.37; Connie Lee, bill of exceptions- 302.50; Nebraska Supreme Court, court costs- 52.00; Erica Scott, witness fees- 108.11; Duane Yates, bond refund- 30.00; William Binkard, attorney fees- 474.00; Doug Luebe Law Office, attorney fees- 983.10; Stuart Mills, attorney fees- 580.00; Michael Schmiedt, attorney fees- 90.00; Lori Ubbinga, attorney fees- 750.00; Dakota County Sheriff, papers/warrants- 2742.85; County Court, court costs- 267.00; Sandra Inkster Ehrich, attorney fees- 911.00; Matt Fiedler, witness fees- 21.46; Randy Hisey, attorney fees- 672.00; Shelley Horak, attorney fees- 592.00; Hurley Law Office, attorney fees- 192.00; Richard Thramer, attorney fees- 302.40; JURY PAYROLL- Kathleen Awtry, - 74.38; Edwin Beckner, - 75.84; Dave Bracht, - 37.19; Joan Deroin, - 43.03; Connie Dougherty, - 77.30; Gerard Doyle, - 75.84; Carol Fritza, - 75.12; Patricia Giese, - 37.19; James Gunderson, - 37.56; Lisa Hoch, - 80.22; Kenneth Houlsworth, - 37.92; Jesse Jensen, - 37.56; Sunshine Koopman, - 77.30; Paul Kosinski, - 38.65; Toni Lauer, - 38.65; Robert Lindgren, - 75.84; Susan Livingston, - 75.84; Frances Madison, - 41.57; Corey Millard, - 40.11; Kenzie Moore, - 35.00; Earl Morgan, - 70.00; Ami O'Dell, - 39.38; David Olsen, - 76.58; Janene Olson, - 35.00; Peggy Ott, - 37.92; Ruth Pallesen, - 86.06; Sheryl Quint, - 38.65; Ann Verzani, - 39.38; Ellen Rohde, bailiff fees- 150.00; Clerk of District Court, court costs- 62.00; Maximus Inc, cost allocation preparation- 2950.00; A Team Heating & Cooling, replace freon- 199.00; Bean Electric, repairs- 316.46; Bekin's, recharge fire extinguishers- 318.70; Bomgaars, supplies- 217.10; Dakota Food & Fuel, mower gas, jail fuel - 336.65; Gill Hauling, dumpster- 120.00; Wilmes Hardware Hank, supplies- 81.51; Earl May, grounds landscaping- 53.71; Foulk Brothers, plumbing- 241.20; Jackson Glass, security doors- 2955.00; JC Roofing, roof repair- 1245.00; Rick Jensen, mileage-

141.40; Maintenance Engineering, light bulbs- 383.49; Menards, supplies- 443.65; Mid American Energy, utilities- 1043.96; NPPD, utilities- 3864.86; Qwest, fire alarm phone- 38.78; Share, supplies- 664.14; Superior Wholesale, supplies- 499.50; Trembly Pest Control, monthly fee- 50.00; WW Grainger, filters - 67.68; XPEDX, supplies- 799.09; Dakota County Extension, mileage/supplies- 836.75; Lucia Castillo, interpreting- 20.00; City of S Sioux City, phone charges- 21.24; Crystal Oil, fuel- 132.95; Dakota County Clerk, title fee- 10.00; Dolezal Motor Company, repairs- 1929.15; Executive Copy, copier contract- 1424.57; Brent Gilster, physical- 289.00; Harold's, film processing- 23.94; Amy Hueser, interpreting- 30.00; Jim's Service, service/tires- 873.95; Philfleet, fuel- 2020.34; RACOM, edacs phone line- 921.50; Rogers Frame Repair, repairs- 175.00; Siouxland Federal Credit Union, aol charges- 32.55; State of NE HHS Lab, tests- 55.00; Sandra Thownsend, interpreting- 125.00; NE DMV, transcripts- 3.00; H204U, water cooler- 31.50; Iowa Office Supply, copier contract/supplies- 137.17; Lexis Nexis, law book updates- 71.74; Pathology Medical Services, autopsy- 1075.00; St Luke's Home Health Care, blood draw- 100.00; Walmart, supplies- 101.80; West Group, law book updates- 27.00; City of S Sioux City, lec expenses- 21513.63; BI Inc, house arrest monitors- 356.40; Braunger's, food- 1128.26; Cedar County Sheriff, inmate housing- 9200.00; Coffee King, jail coffee- 38.25; Dakota County Sheriff, training expenses- 32.36; Dakota Family Dentistry, inmate care- 122.00; Dakota Super Value, food- 1044.32; Dept of Corrections, prisoner boarding- 6979.58; Earthgrains, bread products- 802.41; Electronics Unlimited, monitor- 168.75; Fremont Tire, repairs- 267.35; Guardrite Security, transport juveniles- 924.35; Hy Vee, food- 2017.37; Jack's Uniforms & Equipment, uniform upkeep, equipment- 1219.30; Louderback Drug, inmate medications- 30.45; Mercy Business Health, inmate care- 240.00; Mercy Medical Center, inmate care- 287.00; Moore Medical, gloves- 513.00; NE Nebraska Juvenile Service, juvenile boarding- 7952.50; Oral Surgery Associates, inmate care- 2985.00; Redler's Pharmacy, inmate medications- 1562.10; Thurston County Sheriff, inmate boarding- 12825.00; Time Inc Magazines, magazines- 163.65; Walmart, supplies- 63.72; Standard Office Supply, po books- 31.48; ACE, computer repairs- 60.00; Pam DeVries, mileage- 82.12; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage- 85.77; HemoCue, medical supplies- 108.50; Alan Boyd, mileage- 204.40; Luken Memorials, set marker- 100.00; Lexis Nexis, law library books- 96.16; West Group, law books- 771.50; NE Nebraska Public Power, crystal lake utilities- 13.50; Aflac, flex service fees- 45.00; Amsterdam Printing & Litho, supplies- 75.73; AT &T, phone- 19.15; Executive Copy, copier repair- 80.00; Lazette Gifford, website upkeep- 40.00; IBM Corp, maintenance contract- 28.50; MIPS, monthly support- 457.16; Qwest, pay phone- 62.47; Qwestdex, phone directory- 13.03; Sioux Air, spray backwaters- 1000.00; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 557.53.

ROAD FUND: A-1 Auto Salvage, parts- 100.00; Ace Industrial Supply, supplies- 105.08; Ahlers Cooney Dorweiler Haynie Smith & Allbee, legal fees- 432.58; Air Filter Cleaning, clean filters- 78.48; Bomgaars, jack- 52.27; Bridgestone/Firestone, tires- 977.56; California Contractors, traffic cones- 129.00; Cellular One, phone- 58.35; Ft Calhoun Stone, road rock- 8670.75; Gill Hauling, dumpster- 40.00; Great Plains International, parts- 478.25; Heritage Express, fuel- 21.01; Higman Sand & Gravel, road rock- 7087.07; Hubbard Mini Mart, fuel- 2839.89; h204U, water service- 25.75; Jackson Glass, insurance deductible- 500.00; Joe's Dept Store, parts/supplies- 231.21; John Howard Trucking, haul rock- 169.93; Linweld, oxygen tanks- 177.11; Lux Bros., haul rock- 2160.65; Marx Trailer Sales, parts- 457.45; Meier Auto Salvage, parts- 175.00; Midwest Equipment, filter- 54.95; NPPD, homer service- 15.96; Northeast Coop, prepay propane- 1464.00; Northeast Equipment, august rental- 950.00; NE Nebraska Public Power, security light- 77.48; Northeast Nebraska Telephone- 160.38; Olson Trucking, haul rock- 1184.20; O'Reilly's Auto, parts/supplies- 691.23; Piorier Equipment, parts- 255.03; Power Plan, parts- 398.84; Presco,

culverts- 3257.56; Rees Mack Sales, parts/labor/filter- 49.61; RJ Machine, parts/labor- 295.00; Steffen, parts- 207.34; Stephan Welding, parts/labor- 560.00; TJ's Radiator, parts- 514.33; Torco Remfg, starter- 100.00; Tri-State Communication, insurance deductible- 500.00; UECO, shurlock pipe- 194.00; Warren Oil, fuel- 4111.28; Willers Inc, road rock- 404.92; Wilmes Hardware Hank, supplies- 23.97; Ziegler, parts- 419.74.

HARD SURFACE ROAD FUND: Oden Enterprises, 1st payment Gentrup bridge- 21,161.54

ROAD IMPROVEMENT FUND: JEO Consulting, engineering- 2806.00

INSTITUTIONS: Beatrice State Developmental Center, quarterly payment- 2190.00; Norfolk Regional Center, quarterly payment- 513.00.

VETERAN'S SERVICE OFFICE: Veteran's Office, emergency aid- 1500.00

S.T.O.P. FUND: CDW-G, printer for NSP- 364.49

COMMUNITY JUSTICE GRANT- PRETRIAL: BI Inc, electronic monitoring- 9.90

INHERITANCE TAX: GA Johnson Construction Inc, jail proposal - progress billing- 6286.49; HMN Architects Inc, professional services- 690.15; Siemens, balance due- temperature controls- 15492.60

WEED FUND: Central Community College, continuing education- 70.00; Northeast Coop, chemical/re-seed- 811.50; S Sioux City Star, weed Notice- 26.67; Tires, Tires, Tires, parts/labor- 92.89

ROLL CALL VOTE: Hartnett- YEA, Bobier- YEA, Engel- NO, Denker- YEA and Todd- YEA. UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 3:02 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk

* * * * *

ROLL CALL VOTE: Todd- YEA, Hartnett- YEA, Bobier- YEA, Engel- NO AND Denker- YEA. MOTION CARRIED.

Chair Engel adjourned their meeting at 3:02 p.m.

ATTEST \s\William F. Engel, Chair
\s\Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 30, 2002, PROCEEDINGS
DAKOTA COUNTY COURTHOUSE
COUNTY BOARD MEETING ROOM

Chairman Engel called the meeting to order at 1:30 pm.

PRESENT WERE: Commissioners Bobier, Todd, Hartnett, Denker, Engel and Ted Piepho, Secretary.

ABSENT WERE: All present

Dick Leitschuck and Carol Larvick from the Ag. Extension Office appeared before the board requesting to purchase a new copier machine.

There were two basic machines that they discussed. One produced 27 copies per minute and the other machine copied 35 copies per minute. The faster machine

had quite a few accessories that the slower did not. The difference in cost was \$600.00.

Commissioner Denker moved to authorize the Ag. Extension to purchase the 27 minute copier. Motion died for lack of a second.

Commissioner Bobier moved, seconded by Commissioner Todd to authorize the Ag. Extension Office to purchase the 35 copy per minute copier.

ROLL CALL VOTE: Denker- No, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Jim Yeggy, Nebraska Department of Environmental Quality, appeared before the board to discuss the Federal Regulations of the Water Pollution Control Program addressing Storm Water Discharges.

He said that the county would have to be in compliance with Phase II by March, 2003.

We are one of few communities in Nebraska that are obligated under these regulations and that is because of geographic location to Sioux City.

Commissioner Denker moved, seconded by Commissioner Todd to convene as Board of Equalization.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED. 2:20 p.m.

Chairman Engel opened the Public Hearing to consider adding parcel numbers 220056951, 2200177708 and 220154422 to the tax rolls.

No one was present to offer support or opposition to adding the properties to the tax rolls.

Chair Engel closed the hearing at 2:35 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to add parcel numbers 220056951, 220177708 and 220154422 to the tax rolls because they have been sold to private citizens and no longer eligible for tax exempt status.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED. 2:36 p.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the Road Annual Report.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

The Board discussed selling Paul High easement to get to his property from the newly paved Hubbard-Jackson Road.

The first option was to sell the property to him and then it was discussed to sell him an easement so he wouldn't have to go through the expense of getting it surveyed.

Jim Herms, from SIMPCO, appeared before the board and presented SIMPCO promoting a Small Community Partnership Program.

Arnie Mellick appeared before the board with change orders to the Hubbard-Jackson Road for Type II Barricades, Temporary Sign Day and Flagging.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the change order amounting to \$6,500.00 for Type II Barricades, Temporary Sign Day and Flag men that were used for project EACSTPE-3925(1).

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve MAXIMUS'S preparation of Dakota County's Countywide Cost Allocation Plan based on actual costs for the fiscal year June 30, 2001. In addition the indirect cost rate computation for the County's July 1, 2002, through June 30, 2003 was attached showing the Clerk of the District Courts rate for FY 2003 was 38.22 percent.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The Committee to interview the Bonding Agencies that submitted interest in serving as Dakota County's Bond Council for the issuance of bonds to finance a new jail if the jail bond issue passes November 5, 2002. The committee felt that Piper Jaffray was higher than the rest and the committee said that they didn't have the experience of issuing bonds in Nebraska. The Committee felt that Ameritas had as much and maybe more experience than the others and if you went by just experience they would be the agency to choose. The Committee recommended Smith, Smith Hayes because they had the lowest underwriting fees and they have a lot of experience in issuing bonds in Nebraska for political subdivisions.

Commissioner Hartnett moved, seconded by Commissioner Todd approve and authorize Smith Hayes to issue bonds for Dakota County's Jail Bond Project if the Jail Bond Issue passes in the General Election in November.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

The board considered awarding the COPS in Schools Grant to put a deputy in school.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept and approve the COPS in Schools Grant Award number 2002SHWX0364 in the amount of \$124,835.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

The board did not act on the Siemens System acceptance.

Chair Engel recessed the meeting at 4:15 p.m. and reconvened the meeting at 4:20 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the minutes of September 16, 2002 as written.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the claims submitted by the County Clerk as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$11701.33, Road Employees Net Pay- \$8098.90, Employer deductions paid: Retirement- 702.04, Unicare Health- 2175.36, Unicare Dental- 138.24, Unicare Life- 51.58, Social Security Tax- 675.12, Medicare- 157.89, Principal Mutual- 17.23.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1430.93, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 851.37, State- 278.79, Social Security- 675.12, Medicare- 157.89, Retirement- 468.10, Unicare- 639.48, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$70202.12, General Fund Employees Net Pay- \$47324.27, Employer deductions paid: Retirement- 3654.64, Unicare- 11964.48, Unicare Dental- 760.34, Unicare Life- 288.80, Social Security Tax- 4174.99, Medicare- 976.40.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Marisol Curiel- 551.18, Bobbi Jo Harsma- 839.49, Theodore Piepho- 1340.00, Cynthia Purucker- 420.41, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 800.70, Kimberly Kuehl- 700.00, Phyllis Ridge- 836.00, Mark J. Dorcey- 514.08, Marilyn McGowen- 160.00, Margaret Rahn- 1010.97, Cynthia Purucker- 420.40, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1676.00, Mary Gamble- 888.00, Richard Jensen- 1181.21, Patricia A. Stingley- 828.00, Jeremy Bermel- 1358.73, Anthony Bos- 983.58, Allen Burns Jr- 2208.76, Linda Carson- 1322.78, Brent Gilster- 465.60, Thomas Hardy- 363.00, Melvin Harrison III- 996.80, Rodney Herron- 1782.34, Jared Junge- 1939.80, Michael Kreegar- 931.20, Gayle Richards- 700.00, James Roberts- 1196.04, William Thompson- 1195.20, James Wagner- 1,676.00, Randall Walsh- 1600.00, Laurie Barclay- 918.40, Rita Chase- 872.00, Debra Fergen- 1653.85, Robert Finney- 2168.00, Amber Hegarty- 1403.85, Denise Kotalik- 800.00, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 973.93, Carol Cox- 886.95, Richard Criss- 783.08, Leonard Cunningham- 876.00, Michael Gregerson Jr.- 889.69, Alma Gunderson- 952.00, Todd Hammer- 929.60, Paula Harrigfeld- 411.25, Cathy Harsma- 815.09, Brandi McManigal- 382.50, Joseph Purucker- 788.00, Kevin Rohde- 916.00, Linda Schovanec- 965.44, Margaret Stingley- 647.50, Brenda Tanner- 881.48, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 948.78, Dr. David Grote- 100.00, Judi Neswick- 13.00, Alan Boyd- 877.46, MariCo Cleaning- 1,678.00, Principal Mutual- 96.12, Aon Risk Services of NE- 10,584.00.

GENERAL FUND: Employee withholding paid to: Federal- 6546.95, State- 2140.19, Social Security Tax- 4174.99, Medicare- 976.40, Retirement- 2436.46, Unicare- 1797.49, Unicare Dental- 345.04, Colonial Health- 35.20, Credit Union- 1,403.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,452.03, Aflac Health- 487.34, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 928.27, Cops Fast Employee Net Pay- 670.27, Employer deductions paid: Retirement- 55.70, Unicare- 181.28, Unicare Dental- 11.52, Unicare Life- 4.42, Social Security- 57.55, Medicare- 13.46, Brad Claypool- 928.27.

COPS FAST GRANT: Employee withholding paid to: Federal- 117.04, State- 32.82, Social Security- 57.55, Medicare- 13.46, Retirement- 37.13.

VISITORS AND TOURISM FUND - S. Sioux City Chamber of Commerce- Lodging tax to Visitors Promotion- 6911.81.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to convene into Closed Executive Session.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED. 4:15 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to reconvene in open session.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 4:30 p.m.

Chair Engel adjourned their meeting at 4:30 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
OCTOBER 14, 2002, PROCEEDINGS
DAKOTA COUNTY COURTHOUSE
COUNTY BOARD MEETING ROOM

Chairman Engel called the meeting to order at 1:30 pm.

PRESENT WERE: Commissioners Bobier, Hartnett, Denker, Engel and Ted Piepho, Secretary.

ABSENT: Commissioner Todd

Lynette Beermann appeared before the board and read a letter that she had written to Lisa Tarno concerning prorated vacation. She asked that the letter be part of her personnel file.

Commissioner Bobier moved, seconded by Commissioner Hartnett to convene as Board of Equalization.

ROLL CALL VOTE: Denker- Yea, Todd- Absent, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 1:50 p.m.

Chair Engel opened the public hearing to consider adding parcel number 220156891 on the tax rolls.

No one was in the audience to speak in support of or in opposition to the parcel being added to the tax rolls.

Chair Engel closed the hearing at 1:55 p.m.

Commissioner Denker moved, seconded by Commissioner Bobier to add Parcel Number 220156891 to the tax rolls.

ROLL CALL VOTE: Todd- Absent, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to set the 2002 levies for the various political subdivisions as follows:

DAKOTA COUNTY LEVIES -2002-2003

DAKOTA COUNTY VALUATION -\$811,772,047

POLITICAL SUBDIVISIONS TAX RATE PER ONE HUNDRED DOLLARS VALUATION
2002-2003

County General Fund	0.288558
Major Rd (Road Improvement)	NONE
County Road	NONE
County Relief Medical	0.002051
Institutions Fund	0.001251
Soldiers/Sailers (Veteran's)	0.001441
Noxious Weed Control	NONE
E911	NONE
LEC Bond	NONE
Road Hard Surface	NONE
Total County Tax Rate	0.305321

All Dakota County Residents pay the Total County Tax Rate

CITY/VILLAGE	General	Bond	Police Ret.	Fire	Library	2002-2003
						TOTAL
Dakota City	0.298614	0.306280		0.051887	.656781	
*Emerson	0.449990	0.31304			0.763030	
Homer	0.143498			0.143498		
Hubbard	0.145367			0.145367		
Jackson	0.120778			0.120778		
So Sioux City	0.276828	0.005055	0.024438	0.025000	0.052313	
	0.383634					

All residents living within the incorporated limits of a city or village pay the respective tax rate for said city or village.

SCHOOL DISTRICT	GENERAL	BOND	SINKING	BUILDING	Quality CPU	2002-2003
					/haz mat	TOTAL
#4 Jackson	0.858510	AFFILIATED WITH CLASS THREE S.D. #1				0.858510
#4 Jackson	0.916382	AFFILIATED WITH CLASS THREE S.D. #11				0.916382
#4 Jackson	0.940175	0.015020	AFFILIATED WITH CLASS III S.D. # 31R			0.955195
#11 So. Sioux City	0.916382	0.280310		0.095518		1.292210
#31R Homer	0.940175	0.100132		0.035073	0.008537	1.083917
*#561 Emerson Hubbard	Set by Thurston County					
*#70 Allen	Set by Dixon County					
*#1 Ponca	Set by Dixon County					

Residents pay the tax levy to the school district in which they reside or affiliate with.

SUBDIVISION	GENERAL	PROJECT	CAPITOL	ADA	2002-2003
		SINKING	IMPROV		TOTAL
Agricultural Society	0.007884		0.004927		0.012811
Educational Service Unit #1	0.018200				0.018200
Historical Society	0.002222			0.002222	
*Lower Elkhorn NRD	0.0369933			0.0369933	
*Papio Missouri NRD	0.030729			0.030729	
*NE Tech. Comm College	0.060000	0.010000		0.070000	

"Each resident pays the respective rate to each of the political subdivision in this class except for the Lower Elkhorn and Pappio Missouri NRD. Individuals living in the Village of Emerson pay the Lower Elkhorn Tax Rate and other taxpayers in Dakota County pay the Pappio Missouri NRD Tax Rate."

RURAL FIRE PROTECTION	GENERAL	BOND	SINKING AMBULANCE	2002-2003 TOTAL
Dakota Covington	0.018875		0.0061250	0.025000
Emerson	0.018750			0.025000
Homer				0.025000
*Ponca Rural	0.036370		0.014050	0.050420
*Waterbury Rural	0.020420		0.004580	0.025000

City and Village residents (except Hubbard and Jackson) do not pay the tax rates within this class. All rural residents pay the tax rate for the respective Rural Fire Protection District that they reside in.

"Clarification - The Agricultural Society levy listed in the Capital Improvement Column is for capital construction. (2-203.06). The portion for 2-203.03 is part of the levy listed under the General Column."
 ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Absent, UNANIMOUS MOTION CARRIED.

The board reviewed the appeal of Matney's Colonial Manor appealing the 25% penalty imposed for not filing the Personal Property Return on time. No one appeared on behalf of Matney's Colonial Manor to support their appeal and the board could not find where there was an error. Commissioner Bobier moved, seconded by Commissioner Hartnett to deny the appeal of Matney's Colonial Manor to reduce the penalty of 25% assessed for filing their Personal Property Return late.
 ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene as Board of Commissioners.
 ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Absent, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:05 p.m.

The board discussed the Storm Water Project. It was agreed that Fred Denker would sit on committee and to notify Lance Hedquist of the same.

Bob Finney, County Attorney, appeared before the board.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session.
 ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Absent, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:50 p.m.

Commissioner Denker moved, seconded by Commissioner Bobier to reconvene in open session.
 ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Absent, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED 3:15 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the minutes of September 30, 2002, as written.

ROLL CALL VOTE: Denker- Yea, Todd- Absent, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the claims as submitted by the County Clerk except to deny the claim of Lisa Tarno for prorated vacation.

COUNTY ROAD PAYROLL: Gross salaries- \$11484.85, Road Employees Net Pay- \$7950.94, Employer deductions paid: Retirement- 689.05, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.70, Social Security Tax- 661.70, Medicare- 154.75.

Joel Broekemeier- 986.96, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1161.89, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 820.20, State- 266.63, Social Security- 661.70, Medicare- 154.75, Retirement- 459.44, Unicare- 639.51, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$69802.22, General Fund Employees Net Pay- \$47425.05, Employer deductions paid: Retirement- 3607.73, Unicare- 11964.48, Unicare Dental- 760.98, Unicare Life- 289.46, Social Security Tax- 4150.18, Medicare- 970.62.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Karilyn Watkins- 199.88, Marisol Curiel- 564.52, Bobbi Jo Harsma- 822.41, Theodore Piepho- 1340.00, Cynthia Purucker- 420.40, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 816.00, Kimberly Kuehl- 490.00, Phyllis Ridge- 836.00, Mark J. Dorcey- 514.08, Marilyn McGowen- 160.00, Margaret Rahn- 1010.97, Cynthia Purucker- 420.40, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1676.00, Mary Gamble- 888.00, Wildon Sur- 286.75, Richard Jensen- 1181.21, Patricia Stingley- 828.00, Jeremy Bermel- 1414.58, Anthony Bos- 1018.50, Linda Carson- 1125.98, Brent Gilster- 931.20, Thomas Hardy- 192.00, Melvin Harrison III- 1065.33, Rodney Herron- 1470.34, Jared Junge- 1272.00, Michael Kreegar- 931.20, Gayle Richards- 700.00, James Roberts- 1678.84, William Thompson- 1352.07, James Wagner- 1,676.00, Randall Walsh- 2072.00, Laurie Barclay- 918.40, Rita Chase- 844.75, Debra Fergen- 1653.85, Robert Finney- 2168.00, Amber Hegarty- 1403.85, Denise Kotalik- 795.00, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 1563.97, Carol Cox- 897.90, Richard Criss- 689.50, Leonard Cunningham- 613.20, Michael Gregerson Jr.- 886.95, Alma Gunderson- 1871.28, Todd Hammer- 966.00, Paula Harrigfeld- 381.49, Cathy Harsma- 788.00, Brandi McManigal- 354.88, Joseph Purucker- 778.15, Kevin Rohde- 964.67, Linda Schovanec- 1000.15, Margaret Stingley- 647.50, Brenda Tanner- 876.00, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 1031.61, Judi Neswick- 13.00, Alan Boyd- 877.46, MariCo Cleaning- 1,678.00.

GENERAL FUND: Employee withholding paid to: Federal- 6425.32, State- 2121.35, Social Security Tax- 4150.18, Medicare- 970.62, Retirement- 2405.20, Unicare- 1797.58, Unicare Dental- 345.05, Colonial Health- 35.20, Credit Union- 1,423.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,133.57, Aflac Health- 487.34, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 1003.03, Cops Fast Employee Net Pay- 720.85, Employer deductions paid: Retirement- 60.18, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 62.19, Medicare- 14.54, Brad Claypool- 720.85.

COPS FAST GRANT: Employee withholding paid to: Federal- 127.80, State- 37.53, Social Security- 62.19, Medicare- 14.54, Retirement- 40.12.
ROLL CALL VOTE: Todd- Absent, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 3:25 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2002, PROCEEDINGS
DAKOTA COUNTY COURTHOUSE
COUNTY BOARD MEETING ROOM

Chairman Engel called the regularly scheduled meeting to order with the Pledge of Allegiance at 10:08 a.m.

Present: Commissioners Engel, Denker, and Bobier. Also present: County Clerk Ted Piepho and Nanci Walsh, Administrative Assistant acting as recording secretary.

Absent: Commissioners Hartnett and Todd.

Robert Giese, County Treasurer, asked to board to declare when delinquent taxes would be put on certificates.

Commissioner Bobier moved, seconded by Commissioner Denker, to direct the County Treasurer to place on tax sale certificates any properties which had taxes that were two full years delinquent.

Roll Call Vote: Denker-Yea; Todd-Absent; Hartnett-Absent; Bobier-Yea; Engel-Yea. Motion Carried.

Mr. Giese then presented a report on the distress warrants on personal property that were collected during the year.

Theodore Piepho, County Clerk, addressed the board regarding the posting of vacation, sick and comp time on payroll checks for the Road Department. He stated that this was not feasible because the differences in the two union benefits and the courthouse employee benefits.

Commissioner Todd arrived at 10:20 a.m.

Discussion was had on the purchase of property next to the courthouse/annex.

Commissioner Bobier moved, seconded by Commissioner Denker, to approve the purchase of the property and to have the County Clerk move forward with a purchase agreement. Roll Call Vote: Todd-Yea; Hartnett-Absent; Bobier-Yea; Engel-Yea; Denker-Yea. Motion Carried.

The board reviewed the claims which had been submitted to the County Clerk for payment.

Linda Carson discussed the purchase of a new refrigerator for the jail and the need for a new freezer. The board directed Ms. Carson to hold off on the freezer for awhile.

Commissioner Denker moved, seconded by Commissioner Bobier, to approve the September Official's Reports from the County Clerk, Clerk of District Court and Register of Deeds.

Roll Call Vote: Hartnett-Absent; Bobier-Yea; Engel-Yea; Denker-Yea; Todd-Yea. Motion Carried.

Commissioner Denker moved, seconded by Commissioner Bobier, to approve the minutes of October 14, 2002.
Roll Call Vote: Bobier-Yea; Engel-Yea; Denker-Yea; Todd-Yea; Hartnett-Absent.
Motion Carried.

Commissioner Bobier moved, seconded by Commissioner Denker, to approve the claims as follows:

GENERAL FUND: Fred Denker, mileage- 105.12; Jackie Hartnett, mileage- 132.13; Perkins, supplies- 445.99; S Sioux City Star, publishing- 901.57; Lyle Todd, mileage- 88.33; Sam's Club, supplies- 447.97; Capital One Visa, misc- 3.84; Des Moines Stamp, ink, stamps/ink pads- 427.40; Destiny Comp Svc, service computers- 814.68; Polk Publications, manuals- 112.00; Robert Giese, mileage- 89.43; Charlotte Doenhoefer, prior yrs benefit- 10.00; Ruth Jensen, prior yrs benefit- 12.00; Nadine Lewon, prior yrs benefit- 17.00; Mardell Sorensen, prior yrs benefit- 26.00; Irene Van Lent, prior yrs benefit- 16.00; State of Nebraska, data service- 27.00; Info Mgt Service, data service- 27.00; Microfilm Imaging, equipment lease- 240.00; CCS, computer tech help- 44.00; Bear Graphics, cards- 824.75; ES&S, seals, ballot stock- 1282.04; Intab, seals- 20.55; Tyler Graphics, print ballots- 3138.99; NACO P&Z Assoc, membership- 15.00; Lynette Beermann, mileage- 75.19; Norfolk Printing, casebinder- 295.05; Sioux City Journal, office ad- 283.24; DAS Material Div, supplies- 737.59; Thurston County Court, supplies- 12.56; LawSoft Inc, software- 26.50; Viking Office, office products- 242.49; Scott Dugan, mileage- 215.48; Frank Gonzalez, interpreting- 200.00; NCDAA, seminar-110.00; Sandra Townsend, interpreting- 105.00; United Bank of Iowa, copier lease payments- 518.84; Randi Ball, witness fee- 68.76; Dan Bearshield, witness fee- 68.76; Clerk of District Court, claims- 970.04; Linda Kreiner, baliff fee- 20.00; Jeff Nelson, witness fee- 169.43; Woodbury County Sheriff, sheriff fees- 35.94; William Binkard, attorney fees- 1947.98; Thomas Fitch, attorney fees- 1603.50; Nancy Hines, mental health hearing- 60.00; Robert Krause, witness fees, mileage- 35.48; Douglas Luebe, attorney fees- 618.66; Stuart Mills, attorney fees- 935.00; Michael Schmiedt, attorney fees- 465.00; Shirley Sides, mental health hearing- 60.00; Patrick Tott, attorney fees- 2382.00; Jury Payroll, Leon Bearshield- 1944.71; Dakota County Sheriff, papers, warrants- 1265.70; Dakota County court, court costs- 367.00; Sandra K. Inkster Ehrich, attorney fees- 1266.00; Randy Hisey, attorney fees- 1356.00; Brian Rush, witness fees- 32.77; Christi Rush, witness fees- 20.00; Richard Thramer, attorney fees- 529.80; Lori Ubbinga, attorney fees- 195.00; Adrianee Vazquez, witness fees- 20.00; Maximus Inc, allocation plan- 254.00; Bomgaars, supplies- 197.57; City of Dakota City, water/sewer- 1390.15; Electronic Engineering, beeper- 95.78; Gill Hauling, dumpster- 120.00; Grainger, winter supplies- 538.51; Hardware Hank, supplies- 53.78; Rick Jensen, mileage- 131.10; Maintenance Engineering- lights- 744.33; Menards, supplies- 45.64; Mid-American Energy, gas- 1044.79; NPPD, electricity- 2849.20; Trembly, pest control- 50.00; Ann Verzani, mileage- 354.86; Pat Stingley, mileage- 37.23; CBP, toner- 72.68; Cellular One, phone- 460.87; Cenex Fleetcard, fuel- 15.70; Circle R Frame, service vehicle- 248.32; City of So Sioux City, phones- 15.84; Five Star Awards, plaque- 33.90; Harolds, film developing- 47.67; Jim's Service, car service, tires- 1389.95; Lynn Peavey, blood kits- 90.70; PhilFleet, fuel- 4116.81; RACOM, EDACS phone line- 1383.66; Rogers Frame Repair- vehicle repair- 75.00; Siouxland FCU, transports- 70.21; Siouxland Humane Society, animal control- 155.00; Swanson Corp, meals, training- 61.47; Sandra Townsend, interpreter- 220.00; Burt County Court, transcript- 2.50; Cellular One, phones- 95.45; DMV, transcripts- 34.00; H2O4U, water- 10.50; Iowa Office Supply, copier maintenance contract, supplies- 110.00; Matthew Bender, law book updates- 72.65; Record Printing, cards, second sheets- 294.87; St. Luke's Home Health, blood draw- 300.00; Staples, supplies- 376.85; Robert Finney, mileage- 185.50; Cellular One, phone- 30.79; Nicole Sims, mileage- 11.68; Bob Barker, sandals, toothpaste- 778.62; Braungers, food- 2199.66; Cedar County, inmate housing- 6520.00; Cellular One,

phones- 61.71; Coffee King, coffee products- 12.95; Carol Cox, clothing repair- 42.00; Dakota Family Dentistry, inmate care- 49.00; Dakota Food and Fuel, fuel- 271.60; Dakota Super Valu, food- 974.32; Earthgrains Co, bread products- 949.49; Fremont Tire, vehicle repair- 40.45; Grandy Pratt Co, notary bonds- 60.00; Guard-Rite, transport juveniles- 377.80; HyVee, food- 1663.93; Jacks Uniforms, uniforms- 439.50; J&R Pharmacy, inmate Rx- 23.10; Louderback Drug, medication- 30.45; MAGNATAG, board- 454.42; Mercy Business, jail doctor- 180.00; Mercy Medical Center, inmate care- 993.45; NE Nebraska Juvenile Center, board juveniles- 7253.91; Pacific City Graphics, forms- 575.00; Pierce Co. Sheriff Office, inmate housing- 1435.50; Physicians Clinic, juvenile care- 159.00; Redlers Pharmacy, inmate medication- 652.15; Sams Club, supplies- 124.36; Secretary of State, notaries- 60.00; St. Lukes, juvenile care- 159.00; Thurston County Sheriff, house inmates- 3780.00; Walmart, supplies- 47.03; XPEDX, plates, supplies- 277.54; Refrigeration Eng, refrigerator- 1550.00; AJ Phillips Publishing, badges, cars- 64.00; Briggs, chemstrips, syringes- 341.84; Pam DeVries, supply reimbursement, mileage- 216.97; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 202.85; Kids Love Stickers, immunizations- 51.45; Perkins Office Solutions, supplies- 169.56; Redlers Pharmacy, TB test- 288.00; Alan Boyd, mileage- 270.83; Cellular One, phone- 47.45; Sams Club, supplies- 259.91; Matthew Bender, law library books- 94.39; West Group, law library books- 2181.50; NNPP, Crystal Lake utilities- 13.50; Aflac Flex One, service fees- 45.00; AT&T, phone- 19.15; Executive Copy, copier repair- 254.87; Lazette Gifford, website upkeep- 40.00; IBM Corp, maintenance contract- 250.80; MIPS, monthly support- 272.16; Pitney Bowes, postage meter rental, service- 240.00; Qwest, phone- 4920.61; Region IV Inc, ODD Qtrly payment- 5320.25; Region IV Mental Health & Substance Abuse, mental health quarterly payment- 4469.66; SIMPCO, community development- 387.68; Sioux Air, spray backwaters- 2000.00; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 899.46; XPEDX, copier paper- 896.00; Jail Project Fund, transfer start-up funds- 1000.00.

ROAD FUND: Cooney Ahlers, legal service- 320.32; Aramark, service- 161.20; Barclay Trucking, haul rock- 127.85; Bridgestone Firestone, tires- 176.36; Joel Broekemeier, reimbursement CDL, COS- 50.00; Cellular One, phone- 51.72; Diesel Specialties, parts- 2.00; Erlandson Transportation, road rock- 1041.64; Feed Shed, erosion control- 300.00; Ft. Calhoun Stone, road rock- 1697.37; Gill Hauling, dumpster service- 40.00; Great Plains Intl, parts- 653.67; Higman Sand & Gravel, road rock- 3834.56; HME Inc, haul rock- 1080.00; Hubbard Mini Mart, fuel- 2338.04; H2O4U, water- 25.75; Joes Department Store, parts, supplies- 141.70; John Howard Trucking, haul rock- 2556.28; Kimbell Midwest, parts- 87.71; Linweld, oxygen tanks- 29.00; Lux Brothers, haul rock- 2402.95; Marx Trailer Sales, parts- 261.80; Midland Equipment, parts- 26.44; Midwest Equipment, filter- 306.34; Midwest Service & Sales, signs, posts, brackets- 1381.35; NPPD, Homer service- 15.96; Newman Signs, directional signs- 664.32; Northeast Equipment, lease- 950.00; NNPPD, lights- 72.78; NTTC, phones- 165.98; NOSEC & Co, grader payment- 33,332.81; O'Reillys Auto, parts, supplies- 514.18; Piorier Equipment, parts- 387.18; Power Plan Murphy, parts- 437.99; Presco, culverts- 433.78; Rees Mack Sales, parts, labor, filter- 77.61; Select Industries, bolts washers- 306.00; Sioux City Bolt, sign bolts- 82.38; Siouxland NAPA, parts- 98.21; Stephan Welding, parts, labor- 36.19; Tractor Supply, parts, tools- 21.42; TriState Communication, radio repair- 30.00; Warren Oil, fuel- 2466.36; Willers Inc, dba Pilger, rock- 3280.28; Ziegler Inc, parts- 338.94.

HARD SURFACE ROAD: JEO Consulting, engineering- 4501.00; Oden Enterprises, bridge payment- 69,164.81; Union Bank & Trust, interest road bonds- 55,125.00.

VETERANS SERVICE OFFICE: Veterans Emergency Relief, aid- 2500.00.

INHERITANCE TAX: GA Johnson Construction, consulting- 4400.72; Siemens Building Tech, temp control- 15,492.60; American Technical, soil testing- 1200.00.

JAIL PROJECT FUND: Kinko's, jail boards- 125.10.

WEED SUPERINTENDENT: Northeast Coop, chemical- 392.00; Nutra-Flo Equipment, pump repair- 155.51; NACO, convention registration- 100.00.
E911: City of South Sioux City, E911 surcharger- \$28,897.83.
Roll Call Vote: Engel-Yea; Denker-Yea; Todd-Yea; Hartnett-Absent; Bobier-Yea.
Motion Carried.

Chairman Engel Adjourned the meeting at 11:45 a.m.

ATTEST _____
William F. Engel, Chair

Theodore A. Piepho
County Clerk

COUNTY BOARD OF COMMISSIONERS
OCTOBER 28, 2002 PROCEEDINGS
DAKOTA COUNTY BOARD ROOM
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Present were: Commissioners Bobier, Hartnett, Denker, Engel and Ted Piepho, Secretary. All present

ABSENT: Commissioner Todd and Commissioner Denker arrived at 1:35 p.m.

The board reviewed the claims submitted by the County Clerk for payment.

Pat Foust, LEC Communications Director, appeared before the board to answer any questions of the board if they had any.

The subject of a purchase of a vehicle came up because it was over \$5000 and the LEC Agreement specifies that expenditures over \$5,000 need prior approval by the governing bodies of South Sioux City and Dakota County.

Commissioner Denker reported on the Storm Water regulations by the Federal Government. He said that counties were responsible for any changes in the number of acres.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the minutes of October 21, 2002 as typed in the Official Record.
ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Lynette Beermann and Carol Sue Duham appeared before the board to inform the board that they were collecting old debts and to date had collected approximately \$30,000.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Closed Executive Session to discuss labor negotiations.
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 2:12 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene into Open Session 3:10 p.m.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve the claims submitted by the County Clerk as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$11432.29, Road Employees Net Pay- \$7914.09, Employer deductions paid: Retirement- 685.89, Unicare Health- 2175.36, Unicare Dental- 138.24, Unicare Life- 51.58, Social Security Tax- 658.44, Medicare- 153.99, Principal Mutual- 138.33.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1161.89, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 812.63, State- 264.64, Social Security- 658.44, Medicare- 153.99, Retirement- 457.34, Unicare- 639.48, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COUNTY GENERAL FUND: Gross salaries- \$68760.44, General Fund Employees Net Pay- \$46942.21, Employer deductions paid: Retirement- 3507.69, Unicare- 11964.48, Unicare Dental- 760.34, Unicare Life- 287.34, Social Security Tax- 4087.82, Medicare- 956.01.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Marisol Curiel- 564.52, Bobbi Jo Harsma- 825.03, Theodore Piepho- 1340.00, Cynthia Purucker- 444.06, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 805.80, Kimberly Kuehl- 700.00, Phyllis Ridge- 836.01, Mark J. Dorcey- 514.08, Marilyn McGowen- 135.00, Margaret Rahn- 1010.97, Cynthia Purucker- 432.23, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1676.00, Mary Gamble- 888.00, Wildon Sur- 546.38, Richard Jensen- 1181.21, Patricia Stingley- 828.00, Jeremy Bermel- 1459.26, Anthony Bos- 1201.83, Linda Carson- 1125.98, Brent Gilster- 931.20, Thomas Hardy- 144.00, Melvin Harrison III- 1009.26, Rodney Herron- 1470.34, Jared Junge- 1303.80, Michael Kreegar- 1097.07, Eric Reed- 192.00, Gayle Richards- 700.01, James Roberts- 1397.82, William Thompson- 1441.71, James Wagner- 1,676.00, Randall Walsh- 1456.00, Laurie Barclay- 918.40, Rita Chase- 872.00, Debra Fergen- 1653.85, Robert Finney- 2168.00, Amber Hegarty- 1403.85, Denise Kotalik- 866.60, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 1009.78, Carol Cox- 903.38, Richard Criss- 788.00, Leonard Cunningham- 886.95, Michael Gregerson Jr.- 1004.68, Alma Gunderson- 922.25, Todd Hammer- 929.60, Paula Harrigfeld- 444.78, Cathy Harsma- 788.00, Brandi McManigal- 374.00, Joseph Purucker- 788.00, Kevin Rohde- 916.00, Linda Schovanec- 964.01, Margaret Stingley- 647.50, Brenda Tanner- 876.00, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 948.78, Judi Neswick- 13.00, Alan Boyd- 877.46, MariCo Cleaning- 1,678.00, Principal Mutual- 771.73, NACO: Convention- 500.00, .

GENERAL FUND: Employee withholding paid to: Federal- 6141.90, State- 2030.17, Social Security Tax- 4087.82, Medicare- 956.01, Retirement- 2338.46, Unicare- 1797.49, Unicare Dental- 325.23, Colonial Health- 35.20, Credit Union- 1,423.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,128.95, Aflac Health- 471.24, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00.

COPS FAST GRANT: Gross salaries- 1155.67, Cops Fast Employee Net Pay- 823.97, Employer deductions paid: Retirement- 69.34, Unicare- 181.28, Unicare Dental- 11.52, Unicare Life- 4.42, Social Security- 71.65, Medicare- 16.76, Brad Claypool- 1155.67.

COPS FAST GRANT: Employee withholding paid to: Federal- 149.78, State- 47.28, Social Security- 71.65, Medicare- 16.76, Retirement- 46.23.
LE EQUIPMENT GRANT FUND: Grant share of officers vests- 1018.50.
S SIOUX CITY CHAMBER OF COMMERCE: Lodging Tax- 5887.18
ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

The board toured the jail at 3:15 p.m.

Chair Engel adjourned their meeting at 3:35 p.m.

ATTEST William F. Engel, Chair

Theodore A. Piepho
County Clerk

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COUNTY BOARD OF COMMISSIONERS
NOVEMBER 12, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss labor negotiations.
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 1:31 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene into Open Session.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED 2:04 p.m.

Discussion was had concerning what could have been done better, or differently for voters to pass the Jail Bond and remodeling of the courthouse.

Commissioner Denker moved, seconded by Commissioner Hartnett, to transfer Dakota County Abandoned Vehicle Title; 02309700015 on a 1992 Chevrolet Beretta bearing the serial number 1G1LV134BNY263731 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicle.
ROLL CALL VOTE: Engel- Yea, Todd- Yea, Bobier- Yea, Denker- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Todd moved, seconded by Commissioner Hartnett to approve Phase 2 for the construction of a Jail and the remodeling of the courthouse for an amount of \$8,000.00, which is to include presentation of at least 6

informational meetings throughout the county between now and a Special Election for construction of a jail and remodeling of the courthouse.
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea,
UNANIMOUS MOTION CARRIED.

Chair declared a recess at 3:07 p.m.
The Board reconvened from recess at 3:17 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Closed Executive Session to discuss personnel.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED 3:18 p.m.

Commissioner Hartnett moved, seconded by Commissioner Denker to reconvene into open session.
ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea,
UNANIMOUS MOTION CARRIED 3:48 p.m.

The board discussed when might be a good time to have a Special Election for a Jail Bond issue. It was the consensus of the board that March 25th would be the best time frame.

The board briefly discussed the Christmas Party 12-14-02.
The board indicated that they would like to take a tour of the county roads on November 18, 2001.

Commissioner Denker stated that he could no longer serve on the Storm Water Committee and urged the County Board to contact Jim Egge, DEQ and EPA to eliminate 200 acres west and north of Dakota City from the Storm Water Map.

Commissioner Bobier moved, seconded by Commissioner Denker to approve the payment of payroll claims submitted by the County Clerk as follows:
COUNTY ROAD PAYROLL: Gross salaries- \$11,246.21, Road Employees Net Pay- \$7,786.08, Employer deductions paid: Retirement- 674.73, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.70, Social Security Tax- 646.91, Medicare- 151.30.
Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoesing- 744.32, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1161.89, Marlan Millard- 938.40, James Swanson- 926.40.
ROAD FUND: Employee withholding paid to: Federal- 785.83, State- 255.01, Social Security- 646.91, Medicare- 151.30, Retirement- 449.89, Unicare- 639.51, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.
COUNTY GENERAL FUND: Gross salaries- \$68,424.11, General Fund Employees Net Pay- \$46,679.19, Employer deductions paid: Retirement- 3,453.77, Unicare- 12,327.04, Unicare Dental- 784.03, Unicare Life- 296.85, Social Security Tax- 4066.93, Medicare- 951.13.
Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Karilyn Watkins- 116.85, Marisol Curriel- 635.64, Bobbi Jo Harsma- 959.08, Theodore Piepho- 1340.00, Cynthia Purucker- 546.56, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 816.00, Kimberly Kuehl- 490.00, Phyllis Ridge- 836.00, Mark J. Dorcey- 514.08, Marilyn McGowen- 160.00, Margaret Rahn- 1010.97, Cynthia Purucker- 420.40, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol

Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1676.00, Mary Gamble- 888.00, Wildon Sur- 174.38, Richard Jensen- 1181.21, Patricia Stingley- 828.00, Sandy Beers- 517.00, Jeremy Bermel- 1314.06, Anthony Bos- 931.20, Linda Carson- 1125.98, Brent Gilster- 931.20, Thomas Hardy- 156.00, Melvin Harrison III- 996.80, Rodney Herron- 1470.34, Jared Junge- 1303.80, Michael Kreegar- 1053.42, Gary Powell- 48.00, Eric Reed- 264.00, Gayle Richards- 700.00, James Roberts- 1217.65, William Thompson- 1322.19, James Wagner- 1,676.00, Randall Walsh- 1536.00, Laurie Barclay- 995.89, Rita Chase- 872.00, Debra Fergen- 1653.85, Robert Finney- 2168.00, Amber Hegarty- 1403.85, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 956.00, Carol Cox- 1270.31, Richard Criss- 911.16, Leonard Cunningham- 876.00, Michael Gregerson Jr.- 876.00, Alma Gunderson- 1015.75, Todd Hammer- 940.80, Paula Harrigfeld- 284.38, Cathy Harsma- 797.85, Brandi McManigal- 331.50, Joseph Purucker- 844.64, Kevin Rohde- 916.00, Linda Schovanec- 983.52, Margaret Stingley- 647.50, Brenda Tanner- 896.00, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 963.84, Dr. David Grote- 100.00, Judi Neswick- 13.00, Alan Boyd- 877.46, MariCo Cleaning- 1,678.00, Team Ford- 9995.00, sheriff's vehicle. GENERAL FUND: Employee withholding paid to: Federal- 6136.29, State- 2024.05, Social Security Tax- 4066.93, Medicare- 951.13, Retirement- 2302.55, Unicare- 1797.58, Unicare Dental- 325.24, Colonial Health- 35.20, Credit Union- 1,423.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,128.95, Aflac Health- 471.24, Aflac Life/Dsbl- 93.55, Aflac Flex Plan- 199.00. COPS FAST GRANT: Gross salaries- 996.80, Cops Fast Employee Net Pay- 716.64, Employer deductions paid: Retirement- 59.81, Unicare- 181.28, Unicare Dental- 11.53, Unicare Life- 4.43, Social Security- 61.80, Medicare- 14.45, Brad Claypool- 716.64. COPS FAST GRANT: Employee withholding paid to: Federal- 126.90, State- 37.14, Social Security- 61.80, Medicare- 14.45, Retirement- 39.87

Chair Engel adjourned their meeting at 3:35 p.m.

ATTEST William F. Engel, Chair

Theodore A. Piepho
County Clerk

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COUNTY BOARD OF COMMISSIONERS
NOVEMBER 18, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 10:00 a.m. Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

Robert Giese presented the following Securities for recording into the board record.

PLEGDED SECURITIES FOR THE DAKOTA COUNTY TREASURER AS OF 9-30-02

ISSUE DATE	TYPE	RECEIPT NUMBER	MATURITY	AMOUNT
09-03-99	FHLB	3133M2ZU4	01-21-05	\$600,000.00
06-27-02	FNMA	3136F1X62	12-27-05	\$500,000.00
06-25-98	FHLMC	3134A2JL3	06-18-03	\$500,000.00
03-05-01	FNMA	31364GKU2	12-10-08	\$500,000.00
06-21-02	FNMA	31371KSN2	06-01-12	\$606,850.00

NEBRASKA STATE BANK:

BANK DEPOSIT GUARANTY BOND #DG1471NE007 \$2,000,000.00

FIRST NATIONAL BANK, HOMER:

BANK DEPOSIT GUARANTY BOND #DG2038NE009 \$ 700,000.00
 #DG2038EE030 \$ 200,000 00
 #DG2038NE013 \$ 300,000.00

SIOUXLAND NATIONAL RANK:

BANK DEPOSIT GUARANTY BOND #DG2259NE010 \$ 500,000.00
 #DG2259NE016 \$ 500,000.00

DAKOTA COUNTY STATE BANK:

FHLB 02-20-04 \$1,500,000.00
 FHLB 07-08-04 \$ 500,000.00
 DCB 02-20-02 FHLB 3129246CZ 02-20-04 \$1,500,000.00
 DCB 0B-21-02 FHLB 3133MQJZ8 07-08E04 \$ 500,000.00

Commissioner Denker moved, seconded by Commissioner Hartnett to acknowledge receipt of the following securities and to approve same.

PLEGDED SECURITIES FOR THE DAKOTA COUNTY TREASURER AS OF 9-30-02

ISSUE DATE	TYPE	RECEIPT NUMBER	MATURITY	AMOUNT
09-03-99	FHLB	3133M2ZU4	01-21-05	\$600,000.00
06-27-02	FNMA	3136F1X62	12-27-05	\$500,000.00
06-25-98	FHLMC	3134A2JL3	06-18-03	\$500,000.00
03-05-01	FNMA	31364GKU2	12-10-08	\$500,000.00
06-21-02	FNMA	31371KSN2	06-01-12	\$606,850.00

NEBRASKA STATE BANK:

BANK DEPOSIT GUARANTY BOND #DG1471NE007 \$2,000,000.00

FIRST NATIONAL BANK, HOMER:

BANK DEPOSIT GUARANTY BOND #DG2038NE009 \$ 700,000.00
 #DG2038EE030 \$ 200,000 00
 #DG2038NE013 \$ 300,000.00

SIOUXLAND NATIONAL RANK:

BANK DEPOSIT GUARANTY BOND #DG2259NE010 \$ 500,000.00
 #DG2259NE016 \$ 500,000.00

DAKOTA COUNTY STATE BANK:

FHLB 02-20-04 \$1,500,000.00
 FHLB 07-08-04 \$ 500,000.00
 DCB 02-20-02 FHLB 3129246CZ 02-20-04 \$1,500,000.00
 DCB 0B-21-02 FHLB 3133MQJZ8 07-08E04 \$ 500,000.00

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Pat Foust, LEC Director, appeared before the board for any questions that the board may have. He said that they were applying for a County Wide Juvenile Grant.

Commissioner Denker moved, seconded by Commissioner Bobier to acknowledge receipt of and approve the Officials Reports of the County Clerk, Register of

Deeds and the Clerk of the District Court for October, 2002 and the report of the County Sheriff for July, August and September, 2002.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the minutes of November 12, 2002 as typed in the Official Record.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss labor negotiations.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 11:03 a.m.

Commissioner Denker moved, seconded by Commissioner Todd to reconvene into Open Session.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED 11:58 a.m.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve claims submitted by the County Clerk as follows:

GENERAL FUND: Cellular One, phone- 24.17; South Sioux City Star, printing- 370.57; Cellular One, phone- 24.63; Dakota County Clerk, title- 17.00; Des Moines Stamp, stamp- 20.00; Perkins, supplies- 24.18; Ted Piepho, mileage- 153.00; Redfield, statements- 30.52; S Sioux City Star, publishing- 184.50; Walmart, supplies- 124.59; Robert Giese, mileage- 65.70; Charlotte Doenhoefler, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; A J Phillips Printing, supplies- 125.00; State of Nebraska, data support- 27.00; ACE Inc, data service- 30.56; Register of Deeds, Microfilm Imaging, lease equipment- 240.00; Bear Graphics, books- 493.95; AJ Phillips, fold letters- 85.00; ES&S, belts, computer board- 2199.75; Five Star Awards, laminate signs- 14.00; HyVee, food- 192.82; S Sioux City Star, publishing sample ballots- 2397.38; Dakota City Fire Hall, poll rental- 40.00; Dakota City Legion Hall, poll rental- 40.00; Emerson Fire Hall, poll rental- 40.00; First Lutheran Church, poll rental- 60.00; Hubbard Community Center, poll rental- 40.00; Jackson Legion Hall, poll rental- 40.00; Knights of Columbus hall, poll rental, set up/tear down booths- 70.00; Salem Lutheran Church, poll rental, set up/tear down booths- 70.00; Siouxland Convention Center, poll rental- 250.00; S Sioux City Fire Hall, poll rental- 40.00; S Sioux City Legion Hall, poll rental- 60.00; Klemmet Dean, set up/tear down booths- 400.00; Chris Knudsen, set up/tear down booths- 30.00; Charles Rush, set up/tear down booths- 30.00; ELECTION WORKERS AND POLL WORKERS: Marvin Andersen- 91.8, Lois Appleton- 98.28, Betty Bliven-86.66, Beverly Bliven-84.10, Lillian Bossow- 84.06, L Irene Buck- 87.79, Wilma Burns- 95.48, Mary Cahill- 79.13, Josephine Cain- 83.40, Agnes Deal- 84.45, Margaret Demke- 81.14, Sylvia Dickes- 81.53, Catherine Eriksen- 115/83, Pharyce Eslick- 172.05, Myra Gentrup- 99.46, Doris Georg- 90.71, Patricia Giese- 84.45, Fred Gillaspie- 81.90, Nancy Graham- 102.86, Margaret Green- 88.14, Sharon Greenleaf- 99.86, Sharon Hames- 84.45, Eunice Hansen- 84.45, Eileen Hartnett- 99.56, Elaine Harris- 88.14, Evelyn Hoem- 88.18, Patti Holmes- 81.87, Ada Hunt- 84.09, Honore Huse- 112.78, Marjorie Jarvill- 84.82, Ruth Jensen- 90.95, Trudy Jepsen- 114.93, Carol Johnston- 83.72, Joan Koch- 85.18, Dolores Kramper- 99.60, Lois Larson- 82.26, Mary Lindquist- 85.18, Marvel Lukens- 101.28, Randy Lussier- 92.52, Jean Lynch- 95.48, Joanne Mast- 84.45, Clara Maurice- 90.33, Betty Meisner- 85.18, Janet Merchant- 85.18, Frank Morse- 97.37, Elva Neill- 81.90, Rosemary Nieto- 81.14, Joyce Oban- 85.59, Mary O'Dell-

92.63, George Olson- 99.46, Richard Peltz- 105.44, Gordon Piper- 81.53, Shirley Rager- 84.09, Ellen Rohde- 108.36, Cleo Stephan- 98.10, Marcia Stinger- 137.93, Colleen Tighe- 87.96, Hazel Tomek- 81.90, Geraldine Tramp- 83.03, Mary Wolf- 115.83, Clara Woten- 100.29, Joyce Yusten- 79.32, Lynette Beermann- 29.75, Alan Boyd- 28.59, Dusty Boyd- 22.75, Linda Carson- 24.50, Brandy Dickey- 31.80, Brenda Dickey- 24.50, Brandi McManigal- 17.50, Ruth Pallesen- 94.40, Shirley Sides- 69.00, Harry Tomek- 45.50, Nanci Walsh- 49.15; So Sioux City Star, publishing- 10.57; Iowa Office Supply, supply- 32.71; Perkins, supplies- 187.67; Redfield, journals, paper- 492.93; National Information Data Center, zip code directory- 48.90; Redfield, folders, forms- 179.11; Thurston County Court, supplies reimbursement- 72.83; United Bank of Iowa, lease payment- 158.04; West Group, law library- 102.00; Cellular One, phone- 31.36; Scott Dugan, mileage- 255.50; Frank Gonzalez, interpreting- 40.00; United Bank of Iowa, lease/copier- 40.40; West Group, law updates- 102.00; Clerk of District court, court costs- 596.00; Coffee King, coffee- 79.84; Hungrys North, jury lunches- 283.46; HyVee, jury trial supplies- 34.93; Michelle Kirkpatrick, transcript- 82.50; Connie Lee, transcript- 156.75; National Information Center, zip code book- 48.90; National Public Safety Information, law enforcement book- 109.00; Tina Nelson, court reporter- 63.00; Thomas Fitch, atty fees- 2557.24; Michael Schmiedt, atty fees- 1466.88; Lori Ubbinga, atty fees- 480.00; Dakota County Sheriff, papers/warrants- 931.27; Patrick Amundson, witness fees- 27.30; Justin Benson, witness fees- 30.95; Dr. Tom Benzoine, witness fees- 25.47; William Binkard, atty fees- 390.00; Dakota County Court, court costs- 216.00; Autumn Danielson, witness fees- 25.47; Sandra Inkster Ehrich, atty fees- 1113.00; Frank Gonzalez, interpreter- 160.00; Randy Hisey, atty fees- 924.00; Hurley Law Office, atty fees- 1302.00; Richard Thrumer, atty fees- 739.80; Tina Torres, witness fees- 21.46; Vakulshai Law Firm, atty fees- 577.13; JURY PAYROLL, jury pay, mileage: Jill Brodersen- 37.19, Pamela Colwell- 37.92, Kristy DeWolf- 38.65, Robert Engel- 37.92, Ila Esch- 40.84, Raymond Harris- 40.48, Donna Hoch- 37.92, Janice Huisenga- 41.57, Lori Humphrey- 37.92; Stephanie Johansen- 37.92, David Krogh- 39.38, William Mallory- 37.92, Jeffrey Manners- 37.92, Kathleen Martin- 39.75, Larry Miller- 50.33, Marina McPherran- 40.48, Michael Prosser- 37.92, Ronald Smith- 38.65, Robert Tallman- 49.60, Fredrick Tarno- 38.65, Jon Wiltgen- 37.92, Thomas Zastrow- 37.92; Pharyce Eslick, bailiff- 80.97; Clerk of District Court, mileage- 52.08; Maximus, professional fees- 2947.44; A-Team, furnace repair- 82.50; Bean Electric, motor repair- 906.05; Bomgaars, supplies- 19.28; Cellular One, phone- 35.60; Dakota Food & fuel, mower gas- 19.00; Gill Hauling, dumpster- 105.00; Hardware Hank, supplies- 83.08; Rick Jensen, mileage- 163.81; Menards, supplies- 326.13; Mid-American, gas- 1072.35; Nebraska Public Power District, electricity- 1738.82; O'Keefe Elevator, elevator- 157.70; Qwest, phone- 40.97; Sam's Club, supplies- 195.73; Siouxland Lock & Key, jail door knobs- 586.50; Superior Wholesale, jail supplies- 224.75; Trembly, pest control- 50.00; Siouxland Concrete, cement/Driver Exam Station- 352.50; Carol Larvick, mileage, supplies- 211.46; Ann Verzani, mileage- 112.55; Pat Stingley, mileage- 18.98; Dick Leitschuck, mileage- 16.06; Lucia Castillo, interpreter- 20.00; Sergio Castillo, interpreter- 20.00; Cellular One, phones- 108.94; Crystal Oil, fuel- 18.19; Dakota County Sheriff, Rocket Auto, inspection fee- 100.90; Dolezal Motor, repairs- 396.69; Dr. John Engler, evaluation- 350.00; Brent Gilster, meals/schooling- 140.00; Grandy Pratt, notary bond- 30.00; Harold's, film developing- 412.23; Elena Harrell, interpret- 40.00; Amy Hueser, interpret- 10.00; Jack's Uniforms, uniforms- 96,80; Jim's Service, vehicle service, battery, tires- 788.00; Perkins Office Solutions, supplies- 101.89; PhilFleet, fuel- 2340.24; RACOM, phone, program repair- 734.00; Rogers Frame Repair, vehicle repair- 250.00; Secretary of State, notary- 30.00; SFCU, transport payment- 159.65; Siouxland Humane Society, animals/dogs- 93.00; State of NE HHS Lab, inmate testing- 165.00; Team Ford, vehicle repair- 284.24; Sandra Townsend, interpreter- 80.00; Tucker Glass Shop, windshield- 30.00; Walmart, supplies-

84.32; Dakota County Clerk, title fee- 10.00; Cellular One, phone- 96.84; DMV, transcripts- 60.00; Doubletree Hotel, lodging- 1158.74; Debra Fergen, mileage, parking, meals- 166.12; H2O4U, water- 21.00; Amber Hegarty, meals- 53.28; Iowa Office Supply, contract, supplies- 110.00; Lawsoft, Inc- software- 25.00; Timothy Maher, mileage, parking, meals- 179.60; Matthew Bender, law book updates- 432.50; Pathology Medical Service, autopsy- 1150.00; Sam's Club, membership renewal- 30.00; Secretary of State, copy- 20.00; Sioux City Journal, ad- 298.54; Star Printing & Publishing, legal notice- 185.39; West Group, law book updates- 507.50; City of South Sioux City, LEC operations Oct 02- 21,513.63; Cellular One, phone- 31.51; Perkins, supplies- 9.97; Nicole Sims, mileage- 115.34; Avera Sacred Heart, inmate medical- 52.00; BI Inc, house arrest- 2623.45; Boys and Girls Home, Sept boarding payment- 6,250.00; Braungers, food- 701.93; Cedar County, inmate housing- 7440.00; Cellular One, phones- 54.78; Coffee King, coffee products- 139.50; Carol Cox, mileage- 139.50; Crystal Oil, vehicle repair- 109.00; Dakota Food and Fuel, fuel- 234.43; Dakota Super Valu, food- 867.79; Dept of Correctional Service, boarding, medical- 9466.48; Earthgrains, bread products- 570.13; Fremont Tire, wiper- 11.25; Grandy Pratt, notary- 30.00; Guard-Rite Security, transport juveniles- 831.80; HyVee, food- 1663.93; Jack's Uniforms, uniforms- 16.50; Jackson Glass, car repair- 195.95; Karls, washer repair- 51.50; Knoepfler Chevrolet, car repair- 95.84; Louderback Drug, medical/inmate- 76.65; Northeast NE Juvenile Service, boarding Sept/Oct- 9271.94; Redlers Pharmacy, inmate medication- 906.72; Refrigeration Engineering, refrigerator shelves- 74.00; Sams Club, supplies- 60.21; Secretary of State, notary- 30.00; Swanson Corp, meals- 26.42; Thurston County Sheriff, house inmates- 3105.00; XPEDX, plates, etc- 329.16; Walmart, supplies- 95.49; Hubbard Post Office, mailing- 90.00; Standard Office, toner- 193.65; Alpha Land Surveying, corners- 950.00; Cellular One, phone- 219.90; Pam DeVries, mileage- 279.22; Dunes Family Medicine, consulting physician- 250.00; Perkins, supplies- 8.64; Redlers, pneumovac, HEP-B- 266.00; Alan Boyd, Mileage- 247.47; Cellular One, phone- 47.75; Office Systems, copier contract- 86.00; Sams Club, supplies- 75.80; NE Nebraska Public Power, Crystal Lake utilities- 13.50; Aflac/Flex One, service fees- 45.00; AT&T, phone- 17.11; Dakota County Register of Deeds, filing- 6.00; Lazette Gifford, website upkeep- 40.00; Hubbard Community Center, retirement workshop rental- 40.00; Independent Business Systems, postage meter tape- 24.45; MIPS, monthly support- 272.16; Pitney Bowes, postage meter rental- 95.00; Qwest, trunk charge- 135.92; STP Inc d/b/a C&H Truck Parts, storage contract- 750.00; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 922.15;.

ROAD FUND: Airfilter Cleaning, clean filters- 30.24; Aramark, October service- 249.47; Atco Intl, lubricant, ice pellets- 526.30; Bierschbach, parts- 22.00; Bridgestone/Firestone, tires- 406.40; Cellular One, phone- 48.34; Diesel Specialties, parts, labor- 296.38; Ft. Calhoun Stone, road rock- 1734.80; Gill Hauling, dumpster service- 40.00; Great Plains Intl, parts- 174.55; Guarantee Oil, anti-freeze, parts- 236.90; Harman Glass, repair chip- 35.00; Higman Sand & Gravel, road rock- 10,937.45; HME Inc, haul road rock- 1200.00; Hubbard Mini-Mart, fuel- 3204.08; H2O4U, water- 10.00; Hydraulic Sales, parts, labor- 289.68; Jose Department Store, parts, supplies- 124.02; John Howard Trucking, haul road rock- 2162.89; Linweld, oxygen tanks- 29.84; Lux Brothers, haul road rock- 636.65; Midwest Service & Sales, sign letters- 13.56; Nebraska Public Power District, Homer service- 15.92; Nebraska Salt & Grain, ice control- 714.82; Newman Signs, directional signs- 174.04; Northeast Co-op, oil, tools, fuel- 116.78; NE Nebraska Public Power District, tower- 1652.40; Northeast Nebraska Telephone Company, phone- 168.87; Notary Public Underwriters, renew seal- 77.50; O'Reillys Auto, parts, supplies- 143.10; Power Plan, parts, filters- 513.09; Presco, culvert, bolts, hooks- 328.26; Rees Mack Sales, parts- 54.89; Sioux City Iron, parts- 31.54; Sioux City Tarp, parts- 128.00; Siouxland Hydraulic, parts- 17.42; Siouxland NAPA, parts, filters- 56.64; Stephan Welding, parts, labor-

24.45; Town & Country, chain saw oil- 21.45; Tri-State Communications, radio repair- 85.00; Utility Equipment Co, pipe- 194.00; Warren Oil, fuel- 2484.12; Willers Inc d/b/a Pilger Sand & Gravel, road rock- 2406.88; Ziegler, parts- 317.93.

HARD SURFACE ROAD: JEO Consulting, engineering bridge- 1445.00; Wells Fargo Bank, road payment- 40,789.44.

INHERITANCE TAX: Appraisers/Consultants Inc, appraisal and report- 250.00; GA Johnson Construction Inc, progress billing/jail- 389.16; Security Land Title, title insurance- 229.50; HMN Architects, consultant- 7524.61.

LAW ENFORCEMENT CENTER: Wells Fargo Bank, final lease purchase payment- 66,282.84.

WEED FUND: Holiday Inn-Hastings, lodging- 106.78; Joe's Department Store, anti-freeze- 34.32; Arnold Mellick, reimburse fuel- 15.00; Northeast Coop, chemical- 30.00.

BE IT FURTHER RESOLVED to deny the claim of the Veteran Service Office in the amount of \$3,000 because there is not enough money in his fund to cover that amount.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

The board took a road tour and stopped at the Knights Stop in Homer for Lunch.

Chair Engel adjourned their meeting upon return to the courthouse at 4:20 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk

* * * * *

COUNTY BOARD OF COMMISSIONERS
NOVEMBER 25, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

Jim Wagner, County Sheriff, appeared before the board to request permission to apply for a Law Enforcement Block Grant for radar equipment.
November 7, 2002

Nebraska Crime Commission
2002 LOCAL LAW ENFORCEMENT
BLOCK GRANT (LLEBG) Announcement
Applications Due in Crime Commission Office January 10, 2003 by 5:00 p.m. CST
PURPOSE OF FUNDS:

The purpose of the Local Law Enforcement Block Grant Program is to provide units of local government with funds to assist in reducing crime and improving public safety. The grant funds are for the sole use of the city or county's law enforcement agency. The funds CANNOT be used for any other governmental agency or purpose.

FUNDS AVAILABLE:

A total of \$194,968.00 is available for award. It is important to note the amount awarded by the Nebraska Crime Commission to each eligible agency may vary depending on the total amount of requests received. If the total amount of requests for funds exceeds the amount of funds available, all eligible requests will be reduced. However, based on funding and requests from previous years, the maximum amount of federal funds that can be requested is \$1,100.00. Required match will be \$123.

ELIGIBILITY:

Local entities of government (city or county) are eligible applicants. However, funds are for SOLE use of law enforcement agencies within the local entity. Local entities of government receiving direct funding from the Bureau of Justice Assistance for the Federal Law Enforcement Block Grant program are NOT eligible to apply (Omaha, Douglas County, Lincoln, Lancaster County, Grand Island, Hall County, Omaha Tribe,).

The law enforcement agency's budget CANNOT decrease as a result of the federal funds, The law enforcement agency's budget CAN increase to reflect the increase in revenue and expenses created by the grant award.

MATCH REQUIRED:

A minimum of 10% cash match of the TOTAL amount awarded is required.

EXPENDING FUNDS:

All federal and required matching funds must be expended by September 30, 2003.

GRANT DOLLARS MAY BE USED FOR ONE OR MORE OF THE ELIGIBLE ITEMS:

communication equipment
uniforms (may include body armor)
weapons
radar equipment
in-car video equipment
preliminary breath test units
intoxilizer
computers, software, and printers
bicycle patrol equipment
light bar units
vehicle partition equipment
anti-pursuit devices
audio-visual equipment
animal control related equipment
K-9 related equipment

Please note cell phone packages are no longer eligible for funding.

Grant funds CANNOT be used for purchases made before January 31, 2003.

DATE DUE:

One original and one copy of the application are due in the Nebraska Crime Commission Office, P.O. Box 94946; 301 Centennial Mall South, 5th Floor; Lincoln, NE 68509, NO LATER than 5:00 p.m. JANUARY 10, 2003. Faxed applications

WILL NOT be accepted. Applications received after 5:00 p.m. on JANUARY 7, 2002 will be considered late and WILL NOT be eligible for consideration. Final funding decisions will be made by the Nebraska Crime Commission at their January 31, 2003 meeting.

You will be notified of the Commission's decision in writing.

NOTE:

A separate fund which earns interest is to be established by the city or county which reflects the receipt and expenditure of the federal grant funds and matching funds. PLEASE NOTE: The law enforcement agency is NOT to establish a separate checking account for the receipt and expenditure of the LLEBG funds. All funds (federal and match) are to be processed through normal city or county accounting procedures.

As per federal guidelines, the applicant's (city or county) account must include the following four features:

1. The account must earn interest.
2. The applicant must be able to account for the deposit and expenditure of the Federal funds.
3. The applicant must be able to account for the expenditure of the local match.
4. The applicant must be able to account for any interest earned and expended.

APPLICATION KIT:

It is the intent of the Crime Commission to make the application for these funds as easy as possible. The application kit is attached. Once the Crime Commission determines funding amounts for eligible applicants, agencies will be notified in writing and be requested to sign a contract. Once the signed contract is received by the Crime Commission, a check will be issued to the city or county. After funds are expended, an itemized copy of invoices or other documentation of expenditures will need to be submitted to the Crime Commission.

Any applicant who has not submitted itemized copies of invoices or other documentation of expenditures for the 2001 awards, will NOT be eligible for a 2002 award.

If you wish to apply for the Federal Law Enforcement Block Grant funds, please complete the attached application. You may request funds for more than one type of equipment, as long as the total requested does not exceed \$1,100. However, you must provide 10% of the total cost of the request. To determine the required match, divide the total federal request by 9 (i.e. If you request \$1,100, divide \$1,100 by 9 to determine required match, which will be \$123.)

When completed, submit the application to the Nebraska Crime Commission, P.O. Box 94946, Lincoln, NE 68509. Please remember the application MUST be received by 5 p.m. JANUARY 10th 2003. Faxed applications WILL NOT be accepted. Please submit an original and one (1) copy of the application.

If you have questions, please contact:

Nancy Steeves
Grants Division Chief
Nebraska Crime Commission
(402) 471-3416
nsteeves@crimecom.state.ne.us

Grant #

(State Use Only)

APPLICATION KIT
2002 FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT

The eligible applicant for 2002 LLEBG grant funds is the city or county. However, grant funds are to be used solely for the local law enforcement agency.

Applicant (City or County) DAKOTA COUNTY
Contact Person for City or County SANDY BEERS
Address P0 BOX 305 DAKOTA CITY, NE 68731
Phone Number 4029872176 Federal ID # 476-00-6449
Email Address DCLAW@AOL.COM
Law Enforcement Agency DAKOTA COUNTY SHERIFF'S OFFICE
Contact Person for Law Enforcement Agency JAMES WAGNER, SHERIFF
Agency Address PO BOX 305 DAKOTA CITY, NE 68731
Telephone # 402-987-2176
Email Address DCLAW@AOL.COM
Federal amount requested \$ 1,100.00
Matching funds \$ 538.00
Nebraska Crime Commission
Contact person: Nancy Steeves
Grants Division Chief
(402)471-3416
nsteeves@crimecom.state.ne.us

DUE DATE: One original and one (1) copy of the application are due in the Nebraska Crime Commission Office; P.O. Box 94946; 301 Centennial Mall South, 5E Floor; Lincoln, NE 68509, Faxed applications WILL NOT be accepted. Applications received after 5:00p.m. on JANUARY 10th 2003 will be considered late and WILL NOT be eligible for consideration. Final funding decisions will be made by the Nebraska Crime Commission at their January 32, 2003 meeting.

Equipment Federal \$ Matching \$ Total \$

- 1. Communication equipment
Please identify items to be
Purchased and their cost on a
Separate sheet of paper.)
- 2. Uniforms, and body armor
- 3. Weapons
- 4. Radar equipment \$1100.00 \$538.00 \$1638.00
- 5. In-car video
- 6. Preliminary breath test units
- 7. Intoxilizer
- 8. Computers, software, printers
- 9. Bike patrol equipment
- 10. Light bar units
- 11. Vehicle partition equipment
- 12. Anti-pursuit devices
- 13. Audio-visual equipment
- 14. Animal control equipment
- 15. K-9 related equipment
- Total \$1100.00 \$538.00 \$1638.00

Note: Maximum request for federal grant dollars CANNOT exceed \$1,100.00.
Cell phone packages are no longer eligible for funding.

GRANT SPECIAL CONDITIONS

The grant application is considered a contract and grant and match dollars are to be used SOLELY for the purpose of obtaining the items listed in this agreement for the local law enforcement agency. Any other use of grant dollars is strictly prohibited. It should be noted that federal dollars ARE NOT considered part of the spending lid, but matching dollars MAY be part of the spending lid. The law enforcement agency's budget CANNOT decrease as a result of these federal funds, but are to be used as an enhancement to the agency's budget. The law enforcement agency's budget can increase to reflect the increase in revenue and expenses created by the grant award.

NOTE: A separate fund which earns interest is to be established by the city or county which reflects the receipt and expenditure of the federal grant funds and matching funds. PLEASE NOTE: The law enforcement agency is NOT to establish a separate checking account for the receipt and expenditure of the LLEBG funds. All funds (federal and match) are to be processed through normal city or county accounting procedures.

As per federal guidelines, the applicant's (city or county) account must include the following four features:

1. The account must earn interest.
2. The applicant must be able to account for the deposit and expenditure of the Federal award amount.
3. The applicant must be able to account for the local match amount.
4. The applicant must be able to account for any interest earned and expended.

I hereby state that the requested Federal funds and the matching funds shall be used as specified in the grant application for law enforcement only. Any changes MUST be approved PRIOR to expenditure of the binds. I understand and agree to maintain accurate and complete accounting documentation for purchased items. The budget of the law enforcement agency receiving the grant dollars shall not be reduced as a result of these federal funds. An itemized copy of the invoices and/or receipts, along with a copy of the check used to pay for expenditures shall be submitted to the Nebraska Crime Commission. All federal and required matching funds shall be expended by September 30, 2003. The applicant also agrees to establish a separate fund and an interest bearing account specifically for the Federal Law Enforcement Block Grant funds and matching funds.

Authorized Official for the Local Unit of Government (Mayor, Board Chair, etc.)

DAKOTA COUNTY BOARD CHAIRMAN	WILLIAM ENGEL
Title	Typed Name
\s\ William F. Engel	November 25, 2002
Signature	Date
Law Enforcement Agency using the federal funds	
DAKOTA COUNTY SHERIFF'S OFFICE	JAMES L. WAGNER
Agency Name	CHIEF/SHERIFF'S NAME
\S\ JAMES L. WAGNER	November 20, 2002
Signature, Chief of Police/Sheriff	Date

Commissioner Denker moved, seconded by Commissioner Bobier to approve the application of a Law Enforcement Block Grant for radar equipment.
ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Mr. Wagner discussed the Jail Core Committee and when Pam Miller is sworn in as Commissioner that would make three commissioners serving on the committee. It was decided that Pam Miller would be an alternate and attend in the absence of one of the other two board members.

The board discussed the Storm Water Agreement with South Sioux City and Dakota City.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the Maximus Agreement as follows:

AGREEMENT TO PROVIDE

PROFESSIONAL CONSULTING SERVICES

DAKOTA COUNTY, NEBRASKA

THIS AGREEMENT, entered into this 25th day of November, 2002 and effective immediately by and between MAXIMUS, Inc. (hereinafter called the "consultant") and the County of Dakota (hereinafter called the "County") WITNESSETH THAT:

WHEREAS, the County has programs which it operates with outside funding, and

WHEREAS, the County supports these programs with support services paid from the County's general funds, and

WHEREAS, outsider users will pay a fair share of these costs if supported by an appropriate cost allocation plan, and

WHEREAS, the Consultant is staffed with personnel knowledgeable and experienced in the requirements of developing and negotiating such governmental cost allocation plans, and

WHEREAS, the County desires to engage the Consultant to assist in developing a plan which conforms to federal requirements and will be approved by their representatives.

NOW THEREFORE, the parties hereto mutually agree as follows:

1. Engagement of Consultant. The County agrees to engage the Consultant and the Consultant hereby agrees to perform the following services.
2. Scope of Services. The Consultant shall do, perform, and carry out in a good and professional manner the following services:

A Development of a Central Services Cost Allocation Plan. The Consultant shall prepare on behalf of the County a central services cost allocation plan to identify support services performed in fiscal year 2002 which will result in cost reimbursements during fiscal year 2004.

Consultant shall complete fieldwork during fiscal year 2003. The central services cost allocation plan identifies the various costs incurred by the County to support and administer federal programs. If the Agreement is not terminated per the provisions of Section 8., Termination or Agreement for Cause or Section 8.A., Special Termination, the Consultant shall develop a central services cost allocation plan to identify support services performed in fiscal year 2003 which will result in cost reimbursements during fiscal year 2005. Consultant shall complete fieldwork during fiscal year 2004. If the Agreement is

again not terminated, the Consultant shall develop a central services cost allocation plan to identify support services performed in fiscal year 2004 which will result in cost reimbursements during fiscal year 2006.

Consultant shall complete fieldwork during fiscal year 2005.

B Plan Contents. Consultant Staffing and County Participation. Each plan will contain a determination of the allowable costs of providing each supporting service, such as: purchasing, personnel, disbursement processing, etc. Consultant staff will analyze all data required, perform all cost allocation calculations, and complete the cost allocation plan in a form ready for the County to submit for Federal and State approval. County personnel involvement will be limited to locating and providing access to accounting and payroll records, answering questions to enable Consultant to appropriately interpret County records, and participation in brief interviews by selected personnel to enable Consultant to determine appropriate allocation of costs across County programs.

C Negotiation. Consultant shall negotiate use of the completed cost allocation plan with the appropriate Federal and State representatives if necessary.

D Instruction and Monitoring. Consultant shall instruct County personnel in preparing the claims to the State and other appropriate sources for recovery of funds due the County. Consultant will monitor the progress of County claims to insure the County receives recoveries due it.

3. Time of Performance. The services to be performed hereunder by the Consultant shall be undertaken and completed in such sequence as to assure their expeditious completion and best carry out the purposes of the Agreement.

A Term of Agreement. It is expressly understood and agreed that the effective date of this Agreement shall be the date first written above and shall continue in full force and effect until December 31, 2004. It is further agreed that this Agreement shall automatically renew twice on the same terms and conditions unless terminated by either party giving the other written notice by Certified Mail at the address for that party as hereinafter set forth at least fifteen days (15) prior to the expiration of this Agreement. This Agreement shall renew upon the first anniversary of the date first written above and shall be in full force and effect until December 31, 2005 This Agreement shall also renew upon the second anniversary of the date first written above and shall be in full force and effect until December 31, 2006.

Upon notice of termination, this Agreement shall remain in effect only until the County has received all recoveries due it as a result of the cost allocation plan, if any remain due, and has compensated Consultant as provided for herein.

4. Compensation. For Client fiscal year 2002, the County agrees to pay the Consultant one-half of the recovered funds not to exceed the sum of Five Thousand Nine Hundred Dollars (\$5,900.00) all services required herein, which shall include reimbursement for expenses incurred. Client shall receive recovered funds during Client fiscal year 2004. Consultant agrees to complete the project and all services provided herein for said sum. Unless terminated per Section 3, for Client fiscal year 2003, the County agrees to pay the Consultant one-half of the recovered funds not to exceed the sum of Six Thousand One Hundred Dollars (\$6,100.00) for all services required herein, which shall include reimbursement for expenses. Client shall receive recovered funds during

Client fiscal year 2005. Consultant agrees to complete the project and all services provided herein for said sum. Unless terminated per Section 3, for Client fiscal year 2004. the County agrees to pay the Consultant one-half of the recovered funds not to exceed the sum of Six Thousand One Hundred Dollars (\$6,100,00) for all services required herein, which shall include reimbursement for expenses. Client shall receive recovered funds during Client fiscal year 2006. Consultant agrees to complete the project and all services provided herein for said sum.

5. Method of Payment. The County will make payment for the annual plan to the Consultant from in the agreed-upon amount in paragraph 4 according to the following schedule:

A Client Fiscal Year 2002. Payment is due in full following submission of the completed cost allocation plan to the County and upon receipt by the County of recovered funds from the Indirect costs. The County and the Consultant will share recoveries equally until the amount in paragraph 4 is paid in full to the Consultant. Should the County recover, from the plan, an amount less than the amount needed to satisfy Consultant's fees, then no further payment is due the Consultant. Should the County recover more than double the Consultant's fees, excess recoveries belong to the County and no additional fee is due the Consultant.

B Client Fiscal Year 2003. Upon delivery of the completed cost allocation plan, one-half of the agreed-upon amount in paragraph 4 will be invoiced to the County. At Its sole discretion, the Consultant may chose to invoice the client a lesser amount if in the Consultant's estimation the County's total recovery will be less than the amount needed to satisfy Consultant's fees. Thereafter, the County and the Consultant will share recoveries equally until the amount in paragraph 4 is paid in full to the Consultant. Should the County recover from the plan an amount less than the amount needed to satisfy Consultant's fees, no further payment is due the Consultant. Should the County recover more than double the Consultant's fees, excess recoveries belong to the County and no additional fee is due the Consultant.

C Client Fiscal Year 2004. Upon delivery of the completed cost allocation plan, one-half of the agreed-upon amount in paragraph 4 will be invoiced to the County. At its sole discretion, the Consultant may chose to invoice the client a lesser amount if in the Consultant's estimation the County's total recovery will be less than the amount needed to satisfy Consultant's fees. Thereafter, the County and the Consultant will share recoveries equally until the amount in paragraph 4 is paid in full to the Consultant. Should the County recover from the plan an amount less than the amount needed to satisfy Consultant's fees, no further payment is due the Consultant. Should the County recover more than double the Consultant's fees, excess recoveries belong to the County and no additional fee is due the Consultant.

6 Changes. The County may, from time to time, require changes in the scope of the services of the Consultant to be performed hereunder. Such changes, which are mutually agreed upon by and between the County and the Consultant, shall be incorporated in written amendment to this Agreement.

7 Services and Materials to be furnished by County. The County shall furnish the Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. The County shall cooperate with the Consultant in carrying out the work herein and shall provide adequate liaison between the Consultant and other agencies of County government. The County further agrees to provide all data specifically requested, including documentation and Information to the Consultant in a timely manner. The Consultant shall assume that all information furnished by the County is accurate and complete. The Consultant shall not be liable for a cost allocation plan that

cannot be filed in a timely manner as a result of inadequate data or data provided in an untimely manner by the County.

8 Termination or Agreement for Cause. If, through any cause, the Consultant shall fail to fulfill in timely and proper manner its obligation under this Agreement, the County shall thereupon have the right to terminate this Agreement by giving written notice via U. S. Post Office Certified Mail Return Receipt Requested - to the Consultant of such termination and specifying the effective date thereof postmarked, at least fifteen days (15) before the effective date of such termination.

A Special Termination. Either party may, at its option, cancel any year of the plan preparation by giving the other party notice by September 30 of the year on which the plan will be based. For example, the County may cancel the work to be done based on fiscal year 2004 data by giving Consultant notice on or before September 30, 2004.

The County may terminate this Agreement at any time without cause by giving the Consultant written notice via Certified Mail. Under this provision, the Consultant shall be entitled to full compensation as specified in paragraph 4 for any cost allocation plan for which work has already begun.

9 Information and Reports. The Consultant shall, at such time and in such form as the County may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims and other information relative to the project as may be requested by the County.

The Consultant shall furnish the County, upon request, with copies of all documents and other materials prepared or developed in relation with or as part of the project.

10 Records and Inspection. The Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement. The County shall have free access at all proper times to such records, and the right to examine and audit the same and to make transcripts therefrom, and to inspect all program data, documents, proceedings, and activities.

11 Accomplishment of Project. The Consultant shall commence, carry on, and complete the project with all practicable dispatch, in a sound economical and efficient manner, in accordance with the provisions thereof and all applicable laws. In accomplishing the project, the Consultant shall take such steps as are appropriate to insure that the work involved is properly coordinated with related work being carried on in the County.

12 Provisions Concerning Certain Waivers. Subject to applicable law, any right or remedy which the County may have under this Agreement may be waived in writing by the County by a formal waiver, if, in the judgment of the County, this Agreement, as so modified, will still conform to the terms and requirements of pertinent laws.

13 Matters to be Disregarded. The titles of the several sections, sub-sections, and paragraphs set forth in this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this Agreement.

14 Completeness of Agreement. This Agreement and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the parties hereto.

15 County Not Obligated to Third Parties. The County and the Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be

construed to give or provide, any right or benefit, whether directly or indirectly or otherwise, to third parties.

16 When Rights and Remedies Not Waived. In no event shall the making by the County or any payment to the Consultant constitute or be construed as a waiver by the County of any breach of covenant, or any default which may then exist, on the part of the consultant, and the making of any such payment by the County while any such breach or default shall exist in no wise impair or prejudice any right or remedy available to the County in respect to such breach of default.

17 Personnel. The Consultant represents that he has, or will secure at his own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the County. All of the services required hereunder will be performed by the Consultant or under his supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

18 Consultant Liability if audited. The Consultant will assume all financial and statistical information provided to the Consultant by the County employees or representatives is accurate and complete. Any subsequent disallowance of funds paid to the County under the plan is the sole responsibility of the County. If any disallowance of funds is due substantially to errors committed by the Consultant, the Consultant's liability shall be limited to the actual percentage Consultant's fee is to total County recoveries as a result of the cost allocation plan not to exceed total fee paid to Consultant for the period of disallowance. Consultant will provide assistance to the County should an audit be undertaken of County indirect costs.

19 Copyright. Notwithstanding any provision to the contrary, the County acknowledges that the cost allocation plan to be provided by Consultant to the County is generated by Consultant's proprietary cost allocation software. Nothing contained herein is intended nor shall it be construed to require the Consultant to provide such software to the County. The County agrees that all ownership rights thereto lie with Consultant. County may use the report for and on behalf of its operations.

20 Applicable Law. Nebraska law will govern the terms and performance under this Agreement.

21 Indemnification. Each party shall be responsible for its own acts and will be responsible for all damages, costs, fees, and expenses which arise out of the performance of this Agreement and which are due to that party's own negligence, tortious acts, and other unlawful conduct and the negligence, tortious acts, and other conduct of its respective agents, officer, and employees. In the absence of negligence in Consultant's performance hereunder, County shall defend, indemnify, and hold Consultant free and harmless from and against any claims, demands, actions, damages, expenses, fees, and liabilities arising by virtue of any and all claims, demand, or actions brought by third parties which are related in any way to County's implementation of Consultant's recommendations and findings.

22 Delays. Consultant shall not be liable for delays in performance caused in whole or in part by County, third parties, or forces de majeure. The period of performance shall be extended by the time period of the delay contemplated by this paragraph.

23 Notices. Any notices, bills, invoices, or reports required by this Agreement shall be sufficient if sent by both parties hereto in the United States mail, postage paid, to the addresses noted below:

DAKOTA COUNTY CLERK
County Courthouse
Post Office Box 39
Dakota City, Nebraska 68731
MAXIMUS, INC.

7300 Hudson Boulevard North, Suite 270

Oakdale, Minnesota 55128

IN WITNESS WHEREOF, the County and the Consultant have executed this Agreement as of the date first written above.

DAKOTA COUNTY

By

(County Official)

Attest:

MAXIMUS, inc.

By:

Thomas B Carawan

Vice President

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve minutes of November 18, 2002 as typed in the official record.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Denker to convene into Closed Executive Session to discuss litigation.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:20 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to reconvene into Regular Session.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:40 p.m.

The subject of the Construction of a new jail was discussed. The question whether the county had to go through with the construction of a new jail, if the public voted in favor of the bond issue.

Commissioner Todd and Commissioner-elect Miller understood that the County was not obligated in going forward with the jail if the public voted in favor of the issue. This subject came up because of the case where the jail bond issue passed and the county could not get any Federal dollars from INS or the Federal Marshall's Office. The discussion led into whether the county had to break ground before the Federal Government would commit dollars for the jail.

Commissioner Todd was of the opinion that the County did not have to break ground and Commissioner-elect Miller thought that the county did. It was also thought that the monetary funding from INS differed from the monetary funding from Federal Marshall's Office. Someone mentioned that they thought that INS would not require the county to break ground before committing dollars and that the Federal Marshall's Office would.

Commissioner Todd moved, seconded by Commissioner Hartnett to approve the payroll claims submitted by the County Clerk as follows:

COUNTY ROAD PAYROLL: Gross salaries- \$11,432.29, Road Employees Net Pay- \$8,813.65, Employer deductions paid: Retirement- 685.89, Social Security Tax- 708.79, Medicare- 165.78.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred

Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1161.89, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 919.44, State- 295.29, Social Security- 708.79, Medicare- 165.78, Retirement- 457.34, Credit Union- 32.00, Deferred Comp.- 40.00.

COUNTY GENERAL FUND: Gross salaries- \$71,836.38, General Fund Employees Net Pay- \$51,443.74, Employer deductions paid: Retirement- 3626.07, Social Security Tax- 4453.89, Medicare- 1041.63.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Marisol Curiel- 633.64, Bobbi Jo Harsma- 840.80, Theodore Piepho- 1340.00, Cynthia Purucker- 428.29, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 810.90, Kimberly Kuehl- 740.00, Phyllis Ridge- 836.00, Mark J. Dorsey- 514.08, Margaret Rahn- 1010.97, Cynthia Purucker- 428.29, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1676.00, Mary Gamble- 888.00, Wildon Sur- 546.38, Richard Jensen- 1181.21, Franklin Morse- 24.00, Patricia Stingley- 828.00, Jeremy Bermel- 940.00, Anthony Bos- 1053.42, Linda Carson- 2875.27, Brent Gilster- 838.08, Thomas Hardy- 300.00, Melvin Harrison III- 1146.32, Rodney Herron- 1553.05, Jared Junge- 1399.20, Michael Kreegar- 1143.63, Eric Reed- 96.00, Gayle Richards- 700.00, James Roberts- 1433.85, William Thompson- 1374.48, James Wagner- 1,676.00, Randall Walsh- 1568.00, Laurie Barclay- 987.28, Rita Chase- 872.00, Debra Fergen- 1653.85, Robert Finney- 2168.00, Amber Hegarty- 1403.85, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 1141.27, Carol Cox- 991.00, Richard Criss- 827.44, Leonard Cunningham- 996.48, Michael Gregerson Jr.- 1043.03, Alma Gunderson- 1099.44, Todd Hammer- 957.60, Paula Harrigfeld- 498.75, Cathy Harsma- 861.95, Brandi McManigal- 238.00, Joseph Purucker- 827.44, Kevin Rohde- 1053.44, Linda Schovanec- 965.44, Margaret Stingley- 744.66, Brenda Tanner- 896.00, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 996.22, Alan Boyd- 877.46, MariCo Cleaning- 1,678.00, Tracy L Akins, case settlement- 71.42.

GENERAL FUND: Employee withholding paid to: Federal- 6983.69, State- 2335.38, Social Security Tax- 4453.89, Medicare- 1041.63, Retirement- 2417.39, Credit Union- 1,607.31, Deferred Comp- 766.90, Garnishment- 786.45.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- 4,526.50.

VETERANS SERVICE OFFICE: Veterans Service Officer- 800.00.

COPS FAST GRANT: Gross salaries- 1284.53, Cops Fast Employee Net Pay- 899.50, Employer deductions paid: Retirement- 77.07, Social Security- 79.64, Medicare- 18.63, Brad Claypool- 899.50.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

The board discussed having a Public Hearing on the sludge regulations drafted by the sludge committee.

The board discussed and decided to have a meeting to determine the scope of the jail project for the March 25, 2002 Election. That meeting will be at 7:00 p.m. December 10th with an alternate date of December 11th.

Chair Engel adjourned their meeting at 3:41 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk

* * * * *

COUNTY BOARD OF COMMISSIONERS
DECEMBER 9, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

Commissioner Bobier moved, seconded by Commissioner Hartnett to purchase Lots 1, 2, 3, 4, 5, and 6 Block 139, City of Dakota City, Dakota County, Nebraska and to authorize County Clerk Ted Piepho as the representative of the county to execute all documents to secure said property.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to recommit to NIRMA Insurance by adopting the following Reolution 02C-022 and agreements.

RESOLUTION 02C-022
RESOLUTION FOR AMENDMENT AND ADDENDUM TO
NIRMA/NIRMA II INTERGOVERNMENTAL AGREEMENTS

WHEREAS, County has previously entered into Intergovernmental Agreements with other Nebraska Counties to form and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) as authorized by the Intergovernmental Risk Management Act (Neb.Rev.Stat. ?44-4301 et seq.); and

WHEREAS, Counties and other Public Agencies as defined in ?44-4303 are allowed to participate in said cooperative undertakings; and

WHEREAS, NIRMA and NIRMA II have provided coverages to the County which meet and exceed that provided by traditional insurance carriers; and

WHEREAS, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits, claims and litigation management, and coverages tailored to address liability exposures a county faces not economically available from other sources; and

WHEREAS, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

WHEREAS, the current Intergovernmental Agreements will expire on July 31, 2003, and

NOW, THEREFORE, BE IT RESOLVED that the County Board hereby:

1. Extends its commitment to participate in NIRMA and NIRMA II for an additional three years covering the period August 1, 2003 through July 31, 2006; and

2. Declares that this Resolution shall serve as an amendment and addendum to the original Intergovernmental Agreements entered into by the County Board, said Intergovernmental Agreements readopted by and incorporated herein by this reference as amended.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to adopt the following Storm Water Agreement.

INTERLOCAL COOPERATION ACT AGREEMENT
DAKOTA COUNTY URBAN AREA STORM WATER MANAGEMENT ASSOCIATION

THIS AGREEMENT (hereinafter referred to as "this Agreement") is made by and among those of the following eligible parties, to-wit: the CITY OF SOUTH SIOUX CITY, Nebraska; the CITY OF DAKOTA CITY, Nebraska; the COUNTY OF DAKOTA, Nebraska; and the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (hereinafter referred to collectively as the members of the Dakota County Urban Area Storm Water Association", or "the Association").

WHEREAS, each of the members of the Association is situated in whole or part within a watershed defined as the Nebraska portion of the Sioux City urbanized area that contributes storm water to the Missouri River (hereinafter referred to as "the Watershed");

WHEREAS, by the members of the Association acting in concert and proposing, enacting and implementing common standards, there will be increases in effectiveness and in cost-sharing capability within the Association, particularly in the capability to address federally-imposed requirements and mandates which are imminent and which must be funded locally;

WHEREAS, a coordinated effort will improve compliance with federal, state, and local regulations, such as Storm Water Program, National Pollutant Discharge Elimination System Point Source Permits, Federal Emergency Management Agency, and local planning and zoning regulations;

NOW, THEREFORE, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the members of the Association agree as follows:

1. Authority: This Agreement is made pursuant to authority provided in the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat., §13-801, R.R.S., 1943, et. seq.), without a separate entity being created and, whenever possible, this Agreement shall be construed in conformity therewith.

2. Mission: It shall be the mission of the Association to address issues related to water quality and storm water quantity in the Watershed by establishing regionally common goals and standards for the development of the Watershed through 2040.

3. Applicability: Members of the Association having jurisdiction over land area outside the physical boundaries of the Watershed expect that planning activities within the Watershed for projects of the Association will, insofar as feasible, apply universally to all such areas as though they were located physically within the Watershed.

4. Goals: The Association shall have as its goal compliance with Federal, State, and local regulations, including without limitation, applications for Stormwater Phase II permits under the National Pollutant Discharge Elimination System.

5. Executive Committee: The members of the Association shall establish an Executive Committee consisting of one representative from each entity that is a

member of the Association. Three (3) members of the Executive Committee shall constitute a quorum to conduct the business of the Association. Any expenditure of funds in excess of \$5,000.00 shall require approval of all the members of the Association.

6. Administering Agent: The Executive Committee shall designate the City of South Sioux City, Nebraska, or other member of the Association which is willing to serve in such capacity, as Administering Agent to administer this Agreement. The Administering Agent shall serve at the pleasure of the Executive Committee and shall perform duties assigned by the Executive Committee, which may include, without limitation:

- (a) Designating such personnel and assistance which shall be deemed necessary to support the work of the Association;
- (b) Preparing, presenting and distributing educational materials;
- (c) Organizing meetings of members of the Association and interested persons to share knowledge and compare projects and programs of all involved;
- (d) Preparing reports on the work of the Association;
- (e) Entering into contracts on behalf of the Association as the Executive Committee directs for the performance of specific actions consistent with both the goals of this Agreement and the respective missions of members of the Association; and,
- (f) Holding and maintaining the Watershed Fund, calculating the amount of money necessary to be raised by contributions each year in order to carry out the work of the Association, and making requests for contributions from the members of the Association, all as the Executive Committee directs.

7. Funding: The members of the Association do hereby create the Watershed Fund, such fund to be held by the Administering Agent in an account in trust for the members contributing thereto, in proportion to their contributions, and to be expended as the Executive Committee directs for (i) initial planning of beneficial programs and projects to meet the mission and goals of this Agreement, and (ii) establishing mechanisms for long-term funding and authorization for additional planning and implementation of such programs and projects. The Watershed Fund shall be funded and administered as follows:

(a) Within one year after the effective date of this Agreement, each member of the Association shall make an initial contribution to the Watershed Fund in the amount shown, opposite such member's name, in the second column of the table attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter referred to as the "Maximum Annual Contribution" for such member). During the second and third years, respectively, after the effective date of this Agreement, the Administering Agent shall determine the amount of money necessary to carry out the work of the Association and request contributions each year of the members of the Association as necessary. These contributions shall be proportional to such members' first-year contributions to the Watershed Fund; provided, however, in no case shall such contribution exceed the amount of such member's Maximum Annual Contribution.

(b) Each year during the term of this Agreement, and from time to time as any member of the Association may reasonably request, the Administering Agent shall furnish to the members of the Association written statements of the condition of the Watershed Fund.

(c) Grants or contributions made by non-members of the Association shall not be deemed to offset or diminish the obligations of the members of the Association under this Agreement.

(d) If any member of the Association fails to contribute to the Watershed Fund as requested pursuant to this Agreement, such member's involvement and membership in the Association shall be terminated upon written notice of termination given by the Administering Agent to such member.

(e) If the total number of acres encompassed by this agreement changes, the percentage of contribution funds by the members shall be adjusted to properly reflect the percentage attributable to each member.

8. Title to Property: Title to any tangible property (e.g., monitoring equipment), obtained under this Agreement shall be held in the name of the Administering Agent in trust for the members of the Association in proportion to their total contributions to the Watershed Fund.

9. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Counterpart copies of this Agreement, as executed, shall be maintained as part of the records of the Administering Agent.

10. Effective Date: This Agreement shall become effective on _____, 2002.

11. Duration of Agreement: This Agreement shall be in effect for a period of three years from and after its effective date.

12. Termination: Involvement of any member of the Association with the Association, and responsibilities under this Agreement, may be terminated by such member without cause effective upon 60 days written notice to the other members of the Association. Termination of a member's involvement with the Association pursuant to this Agreement shall not operate to terminate this Agreement nor shall it affect any rights obtained under this Agreement, prior to such notice of termination being given, for costs incurred or monies advanced, or for actions taken or responsibilities assumed, by another member of the Association during the term of and pursuant to this Agreement.

13. Additional Planning and Implementation: The members of the Association may amend or supplement this Agreement from time to time as may be deemed necessary to provide long-term funding and authorization for additional planning and implementation of beneficial programs and projects to meet the mission and goals of this Agreement.

IN WITNESS WHEREOF, this Agreement is entered into by the members of the Association pursuant to resolutions duly adopted by their respective governing boards.

INTERLOCAL COOPERATION ACT AGREEMENT
DAKOTA COUNTY URBAN AREA STORM MANAGEMENT ASSOCIATION

SIGNATURE PAGE

EXECUTED by the County of Dakota, Nebraska on this 9th day of December, 2002.

THE COUNTY OF

DAKOTA, NEBRASKA,

BY: \s\ William F. Engel
CHAIRPERSON, COUNTY BOARD

ATTEST:

\s\ Theodore A. Piepho
COUNTY CLERK

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Chairman Engel opened the Public Hearing for the consolidation of the Allen and Waterbury Fire Districts.

Alan Curtis explained that they basically have operated as one Fire District and that they were combining the two fire districts into one.

No one was in the audience to speak in favor of or in position to the combining of the Fire Districts.

Chair Engel closed the hearing at 2:03 p.m.

Commissioner Bobier moved, seconded by Commissioner Denker to combine the two districts.

RESOLUTION

WHEREAS THE WATERBURY RURAL FIRE DISTRICT AND THE ALLEN RURAL FIRE DISTRICT HAVE JOINTLY PETITIONED THAT THEY BE ALLOWED TO ANNEX, MERGE AND CONSOLIDATE ALL OF WATERBURY RURAL FIRE DISTRICT INTO THE ALLEN RURAL FIRE DISTRICT AND TO RENAME AS ALLEN-WATERBURY RURAL FIRE DISTRICT; AND

WHEREAS THE WATERBURY RURAL FIRE DISTRICT AND THE ALLEN RURAL FIRE DISTRICT HAVE WORKED VERY CLOSELY TOGETHER FOR OVER TWENTY (20) YEARS; AND

WHEREAS THE COMBINATION, MERGER AND UNIFICATION OF THE TWO FIRE DISTRICTS INTO ONE DISTRICT WOULD SIMPLIFY ALL ADMINISTRATION OF BOTH FIRE DISTRICTS WITHOUT LOSS OF EFFICIENCY;

THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DAKOTA COUNTY, NEBRASKA AS FOLLOWS:

1). THAT IT IS DETERMINED THAT THE ANNEXATION, MERGER, AND CONSOLIDATION OF ALL OF WATERBURY RURAL FIRE DISTRICT INTO ALLEN RURAL FIRE DISTRICT AND THE RENAMING OF SAID JOINT DISTRICT AS ALLEN-WATERBURY RURAL FIRE DISTRICT SHOULD BE AND IS HEREBY APPROVED.

2). THAT IT IS DETERMINED THE DESCRIPTION OF THE WATERBURY RURAL FIRE DISTRICT TO BE MERGED INTO THE ALLEN RURAL FIRE DISTRICT IS FIXED AS FOLLOWS; TO-WIT:

A). Section 7, Section 8, Section 9, Section 16, Section 17, Section 18, Section 19, Section 20, Section 21, Section 28, Section 29 excluding The Village of Waterbury, Nebraska, Section 30, Section 31, Section 32, Section 33, , Township 29 North, Range 6 East of the 6TH P.M. in Dixon County, Nebraska (in Ottercreek Township):

B). Section 4, Section 5, Section 6, Section 7, Section 8, Section 16, Section 17, and Section 18, Township 28 North, Range 6 East of the 6th P.M. in Dixon County, Nebraska (in Ottercreek Township);

C). Section 14, Section 15, Section 22, Section 23, Section 26, Section 27, Section 34, Section 35, and SW-SW of Section 36, Township 29 North, Range 6 East of the 6th P.M. in Dakota County, Nebraska (in Summit Township);

D). The West « of Section 1, Section 2, Section 3, Section 10, Section 11, The West « of Section 12, Section 14 and Section 15, Township 28 North, Range 6 East of the 6th P.M. in Dakota County, Nebraska (in Summit Township);

3). THAT IT IS DETERMINED THAT THE LEGAL DESCRIPTION OF THE ALLEN-WATERBURY RURAL FIRE DISTRICT AFTER THE ANNEXATION, MERGER, CONSOLIDATION AND CHANGE OF NAME IS FIXED AS FOLLOWS; TO-WIT:

A). The S1/2 of Section 24, and Section 25, and Section 36 Township 29 North, Range 4 East of the 6th P.M. Dixon County, Nebraska (in Clark Township);

B). Section 1, Section 12, and Section 13, Township 28 North, Range 4 East of the 6th P.M. in Dixon County, Nebraska (in Concord Township);

C). The South Half (S«) of Section 19, The South Half (S«) of Section 20, The South Half (S«) of Section 21, The South Half (S«) of Section 22, The South Half (S«) of Section 23, The South Half (S1/2) Section 24, Section 25, Section

26, Section 27, Section 28, Section 29, Section 30, Section 31, Section 32, Section 33, Section 34, Section 35, and Section 36, Township 29 North, Range 5 East of the 6th P.M. in Dixon County, Nebraska (in Galena Township);

D). All Thirty-Six Sections (Sections 1 through 36 inclusive) in Township 28 North, Range 5 East of the 6th P.M. in Dixon County, Nebraska excluding The Village of Allen, Nebraska (in Springbank Township);

E). Section 7, Section 8, Section 9, Section 16, Section 17, Section 18, Section 19, Section 20, Section 21, Section 28, Section 29 excluding The Village of Waterbury, Nebraska, Section 30, Section 31, Section 32, Section 33, Township 29 North, Range 6 East of the 6th P.M. in Dixon County, Nebraska (in Ottercreek Township);

F). Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 16, Section 17, and Section 18, Township 28 North, Range 6 East of the 6th P.M. in Dixon County, Nebraska (in Ottercreek Township);

G). Section 14, Section 15, Section 22, Section 23, Section 26, Section 27, Section 34, Section 35, and SW-SW1/4 of Section 36, Township 29 North, Range 6 East of the 6th P.M. in Dakota County, Nebraska (in Summit Township);

H). The West « of Section 1, Section 2, Section 3, Section 10, Section 11, The West « of Section 12, Section 14 and Section 15, Township 28 North, Range 6 East of the 6th P.M. in Dakota County, Nebraska (in Summit Township);

4). THAT IT IS DETERMINED THAT ALLEN-WATERBURY RURAL FIRE DISTRICT SHALL COMMENCE OPERATIONS UNDER THAT NAME ON JULY 1, 2003.

Motion made this 9th day of December 2002, by Commissioner Bobier

Seconded by: Commissioner Denker

Voting YEA: Denker, Todd, Hartnett, Bobier and Engel

Voting NAY: None

This Resolution is declared adopted this 9th day of December, 2002.

/s/ William F. Engel
Chairman of the Board of Commissioners
of Dakota County, Nebraska

Attest:

/s/ Theodore A. Piepho
Board of Commissioners Secretary and
County Clerk of Dakota County, Nebraska

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to approve the following claims and approve the payment of same.
COUNTY GENERAL FUND: Gross salaries- \$71,894.10, General Fund Employees Net Pay- \$48,791.05, Employer deductions paid: Retirement- 3588.73, Unicare- 11,964.48,

Unicare Dental- 760.34, Unicare Life- 287.34, Social Security Tax- 4,283.14, Medicare- 1001.66.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Marisol Curiel- 653.86, Bobbi Jo Harsma- 798.76, Theodore Piepho- 1340.00, Cynthia Purucker- 424.34, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 816.00, Kimberly Kuehl- 740.00, Phyllis Ridge- 836.00, Mark J. Dorsey- 514.08, Marilyn McGowen- 80.00, Margaret Rahn- 1010.97, Cynthia Purucker- 420.40, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1,676.00, Mary Gamble- 888.00, Wildon Sur- 387.50, Richard Jensen- 1181.21, Patricia Stingley- 828.00, Sandy Beers- 940.00, Jeremy Bermel- 1369.92, Anthony Bos- 1222.20, Linda Carson- 48.00, Brian Ellinger- 1191.28, Melvin Harrison III- 1295.84, Rodney Herron- 1525.48, Jared Junge- 1832.48, Michael Kreegar- 1082.52, Eric Reed- 96.00, Gayle Richards- 700.00, James Roberts- 1614.02, William Thompson- 1673.28, James Wagner- 1,676.00, Randall Walsh- 1580.00, Laurie Barclay- 918.40, Rita Chase- 872.00, Debra Fergen- 1653.85, Robert Finney- 2168.00, Amber Hegarty- 1403.85, Aimee Kennedy- 608.00, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 1475.96, Carol Cox- 1275.78, Richard Criss- 866.88, Leonard Cunningham- 1181.60, Michael Gregerson Jr.- 1130.66, Alma Gunderson- 1251.84, Todd Hammer- 952.00, Paula Harrigfeld- 452.89, Cathy Harsma- 842.22, Brandi McManigal- 272.00, Joseph Purucker- 886.58, Kevin Rohde- 1173.69, Linda Schovanec- 983.48, Margaret Stingley- 647.50, Brenda Tanner- 1187.20, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 908.12, Alan Boyd- 877.46, Dakota County Flex Plan, plan advance- 600.00; Unicare, Cobra insurance payment- 362.56; MariCo Cleaning- 1,678.00, Principal Mutual- 781.12.

GENERAL FUND: Employee withholding paid to: Federal- 6768.96, State- 2261.51, Social Security Tax- 4283.14, Medicare- 1001.66, Retirement- 2392.51, Unicare- 1797.49, Unicare Dental- 325.23, Colonial Health- 35.20, Credit Union- 1,557.31, Colonial Life- 3.00, Deferred Comp- 766.90, Garnishment- 1,128.95, Aflac Health- 455.14, Aflac Life/Dsbl- 107.05, Aflac Flex Plan- 199.00.

COUNTY ROAD PAYROLL: Gross salaries- \$11,484.85, Road Employees Net Pay- \$7950.97, Employer deductions paid: Retirement- 689.05, Unicare Health- 2175.36, Unicare Dental- 138.24, Unicare Life- 51.58, Social Security Tax- 661.70, Medicare- 154.75, Principal Mutual- 140.01.

Joel Broekemeier- 986.96, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1161.89, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 820.20, State- 266.63, Social Security- 661.70, Medicare- 154.75, Retirement- 459.44, Unicare- 639.48, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 2220.66, Cops Fast Employee Net Pay- 1591.66, Employer deductions paid: Retirement- 85.75, Unicare- 362.56, Unicare Dental- 23.04, Unicare Life- 8.84, Social Security- 137.68, Medicare- 32.20, Brad Claypool- 1429.14, Brent Gilster- 791.52.

COPS FAST GRANT: Employee withholding paid to: Federal- 309.04, State- 92.91, Social Security- 137.68, Medicare- 32.20, Retirement- 57.17.

INHERITANCE TAX FUND: Aaron Sila, land purchase- 40,674.33; Dakota County Treasurer, land taxes- 1200.70.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the minutes of November 25, 2002 as typed in the official record.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Todd to convene into Closed Executive Session to discuss labor negotiations.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 2:40 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene into Open Session.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED. 3:05 p.m.

Chair Engel recessed their meeting at 3:34 p.m. until 7:00 p.m. Tuesday, December 10, 2002 to meet with the Jail Core Committee and discuss the Jail Project.

Chair Engel reconvened their meeting of December 9, 2002 at 7:00 p.m. December 10, 2002.

Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

Duane Walhof from the Federal Marshall's Office appeared before the board and explained what the Federal Marshall's Office would be willing to agree to if Dakota County were to build a jail.

He explained the difference between IGA (Inter Governmental Agreement) and the CAP (Cooperative Agreement Program).

The IGA program is a program that the Federal Government pays a subdivision so many dollars for each day that the subdivision holds a prisoner. The amount is an average daily amount of what it cost to house a prisoner in a particular facility. There are no guarantees. Just a simple agreement as explained above and the federal prisoners can be transported out of the facility if the space is needed by the local authority.

The CAP program is a program where the local authority gets construction costs of approximately \$25,000 per bed and is payable through different times of the construction. An example is that 25% is received when the jail is 25% complete, 50% when the jail is 50% complete and so on until completed.

There are no CAPS Funds budgeted by Congress in the present budget and nothing planned for the next budget. That is not to say that Congress will not put them in.

These funds can be given retroactive if and when CAP Funds are available. In addition to the construction costs the local entity receives an additional cost per day per prisoner for how many prisoners the contract is for. Mr. Walhof said that if there is a contract for so many prisoners under this program, he is required to keep the number of prisoners at a 90% occupancy of whatever amount is contracted.

Mr. Walhof said that INS Funds are available, but that he was not familiar with their project agreements.

Steve Davis from HMN Architect and Gerry Johnson from Gerry Johnson Construction acting as Construction Manager appeared before the Board to discuss the scope of a Jail Project that they wanted to present to the public.

Chair Engel adjourned their meeting at 8:55 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk

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COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 10:02 a.m. Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

The board reviewed the claims filed with the County Clerk for payment.

Commissioner Hartnett moved, seconded by Commissioner Bobier to convene into Closed Executive Session to discuss legal matters, real estate purchase and litigation.

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 11:12 a.m.

Commissioner Hartnett moved, seconded by Commissioner Bobier to reconvene in open session.

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED 11:31 a.m.

Commissioner Hartnett moved, seconded by Commissioner Todd to approve the claims submitted by the County Clerk as follows:

GENERAL : Cellular One, phone- 26.47; Arnold Mellick, mileage- 33.22; Omaha World Herald, subscription- 225.68; Perkins, supplies- 62.26; Star Printing & Publishing, printing- 302.50; South Sioux City Star, publishing- 295.99; Lyle Todd, mileage- 98.92; Cellular One, phone- 26.67; Holiday Inn, lodging- 163.90; Iowa-Nebraska State Bank, safety deposit box rental- 35.00; Perkins, supplies- 51.97; Ted Piepho, software/reimbursement for death certificate- 154.62; Staples, supplies- 69.90; Sam's Club, clock- 14.84; Robert Giese, mileage- 80.30; Charlotte Doenhoefer, prior years- 10.00; Ruth Jensen, prior years- 12.00; Nadine Lewon, Prior years- 17.00; Mardell Sorensen, prior years- 26.00; Irene Van Lent, prior years- 16.00; Staples, supplies- 32.47; State of Nebraska,

data services- 27.00; Microfilm Imaging Systems, scanner lease- 240.00; Iowa Office Supply, supplies- 3.98; Siouxland National Bank, deposit books- 22.45; Elections Systems & Software, program board/recount- 111.39; Catherine Eriksen, recount board- 15.65; Ruth Pallesen, recount board- 19.67; Shirley Sides, recount board- 12.73; Marcia Stinger, recount board- 17.11; Mary Wolf, recount board- 15.65; Gene Cantrell, mileage- 15.33; Jim Jepsen, mileage- 1.46; Dan Krause, mileage- 14.60; Dick Mc Cabe, mileage- 17.52; Dick Mc Near, mileage- 10.95; Marlan Millard, mileage- 7.67; Neil Miller, mileage- 6.21; Joe O'Neill, mileage- 5.11; Martin Rohde, mileage- 5.84; Perkins, supplies- 31.99; Iowa Office Supply, supplies- 42.45; Lynette Beermann, mileage/lodging- 171.74; Iowa Office Supply, supplies- 104.48; Lexis Nexis, law materials- 80.65; Midwest Office Automation, quarterly service contract- 269.50; Nebraska County Court Association, dues- 25.00; Redfield & CO, supplies- 61.53; South Sioux City Star, want ad- 38.20; United Bank of Iowa, copier lease- 158.04; Maurice Redmond, dues- 300.00; Cellular One, phone- 29.30; Scott Dugan, mileage- 368.65; Frank Gonzalez, interpreting- 120.00; NSBA, dues- 300.00; Perkins, supplies- 100.25; Sioux City Journal, attorney ads- 67.10; United Bank of Iowa, copier lease- 90.40; Clerk of District Court, court costs- 482.00; Coffee King, jury coffee- 39.92; William Binkard, attorney fees/mental health board- 1269.18; Dakota County Court, court costs- 507.00; Sandra Inkster Ehrich, attorney fees- 1425.00; Frank Gonzalez, interpreting- 80.00; Randy Hisey, attorney fees- 816.00; Shelly Horak, attorney fees- 156.00; Hurley Law Office, attorney fees- 822.00; Eric Jenkins, witness fee- 20.00; Barbara Kueny, attorney fees- 426.00; Doug Luebe Law Office, attorney fees- 701.85; Carol Means, witness fee- 22.19; Stuart Mills, attorney fees- 2265.00; Dawn Morales, witness fees- 22.92; Michael Schmiedt, attorney fees- 30.00; Patrick Tott, attorney fees- 2109.00; Richard Thramer, attorney fees- 14,404.60; Lori Ubbinga, attorney fees- 2236.24; Vakulskas Law Office, attorney fees- 1558.38; Dakota County Sheriff, papers/warrants- 1122.50; Clerk of District Court, mileage- 47.12; Bomgaars, supplies- 55.93; Cellular One, phone- 28.60; Gill Hauling, dumpster- 105.00; W W Grainger, supplies- 255.43; Hardware Hank, supplies- 160.07; S Jans Excavation, snow removal- 91.30; Rick Jensen, mileage- 164.83; Maintenance Engineering, light bulbs- 744.33; Menards, supplies- 652.95; Mid American Energy, utilities- 1237.38; Nebraska Public Power Dist, utilities- 1505.05; O'Keefe Elevator, service contract- 82.40; Qwest, fire alarm phone- 43.16; Sam's Club, supplies- 169.54; Share, ice melt- 585.00; Trembly Pest Control, monthly charge- 50.00; XPEDX, supplies- 433.31; Dakota County Extension, mileage/supplies/copier rental/internet access- 566.25; Access Data Corp, training & software- 818.75; Jeremy Bermel, reimbursement- 22.32; Cellular One, phone- 119.69; City of S Sioux City, phone charges- 27.27; Crystal Oil, fuel/tire repairs- 151.56; Dept of Correctional Services, rifles- 300.00; Fremont Tire, tires- 189.16; Harold's, film processing- 38.34; Jackson Glass, repair- 18.00; Jack's Uniforms, uniform upkeep- 586.03; Jim's Service, service/tires- 390.05; Lexis Nexis, law books- 85.09; Nebraska Sheriff's Association, dues- 310.00; Linda Pasewalk, CPR training- 150.00; Philfleet, fuel- 2332.32; Qwest, balance due- 1.60; RACOM, edacs phone line- 546.50; Siouxland Federal Credit Union, training charges- 868.98; Siouxland Humane Society, animal control- 31.00; Team Ford, repairs- 370.69; Sandra Townsend, interpreting- 40.00; UNL Veterinary Diagnostic, diagnostic fees- 61.50; Walmart, ammunition- 102.28; Cellular One, phone- 86.70; Nebraska DMV, transcripts- 31.00; Dakota County Treasurer, filing fees- 136.00; Douglas County Court, copies- 5.00; Grandy Pratt, notary bond- 30.00; H2O4U, water cooler- 10.50; Iowa Office Supply, copier contract/supplies- 249.56; Lancaster County Court, copies- 8.00; National District of Attorney Association, dues- 155.00; NSBA, dues- 1000.00; Noreen O'Shea DO, witness fees- 1854.30; Secretary of State, certified copy/notary- 70.00; Walmart, supplies- 8.58; West Group, law book updates- 544.50; City of S Sioux City, lec operations for Nov- 21, 513.63; Cellular One, phone- 27.88; BI Inc., house arrest units- 990.90; Bob

Barker, thermals- 353.21; Boys & Girls Home, juvenile boarding- 1050.00; Braungers, food- 857.06; Cellular One, phone- 55.32; Coffee King, jail coffee- 38.25; Richard Criss, reimbursement/toll- 2.50; Crystal Oil, repairs- 65.09; Dakota Food & Fuel, fuel- 270.28; Dakota Super Value, food- 733.27; Earthgrains Co, bread products- 697.05; Entertainment Weekly, subscription- 37.26; Fremont Tire, service- 15.95; Guard-Rite Security, transport juveniles- 394.60; Hy Vee, food- 1592.55; Jack's Uniforms, uniforms- 15.20; Mercy Business Health, inmate house calls- 630.00; NE Nebraska Juvenile Service, juvenile boarding- 11,146.55; Linda Pasewalk, CPR training- 150.00; Perkins, supplies- 151.94; Pierce County Sheriff's Dept., inmate housing- 2346.00; Redler's Pharmacy, inmate medications- 1088.21; Sam's Club, supplies- 106.41; Sioux City Journal, subscription- 174.00; Thurston County Sheriff, house inmates- 720.00; Walmart, supplies- 9.67; XPEDX, supplies- 228.40; Standard Office Supply, supplies- 31.94; Alpha Land Surveying, surveying- 2130.00; Pam De Vries, mileage- 163.15; Dunes Family Medical, consulting- 250.00; Pat Glover, mileage- 79.57; Medibadge, stickers- 64.70; Pacific City Graphics, envelopes- 61.00; Perkins, supplies- 22.56; Redler's Pharmacy, inoculations- 79.50; Nebraska Dept of HHS, licensure- 300.00; Sears, refrigerator- 487.88; Alan Boyd, mileage- 443.48; Cellular One, phone- 47.45; Luken Memorials, set marker- 181.59; Perkins, supplies- 63.64; Matthew Bender, law books- 929.38; West Group, law books- 3731.50; Board of Educational Lands & Funds, semi-annual lease- 696.40; Crystal Lake Project, Inc, winterize dredge- 50.00; NE Nebraska Public Power, crystal lake utilities- 61.90; Aflac/Flex One, service fee- 45.00; AT & T, phone- 17.11; Dakota County Clerk, filing fee- 10.00; Dakota Co. Register of Deeds, filing- 18.00; Lazette Gifford, website upkeep- 40.00; Independent Business Systems, postage meter repair- 59.00; MIPS, monthly support- 272.16; Perkins, toner- 80.00; Qwest, phone- 1220.83; Thompson Publishing, fair labor updates- 298.00; US Postal Service, meter postage- 2500.00; WCS Telecom, phone- 463.64; XPEDX, computer paper- 301.73; Dakota City Postmaster, 1st class permit fee- 150.00.

ROAD FUND: Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, PC, attorney fees- 1169.12; Aramark, towel service- 187.00; C&H Truck Parts, heater- 75.00; Barco Municipal Products, barricades, flagging- 441.79; Barkley Asphalt, premix- 174.66; Bekins Fire & Safety, maintenance, replacement, covers- 297.55; Bierschbach Equipment, strobe lights- 145.00; Bridgestone/Firestone, tires- 1035.78; Cellular One, phone- 52.49; Dakota County Road-Petty Cash, reimbursement- 141.64; Ft. Calhoun Stone Company, rock- 2365.24; General Tire Service, tires- 2848.00; Gill Hauling, dumpster service- 40.00; Great Plains Intl, parts- 49.98; Higman Sand & Gravel, rock- 6987.54; HME Inc, haul rock- 780.00; Hubbard Mini Mart, fuel- 2358.04; H2O4U, water- 25.75; Jackson Glass, finance charge- 13.35; Joes Department Store, supplies, tools- 183.68; Linweld, oxygen/acetylene- 73.96; Lux Brothers, trucking- 1399.55; Marx Truck/Trailer, parts- 44.21; Richard McNear, CDL reimbursement- 50.00; Arnold Mellick, bridge inspection- 2500.00; Nebraska Public Power, Homer service- 61.82; Nebraska Salt & Grain, ice control- 766.52; NNTC, phone service- 166.66; O'Reilly Automotive, parts, supplies, tools, filters- 448.67; Parsons Equipment, supplies- 102.00; PowerPlan, parts- 13.64; Presco Sales & Service, chain- 834.00; Rees Mack, parts, filters- 108.60; Sam's Club, paper towels- 49.40; Sioux City Iron, supplies- 29.88; Sioux City Tarp, parts- 28.50; Siouxland NAPA, tools- 174.53; Smith Oil, magnesium Chloride- 146.85; Stephan Welding, parts, labor- 200.50; TJ's Radiator, parts, labor- 68.00; Torco Remfg, parts- 175.00; United Rental, auger rental- 88.00; Warren Oil, diesel- 2402.98; S&S Willers, gravel- 2000.96; Ziegler, parts, supplies, filters- 608.03.

HARD SURFACE: JEO Consulting, Inc, bridge inspection- 610.75.

ROAD IMPROVEMENT: JEO Consulting Inc, engineering- 4601.50.

POOR RELIEF FUND: Becker Hunt Funeral Home, burial expenses- 1980.00; Nebraska Dept of Social Services, quarterly administrative fee- 38.00.

INSTITUTIONS: Beatrice State Dev Center, quarterly patient billing- 2184.00;
Norfolk Regional Center, quarterly patient billing- 99.00.
L.E. EQUIPMENT GRANT FUND: Jack's Uniforms, officers vests- 751.75.
WEED FUND: Nebraska Weed Control Assoc., membership dues- 100.00.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to acknowledge receipt of and approve the Officials Reports filed by the County Clerk, Register of Deeds and the Clerk of the District Court for the month of November, 2002.
ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea,
UNANIMOUS MOTION CARRIED.

No one was in the audience for Public Comment.

Chair Engel adjourned their meeting at 11:57 a.m.

ATTEST William F. Engel, Chair

Theodore A. Piepho
County Clerk

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COUNTY BOARD OF COMMISSIONERS
DECEMBER 23, 2002 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m.
Present were: Commissioners Bobier, Hartnett, Denker, Engel, Todd and Ted Piepho, Secretary. ABSENT: All present.

The board reviewed the claims filed with the County Clerk for payment.

Commissioner Bobier moved, seconded by Commissioner Todd to accept and approve the Memorandum of Understanding with Olsson Associates as the Engineer of the Storm Water Quality Permit Application as follows:

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SOUTH SIOUX CITY (OWNER)
AND OLSSON ASSOCIATES (ENGINEER)
FOR STORM WATER QUALITY PERMIT APPLICATION

INTRODUCTION

The ENGINEER will provide professional services to the OWNER for the Storm Water Quality Permit Application. The professional services will be provided in accordance with Agreement Between Owner and Engineer, dated 10 August 1998 for general municipal engineering services (AGREEMENT), (amended 21 January 2000, amended 28 March 2001, amended 8 July 2002).

SCOPE OF SERVICES

1. Public Involvement
 1. The ASSOCIATION will develop their approach to the Public Involvement Phase of the project, and provide a written version of the approach to the ENGINEER.
 2. The ENGINEER will then include said approach to Public Involvement in the Permit Application.

2. Public Participation
 1. The ASSOCIATION will develop their approach to the Public Participation Phase of the project, and provide a written version of the approach to the ENGINEER.
 2. The ENGINEER will then include said approach to Public Participation in the Permit Application.
 3. The ENGINEER will make four (4) presentations at stakeholder-conducted public meetings. These presentations will be an overview of the Storm Water Quality Program.

3. Illicit Discharge Identification and Elimination
 1. The ENGINEER will prepare a map depicting the boundaries of the region affected by the project, the urbanized area (from NDEQ), jurisdictional boundaries of the ASSOCIATION participants, major roads, and the "waters of the State"..
 2. The ENGINEER will assist the ASSOCIATION in developing a plan to detect non-storm water discharges and to prevent illegal discharges.

4. Construction Site Run-Off Controls
 1. The ENGINEER will assist the ASSOCIATION in developing Best Management Practices (BMP's) to be used for run-off control for any construction site within the permit area that is one-acre or larger.
 2. The ENGINEER will draft an agreement between the ASSOCIATION and the ENGINEER, whereby the ENGINEER will review the BMP plans, and inspect the implementation of said BMP's.

5. Post Construction Management
 1. The ENGINEER will assist the ASSOCIATION in developing Best Management Practices (BMP's) to be used for run-off control for any new development or redevelopment within the permit area that is one-acre or larger.

6. Pollution Prevention/Good Housekeeping
 1. The ASSOCIATION will develop their approach to the Pollution Prevention/Good Housekeeping Phase of the project, and provide a written version of the approach to the ENGINEER.
 2. The ENGINEER will then include said approach to Pollution Prevention/Good Housekeeping in the Permit Application.

7. Project Meetings to Develop Implementation Plan and Measurable Goals
 1. The ENGINEER in cooperation with the ASSOCIATION will meet three times with the ASSOCIATION to develop an implementation plan and measurable goals for the first five-year permit term. Said plan will include the above described minimum measures and information.

8. Program Assessment
 1. The ASSOCIATION will develop their approach to the Program Assessment Phase of the project, and provide a written version of the approach to the ENGINEER.

2. The ENGINEER will then include said approach to Program Assessment in the Permit Application.

9. Project Meetings

1. The CONSULTANT will meet with the ASSOCIATION and others up to two additional times as required to coordinate details of the permit application submittal.

ENGINEER'S COMPENSATION

OWNER shall pay to Olsson Associates for the performance of the Basic Services.

OWNER shall pay to Olsson Associates for the performance of the Additional Services the actual time of personnel performing such Services the hourly rates and reimbursable expenses in accordance with the AGREEMENT.

SCHEDULE

Unless otherwise agreed, Olsson Associates would expect to begin performing its services promptly upon execution of this Memorandum of Understanding. The project Scope of Services will be completed by March 10, 2003.

CONCURRENCE:

OWNERS: William I. McLarty, Mayor South Sioux City

Date:

William F. Engel, Chair Board of Commissioners

Date: December 23, 2002

ENGINEER:

Michael J. Yost, Vice President Olsson Associates

Date _____

ROLL CALL VOTE: Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The Chair signed the Certificate of Highway Superintendent serving January 1 through December 31, 2002.

Commissioner Hartnett moved, seconded by Commissioner Bobier to approve Change Order Number 1 reducing the quantity of structural steel by 303 pounds and contract price by \$339.06 on Dakota County Projecty Hubbard West C-22(171).

ROLL CALL VOTE: Todd- Yea, Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bobier to accept the settlement offer by the Insurance Company for the paint fumes from the remodeling of the District Court Room.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Todd to approve the negotiated Labor Contract with the Nebraska Public Employees Local NO. 251 American Federation of State, County, and Municipay Employees, AFL-CIO (Road Union Contract) increasing the Road Employees Salary \$1.00 an hour retroactive to January 1, 2002 and another \$.50 January 1, 2003 and a \$.35 increase January

1, 2004. Other sections changed were: Section 4 of Article XV Seniority and Layoff, Section 3 Article XXII Miscellaneous Provisions, Sections 1 and 2 Article XXVII Duration and Signature.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- No, Todd- Yea, MOTION CARRIED.

Commissioner Bobier moved, seconded by Commissioner Hartnett to approve the payroll claims submitted by the County Clerk as follows:

COUNTY GENERAL FUND: Gross salaries- \$68,845.63, General Fund Employees Net Pay- \$46440.64, Employer deductions paid: Retirement- 3,361.17, Unicare- 11,601.92, Unicare Dental- 737.93, Unicare Life- 279.15, Social Security Tax- 4,094.73, Medicare- 957.63.

Jack Bobier- 458.08, Fred Denker- 458.08, William Engel- 481.15, Jackie Hartnett- 458.08, Lyle Todd- 458.08, Nanci Walsh- 1051.68, Karilyn Watkins- 199.88, Marisol Curriel- 713.43, Theodore Piepho- 1340.00, Cynthia Purucker- 420.40, Joan Spencer- 1010.97, Darlene Davis- 762.40, Robert Giese- 1340.00, Ruth Gillaspie- 1010.97, Jolene Heinemann- 816.00, Kimberly Kuehl- 740.00, Phyllis Ridge- 836.00, Mark J. Dorsey- 514.08, Margaret Rahn- 1010.97, Cynthia Purucker- 420.40, Margaret Kunzie- 7.85, Arnold Mellick- 237.71, Lynette Beermann- 1,340.00, Carol Dunham- 760.00, Tracy Smock- 897.13, Scott M Dugan- 1676.00, Mary Gamble- 888.00, Richard Jensen- 563.65, Klemett Dean- 720.00, Patricia Stingley- 828.00, Sandy Beers- 940.00, Jeremy Bermel- 1268.00, Anthony Bos- 1041.78, Linda Carson- 48.00, Brian Ellinger- 1072.08, Thomas Hardy- 36.00, Melvin Harrison III- 996.80, Rodney Herron- 1470.34, Jared Junge- 1605.90, Michael Kreegar- 1124.72, Gayle Richards- 700.00, James Roberts- 1833.81, William Thompson- 1441.71, James Wagner- 1,676.00, Randall Walsh- 2076.00, Laurie Barclay- 918.40, Rita Chase- 872.00, Debra Fergen- 1653.85, Robert Finney- 2168.00, Aimee Kennedy- 760.00, Timothy Maher- 1480.77, Nicole Sims- 1049.65, Rebecca Broer- 1099.41, Carol Cox- 1375.32, Richard Criss- 842.19, Leonard Cunningham- 954.80, Michael Gregerson Jr.- 945.82, Alma Gunderson- 1183.10, Todd Hammer- 957.60, Paula Harrigfeld- 245.00, Cathy Harsma- 935.76, Lisa Hathaway- 817.55, Brandi Mc Manigal- 119.00, Joseph Purucker- 728.90, Kevin Rohde- 933.18, Linda Schovanec- 989.50, Margaret Stingley- 647.50, Margaret Kunzie- 848.00, Duane Upton- 50.00, Margaret Kunzie- 80.00, Arnold Mellick- 140.00, Leon Pies- 926.40, Pamela DeVries- 1,339.00, Gloria Ann Dwyer- 816.00, Patricia Glover- 937.49, Alan Boyd- 877.46, COPS Fast Fund, transfer match- 5,000.00, MariCo Cleaning- 1,678.00.

GENERAL FUND: Employee withholding paid to: Federal- 6,370.23, State- 2,129.75, Social Security Tax- 4094.73, Medicare- 957.63, Retirement- 2240.81, Unicare- 1797.58, Unicare Dental- 325.24, Colonial Health- 35.20, Credit Union- 1,547.31, Colonial Life- 3.00, Deferred Comp- 741.91, Garnishment- 1,417.42, Aflac Health- 455.14, Aflac Life/Dsbl- 80.05, Aflac Flex Plan- 189.00.

COUNTY ROAD PAYROLL: Gross salaries- \$11,432.29, Road Employees Net Pay- \$7,914.06, Employer deductions paid: Retirement- 685.89, Unicare Health- 2175.36, Unicare Dental- 138.36, Unicare Life- 51.70, Social Security Tax- 658.44, Medicare- 153.99.

Joel Broekemeier- 934.40, Randall Crombie- 938.40, Ronald Harder- 930.40, Walter Heinemann- 938.40, Richard Hoelsing- 930.40, Robert Jacobsen- 938.40, Fred Kellogg- 926.40, Kimon Litras- 930.40, Richard McNear- 938.40, Arnold Mellick- 1161.89, Marlan Millard- 938.40, James Swanson- 926.40.

ROAD FUND: Employee withholding paid to: Federal- 812.63, State- 264.64, Social Security- 658.44, Medicare- 153.99, Retirement- 457.34, Unicare- 639.51, Unicare Dental- 59.43, Reassure America Life- 9.76, Colonial Health- 33.01, Union Dues- 200.00, Credit Union- 32.00, Deferred Comp.- 40.00, Aflac Health- 113.40, Aflac Life/Dsbl- 64.08.

VISITOR PROMOTION: S Sioux City Chamber of Commerce, lodging tax- 5,850.44.

COPS FAST GRANT: Gross salaries- 2,047.56, Cops Fast Employee Net Pay- 1508.98, Employer deductions paid: Retirement- 66.98, Unicare- 362.56, Unicare Dental- 23.06, Unicare Life- 8.86, Social Security- 126.94, Medicare- 29.69, Brad Claypool- 1116.36, Brent Gilster- 931.20.

COPS FAST GRANT: Employee withholding paid to: Federal- 257.17, State- 80.13, Social Security- 126.94, Medicare- 29.69, Retirement- 44.65.

ROLL CALL VOTE: Hartnett- Yea, Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Hartnett to approve the minutes of December 9th and December 16th as typed.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Denker moved, seconded by Commissioner Bobier to convene into Closed Executive Session to discuss personnel.

ROLL CALL VOTE: Bobier- Yea, Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:03 p.m.

Commissioner Bobier moved, seconded by Commissioner Hartnett to reconvene into open session.

ROLL CALL VOTE: Engel- Yea, Denker- Yea, Todd- Yea, Hartnett- Yea, Bobier- Yea, UNANIMOUS MOTION CARRIED 2:30 p.m.

Chair Engel adjourned their meeting at 3:05 p.m.

ATTEST

William F. Engel, Chair

Theodore A. Piepho
County Clerk