

DAKOTA COUNTY BOARD OF COMMISSIONERS  
JANUARY 3, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chairman Todd called the meeting to order at 1:30 p.m. Roll call was taken with the following members present: Miller, Engel, Bousquet, Hartnett, Todd and Ted Piepho secretary. The Pledge of Allegiance was recited.

Commissioner Engel moved, seconded by Commissioner Hartnett to approve the minutes of December 20, 2004 as typed.  
ROLL CALL VOTE: Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss Union negotiations.  
ROLL CALL VOTE: Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 1:35 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reconvene in open session.  
ROLL CALL VOTE: Bousquet- Yea, Hartnett- Yea, Todd- Yea, Miller- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 2:00 p.m.

Commissioner Engel moved, seconded by Commissioner Hartnett to approve the Tentative Agreement between The County of Dakota and the Fraternal Order of Police, Lodge #36 as follows:  
TENTATIVE AGREEMENT BETWEEN  
COUNTY OF DAKOTA COUNTY, NEBRASKA BOARD OF COMMISSIONERS AND  
FRATERNAL ORDER OF POLICE, LODGE #36  
FOR 2004-2007

Note: The parties agree that current contract language be maintained for all provisions of the contract except as noted below.

ARTICLE 5  
Hours of Work and Overtime

Current contract language for Article 5 will be maintained except as noted below:

Section 1 Work Day, Work Week, Arrival and Dismissal Times

The regular work day for full-time employees shall be either eight (8) hours or ten (10) hours. The regular work week for full-time employees shall be forty (40) hours. Arrival and dismissal times for all employees and the regular work day and regular work week for part-time employees shall be set by the Sheriff, at his discretion. The selection of eight or ten hour days will be by mutual agreement between the Sheriff and the FOP, and the selection may be varied for different classifications of employees (i.e. deputies and jailers).

Section 2 Scheduling of Hours

If the parties agree upon an eight hour day, employees will normally be scheduled for two (2) consecutive days off with the understanding that scheduled days off may be changed to meet the operational needs of the Department. If the parties agree upon a ten hour day, then the schedule that is agreed upon will also include the number of days off. Employees shall be given 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 Sheriff, including all hours scheduled during any emergency or emergency situation.

Every three (3) months, employees may submit to the Sheriff a request for a specific shift of hours of work. The Sheriff will attempt to honor requests by employees for a specific shift of hours of work and will take seniority into account in making shift assignments. All requests for shift assignments are subject to the operational needs of the Department.

ARTICLE 8  
Sick Leave

Current contract language for Article 8 will be maintained except as noted below:

Section 6 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 Worker'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 Worker's Compensation Law.

If, in the performance of his or her duties, an employee dies or suffers a disabling injury which permanently prevents the employee from returning to work for the County, the Employer agrees that it will pay the accrued, unused sick leave to the employee or to the employee's designated beneficiary or estate.

**ARTICLE 13****Wages and Supplemental Pay**

Current contract language for Article 13 will be maintained except as noted below:

**Section 3 Pay Classification**

The current rates of pay will be increased as follows:

Date	Deputy Sheriff	Jailer
July 1, 2004	\$0.35/hr.	\$0.35/hr.
July 1, 2005	\$0.45/hr.	\$0.45/hr.
July 1, 2006	\$0.50/hr.	\$0.50/hr.

**Deputy Sheriff (July 1, 2004)**

Classification	Hourly Wage Rate
Uncertified/Training	\$13.24
Certified/With Training	\$13.46
After 6 months service	\$14.06
After 12 months service	\$15.05
After 24 months service	\$16.01
After 36 months service	\$16.49
After 48 months service	\$17.45

**Jailer (July 1, 2004)**

Classification	Hourly Wage Rate
New	\$11.45
After 6 months service	\$12.05
After 12 months service	\$12.55
After 24 months service	\$12.80
After 36 months service	\$13.05
After 48 months service	\$13.50

**Deputy Sheriff (July 1, 2005)**

Classification	Hourly Wage Rate
Uncertified/Training	\$13.69
Certified/With Training	\$13.91
After 6 months Service	\$14.51
After 12 months service	\$15.50
After 24 months service	\$16.46
After 36 months service	\$16.94
After 48 months service	\$17.90

**Jailer (July 1,2005)**

Classification	Hourly Wage Rate
New	\$11.90
After 6 months service	\$12.50
After 12 months service	\$13.00
After 24 months service	\$13.25
After 36 months service	\$13.50
After 48 months service	\$13.95

**Deputy Sheriff (July 1,2006)**

Classification	Hourly Wage Rate
Uncertified/Training	\$14.19
Certified/With Training	\$14.41
After 6 months service	\$15.01
After 12 months service	\$16.00
After 24 months service	\$16.96
After 36 months service	\$17.44
After 48 months service	\$18.40

Jailer (July 1, 2006)

Classification	Hourly Wage Rate
New	\$12.40
After 6 months service	\$13.00
After 12 months service	\$13.50
After 24 months service	\$13.75
After 36 months service	\$14.00
After 48 months service	\$14.45

#### Section 7 Longevity Pay

In addition to their regular compensation, employees shall be eligible to receive longevity pay as follows: five cents per hour after five (5) years of completed service, ten cents per hours after ten (10) years of completed service, and fifteen cents per hour after fifteen (15) years of completed service, twenty cents per hour after twenty (20) years of service, and twenty-five cents per hour after twenty-five (25) years of service.

#### ARTICLE 14 Insurance

Current contract language for Article 14 will be maintained except as noted below:

##### Section 1 Health and Dental Insurance

The Employer agrees to pay one hundred percent (100%) of the premium for group health insurance, including dental insurance, for individual employees with benefits equivalent to those in effect on the date of the execution of this Agreement, except that the deductible will be increased to \$500 and the prescription drug co-pays will be increased to \$15/35/70.

#### ARTICLE 27 Duration and Signature

Current contract language for Article 27 will be maintained except as noted below:

##### Section 1 Duration

This Agreement shall be effective on the date that it is signed by the last of the parties whose name appears in Section 3 hereof, and shall continue in effect until June 30, 2000. From July 1, 2004 through June 30, 2007.

ROLL CALL VOTE: Bousquet- Yea, Hartnett- Yea, Todd- Yea, Miller- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Todd to approve the Tentative Agreement between The County of Dakota and the Road Union as follows:

TENTATIVE AGREEMENT BETWEEN COUNTY BOARD OF COMMISSIONERS AND  
NEBRASKA PUBLIC EMPLOYEES LOCAL NO.251  
AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO  
FOR 2005-2007 CONTRACT

Note: If the parties have not agreed that an article or provision will be changed, then current contract language for that article or provision will be maintained.

#### ARTICLE XIV Holidays

Current contract language for Article XIV will be maintained except as noted below:

##### 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
Arbor Day or Personal Holiday	Memorial Day
Independence Day	Labor Day
Columbus Day	Veterans Day
Thanksgiving Day	Thanksgiving Friday
Christmas Day	

Employees shall be dismissed with pay at 2 p.m. on December 24 and shall receive a half-day holiday whenever December 24 falls on Monday, Tuesday, Wednesday, Thursday, or Friday. If an employee is on regularly scheduled leave on Christmas Eve (December 24), that employee's leave will only be charged with four (4) hours used.

If the Employer recognizes Dr. Martin Luther King, Jr.'s birthday as a holiday for other non-bargaining unit employees during the term of this Agreement, then that holiday shall be recognized as a paid holiday for bargaining unit employees.

**ARTICLE XXII**

## Miscellaneous Provisions

## Section 4 Clothing Allowance

Employees will receive a clothing allowance as follows: Fifty Dollars (\$50.00) for 2005, Fifty Dollars (\$50.00) for 2006, and Seventy-Five Dollars (\$75.00) for 2007. This amount shall be paid to the employee once the employee presents a receipt (or a copy of a receipt) to the County showing that the allowed clothing has been purchased.

Examples of allowable expenses are, but are not limited to, the following: work boots, overshoes, coveralls, insulated coveralls, coats, jackets, work gloves, and rain protection.

Reimbursement for clothing allowance will be made by separate check. The clothing allowance may be used for more than one item, but the total amount to be paid shall not exceed the amount stated in this Section.

**ARTICLE XXIII**

## Wages

Current contract language for Article XXIII will be maintained except as noted below:

## Section 3 Pay Classification

Effective January 1, 2005, all employees shall be placed in and paid in accordance with one of the following job classifications.

Operator	\$13.77 per hour
Mechanic	\$13.77 per hour
Laborer/Truck Driver	\$12.60 per hour

Effective January 1, 2006, all employees shall be placed in and paid in accordance with one of the following job classifications:

Operator	\$14.18 per hour
Mechanic	\$14.18 per hour
Laborer/Truck Driver	\$12.98 per hour

Effective January 1, 2007, all employees shall be placed in and paid in accordance with one of the following job classification:

Operator	\$14.61 per hour
Mechanic	\$14.61 per hour
Laborer/Truck Driver	\$13.37 per hour

If an employee performs work in a higher-rated pay classification for eight hours or more during a work week, the employee shall be paid at the higher-rate for each hour of higher-rated work performed.

**ARTICLE XXIV**

## Insurance

Current contract language for Article XXIV will be maintained except as noted below:

## Section 1 Health and Dental Insurance

The Employer agrees to pay one hundred percent (100%) of the premium for group health insurance, including dental insurance, for individual employees with benefits equivalent to those in effect on the date of the execution of this Agreement, except that the deductible will be increased to \$500 and the prescription drug co-pays will be increased to \$15/35/70.

**ARTICLE XXVII**

## Duration and Signature

## Section 1 Duration

This Agreement shall be effective on the date that it is signed by the last of the parties whose name appears in Section 3 hereof and shall continue in effect until December 31st, 2004-2007.

## Section 2 Procedure for Renegotiation

Any party seeking a continuation or modification of this Agreement following its expiration shall cause a written notice to be served by ordinary mail on the other party postmarked on or before March 15, 2004

2007. If any party seeks continuation or modification of this Agreement, then bargaining shall begin no later than April 1, 2004-2007, and either party may offer any modification of the Agreement that they deem appropriate.

It is also agreed by the County of Dakota and AFSCME Local 251 that at any time during the lifetime of this Agreement that either party upon written notice may express their desire to modify portions of this Agreement. It is further understood that negotiations may be reopened only by mutual agreement.

For the Board:

For the Union:

\_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

ROLL CALL VOTE: Todd- Yea, Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Engel left the room at 2:04 p.m.  
Commissioner Engel returned at 2:07 p.m.

Carol Larvick from the Ag. Extension Office appeared before the board and informed the Board that the Ag. Extension Board recommended that Tony Gomez, Pat Robertson and Cindy Kellogg be appointed to the Dakota County Extension Board.

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint Tony Gomez, Pat Robertson and Cindy Kellogg to the Dakota County Ag. Extension Board.  
ROLL CALL VOTE: Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to accept and approve the Noxious Weed Annual Report as presented by Leon Pies, Weed Superintendent.  
Noxious Weed Control Plan  
For Dakota County for the Year 2005

#### Statement of Finding

The failure to control noxious weeds on lands in this state, is a serious problem which is detrimental to the production of crops and livestock and to the welfare of residence of this state and which may devalue land and reduce tax revenue (Neb. Rev. Stat. 2-945.02(1)).

Section 2-954 of the Nebraska Noxious Weed Control Act requires each weed control authority to establish a coordinated program for the control of noxious weeds within the county.

#### Goals

List three goals outlining how your county plans to reduce the number of noxious weed infested acres in your county. Also, explain how your county plans on achieving each goal.

##### Goal # 1 Public Awareness

1. Hold public education and awareness meetings.
2. Be involved in the certification and recertification of private licenses for local landowners.
3. Spring and fall letters as reminders to person or persons with previous weed problems offering information and help if needed.
4. Cost saving data of early weed prevention.
5. Prepare news articles and releases throughout the year.
6. Meet with interested groups and organizations to promote benefits of noxious weed control.
7. Personal visits to person or persons asking for advice.
8. Preparing exhibits and informational booth at Dakota-Thurston County Fair.
9. Contacting regional NDA inspector for ideas and assistance.

##### Goal # 2 Management

1. Inspecting all land in Dakota County.
2. Methods Dakota County Weed Department will use to control noxious weeds:
  - A. Chemical (herbicides)
  - B. Biological (bugs)
  - C. Mechanical (mowing)
  - D. Crop Management (crop rotation)
3. Stressing the economic benefits of spot treatment of noxious weeds.
4. Following up on all reported noxious weed infestations.
5. Follow up on all previous weed infestations.
6. Compiling data of amount and type of chemicals needed for control of noxious weeds and cost.
7. Attend crop protection clinics.

- 8. Update infestation maps, surveys, and files.
- 9. Build an aggressive control program for plants on the noxious weed watch list.

Goal # 3  
Cooperation

- 1. Working with private landowners and making contact with land tenants if feasible.
- 2. Cooperating with adjoining counties.
- 3. State owned properties and right of ways.
- 4. City owned properties and right of ways.
- 5. Railroad properties.
- 6. All water ways.

General

In this section, list how your county achieved last season's goals and were they successful- Explain.

Goals from the year 2004

1. Prevention

- A. Becoming familiarized with all species of plants on the noxious weeds list.  
Great deal of knowledge was obtained through weed seminars, field scouting with regional director and other weed superintendents.
- B. Becoming familiarized with herbicides for the species of plants that need to be controlled. A vast amount of knowledge in this area was gained by studying herbicide labels, checking with various chemical suppliers, and interacting with local farmers.
- C. Established a program to effectively treat all county right-of-ways and contacted those responsible for other areas.
- D. Conducted periodic inspections of public right-of-ways.
- E. An accurate and up-to-date copy of the Nebraska watch list is kept and used by the Dakota County Weed Department.
- F. Dakota County has adopted use of Title 25, Chapter 10, Nebraska Department of Agriculture Rules and Resolutions concerning the control of noxious weeds, paragraph 0.002, Methods and Times to Control Noxious Weeds.
- G. Compile data for use to create the 2004-2005 budget.

2. Management

- A. Contacted state and federal agencies along with local chemical dealers to devise procedures to control noxious weeds.
- B. Followed procedures to control known noxious weeds in Dakota County.

3. Awareness

- A. Published mandatory notices.
- B. Mailed informational letters to landowners who were cited.
- C. Dakota County Weed Superintendent met with NRCS officials.

Noxious Weed Enforcement

1. Which legal notice(s) will be utilized by the county weed control authority?

\_\_\_\_\_ 10 day \_\_\_\_\_ 15 day   X   Both

2. List the Procedure that the control authority has adopted for the weed superintendent to follow when notifying landowners of noxious weed infestations.

Dakota County Weed Department will send an informal notice along with a copy of the inspection form informing the landowner of noxious weeds on their property along with a recommendation of weed control. After a reasonable amount of time has lapsed, and the landowner has taken no action, a 10-day or 15-day notice will be issued.

3. List the guidelines or policy that the control authority has established for the weed superintendent to follow when issuing and enforcing an individual notice. (Include information regarding inspections, evidence, officials to be notified, etc.)

Procedures of a 10-day notice

The land owner is sent a 10 day notice after a formal notice. Pictures of the area are taken prior to sending the notice. At the end of the 10 day period the property is reinspected, if not controlled new pictures taken. The control authority will hire the control to be completed and the land owner will be billed for all costs. In the event the cost are not paid, the expense shall become a lien on the property as a special assessment levied on the property. A disposition report will be completed.

Procedures of a 15 day notice

The landowners are sent a 15-day notice after a formal notice. Pictures of the area are taken prior to sending the notice. County attorney is notified of the 15-day notice. At the end of the 15-day period the property is reinspected and new pictures are taken. If the infestation is not controlled. The forms (informal notice, inspection report and 15 day notice) along with the pictures, are turned over to the county attorney for prosecution. A disposition report will be completed.

Public Awareness

Explain the type of public relations activities that your county will use in the up coming year to increase public awareness (newspaper articles, interviews, presentations given, weed tours, landowner contacts, etc.) Do not include the required general notice in this section.

Public Relation Activities

1. Publish newspaper articles.
2. Conduct personal visits.
3. Extend invitations to weed tours.
4. Prepare and display information for a public booth at Dakota-Thurston County Fair.
5. Informational letters sent landowners of property with noxious weeds.

Cooperative Efforts

Does your county actively support and participate in weed management cooperative group?

Yes     No    Explain

At this time, Dakota County does not actively support or participate in a weed management cooperative group. Dakota County Weed Department is actively working with the counties of Burt, Cuming, Thurston, and Washington to begin the Loess Hills Management Cooperative Group.

Benefits of a weed management cooperative group:

1. Cost savings.
2. Sharing equipment and resources.
3. Sharing knowledge.

Contact List

Agency	Contact Person	Phone Number
Nebraska Game and Parks Commission	Craig Stalling	402-370-3374
Nebraska Department of Roads	Dan Sayre	402-494-6826
B E L F	Robert Schwartzkopf	402-471-2014
NRD	Dennis Piper	402-846-5655
RC&D	Kent Newmann	402-685-5175
F S A	Craig Rowland	402-494-4949
NRCS	Neil Stockfleth	402-494-4949
NRCS	Vernon Dean	402-494-4949
Rural Development	Dianne Frye	402-379-2453
U.S. Fish and Wildlife Service	Steve VanRiper	712-642-5411
Railroads	Nebraska NE RR	800-365-9214
	Burlington Northern	817-740-2644
Cities and Villages	Dakota City	402-987-3448
	Homer	402-698-2342
	Hubbard	402-632-4305
	Jackson	402-632-4880
Local News Media	Dakota County Star	402-494-4264
Public Power District	NE Nebr. PPD	800-750-9277
	Nebraska PPD	877-275-6733
National Forest or Parks	No contact person given	
Irrigation Districts	No contact person given	
Other		

Supporting Data

1. Anticipated hours dedicated to the Dakota County noxious weed program:

- 260 January to March
- 600 April to June
- 520 July to September
- 210 October to September

2. Has your county's noxious weed infestations increased or decreased over the past year? Same Explain.

The Dakota County Weed Department worked very aggressively to keep all infestations controlled. There was an increase in the germination of certain weeds, such as Canada thistle, due to the wet season we experienced last year. However, control was maintained through the cooperation of the Dakota County Weed Department and local landowners. Several landowners were advised to shred infestations along with recommended spraying to keep infestations contained and controlled.

3. Provide any other information or policy that the control authority has determined to be relevant to the noxious weed program.

- A. Weed department personnel needs to be actively involved in committees organized and/or sponsored by state and county governments.
- B. Continuing education in the form of weed control conferences or workshops.
- C. Networking with other government agencies to improve the effectiveness of the Dakota County Weed Department.
- D. More resources are needed to educate the growing number of individuals moving onto smaller acreages with little or no knowledge of noxious weed identification and control.

4. Does your county have a resolution giving your county weed superintendent the authority to issue individual notices?

No  X  Yes \_\_\_\_\_

How often is this resolution presented and approved by the County Weed Control Authority?

Policy the weed control authority has established for issuing and enforcing an individual notice. Pursuant to Nebraska revised statues 2-954 and 2-955, the county weed authority is authorized to serve individual notices to land owners to secure more prompt or definite control of noxious weeds. The weed control authority of Dakota County hereby authorizes the Dakota County Weed Superintendent to make the findings described in statutes, issue, and deliver individual notices pursuant to the noxious weed control act.

Submitted, reviewed, and approved by the county noxious weed control authority at a regular board meeting

Dated January 3, 2005

Date	County Weed Superintendent
Date	Control Authority Chairperson

ROLL CALL VOTE: Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to adopt Resolution 05C-001 as follows:

RESOLUTION 05C-001

WHEREAS, there has been signed by Dakota County on the 26th day of December, 2000, and the State on the 16th day of January, 2001, an agreement providing for the construction of a Federal Aid Project at the following location: Beginning 0.35 mile east and .2 mile north of the Southwest Corner of Section 14, Township 27 North, Range 8 East and extends 0.2 mile north, crossing Fiddler's Creek.

,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 BRO-7022(14), 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 December 16, 2004 at which time five 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:

Graves Construction Co., Inc. Melvin, Iowa  
Grading, Culvert, Bridge, Guardrail and Bituminous: \$550,079.23

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 or 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 3rd DAY OF JANUARY, A.D. 2005

BOARD OF COUNTY COMMISSIONERS  
OF DAKOTA COUNTY.  
\\S\ LYLE TODD  
(Chairman)

ATTEST:

\\s\THEODORE A. PIEPHO Board Member Bousquet  
moved the adoption of said  
resolution.

Roll Call: 5 yea, 0 nay.

Resolution adopted, signed and  
Billed as adopted.

ROLL CALL VOTE: Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to convene as Board of Equalization to consider a Motor Vehicle Exemption Application for GoldenRod Hills Community Action Agency and Property Valuation Change Notices for Donald E. and Katherine Zimmer and a notice for Bill and Betty Bass.

ROLL CALL VOTE: Bousquet- Yea, Hartnett- Yea, Todd- Yea, Miller- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 2:36 p.m.

Commissioner Todd said that he was familiar with these two properties and that he agreed with Dick that they are too high.

Commissioner Engel asked what the error was on these parcels and Dick Erickson replied, "Hit the wrong key."

On Zimmer's property, this is a property that is a duplex in an area zoned Residential.

Mr. Todd said that this was a duplex and then they converted the basement into apartments.

Mr. Erickson said they are getting about two grand a month rents.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to revalue these two parcels as recommended by the appraiser.

ROLL CALL VOTE: Hartnett- Yea, Todd- Yea, Miller- Yea, Engel- Abstained, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Motor Vehicle Exemption Application for GoldenRod Hills Community Action for a 1996 Chevrolet Cavalier bearing the serial number 1G1JC5247T7127454 to be used for attending area and state meetings and for the Head Start Program in South Sioux City.

ROLL CALL VOTE: Todd- Yea, Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

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

ROLL CALL VOTE: Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED 2:43 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve the Title II Juvenile Services Grant Application for Juvenile House Arrest (Electronic Monitoring).

ROLL CALL VOTE: Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Engel to approve the payroll claims submitted by the County Clerk as follows:

COUNTY GENERAL FUND: Gross salaries- \$81,374.88, General Fund Employees Net Pay- \$56,382.91, Employer deductions paid: Retirement- 5,382.40, Social Security Tax- 4,866.12, Medicare- 1,138.09, Unicare Health- 15,602.56, Delta Dental- 604.80, Unicare Life- 277.04.

Richard Bousquet- 495.82, William Engel- 495.82, Jackie Hartnett- 495.82, Pamela Miller- 495.82, Betty O'Neill- 319.19, Lyle Todd- 176.63, Nanci Walsh- 1098.47, Daniel Christoffers- 370.00, Bobbi Jo Harsma- 826.88, Theodore Piepho- 1450.15, Lora Skow- 847.88, Joan Spencer- 1053.41, Darlene Davis- 795.20, Robert Giese- 1450.15, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Lyn Beltz- 45.00, Mark J. Dorcey- 556.36, Margaret Rahn- 1055.94, Daniel Christoffers- 370.00, Arnold Mellick- 242.68, Lynette Beermann- 1450.15, Michelle Criss- 769.60, Carol Dunham- 1055.94, Scott M Dugan- 1813.74, Joe Flynn- 1230.76, Mary Gamble- 944.00, Dustin Kinsey- 769.60, Andrew Jensen- 238.00, Richard Jensen- 1233.74, Duane Kotalik-

29.50, Patricia Stingley- 200.00, Sandy Beers- 1000.08, Jeremy Bermel- 1989.50, Anthony Bos- 1749.30, Sergio Castillo- 1630.73, Brian Ellinger- 2002.42, Todd Hammer- 1631.70, Melvin Harrison III- 1957.50, Rodney Herron- 1916.30, Kimberly Johnson- 232.78, Jared Junge- 2171.34, Michael Kreegar- 1710.86, Gayle Richards- 744.80, Kevin Rohde- 1525.50, James Wagner- 1813.74, Randall Walsh- 2188.45, Rita Chase- 635.04, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, John Loos, Jr.- 1557.06, Edward Matney III- 2346.06, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Nicole Sims- 1098.47, Rebecca Broer- 1491.60, Richard Criss- 1145.44, Eric Davis- 1320.64, Penny Epting- 1174.25, Ronald Fink Jr.- 1251.90, John Gilles- 1534.15, Michael Gregerson Jr.- 1019.18, Alma Gunderson- 1386.00, Paula Harrigfeld- 603.18, Cathy Harsma- 1294.88, Joseph Ramirez- 1162.46, Linda Schovanec- 1112.15, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 537.20, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 956.38, Alan Boyd- 896.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,802.34, State- 2,770.98, Social Security Tax- 4,866.12, Medicare- 1,138.09, Retirement- 3,657.07, Unicare Health- 1,630.46, Delta Dental- 342.81, Colonial Health- 35.20, Sheriff Union Dues- 75.00, Deferred Comp- 712.78, Garnishments- 989.65, Aflac Health- 472.42, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 408.50.

COUNTY ROAD PAYROLL: Gross salaries- \$13,741.61, Road Employees Net Pay- \$9,664.61, Employer deductions paid: Retirement- 927.54, Unicare Health- 3,169.27, Delta Dental- 122.85, Unicare Life- 54.54, Social Security Tax- 821.05, Medicare- 192.02.

Joel Broekemeier- 1082.40, Randall Crombie- 1086.40, Ronald Harder- 1118.84, Walter Heinemann- 1086.40, Richard Hoesing- 1082.40, Robert Jacobsen- 1086.40, Fred Kellogg- 1078.40, Kimon Litras- 1122.40, Richard McNear- 1086.40, Arnold Mellick- 1213.57, Marlan Millard- 1086.40, Leon Pies- 537.20, James Swanson- 1074.40.

ROAD FUND: Employee withholding paid to: Federal- 1,126.96, State- 410.74, Social Security- 821.05, Medicare- 192.02, Retirement- 618.39, Unicare Health- 300.69, Delta Dental- 78.28, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 1,793.40, Cops Fast Employee Net Pay- 1,190.94, Employer deductions paid: Retirement- 138.99, Unicare Health- 243.79, Delta Dental- 9.45, Unicare Life- 4.42, Social Security- 111.19, Medicare- 26.00, Brent Gilster- 1793.40.

COPS FAST GRANT: Employee withholding paid to: Federal- 273.50, State- 88.13, Social Security- 111.19, Medicare- 26.00, Retirement- 98.64, Sheriff Union Dues- 5.00.

ROLL CALL VOTE: Miller- Yea, Engel- Yea, Bousquet- Yea, Hartnett- Yea, Todd- Yea, UNANIMOUS MOTION CARRIED.

Todd adjourned the meeting at 3:12 p.m.

Lyle Todd, Chairman

ATTEST:

Theodore A. Piepho, County Clerk

\* \* \* \*

COUNTY BOARD OF COMMISSIONERS
January 18, 2005 PROCEEDINGS
Re-organizational Meeting
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE

Vice Chair Hartnett called their re-organizational meeting to order at 10:03 a.m. with Pledge of Allegiance.

PRESENT: Commissioners Hartnett, Engel, O'Neill, Miller, Bousquet, and Ted Piepho, Secretary.

ABSENT: All present

Vice Chair Hartnett opened nominations for Chairman.

Commissioner O'Neill nominated Bill Engel. Commissioner Miller nominated Rick Bousquet.

Vice Chair Hartnett closed nominations for chair and called for a secret ballot vote.

County Clerk Ted Piepho counted the votes. County Clerk announced that Bill Engel was elected chair and Mr. Engel took the seat reserved for the Chair.

Commissioner Engel nominated Commissioner Bousquet to serve as the 2005 Vice Chair of the Dakota County Board of Commissioners and that nominations cease and that the secretary cast a unanimous ballot for Commissioner Engel to serve as the board's 2005 Vice Chair until the next re-organizational meeting.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Miller, 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, Iowa-Nebraska State Bank, and Siouxland National Banks in South Sioux City.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner O'Neill moved, seconded by Commissioner Hartnett, to hold Commissioner's meetings at 1:30 p.m. on First Monday of the month. 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: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett seconded by Commissioner Miller 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, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Engel moved, seconded by Commissioner Bousquet to adopt the holidays and early closings as identified in the Employee Handbook.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to adopt the Burial Policy as adopted September 19, 1989 and revised January 7, 2002.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner O'Neill moved, seconded by Commissioner Hartnett, to appoint the Dakota County Star as the legal newspaper of the county for the calendar year 2005.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner O'Neill, 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: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Employee Association Agreement agreed to in 1998 as follows:

#### POP MACHINE RENEWAL AGREEMENT

This original agreement entered into this December 7, 1992, and retroactive to January 1, 1992 between the Dakota County Employee Association, hereinafter referred to as Employees and the Dakota County Board of Commissioners, hereinafter referred to as the Commissioners, be renewed and amended and read as follows:

I. That the Dakota County Employees desire to rent from the Dakota County Commissioners, space to establish pop machines in the premises of the Dakota County Courthouse.

II. That the Commissioners agree that such rental shall be fair and reasonable and shall be at the price of one cent per can of pop actually sold, said remittance to occur semiannually and an accounting of such remittance shall be made by the individuals responsible for the filling of the said pop machines.

III. That the rental is a fair rental value for the use of the space for the pop machines and the electricity used to utilize the same. The one cent per can of pop sold shall be deposited in the county general fund with a miscellaneous receipt. The balance of the proceeds collected shall be the only money the Dakota County Employees Association may use for the flower fund and for the employees annual recognition party.

a. It is understood that there will be no expenditures from this fund for funeral flowers or memorial expended in excess of \$30.00 without the prior approval of both the County commissioners and the Dakota County Employee's Association.

b. Said expenditures shall be made only for the death of an immediate relative as defined in the employee manual or the sickness of any State, or Dakota County Employee, employed on a full-time or regular part-time basis in the Dakota County Courthouse or Courthouse Annex. Immediate family shall mean only the following: spouse, child or step-child, mother, father, sister and/or brother.

IV. This agreement is intended to comply with the terms of the audit requirements so that no private funds are generated without reasonable compensation back to the County and that this rental agreement will compensate the County fairly for the space and electricity utilized to operate the pop machines in the facility.

V. The terms of this agreement shall be annual and renewable each year upon agreement of the parties.

WHEREFORE the parties desire the agreement entered into on the 7th day of December, 1992 to be extended one additional year. BE IT THEREFORE agreed that the Dakota County Board of

Commissioners and the Dakota County Employee's Association agree to the renewal and amendments to this agreement this 21st day of December, 1998.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved to reappoint Alan Boyd as Veteran's Service Officer for calendar year 2005, or until his duties would be terminated in that position. The motion died for lack of a second. Discussion was had and it was decided to ask the Veteran's Committee to make a recommendation for this position.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to reappoint Arnold Mellick as Highway Superintendent.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller to reappoint Arnold Mellick as the Planning & Zoning Administrator.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint Leon Pies as Weed superintendent.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to reappoint Pat Foust as LEC Emergency Management Director.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- 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 Advisory Board Clara Woten

SIMPCO Pam Miller

Region IV Mental Health Board Jackie Hartnett

County Health Board Jackie Hartnett

Region IV Developmental Disabilities Betty O'Neill

R C & D Pam Miller

Ag Land Valuation Board Fred Denker

Planning & Zoning Jackie Hartnett

Golden Rod Hills Bill Engel

Area Agency on Aging Governing Board Bill Engel

NE Nebraska Joint Housing Authority Arnold Mellick

**Working Committees**

Economic Development Pam Miller  
 Dakota County Economic Development Pam Miller, Rick Bousquet  
 Civil Defense/(LEPC,PEP) Rick Bousquet

Finance/Budget Miller & Hartnett  
 Legislative Pam Miller  
 Personnel/Policies Rick Bousquet & Betty O'Neill  
 Property/Space Utilization Bill Engel & Rick Bousquet  
 Road Committee Pam Miller & Rick Bousquet  
 Safety Jackie Hartnett & Bill Engel  
 LEC Rick Bousquet, Bill Engel & Fred Gay  
 ADA Jackie Hartnett & Rick Jensen  
 Recycling Jackie Hartnett  
 Transportation Bill Engel  
 Weed Control Road Committee  
 Emergency Closings Wagner/O'Neill/Engel/  
 Nanci Walsh  
 DCIT Miller  
 DCIT Public Safety Hartnett  
 Highway 35 Committee Engel & Bousquet,

Press Committee	Hartnett & Walsh
Storm Water Advisory Board	Bousquet
Storm Water Planning (working)	Hartnett
CJAC	Lyle Todd & Jackie Hartnett
Jail Construction Coordinator	Rick Bousquet
Merit Commission	Jackie Hartnett, Van Phillips & Jeremy Bermel

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

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

Scott Dugan, Public Defender, appeared before the board and introduced his Deputy Joe Flynn.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into Closed Executive Session to discuss Personnel.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 10:39 a.m.

Commissioner Miller moved, seconded by Commissioner Bousquet to reconvene in open session.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED 11:18 a.m.

Commissioner Hartnett left at 11:53 a.m. for a Recycling Committee Meeting that she had to attend.

Chair Engel recessed their meeting for lunch at 11:59 a.m.

Chair Engel reconvened their meeting at 1:34 p.m. with all members and the County Clerk present.

Robert Giese, County Treasurer, appeared before the board and presented the Semi Annual Treasurer's Report for period ending December 31, 2004. The board members signed same.

Arnold Mellick, Road Foreman, appeared before the board and recommended that the county participate in a scrap tire cleanup this spring.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the application for a Scrap Tire Grant to be done in May or June of this year.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint Arnold Mellick to negotiate the purchase of Right of Way to move Wigle Creek Road ninety (90) feet to the south.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Engineering Agreement for Project BRO7022(14) between JEO Consulting Group, Inc. and Dakota County as follows:

**AGREEMENT**

PROJECT NO.BRO-7022(1 4)  
CONTROL NO.31603  
COUNTY OF DAKOTA  
HOMER SOUTH  
JEO CONSULTING GROUP INC.  
REVIEW SHOP DRAWINGS AND  
PROVIDE CONSTRUCTION CONSULTATION

THIS AGREEMENT, entered into by and between the County of Dakota, hereinafter referred to as the "County", and the firm of JEO Consulting Group, Inc., hereinafter referred to as the "Consultant".

WITNESSETH:

WHEREAS, the County desires to engage the Consultant to review shop drawings and provide construction consultation for project BRO-7022(14), Homer South, in Dakota County, Nebraska, and

WHEREAS, the consultant is certified by the Nebraska Secretary of State as a corporation eligible to operate in the State of Nebraska, and

WHEREAS, the Consultant is willing to perform such work in accordance with the terms hereinafter provided and does represent that it is in compliance with the Nebraska statutes relating to the registration of professional engineers and hereby agrees to comply with all federal, state, and local laws and ordinances applicable to the work

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

**I DEFINITIONS**

Wherever in this agreement the following terms are used or pronouns are used in their stead, they will have the meaning here given:

"CONSULTANT" means JEO Consulting Group, Inc., whose business and mailing address is 142 West 11th Street, PO Box 207, Wahoo, Nebraska 68066

"COUNTY" means the County of Dakota of the State of Nebraska, the Chairperson or an authorized representative.

"STATE" means the Nebraska Department of Roads in Lincoln, Nebraska, the Director of the department or his authorized representative.

"FHWA" means the Federal Highway Administration, Department of Transportation, Washington, D.C 20590, acting through its authorized representatives.

"DOT" means the United States Department of Transportation, Washington, D.C. 20590, acting through its authorized representatives.

To "ABANDON" the work means the County has determined that conditions or intentions as originally existed have changed and that the work as contemplated herein is to be renounced and deserted for as long in the future as can be foreseen.

To "SUSPEND" the work means that the County has determined that progress is not sufficient, or that the conditions or intentions as originally existed have changed, or the work completed or submitted is unsatisfactory, and that the work as contemplated herein should be stopped on a temporary basis. This cessation will prevail until the County determines to abandon or terminate the work or to reinstate it under the conditions as defined in this agreement.

To "TERMINATE" or the "TERMINATION" of this agreement is the cessation or quitting of this agreement based upon action or failure of action on the part of the Consultant as defined herein and as determined by the County.

**II. GENERAL DESCRIPTION OF SCOPE AND CONTROL OF THE WORK**

The Consultant shall review shop drawings and provide construction consultation for project BRO-7022(14), Homer South, in Dakota County, Nebraska.

Upon notice to proceed, the Consultant shall perform all of the work required under this agreement as outlined in EXHIBIT "A", schedule of services, and EXHIBIT "B", Consultant's proposal, which are attached and hereby made a part of this agreement.

**III. STANDARD PRACTICES AND REQUIREMENTS**

It is mutually agreed that the State and FHWA have continuing rights of work progress inspections. Any additions, deletions, changes, elaborations, or modifications to or of the services performed under the terms of this agreement, which may from time to time be determined by the State as desirable or preferable, will be controlling and governing.

**IV. TIME OF BEGINNING AND COMPLETION**

The Consultant shall commence work upon receipt of the shop drawings provided by the fabricator and shall make every effort to return each sheet within two weeks after receiving it. The Consultant shall provide construction consultation as directed by the County. The Consultant has furnished a summary of estimated costs, a task description, and fee computation sheets, all as part of the Consultant's proposal on attached EXHIBIT "B".

County authorized changes in the scope of work which increase or decrease work hours or services required of the Consultant, will provide the basis for a change of time and/or changes to the Consultant's fee.

**V. FEES AND PAYMENTS**

A. For performance of shop drawings review described in this agreement, the Consultant shall be compensated in accordance with Paragraph "E" of this Section. For construction consultation and girder shim calculation work described in this agreement, the Consultant shall be compensated for actual hours worked on the basis of actual hourly straight time wage rates, or in the case of salaried individuals, for their actual hourly salary rates as calculated in accordance with paragraph "C" of this section, times an overhead cost and fixed-fee-for-profit multiplier of 2.838. Compensation for direct non-salary costs will be in accordance with paragraph "D" of this section.

B. Progress and final payments will be based on receipted invoices or certified billings and compensation will be in accordance with 48 CFR 31. Final payment will be based on an audit to be performed by the State at the conclusion of the work.

C. Direct Labor Costs: Normal hourly rates for salaried employees of the Consultant will be determined by dividing the employee's fixed annual compensation by the number of hours normally expected to be worked that year. In those instances when a salaried employee reports more hours worked than normally expected and receives no additional compensation, the hourly rate to be billed will be determined by dividing the fixed compensation by the actual hours reported for the pay period.

D. Direct Non-Salary Costs: Charges, in this category include per diem expenses for personnel away from their base of permanent assignment, communication costs, reproduction and printing costs computer charges. special equipment and materials required for the project, special insurance premiums if required solely for this agreement, and such other similar items. Payment for these items must be made on receipted invoices, whenever possible, or on certified billings of the Consultant. For purposes of standardization on this agreement the following expenses will be reimbursed at these rates:

Automobile	40.5 cents per mile
Survey Vehicle	43.0 cents per mile
Automobile Rental	Actual reasonable cost
Computer	Actual cost, not to exceed \$20.00 per hour
Airfare	Actual reasonable cost, giving the State all discounts
Lodging	Actual cost, not to exceed \$55.00 per person daily
Meals	Actual cost, not to exceed:
Breakfast	\$ 6.00
Lunch	\$ 8.00
Supper	\$16.00
	\$30.00 (Includes tax and gratuity)

For the Consultant and its employees to be eligible for the meal allowance, the following criteria must be met:

- Breakfast: (1) Employee is required to depart at or before 6:30a.m. or  
(2) Employee is on overnight travel
- Lunch: (1) Employee must be on overnight travel, No reimbursement for same day travel.  
(2) Employee is required to leave for overnight travel at or before 11:00 a.m., or  
(3) Employee returns from overnight travel at or after 2:00 p.m.
- Supper: (1) Employee returns from overnight travel or work location at or after 7:00 p.m., or  
(2) Employee is on overnight travel.

The Consultant is not required to provide the State with meal receipts, but will note the actual costs in a daily diary, expense report, or on the individual's time sheet along with the time of departure to the project and time of return to the headquarters town. The total daily reimbursable meal costs must not exceed \$30.00 per person.

E. For the shop drawing review, the Consultant will be reimbursed on a per sheet basis based upon an estimate of two shop drawings at a rate of \$126.55 per shop drawing up to a maximum of \$256.10 (includes \$3.00 mailing/UPS). Cost for the work will be based on a multiplier of 2.838.

F. For the construction consultation, the Consultant will be reimbursed up to a maximum of \$2,002.37.

G. The total agreement amount for the items in paragraphs "E" and "F" of this section, including the reimbursable expenses under this agreement, is \$2,258.47. The Consultant shall not exceed the maximum for either of these two items of work without prior written approval of the State.

H. The Consultant may submit at monthly intervals, invoices to the State which are based on the amount of work completed during each monthly period. The invoices for girder shim calculations and construction consultation must include actual direct salary costs or wages, times an established multiplier of 2.838 (for overhead costs and a fixed-fee-for-profit), plus the direct non-salary costs. For shop drawings the invoices must include the number of drawings completed during the monthly period times the rate per drawing. The periodic payment to the Consultant by the State will be based upon the satisfactory prosecution of the work and must be substantiated by monthly progress reports to be submitted to the State with the Consultant's monthly invoices. If the Consultant does not submit a monthly invoice, the progress report must be submitted no later than the fifth day of each month. Work in the agreement is subject to audit. If additional costs are allowed following the audit, the State will make payment to the Consultant. If the audit found an overpayment to the Consultant, the Consultant will be required to reimburse the State. The agreement will be considered to be concluded at this time. The acceptance by the Consultant of the final payment will constitute and operate as a release to the State for all claims and liability to the Consultant, its representatives and assigns, for any and all things done, furnished, or relating to the services rendered by the Consultant under or in connection with this agreement or any part thereof.

I. The Consultant shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred and shall make such materials available for examination at its office at all reasonable times during the agreement period and for three years from the date of final payment under this agreement. Such materials must be available for inspection by the County, State, FHWA, or any authorized representative of the federal government, and copies thereof shall be furnished by the Consultant, when requested.

#### VI. DUE PROFESSIONAL CARE:

The Consultant understands that the County will rely on the professional performance and ability of the Consultant. Any examination by the County and State or FHWA, or any acceptance or use of the work product of the Consultant, will not be considered to be a full and comprehensive examination and will not be considered an approval of the work product of the Consultant which would relieve the Consultant from any liability or expense that would be connected with the Consultant's sole responsibility for the propriety and integrity of the professional work to be accomplished by the Consultant pursuant to this agreement. That further, acceptance or approval by the County and State of the construction consultation, or other work of the Consultant under this agreement, or of payment partial or final, will not constitute a waiver of any rights of the County and State to recover from the Consultant, damages that are caused by the Consultant due to error, omission, or negligence of the Consultant in its work. The Consultant shall respond to the County's or State's notice of any errors or omissions within 24 hours and give immediate attention to these corrections. If the Consultant discovers errors in its work, it shall notify the County and State of such errors within seven days. Failure to so notify the County or State will constitute a breach of this agreement. The Consultant's legal liability for all damages incurred by the County and State caused by error, omission, or negligent acts of the Consultant will be borne by the Consultant without liability or expense to the County or State.

#### VII. CHANGE OF PLAN, ABANDONMENT, SUSPENSION, AND TERMINATION

Additions to the schedule of services, if approved in writing by the County, will require negotiation of a supplemental agreement. For any work beyond the schedule of services, the Consultant must document the additional work, estimate the cost to complete the work, and receive written approval from the County before the Consultant begins the work. Any such work performed prior to written approval of the County will be done at the expense of the Consultant.

The County has the absolute right to abandon the project or to change the general scope of work at any time and such action on its part will in no event be deemed a breach of this agreement.

The County can suspend or terminate this agreement. Such suspension or termination may be affected by giving the Consultant seven days written notice.

If the County abandons or subtracts from the work, or suspends or terminates this agreement as presently outlined, the Consultant will be compensated in accordance with the provisions of 48 CFR 31, provided however, that in case of suspension, abandonment, or termination for breach of this agreement or for tender of improper work, the County can suspend payments, pending the Consultant's compliance with the provisions of this agreement. In determining the percentage of work completed, the

County will consider the work performed by the Consultant prior to abandonment or termination to the total amount of work contemplated by this agreement. The ownership of all project documents, completed or partially completed at the time of such termination or abandonment, will be retained by the County and the Consultant shall immediately deliver them to the County.

The Consultant is responsible to determine if its costs will exceed the maximum amount for each item of work identified in Section V of this agreement. When the Consultant determines that actual costs will exceed the maximum amount, the Consultant must estimate the additional costs needed to complete the work, document the reasons for this additional increase, and receive prior approval from the County, in writing, before any expenditures beyond the maximum amount for any item of work in Section V are incurred. The County and State are not obligated to reimburse the Consultant for costs which have not been approved by the County and State in excess of the maximum amount.

#### VIII. OWNERSHIP OF DOCUMENTS

All shop drawings, and other project data prepared or obtained under the terms of this agreement are the property of the County and the Consultant shall deliver them to the County without restriction or limitation as to further use.

The County acknowledges that such data may not be appropriate for use on an extension of the work covered by this agreement or on other projects. Any use of the data for any purpose other than that for which it was intended without the opportunity for Consultant to review the data and modify it if necessary for the intended purpose will be at the County's sole risk and without legal exposure or liability to Consultant.

#### IX. FORBIDDING USE OF OUTSIDE AGENTS

The Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Consultant, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement. For breach or violation of this warranty, the County and State will have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

#### X. NON-RAIDING CLAUSE

The Consultant shall not engage the services of any person or persons presently in the employ of the County or State for work covered by this agreement without the prior written consent of the employer of these persons.

#### XI. GENERAL COMPLIANCE WITH LAWS

The Consultant hereby agrees to comply with all federal, state, and local laws and ordinances applicable to the work.

#### XII. SUBLETTING, ASSIGNMENT, OR TRANSFER

Any subletting, assignment, or transfer of any services to be performed by the Consultant is hereby prohibited unless prior written consent of the County and State is obtained.

As outlined in Section XX of this agreement, the Consultant shall take all necessary and reasonable steps to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform subcontracts. Any written request to sublet any other work must include documentation of efforts to employ a disadvantaged business enterprise.

#### XIII. DISPUTES

Any dispute concerning a question of fact in connection with the work not disposed of by this agreement, which shall affect Federal funding, will be referred for determination to the Director of the State or his duly authorized representative, whose decision in the matter will be final and conclusive on the parties to this agreement.

#### XIV. RESPONSIBILITY FOR CLAIMS AND LIABILITY

A. The Consultant agrees to save harmless the State and County from all claims and liability due to the negligent activities of the Consultant or those of the Consultant's agents or employees in the performance of work under this agreement. In this connection, the Consultant will for the life of this agreement, carry insurance of the following types in at least the following amounts:

(1) Bodily Injury and Property

Damage with a combined  
single unit of liability of       \$500,000 each occurrence  
or Bodily Injury

General and Automobile       \$250,000 each person  
General and Automobile       \$500,000 each occurrence

Property Damage

General and Automobile       \$250,000 each occurrence  
General                           \$500,000 aggregate

(2) Workers' Compensation Statutory

B. The insurance referred to in (1) above must be written under Comprehensive General and Comprehensive Automobile Liability Policy Forms, including coverage for all owned, hired, and non-owned automobiles. The Consultant may, at its option, provide the limits of liability as set out above by a combination of the above described policy forms and excess liability policies. The Consultant shall furnish proof of insurance coverage to the State.

#### XV. SUCCESSORS AND ASSIGNS

This agreement is binding on successors and assigns of either party.

#### XVI. DRUG-FREE WORKPLACE POLICY

The Consultant shall have on file with the State, an acceptable and current drug-free workplace policy.

#### XVII. FAIR EMPLOYMENT PRACTICES ACT

The Consultant agrees to abide by the Nebraska Fair Employment Practices Act as provided by Sections 48-1101 through 48-1126, Nebraska Revised Statutes (Reissue 1998), which is hereby made a part of and included in this agreement by reference.



**XVIII. DISABILITIES ACT**

The Consultant agrees to comply with the Americans with Disabilities Act of 1990 (P.L. 101-366), as implemented by 28 CFR 35, which is hereby made a part of and included in this agreement by reference.

**XIX DISADVANTAGED BUSINESS ENTERPRISES**

The Consultant agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR 26, have the maximum opportunity to compete for and participate in the performance of subcontracts financed in whole or in part with federal funds under this agreement. Consequently, the disadvantaged business requirements of 49 CFR 26 are hereby made a part of and included in this agreement by reference.

The Consultant shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of FHWA-assisted contracts, Failure of the Consultant to carry out the requirements set forth above will constitute a breach of this agreement and, after notification of the FHWA, may result in termination of this agreement by the State or such remedy as the State deems appropriate. Section XII of this agreement further explains the Consultant's responsibility in ensuring that disadvantaged business enterprises have the maximum opportunity to compete for subcontracts.

**XX. NONDISCRIMINATION**

A. Compliance with Regulations: During the performance of this agreement, the Consultant, for itself and its assignees and successors in interest, agrees to comply with the regulations of the DOT relative to nondiscrimination in federally assisted programs of the DOT (49 CFR 21 and 27, hereinafter referred to as the Regulations), which are hereby included in and made a part of this agreement by reference.

B Nondiscrimination: The Consultant, with regard to the work performed by it after award and prior to completion of the agreement, shall not discriminate on the basis of race, color, sex, or national origin in the selection and retention of subconsultants, including procurements of materials and leases of equipment, The Consultant shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5, including employment practices when the agreement covers a program set forth in Appendixes "A," "B," and "C" of 49 CFR21.

C. Solicitations for Subagreements Including Procurements of Materials and Equipment:

In all solicitations, either by competitive bidding or negotiation, made by the Consultant for work to be performed under a subagreement, including procurements of materials or equipment, each potential subconsultant or supplier shall be notified by the Consultant of the Consultants obligations under this agreement and the Regulations relative to nondiscrimination on the basis of race, color, sex, or national origin.

D. Information and Reports: The Consultant shall provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State or FHWA to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the State or FHWA, as appropriate, and set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance: In the event of the Consultants noncompliance with the nondiscrimination provisions of this agreement, the State will impose such agreement sanctions as it or the FHWA may determine to be appropriate, including but not limited to withholding payments to the Consultant under the agreement until the Consultant complies, and cancellation, termination, or suspension of the agreement in whole or in part.

F. Incorporation of Provisions: The Consultant shall include the provisions of paragraphs "A" through "E" of this section in every subagreement, including procurements of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Consultant shall take such action with respect to any subagreement or procurement as the State or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided however, that in the event a Consultant becomes involved in or is threatened with litigation with a subconsultant or supplier as a result of such direction, the Consultant may request that the State enter into such litigation to protect the interests of the State and, in addition, the Consultant may request that the United States enter into such litigation to protect the interests of the United States.

**XXI CONFLICT OF INTEREST**

By signing this agreement, the Consultant certifies that it has no financial or other interests in the outcome of this project.

**XXII. CONSULTANT CERTIFICATION**

The consultant hereby certifies that wage rates and other factual unit costs supporting the fees in this agreement are accurate, complete, current, and subject to adjustment, if required, as provided by Sections 81-1701 through 81-1721, Nebraska Revised Statutes (Reissue 1994).

After being duly sworn on oath, I do hereby certify that except as noted below, neither I nor any person associated with the firm in the capacity of owner, partner, director, officer, principal investor, project director, manager, auditor, or any position involving the administration of federal funds:

a) has employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this agreement, or

b) Has agreed, as an express or implied condition for obtaining this agreement, to employ or retain the services of any firm or person in connection with carrying out this agreement, or

c) has paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with procuring or carrying out this agreement, except as here expressly stated (if any).

Certification Regarding Debarment, Suspension, and Other  
Responsibility Matters-Primary Covered Transactions

Instructions for Certification

1. By signing this AGREEMENT, the Consultant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this project. The Consultant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the County's determination whether to enter into this agreement. However, failure of the Consultant to furnish a certification or an explanation will disqualify the Consultant from participation in this agreement.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the County determined to enter into this agreement. If it is later determined that the Consultant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the County may terminate this agreement for cause or default.
4. The Consultant shall provide immediate written notice to the County if at any time the Consultant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.
6. The Consultant agrees that should the proposed covered transaction be entered into, it will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the County before entering into this agreement.
7. The Consultant further agrees that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the County or State without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. The Consultant in a covered transaction may rely upon a certification of a prospective Subconsultant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A Consultant may decide the method and frequency by which it determines the eligibility of its principals.
9. Nothing contained in the foregoing will be construed to require establishment of a system of records in order to render in good faith title certification required by this clause. The knowledge and information of the Consultant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph six of these instructions, if the Consultant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the County may terminate this agreement for cause or default.

Certification Regarding Debarment, Suspension, and Other  
Responsibility Matters - Primary Covered Transactions

A. The Consultant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;

(2) Have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph A.(2) of this certification; and

(4) Have not within a three-year period preceding this agreement had one or more public transactions (federal, state, or local) terminated for cause or default.

B. Where the Consultant is unable to certify to any of the statements in this certification, such Consultant shall attach an explanation to this Agreement.

I acknowledge that this certification is to be furnished to the State and the FHWA in connection with this agreement involving participation of federal-aid highway funds and is subject to applicable, state and federal laws, both criminal and civil.

**XXIII. CERTIFICATION OF COUNTY**

After being duly sworn on oath, I, by signing this agreement do hereby certify that the Consultant or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this agreement to:

(a) Employ or retain, or agree to employ or retain, any firm or person, or (b) pay or agree to pay to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind.

I acknowledge that this certificate is to be furnished to the FHWA in connection with this agreement involving participation of federal-aid highway funds and is subject to applicable state and federal laws, both criminal and civil.

**XXIV. ALL ENCOMPASSED**

This instrument embodies the whole agreement at the parties. There are no promises, terms, conditions, or obligations other than contained herein, and this agreement supersedes all previous communications, representations, or other agreements or contracts, either oral or written hereto.

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.

STATE OF NEBRASKA)

SAUNDERS COUNTY )

)ss

After being duly sworn on oath, I do hereby acknowledge the foregoing certification and state that I am authorized to sign this agreement for the firm.

EXECUTED by the Consultant this \_\_\_ day of \_\_\_\_\_ 2005.

JEO CONSULTING GROUP, INC.  
Jerry Hain, CEO

\_\_\_\_\_  
President

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

EXECUTED by the County this \_\_\_ day of \_\_\_\_\_, 20\_\_.

THE COUNTY OF DAKOTA

\_\_\_\_\_  
Chairperson

STATE OF NEBRASKA

DAKOTA COUNTY

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Clerk

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Approved As To Form:

\_\_\_\_\_  
Lyman Freemon, P.E.

\_\_\_\_\_  
Date

SCHEDULE OF  
SERVICES FOR  
PROJECT: BRO-7022( 14)  
CONTROL NO.: 31603  
LOCATION: Homer South  
COUNTY: Dakota  
REVIEW SHOP DRAWINGS, PROVIDE CONSTRUCTION CONSULTATION  
STRUCTURE: C002202515P

**A SHOP DRAWINGS**

1. The Consultant shall review the detailed shop drawings. This review is for general conformance with design concept only.
2. The Consultant shall as a minimum:
  - (a) Review the shop drawings for conformance with the geometry of the structure.
  - (b) Review all main and detailed material to assure they conform to the requirements of the contract plans and specifications.
  - (c) Return to the State's Construction Division all sets of prints, except one, with each sheet bearing the reviewed stamp and reviewer's initials. Each sheet shall also bear the date, State's Project, Control and Structure Nos. if not already shown. Return each sheet within two weeks after receiving it. Make all notations in red on all copies.
  - (d) Consult with the State's Bridge Engineer any time it seems necessary to make a major change in materials or details from that specified by the contract plans.
  - (e) Return three prints of each rejected sheet to the State's Construction Division.
3. The Consultant shall get the State's approval for any deviation from the contract plans and specifications.

**EXHIBIT "A"**

Sheet 1 of 2

**B. CONSTRUCTION CONSULTATION**

NOTE: The Consultant shall only do these items upon request of the District Construction Engineer, the Bridge Engineer, or their designated representatives.

1. The Consultant shall attend the State's Pre-Construction Conference.
2. The Consultant shall respond to fabrication and field questions and proposed changes.
3. The Consultant shall evaluate conflicts involving piling, utilities and the railroad.
4. The Consultant shall make site visits.
5. The Consultant shall make plan revisions,

AGRS7-NM

**EXHIBIT "A"**

Sheet 2 of 2

January 4, 2004

Ms Rhonda Jamshidi  
Highway Agreements Specialist  
Nebraska Department of Roads  
1500 Highway 2  
P.O. Box 94759  
Lincoln, NE 68509-4759

RE: Project No BRO-7022(I4)  
Control No 31603, Homer South  
JEO Project No. 022CS2

Dear Ms Jamshidi:

We thank you for the opportunity to submit our fees for the above referenced project.

Enclosed you will find the following:

1. Schedule of Services
2. Shop Drawing Review

If you have any questions, please feel free to contact me.

Sincerely,  
JEO Consulting Group, Inc.

Julie Ogden, P.E.  
 Project Manager  
 JAO:dm  
 Encl.  
 Pc-file  
 EXHIBIT "B"  
 Sheet 1 of 2

DATE: January 3, 2005

PROJECT NO: BRO-7022(14) CN: 31603

LOCATION: Homer South, Dakota County, NE

SHOP DRAWING REVIEW (concrete or steel alternate)

	ITEM ESTIMATED NUMBER OF SHOP DRAWINGS
Substructural Steel	2

TOTAL SHEET ESTIMATE = 2

HOURS PER SHOP DRAWING SHEET

Classification	No of Hours Per Sheet Rate	Average Billing	No. of Shop Drawings	Total Hours
PE	0.25	\$85.40	2	2
PE	2	\$52.60	2	16

TOTALS

Total Hours/Sheet = 2.25 Cost/Sheet \$126.55

Total Estimated Labor \$253.10

Total Estimated Expenses = \$3.00 (mailing/UPS)  
 Estimated Total Cost for Shop Drawings = \$256.10  
 Final Bridge Contract = \$33,372.75  
 Construction Consultation = 6% of Final Bridge Contract  
 Construction Consultation = \$2,002.37

STATE OF NEBRASKA  
 DEPT OF ROADS  
 APPROVED:

DATE \S\ Daniel J. Sharp  
 Exhibit "B" 1-6-05  
 Sheet 2 of 2

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Mr. Mellick presented an Engineer's Study concerning an intersection at 200th Avenue and South Bluff Road as follows:  
 January 15, 2005

Arnold Mellick  
 Dakota County Highway Supt.  
 1863 North Bluff Road  
 Hubbard, NE 68741

RE. Sign Study  
 Intersection of 200th Avenue and South Bluff Road  
 JEO Project No. 022M104

Dear Mr. Mellick.

At your request, I conducted a sign study to consider the county road intersection of 200th Avenue and South Bluff Road located between west half section of Sections 21 and 28, Township 28 North, Range 8 East of the 6th P.M., Dakota County, Nebraska.

After visiting the intersections, the following was observed:  
 > Visibility is blocked by bushes located at the northwest corner of the intersection for southbound and eastbound vehicles.  
 > The north and south leg of South Bluff Road are offset from one another.

- > There is a lane separation in the north leg of the intersection.
- > The south leg of South Bluff Road angles to the southeast from 200th Avenue.

A review of the Average Daily Traffic from bridge inspection data for structures C002632220 and C002621715P shows that the east-west road carries about 20% more traffic than the north-south road. This makes South Bluff Road the minor road of the intersection. The two legs of this road are offset and traffic must naturally slow before proceeding through the intersection.

To improve the safety for the traveling public, the following changes are proposed.

- > Place "Stop" signs to control north and southbound traffic at the intersection.
- > Eliminate the lane separation of the north leg of South Bluff Road to prevent confusion of which vehicles need to stop.
- > Remove bushes at the northwest corner of the intersection to improve visibility. A vehicle should be visible 560' to the west of the center of the west lane of South Bluff Road at a point 15' from the edge of 200th Avenue.

I have attached a resolution to be considered by the board to authorize the above changes. If you have further questions, please call.

Sincerely,

Brian E. McDonald, PE.  
Project Engineer

BEM;skw  
Attachment

Commissioner Bousquet moved, seconded by Commissioner Miller to install stop signs at 200th and South Bluff Road as recommended in the preceding Engineer's Study and adopt the following Resolution:

RESOLUTION 05C-002

DAKOTA COUNTY, NEBRASKA

WHEREAS, it is in the public interest to install regulatory stop signs to control north and southbound traffic on South Bluff Road at its intersection with 200th Avenue. The intersection is located between the west halves of Sections 21 and 28, Township 28 North, Range 8 East of the E P.M., Dakota County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Dakota County, Nebraska, that regulatory stop signs be installed to stop north and southbound traffic at the county road intersection described above.

BE IT FURTHER RESOLVED, that the Highway Superintendent be authorized to proceed with the necessary steps to remove the bushes at the northwest corner of the intersection and eliminate the grassed lane separation of the North leg of the intersection.

Adopted this 18th day of January, 2005 at Dakota City, Nebraska.

ATTEST: BOARD OF COUNTY COMMISSIONERS  
OF DAKOTA COUNTY, NEBRASKA

\s\Theodore Piepho Clerk \s\W. F. Engel  
Commissioner Bousquet  
Moved the adoption of said Resolution  
Roll Call: 5 Yea 0 Nay  
Resolution adopted, signed and billed  
as adopted.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Kevin Schwartz, Chair of the Homer Village Board of Trustees, appeared before the board concerning the Contract Homer has with Dakota County to provide Homer with Law Enforcement. He presented the following and he pointed out the language in bold and said that Dakota County was not meeting the terms highlighted.

Jim Wagner and Rod Herron were asked to come down. Kevin Schwartz asked about abiding by the Law Enforcement Contract the County signed with the Village of Homer. Mr. Wagner said that they should look at hiring their own police protection. The Sheriff's office said that if they are going to administer law down in Homer that everyone was going to be on the same basis and not give preferential treatment to someone because they have friends or relatives on the village board. Mr. Schwartz said that situation is no longer a problem.

DAKOTA COUNTY, NEBRASKA  
Dakota County Board of Commissioners  
PO BOX 338  
DAKOTA CITY, NEBRASKA 68731  
(402) 987-2130

May 1, 2000

Keith Rose, Chairman  
Village of Homer  
PO Box 386  
Homer, NE 68030

Dear Chairman Rose:

In preparation for upcoming discussions for the 2000-2001 budget year, the Board of Commissioners has made preliminary estimates on the increased cost of the law enforcement contract between the County Sheriff's Department and the Village of Homer.

Estimated increase of service will be five (5) percent for the 2000-2001 contract, which will make the new contract amount \$17,107.80 annually or \$1,425.65 monthly. This contract has not been increased since 1997-1998 and the cost of providing this service has increased greatly since that time.

If you have any specific questions please feel free to call Nanci Walsh at (402)987-2130.

Sincerely,  
Marjorie Meinen  
Chair

#### CONTRACT FOR LAW ENFORCEMENT

This agreement made and entered into this 1st day August, 2000, by and between the County of Dakota, Nebraska, hereinafter referred to as "County", and the Village of Homer, Nebraska, hereinafter referred to as "Village."

WHEREAS, the Village of Homer located in Dakota County, Nebraska, is desirous of obtaining the services of the Dakota County Sheriff's Department.

WHEREAS, the Dakota County Sheriff is charged with responsibility for the law enforcement in the County generally; and,

WHEREAS, the Village desires to contract with the County for the services of the Sheriff's Department; and

WHEREAS, such contracts are authorized by the Interlocal Cooperation's Act, Nebraska Revised Statutes, Sections 23-2201 to 23-2207; and,

WHEREAS, the County is willing to contract for the rendition of such services on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed as follows by the parties hereto:

The County, through the Sheriff of Dakota County, agrees to provide law enforcement services within the corporate limits of the Village to the extent and in the manner hereafter set forth:

1. All matters relating to the duties, standards of service, discipline of officers, rendition of performance, training, and other such matters incident to the performance of this contract and the personnel employed in the performance of this contract shall be under the exclusive control of the Sheriff. In exercising this control, the Sheriff shall give due consideration to those reasonable requests of the Village which are properly brought to this attention. In order to more adequately serve the needs of the Village of Homer, a Deputy shall, on a daily basis check with the Village Office of Homer to pick up any verbal or written complaints, or requests for special assignments in Homer. The Dakota County Sheriff shall make a monthly report of activities in the Village of Homer, either orally or in writing to the Mayor and Village Board.
2. The Deputy shall be a member of the Sheriff's Department, trained by the Sheriff, and under the direct and exclusive control of the Sheriff. He shall have all the authority of any other Deputy of the Sheriff's Department.
3. The services to be rendered under this contract shall include, but are not limited to, enforcement of the statutes of the State of Nebraska and those municipal ordinances of the Village which are normal considered to be of a law enforcement nature. It is understood and agreed, however, that all prosecutions arising from violations of municipal ordinances shall be the sole responsibility of the Village.
4. The County and its agencies shall assume responsibility for supplying all supervision, materials, communications, and equipment, which are necessary for the performance of law enforcement services in the Village. Maintenance, fuel and repair costs of the vehicles shall be provided by the County in the same manner as provided for the vehicles and equipment used by all other Sheriff's Deputies and the same shall be replaced by the County with new equipment at the same intervals equipment utilized by the other Sheriff's Deputies is replaced.
5. Compensation for the Deputy assigned, and provision for bonds, fringe benefits, insurance, and Workmen's Compensation shall be the sole responsibility of the County. The County shall also pay all overhead costs, to include: training expenses, record keeping expenses, and other administrative costs.
6. The Village shall not be called upon to assume any liability for the direct payment of salaries, wages, or other compensation for the services of the Deputies, including payments for injury or sickness, unless such sickness or injury is caused by the intentional or negligent acts of the Village.

7. Any provisions to the contrary notwithstanding, the Village hereby agrees:

(a) Any overtime pay to which the Deputies shall become entitled as a result of his conducting investigations, or appearing in Court, in connection with violations of State Statutes shall be the responsibility of the County.

(b) That the Village, at its own expense, shall provide liability insurance to indemnify itself in the event that it becomes liable for the payment of a judgment based upon the acts of the Deputy in the enforcement of a municipal ordinance, as provided in Neb. Revised Stat. 28-1417 (Reissue 1979).

9. The Village shall pay Dakota County for such law enforcement service at the rate of \$1,425.65 per month for the Deputy assigned in the Village. Payment shall be due and payable from the Village to the County on the 1st day of each calendar month, commencing August 1, 2000. Service under this contract shall commence August 1, 2000.

10. This agreement may be expanded upon request by the Village and agreement by the County to include additional Deputies as the need for such additional Deputies is determined by the Sheriff.

11. This contract shall be effective for one year from August 1, 2000. It shall automatically be extended for six months unless canceled by either party at least ninety (90) days prior to the end of the first year.

12. Services to be provided by the Deputies shall include but are not limited to, routine residential patrol, traffic enforcement, security of businesses, enforcement of State Statutes and Village ordinances, and other services in the areas of public safety and law enforcement as are provided by the Sheriff's Office in unincorporated areas of the County. All dog control problems shall be handled, by the Village of Homer. When such problems cannot be adequately handled by the Village Worker, animal control shall be called to assist at the Village's cost under existing Sheriff's policies.

13. This agreement shall continue in full force and effect for each year thereafter, such termination may be accomplished by either party to the agreement notifying the other party, in writing, of such party's intention to terminate the agreement not less than ninety (90) days prior to the desired date of termination. In the event of the termination of this agreement by either party, all equipment, materials, and supplies provided by the County for law enforcement in the Village shall be retained by the County. Any supplies furnished by the Village, for Village purposes, shall be retained by the Village.

14. The monetary amount the Village shall pay for the County for the law enforcement services provided shall be renegotiated if desired by either party, with the first renegotiating taking place on or before August 1, 1998, and any such renegotiating on the next succeeding year; this negotiation may reflect increased wage or salary expenses including but not limited to recertification of officers, or increases in other operating expenses incurred by the County which shall have occurred since the last prior year in which the rate was adjusted. Any adjustment in the rate set forth herein shall be made at least one month prior to the date on which the Sheriff's budget is required to be submitted to the County Commissioners of Dakota County.

ATTEST: VILLAGE OF HOMER

\_\_\_\_\_  
Village Clerk Mayor

ATTEST: COUNTY OF DAKOTA

\_\_\_\_\_  
County Clerk Chairman

APPROVED AS TO FORM THIS

\_\_\_ day of \_\_\_\_\_, 2000 BY:

\_\_\_\_\_  
Dakota County Attorney Dakota County Sheriff

\_\_\_\_\_  
Homer Village Attorney

Commissioner Bousquet moved, seconded by Commissioner Miller to transfer Dakota County Abandoned Vehicle Title Number 05007700013 on a 1992 Ford Tempo GL bearing the serial number 1FACP36X8NK177217 and Title No. 05013700005 on a 1987 Pontiac Grand Am bearing the serial number 1G2NE11U9HC784496 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to acknowledge receipt of and approve the Officials reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court for the month of December, 2004 and the County Sheriff's Quarterly Report for the period October 1, through and including December 31, 2004 and the Interest Reports of the County Clerk's Office.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.



The board discussed cleaning of the Courthouse.

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

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 2:37 p.m.

Commissioner Bousquet moved, seconded by Commissioner Miller to reconvene in open session.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 2:55 p.m.

Commissioner Miller moved, seconded by Commissioner Hartnett to give ServiceMaster 90 days notice of Termination of Contract with the change order attached to be implemented.

**CHANGE ORDER**

This Change Order ("Order") shall amend and become an integral part of the ServiceMaster Contract Cleaning Services Agreement ("Agreement") by and between ServiceMaster of Sooland and:

The Dakota County Board of Commissioners  
The Dakota County Courthouse  
1601 Broadway  
Dakota City, NE 68731

("Client") and dated January 5, 2005, and provides as follows:

1. The Agreement is amended to specify that the following changes in the services to be performed upon the area to be served shall be deemed incorporated into the Task Schedule described in paragraph 1 of the Agreement.

a. To cease cleaning operations of restrooms in all office and or non public areas (reflected in Exhibit A)

2. In consideration of the changes specified in this Order, the price term of paragraph 5 of the Agreement shall be changed to \$ \_\_825.00\_\_.

3. All other terms and conditions of the Agreement are ratified and confirmed.

AGREED

SERVICEMASTER

By:

Date:

AGREED:

CLIENT

By:

Date:

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the Payroll and Accounts Payable claims as follows:

COUNTY GENERAL FUND: Gross salaries- \$83,832.75, General Fund Employees Net Pay- \$58,147.25, Employer deductions paid: Retirement- 5,466.27, Social Security Tax- 5,016.94, Medicare- 1,173.37, Unicare Health- 15,603.20, Delta Dental- 604.80, Unicare Life- 277.68.

Richard Bousquet- 495.95, William Engel- 495.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Lora Skow- 849.25, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Lyn Beltz- 295.00, Mark J. Dorsey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 769.60, Carol Dunham- 1055.94, Scott M Dugan- 1813.63, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 769.60, Richard Jensen- 1233.74, Duane Kotalik- 430.00, Tammy Dunn-Peterson- 551.00, Patricia Stingley- 40.00, Sandy Beers- 1000.08, Jeremy Bermel- 1935.41, Anthony Bos- 1744.39, Sergio Castillo- 1506.23, Brian Ellinger- 1961.04, Todd Hammer- 1716.58, Melvin Harrison III- 1853.05, Rodney Herron- 1564.33, Kimberly Johnson- 332.22, Jared Junge- 1872.68, Michael Kreegar- 1772.34, Gayle Richards- 744.80, Kevin Rohde- 1458.30, James Wagner- 1813.63, Randall Walsh- 1942.82, Rita Chase- 676.20, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, John Loos, Jr.- 1557.06, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Nicole Sims- 1098.47, Rebecca Broer- 1679.04, Richard Criss- 1445.87, Eric Davis- 1398.85, Penny Epting- 1432.08, Ronald Fink Jr.- 1392.04, John Gilles- 1451.53, Michael Gregerson Jr.- 1524.18, Alma Gunderson- 1599.36, Paula Harrigfeld- 335.68, Cathy Harsma- 1454.89, Joseph Ramirez- 1516.03, Linda Schovanec-

1549.68, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 987.06, Alan Boyd- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- 8,108.65, State- 2,894.32, Social Security Tax- 5,016.94, Medicare- 1,173.37, Retirement- 3,709.63, Unicare Health- 1,630.50, Delta Dental- 342.99, Colonial Health- 35.20, Sheriff Union Dues- 75.00, Deferred Comp- 712.78, Garnishments- 989.65, Aflac Health- 472.42, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 433.50.

COUNTY ROAD PAYROLL: Gross salaries- \$14,255.03, Road Employees Net Pay- \$10,016.86, Employer deductions paid: Retirement- 962.23, Unicare Health- 3,169.40, Delta Dental- 122.85, Unicare Life- 54.67, Social Security Tax- 852.85, Medicare- 199.45.

Joel Broekemeier- 1172.03, Randall Crombie- 1113.60, Ronald Harder- 1199.91, Walter Heinemann- 1155.36, Richard Hoesing- 1109.60, Robert Jacobsen- 1155.36, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,197.57, State- 438.94, Social Security- 852.85, Medicare- 199.45, Retirement- 641.47, Unicare Health- 300.70, Delta Dental- 78.32, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 1,898.55, Cops Fast Employee Net Pay- 1,250.48, Employer deductions paid: Retirement- 147.14, Unicare Health- 243.80, Delta Dental- 9.45, Unicare Life- 4.43, Social Security- 117.71, Medicare- 27.53, Brent Gilster- 1898.55.

COPS FAST GRANT: Employee withholding paid to: Federal- 298.34, State- 95.07, Social Security- 117.71, Medicare- 27.53, Retirement- 104.42, Sheriff Union Dues- 5.00.

SOUTH SIOUX CITY CHAMBER OF COMMERCE: Lodging tax to Visitors Promotion- 10,391.31.

GENERAL FUND: Cellular One, phone- 29.32; Dakota County Star, publishing- 147.55; Gretchen Hirschbach, prior years svc- 69.24; HyVee, supplies- 93.19; Daniel Rohde, prior years svc- 23.08; Charles Rush, prior years svc- 34.62; Nanci Walsh, mileage/supplies- 57.53; NACO, workshops- 210.00; Five Star Awards, name plate/stand- 15.82; Robert or Patricia Chitwood, lektriever lease purchase- 1989.27; Cellular One, phone- 27.10; Midwest Office Automation, fax machine repair- 162.50; Nebraska Association of County Clerks, dues- 45.00; Perkins, supplies- 81.93; Ted Piepho, meals/mileage/parking- 50.35; The Cornhusker, lodging- 88.00; Town House Motel, lodging- 44.00; Robert Giese, mileage- 73.00; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; DAS Imservices, data service- 27.50; TerraScan Inc, data service- 225.00; Microfilm Imaging Systems, lease equipment- 240.00; Nebraska Association of County Clerks, dues- 45.00; Perkins, supplies- 143.20; Election Systems & Software, ballot layout- 560.00; MIPS, voter support- 105.80; OSDI Midwest Inc, lektriever maintenance contract- 895.00; Carol Sue Dunham, mileage- 62.26; Iowa Office Supply, supplies- 141.20; Norfolk Printing Co., trial docket binders- 314.94; Des Moines Stamp, stamp- 43.75; Garlyn Beeman, association dues- 25.00; Century Business Products, toner- 78.45; Des Moines Stamp Co., stamps- 82.90; Midwest Office Automations, quarterly contract- 447.99; Kurt T. Rager, supplies- 277.18; Thomson West, CD Rom service- 110.00; Thurston County Court, transcript reimbursement- 29.05; United Bank of Iowa, lease payment- 158.04; Cellular One, phone- 32.39; Record Printing, business cards- 52.56; United Bank of Iowa, lease- 90.40; Clerk of District Court, district court costs- 279.00; Coffee King, coffee- 40.92; William Binkard, counsel- 324.00; Nathan Tucker, counsel- 243.00; Crystal Barrera, witness fee- 23.24; William Binkard, counsel- 331.55; Dakota County Court, court costs- 854.50; Robert A Finney, counsel- 3291.72; Thomas Fitch, counsel- 375.00; Randy Hisey, counsel- 1266.00; Hurley Law Office, counsel- 1980.00; Sandra K Inkster Ehrich, counsel- 570.00; Barbara Kueny, counsel- 726.00; Robert Meins, witness fee- 26.48; Stephanie Orozco, witness fee- 29.37; Douglas Roehrich, counsel- 492.00; Patrick Tott, counsel- 942.00; Nathan Tucker, counsel- 552.00; Justin Wagner, witness fee- 24.05; Bomgaars, supplies- 106.88; City of Dakota City, utilities- 1058.77; Cellular One, phone- 27.10; Dakota Food & Fuel, fuel- 20.00; Foulk Bros. Plumbing- jail- 1030.10; Gill Hauling, dumpster service- 110.00; Grainger, supplies- 67.14; G & R Controls, reboot computer- 574.30; Rick Jensen, mileage- 114.79; Lowes, supplies- 413.96; Menards, supplies- 343.79; MidAmerican Energy, gas- 1567.31; NPPD, electric- 1624.05; O'Keefe, elevator svc- 117.64; Qwest, phone- 40.25; Sam's Club, supplies- 239.53; Service Master, cleaning- 959.00; Share Corp, supplies- 878.20; United Rentals, elevator rental- 90.06; Trembly Pest Control, pest control- 50.00; Dakota County Extension, mileage/supplies/copier/misc- 783.56; Advance Auto Parts, vehicle maintenance- 100.26; Ahlers & Cooney PC, legal fees- 1812.33; Cellular One, phone- 84.22; City of South Sioux City, lec communications, fuel- 2855.94; ConocoPhillips, fuel- 403.83; Crystal Oil, repairs- 31.99; Dakota County Star, publication- 8.68; Dakota County Sheriff, reimburse petty cash- 398.39; Dakota County Clerk, titles- 30.00; Dakota County Treasurer, vehicle maintenance- 228.80; Dakota Food & Fuel, fuel- 46.21; Dell Financial Svc, computer- 176.79; Economy Transmission, transmission- 1400.00; Fremont Tire, tire repair- 107.99; Harold's, film developing- 20.28; Hubbard Mini Mart, fuel- 12.00; Jacks Uniforms, light bar- 2896.65; Joes Dept Store, flares/tow straps- 114.40; MPH Industries, radar repair- 148.42; Linda Pasewalk, CPR Training- 240.00; Perkins, supplies- 27.48; Pomp's tire service, tires- 205.04; Racom, phone/equipment- 5559.40; Robertson Implement, dog food- 18.95; Sign Masters, lettering- 832.50; Siouxland Federal Credit Union, AOL- 23.90; Siouxland Napa, vehicle parts- 251.27; Torco, vehicle maintenance- 585.00; Walmart, supplies- 262.36; Dakota County Sheriff, papers/warrants- 811.42; Department of Motor Vehicles, transcripts- 24.00; Document Depot, document destruction- 40.00; H2O4U, supplies- 15.75; Iowa Office Supply, copier- 2500.00; Edward Matney, mileage/court costs- 180.00; Perkins, supplies- 6.78; Secretary of State, certified copy- 20.00; Sprint, phone- 100.00; City of South Sioux City, LEC January- 22284.58; Bob Barker, inmate supplies- 451.21; Jonathan Beeler, inmate medical- 42.92; Bekin's Fire & Safety, recharge extinguishers- 58.50; Blair West Pharmacy, inmate medical- 85.77; Butler County Clinic, inmate medical- 91.00; Butler County Detention Center, out of county boarding- 10010.00; CBM Food Service, food service- 13102.07; CNOS, inmate medical- 557.00; Sergio Castillo, interpreting- 40.00; Cedar County Sheriff, out of county boarding- 3240.00; Cellular One, phone- 90.61; Dakota County Sheriff, reimburse petty cash- 1610.00; Dakota Food & Fuel, fuel- 633.19; David City Pharmacy, inmate medical- 654.04; Dixon County Sheriff, out of county boarding- 9100.00; Eye Physicians, inmate medical- 131.00; Gentle Dental Care, inmate

medical- 351.00; Guard-Rite Security, transports- 290.85; HyVee, food products- 11.98; HyVee Norfolk, inmate medical- 138.17; Jacks Uniforms, uniforms- 7.10; Jackson Glass, Plexiglas- 110.36; Keller Pharmacy, inmate medical- 120.85; Liebers Garage, vehicle maintenance- 236.90; Madison County Sheriff, out of county boarding- 9350.00; Medical Imaging Physicians, inmate medical- 72.00; Mercy Bus Health/Urgent Care- inmate medical- 825.00; Mercy Medical Center, inmate medical- 427.21; Northeast NE Juvenile Services, juvenile holding- 2756.25; Netsys+, install software- 1388.36; JR Pantoja, interpreter- 20.00; Physicians Clinic, inmate medical- 134.00; Redler's Pharmacy, inmate meds- 311.48; Sam's Club, food products/supplies- 667.02; Siouxland Federal Credit Union, supplies- 565.16; Siouxland Lock & Key, duplicate keys- 29.19; Stanard & Associates, correction officer tests- 618.15; Staples, supplies- 370.25; Walmart, supplies- 153.42; Woodbury Co. Juvenile Detention, house juveniles- 15400.00; Neva Neal, prior years svc- 103.86; Armon Todd, prior years svc- 69.24; Cellular One, phone- 27.10; Embassy Suites, lodging- 343.20; Perkins, supplies- 65.44; AJ Phillips, business cards- 35.00; BoundTree Medical, supplies- 765.57; Pam DeVries, mileage- 19.50; Pam DeVries, mileage- 61.87; Dunes Family Medicine, phys- 250.00; Gateway Co., computer/monitor- 1609.00; Pat Glover, mileage- 82.87; Medibadge Inc, kids stickers- 100.85; Midwest Office, quarterly contract- 52.22; Perkins, supplies- 13.65; Cellular One, cell phone- 46.60; Office Systems, copier contract- 98.00; Loislaw, law books- 297.00; Thomson West, law books- 767.50; Aflac, service fees- 35.00; AT&T, phone- 31.59; Shirley Bentz, prior years service- 92.32; Cable One, internet- 281.20; Executive Technologies, work on copier- 137.50; Lazette Gifford, website- 40.00; MIPS, monthly support- 339.65; Netsys+, work on internet- 300.00; Qwest, phone- 712.23; Qwest, phone- 65.79; Qwest, phone- 642.92; Region IV Mental Health, 3rd quarter payment- 5708.00; Region IV Inc, 3rd quarter payment- 5320.25; US Postal Service, postage- 2500.00; Cellular One, phone- 20.91; Dakota Co. Interagency Team, dues- 25.00; Positive Outcomes, consultant- 472.50.

ROAD FUND: Ahlers, Cooney & Associates, legal fees- 1812.32; Advance Auto, parts/supplies- 197.71; Aramark, towel service- 171.18; Bierschbach Equipment, flags/dowels- 11.70; Bridgestone, tire repair- 664.00; Cellular One, phone- 30.86; Dakota Co. Clerks, title fee- 10.00; Dakota Co. Treasurer, tire tax- 10.00; Gill Hauling, dumpster service- 45.00; Great Plains Intl., parts- 53.98; Higman Sand, road rock- 4641.03; HME Inc, rock hauling- 600.00; Hubbard Mini-Mart, fuel- 2164.70; H2O4U, water- 44.50; Iowa Nebraska State Bank, grader payment- 15234.75; Jackson Glass, parts/labor- 64.43; Joes Dept Store, supplies- 140.29; Linweld, oxygen tank supplies- 32.78; Marx Truck Sales, parts- 656.75; Menards, supplies- 11.98; Midwest Sales & Svc, signs/posts/scarifier bits- 592.98; NPPD, service- 65.35; Newman Signs, signs- 145.60; Northeast Coop, fuel- 2305.45; Northeast Nebraska PPD, radio tower/security light- 750.00; Northeast Nebraska Telephone, phone- 175.71; Pilger Sand & Gravel, gravel- 834.75; PowerPlan, parts- 346.02; Rees Mack, parts/labor/supplies- 255.34; Willis Roeber, prior years svc- 69.24; Sam's Club, supplies- 51.20; Sign Masters, lettering- 70.00; Sioux City Iron, supplies- 432.27; Siouxland Hydraulic, parts- 161.39; Siouxland Napa, supplies/tools- 184.16; Stephen Welding, parts- 32.50; Torco, parts- 205.90; TriState Communications, radio/antenna- 518.00; Warren Oil, fuel- 1354.00; Wilmes Hardware Hank, supplies- 31.91; Ziegler, parts/oil- 1040.28.

POOR RELIEF FUND: Becker Hunt Funeral Home, Salvador Ortiz- 1730.00.

VETERANS SERVICE OFFICE: VSO, emergency relief- 1000.00.

STOP FUND/COUNTY ATTORNEY: Iowa Office Supply, copier- 2500.00.

JUVENILE ACCOUNTABILITY: BI, Inc., grant electronic monitoring- 198.00; Nicole Sims, cell reimburse- 23.00; Perkins, file cabinet/ink cartridges- 392.00.

COMMUNITY JUSTICE: BI, Inc., adult electronic monitoring- 910.10.

INHERITANCE TAX: General Fund, budgeted transfer- 100,000.00; HMN Architects, architect- 13296.04.

WEED FUND: Maurice Crofoot, prior years svc- 103.86; Embassy Suites, lodging- 343.20; J. Colin Green, prior years svc- 57.70; Hubbard Mini Mart, fuel- 277.19; Nebraska Weed Control Assoc., registration- 75.00; Siouxland Napa, parts- 20.07.

E 911: City of South Sioux City, e911 surcharge- 23194.48.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Nicole Simms, submitted her verbal resignation effective February 3, 2005.

Chair Engel adjourned the meeting at 3:25 p.m.

Meeting was not recorded, because the mixer was not working.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:  
\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

COUNTY BOARD OF COMMISSIONERS  
January 31, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:33 p.m. with Pledge of Allegiance.  
PRESENT: Commissioners Engel, O'Neill, Miller, Bousquet, and Ted Piepho, Secretary.  
ABSENT: Commissioner Hartnett arrived at 1:34 p.m.

Denise Palmer, with the Haven House Family Services, appeared before the board and asked the County Board to approve a resolution to 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.

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt the following Resolution 05C-003 to 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.

RESOLUTION 05C-003

BE IT RESOLVED BY THE BOARD OF DAKOTA COUNTY COMMISSIONERS THAT on this 31st day of January 2005 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 31st day of January 2005.

_____ Commissioner	_____ Commissioner
_____ Commissioner	_____ Commissioner
_____ County Clerk	_____ Commissioner

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Bill Path, President of Northeast Community College asked the board to support his testimony before the Legislative Revenue Committee which will be as follows:  
Public Hearing on LB113  
February 3, 2005

Testimony of Dr. Bill Path-President, Northeast Community College

SUMMARY OF LB113

LB113 would authorize the Northeast Community College (NECC) Board of Governors to temporarily raise local property taxes beyond the six-cent limit established by the States Community College Funding Formula under LB269. This authorization would be for an extra one-cent a year, up to four years. At the end of four years this special exclusion would expire and local property taxes would be required to return to the current six-cent limit.

LB113 would only affect the local property taxes of the 20-county service area of NECC (see map below). Senators Cunningham, Connealy, Engel and Flood - representing the effected area, are all supporting this bill.

(map)

It is estimated that this extra levy will result in an additional \$1,000,000 per year for the operational budget of NECC. The effect of the extra levy on a \$100,000 house would be an additional \$10 a year for up to four years. That is only \$40 over four years.

LB113 sunsets in four years. In year five, the extra levy would expire. As this extra tax levy authority expires.

#### HISTORICAL PERSPECTIVE OF COMMUNITY COLLEGE FUNDING

Nebraska's Community College System was established in 1971 by the Legislature when it combined the junior colleges, state vocational and technical colleges, and area trade schools into one unified system. This new system forged a partnership among the local communities, the State of Nebraska, and students to finance the colleges. The dynamic nature of the state aid distribution formula is illustrated by several changes in legislation affecting distribution since the community college system was established. The initial formula was declared unconstitutional in 1974 and subsequent changes in the formula were signed into law in 1975, 1979, 1984, 1990, 1991, and 1995.

A new appropriation of and changes to the formula were created in 1998 to provide property tax relief and equalization for Nebraska taxpayers. With the passage of LB269, the Legislature and the local governing boards formed a new partnership that would fund the colleges with 40% from local tax, 40% from state aid, and the remaining 20% coming from tuition and other sources of revenue.

#### FUNDING FORMULA PROBLEM FOR NECC

When the Nebraska Community College Funding Formula (LB269) was created, it assumed that the base year (1997-98) was a typical tax levy year for each community college. NECC, however, had experienced rapid enrollment increases in the previous year and had not yet adjusted its local property taxes to compensate for the increased student enrollment.

LB269 went into effect in 1998 and did not give a clear funding picture for NECC when the base was set. The College had adequate tuition dollars and the NECC Board did not see a need to raise local property taxes that year. The formula then locked NECC into an artificially low base rate. NECC was the only community college that had to raise its local property tax levy to get to seven cents. The other community colleges all lowered their taxes under LB269.

Increasing revenues within the funding formula is based upon enrollment growth. With declining high school senior numbers projected in the next ten years in northeast Nebraska, NECC state-aid will likely not increase above the 2 percent base increase. To overcome this, NECC must look at new markets that will generate growth in enrollments.

If NECC cannot produce significant enrollment growth, the inevitable result will be a decline of state aid dollars and even more severe limitations in resources to serve its twenty counties. If enrollment growth cannot be found, the current funding formula will force reductions in programs and services.

It has been demonstrated in recent years that the effects of this formula inequity on NECC has become more exaggerated each year by comparison to other Nebraska community colleges. NECC has one of the lowest amounts of state aid per student, the highest tuition and mandatory fee rates, and one of the lowest salaries and staffing levels. NECC'S ability to attract and retain quality faculty and staff, to stay current with technology, and to meet the demands of students and Business/Industry has been greatly diminished.

#### FINDING A LEGISLATIVE SOLUTION WITH LB113

A solution within the established community college funding formula would be to allow NECC the necessary resources to grow its enrollments and take advantage of the growth factor within the formula. This would increase funding at NECC without negatively impacting the other community colleges.

Recognizing that there are major limitations in state revenues at this time, the only other viable alternative is to give NECC statutory authority to increase its local property tax levy for a fixed period.

Senator Cunningham has introduced LB113 for this purpose.

#### SUPPORT FOR LB113

This is the third year that this bill language has been introduced before the Revenue Committee. Each time, it has been with the support of the Nebraska Community College Association and with the favorable testimony of several individuals and groups, i.e. Board of Governors members, Chamber of Commerce representatives, City Officials, area farmers/ranchers, and special interest groups.

Apart from the obvious legislative support demonstrated by the co-sponsorship and prioritization of LB113, NECC continues to enjoy the support of its constituents and peers for this bill.

In the interest of your time, this year, I have not actively solicited additional live testimony for perspectives with which you are already familiar.

#### PLAN FOR INVESTING IN ENROLLMENT GROWTH

Revenue raised by LB113 will be reinvested in the enrollment growth of NECC and used to create new educational opportunities for Dakota County residents and the surrounding region.

To this end, NECC officials have developed a plan to open a new comprehensive community college campus in South Sioux City, Nebraska (see attached - South Sioux City Initiative).

#### REQUEST OF THE REVENUE COMMITTEE

I encourage your support of LB113 to correct the deficiencies in the community college funding formula as it relates to NECC and to help us with our plan to add to the economic development of South Sioux city by establishing a new campus there.

It is my hope that you will also include LB113 in the final recommendation package of the Revenue Committee.

Thank you, for your time and consideration of LB113.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to draft a letter of support to support Northeast Community College's efforts for the passage of LB113, which would allow Northeast Community College to levy 7 cents per one-hundred dollars of value instead of their present limit of 6 cents per one-hundred dollars of value.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Abstained, UNANIMOUS MOTION CARRIED.

Matt Graves, with Graves Construction who was the successful bidder to complete BRO-7022(14) Homer South Bridge Project, appeared before the board to request permission to start the project early. Originally the start date is in June, 2005, but they would like to start the project in a couple weeks. He proposed a Temporary Crossing for residents in the area to get across Fiddler Creek while the bridge was being replaced.

After soliciting testimony from Mike Storm and David Rasmussen, who were in the audience, Graves Construction agree to provide a 24 foot temporary crossing across Fiddler Creek while the bridge was being replaced. Mr. Graves said that the temp. crossing would carry any legal weight permitted by law.

Everybody agreed that if the start date was moved up that the completion date would be moved up along with the start date to coincide with the same number of work days.

The County Clerk suggested a side agreement with stiff monetary penalties if the completion date was not met without any reason to justify an extension.

Commissioner Miller moved, seconded by Commissioner Bousquet to authorize Graves Construction to start as early as possible on Project BRO-7022(14) as long as a temporary bridge is in place before traffic is halted to remove the old bridge.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Mr. Mellick discussed the purchase of land to move Wigle Creek Road 90 feet to the south. Mr. Mellick said that the appraiser had appraised the 1.097 acres need to move the road at \$2,900. Mr. Storm wanted \$25,000 because if they sold the acre to someone that wanted to build a home that is what they would get. Mr. Mellick said that his firm figure was \$20,000.

Commissioner Miller said that she was in agreement in moving the road because it would enhance the intersection, and mentioned condemning the land and Mr. Storm, who was in the audience, said he would fight it and drag it out as long as he can, but if they fixed the bridge like it should be he would take the appraised price of \$2,900 for the land.

Mr. Storm suggested that they consider making a loop on the other side of the road. If you do that, that would carry you into the angle of the bridge. That was discussed.

Commissioner Hartnett suggested getting all the players together and discuss it.

Mr. Mellick said that Dick McNear's last day is in February and asked for permission to hire someone to start in May when Dick stops getting a pay check.

Commissioner Bousquet moved, seconded by Commissioner Miller that all new hires for Dakota County must be a resident of Dakota County and that if a new hire is not a resident of Dakota County, they must be willing to relocate within six months.

There was discussion. Commissioner Bousquet said that there would be instances of offices like the County Attorney's Office that might not be able to find qualified people for positions.

Commissioner Miller noted that could only be enforced by the offices the commissioners govern and suggested that be added and the board encourage other offices to practice that. Further discussion was as to present employees, but they would be grandfathered and this did not include any contractual. A person would have six months to move here after accepting a job if they are a non-resident.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel opened the public hearing advertised as follows:

**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 31st day of January, 2005 at 2:30 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 Law Enforcement Center Grant 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 adopt the budget of revenues and expenditures of the Law Enforcement Center Grant Fund to enable the county to expend grant dollars.

/s/ Nanci Walsh Budget Coordinator

LAW ENFORCEMENT CENTER GRANT FUND (2510)

ACTUAL EXPENSE:

1. Prior Year 2001-2002	\$ 0.00
2. Prior Year 2002-2003	\$ 0.00
3. Last Year 2003-2004	\$ 0.00

REQUIREMENTS:	ADOPTED	CHANGE	TOTAL
4. Current Year 2004-2005	+\$ 0.00	\$570,108.64	\$570,108.64
5. Necessary Cash Reserve	+\$ 0.00	0.00	0.00
6. Cash on Hand and Estimated other Revenues	-\$ 0.00	\$570,108.64	\$570,108.64
7. Collection Fee & Delinquent Allowance	+\$ 0.00	0.00	0.00
8. Total Property Tax Requirement =	\$ 0.00	0.00	0.00

Published January 27, 2005

Nanci Walsh explained that this hearing is required to allow the Emergency Management Grant funds to be expended that just were approved.

Chair Engel closed the Public Hearing at 2:40 p.m.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Law Enforcement Grant Fund and to authorize a budget as published.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Bill Wiseman, Chair of the Veteran's Service Oversight Committee appeared before the board and recommended that the County Board reappoint Alan Boyd as Veteran Service Officer.

Commissioner O'Neill moved, seconded by Commissioner Engel to reappoint Alan Boyd as Veteran Service Officer for 2005.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint Virgil Kleve to the Veteran's Service Oversight Committee replacing Arlon Spangler, who moved out of state, and that a letter be sent to Arlon Spangler thanking him for his years of service.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Pat Rooney with the Dakota County Star appeared before the board and wanted to sell the county an ad in guide named Dakota County Visitor's and New Comers Guide that the Dakota County Star is publishing.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve a one-half page ad in the Dakota County Visitor's and New Comers Guide at a cost of \$275.00.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

The board discussed the County's Health Insurance Plan. The Insurance Committee proposed converting the County's Health Insurance to a Partially Self Fund Plan that is administered by Three Rivers Benefit.

The benefits did not change except the Drug Prescription Card co-pay would be increased from \$10 \$20 \$40 to \$15 \$25 and \$45.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to changing Dakota County's Health Insurance Plan to a partially self fund plan administered by Three Rivers Benefit effective March 1, 2005, and that County Clerk Ted Piepho be the authorized representative on behalf of the county empowered to execute the necessary documents and BE IT FURTHER RESOLVED that the Clerk establish an Impress Checking account to deposit moneys into and BE IT FURTHER RESOLVED that the County Clerk be authorized to make electronic transfer into an impress account for the payment of claims and to pay Three Rivers their fixed cost.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to terminate Unicare Life Insurance effective the end of February 28, 2005 at 11:59:59 p.m. and that the county utilize Jefferson Pilot Insurance Company at a premium of \$4.50 per person effective the beginning of March 1, 2005 at 00:00:00 a.m. for the County's obligation to provide life insurance for its employees.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Nanci Walsh, Administration Assistant to the board read the bids she received for various carpeting jobs throughout the courthouse.

The bids were referred to the Property Committee to evaluate which is the best bid and to determine the scope of the project.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to adopt Resolution 05C-004 moving \$3,000 from the Miscellaneous General Budget to the County Election Commissioner Budget for Fiscal year FY2004-2005 as follows:

RESOLUTION 05C-004

WHEREAS, the office of County Election Commissioner will exceed his budget with the payment of the submitted January, 2005 payment of accounts payable and payroll claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the office of Miscellaneous 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 Budget of the General Fund to be utilized for the payment of the over expended budget of the Election Commissioner and that said budget be increased by \$3,000.00 to \$41,006.48 for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, that the Miscellaneous Budget be reduced by \$2,000 to \$235,084.17 for fiscal year 2004-2005.

Passed and adopted this 31st day of January, 2005.

\s\Bill Engel, Chairman

ATTEST: Dakota County Board of Commissioners

\s\Theodore A. Piepho

County Clerk

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Nanci Walsh informed the board that the General Fund may run low on cash flow and suggested that \$100,000 be transferred to the General Fund from the Inheritance Tax Fund as a loan until the General Fund receives tax collection in April and/or May.

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt a resolution 05C-005 making a temporary loan from the Inheritance Tax Fund to the General Fund for cash flow purposes.

RESOLUTION 05C-005

WHEREAS, the Dakota County General Fund may be short of funds with the payment of the January, 2005 claims and payroll; and

WHEREAS, An emergency exists; and,

WHEREAS, there are unexpended funds available in the Inheritance Tax Fund; and

WHEREAS, funds will be available in the General Fund when the first half 2004 taxes are paid in April and May, 2005.

BE IT THEREFORE RESOLVED That the Dakota County Board of Commissioners hereby authorize the transfer of \$100,000 to the General Fund from the Inheritance Tax Fund as loan to be repaid when the 2004 taxes are collected.

Passed and adopted this 31st day of January, 2005.

\_\_\_\_\_  
William F. Engel, Chairman

Dakota County Board of Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to create a Jail Construction Committee and the member of the committee would be Lyle Todd, Bill Engel, Rick Bousquet, a member of the CJAC Committee and a member appointed by the SSC City Council, a member from the Concerned Citizens for a new Jail Committee and ask Bryce Anderson to be another lay person.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller to correct the minutes of January 18, 2005, that the

Commissioner Engel nominated Commissioner Bousquet to serve as the 2005 Vice Chair of the Dakota County Board of Commissioners and that nominations cease and that the secretary cast a unanimous ballot for Commissioner Bousquet rather than Commissioner Engel to serve as the board's 2005 Vice Chair.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The Board discussed someone going on the Washington Trip. It was suggested that Pam check it out to see if she can fit it in her schedule.

The board discussed the Ethanol Plant. They will not qualify for LB 775 so the Ethanol Plant will have to pay personal property tax. Commissioner Miller said that Jackson is looking at doing a Tiff District so that they can do some improvements for economic development.

The board discussed employees getting comp time.



Claims paid: COUNTY GENERAL FUND: Gross salaries- \$79,836.36, General Fund Employees Net Pay- \$55,844.58, Employer deductions paid: Retirement- 5,244.38, Social Security Tax- 4,807.48, Medicare- 1,124.34, Unicare Health- 15,602.56, Delta Dental- 604.80, Unicare Life- 277.04. Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Lora Skow- 838.51, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss-, Carol Dunham- 1055.94, Scott M Dugan- 1813.63, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 769.60, Richard Jensen- 1233.74, Duane Kotalik- 380.00, Tammy Dunn-Peterson- 517.75, Patricia Stingley- 80.00, Sandy Beers- 1000.08, Jeremy Bermel- 1872.50, Anthony Bos- 1911.49, Sergio Castillo- 1059.20, Brian Ellinger- 2340.21, Todd Hammer- 1727.08, Melvin Harrison III- 1739.78, Rodney Herron- 1564.33, Kimberly Johnson- 540.14, Jared Junge- 2056.25, Michael Kreegar- 1713.16, Gayle Richards- 744.80, Kevin Rohde- 1602.89, James Wagner- 1813.63, Randall Walsh- 1716.52, Rita Chase- 837.90, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, John Loos, Jr.- 1557.06, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 758.16, Amanda Jones- 246.00, Nicole Sims- 1098.47, Rebecca Broer- 1334.73, Richard Criss- 1177.60, Eric Davis- 1128.21, Penny Epting- 1032.24, Ronald Fink Jr.- 1108.64, John Gilles- 1154.64, Michael Gregerson Jr.- 1044.00, Alma Gunderson- 1348.28, Paula Harrigfeld- 393.42, Cathy Harsma- 1158.40, Joseph Ramirez- 1217.52, Linda Schovanec- 1257.46, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 1075.93, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,649.89, State- 2,697.06, Social Security Tax- 4,807.48, Medicare- 1,124.34, Retirement- 3,563.08, Unicare Health- 1,005.95, Delta Dental- 362.38, Colonial Health- 35.20, Sheriff Union Dues- 75.00, Deferred Comp- 712.78, Garnishments- 989.65, Aflac Health- 472.42, Aflac Life/Dsbl- 75.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,014.77, Road Employees Net Pay- \$9,854.43, Employer deductions paid: Retirement- 946.02, Unicare Health- 3,169.27, Delta Dental- 122.85, Unicare Life- 54.54, Social Security Tax- 837.95, Medicare- 195.97.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,163.15, State- 424.78, Social Security- 837.95, Medicare- 195.97, Retirement- 630.65, Unicare Health- 300.69, Delta Dental- 78.28, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 2,001.40, Cops Fast Employee Net Pay- 1,308.72, Employer deductions paid: Retirement- 155.11, Unicare Health- 243.79, Delta Dental- 9.45, Unicare Life- 4.42, Social Security- 124.09, Medicare- 29.02, Brent Gilster- 2001.40.

COPS FAST GRANT: Employee withholding paid to: Federal- 322.64, State- 101.85, Social Security- 124.09, Medicare- 29.02, Retirement- 110.08, Sheriff Union Dues- 5.00.

Chair Engel adjourned the meeting at 4:55 p.m.  
 Meeting was not recorded, because the mixer was not working.

DAKOTA COUNTY, NEBRASKA

ATTEST:  
 \S\ \_\_\_\_\_  
 Theodore A. Piepho,  
 County Clerk

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

\* \* \* \*

COUNTY BOARD OF COMMISSIONERS  
 February 14, 2005 PROCEEDINGS  
 COUNTY BOARD MEETING ROOM  
 DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:31 p.m. with Pledge of Allegiance.  
 PRESENT: Commissioners Engel, O'Neill, Hartnett, Bousquet, and Ted Piepho, Secretary.  
 ABSENT: Commissioner Miller arrived at 1:40 p.m.

Pat Foust, LEC Director, appeared before the board and informed them that they should replace Fred Gay as the lay person on the LEC Board as they have received a written resignation from Mr. Gay.

The consensus of the board was to advertise for volunteers to serve on the LEC Board.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of January 31, 2004 as typed.  
 ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Arnie Mellick, Road Foreman, briefed the board on the Bridge South of Homer BRO-7022(11).

The consensus of the board was that they wanted someone from the State Department of Roads to come before them to discuss this project.

Chair Engel opened the One and Six Year Road Hearing at 2:00 p.m.  
Mr. Mellick outlined the projects on the One and Six Year Road Plan as follows:

ONE & SIX YEAR  
ROAD IMPROVEMENT PLAN  
DAKOTA COUNTY, NEBRASKA

February 2005

PRIORITY	NO., PROJECT NO.	FISCAL YEAR	IMPROVEMENTS	ESTIMATED COST
1	C22-(179), Road North 1.5 miles to 225th Street, grade & gravel, Squire Eriksen, between Sec. 12, T27N, R7E and Sec. 8, T27N, R8E.	2005-06	Reconstruct K Avenue from Fiddler Creek	\$40,000.00
2	C22-(183) 1 mile to 185th Street, grade & gravel, Salem Lutheran Church road, between Sec. 11 & 12, T28N, R8E.	2005-06	Reconstruct G Avenue from Hwy 35 South	\$20,000.00
3	C22-(184) to 230th St. 1 mile, grade and gravel, Merlin Chambers. Sec. 6 T27N, R9E.	2005-06	Reconstruct Elma Road from 220th Street	\$20,000.00
4	C22-(123) Sec 23, Metric T27N, R8E Bridge No. 02510P (PR 15T) **Extension of Project - Relocate intersection of Wigle Creek Road and Omaha Avenue .1 mile HOMER SOUTH BRO-7022-(11) Funds 15%= \$71,699.00. (Soft Match Credit)* Total Project Cost	2005-06	Homer South, 0.20 Miles South of Homer, Federal Funds 80%. State Funds 5%= \$23,866.00, County	\$381,862.00 \$483,327.00
5	C22-(194) Avenue West .5 miles towards K Avenue, grade & gravel, No Hydraulics. Between Sec. 4 & 9, T28N, R8E Beermann Dehy.	2005-06	Reconstruct 170th Street from Hamlin	\$10,000.00
6	C22-(122) 02515P (PR 15T) approximately .2 miles West of the center HOMER SOUTH- BRO-7022-(14). Federal Funds 80%= \$440,063.00, State Funds 5%= \$27,504.00, County Funds 15%= \$82,512.00. (Soft Match Credit)	2005-06	Remove and replace existing bridge No. Sec. 14, T27N, R8E, 1st bridge South of Total Project Cost:	\$550,079.00
7	C22-(190) Avenue & T Ave., grade & gravel, between Sec. 3 & 34, T27N, R6E Allen Curtiss	2006-07	Reconstruct 220th Street between S	\$24,000.00
8	C22-(193) Sec. 34 & 35, T28N, R7E. South of Hubbard	2006-07	Reconstruct M Avenue between 200th & 220th Streets, grade & gravel. Hydraulic Analysis pending. Start between Sec. 26 & 27, end between	\$50,000.00
9	C22-(185) South to Hwy 35, 2.4 miles. Henry DeGraff Road, Sec. 1, 12, & 13, T28N, R7E and Sec. 5, 8 & 17, T28N, R8E.	2006-07	Reconstruct K Avenue from 160th Street	\$30,000.00
10	C22-(186) located 1.6 miles West of Hwy 35 on 200th Street by Howard	2006-07	Remove and Replace existing CMP culvert Rasmussen. Sec. 29, T28N, R7E	\$7,000.00
11	C22(168) 021715P, South Bluff Road. Sec. 13, T28N, R7E Stan Martinek Bridge	2006-07	Replace North abutment on Bridge No.	\$30,000.00
12	C22-(197) North Shore Drive and Old Sawmill Road. Repair Job. Sec. 18, T29N, R9E.	2006-07	Bomag .3 miles of Lake Avenue between	\$30,000.00
13	C22-(182) Hamlin Avenue, 2 miles, grade & gravel, Bob Boals, Sec. 3, 4, & 5, T28N, R8E	2007-08	Reconstruct 160th Street from K Avenue to	\$40,000.00
14	C22-(119) CMP near the North 1/4 corner of Sec. 13, T29N, R6E (Not on Bridge Inventory), Frank O'Neill Bridge	2007-08	Remove and Replace existing bridge with	\$35,000.00

15	C22(187)	2007-08	Remove & Replace Bridge No. 02405, (PR 7T), Suff. Rating 26.9 - Hubbard SW, Known as Rosie Purucker between Sec. 25 & 36, T28N, R6E. Federal Aid 80%= \$280,000.00, State Aid 5%= \$17,500.00, County 15%= \$52,500.00. (Soft Match Credit)	Total Project Cost \$350,000.00
16	C22-(188)	2007-08	Remove and Replace Bridge 21715P, RP 15T Suff. Rating 42.7, 0.1 mile South of Hwy 35 on South Bluff Road, Sec. 13, T28N, R8E, Hubbard Northeast or Stan Martinek. Federal Aid 80%= \$360,000.00, State Aid 5%= \$22,500.00, County 15%= County 15%= \$67,500, (Soft Match Credit)	Total \$450,000.00
17	C22-(118)	2008-09	Relocate Oakdale Road around farmstead, grade & gravel, Right of Way donated. Beginning at US HWY 20, .4 miles East of the W 1/4 corner of Sec. 20 T29N, R7E then NE .25 miles. Phil Kramper	\$15,000.00
18	C22-(195)	2008-09	Relocate intersection of Oakdale Road and Nebraska HWY 20, .3 miles East, build road around and gravel, buy Right of Way, size tubes, move utilities farmstead Between Sec. 19 & 20, T29N, R7E. Should be coordinated with Project C22-118.	\$25,000.00
19	C22-(196)	2008-09	Rebuild Intersection of O Avenue and 270th Street this will cover .3 miles, needs grade, gravel, utility adjustments, buy Right-of-Way. This will require engineering. Will be a joint project with Thurston Co.	\$15,000.00
20	C22-(198)	2009-10	Reconstruct E Avenue beginning at 164th Street, go South 1 mile to Nebraska Highway 35, grade & gravel, tubes stay the same. Beginning at Sec. 5 & 6, ending at Sec. 7 & 8, T28N, R9E; Lincoln Grain.	\$24,000.00
21	C22-(124)	2009-10	New construction and Right of Way purchase for a new by-pass between S Sioux City and Dakota City, beginning at the Northeast corner of the Southwest 1/4 Northeast 1/4 of Sec. 34, T29N, R9E. River front Road, SIMPCO began environmental study of interchange in 1998. Waiting for results of the N-35 South Sioux City to Norfolk Corridor Study.	\$800,000.00
22	C22-(155)	2010-11	Remove existing bridge #20325 (not posted). Replace with CMP, grade and gravel, .3 miles North of inter- section of 120th Street and S Avenue, Between Sec. 10 & 11, T29N, R6E Bloomfield Bridge.	\$20,000.00
23	C22-(199)	2010-11	Reconstruct 164th Street, starting at E Avenue ending at Nebraska Hwy 110, grade and gravel. Beginning at Sec. 6, T28N, R9E, Ending at Sec. 1, T28N, R8E; Chuck Beermann.	\$30,000.00

The following projects were completed during Fiscal Year 2004-2005

PROJECT NO.	DESCRIPTION	
1	C22-175	Reconstruct O Avenue from 190th Street to 200th Street, 1 1/4 miles between Sec 20 & 21, T28N, R7E. \$13,000.00
2	C22-191	Bomag West .3 miles of North Shore Drive start at Lake Avenue, go West to dead-end. Beginning in Sec. 18, T29N, R9E. \$30,000.00
3	C22-192	Bomag East end of North Shore Drive for .5 miles, beginning at Lake Avenue going East .5 miles to Old Sawmill Road. Sec. 18, T29N, R9E. \$50,000.00

Jim Graham discussed the importance of rebuilding E Avenue. He said that there were no ditches any more and no place for the water to go when it rains and turns into a big mud hole. The consensus of the board was to repair that road this summer.

Dave Rasmussen informed the board that the tube on Wigle Creek Road South of him needs to be lengthened. He said that the water just keeps washing out the road.

Chair Engel closed One and Six Year Road Hearing at 2:30 p.m.

Commissioner Bousquet moved, seconded by Commissioner Miller to adopt the One and Six Year Road Plan Resolution 05C-006 as follows:  
Resolution 05C-006

Be it resolved by the Board of Commissioners for Dakota County, Nebraska, that the One and Six Year County Road Program as prepared by Arnold Mellick, Dakota County Highway Superintendent, and attached hereto, be adopted.

BOARD OF COMMISSIONERS FOR  
DAKOTA COUNTY, NEBRASKA  
/S/W. F. Engel,  
Chairman

ATTEST:

/s/Theodore A. Piepho  
County Clerk

Passed and approved this 14th day of February, 2005

Motion by Commissioner Bousquet, Seconded by Commissioner

Miller. The Above Resolution be approved, the Chairman stated the motion and directed the Clerk to call the roll. Roll call resulted as follows:

Voting YEA: Commissioners Bousquet, Miller, Todd, Engel and Hartnett. Voting NAY: None

The result of the vote being five Yeas and Zero Nays and the Chairman declared the passed and approved.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The Board met with several residents that live and/or own land south of Wigle Creed Road to inquire whether the residents out there would support or oppose extending Wigle Creek Road east to US Highway 77 from the intersection of Wigle Creek Road and Omaha Avenue.

Rod Krause, Eldon Vavra and Byron Hall all spoke against the idea. It was the consensus of the board that public support was not to extend Wigle Creek Road east to US Highway 77 from the intersection of Wigle Creek Road and Omaha Avenue.

Chair Engel opened the Public Hearing at 2:50 p.m. to consider whether to approve or disapprove an amendment to the Ag Zoning regulations to allow a towing business under Conditional Use Permits.

County Clerk, Ted Piepho, spoke on behalf of the county and said that to approve this would in essence authorize anybody to put a towing yard within an Ag. Zone and one could be put right next to someone else's house. He asked the P&Z Administrator what the minimum site distance would be from someone's house.

Mr. Mellick, Planning and Zoning Administrator, said it was 100 feet.

Mr. Piepho said that was too close as someone's well could be located in between that distance. He was not in opposition to the present towing for which this hearing is being conducted, but remarked that some of these vehicles would be susceptible to leaking Anti-freeze, oil, gas etc. and with the present wording, a towing business could be put next to a body of water. He continued that this is a type of permit that Planning and Zoning can disapprove depending on the particulars of the site.

Commissioner Miller supported that.

Chair Engel closed the hearing at 3:10 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet that it is the recommendation of the board to refer the regulation back to the Planning and Zoning Board and amend the regulations and better define Towing business.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet said that he had asked Brad Bare, with Smith Hayes, and Sheriff Wagner to come in and talk about doing both phases of the Jail project. Phase I was a 116 bed facility with Phase II adding another pod making a 230 bed facility.

Commissioner Bousquet suggested issuing more bonds and to do Phase II of the jail project along with phase I. He said that would allow the county to house prisoners for other agencies. Mr. Bousquet and Sheriff said that Woodbury County was interested in 130 beds.

The county can build the second phase without a vote if we can show where we can allocate 5.2 cents per hundred dollars of value. It is not necessary to use 5.2 cents per hundred dollars of value, but it has to be available.

Phase I gives us 116 beds through the sales tax. Jerry Johnson said it depends on whether Jail Standards allows us to build with 70 square feet per cell or mandate that we allocate 90 square feet per cell. If we were able to use 70 feet per cell that would qualify more than 116 beds to be built in Phase I.

It was heavily debated which would be the best way to proceed on the jail. Whether to build Phase 1 and use our existing jail or to construct phase I and II, which would mean that we could construct a 230 bed facility.

Commissioner Bousquet and Sheriff Wagner had an appointment to meet with Dan from Jail Standards to lobby for the smaller jail cells.

Duane Kotalik appeared before the board to discuss the cleaning of the courthouse. He is going to think about it and let the board know if he would be interested in taking over the cleaning of the courthouse.

Payroll claims paid February 18, 2005:

COUNTY GENERAL FUND: Gross salaries- \$78,235.43, General Fund Employees Net Pay- \$54,781.27, Employer deductions paid: Retirement- 5,072.43, Social Security Tax- 4,687.02, Medicare- 1,096.15, DC Health Plan- 15,603.22, Delta Dental- 604.80.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.81, Bobbi Jo Harsma- 891.25, Theodore Piepho- 1450.04, Lora Skow- 790.13, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 780.29, Phyllis Ridge- 872.80, Lyn Beltz- 45.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 769.60, Carol Dunham- 1055.94, Scott M Dugan- 1813.63, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 769.60, Richard Jensen- 1233.74, Duane Kotalik- 415.00, Tammy Dunn-Peterson- 755.25, Sandy Beers- 1000.08, Jeremy Bermel- 1400.00, Anthony Bos- 1452.38, Sergio Castillo- 1136.52, Brian Ellinger- 1633.36, Todd Hammer- 1373.33, Melvin Harrison III- 1727.39, Rodney Herron- 1564.33, Kimberly Johnson- 549.18, Jared Junge- 1401.76, Michael Kreegar- 1609.07, Gayle Richards- 744.80, Kevin Rohde- 1161.88, James Wagner- 1813.63, Randall Walsh- 2149.03, Rita Chase- 890.82, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, John Loos, Jr.- 1557.06, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 758.16, Amanda Jones- 582.00, Nicole Sims- 1538.93, Rebecca Broer- 1236.46, Richard Criss- 1024.00, Eric Davis- 1086.02, Penny Epting- 1109.68, Ronald Fink Jr.- 964.00, John Gilles- 1060.48, Michael Gregerson Jr.- 1073.36, Alma Gunderson- 1097.55, Paula Harrigfeld- 752.12, Cathy Harsma- 1024.00, Joseph Ramirez- 1044.72, Krystal Ramirez- 148.85, Linda Schovanec- 1182.37, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 967.40, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,037.44, State- 2,506.92, Social Security Tax- 4,687.02, Medicare- 1,096.15, Retirement- 3,439.22, DC Health Plan- 1,329.80, Delta Dental- 362.57, Colonial Health- 35.20, Sheriff Union Dues- 75.00, Deferred Comp- 712.78, Garnishments- 1,155.29, Aflac Health- 490.22, Aflac Life/Dsbl- 105.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,076.96, Road Employees Net Pay- \$9,896.09, Employer deductions paid: Retirement- 950.22, DC Health Plan- 3,169.40, Delta Dental- 122.85, Social Security Tax- 841.81, Medicare- 196.88.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1167.79, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,172.05, State- 428.79, Social Security- 841.81, Medicare- 196.88, Retirement- 633.45, DC Health Plan- 300.70, Delta Dental- 78.32, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 1,545.02, Cops Fast Employee Net Pay- 1,050.28, Employer deductions paid: Retirement- 119.74, Unicare Health- 243.80, Delta Dental- 9.45, Social Security- 95.79, Medicare- 22.40, Brent Gilster- 1545.02.

COPS FAST GRANT: Employee withholding paid to: Federal- 214.82, State- 71.75, Social Security- 95.79, Medicare- 22.40, Retirement- 84.98, Sheriff Union Dues- 5.00.

Chair Engel adjourned their meeting at 4:38 p.m.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:  
\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

\* \* \* \*

COUNTY BOARD OF COMMISSIONERS  
February 22, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:31 p.m. with Pledge of Allegiance.

PRESENT: Commissioners Engel, O'Neill, Hartnett, Bousquet, and Ted Piepho, Secretary.

ABSENT: Commissioner Miller arrived at 1:43 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to approve the minutes of January 31, 2005 as written.

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Arnie Mellick, Planning and Zoning Administrator, appeared before the board and ask that they reappoint Jim Jepsen, Marty Rohde and Neil Miller to the Planning & Zoning Board.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to appoint Jim Jepsen, Marty Rohde and Neil Miller for a three year term to the Planning and Zoning Board beginning February, 2005 and ending February, 2008.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Miller arrived at 1:43 p.m.

Arnie Mellick, Road Foreman, informed the board that he received a letter from Thurston County Supervisors that they would like to have us pay their utilities of approximately \$1,900 per year in exchange for us storing our grader inside their shop in Emerson.

The County Board asked Arnie to see if a lesser amount was optional and to look at not storing the grader inside.

Brad Bare appeared before the board and talked about the feasibility of doing Phase II of the jail project with Phase I. He said that he felt it was feasible to do the two phases together and that Dakota County could work it in the budgetary guidelines of the County.

He presented the following letters and agreements to the board:

Chairperson and Board of Commissioners

Dakota County

P.O. Box 39

Dakota City, NE 68731

RE: Managing Underwriter Services

Ameritas Investment Corp. (AIC) hereby offers to represent the County of Dakota, in the State of Nebraska as its Co-Managing Senior Underwriter and Investment Banker for the financing of the proposed jail facility, which project is anticipated to be financed pursuant to an agreement between the County and the City of South Sioux City. It is understood that the other Co-Managing Senior Underwriter for this project will be Smith-Hayes Financial Services. An overview of the scope of services AIC will perform for the County is provided below. It is important to keep in mind that this outline is not an all-inclusive list of services that are performed by us, and although the services may give the appearance of sequential order, a number of the items described may occur simultaneously.

#### A. Financial Consulting Services

The Public Finance staff of AIC is always available to the Board, staff and any other consultants retained by the County. We provide the following general services:

1. When requested, attend and participate in meetings with the Board, staff and any authorized consultants.
2. Review and consult with the Board, staff and appropriate consultants the historic, current and projected revenues and expenses for the project.

#### B. The Development of a Financing Plan

AIC will, at the appropriate time, together with the Board, Co-Manager staff, bond counsel, local counsel, architects, engineers, accountants, and any other consultants retained by the County, develop a financing plan based upon available legal, engineering and other information. The financing plan will cover, but not necessarily be limited to, the following areas:

1. Consultation with the Board, staff, engineers, architects, accountants, bond counsel and local counsel in order to develop a comprehensive plan on which we can build the most successful financial program that may or may not require the issuance of general obligation bonds or other County obligations.

Dakota County, Nebraska

Page Two

#### C. Development of the Supporting Documents

Upon completion and acceptance by the Board of a recommended financing plan, AIC will commence the timely development of the supporting financial documents which would include the following:

1. Assist local counsel and bond counsel in development of the necessary financing documents including authorizing ordinances or resolutions and closing documents.
2. Provide the Board with recommendations with respect to applying for bond ratings and/or bond insurance from the rating agencies and insurers. The basis for such recommendation will encompass factors such as principal amount to be issued, principal maturities, the then current state of the national and local economies, municipal bond market conditions, regional and national, market timing and particularly, cost versus interest rates. If bond insurance or a rating is deemed in the best interests of the County, we will arrange for and assist in assembling all documents, ordinances and other

information and meet all criteria of the insurer, Moody's Investors Service, Inc., Standard & Poor's or Fitch Investors Service.

3. Provide the Board advice and our recommendation with respect to the selection of a paying agent and registrar for each issue of bonds or other obligations.

4. In connection with the sale of the proposed issue of debt obligations, and in conjunction with the staff, local bond counsel and consultants, assist in the preparation of the official statement or offering documents. We will prepare detailed outlines for each section of the official statement and with assistance from staff, ensure that all declarations made are carefully worded and presented so as to properly demonstrate the strength of the County. We want this document to function optimally as a sales document and completely fulfill the increasingly important role as a disclosure document that will protect all parties concerned. We will submit recommendations concerning the statistical material, legal opinions and other data to be included therein.

#### D. Marketing of the Securities

A constant awareness of investor appetites throughout the country enables us to tailor each financing so as to ensure the best possible investor reception and thereby minimize the cost of the financing to our clients. The market for your obligations will be developed simultaneously with the development of the County's offering documents so that the obligations can be sold at the most opportune time and in the best possible market environment.

A publicly offered, negotiated sale will be conducted between the County and Co-Senior Managers for the underwriting and purchase of the County's obligations. We will at such time obtain a definite market for your securities by agreeing to purchase said securities at such competitive rates of interest and at such purchase price as shall be mutually agreed upon by all parties at the time of the issuance of the securities.

Dakota County, Nebraska  
Page Three

#### E. Issuance of Bonds

1. We will arrange for the qualification of the bonds with DTC and provide the County with a complete transcript of proceedings.

2. We will ensure that a timely and efficient closing is effected and that the proceeds are available to the County.

#### F. Investment of Bond Proceeds

We will work with and assist the County in scheduling cash flows and draw schedules to coincide with the scheduling of vendor payments. Appropriate and comprehensive management of bond proceeds is imperative to maximize investment earnings.

#### G. Refunding Bonds

We will continue to monitor the County's bonds subsequent to their issuance. In the event that interest rates decline sufficient to enable the County to refund its bonds, we will provide the Board with:

1. Interest savings computations.

2. Proceedings to effect a refunding.

#### H. Underwriting Discount and Expenses

AIC will underwrite as principal and not as agent any obligations issued by the County and will submit an offer to purchase the County's obligations at a discount and at an average rate of interest to maturity which shall be mutually agreed upon by all parties, including the Co-Senior Manager, at the time of the issuance of the bonds and/or notes.

From such underwriting discount, Ameritas will pay the costs of selling and underwriting the obligations and/or out-of-pocket expenses incurred by us.

It is recommended that the County pay from bond proceeds or other funds of the County all other costs of issuance in connection with the issuance of its obligations. The reason for this recommendation is that the scope, complexity, disclosure and size of a particular project will vary and can affect or impact the cost per \$1,000, which is primarily legal fees and printing.

Typical issuance costs associated with a project include: 1) bond counsel (\$1 to \$1.50 per \$1,000); 2) CUSIP identification numbers \$150 to \$170); 3) official statement printing; 4) paying agent/registrar (none if Treasurer is paying agent, DTC book-entry only); 5) publication, local legal, architects and engineers retained by the County (County controls these expenses); and 6) bond ratings or bond insurance premiums, if any. In each instance where the County pays the cost of issuance, we will solicit

proposals for each cost as directed by the County and define the cost of issuance budget prior to each project.

Dakota County, Nebraska  
Page Four

I. Summary

The services listed in the foregoing and the subsequent financing of any project require numerous notices, proceedings, publications and actions by the Board and staff. We intend to provide these documents, in conjunction with bond counsel and local counsel, for your consideration, changes, approval and adoption.

In addition, the cooperation and assistance of the Board and staff will be required as follows:

1. Keep us notified of meetings, project developments, etc.
2. Provide copies of outstanding resolutions, documents, etc., as requested.
3. Provide current financial information and statistics to assist in studies and preparation of official statements.
4. Handle all legal notices with review by local counsel and bond counsel.

AIC will not limit our work to the steps outlined above, but will extend our services as necessary to ensure that each project is brought to a successful conclusion in a most professional and satisfactory manner.

J. Termination

This Agreement will terminate two (2) years from the date of execution hereof, except for work in progress, which AIC shall be entitled to complete. Sooner termination may occur for cause upon not less than sixty (60) days' notice by either party.

Respectfully submitted,

John Trecek  
Vice President

The foregoing is hereby accepted on behalf of the Board of Commissioners of Dakota County, Nebraska, this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST: \_\_\_\_\_  
Chairperson

\_\_\_\_\_  
County Clerk

200 Centre Terrace 1225 L Street P.O. Box 83000  
Lincoln, NE 68501-3000 (402) 476-3000  
FAX (402) 476-6909 Toll Free 1-800-279-7437  
Member NASD & SIPC  
Chairman and Board of Commissioners  
Dakota County  
PO Box 39  
Dakota City, NE 68731

Re: Managing Underwriter Services.  
SMITH HAYES Financial Services Corporation (SMITH HAYES) hereby offers to represent Dakota County, Nebraska as the Co-Senior Managing Underwriter for the financing of the proposed jail facility. The other Co-Senior Managing Underwriter for the financing will be Ameritas Investment Corporation (Ameritas).

It is understood that Ameritas will be the book-running Co-Senior Manager for the bond issue approved by the voters of Dakota County on August 10, 2004 and secured by sales taxes approved by the voters the same day.

SMITH HAYES agrees to the terms set forth in the Managing Underwriter's Contract proposed by Ameritas as approved by the Board of Commissioners, which is attached hereto as Exhibit A. As Co-Senior Managing Underwriter, we will continue to advise and assist Dakota County in all aspects of their financing needs, in cooperation with the rest of the financing team and other consultants.

Respectfully submitted,  
Bradley D. Bare



Investment Banker, Public Finance

The foregoing is hereby accepted on behalf of the Board of Commissioners of Dakota County, Nebraska, this 22nd day of February, 2005.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
County Clerk

Commissioner Bousquet moved, seconded by Commissioner Miller to approve and enter into agreements with Ameritas and Smith Hayes as follows:

Chairperson and Board of Commissioners

Dakota County

P.O. Box 39

Dakota City, NE 68731

RE: Managing Underwriter Services

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1. Consultation with the Board, staff, engineers, architects, accountants, bond counsel and local counsel in order to develop a comprehensive plan on which we can build the most successful financial program that may or may not require the issuance of general obligation bonds or other County obligations.

Dakota County, Nebraska  
Page Two

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2. Provide the Board with recommendations with respect to applying for bond ratings and/or bond insurance from the rating agencies and insurers. The basis for such recommendation will encompass factors such as principal amount to be issued, principal maturities, the then current state of the national and local economies, municipal bond market conditions, regional and national, market timing and particularly, cost versus interest rates. If bond insurance or a rating is deemed in the best interests of the County, we will arrange for and assist in assembling all documents, ordinances and other information and meet all criteria of the insurer, Moody's Investors Service, Inc., Standard & Poor's or Fitch Investors Service.
3. Provide the Board advice and our recommendation with respect to the selection of a paying agent and registrar for each issue of bonds or other obligations.

4. In connection with the sale of the proposed issue of debt obligations, and in conjunction with the staff, local bond counsel and consultants, assist in the preparation of the official statement or offering documents. We will prepare detailed outlines for each section of the official statement and with assistance from staff, ensure that all declarations made are carefully worded and presented so as to properly demonstrate the strength of the County. We want this document to function optimally as a sales document and completely fulfill the increasingly important role as a disclosure document that will protect all parties concerned. We will submit recommendations concerning the statistical material, legal opinions and other data to be included therein.

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Dakota County, Nebraska  
Page Three

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From such underwriting discount, Ameritas will pay the costs of selling and underwriting the obligations and/or out-of-pocket expenses incurred by us.

It is recommended that the County pay from bond proceeds or other funds of the County all other costs of issuance in connection with the issuance of its obligations. The reason for this recommendation is that the scope, complexity, disclosure and size of a particular project will vary and can affect or impact the cost per \$1,000, which is primarily legal fees and printing.

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Dakota County, Nebraska  
Page Four

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4. Handle all legal notices with review by local counsel and bond counsel.

AIC will not limit our work to the steps outlined above, but will extend our services as necessary to ensure that each project is brought to a successful conclusion in a most professional and satisfactory manner.

J. Termination

This Agreement will terminate two (2) years from the date of execution hereof, except for work in progress, which AIC shall be entitled to complete. Sooner termination may occur for cause upon not less than sixty (60) days' notice by either party.

Respectfully submitted,

John Trecek  
Vice President

The foregoing is hereby accepted on behalf of the Board of Commissioners of Dakota County, Nebraska, this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
County Clerk

200 Centre Terrace 1225 L Street P.O. Box 83000  
Lincoln, NE 68501-3000 (402) 476-3000  
FAX (402) 476-6909 Toll Free 1-800-279-7437  
Member NASD & SIPC  
Chairman and Board of Commissioners  
Dakota County  
PO Box 39  
Dakota City, NE 68731

Re: Managing Underwriter Services.

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It is understood that Ameritas will be the book-running Co-Senior Manager for the bond issue approved by the voters of Dakota County on August 10, 2004 and secured by sales taxes approved by the voters the same day.

SMITH HAYES agrees to the terms set forth in the Managing Underwriter's Contract proposed by Ameritas as approved by the Board of Commissioners, which is attached hereto as Exhibit A. As Co-Senior Managing Underwriter, we will continue to advise and assist Dakota County in all aspects of their financing needs, in cooperation with the rest of the financing team and other consultants.

Respectfully submitted,

Bradley D. Bare  
Investment Banker, Public Finance

The foregoing is hereby accepted on behalf of the Board of Commissioners of Dakota County, Nebraska, this 22nd day of February, 2005.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
County Clerk

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Jerry Johnson asked about putting up a sign "Sales Tax Dollars at work" on the courthouse yard.

Nanci Walsh, Assistant to the Board, presented three individual bids from Curry Floor and Acoustic Co., Cardinal Carpets and Magic Carpet.

It was discussed to only do the Clerk of District Courts Office and the Jury Room at this time. Cardinal Carpet was low bid by about \$700.00 over Magic Carpet. Magic Carpet bid it so the it would have fewer seams leaving less chance for tripping and better wear.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to accept the bid of Magic Carpet to replace the carpeting in the Clerk of the District Courts Office and Jury Room because it is felt that it is the lowest best bid.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Abstained, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

The Board reviewed the Official Reports filed by the County Clerk, Register of Deeds, Clerk of the District Court for January, 2005 and the Quarterly Interest Report filed by the County Sheriff for the last quarter of 2004.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to acknowledge receipt of and approve the Official Reports filed by the County Clerk, Register of Deeds, Clerk of the District Court for January, 2005 and the Quarterly Interest Report filed by the County Sheriff for the last quarter of 2004.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve payment of the Accounts Payable Claims submitted by County Clerk Ted Piepho for payment.

GENERAL FUND: Cellular One, phone- 27.10; Dakota County Star, publishing- 376.35; Holiday Inn, lodging- 367.84; Pam Miller, mileage- 202.50; Perkins, supplies- 41.54; Nanci Walsh, mileage/supplies- 233.03; Northeast NACO, district dues- 27.00; Capital One, 512MB ram- 89.03; Cellular One, phone- 27.10; Dakota County Star, liquor license publication- 86.01; Eloise Gormally, Prior Years Svc.- 103.86; MIPS, backup tapes- 109.62; Nebraska Association of County Officials, annual convention- 125.00; Netsys+, computer work- 37.50; Perkins, supplies- 61.27; Redfield, marriage license book- 93.59; Robert Giese, mileage- 73.00; Charlotte Doenhofer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Nebr. Association of County Treasurer, dues- 65.00; DAS Imservices, data service- 58.50; Staples, office supplies- 105.31; Automated systems, operating support- 600.00; Dakota County Star, semi annual report- 95.79; Microfilm Imaging Systems, lease equipment- 480.00; Northeast Nebraska Association of County Officials, dues- 10.00; Perkins, supplies- 4.00; MIPS, voter support- 52.90; Star Printing & Publishing, election registration cards- 289.00; Dakota County Star, publishing- 33.78; NACO P & Z, dues- 15.00; Nebraska P & Z, dues- 40.00; Carol Sue Dunham, mileage- 62.26; Executive Copy System, copier maintenance- 273.76; Bear Graphics, envelopes- 112.43; Northeast Nebr. Association of County Officials, workshop- 17.00; Edith Baumbach, summer workshop- 50.00; Colene Boyle, prior years services- 46.16; AJ Phillips Publishing Co., supplies- 200.00; DAS Material, supplies- 294.67; Iowa Office Supply, supplies- 15.29; Sams Club, supplies- 218.68; Thomson West, CD Rom service- 110.00; United Bank of Iowa, lease payment- 158.04; Cellular One, phone- 33.83; Lawsoft Inc., child support calculator- 85.00; LexisNexis, NE advance code service- 63.67; Sams Club, computer diskettes- 19.78; Scott Dugan, mileage- 303.75; Frank Gonzalez, interpreting- 360.00; Netsys+, computer work- 72.25; Perkins, supplies- 121.94; Sams Club, supplies- 135.78; United Bank of Iowa, lease- 90.40; West Group, court rules- 81.00; Dakota County Sheriff, papers/warrants- 1163.91; Clerk of District Court, district court costs- 385.00; Coffee King, coffee- 40.92; William Binkard, counsel- 1435.20; Nathan Tucker, counsel- 754.40; Donald O Lyons Sr., witness fee- 24.05; Robert A Finney, counsel- 477.00; Thomas Fitch, counsel- 594.00; Randy Hisey, counsel- 3432; Sandra K Inkster Ehrich, counsel- 180.00; Douglas Roehrich, counsel- 624.00; Patrick Tott, counsel- 462.00; Shelly Horak, counsel- 600.00; Richard Thramer, counsel- 1371.60; Robert Pierson, counsel- 1023.00; Robert Decker, bailiff fees- 25.00; Julia Bathke, witness fee- 48.35; William Binkard, counsel- 432.00; Eric Calderon, witness fee- 21.62; Dakota County Court, court costs- 1074.05; Hector DeArcos, witness fee- 23.24; Alexander Esteves, counsel- 348.87; Margarita Garcia, witness fee- 22.02; Frank Gonzalez, interpreter- 80.00; Harry Griffin, witness fee- 20.00; Shelly Horak, counsel- 603.00; Sandra Inkster Ehrich, counsel- 915.00; Barbara Kueny, counsel- 204.00; Juan Carlos Munoz, witness fee- 23.24; Douglas Roehrich, counsel- 294.00; Helen Schweers, witness fees- 20.00; John Schweers, witness fees- 42.68; Patrick Tott, counsel- 1662.00; Tucker Law Firm, counsel- 163.80; Benstar, restroom supplies- 518.52; Bomgaars, supplies- 72.10; Cellular One, phone- 27.10; Foulk Bros. Plumbing- jail plumbing repair- 6187.33; Gill Hauling, dumpster service- 110.00; Grainger, supplies- 215.42; Hardware Hank, supplies- 59.64; Rick Jensen, mileage- 164.70; Lowes, supplies- 635.70; Menards, supplies- 565.92; MidAmerican Energy, gas- 1567.31; NPPD, electric- 1415.61; Qwest, phone- 40.35; Roto Rooter, sewer snake- 320.00; Sams Club, supplies- 544.13; Service Master, cleaning- 825.00; Stateline Electric, wiring- 1277.89; United Rentals, elevator rental- 90.06; Trembly Pest Control, pest control- 50.00; Klemett Dean, prior years service- 84.00; Dakota County Extension, mileage/supplies/copier/misc- 1339.83; Advance Auto Parts, vehicle maintenance- 60.00; Cellular One, phone- 85.17; Circle R, vehicle maintenance- 475.60; City of South Sioux City, lec communications, fuel- 3022.29; ConocoPhillips, fuel- 149.57; JP Cooke, notary stamp- 26.60; Crystal Oil, repairs- 25.99; Dakota County Sheriff, association dues, envelopes, stamps- 547.29; Dakota County Treasurer, vehicle maintenance- 73.11; Dakota Food & Fuel, fuel- 28.50; Fremont Tire, tires- 706.08; Hubbard Mini Mart, fuel- 56.11; Norma Huerta, interpreter- 20.00; Jacks Uniforms, uniforms- 1188.50; MPH Industries, radar

repair- 258.84; Pacific City Graphics, inspection forms printed- 677.00; AJ Phillips, day books printed- 814.00; Racom, phone/equipment- 814.00; Robertson Implement, dog food- 18.95; Sioux City Ford, vehicle maintenance- 100.67; Siouxland Federal Credit Union, AOL/radio ear pieces- 44.83; Siouxland Humane Society, animal control- 135.00; Siouxland Napa, vehicle parts- 171.16; Star Printing & Publishing, business cards- 30.00; Torco, vehicle maintenance- 250.50; Tri State Communications- install light bar- 650.00; Walmart, vehicle repair- 32.80; AJ Phillips, stationery- 450.00; Department of Motor Vehicles, transcripts- 28.00; Document Depot, document destruction- 140.00; H2O4U, supplies- 15.75; Edward Matney, mileage/postage/lodging- 189.32; Mercy Medical Center, medical records- 75.76; M & M Court Reporting, depositions- 70.00; Nebraska Health & Human Services, copies- 22.25; Perkins, supplies- 8.84; Secretary of State, certified copy- 20.00; Sprint, phone- 100.00; St. Lukes Home Health, blood draws- 900.00; St. Lukes Regional M.C., medical records- 19.85; City of South Sioux City, LEC February- 22284.58; Record Printing, business cards- 53.30; American Bio Medical Corp, drug test kits- 185.43; BI Inc., house arrest- 9345.68; Bob Barker, inmate supplies- 114.88; Johnathan Beeler, inmate medical- 34.12; Blair West Pharmacy, inmate medical- 312.04; Bryan LGH Medical Center, inmate medical- 268.00; Michael Burwell DDS, inmate medical- 116.00; Butler County Clinic, inmate medical- 794.50; Butler County Detention Center, out of county boarding- 7590.00; Butler County Health Care Center, inmate medical- 537.60; CBM Food Service, food service- 16098.06; Sergio Castillo, interpreting- 20.00; Cedar County Sheriff, out of county boarding- 4410.00; Cellular One, phone- 187.50; ConocoPhillips, fuel- 252.18; Herbert Coulter DDS, inmate medical- 131.00; Dakota County Sheriff, reimburse petty cash- 7.56; Dakota County Treasurer, house arrest- 510.30; Dakota Food & Fuel, fuel- 275.78; David City Pharmacy, inmate medical- 1251.41; Dept. of Correctional Services, safekeeper/medical- 17304.08; Dialysis Center of Lincoln, inmate medical- 1535.10; Dixon County Sheriff, out of county boarding- 7300.00; Five Star Awards, plaque- 46.99; Fremont Tire, vehicle maintenance- 17.95; HyVee, food products- 5.56; HyVee Norfolk, inmate medical- 26.97; Jacks Uniforms, uniforms- 361.90; Keller Pharmacy, inmate medical- 180.80; Liebers Garage, vehicle maintenance- 294.30; Tom Luedtke DDS, inmate medical- 247.00; Madison County Sheriff, out of county boarding- 10200.00; Mercy Bus Health, inmate house calls- 2121.00; Mercy Medical Center, inmate medical- 955.95; Moeller Electronics, repair talk a phone- 80.00; Nebraska Emergency Medicine, inmate medical- 175.00; Netsys+, set up computer- 152.50; New Pig Corp, leak diverter- 57.28; David Noble DDS, inmate medical- 152.00; Norix Group, jail chairs- 331.10; Northeast NE Juvenile Services, juvenile holding- 567.75; JR Pantoja, interpreter- 20.00; Physicians Clinic, inmate medical- 249.00; Platte Co Detention, out of county boarding- 10225.00; Ponca Medical Clinic, inmate medical- 308.00; Quest, inmate medical- 32.05; Redlers Pharmacy, inmate meds- 1065.60; Sams Club, food products/supplies- 49.47; Siouxland Federal Credit Union, supplies- 65.91; Siouxland Lock & Key, remove cuffs- 133.00; Staples, supplies- 183.70; Steffen Drug Store, inmate medical- 329.61; Torco, vehicle maintenance- 80.95; Walmart, supplies- 169.56; Washington Co Sheriff, out of county boarding- 23210.00; Woodbury Co. Juvenile Detention, house juveniles- 31900.00; Cellular One, phone- 27.10; Dakota County Star, publish notice- 22.53; Hubbard Post Office, postage- 75.00; NE Nebr. Assoc. of County Officials, workshop registration- 17.00; Perkins, supplies- 17.40; Veterans Memorial Fund, american flags- 60.00; BoundTree Medical, supplies- 255.42; Pam DeVries, mileage- 33.00; Pam DeVries, mileage- 11.25; Dunes Family Medicine, phys- 250.00; Pat Glover, mileage- 100.82; Netsys+, wireless router & setup- 263.75; Perkins, supplies- 65.97; Cellular One, cell phone- 60.59; Alan Boyd, mileage- 161.60; Warren Johnson, prior years service- 11.54; Aflac, service fees- 45.00; AT&T, phone- 29.85; Cable One, internet- 263.35; C & H Towing, contract- 750.00; Dakota County State Bank, stop payment- 15.00; Lazette Gifford, website- 40.00; Pat Glover, insurance reimbursement- 601.39; MIPS, monthly support- 615.78; Hassler, rental- 150.00; Netsys+, work on internet- 187.50; Qwest, phone- 659.70; Qwest, phone- 65.89; Qwest, phone- 633.65; US Postal Service, postage- 2500.00; WCS Telecom, phone- 766.82.

ROAD FUND: A1 Auto Salvage, parts- 12.50; Advance Auto, parts/supplies- 175.65; Aramark, towel service- 146.73; Barco, signs- 411.40; Bierschbach Equipment, strobe light- 148.50; Cellular One, phone- 27.10; Center Industries, truck liner- 270.20; Dakota Co. Petty Cash, photo finishing/supplies/cdl testing- 75.51; Diesel Specialties, repairs/labor- 288.27; Fremont Tire, tires- 800.00; Gill Hauling, dumpster service- 45.00; Hawkeye Transmission, parts- 431.25; Higman Sand, road rock- 3924.29; Hubbard Mini-Mart, fuel- 3073.95; Hydraulic Sales & Service, orbit motor- 366.15; H2O4U, water- 28.75; Joes Dept Store, supplies- 260.98; Linweld, oxygen tank supplies- 242.35; Medical Enterprises, CDL testing- 29.90; Menards, supplies- 31.76; Kevin Myers, pup trailer- 12500.00; NPPD, service- 100.03; Nebraska Salt & Grain, ice control- 685.82; Northeast Nebraska Telephone, phone- 172.98; Pilger Sand & Gravel, gravel- 1739.35; PowerPlan, parts- 15.59; Presco, chains- 601.10; RC Customs, post puller materials- 33.50; Rees Mack, parts- 175.46; RMS, filters/parts/oil- 453.14; Sioux City Iron, supplies- 88.87; Siouxland Hydraulic, parts- 717.00; Siouxland Napa, supplies/tools- 925.16; Steffen Inc, truck conversion/dump truck- 14905.00; Stephen Welding, parts- 544.50; Tractor Supply, jack- 33.78; Warren Oil, fuel/oil- 1978.15; Ziegler, parts/labor/oil- 1791.80.

ROAD IMPROVEMENT FUND: Appraisers & Consultants, land appraisal- 455.00; Jeremy Bacon, reimbursement- 138.72; JEO, engineering- 264.00.

VISITORS PROMOTION: South Sioux City Chamber, lodging tax- 12725.54.

POOR RELIEF FUND: Nebr. Dept. of Social Services, admin fees- 19.00.

VETERANS SERVICE OFFICE: VSO, emergency relief- 400.00.

STOP FUND/COUNTY ATTORNEY: Netsys+, computer repair- 93.75.

JUVENILE ACCOUNTABILITY: BI, Inc., grant electronic monitoring- 33.00; Nicole Sims, cell reimburse- 23.00; Perkins, supplies- 6.99; Kurt Rager, conference- 1048.80.

COMMUNITY CORRECTIONS: BI, Inc., adult electronic monitoring- 519.45; American Bio Medical, drug testing- 170.77

LEC GRANT FUND: City of South Sioux City, grant- 136123.64.

INHERITANCE TAX: General Fund, transfer- 100,000.00; HMN Architects, architect- 9521.62.

WEED FUND: Hubbard Mini Mart, fuel- 240.32; Nebraska Dept. of Agriculture, pesticide license- 90.00; NE Nebr. Assoc. of Co. Officials, spring workshop- 17.00; Sign Masters, vehicle sign- 45.00.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 3:00 p.m.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:  
\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

\* \* \* \*

COUNTY BOARD OF COMMISSIONERS  
February 28, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:34 p.m. with Pledge of Allegiance.

PRESENT: Commissioners Engel, O'Neill, Hartnett, Bousquet, and Ted Piepho, Secretary.

ABSENT: Commissioner O'Neill and Commissioner Miller arrived at 1:38 p.m.

Adam Turner, a planner with SIMPCO, appeared before the board and asked them if the County would be the lead agency for a Grant Application for the Siouxland Ethanol Plant to apply for a CDBG grant for the construction of the plant. The other grants are related to USDA and SIMPCO can not write private grants for private, therefore, they are asking the County to be a facilitator for these grants. They are wanting to apply for a grant for funding.

Since the County is a member of SIMPCO they will write the grant as a result of us being a member.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the following Staff Services Agreement with SIMPCO.

DAKOTA COUNTY ECONOMIC DEVELOPMENT  
STAFF SERVICES  
February 28, 2005

Siouxland Ethanol LEL.C. will be seeking grants to fund a portion of their development, construction, startup, or other expenses associated with the creation of an ethanol manufacturing operation anticipated to be opened in Dakota County, NE.

Dakota County has requested SIMPCO staff services to prepare and submit grant applications for USDA's Value Added Agriculture and Renewable Energy Grant Programs for Siouxland Ethanol L.L.C.

TOTAL COSTS	\$2,500
Small Communities Partnership Program 45%	-1,125
Remaining Cost (due from Dakota County)	\$1,375

It is agreed that Dakota County will pay SIMPCO \$ 700 on or before March 30, 2005 and \$675 on or before April 30, 2005 (plus mileage at \$0.405/mile).

Agreed to:  
William I. McLarty, Chair  
SIMPCO Board of Directors

Date: Date:  
William Engel, Chair  
Dakota County Board of Commissioners  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Dianne Lutt, DCIT Coordinator, and working with the Crime Commissioner appeared before the board to discuss the letter that she had written to the board as follows:  
February 17, 2005

Dear Dakota County Commissioners:

During the past months Judge Rager, County Attorney Office, Probation, Diversion, School, Chief of Police, Non Profit Agency, City of South Sioux and others have been working with Anne Hobbs, Nebraska Disproportionate Minority Contact Coordinator.  
As coordinator for the DCIT Safety Committee I was asked to send out this letter.

In order for Dakota County to submit a grant for Title V funding a Disproportionate Minority Contact /DMC Team will need to be established. We will need monthly commitments from the following individuals: judges, law enforcement, non profit agencies, community center, juvenile probation, prosecutors, public defenders, private for profit agencies, County Commissioners and others. Dakota

County is one of the three counties in Nebraska eligible for Title 5 funding. The grant will come out February \_\_\_ and is due April \_\_\_\_\_. Is Dakota County interested in applying for the funds? If Dakota County Commissioners decide to not submit for the Title V funding, the City of South Sioux will apply for the Title V funds. Pat Somsky is considering writing the grant application depending on her schedule.

The grant application would consider funding for Teen Court, County Diversion and Truancy Court in the School.

Please let us know

\* Dakota County Commissioners to serve on the Disproportionate Minority Contact Committee

\* Dakota County will be the grant applicant.

If yes, who could write the grant if Pat Somsky is not available.

Sincerely,  
Dianne Lutt  
Coordinator  
Dakota County Interagency Team

County DMC Efforts  
Team Expectations

Does your team have representation from? (Please indicate the number of people from each sector)

\_\_\_judges \_\_\_ law enforcement \_\_\_ non-profit agencies \_\_\_ community centers \_\_\_ Juvenile probation  
\_\_\_ prosecutors; \_\_\_public defenders; \_\_\_ private for profit agencies  
other:

What is the racial and/or ethnic composition of your team?

\_\_\_Caucasian \_\_\_ African American \_\_\_ American Indian \_\_\_ Native Hawaiian \_\_\_ Hispanic other:  
\_\_\_\_\_

Does your team have a representative or member who also sits on the Statewide DMC team?

Yes No

If yes who: \_\_\_\_\_ (Name)  
\_\_\_\_\_ (Name)  
\_\_\_\_\_ (Name)

County DMC Char: \_\_\_\_\_  
County co-Chair: \_\_\_\_\_

Please provide documentation (attendance and minutes) from each meeting. The DMC Subcommittee would like to see that each of the topics listed below is addressed:

Meeting One - What is DMC?  
(1 hour)

Meeting Two - Data from your County - Trouble Spots  
(1 hour)

Meeting Three - Creative Alternatives / Tide V Interactive Website  
(2 hours)

Meeting Four - Solutions Available in Your County  
(2 hours)

Meeting Five - Initiatives for Your County  
(2 hours)

Meeting Six - Evaluating Effectiveness  
(2 hours)

Meeting Seven - Making Changes to Ensure Effectiveness  
(2 hours)

Other Meetings -- Ongoing training opportunities (Poverty's role in DMC; Other Nebraska Initiatives, etc.)

Ms. Lutt said that South Sioux City will pay the cost for teen court.

Diane said that they have contacted Judge Rager and asked him to attend the meeting, but haven't heard back.

Pat Somski is considering writing the Grant Application, but has not committed to it.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Title V Grant Application and authorize DCIT to organize the County DMC Committee.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Absent, UNANIMOUS MOTION CARRIED.

Scott Dugan, Public Defender, appeared before the board to confirm his letter of resignation effective March 31, 2005.

Commissioner Miller moved, seconded by Commissioner Bousquet to accept the resignation of Scott Dugan, Public Defender effective March 31, 2005.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Jerry Johnson, Construction Manager for our Jail Project, and Steve Davis, Architect for our Jail Project, appeared before the board and discussed Phase II of the Jail Project.

Commissioner Bousquet moved, seconded by Commissioner Miller to authorize the purchase of a sign and installation of same from Ace Signs that reads "Your Sales Tax Dollars At Work" and that it be placed in front of where the New Jail will be constructed.

ROLL CALL VOTE: O'Neill- Absent, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to make a \$150,000 temporary loan from the Major Road and Bridge Fund to the General Fund for cash flow purposes and to repay the Major Road and Bridge Fund after the 2004 first half of taxes become delinquent as follows:

RESOLUTION 05C-007

WHEREAS, the Dakota County General Fund may be short of funds with the payment of the February, 2005 claims and payroll; and

WHEREAS, An emergency exists; and,

WHEREAS, there are unexpended funds available in the Major Road Improvement Fund (0802); and

WHEREAS, funds will be available in the General Fund when the first half 2004 taxes are paid in April and May, 2005.

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the loan of \$150,000 to the General Fund from the Major Road Improvement Fund to be repaid when the 2004 taxes are collected.

Passed and adopted this 28th day of February, 2005.

ATTEST:

\_\_\_\_\_  
William F. Engel, Chairman  
Dakota County Board of Commissioners

\_\_\_\_\_  
County Clerk

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the minutes of February 22, 2005 as written.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to discontinue the practice of accruing Comp Time in lieu of paying overtime for overtime hours worked effective April 1, 2005 and that it be posted on the Bulletin Board at the County Road Shop.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to adopt Resolution 05C-008 moving \$3,500 from the Miscellaneous General Budget to the County Election Commissioner Budget for Fiscal year FY2004-2005 as follows:

RESOLUTION 05C-008

WHEREAS, the office of County Election Commissioner will exceed his budget with the payment of the submitted February, 2005 payment of accounts payable and payroll claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the office of Miscellaneous 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 Budget of the General Fund to be utilized for the payment of the over expended budget of the Election Commissioner and that said budget be increased by \$3,500.00 to \$44,506.78 for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, that the Miscellaneous Budget be reduced by \$3,500 to \$231,584.17 for fiscal year 2004-2005.

Passed and adopted this 28th day of February, 2005.

\_\_\_\_\_  
\s\Bill Engel, Chairman

ATTEST: Dakota County Board of Commissioners

\_\_\_\_\_  
\s\Theodore A. Piepho  
County Clerk



ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Payroll Claims paid: COUNTY GENERAL FUND: Gross salaries- \$80,118.32, General Fund Employees Net Pay- \$55,798.03, Employer deductions paid: Retirement- 5,308.07, Social Security Tax- 4,813.83, Medicare- 1,125.81, DC Health Plan- 15,358.77, Delta Dental- 595.35, Jefferson Pilot Life- 141.75.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 905.63, Theodore Piepho- 1450.04, Lora Skow- 860.00, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.81, Lyn Beltz- 80.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 769.60, Carol Dunham- 1055.94, Scott M Dugan- 1813.63, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 769.60, Richard Jensen- 1233.74, Duane Kotalik- 360.00, Tammy Dunn-Peterson- 679.25, Sandy Beers- 1000.08, Jeremy Bermel- 1846.25, Anthony Bos- 1486.24, Brian Ellinger- 1683.97, Penny Epting- 1310.76, Todd Hammer- 1429.79, Melvin Harrison III- 1962.42, Rodney Herron- 1564.33, Kimberly Johnson- 327.70, Jared Junge- 1638.01, Michael Kreegar- 1887.30, Gayle Richards- 744.80, Kevin Rohde- 1283.49, James Wagner- 1813.63, Randall Walsh- 2122.55, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, John Loos, Jr.- 2685.96, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Amanda Jones- 402.00, Rebecca Broer- 1531.24, Richard Criss- 1235.20, Eric Davis- 1049.87, Ronald Fink Jr.- 1132.74, John Gilles- 1167.19, Michael Gregerson Jr.- 1184.31, Alma Gunderson- 1317.78, Paula Harrigfeld- 524.54, Cathy Harsma- 1184.00, Joseph Ramirez- 1335.92, Krystal Ramirez- 1079.22, Linda Schovanec- 1106.47, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 938.29, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,563.89, State- 2,710.44, Social Security Tax- 4,813.83, Medicare- 1,125.81, Retirement- 3,601.04, DC Health Plan- 1,167.86, Delta Dental- 362.37, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 712.78, Garnishments- 1,155.29, Aflac Health- 490.22, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,109.78, Road Employees Net Pay- \$9,918.07, Employer deductions paid: Retirement- 952.43, DC Health Plan- 3,169.27, Delta Dental- 122.85, Jefferson Pilot Life- 29.25, Social Security Tax- 843.85, Medicare- 197.35.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1200.61, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,176.76, State- 430.98, Social Security- 843.85, Medicare- 197.35, Retirement- 634.93, DC Health Plan- 300.69, Delta Dental- 78.28, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 1,617.08, Cops Fast Employee Net Pay- 1,091.09, Employer deductions paid: Retirement- 125.32, Unicare Health- 243.79, Delta Dental- 9.45, Jefferson Pilot Life- 2.25, Social Security- 100.26, Medicare- 23.45, Brent Gilster- 1617.08.

COPS FAST GRANT: Employee withholding paid to: Federal- 231.84, State- 76.50, Social Security- 100.26, Medicare- 23.45, Retirement- 88.94, Sheriff Union Dues- 5.00.

Chair Engel adjourned their meeting at 3:15 p.m.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:  
\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

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COUNTY BOARD OF COMMISSIONERS  
March 14, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:35 p.m. with Pledge of Allegiance.  
PRESENT: Commissioners Engel, Miller, O'Neill, Hartnett, Bousquet, and Ted Piepho, Secretary.  
ABSENT: All present

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into Closed Executive Session to discuss personnel.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 1:37 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to reconvene in open session.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 1:47 p.m.

Steve Davis, HMN Architects, and Jerry Johnson, Construction Manager for the Jail Project, reviewed the scope of the jail project with the board. Their presentation will also be presented at the Joint City-County meeting being held tonight.

Pat Foust, Emergency Management Director, appeared before the board and requested them to pass a resolution supporting the local Homeland Security Assessment and state and federal funding applications to address deficiencies in accordance with state prioritization and in keeping with the Nebraska Homeland Security Strategy. He said that this was requested so that the board does not have to act on each application.

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt policy supporting the local Homeland Security Assessment and state and federal funding applications to address deficiencies in accordance with state prioritization and in keeping with the Nebraska Homeland Security Strategy.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The Board considered a change order for BRO-7022(11) which would relocate the intersection at Wigle Creek Road and Omaha Avenue south 90 feet.

The board was of the opinion that JEO should stand the cost of the dirt work because it was their mistake that the bridge was too high on the south end.

The change order amounted to \$11,443.82.

Mr. Mellick, Road Foreman, said that JEO didn't feel that they should stand all the expense of the dirt work unless the intersection stayed at it's present location and then they would stand those expenses. He added that they are of the opinion that the intersection and location of the roads met minimum specifications and design.

No action was taken except that Commissioners Miller and Bousquet are meeting LeRoy from the State Department of Roads at the Bridge site March 18, 2005, and it should be placed on the next agenda of the County Board.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene as Board of Equalization to consider a request by Siouxland Moose Lodge #2411 to waive the deadline for Tax Exempt Applications to be filed, which would allow the Assessor to consider their application.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED 2:17 p.m.

Commissioner Engel moved, seconded by Commissioner Hartnett to waive the late filing by Siouxland Moose Lodge #2411 for Tax Exempt Applications in order that the Assessor may consider the application.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Madelyn Thorsland, Assessor, provided the board with a list of the Applications for Tax Exemption that were approved last year and said that they do not have to be approved this year, except the County Board can review the list and request any one organization to provide evidence that they should continue to be tax exempt at a public hearing giving them ten days notice.

77-202.01 Property taxable; tax exemptions; application; waiver of deadline; penalty; lien.

(1) Any organization or society seeking a tax exemption provided in subdivisions (1)(c) and (d) of section 77-202 for any real or tangible personal property, except real property used for cemetery purposes, shall apply for exemption to the county assessor on or before December 31 of the year preceding the year for which the exemption is sought on forms prescribed by the Property Tax Administrator. The county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization on or before February 1 following. Notice that a list of the applications from organizations seeking tax exemption, descriptions of the property, and recommendations of the county assessor are available in the county assessor's office shall be published in a newspaper of general circulation in the county at least ten days prior to consideration of any application by the county board of equalization. (2) Any organization or society which fails to file an exemption application on or before December 31 may apply on or before June 30 to the county assessor. The organization or society shall also file in writing a request with the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that good cause exists for the failure to make application on or before December 31. When the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization and shall assess a penalty against the property of ten percent of the tax that would have been assessed had the waiver been denied or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the exemption application missed the December 31 deadline. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to section 77-203.

\* \* \*

77-202.02 Property taxable; exempt status; application; hearing; procedure.

The county board of equalization, between February 1 and June 1 after a hearing on ten days' notice to the applicant and the publication of notice as provided in section 77-202.01, and after

considering the recommendation of the county assessor and any other information it may obtain from public testimony, shall grant or withhold tax exemption for the real property or tangible personal property on the basis of law and of regulations promulgated by the Property Tax Administrator. The board shall certify its decision to the applicant and the county assessor within ten days thereafter. For applications accepted after approval of a waiver pursuant to section 77-202.01, the county board of equalization shall hear and certify its decision on or before August 15.

\* \* \*

77-202.03 Property taxable; exempt status; period of exemption; change of status; late filing authorized; when; penalty; lien; new applications; reviewed; hearing; procedure; list.

(1) A properly granted exemption of real or tangible personal property, except real property used for cemetery purposes, provided for in subdivisions (1)(c) and (d) of section 77-202 shall continue for a period of four years if the statement of reaffirmation of exemption required by subsection (2) of this section is filed when due. The four-year period shall begin with years evenly divisible by four. (2) In each intervening year occurring between application years, the organization or society which filed the granted exemption application for the real or tangible personal property, except real property used for cemetery purposes, shall file a statement of reaffirmation of exemption with the county assessor on or before December 31 of the year preceding the year for which the exemption is sought, on forms prescribed by the Property Tax Administrator, certifying that the ownership and use of the exempted property has not changed during the year. Any organization or society which misses the December 31 deadline for filing the statement of reaffirmation of exemption may file the statement of reaffirmation of exemption by June 30. Such filing shall maintain the tax-exempt status of the property without further action by the county and regardless of any previous action by the county board of equalization to deny the exemption due to late filing of the statement of reaffirmation of exemption. Upon any such late filing, the county assessor shall assess a penalty against the property of ten percent of the tax that would have been assessed had the statement of reaffirmation of exemption not been filed or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the statement of reaffirmation of exemption is late. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to section 77-203. (3)(a) If any organization or society seeks a tax exemption for any real or tangible personal property acquired on or after January 1 of any year or converted to exempt use on or after January 1 of any year, the organization or society shall make application for exemption on or before August 1 of that year as provided in subsection (1) of section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.05, except that the exempt use shall be determined as of the date of application and the review by the county board of equalization shall be completed by August 15. (b) If an organization as described in subdivision (1)(c) or (d) of section 77-202 purchases, between August 1 and the levy date, property that has been granted tax exemption and the property continues to be qualified for a property tax exemption, the purchaser shall on or before December 1 make application for exemption as provided in section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.05, and the review by the county board of equalization shall be completed by December 15. (4) In any year, the county assessor or the county board of equalization may cause a review of any exemption to determine whether the exemption is proper. Such a review may be taken even if the ownership or use of the property has not changed from the date of the allowance of the exemption. If it is determined that a change in an exemption is warranted, the procedure for hearing set out in section 77-202.02 shall be followed, except that the published notice shall state that the list provided in the county assessor's office only includes those properties being reviewed. If an exemption is denied, the county board of equalization shall place the property on the tax rolls retroactive to January 1 of that year if on the date of the decision of the county board of equalization the property no longer qualifies for an exemption. The county board of equalization shall give notice of the assessed value of the real property in the same manner as outlined in section 77-1507, and the procedures for filing a protest shall be the same as those in section 77-1502. When personal property which was exempt becomes taxable because of lost exemption status, the owner or his or her agent has thirty days after the date of denial to file a personal property return with the county assessor. Upon the expiration of the thirty days for filing a personal property return pursuant to this subsection, the county assessor shall proceed to list and value the personal property and apply the penalty pursuant to section 77-1233.04. (5) During the month of September of each year, the county board of equalization shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation for that year pursuant to subdivisions (1)(c) and (d) of section 77-202. Such list shall be grouped into categories as provided by the Property Tax Administrator. A copy of the list and proof of publication shall be forwarded to the Property Tax Administrator.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 2:26 p.m.

The board considered the claim submitted by the County Attorney for John Loos for two weeks severance pay.

Mr. Bousquet said that if he worked we ought to pay him and if he didn't work we shouldn't.

Commissioner Miller thought that he could work two more weeks.

Commissioner O'Neill moved, seconded by Commissioner Engel to authorize the claim of John Loos as Mr. Matney submitted.

ROLL CALL VOTE: Miller- No, Bousquet- No, O'Neill- Yea, Hartnett- No, Engel- Yea, MOTION DENIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to authorize the payroll claims as follows:

COUNTY GENERAL FUND: Gross salaries- \$74,482.65, General Fund Employees Net Pay- \$51,970.67, Employer deductions paid: Retirement- 4,902.15, Social Security Tax- 4,464.40, Medicare- 1,044.09, DC Health Plan- 15,359.40, Delta Dental- 595.35, Jefferson Pilot Life- 141.75. Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Lora Skow- 860.00, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 829.92, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 769.60, Carol Dunham- 1055.94, Scott M Dugan- 1813.63, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 769.60, Andrew Jensen- 28.00, Richard Jensen- 1233.74, Duane Kotalik- 427.50, Tammy Dunn-Peterson- 731.50, Sandy Beers- 1000.08, Jeremy Bermel- 1688.75, Anthony Bos- 1479.80, Brian Ellinger- 1515.53, Penny Epting- 1079.06, Todd Hammer- 1411.85, Melvin Harrison III- 1640.80, Rodney Herron- 1564.33, Kimberly Johnson- 553.70, Jared Junge- 1454.26, Michael Kreegar- 1248.78, Gayle Richards- 744.80, Kevin Rohde- 1273.35, James Wagner- 1813.63, Randall Walsh- 1438.48, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 816.07, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Amanda Jones- 642.00, Rebecca Broer- 1622.73, Richard Criss- 1168.00, Eric Davis- 1107.55, Ronald Fink Jr.- 1041.65, John Gilles- 1004.00, Michael Gregerson Jr.- 1197.37, Alma Gunderson- 1124.65, Paula Harrigfeld- 377.64, Cathy Harsma- 1024.00, Joseph Ramirez- 1153.52, Krystal Ramirez- 824.40, Linda Schovanec- 1127.77, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 967.40, Alan Boyd- 910.00. GENERAL FUND: Employee withholding paid to: Federal- 6,782.00, State- 2,392.81, Social Security Tax- 4,464.40, Medicare- 1,044.09, Retirement- 3,323.18, DC Health Plan- 1,167.89, Delta Dental- 362.57, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 712.78, Garnishments- 1,155.29, Aflac Health- 490.22, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00. COUNTY ROAD PAYROLL: Gross salaries- \$14,014.77, Road Employees Net Pay- \$9,854.38, Employer deductions paid: Retirement- 946.02, DC Health Plan- 3,169.40, Delta Dental- 122.85, Jefferson Pilot Life- 29.25, Social Security Tax- 837.95, Medicare- 195.97. Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoising- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60. ROAD FUND: Employee withholding paid to: Federal- 1,163.15, State- 424.78, Social Security- 837.95, Medicare- 195.97, Retirement- 630.65, DC Health Plan- 300.70, Delta Dental- 78.32, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08. COPS FAST GRANT: Gross salaries- 1,721.15, Cops Fast Employee Net Pay- 1,150.02, Employer deductions paid: Retirement- 133.39, Unicare Health- 243.80, Delta Dental- 9.45, Jefferson Pilot Life- 2.25, Social Security- 106.71, Medicare- 24.96, Brent Gilster- 1721.15. COPS FAST GRANT: Employee withholding paid to: Federal- 256.43, State- 83.37, Social Security- 106.71, Medicare- 24.96, Retirement- 94.66, Sheriff Union Dues- 5.00.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Public Comment: No public Comments.

Committee Reports: Commissioner Hartnett said that the Regional Center had 186 residents and that 111 were from the Omaha Area so the state is going to turn Norfolk into a Meth center.

Chair Engel recessed their meeting at 2:55 p.m. and to reconvene at the Marina Inn at 6:00 p.m.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:

\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

Chair Engel reconvened their meeting at the Marina Inn, South Sioux City, Nebraska located at 4th and B Streets, to order at 6:10 p.m.

PRESENT: Commissioners Engel, Miller, O'Neill, Hartnett, Bousquet, and Nanci Walsh, Acting Secretary.  
ABSENT: All present

The following agenda was followed:  
Commissioner Bousquet departed the meeting approximately 6:45 p.m. after the agenda item "Dakota County Jail"

Twenty Eighth Annual Joint Meeting of the South Sioux City Council Dakota City Council Dakota County Commissioners South Sioux City Board of Education March 14, 2005

Marina Inn - Carlisle Room Dinner and Program - 6:00 p.m.  
Pledge of Allegiance Madison Spahn  
Welcome and Introductions Bd of Ed President Sheila Jensen  
Acknowledgement of Boards,  
Roll Calls as Necessary  
Volunteer of the Year Award Dorothy Keyser

Serving of Meal

Addresses (The following three minute addresses will be made during the meal.)

State of Dakota County Address Chairperson Bill Engel  
State of Dakota City Address President Chuck Carson  
State of South Sioux City Address President Al Bengtson  
State of the Sch Dist Address President Sheila Jensen  
Comments by Representatives of other Public Bodies

Updates (The following five minute updates will be made immediately after the meal.)

Dakota County Jail Rick Bouquet  
Commissioner departed the meeting  
Pigeon/Jones Creek Watershed Site 15 Ralph Puls  
Jason Farnsworth  
Dakota City/So. Sioux City Recreational Trail Bob Peters  
YMCA Project Mark Proeschel  
Northeast Community College/Wayne State College Campus Dr. Bill Path  
Highway 35 Expressway Representative from Congressman  
Fortenberry's Office  
Dakota County Ethanol Plant/Economic Development Pam Miller

Discussion Items (A three minute introduction of each issue will be followed by comment and discussion by elected officials and staff.)

Bryan School/Old City Library Exchange  
Community Attitude Survey  
Adjournment

Commissioner Engel moved, seconded by Commissioner Miller to adjourn.

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea,  
UNANIMOUS MOTION CARRIED 8:00 p.m.

DAKOTA COUNTY, NEBRASKA

ATTEST: BY: \s\ \_\_\_\_\_  
William F. Engel, Board Chair

\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

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COUNTY BOARD OF COMMISSIONERS  
March 21, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 10:07 a.m. with Pledge of Allegiance.  
PRESENT: Commissioners Engel, O'Neill, Hartnett, and Ted Piepho, Secretary.  
ABSENT: Commissioners Miller and Bousquet.

The Board reviewed the claims submitted for payment by County Clerk, Ted Piepho.

Chair Engel recessed their meeting at 11:43 a.m.

Chair Engel reconvened their meeting at 1:30 p.m.

Arnie Mellick, County Road Foreman, opened the bids submitted by three vendors to furnish gravel for the county.  
Gravel bids were received from S&S Willer, Inc., Erlandson Transportation, Inc. and Higman Sand and Gravel.

Arnie Mellick opened the gravel bids and they were as follows:

1) S & S Willers, Inc. dba Pilger Sand and Gravel, which bid Schedule IV at \$4.45 FOB Pit and \$10.57 delivered, 2) Erlandson Sand and Gravel, who bid Schedule I at \$4.50 FOB Pit and Higman Sand & Gravel who bid Schedule I at \$5.30 FOB Pit and \$10.76 delivered, Schedule II at \$6.00 FOB Pit and 11.46 delivered, Schedule III at \$8.25 FOB Pit and 13.71 delivered, Schedule IV at \$4.70 FOB Pit and 10.76 delivered

Commissioner Bousquet arrived at 1:35 p.m.

Commissioner Miller moved, seconded by Commissioner Bousquet to accept the bids from S&S Willer, Inc., Erlandson Transportation, Inc. and Higman Sand and Gravel as follows: 1) S & S Willers, Inc. dba Pilger Sand and Gravel, which bid Schedule IV at \$4.45 FOB Pit and \$10.57 delivered, 2) Erlandson Sand and Gravel, who bid Schedule I at \$4.50 FOB Pit and Higman Sand & Gravel who bid Schedule I at \$5.30 FOB Pit and \$10.76 delivered, Schedule II at \$6.00 FOB Pit and 11.46 delivered, Schedule III at \$8.25 FOB Pit and 13.71 delivered, Schedule IV at \$4.70 FOB Pit and \$10.76 delivered.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller to convene into Closed Executive Session to discuss personnel.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 1:40 p.m.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to reconvene in open session.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 2:15 p.m.

Chair Engel opened the Public Hearing whether there should be weight limits on E Avenue from Highway 35 to 164th Street because of heavy Truck Traffic at 2:15 p.m.

County Clerk, Ted Piepho, advised the public that testimony would be taken in the following order. First the proponents, then opponents and then neutral comments. Once something is stated it is written into the record and prefer that it is not restated. Individuals are welcome to refer to someone's testimony and state that they agree or disagree.

Jim Graham a proponent of the proposed was the first to address the board. Mr. Graham stated that he lived at 1682 E Avenue and in the last two years the road has been flattened to at least three lanes wide. The ditches are basically nonexistent. If we would have had a snow storm there would have been no place to put the snow. Because of the flatness of the road, whenever we have a rain it is a mud hole. In the One and Six Year Road Plan Hearing you decided to redo that road this year. After you do that, I think you have three choices.

- 1.) After you build it up you can hard surface it.
- 2.) You can do nothing and about every third year you can rebuild it cause with the number of semis traveling the road will be right back where it was.
- 3.) You can put weight limits on it and you won't have to do so much maintenance on it.

He added that Gerry and Lee Tramp were here and wanted to speak and Mike and Robin Bird live on that road and they could not come because they both work and they sent a letter. They have lived out there since 1980 and thought after you paved 164th street that trucks were suppose to go that way and they haven't been. Their complaint would be dust and so forth. Tramps are here and they will probably testify on their own. Glovers also live out there and they are here so I'll let them speak.

Gerry Tramp said that they have lived out there since 1973 and since they have lived out there every year, it's gotten extremely worse. In the harvest it isn't unusual to have a truck from either way each minute and the dust is over whelming. It makes it hard for us to be out in the lawn, it makes it hard for us to mow our lawns. It is hard on our mowers and physically it is not good for us to breathe that dust either. When you are driving along it is really hard to see. The corn fields hold the dust. It is difficult to have good vision there and it is hard to see what is coming at you cause of the dust.

Darwin Glover said that they have lived out there since 1970 and owned the property since 1968. He also owns some property down by the highway and he said he basically would say what Lee Tramp and Jim Graham has said. You have to run air conditioners because of the dust from the roads. You can't oil the roads because it's prohibited by law. The dust from the road is a problem. Wash boarding in the roads is a problem and I am of the impression that something needs to be done. I was also of the opinion that when the road to the north was paved (164th Street) that was where the truck traffic was going to be directed. I think this needs to be addressed.

Lee Tramp living at 1703 E Avenue said that he understood that the last time that road was raised up was in the 60's and hasn't had anything done to it over 40 years. He added that there were six rail road tracks that have never been picked up. I think this a safety feature that should be mentioned and that is there is not a turn lane on 35 for people turning off 35 on E Avenue to go North.

Chair Engel asked Mr. Mellick about the road. Mr. Mellick said that it is on the One and Six and will be built up this summer. He said that it would be a 28' road when complete.

With no others wishing to support the weight limits, chair Engel asked if there was anyone in the audience that opposes weight limits on this road.

Fred Denker came forward and asked the board to give considerable thought before they put weight restrictions on E Avenue because you would force all trucks to go up 77 to 164th Street from 35. The turning lane on 77 is long enough for one truck. That second grain truck would be in the north bound traffic lane waiting to turn. What is going to happen if some family smoke the grain trailer in the back end? You are going to have a major problem and you are going to cause major traffic congestion putting all that truck traffic on 77 with a short turning lane. Mr. Denker lives on Perry Avenue and said he has dust and can't open his window. If you are going to do this one, what is going to the criteria for the next road. Is Andy Lux going to come next week and want M Avenue? Where do you stop with this stuff? Do we limit traffic on all the roads in the county because someone can't put up with a little traffic in front of their house? I feel for these people because I put up with it, I know the nuisance that it causes; but I think the Commissioners have better things to do with their time rather than cause traffic hazards and try and get someone killed out there. That's basically what's going to happen.

Andy Lux appeared before the board and said they use this road, but then they use all the roads. Everyone understands there is dust on a county road. A truck every minute...I don't know if there are 60 trucks an hour and a ten hour day that is 600 trucks.....I suppose they could give us an accurate number of trucks, but I don't think its a point of this particular road. I live on a road and I don't think it had been used by trucks at all today and used by the people that live out there. The road I live on I know has been used 74 times and I know the weight of each vehicle that was. It's irrelevant really. They are all county roads. They all stated that they have lived there quite some time and fortunately I've lived on this road 50 years that I live on and they maintain them all the time for us. That's why we had a facility and people that maintain county roads. I don't want to get in an argument with these people living on that road. I understand that there is traffic there and dust and there is on all the county roads and like Fred said if you close that road there are probably some more roads we need to look at, but then again I don't believe they would be agreeable to that if we close this road no one used it, they don't get it maintained, they have lived there for quite some time. This is a county road and it's maintained just like the rest. I was just here a couple of years ago and this is a waste of my time. I know this is what you have been elected to do, but its just another county road.

Commissioner Miller asked if the speed limit signs have helped.

Lee Tramp said that with tall corn on both sides of the road the dust just lingers there and you can't see.

Pat Dorcey asked if there has been a count on the road to see what the count is?

Arnie Mellick said the state may have done one a couple of years ago.

Commissioner Bousquet asked if there was any funding to pave that road.

Mr. Mellick said that would have to be done the same as the Hubbard Jackson Road and didn't think that the county could afford that.

Commissioner Hartnett thanked everyone for coming. Being married to a farmer and having farmed all my life I know what dust is about too and it is bad when it is really really dusty; however, in the county we are talking about economic development and our biggest money maker in the county is from our farmers so we have to take care of our farmer and granted we do not want any accidents on the roads, but if we start curtailing one road there are 50 roads that are going to have to be marked, so thank you for coming.

Commissioner Bousquet said that there is another solution. The traffic on this road at harvest is heavy and if we have a problem with the dust and safety and that, maybe we should look at some dust control. I have been out on this road when they have complain and you can not see the grass.

Pat Dorcey said that it wasn't any different than any other county road that has two trucks on it.

Commissioner Bousquet asked a representative from Cargill if they would work with the county on dust control at harvest time.

Commissioner Hartnett said she would have a problem with that if the county didn't do other roads. She said that there were several people here that would need dust control.

Gerry Tramp asked if any of them lived next to a grain elevator and they did not.

The proponents of the issue all agreed that that is the whole difference right there.

The proponents were asked if they put down dust control and they said that they had and stated that it became cost prohibitive.

Commissioner Miller asked the truckers present why 77 wasn't used versus E Avenue.

Someone in the audience asked if the Commissioners were ever at the intersection of US Highway 77 and 164th Street when a shift at IBP people is coming or getting off work. You can't hardly get across that with a car let alone a 60 foot tractor trailer.

Jim Graham verified that he might have to wait as much as two minutes there before he has a chance to get on 77 from 164th Street.

Mr. Mellick asked about the possibility of asking the state to put lights at that intersection.

Mr. Bousquet said that he knows that farmers like to use this road and he uses it himself and is there something that can be done that benefits both parties.

Someone in the audience said that the 25 mile an hour speed limit should accomplish that and every road needs some maintenance, I think we are just talking some maintenance on it.

Jim Graham repeated what he said in his testimony. These trucks are heavy and they push out the road and there is no way the county is going to be able to keep it where it is 28 feet wide.

Someone spoke up and said that this fellow here (talking about Lee Tramp) said it's been forty years.

Commissioner Bousquet asked the Regional Manager from Cargill if he thought whether they could give the county any help here.

He replied that they might be open for discussion about that because obviously the trucks are coming down this road to come to us and we understand that it is affecting your life where you are living, but at the same time we don't want to make it difficult for customers to do business with us. He asked who from the county they could work with and Mr. Bousquet replied the board here.

Darwin Glover said that there were weights limits on this road one time and asked what happened to them? No one could recall that there were permanent weight limits on this road. Mr. Mellick said that there may have been when frost boils were in the ground.

Someone in the audience said that at 164th and E Avenue there is a large evergreen tree that blocks the view seeing vehicles coming from the west. The person complained that you have to stick the truck out halfway in the intersection in order to see anybody coming.

Mr. Mellick said that tree was on private property, but that the Road Dept. did trim it a year ago and someone said it needs to be trimmed some more.

Someone from the audience asked if there could be a stop sign put so that the traffic from the west has to stop.

Chairman closed the Public Hearing at 2:27 p.m.

The board did not take any action on the calling for the Road Bonds.

Commissioner Hartnett advised the board that the Towing and Sludge Regulations were on hold.

Commissioner Miller informed the board that Jack Wordell resigned from the County Tourism Board to go to Carroll and that created a vacancy on the board for a county appointment. Ms. Miller said that there is no county official on that board and there is no one outside South Sioux City on that board and she would like to see someone from the county on that board because those funds come through that board and the board approves their budget. Her first preference would be that a County Commissioner serve on that board.

Commissioner Miller reported on their meeting with the state on the Homer Bridge and the state said that the bridge meets minimum standards. His informal comment was that it was not a good bridge. He said that we would have to pursue any legal recourses that we have with JEO to see if there is anything we can do to correct that situation. Commissioner Miller mentioned that the approaches should be attended to.

Chair Engel asked Dave Rasmussen if he had a comment. Mr. Rasmussen said that he would like to have the full support of the board to have the bridge tore out. He said it was not a good situation to what is being done to Bob Mein's property. It would be a big improvement for everyone in our are if it were redone. He also said that we know it will take some time, but that it would be worth the wait.

Chair Engel said that he had someone go out there and look at it and that person said that should be torn out at the expense of the ones that did the work on it and he added that that bridge is not safe.

Mr. Rasmussen said that the design was changed because there was some errors on the piling.

Commissioner Miller said that they were trying to pin him down on that but he made it sound like the change was due to the height.  
There was some discussion about the stingers.

Commissioner Miller thought that the next step was to start the legal recourse with a conference call with Ed Matney, County Attorney and JEO and that should take place sometime next week.

Commissioner Bousquet moved, seconded by Commissioner Miller to acknowledge the receipt of and approve the Officials reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court for the month of February, 2005.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet said that he would like to go back and talk about items 7 and 9 on the agenda.



Commissioner Bousquet moved, seconded by Commissioner Miller to remove Arnie Mellick from his Road Foreman Highway Supt. and P & Z duties and advertise and put said jobs out for application. Commissioner Miller said that with an opening in the Road Dept. it is a good time for them to look at this and its a good time for Arnie to consider whether he wants to go back on the maintainer and filling that position, so there would be no means for Arnie to leave the county, but they feel his skills there would be very useful and would allow for that transition to happen at this time.

Commissioner Hartnett said that we discussed this in Executive Session and that she is very opposed to this motion. I think that Arnie has been a good and faithful servant.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- No, Engel- Abstained, MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller to put Rick Jensen, Building and Grounds Supt. under the supervision of Rod Herron, Jail Administrator, with Rick still being under the commissioners as his employer. Clarification was made that Rick reports to Rod and Rod reports to the County Board and that Mr. Jensen is responsible for the entire courthouse and not the jail area. One other clarification was that the job duties would be amended by Mr. Herron.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel asked about this vote on Arnie and what are you going to do and Arnie asked if there was a reason why the board did that. Commissioner Bousquet said that he would like to see the shop, the Road Dept., P & Z run on a more professional basis. Commissioner Miller said that advertising for that position and hiring for someone outside the shop and I don't have anybody in mind and I have a very strong preference that it be someone outside the shop or current employees.

Arnie asked when his final day would be. That was briefly discussed and Arnie was supposed to think about it and get back to Rick or Pam.

The board looked at claims. The changes that needed to be addressed was the Ahlers Cooney one in the Sheriff's Dept. It had to be cut in half because another dept. submitted one-half the bill. Another was that the Veteran's Aid Claim needed to be cut in half because there would not be enough money in the fund to cover that amount and then the board needed to decide whether to pay the amount put in for John Loos out of Accounts Payable or Payroll. Nanci Walsh and Ted Piepho thought that it should be paid out of payroll so all the appropriate taxes and retirement was properly withheld and remitted to the appropriate parties.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the claims as presented by the County Clerk with the changes made to the Veteran's Fund Claim, Ahlers Cooney and John Loos's severance pay to be paid out of payroll as follows:  
GENERAL FUND: Cellular One, phone- 28.05; Dakota County Star, publishing- 106.36; Perkins, supplies- 28.02; Nanci Walsh, mileage/supplies- 65.65; Cellular One, phone- 27.10; Theodore Piepho, mileage- 30.38; Siouxland Lock & Key, duplicate keys- 4.95; Robert Giese, mileage- 83.95; Charlotte Doenhofer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Staples, office supplies- 202.72; Dakota County Star, delinquent tax list- 1354.86; Iowa Office Supply, office supplies- 8.75; Computer SOS, office supplies- 40.00; MIPS, voter support- 52.90; Secretary of State, workshop registration- 15.00; Theodore Piepho, mileage- 42.53; Dakota County Star, publishing- 22.72; Nebraska P & Z, registration- 210.00; Carol Sue Dunham, mileage- 62.26; Des Moines Stamp, stamp pads- 28.36; Norfolk Printing, binders- 785.12; Staples, office supplies- 305.33; DAS Material, supplies- 144.19; Data Source, printer cartridge- 295.59; Midwest Office Automations, quarterly contract- 182.24; Thomson West, CD Rom service- 110.00; Thurston County Court, transcribing- 25.58; United Bank of Iowa, lease payment- 158.04; Cellular One, phone- 32.93; Clerk of Legislature, LB 309, 1998- 41.80; Aspen Publishing, subscription- 1199.81; Mary Gamble, supplies- 51.98; HyVee, supplies- 39.99; Midwest Office Automations, semi annual contract- 88.40; Perkins, supplies- 33.99; United Bank of Iowa, lease- 90.40; West Group, court rules- 86.17; Dakota County Sheriff, papers/warrants- 877.40; Clerk of District Court, district court costs- 609.00; Robert Decker, bailiff fee- 50.00; William Binkard, counsel- 201.43; William Binkard, counsel- 516.00; Randy Hisey, counsel- 816.00; Dennis Hurley, counsel- 858.00; Douglas Roehrich, counsel- 726.00; Richard Thramer, counsel- 1049.00; Patrick Tott, counsel- 669.00; William Binkard, counsel- 90.00; Dakota County Court, court costs- 1197.50; Tom Elias, witness fee- 88.85; Alexander Esteves, counsel- 252.46; Randy Hisey, counsel- 1248.00; Hurley Law Office, counsel- 1356.00; Sandra Inkster Ehrich, counsel- 1430.00; Levi Leveque, witness fee- 20.00; Douglas Roehrich, counsel- 537.00; Scott Sevier, witness fees- 24.05; Richard Thramer, counsel- 627.00; Patrick Tott, counsel- 831.00; Tucker Law Firm, counsel- 1877.30; A-team, ac repair- 78.00; John Baron Co., sprinkler inspection- 175.00; Dakota Food & Fuel, mower gas- 41.00; Cellular One, phone- 27.10; Gill Hauling, dumpster service- 110.00; Hardware Hank, supplies- 69.28; Jackson Glass, window pane- 7.15; Rick Jensen, mileage- 86.22; Lowes, supplies- 362.39; Menards, supplies- 611.43; MidAmerican Energy, gas- 1763.03; NPPD, electric- 1370.47; Okeefe Elevator, elevator inspection- 117.64; Qwest, phone- 40.35; Robertson Implement, mower parts- 164.90; Sams Club Direct, jail supplies- 123.68; Sams Club Business, jail supplies- 233.01; Service Master, cleaning- 825.00; Share Corp, de-icer- 703.04; Trembly Pest Control, pest control- 50.00; Dakota County Extension, mileage/supplies/copier/misc- 761.09; Aamco Transmission, vehicle maintenance- 79.00; Ahlers & Cooney PC, legal fees- 496.26; CarQuest of Sioux City, vehicle maintenance- 35.58; Cellular One,

phone- 82.73; City of South Sioux City, LEC communications, fuel- 2657.06; ConocoPhillips, fuel- 88.84; Crystal Oil, repairs- 2.79; Dakota County Sheriff, reimburse petty cash- 47.76; Dakota County Dakota County Star, publishing- 28.50; Dakota County Treasurer, vehicle maintenance- 39.56; Dakota Food & Fuel, fuel- 25.00; Electronic Engineering, vehicle maintenance- 150.00; Harolds, film developing- 53.70; HyVee, postage- 12.65; Jacks Uniforms, uniforms- 171.02; Liebers Garage, vehicle maintenance- 45.00; Nebraska LETC, test- 5.00; Racom, phone access line- 668.85; Record Printing, business cards- 96.22; Robertson Implement, dog food- 18.95; Sioux City Ford, vehicle maintenance- 29.49; Sioux City Journal, advertisement- 544.31; Siouxland Federal Credit Union, AOL/Kinkos/Cabellas- 87.57; Siouxland Humane Society, animal control- 257.00; Siouxland Napa, vehicle parts- 703.00; Staples, receipt books- 18.27; Walmart, supplies- 29.64; Department of Motor Vehicles, transcripts- 16.00; Sprint, phone- 64.03; Walmart, office supplies- 9.85; Washington County Court, certified copies- 3.75; City of South Sioux City, LEC March/LEC roof- 23276.08; Perkins, business cards- 20.71; Record Printing, letterhead- 107.21; Associated Anesthesiologists, inmate medical- 406.00; Avera Sacred Heart Medical Clinic, inmate medical- 164.00; BI Inc., house arrest- 5148.06; Bob Barker, inmate supplies- 278.50; Blair West Pharmacy, inmate medical- 212.19; Gary Bring, DDS, inmate medical- 169.00; Bryan LGH Medical Center, inmate medical- 2219.72; Michael Burwell DDS, inmate medical- 116.00; Butler County Clinic, inmate medical- 288.75; Butler County Detention Center, out of county boarding- 11330.00; CBM Food Service, food service- 10712.22; Cellular One, phone- 128.34; Circle R Frame Aligners, vehicle maintenance- 85.34; ConocoPhillips, fuel- 360.59; Dakota Food & Fuel, fuel- 438.21; David City Pharmacy, inmate medical- 580.92; Dept. of Correctional Services, safekeeper/medical- 8275.05; Dixon County Sheriff, out of county boarding- 4350.00; Penny Epting, reimbursement- 4.72; John Gilles, reimbursement- 5.54; Good Neighbor Community Health, inmate medical- 193.18; HyVee, food products- 33.99; HyVee Norfolk, inmate medical- 13.99; Jacks Uniforms, uniforms- 426.04; Keller Pharmacy, inmate medical- 12.95; Liebers Garage, vehicle maintenance- 10.69; Linblade Photography, jailer ids- 400.00; Louderback Drug, inmate medical- 5.95; Tom Luedtke DDS, inmate medical- 239.00; Madison County Sheriff, out of county boarding- 6750.00; MCH Health System, inmate medical- 475.01; Mercy Business Health Urgent Care, inmate house calls- 1050.00; Nebraska Crime Commission, Video Training Catalog- 7.00; Nebraska Lablinc, inmate medical- 180.00; Northeast NE Juvenile Services, juvenile holding- 27162.50; JR Pantoja, interpreter- 20.00; Platte Co Detention, out of county boarding- 20250.00; Platte Co Detention, inmate medical- 42.48; Prince of the Road, transport- 119.75; Quest, inmate medical- 66.08; Redlers Pharmacy, inmate meds- 795.76; Sams Club, food products/supplies- 48.42; Siouxland Federal Credit Union, supplies- 21.45; Steffen Drug Store, inmate medical- 286.17; Thompson Electric, replacement parts- 207.03; Urology PC, inmate medical- 249.00; Walmart, supplies- 243.58; Washington Co Sheriff, out of county boarding- 7865.00; Woodbury Co. Juvenile Detention, house juveniles- 2600.00; Cellular One, phone- 27.10; JEO, 1 & 6 year map- 168.00; Office Systems, copier repair- 260.59; Pam DeVries, mileage- 2.52; Pam DeVries, mileage- 70.27; Dunes Family Medicine, phys- 250.00; Pat Glover, mileage- 91.42; HyVee, catering- 159.80; Midwest Office, quarterly contract- 18.02; Moore Medical, inflation system- 43.76; Netsys+, wireless network- 75.00; Perkins, supplies- 75.77; Cellular One, cell phone- 60.59; Alan Boyd, mileage- 434.16; Tompson West, law books- 1853.00; Aflac, service fees- 45.00; AT&T, phone- 36.57; Cable One, internet- 269.95; Claritus, ink cartridge/tape- 155.45; Dakota County Star, visitor guide ad- 275.00; Lazette Gifford, website- 40.00; MIPS, monthly support- 339.65; Netsys+, email work- 56.25; Perkins, toner- 81.44; Qwest, phone- 659.70; Qwest, phone- 65.89; Qwest, phone- 634.93; SIMPCO, dues- 2500.00; Three Rivers, insurance- 1000.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 469.60. ROAD FUND: A1 Auto Salvage, parts- 100.00; Advance Auto, parts/supplies- 76.47; Ahlers & Cooney PC, union attorney fees- 496.26; Airfilter Cleaning SVC., clean filters- 78.54; Aramark, towel service- 135.97; Bridgestone/Firestone, tires- 160.20; CarQuest, parts- 180.35; Cellular One, phone- 29.01; Dakota Co Clerk, title fee- 10.00; Dakota Co Star, gravel bid ad- 30.01; Flaugh's Pronto, fuel- 177.01; Gill Hauling, dumpster service- 45.00; Higan Sand, road rock- 5929.92; Hubbard Mini-Mart, fuel- 3837.62; H2O4U, water- 28.75; Joes Dept Store, supplies- 113.88; Linweld, oxygen tank supplies- 30.14; Marx Truck Trailer, flags- 30.44; Midwest Service & Sales, signs/scarifier bits- 1257.50; NPPD, service- 94.18; Northeast Nebraska Telephone, phone- 178.69; Parsons, flags- 13.20; Pilger Sand & Gravel, gravel- 2198.83; Piorier Equipment, parts- 157.61; Presco, blades- 3605.15; Rees Mack, parts- 20.86; Rinker, road rock- 477.39; Sioux City Iron, supplies- 140.00; Siouxland Napa, supplies/tools- 122.82; Steffen Inc, parts- 153.27; Stephen Welding, bridge repair- 223.05; Town & Country, chainsaw supplies- 38.88; Tri State Communications, radio repair- 215.00; Warren Oil, fuel/oil- 1523.10. ROAD IMPROVEMENT FUND: JEO, engineering- 2085.00. INSTITUTIONS: Beatrice State Development Center, qtrly payment- 1878.00; Norfolk Regional Center, qtrly payment- 756.00. VETERANS SERVICE OFFICE: VSO, emergency relief- 200.00. JUVENILE ACCOUNTABILITY: BI, Inc., grant electronic monitoring- 192.50. COMMUNITY CORRECTIONS: BI, Inc., adult electronic monitoring- 308.00; American Bio Medical, drug testing- 170.77. INHERITANCE TAX: HMN Architects, architect- 22477.11, GA Johnson, architect- 26500.00. WEED FUND: Advance Auto, parts- 5.36; Hubbard Mini Mart, fuel- 231.98; Perkins, office supplies- 57.84; Leon Pies, mileage/meals/registration- 296.67; Quality Inns & Suites, lodging- 177.44; Siouxland Napa, oil/filters- 20.22. ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 3:03 p.m.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:

\s\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

COUNTY BOARD OF COMMISSIONERS  
March 28, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. with Pledge of Allegiance.  
PRESENT: Commissioners Engel, O'Neill, Hartnett, Bousquet and Ted Piepho, Secretary.  
ABSENT: Commissioner Miller

Commissioner Bousquet moved, seconded by Commissioner O'Neill to adopt Resolution 05C-009 to authorize the unappropriated moneys of the Law Library Budget of the General Fund to be utilized for the payment of the over expended budget of County Judge Budget and that said budget be increased by \$2,500 to \$24,050.00 for fiscal year 2004-2005 as follows.

RESOLUTION 05C

WHEREAS, the office of County Judge will exceed its budget with the payment of the submitted March, 2005 accounts payable; and,

WHEREAS, An emergency exists; and,

WHEREAS, the Law Library 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 Law Library Budget of the General Fund to be utilized for the payment of the over expended budget of County Judge Budget and that said budget be increased by \$2,500 to \$24,050.00 for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, That the Law Library Budget be reduced by \$2,500 to \$19,500.00 for fiscal year 2004-2005.

Passed and adopted this 28th day of March, 2005.

\_\_\_\_\_  
William Engel, Chairman  
Dakota County Board of Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk  
ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea,  
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt Resolution 05C-010 to authorize the transfer of \$15,118.57 to the Weed Fund (5400) from the General Fund (0100) as budgeted as follows.

RESOLUTION 05C-010

WHEREAS, the Dakota County Board of Commissioners budgeted a transfer from the General Fund of the County to the Weed Fund; and,

WHEREAS, Funds are needed in the Weed Fund for Operation.

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the transfer of \$15,118.57 to the Weed Fund (5400) from the General Fund (0100) as budgeted.

Passed and adopted this 28th day of March, 2005.

\_\_\_\_\_  
William Engel, Chairman  
Dakota County Board of Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent,  
UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to transfer Dakota County Abandoned Vehicle Title Number 05073700052 on a 1996 Honda Civic LX bearing the serial number 1HGEJ6673TL029488 and Title No. 05073700004 on a 1986 Honda Accord bearing the serial number 1HGBA7429GA1165691987 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED.

Commissioner Engel moved, seconded by Commissioner O'Neill to appoint Dave Heck from Homer to assume Fred Gay's position vacated by Mr. Gay due to resignation.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Avsent, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to adopt Resolution 05C-011 to authorize the short term loan of \$370,000 to the General Fund from the First National Bank in Homer to be repaid when the 2004 taxes are collected as follows:  
RESOLUTION 05C-011

WHEREAS, the Dakota County General Fund may be short of funds with the payment of the March, 2005 claims and payroll; and

WHEREAS, An emergency exists; and,

WHEREAS, It is necessary to have a short term loan from a local bank; and

WHEREAS, The First National Bank of Homer is willing to make such a loan with an annual interest rate 3-3/4 percent plus a document filing fee of \$60.38; and,

WHEREAS, funds will be available in the General Fund when the first half 2004 taxes are paid in April and May, 2005 to repay the loan.

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the short term loan of \$370,000 to the General Fund from the First National Bank in Homer to be repaid when the 2004 taxes are collected.

AND BE IT FURTHER RESOLVED, That William Engel, Chairman, and Theodore Piepho, County Clerk, be authorized to sign the necessary forms and documentation for said loan.

Passed and adopted this 28th day of March, 2005.

\_\_\_\_\_  
William Engel, Chairman  
Dakota County Board of Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk  
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to adopt Resolution 05C-012 as follows:  
RESOLUTION NO. 05C-012

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, as follows: Section 1. The Board of Commissioners hereby finds and determines: That the County has heretofore issued its Series 2002 Highway Allocation Fund Bonds dated May 1, 2002, the outstanding Bonds of which mature and bear interest as follows:

Principal Amount	Maturing May 1 of Year	Interest Rate Per Annum
\$ 140,000	2005	3.80 %
745,000	2006	3.90
775,000	2007	4.10
810,000	2008	4.25

Outstanding bonds of such issue being herein referred to as the "Outstanding Bonds." Said bonds were issued for the purpose of furnishing rural road improvements in the County.

Section 2. A portion of the Outstanding Bonds due May 1, 2008, in the principal amount of \$225,000, be and they are hereby irrevocably called for payment and redemption on May 1, 2005. Said Bonds are to be presented for payment on May 1, 2005, at the office of Union Bank and Trust Company, Lincoln, Nebraska, as Paying Agent and Registrar.

Section 3. A true copy of this Resolution shall be filed by the Clerk of the County with Union Bank and Trust Company, as Paying Agent and Registrar. Said Paying Agent and Registrar is hereby instructed to select the Bonds for partial redemption pursuant to the Resolution, and mail notice to each registered owner of the Bonds selected for redemption not less than thirty days prior to the date fixed for redemption, all in accordance with the resolution authorizing the Bonds.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

The Chairman declared the motion carried and the resolution adopted.

DATED this 28th day of March, 2005. COUNTY OF DAKOTA, NEBRASKA

By: \_\_\_\_\_  
Chairman, Board of Commissioners

ATTEST: \_\_\_\_\_  
County Clerk

ROLL CALL VOTE: Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea,  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to adopt the Job Description of the Custodian presented by Rod Herron, Jail Administrator as follows with ADA Section added:

POLICIES AND PROCEDURES TITLE. Custodian Code. 0641-01  
Effective Date: June 6, 1998 Revision Date: March 25, 2005

Approved by: County Board of Commissioners Distributed to: All manual holders

Purpose:

The purpose of this policy is to set guidelines for the Dakota County Custodial Staff to follow in the performance of their daily duties.

Policy:

The custodial staff shall report to the Jail Administrator for any and all work assignments as directed by the five member board of the Dakota County Commissioners. Other than work orders the custodial staff will keep and maintain the outer appearance as well as the inner appearance of the Courthouse grounds and building.

Qualifications:

Must have a High School Diploma or GED Equivalent; be able to lift 75 pounds; work independently, able to prioritize repetitive duties, prepare and maintain records, as well as prepare a budget. Employee must have knowledge of proper chemical use and dilution ratios, and ability to operate the Siemens Apogee Computer Workstation which monitors and controls all aspects of the HVAC system in the building.

Duties:

The duties of the custodial staff shall be responsible but not limited to the following:

1. Repair and maintenance of grounds.
  - \* Mowing the lawn
  - \* Trimming hedges and trees
  - \* Weed control
  - \* Edging around sidewalks
  - \* Painting of parking lot etc.
  - \* Apply salt in winter
2. Building repair and maintenance:
  - \* Prepare specs for major repairs
  - \* Minor roof repairs
  - \* Window repairs
  - \* Downspouts
  - \* Gutter repairs and cleaning
  - \* Lighting
  - \* Painting
  - \* Remodeling
  - \* Mechanical equipment.
  - \* Heating-Air conditioning units
  - \* Plumbing
  - \* Generator
  - \* Boilers
  - \* Elevator

It shall be noted that these duties include the changing of various filters, lock repairs, and any painting to maintain the appearance of the Courthouse.

3. Supervise contractors in the completion of repairs that have been bid out.
4. Clean up spills and other accidents during the regular work hours when the cleaning crew is unavailable.
5. Supervise any contracted cleaning services.
6. Clean sidewalks in summer and winter apply salt when necessary.
7. Order any and all cleaning and restroom supplies as needed.
8. Perform all duties and responsibilities as assigned.

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea,  
UNANIMOUS MOTION CARRIED.

Payroll claims paid pursuant to Employee Handbook:

COUNTY GENERAL FUND: Gross salaries- \$77,129.55, General Fund Employees Net Pay- \$53,979.24, Employer deductions paid: Retirement- 5,061.42, Social Security Tax- 4,628.54, Medicare- 1,082.44, DC Health Plan- 15,602.56, Delta Dental- 605.80, Jefferson Pilot Life- 144.00.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 840.94, Theodore Piepho- 1450.04, Lora Skow- 774.00, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 819.28, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Lyn Beltz- 560.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 396.56, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Scott M Dugan- 725.15, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 789.60, Richard Jensen- 1233.74, Duane Kotalik- 425.00, Tammy Dunn-Peterson- 674.50, Sandy Beers- 1000.08, Jeremy Bermel- 1636.25, Anthony Bos- 1525.10, Brian Ellinger- 1672.62, Penny Epting- 1133.68, Todd Hammer- 1253.30, Melvin Harrison III- 1616.07, Rodney Herron- 1564.33, Kimberly Johnson- 402.28, Jared Junge- 1820.00, Michael Kreegar- 1216.78, Gayle Richards- 744.80, Kevin Rohde- 1263.23, James Wagner- 1813.63, Randall Walsh- 1641.48, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, John Loos Jr- 1557.06, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Amanda Jones- 672.00, Rebecca Broer- 1449.92, Richard Criss- 1062.40, Eric Davis- 1288.00, Ronald Fink Jr.- 1060.48, John Gilles- 1192.29, Michael Gregerson Jr.- 1915.29, Alma Gunderson- 1341.50, Paula Harrigfeld- 1066.90, Cathy Harsma- 1024.00, Joseph Ramirez- 921.60, Krystal Ramirez- 682.74, Linda Schovanec- 1178.96, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 955.60, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,004.88, State- 2,498.17, Social Security Tax- 4,628.54, Medicare- 1,082.44, Retirement- 3,431.00, DC Health Plan- 1,167.86, Delta Dental- 362.38, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 712.78, Garnishments- 1,155.29, Aflac Health- 490.22, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,014.77, Road Employees Net Pay- \$9,848.52, Employer deductions paid: Retirement- 946.02, DC Health Plan- 2,925.48, Delta Dental- 113.40, Jefferson Pilot Life- 27.00, Social Security Tax- 839.17, Medicare- 196.25.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,166.09, State- 425.82, Social Security- 839.17, Medicare- 196.25, Retirement- 630.65, DC Health Plan- 300.69, Delta Dental- 58.71, Reassure America Life- 9.76, Union Dues- 240.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08.

COPS FAST GRANT: Gross salaries- 1,521.00, Cops Fast Employee Net Pay- 1,036.69, Employer deductions paid: Retirement- 117.88, Unicare Health- 243.79, Delta Dental- 9.45, Jefferson Pilot Life- 2.25, Social Security- 94.30, Medicare- 22.05, Brent Gilster- 1521.00.

COPS FAST GRANT: Employee withholding paid to: Federal- 209.14, State- 70.16, Social Security- 94.30, Medicare- 22.05, Retirement- 83.66, Sheriff Union Dues- 5.00.

SOUTH SIOUX CITY CHAMBER OF COMMERCE: Lodging tax / Visitor Promotion- 7,839.43.

Chair Engel adjourned their meeting at 3:12 p.m.

DAKOTA COUNTY, NEBRASKA

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

ATTEST:

\S\ \_\_\_\_\_  
Theodore A. Piepho,  
County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 12, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

RESCHEDULED FROM MONDAY APRIL 11TH SO THAT MEMBERS COULD PARTICIPATE IN GOVERNOR'S DAY.

Chairman Engel called the meeting to order at 1:37 p.m. Roll call was taken with the following members present: Miller, Bousquet, O'Neill, Hartnett, and Engel. Ted Piepho, Secretary. The Pledge of Allegiance was recited.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to convene as Board of Equalization.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 1:38 p.m.

Ronald Wanamaker, Administrator of Siouxland Moose Lodge 2411 presented testimony supporting their application for tax exempt status. The application for tax exempt status was filed late with the

Assessor's office and a formal hearing was scheduled to mediate the situation. Motion by Hartnett, second by Miller to accept the Assessor's recommendation of allowing the Moose Lodge 2411 to be 70% tax exempt and 30% taxable plus a penalty for late filing. Roll call  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to reconvene as Board of Commissioners.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 1:55 P.M.

Dave Prokesh and Rick Gamel from the Nebraska Department of Health and Human Services addressed the board about moving the Protective Service offices from the basement of the Dakota County Courthouse to the Siouxland Family Center to reunite with their Health and Human Services Department. The county is obligated to pay for 1700 square feet of space for DHHS by state statute. Mr. Prokesh will research rent figures and moving the protective services and get those figures to the county commissioners. Piepho will put item on the April 18, 2005 agenda.

Judy Renkel, President of the Dakota-Thurston County Fair, thanked the commissioners and the taxpayers of Dakota County for their continued support. She then updated the commissioners on the projects that have recently been completed at the fair grounds. Two buildings have new roofs. The Horse and Vet Barns have been re-tinned. Several trees have been planted and 100 feet of the exhibit hall have been paved. The final 100 feet will be paved by Fair time. They have hired a full-time grounds keeper to start duties on May 1, 2005. Fair dates have been set for July 27th - July 31st.

Fred Denker, Ag Land Board Representative, updated the commissioners on the AHLVB meeting. Little action was taken. There is a check coming back to the County but amount is unknown at this time. All values were certified to TERC on April 11, 2005. Denker suggested that the county look at the land sale reports on a quarterly basis rather than an annual basis so that there is time to protest a certain sale. Motion by Bousquet, second by O'Neill to request sale reports for all land classes from Lincoln on a quarterly basis for review.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Motion by O'Neill, second by Miller to appoint a committee to review the reports and bring analysis back to full commissioner board.  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Motion by Bousquet, second by Miller to table item 11, Interlocal Agreement with South Sioux City, until April 18, 2005 meeting. Piepho will include on agenda.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Motion by Bousquet, second by O'Neill to enter executive session to discuss personnel at 2:25 p.m.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Motion by Hartnett, second by O'Neill to reconvene in open session at 3:05 p.m.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Motion by Bousquet, second by Engel to accept the proposed salary for the Community Corrections Position.  
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Brian McDonald, JEO, was present to discuss change order BRO-7022 for Homer South Bridge. A letter was sent to JEO asking for answers on several questions. Mr. McDonald recommended that the contractor be allowed to finish the bridge and do the remaining grade work. The county is in the process of acquiring land in order to move Wigle Creek Road further south to realign the intersection and Omaha Avenue. Motion by Bousquet, second by Miller, to approve the Change Order Nbr 004 to Project BRO-7022(11) amounting to \$11,443.82 and to allow the contractor to finish the bridge and grade work. However, when the county purchases the land to move Wigle Creek Road, JEO is responsible to provide grade work and some asphalt for the new right of way.  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

William and Janie Meins brought their concerns to the commissioners about water standing and run off of water in their driveway/yard from the grade of the bridge as it is now. Commissioner Bousquet made it clear that the county would make sure that their property would be addressed when the final grades are put in place. Suggestions were ditches, drain tiles, or a cattle crossing so that water run off would go into the creek.

Arnie Mellick budgeted \$15,000 for a Weed Department Truck in the 2004-2005 year. He informed the board that his budget is under at this point and would like to start the process of looking for a truck. Motion by Bousquet, second by Hartnett to authorize Arnie Mellick to get bids for a new or used truck. ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Mellick also asked that the chairman sign all the gravel bids that were approved at the previous meeting. Signatures were affixed to the contracts.

With the construction of the new jail facility, the Driver's license examiners and the Dakota County Health Department will need to vacate the annex building. The annex building will be for sale. Nancy read a letter from Rick Gamel of the Nebraska Department of Health and Human Services offering for the Protective Services to move to the Siouxland Family Center and charge the county \$4.00/1700 square feet or \$6800 towards the rent at the Siouxland Family Center. As stated earlier, the county is required to provide 1700 square feet for DHHS per state statute. Discussion followed as to where to locate the Driver's License Examiners, Dakota County Health Department, and possible relocating other offices in the courthouse to accommodate the public on a more efficient basis.

Motion by Bousquet, second by O'Neill to accept Mr. Gamel's offer of \$4.00 per square foot for 1700 square feet (\$6800 annually) to move the Protective Service Offices to the Siouxland Family Center in order to open up space in the courthouse.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

A committee of Nanci Walsh, Bill Engel, Betty O'Neill and Ted Piepho will meet with the Health Department, Assessors, and Driver's License Examiners to discuss their needs and relocation of their offices.

With the construction of the new county jail, the county will lose approximately 50% of the parking stalls. Suggestions for parking were given. The side street of Broadway could be made into a one-way street to allow for angle parking, this would accommodate more parking spaces.

Commissioner Bousquet will talk with City Administrator, Bob Peters, for his input. The present plan for the jail includes a parking lot where the annex building sits now; however, handicapped parking stalls are a concern and need to be as close to the door as possible. When the new jail is built and the old jail becomes courthouse offices that are accessed by the public, parking becomes an issue there. Controlled public access to the courthouse was also mentioned. The same committee as stated in the above paragraph will discuss possible solutions to the parking problems and bring suggestions back to the full commission.

Commissioner Bousquet feels that all the Dakota County Road Employees that drive vehicles or equipment for the county have a commercial driver's license to reduce risk to the county. Having a commercial driver's license is not a requirement for the road department employees at this time. Commissioner Bousquet will research this item further by contacting other counties, etc. as to their requirements.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to transfer Dakota County Abandoned Vehicle Title Number 05095700015 on a 1993 Plymouth 4 dr. sedan bearing the VIN 3P3XA46K2PT650747 and Dakota County Title 05095700012 on a 1985 Chevrolet PU bearing the VIN 1GCEK14H2FJ126689 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The board discussed courthouse cleaning with Duane Kotalik.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to hire Duane Kotalik at \$15.38 an hour to clean the courthouse.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The board discussed limiting the Weed Superintendent to drive the Weed Department's pickup home during the weed season only.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to authorize the Weed Superintendent to drive the Weed Departments's pickup to and from work from May 1st through October 31 of each year, which is to be considered the weed season.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Payroll claims paid pursuant to Employee Handbook:

COUNTY GENERAL FUND: Gross salaries- \$72,485.47, General Fund Employees Net Pay- \$50,774.03, Employer deductions paid: Retirement- 4,740.45, Social Security Tax- 4,340.56, Medicare- 1,015.14, DC Health Plan- 15,603.20, Delta Dental- 604.80, Jefferson Pilot Life- 144.00. Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 856.75, Theodore Piepho- 1450.04, Lora Skow- 860.00, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 789.60, Richard Jensen- 1233.74, Duane Kotalik-



435.00, Tammy Dunn-Peterson- 755.25, Sandy Beers- 1000.08, Jeremy Bermel- 1417.50, Anthony Bos- 1357.07, Brian Ellinger- 1973.68, Penny Epting- 1132.02, Todd Hammer- 1230.65, Melvin Harrison III- 1442.89, Rodney Herron- 1564.33, Kimberly Johnson- 465.56, Jared Junge- 1384.26, Michael Kreegar- 1545.01, Gayle Richards- 744.81, Kevin Rohde- 1080.80, James Wagner- 1813.63, Randall Walsh- 1464.96, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 733.43, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Amanda Jones- 1000.00, Rebecca Broer- 1429.59, Richard Criss- 1120.00, Eric Davis- 1256.62, Ronald Fink Jr.- 1060.48, John Gilles- 1065.60, Michael Gregerson Jr.- 1132.10, Alma Gunderson- 1178.86, Paula Harrigfeld- 335.68, Cathy Harsma- 1081.60, Joseph Ramirez- 1019.12, Krystal Ramirez- 824.40, Linda Schovanec- 1134.59, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 943.80, Alan Boyd- 910.00. GENERAL FUND: Employee withholding paid to: Federal- 6,497.98, State- 2,303.39, Social Security Tax- 4,340.56, Medicare- 1,015.14, Retirement- 3,214.51, DC Health Plan- 1,167.89, Delta Dental- 362.57, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 712.78, Garnishments- 989.65, Aflac Health- 490.22, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00. COUNTY ROAD PAYROLL: Gross salaries- \$14,014.77, Road Employees Net Pay- \$9,848.48, Employer deductions paid: Retirement- 946.02, DC Health Plan- 2,925.60, Delta Dental- 113.40, Jefferson Pilot Life- 27.00, Social Security Tax- 839.17, Medicare- 196.25. Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60. ROAD FUND: Employee withholding paid to: Federal- 1,166.09, State- 425.82, Social Security- 839.17, Medicare- 196.25, Retirement- 630.65, DC Health Plan- 300.70, Delta Dental- 58.74, Reassure America Life- 9.76, Union Dues- 240.00, Deferred Comp.- 81.68, Aflac Health- 153.35, Aflac Life/Dsbl- 64.08. COPS FAST GRANT: Gross salaries- 1,521.00, Cops Fast Employee Net Pay- 1,036.69, Employer deductions paid: Retirement- 117.88, Unicare Health- 243.80, Delta Dental- 9.45, Jefferson Pilot Life- 2.25, Social Security- 94.30, Medicare- 22.05, Brent Gilster- 1521.00. COPS FAST GRANT: Employee withholding paid to: Federal- 209.14, State- 70.16, Social Security- 94.30, Medicare- 22.05, Retirement- 83.66, Sheriff Union Dues- 5.00. WEED: Dr. David Dyke c/o Smith Hayes: Pickup payment- 2,995.04

Chair Engel adjourned their meeting at 4:51 p.m.

Dakota County Board

\_\_\_\_\_  
Bill Engel, Chairman

ATTEST:

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 18, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chairman Engel called the meeting to order at 10:03 a.m.

Present: Commissioner Pam Miller, Commissioner Betty O'Neill, Commissioner Jackie Hartnett, Commissioner Bill Engel and Nanci Walsh, Administrative Assistant.

Absent: Rick Bousquet.

The pledge of allegiance was said.

The Board interviewed Bruce Smith for the position of Public Defender.

Commissioner Bousquet arrived at 10:27 a.m.

The Board interviewed John Loos, Jr. for the position of Public Defender.

The Board interviewed Joe Flynn for the position of Public Defender.

The Board discussed the jail status with Chief Deputy/Jail Administrator Rod Herron.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to convene in executive session for a legal matter.

ROLL CALL VOTE: Commissioner Miller-Yea; Commissioner-Bousquet-Yea; Commissioner O'Neill-Yea; Commissioner Hartnett-Yea; and Commissioner Engel-Yea. UNANIMOUS MOTION CARRIED at 11:06 a.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reconvene in open session.  
ROLL CALL VOTE: Commissioner-Bousquet-Yea; Commissioner O'Neill-Yea; Commissioner-Hartnett-Yea; Commissioner Engel-Yea; and Commissioner Miller-Yea. UNANIMOUS MOTION CARRIED at 11:40 a.m.

Chairman Engel recessed the meeting at 11:45 a.m. for lunch.

Chairman Engel reconvened the meeting at 1:40 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill, to advertise the annex building for sale.

ROLL CALL VOTE: Commissioner O'Neill-Yea; Commissioner Hartnett-Yea; Commissioner Engel-Yea; Commissioner Miller-Yea; and Commissioner Bousquet-Yea. UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet, to approve the amendment to the engineering services agreement with DeWild Grant Reckert for the topographical survey.

ROLL CALL VOTE: Commissioner Hartnett-Yea; Commissioner Engel-Yea; Commissioner Miller-Yea; Commissioner Bousquet-Yea; and Commissioner O'Neill-Yea. UNANIMOUS MOTION CARRIED.

Committee reports. It was reported that the committee appointed to discuss space and moving offices to accommodate the changes with the removal of the annex had met on Friday, April 15, 2005. Present for that meeting were Bill Engel, Betty O'Neill, Ted Piepho, Nanci Walsh, Pam DeVries, Ruth Gillaspie, Phil Anderson with the Department of Motor Vehicles, and Mike Goodwillie, Dick Erickson, Madelyn Thorland, and Barb Oswald with the Property Tax Assessment Office. The Property Tax Assessment Office was considering the move. A tour of the space was done. Further developments should be available by the next board meeting.

The Board had received word that Jail Standards approved the jail cell bids and the board was allowed to move forward with this contract.

Commissioner Miller moved, seconded by Commissioner Bousquet, to approve the Tindall bid on the jail cells for phase I and to move forward with the contract.

ROLL CALL VOTE: Commissioner Engel-Yea; Commissioner Miller-Yea; Commissioner Bousquet-Yea; Commissioner O'Neill-Yea; and Commissioner Hartnett-Yea. UNANIMOUS MOTION CARRIED.

The Board reviewed the Officials Reports for the month of March for the Co Clerk, Clerk of District Court and Register of Deeds and the quarterly report for the Co Sheriff and quarterly interest report of the County Clerk for January, February and March, 2005.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the Official's Reports as submitted.

ROLL CALL VOTE: Commissioner Miller-Yea; Commissioner-Bousquet-Yea; Commissioner O'Neill-Yea; Commissioner Hartnett-Yea; and Commissioner Engel-Yea. UNANIMOUS MOTION CARRIED.

Discussion was had on budget meeting with the officials. It was the consensus of the Board that the full Board meet to hear the budget proposals. The board set a special meeting for budget on Monday, May 2, 2005 at 1:30 p.m.

Commissioner Hartnett moved, seconded by Commissioner, O'Neill to approve the accounts payable claims filed with the County Clerk and submitted as follows:

GENERAL FUND: Cellular One, phone- 28.21; Dakota Co Star, publishing- 619.33; NACO, directory- 15.00; Perkins, supplies- 32.99; So Sioux City Area Chamber, governors day- 35.00; So Sioux City Community Schools, joint meeting- 292.85; AJ Phillips, postage- 10.98; Cellular One, phone- 27.21; BearGraphics, filler paper- 88.31; Perkins, supplies- 104.75; Redfield & Co., protest forms- 95.79; Robert Giese, mileage- 76.65; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Das Imservices, data services- 27.50; Microfilm Imaging Systems, equipment lease- 240.00; MIPS, voter support- 52.90; Dakota Co Star, publishing- 9.63; Carol Sue Dunham, mileage- 62.26; Garlyn Beerman, dues- 25.00; Virginia Piper, office supplies- 15.91; Star Printing & Publishing, stationery- 142.50; Thomson West, CD Rom service- 110.00; Thurston Co Court, transcribing- 7.00; United Bank of Iowa, lease payment- 158.04; Cellular One, phone- 33.13; Clerk of Legislature, LB 585, 1999- 44.65; Iowa Office Supply, toner cartridge- 172.58; Dakota Co Star, one year subscription- 35.00; Frank Gonzalez, interpreting- 560.00; Perkins, supplies- 7.40; Sioux City Journal, attorney ads- 868.06; United Bank of Iowa, lease- 90.40; Dakota Co Sheriff, papers/warrants- 903.30; Clerk of District Court, district court costs- 409.50; Coffee King, coffee- 39.92; Nathan Tucker, counsel- 1634.80; William Binkard, counsel- 150.00; William Binkard, counsel- 66.00; William Binkard, counsel- 216.00; Dakota Co Court, court costs- 813.95; Alexander Esteves, counsel- 1205.27; Frank Gonzalez, interpreter- 160.00; Shelly Horak, counsel- 186.00; Sandra Ehrich, counsel- 930.00; Robert Rehan, counsel- 5450.10; Patrick Tott, counsel- 1218.00; Des Moines Stamp, stamp- 45.50; Maximus, allocation costs- 1496.36; Norfolk Printing Co., Docket Sheets- 356.50; Perkins, office supplies- 43.94; Cellular One, phone- 28.96; City of Dakota City, sewer & water svc- 1360.10; Foulk Bros. Plumbing, plumbing- 199.25; Gill Hauling, dumpster service- 110.00; Hardware Hank, supplies- 38.63; Jackson Glass, metal door- 670.00; Rick Jensen, mileage- 84.73; Lowes, supplies- 61.69; Menards, supplies- 233.70; MidAmerican Energy, gas- 1688.27; NPPD, electric- 1582.20; Qwest, phone- 40.35; Service Master, cleaning- 825.00; Trembly Pest Control, pest control- 50.00; Dakota Co Extension, mileage/supplies/copier/misc- 970.46; Advance Auto Parts, vehicle maintenance- 107.67; Cellular One, phone- 94.87; Circle R Frame Aligners, vehicle maintenance- 1024.71; City of So Sioux City, fuel- 3378.29; ConocoPhillips, fuel- 101.58; Dakota Co

Star, publishing- 9.63; Dakota Co Treasurer, vehicle maintenance- 255.53; Harolds, film developing- 81.99; Amy Hueser, interpreter- 40.00; HyVee, floral- 26.75; Jacks Uniforms, uniforms- 315.95; Jacks Uniforms, uniform repair- 2.75; K & S Auto Service, tire repair- 12.00; Sandra Mueller, interpreter- 40.00; NJJA, conference- 50.00; Penny Patrick, accident- 71.10; Racom, phone access line- 592.00; Robertson Implement, dog food- 18.95; Sioux City Ford, vehicle maintenance- 167.29; Siouxland Federal Credit Union, AOL- 23.90; Siouxland Federal Credit Union, ammunition- 158.79; Siouxland NAPA, vehicle maintenance- 839.28; Trio Auto Parts, Inc., vehicle maintenance- 40.00; Department of Motor Vehicles, transcripts- 12.00; Dakota Co Star, notice- 28.46; Document Depot, document destruction- 40.00; H2O4U, office supplies- 31.50; Perkins, office supplies- 207.96; Sioux City Journal, ad- 292.26; Sprint, phone- 100.00; Thurston Co Court, authenticated copies- 9.50; City of So Sioux City, LEC- 22284.58; Perkins, stationery- 14.76; Amanda Jones, cell phone/mileage- 36.05; Apex-Carex Healthcare Products, inmate medical- 63.92; BI Inc., house arrest- 5802.50; BenStar, laundry detergent- 101.65; Bob Barker, inmate supplies- 325.63; Blair West Pharmacy, inmate medical- 246.40; Gary Bring, DDS, inmate medical- 134.00; Butler Co Detention Center, out of Co boarding- 5882.09; CBM Food Service, food service- 10952.23; Sergio Castillo, Sr., interpreter- 30.00; Cedar Co Sheriff, out of Co boarding- 5535.00; Cellular One, phone- 121.08; City of So Sioux City, transport fuel- 206.87; ConocoPhillips, fuel- 380.13; Herbert Coulter, inmate medical- 279.00; Dakota Co Sheriff, reimbursement- 15.92; Dakota Co Sheriff, reimbursement- 9.25; Dakota Food & Fuel, fuel- 123.99; David City Pharmacy, inmate medical- 93.99; Dept. of Correctional Services, safekeeper/medical- 9216.28; Dixon Co Sheriff, out of Co boarding- 8050.00; Eye Physicians PC, inmate medical- 83.00; Good Neighbor Community Health, inmate medical- 255.28; HyVee Norfolk, inmate medical- 57.15; Jacks Uniforms, uniforms- 68.05; Keller Pharmacy, inmate medical- 12.95; Ken's/The Apothecary Shop, inmate medical- 58.34; Louderback Drug, inmate medical- 102.25; Mercy Business Health Urgent Care, inmate house calls- 450.00; Dr. David Noble, inmate dental- 288.00; Northeast NE Juvenile Services, juvenile holding- 23061.25; JR Pantoja, interpreter- 40.00; Physicians Clinic, inmate medical, 85.90; Quest, inmate medical- 91.09; Redlers Pharmacy, inmate meds- 673.67; St. Lukes Health Resources, inmate medical- 519.00; Alma Salcido, interpreter- 20.00; Sams Club, food products/supplies- 81.29; Siouxland Federal Credit Union, fuel- 14.75; Siouxland Federal Credit Union, supplies- 18.93; Staples, supplies- 43.33; Thurston Co Sheriff, out of Co boarding- 1845.00; Walmart, supplies- 76.14; Washington Co Sheriff, out of Co boarding- 6765.00; Woodbury Co. Juvenile Detention, house juveniles- 8900.00; Cellular One, phone- 27.10; Dakota Co Star, hearing notice- 14.36; Claritus, digital camera- 225.00; Pam DeVries, mileage- 148.57; Pam DeVries, mileage- 87.07; Dunes Family Medicine, phys- 250.00; Gloria Dwyer, supplies- 19.15; Pat Glover, mileage- 124.00; Hemocure, supplies- 124.00; Alan Boyd, mileage- 462.51; Army times, subscription- 55.00; Cellular One, phone- 153.28; Navy Times, subscription- 55.00; Office Systems Co., copier contract- 98.00; Aflac, service fees- 45.00; AT&T, phone- 43.53; Cable One, internet- 258.70; Dakota Co Treasurer, drainage taxes- 7800.00; First National Bank, repayment of loan plus interest- 371233.33; Lazette Gifford, website- 40.00; HyVee, leadership meeting- 160.50; Jackie Hartnett, phone card- 44.55; MIPS, monthly support/signature file/direct deposit forms- 648.39; Qwest, phone- 659.70; Qwest, phone- 65.89; Qwest, phone- 748.47; Region IV Mental Health & Substance Abuse, 4th Qtr Payment- 5708.00; Region IV Inc., 4th Qtr Payment- 5320.25; US Postal Service, postage- 2500.00; WCS Telecom, phone- 381.88.

INTERFUND TRANSFERS: Weed Fund, budgeted transfer- 15118.57.

ROAD FUND: Advance Auto, parts/tools- 264.82; Ahlers & Cooney PC, union attorney fees- 66.65; Aramark, towel service- 164.01; Barkley Asphalt, hot mix- 142.50; Bomgaars, tools- 7.49; Bridgestone/Firestone, tires- 350.12; CarQuest, parts- 90.14; Cellular One, phone- 27.10; Circle R, parts- 60.60; Dakota Co Road Petty Cash, testing/decal/inspection- 86.10; Flaugh's Pronto, fuel- 102.61; Gill Hauling, dumpster service- 45.00; William Haafke, rock hauling- 413.15; Higman Sand, road rock- 8630.71; Hubbard Mini-Mart, fuel- 5428.78; Hydraulic Sales & Svc, parts- 190.88; H2O4U, water- 28.75; Inland Truck Parts, parts- 204.87; Joes Dept Store, supplies- 154.64; Langmack Produce, bolts- .80; Linweld, oxygen tank supplies- 32.78; Marx Truck Trailer, flags- 87.79; Menards, tools/posts- 59.14; NPPD, service- 88.94; Nebraska Salt & Grain, ice control- 858.86; Northeast Nebraska Telephone, phone- 180.51; Pilger Sand & Gravel, gravel- 2973.78; PowerPlan, parts/filters- 635.71; Presco, blades- 693.18; Rees Mack, parts- 433.44; Rinker, road rock- 730.54; Sioux City Iron, supplies- 64.49; Siouxland Hydraulics, parts- 284.93; Siouxland Napa, supplies/tools- 109.97; Town & Country, chainsaw supplies- 28.08; Warren Oil, fuel/oil- 5101.36; Ziegler, parts/labor- 1206.77.

HARD SURFACE FUND: Union Bank & Trust, bond payment- 1,190,282.15

ROAD IMPROVEMENT FUND: JEO, engineering- 7500.00; Union Bank & Trust, Bond Payment- 500,000.00.

VETERANS SERVICE OFFICE: VSO, emergency relief- 200.00.

JUVENILE ACCOUNTABILITY: BI, Inc., grant electronic monitoring- 467.50.

COMMUNITY CORRECTIONS: BI, Inc., adult electronic monitoring- 396.00;

INHERITANCE TAX: A-Team Heating & Cooling, move air conditioning units- 2850.00;

PUBLIC SAFETY SALES TAX: Jail Bond Fund, 88% sales tax- 9827.80; City of So Sioux City, 12% sales tax- 1340.16;

WEED FUND: Central Community College, spring training- 85.00; Hubbard Mini Mart, fuel- 349.00; Hubbard Post Office, postage- 100.00; Leon Pies, registration- 10.00; Steffen, parts- 7.94.

ROLL CALL VOTE: Commissioner-Bousquet-Yea; Commissioner O'Neill-Yea; Commissioner-Hartnett-Yea; Commissioner Engel-Yea; and Commissioner Miller-Yea. UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of March 21, March 28, and April 12, 2005 with the change in the April 12, 2005 of William Meins to Bob Meins.

ROLL CALL VOTE: Commissioner O'Neill-Yea; Commissioner Hartnett-Yea; Commissioner Engel-Yea; Commissioner Miller-Yea; and Commissioner Bousquet-Yea. UNANIMOUS MOTION CARRIED.

Chairman Engel opened the public hearing on the amendment to the budget at 2:03 p.m.

Nanci Walsh, Administrative Assistant to the Board, explained that the hearing was to change the general fund revenues and expenditures to allow for the receipt and repayment of the \$370,000 loan from the bank and the loan for \$100,000 from the Inheritance Tax. The proposal all included an increase in the receipts and expenditures for house arrest by \$15,000.00.

Additionally, the proposal included increasing the Inheritance Tax Fund receipts and expenditures by \$100,000 to cover the loan and repayment made to the General Fund.

All proposed changes do not change the property tax requirements.

There was a brief discussion and no one was in the audience for public comment.

Chairman Engel closed the hearing at 2:20 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to amend the budget by increasing the General Fund Revenues and Expenditures by \$485,000 to increase the Inheritance Tax Fund Revenues and Expenditures by \$100,000.

ROLL CALL VOTE: Commissioner O'Neill-Yea; Commissioner Hartnett-Yea; Commissioner Engel-Yea; Commissioner Miller-Yea; and Commissioner Bousquet-Yea. UNANIMOUS MOTION CARRIED.

It was discussed that it is time to do a road tour and a jail tour.

Alan Boyd, Veterans' Service Officer, appeared before the board with his quarterly report. Mr. Boyd reported that he will be presenting this to both the Board and the Veterans Oversight Committee on a quarterly basis.

Chairman Engel adjourned the meeting at 2:46 p.m.

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Lyle Todd, Chairman

ATTEST:

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 25, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Roll call was taken with the following members present: Miller, Bousquet, O'Neill, Hartnett, and Engel. Ted Piepho, Secretary. The Pledge of Allegiance was recited.

Amber Hupemonney with Victim's Assistance provided the board with program information updates. The Victim's Assistance Program was implemented in 1989. It provides advocacy and information to victims of violent crime but also to victims of property crimes. The services are free and confidential to all clients and the office is housed in the Law Enforcement Center in South Sioux City. The program is funded by the Nebraska Crime Commission (BOCA) 80% and a local match of 20% by the City of South Sioux City and Dakota County. South Sioux City and Dakota County contribute equally to the matching funds. Ms. Hupemonney informed the commissioners that the BOCA funds may not be as readily available in future years and the program will depend more upon funding from local sources. Total annual budget this year was \$42,380.00. \$33,880.00 was provided by BOCA funding. Motion by Hartnett, second by Bousquet to continue to support the Victim's Assistance Program through the county's local matching funds. Roll call vote: Ayes; Miller, Bousquet, O'Neill, Hartnett, Engel. Nays; none. Motion carried.

Motion by Miller, second by O'Neill to enter executive session at 1:45 p.m. to interview Brian E. Smith, Jr. for the Public Defender position. Roll call vote: Ayes; Bousquet, O'Neill, Hartnett, Engel, Miller. Nays; none. Motion carried.

Motion by Hartnett, second by Miller to exit executive session at 1:58 p.m. Roll call vote: O'Neill, Hartnett, Engel, Miller, Bousquet. Nays; none. Motion carried.

Chair Engel opened the public hearing on adopting Towing Regulations for the agricultural zone in Dakota County at 2:00 p.m. Arnie Mellick read the regulations that were proposed to the Board of Commissioners by the Planning and Zoning Commission. Dennis Reinert opposed the new regulations for two reasons. The first reason being he didn't feel that the County needs another towing business and referenced the Standard of Issuance put out by the Nebraska Department of Roads and secondly he didn't feel that the regulations were complete. He brought up several issues that could be added to the regulations to make it a more comprehensive document. According to Mr. Reinert, the regulations

proposed are lacking in several areas. It did not specify on what or how towing lots should be screened from public view whether by fencing or by trees, how tall should the trees be by a certain time frame, and how should they be measured? It does not specify what type of fence would be used to screen a towing yard from public view or the public view of a towing yard from other properties. Ray Petty, representing Curtis Arndt, was present to ask questions on the proposed regulations. The Board asked that Arnie Mellick take the proposal back to Planning and Zoning to incorporate more details.

Chair Engel closed the Public Hearing at 2:32 p.m.

Motion by Miller, second by Bousquet to enter executive session at 2:33 p.m. to interview Missy Denton for the Public Defender position. Roll call vote: Ayes; Bousquet, O'Neill, Hartnett, Engel, Miller. Nays; none. Motion carried.

Motion by Hartnett, second by O'Neill to exit executive session at 2:52 p.m. Roll call vote: O'Neill, Hartnett, Engel, Miller, Bousquet. Nays; none. Motion carried.

Motion by Miller, second by Hartnett to appoint Brian E. Smith, Jr. as the Public Defender of Dakota County. Roll call vote: Ayes; Hartnett, Engel, Miller, Bousquet. Nays; O'Neill. Motion carried.

Dan O'Neill, resident of Ithaca Way, is concerned with the amount of debris that is accumulating at several of the farmstead properties and the aesthetics of the neighborhood is deteriorating. Ithaca Way is under the Dakota County jurisdiction. SIMPCO offers a nuisance abatement program for a certain fee and would work with the Planning and Zoning to head up a program. Hartnett was under the understanding that Planning and Zoning should be doing an abatement program. County may already have such regulations on the books about nuisances and abatement of such. Arnie will check with the County Attorney to see if such regulations are currently in effect. Mr. O'Neill will visit with Planning and Zoning about his concerns.

Richard Petersen, Attorney, was present representing Ameritas Investment Corporation. John Trecek was also present from Ameritas Investment Corporation. Mr. Petersen was asked to explain the reason for amending the original inter-local agreement with South Sioux City on the Jail Bond/Sales Tax issue. The following is a complete statement given by Mr. Petersen.

"The original agreement did not provide for creation of a separate entity. The City's Bond Proposition and the county's Bond Proposition talked about applying proceeds to lease debt that was to be incurred for this project and in order for a bond holder, but also the county, since they have a major stake in this-it is appropriate to have the obligation, particularly the obligation of the city embodied in a lease-purchase agreement so there is an instrument which is recognizable as a contract that can be enforced over a period of years under Nebraska law that will embody the City's obligation to make payments out of the 88% sales tax collections for paying debt service on the project. As a bondholder, you want to see that that is there and know that you've got a good chain of agreements; county bond, underlining city lease-purchase agreement, so if ever a lawsuit and you have to collect, you can get a good opinion from me that that is a chain of valid obligations. And there is a reasonable argument that the city would be morally obligated to make payments just because of the bond proposition but it seems to me that a bond buyer is going to put up their investment money and county being involved in the transaction would like the added legal assurance that goes with the lease purchase structure and in order to do that you have to have somebody you can buy an undivided « interest in the property from and that's where lease-purchase agreement comes in. Why we have the creation of a separate legal entity is so that there is someone that can act as a landlord or seller under the form that this transaction has proposed to take and the creation of that separate entity is authorized under our Envelope of Cooperation Act Section 13-800 and following sections."

The wording on the ballot recognizes the possibility of lease-purchase financing option. The original agreement gave a framework for holding an election. The original agreement was prepared by the Wayne Boyd, South Sioux City Attorney and Ed Matney, Dakota County Attorney not Bond Counsel. Mr. Petersen said that he felt it was in the county's own best interest to structure the agreement this way so that the County is not relying on a moral obligation of South Sioux City but on a clear legal obligation enforceable under Nebraska Statutes. By having the amended inter-local agreement in place, it will improve the marketability of the bonds and give assurance that the county will get paid on a timely basis as the sales tax dollars are received. The agreement does not give the assurance that South Sioux City will make payments timely if the sales tax dollars do not come in sufficiently to pay bond principal and interest.

South Sioux City is more comfortable with the lease purchase agreement because the separate entity binds future councils to appropriate money for the sales tax dollars. A separate entity will meet and complete documents necessary to issue bonds and may never have to meet again. It will assign its duties and everything else under the management agreement for county to run. The County keeps control that was intended to have all along as far as running the jail. There is no separate oversight body that's going to micro-manage the county in that respect. The entity is created under the law to give the legal status to the Lease-Purchase agreement and payment provisions necessary to secure payments of the bonds.

Bousquet asked why this is being discussed five months after the election. Ed Matney replied that he believes it is because of the novelty situation. Dakota County and South Sioux City are the first to do this in the State and a lot of items need to be ironed out and also the documents were circulated a few months ago but did not reach Nanci to be included on the Commissioner Agenda.

Richard Petersen said that one meeting is needed to finalize the documents. A disclosure document will need to be adopted, a Bond Resolution adopting the Management Contract, Bond Resolution

passed that sets the terms and conditions of the bond issue and the Approved Lease-Purchase agreement for the County will need to be signed. Motion by Bousquet, second by Miller to accept the amendments to the inter-local agreement laid out as follows subject to the technical changes made by the County Attorney, City Attorney, Richard Petersen and two County Commissioners.

**AMENDMENT TO INTERLOCAL AGREEMENT**

This Amendment to Interlocal Agreement (the "Amendment") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2005 by and between the City of South Sioux City, Nebraska, (the "City") and The County of Dakota, in the State of Nebraska, (the "County").

**WITNESSETH**

WHEREAS, the City and the County have previously entered into an agreement entitled "Interlocal Agreement" dated June 14, 2004 (the "Original Agreement" and as amended by and together with this Amendment, the "Agreement") pursuant to the provisions of the Interlocal Cooperation Act (Sections 13-801 to 13-827, R.R.S. Neb. 1997, as amended, the "Act") relating to the construction and financing of a new jail correctional facility (the "Project") and also to contributions to the joint City-County Law Enforcement Center;

WHEREAS, the City and the County have determined that it is necessary to modify the Agreement to provide for the creation of a joint entity, constituting a separate body corporate and politic to act on behalf of the City and the County in accordance with the terms of the Act in order to hold title to and facilitate the construction and financing to the Project;

NOW THEREFORE, pursuant to the Act and the approvals by the governing bodies of the City and the County and in consideration of the mutual covenants and undertakings herein provided for, IT IS HEREBY AGREED, as follows:

Section 1. Paragraph 2 of the Original Agreement is hereby amended to provide as follows:

"2. Administration. Pursuant to the Act, the City and the County hereby create a joint entity which shall be named the Dakota County Jail/Correctional Facilities Agency (the "Agency") and shall constitute a separate body corporate and politic under the provisions of the Act. The Agency shall be subject to control by the City and the County (collectively, the "Members") in accordance with the terms of this Agreement. The Agency's existence shall commence upon the execution of the Amendment to this Interlocal Agreement by each of the Members. The following provisions shall govern the Agency and its operations:

A. Purpose. The purposes of the Agency are as follows:

(1) To make efficient use of the powers of the Members by enabling them to cooperate with each other on a basis of mutual advantage and thereby provide the Project to serve the needs of the Members relating to jail and correctional facilities.

(2) To provide or contract for the acquisition, finance, construction and operation of the Project as a jail and correctional facility serving the requirements of the City and the County, including but not limited to contracting for the lease and sale of the Project to the City and the County by lease-purchase agreement and the contracting with the County for the management of the Project, all as authorized by the Act, specifically including Section 13-807 thereof.

B. Organization. The following terms shall apply to the governance of the Agency:

(1) Governing Body. The governing body (the "Governing Body") of the Agency shall consist of twothree representatives, one from each of the Members and a third member appointed by the County from the public at large. Unless otherwise determined by resolution of the Mayor and Council of the City, the representative of the City shall be its City Administrator. Unless otherwise determined by the Board of Commissioners of the County, the representative of the County shall be the County Clerk of Dakota County. The representative appointed from the public at large shall be a resident of Dakota County.

(2) Voting. Each member of the Board shall have one vote. Each representative shall be required to vote in accordance with any direction made by resolution of such representative?s appointing body.

(3) Quorum. A majority of all members of the Board shall constitute a quorum for the transaction of any Agency business.

(4) Officers. Governing Body shall appoint one of its representative members as the Executive Director/Secretary of the Agency and the otheranother of such member as the Deputy Executive Director/Secretary.

(5) Meetings and Notice. Meetings of the Governing Body may be called in the same manner and on the same notice as meetings of the Board of Commissioners of the County.

(6) Agency Legal Counsel. The Dakota County Attorney shall be the Agency's legal counsel.

C. Duration. The Agency shall have a life of thirty years, commencing from and after the date of this Amendment; provided, however, that if after all Bonds issued by the County to pay the costs of constructing and acquiring the Project have been retired prior to such termination date and any and all other contractual obligations of the Agency have been satisfied, the existence of the Agency may be terminated at the option of either of the Members. Upon the termination of the Agency, all property then owned by the Agency shall become the property of the County, subject however to the terms of any then existing lease-purchase agreement made by the Agency.

D. Member Contribution/Lease-Purchase Agreements. Any costs related to the establishment, organization and operating expenses of the Agency shall be paid for from equal contributions by the Members as budgeted and appropriated from year to year. The Cost of the Project shall be provided for under the terms of a separate lease-purchase agreement between the County and the Agency (the "County Lease-Purchase Agreement") and a separate Lease-Purchase Agreement between the City and the Agency (the "City Lease-Purchase Agreement"). The City Lease-Purchase Agreement and the County Lease-Purchase Agreement are each to be made in order to effect the cooperative purpose set forth in Paragraph 3 of the Original Agreement as approved at the elections referred to in Paragraph 4 and Paragraph 5 of the Original Agreement. The County Lease-Purchase Agreement shall provide for the County to contribute to the costs of the Project by issuing its Correctional Facilities Bonds (Sales Tax Pledge), Series 2005, in the principal amount of \$7,025,000 (the "County Bonds"). The City Lease-Purchase Agreement shall provide for the City to contribute to the costs of the Project by making payments from sales tax receipts as provided for in that proposition submitted to the voters of the City on August 10, 2004 (the "City Sales Tax Contribution"). The Agency shall assign the City Lease Purchase Agreement and the payment rights thereunder to the County in consideration of the issuance of the County Bonds and in order to provide for payment of the County Bonds. Title to the Project shall be in the Agency but shall transfer to the County and the City in accordance with the terms of the County Lease Purchase Agreement and the CountyCity Lease Purchase Agreement.

E. Powers. The Agency shall have such powers as are allowed by the Interlocal Cooperation Act, and any amendments thereto, including, but not limited to, the powers:

- (1) to sue and be sued;
- (2) to have a seal and alter the same at pleasure or to dispense with the necessity thereof;
- (3) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, including leases, lease purchase agreements and management contracts;
- (4) from time to time, to make, amend, and repeal bylaws, rules and regulations, not inconsistent with the Interlocal Cooperation Act and this Agreement, to carry out and effectuate its powers and purposes;
- (5) to make all necessary rules and regulations governing the use, operation and control of a jail/correctional facility;
- (6) to establish just and equitable rates or charges for the use of the jail/correctional facility, any property or equipment associated therewith, or any services provided in connection with said facility;
- (7) to purchase, plan, develop, construct, equip, maintain and improve a jail/correctional facility including the lease or acquisition of real estate or rights therein by gift, grant, purchase or condemnation, as necessary for the construction and operation of such facility;
- (8) to acquire, hold, use and dispose of the any reserves derived from the operation of a jail/correctional facility;
- (9) to acquire, hold, use and dispose of other personal property for the purposes of the Agency;
- (10) to provide a jail/correctional facility for the use of the County and the City and such other public users as shall be deemed appropriate by the Agency;
- (11) to make or cause to be made utilization and engineering studies and surveys necessary or useful and convenient to carrying out the functions of the Agency;
- (12) to contract with and compensate consultants for professional services including, but not limited to, architects, engineers, planners, lawyers, accountants, and others found necessary or useful and convenient to the stated purposes of the Agency;
- (13) to provide for a system of budgeting, accounting, auditing and reporting of all Agency funds and transactions, for a depository, and for bonding of employees;
- (14) to consult with representatives of Federal, State and local agencies, departments and their officers and employees and to contract with such agencies and departments for services and equipment as needed for the jail/correctional facility;
- (15) to exercise such other powers as are available under the then existing law of each Member;

(16) to borrow money, make and issue negotiable bonds, certificates, bond anticipation notes, refunding bonds and notes, all in accordance with Sections 13-808 through 13-824 of the Interlocal Cooperation Act, and any amendments thereto, and to secure the payment of such bonds, certificates, refunding bonds and notes or any part thereof by a pledge of any or all of the Agency's net revenues and any other funds or property which the Agency has a right to, or may hereafter have the right to pledge for such purposes;

(17) to provide in the proceedings authorizing such obligations for remedies upon default in the payment of principal and interest on any such obligations, including, but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Agency's property, such trustee and receiver to have the powers and duties provided for in the proceedings authorizing such obligations;

(18) to receive payments for the use of the jail/correctional facility and associated equipment and property;

(19) to hire employees, fix their compensation, benefits, personnel rules and regulations, and terminate their employment;

(20) to employ a manager which may be a political subdivision or other entity or person and which may exercise such of the Agency's powers as shall be determined by contract and as determined by the Board from time to time; and

(21) to borrow money and accept grants, contributions, property or loans from, and to enter into contracts, leases, or other transactions with municipal, county, state, or the federal government, including any Member.

It is the intention of the parties that the powers of the Agency are to be exercised on behalf of the Agency under the terms of a management agreement between the Agency and the County. Any such management agreement shall also be signed on behalf of the City to show approval of the form and content of such management agreement.

F. Technical Cooperation from Members. The Members agree to respond to reasonable requests to make information available to the Agency or its manager for the purposes of this Agreement, and to assure that any engineers and consultants hired by the Members release to the Agency materials, data and other items pertinent to this Agreement.

G. Budgeting. The Board shall prepare a budget based on a fiscal year ending June 30 of each year for the operation of the Agency, the same to be adopted by the Board no later than August 31 of each year.

H. Not for Profit. It is expressly understood that the Agency is a public body and is to be operated not for profit, and no profit or dividend will inure to the benefit of any individual.

I. Dissolution. Upon dissolution of the Agency, all assets shall be distributed to Dakotathe County.

J. Manner of Acquiring and Holding Property. The Agency may lease, purchase, or acquire by any means, from a Member or from any other source, such real and personal property as is required for the operation of the Agency and for carrying out of the purposes of this Agreement. The title to all such property, personal or real, shall be held in the name of the Agency. The Agency may sell, lease, sell by lease purchase agreement, convey or otherwise transfer title to any real or personal property as may be determined appropriate by the Board and as approved by each Member. All conveyances of real property owned or held in the name of the Agency shall be authorized by resolution of the Board after approval by the governing body of each Member and shall be executed by the Executive Director/Secretary (or Deputy Executive Director/Secretary) on behalf of the Agency.

K. Amendment of Agreement. This Agreement may be amended upon approving resolutions adopted by the governing body of each Member that approved this Agreement.

Section 2. The parties hereto each acknowledge and agree that the each of the questions submitted for voter approval in accordance with the terms of Paragraph 4 and Paragraph 5 of the Original Agreement received the required voter approval. Except as expressly modified by the provisions of this Amendment, all terms and provisions of the Original Agreement are hereby confirmed and shall remain in force and effect.

IN WITNESS WHEREOF, the governmental subdivisions who are a party hereto, being all of the original and present parties to the Original Agreement, have on the day and year first above written, caused this Amendment to Interlocal Agreement to be executed by their respective officers duly authorized and have caused their respective seals to be affixed hereto.



CITY OF SOUTH SIOUX CITY, NEBRASKA

By: \_\_\_\_\_  
Mayor

(SEAL)

Attest:

\_\_\_\_\_  
City Clerk

THE COUNTY OF DAKOTA,  
IN THE STATE OF NEBRASKA

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

Attest:

\_\_\_\_\_  
County Clerk

Other discussion pertained to signing all documents in unison and the time frame for getting the project started. Bond closing is set for July 1st but may be later depending on the council/commissioner meetings and when the documents are signed and finalized. Roll call vote: Ayes; Engel, Miller, Bousquet, O'Neill, Hartnett. Nays; none. Motion carried.

Commissioner Hartnett left the meeting at 3:40 p.m.

Mark Albenesius has acquired land and the end of F Avenue and truck traffic on the road will be increasing. He would like to mediate some of the problems associated with the gravel road (164th Street) and neighbors before the increased truck traffic happens. There is a minimum maintenance road that runs East-West. He is willing to re-route his trucks to that road if the county will do some surfacing/grading work to that minimum maintenance road. He is also willing to do some dust control for two neighborhood residences, Iverson & Burdett, to keep the peace there. Arnie Mellick will check on bringing the minimum maintenance road into the 1 & 6 year plan and cost of surfacing.

Richard Brown, Chief Probation Officer for this district, would like to go on record as requesting more office space for a possible 1-2 person staff increase.

Minutes of April 18, 2005 were not approved as they were not mailed out for review before the meeting. They will be put on the next agenda for approval.

Public comment: Bousquet would like to let residents know that the commissioners are not the hold up on the bond issue or start of the jail project.

Joe Flynn, acting Public Defender, was personally told that the Commissioners have hired Brian E. Smith, Jr. as the new Public Defender and that the Commissioners would compensate Mr. Flynn for his time and talents as Public Defender in the interim.

Mail was discussed.

Payroll claims approved pursuant to employees handbook:  
COUNTY GENERAL FUND: Gross salaries- \$74,582.33, General Fund Employees Net Pay- \$54,575.49, Employer deductions paid: Retirement- 4,855.78, Social Security Tax- 4,624.13, Medicare- 1,081.47, DC Health Plan-, Delta Dental-, Jefferson Pilot Life-  
Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Lora Skow- 860.00, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 371.70, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 699.84, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Dustin Kinsey- 789.60, Richard Jensen- 1233.74, Duane Kotalik- 594.12, Tammy Dunn-Peterson- 700.63, Patricia Stingley- 110.00, Sandy Beers- 1000.08, Jeremy Bermel- 1478.75, Anthony Bos- 1742.51, Brian Ellinger- 1554.80, Penny Epting- 1108.85, Todd Hammer- 1389.20, Melvin Harrison III- 1690.28, Rodney Herron- 1564.33, Kimberly Johnson- 553.70, Jared Junge- 1743.01, Michael Kreegar- 1472.96, Gayle Richards- 744.81, Kevin Rohde- 1121.34,

James Wagner- 1813.63, Randall Walsh- 1637.07, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 772.74, Amanda Jones- 1196.94, Rebecca Broer- 1287.25, Richard Criss- 1062.40, Eric Davis- 1474.73, Ronald Fink Jr.- 1004.00, John Gilles- 1177.60, Michael Gregerson Jr.- 1302.75, Alma Gunderson- 1124.65, Paula Harrigfeld- 382.89, Cathy Harsma- 1024.00, Joseph Ramirez- 1211.12, Krystal Ramirez- 938.92, Linda Schovanec- 1206.26, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 1006.72, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,131.09, State- 2,535.67, Social Security Tax- 4,624.13, Medicare- 1,081.47, Retirement- 3,294.55, DC Health Plan-, Delta Dental-, Colonial Health-, Sheriff Union Dues-, Deferred Comp- 692.78, Garnishments- 647.15, Aflac Health-, Aflac Life/Dsbl-, Aflac Flex Plan-.

COUNTY ROAD PAYROLL: Gross salaries- \$14,014.77, Road Employees Net Pay- \$10,550.80, Employer deductions paid: Retirement- 946.02, DC Health Plan-, Delta Dental-, Jefferson Pilot Life-, Social Security Tax- 868.91, Medicare- 203.23.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoesing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 1113.60, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,229.96, State- 449.54, Social Security- 868.91, Medicare- 203.23, Retirement- 630.65, DC Health Plan-, Delta Dental-, Reassure America Life-, Union Dues-, Deferred Comp.- 81.68, Aflac Health-, Aflac Life/Dsbl-.

COPS FAST GRANT: Gross salaries- 1,352.86, Cops Fast Employee Net Pay- 946.46, Employer deductions paid: Retirement- 104.85, Unicare Health-, Delta Dental-, Jefferson Pilot Life-, Social Security- 83.88, Medicare- 19.62, Brent Gilster- 1352.86.

COPS FAST GRANT: Employee withholding paid to: Federal- 169.42, State- 59.07, Social Security- 83.88, Medicare- 19.62, Retirement- 74.41, Sheriff Union Dues-.

Visitors Promotion: South Sioux City Chamber of Commerce- Lodging Tax: 9,124.93

Chair Engel adjourned their meeting at 4:10 p.m.

DAKOTA COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MAY 2, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Roll call was taken with the following members present: Miller, Bousquet, O'Neill, Hartnett, and Engel. Ted Piepho, Secretary. The Pledge of Allegiance was recited.

Carol Larvick appeared and presented the Extension 0100-645 budget. The 2005/06 Official's Request was \$44,450.00.

Arnie Mellick appeared and presented the 0300-705 Road budget. The 2005/06 Official's Request was \$1,076,935.33.

Arnie Mellick appeared and presented the 0802-804 Major Road/Bridge budget. The 2005/06 Official's Request was \$654,000.00.

Arnie Mellick appeared and presented the 0100-701 Highway Superintendent budget. The 2005/06 Official's Request was \$39,563.00.

Arnie Mellick appeared and presented the 0100-608 Planning and Zoning budget. The 2005/06 Official's Request was \$13,029.82.

Leon Pies appeared and presented the 5400-733 Noxious Weed and Weed Personal Services budget. The 2005/06 Official's Request was \$17,212.63 for personal services and \$30,825.00 for Weed 5400.

Pam Devries, Health Director appeared and presented the 0100-753 Health Department budget. The 2005/06 Official's Request was \$134,205.82.

Pam Devries, Health Director, presented the 0100-754 Health Planning (Grants) budget. The 2005/06 Official's Request was \$57,000.

Lynette Beermann, Clerk of the District Court, appeared and presented the 0100-621 Clerk of the District Court's budget. The 2005/06 Official's Request was \$128,147.32

Lynette Beermann also presented the Clerk of District Court's Child Support 0100-631 budget. The 2005/06 Official's Request was \$36,650.52.

Rick Jensen, Building and Grounds Supt., appeared before the board and presented the Building and Grounds Budget. The 2005/06 Official's Request was \$223,810.79.

Nanci Walsh, Board's Assistant, presented a 2005/06 proposed budget for the County Surveyor of \$3,000.

Robert Giese, County Treasurer, did not appear before the board and will present the 0100-603 County Treasurer's Budget May 9th.

Ted Piepho, County Clerk, appeared before the board and presented the 0100-602 County Clerk's Budget. The 2005/06 Official's Request was \$191,263.26.

Ted Piepho also presented the 0100 607 Election Commissioner's Budget. The 2005/06 Official's Request was \$40,285.80.

Chair Engel adjourned their meeting at 4:25 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MAY 9, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m. Roll call was taken with the following members present: Miller, Bousquet, O'Neill, Hartnett, and Engel. Ted Piepho, Secretary. The Pledge of Allegiance was recited.

Arnie Mellick, Acting Road Foreman, opened the bids that were received from the Road Department's ad to purchase a new or used pickup.

They were as follows:

Anderson Auto Group from Missouri Valley  
2005 Ford New Light Duty Extended Cab \$19,759.  
Used Ford Light Duty Extended Cab Pickup \$15,900.  
2003 Ford with 22776 Standard Cab 4X4

Anderson Auto Group from Missouri Valley  
2005 New 1/2 extended Cab with 8' Box \$23,413.

Anderson Auto Group from Missouri Valley  
2005 Chevy New Light Duty Extended Cab \$19982.  
Used Chevy Light Duty Extended Cab Pickup \$17,827.  
2003 Chevy with 24000 miles Extended Cab 4X4

Anderson Auto Group from Missouri Valley 2005 New 1/2 extended Cab with 8' Box \$21,443.03.

Janke Auto Co. from Pender  
2005 Chevy New Light Duty Extended Cab \$22998. (Colorado) 2003 used Chevy Silverado \$19948.

Wood House Auto Family from Blair  
2005 Ford New Light Duty Extended Cab \$18999.  
2002 used Ford \$10990. 34000 miles  
1621. 36000 mile warranty 36 months  
Total \$12,611.

Chair Engel referred the bids to the Road Committee.

The board discussed a resolution that would allow the county to upgrade 160th Street from Highway 110 to F Avenue. The purpose was that Mark Albenesius purchased some property and if this road were upgraded then he could use this road rather than causing the additional truck traffic on 164th Street.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to adopt Resolution 05C-014 adding Project No. C-22(201) to the current One Year Road Program as follows:

**RESOLUTION 05C-014**

WHEREAS, it is in the public interest to improve by grading & gravel surfacing the segment of 160th Street from Highway 110 east to F Avenue, more particularly described as beginning at the southwest corner of Section 36, Township 29 North, Range 8 East of the 6th Principal Meridian, Dakota County, NE and ending near the Southeast corner of Section 36, Township 29 North, Range 8 East of the 6th Principal Meridian, Dakota County, NE. Total length of the improvement being one (1) mile.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Dakota County, Nebraska, that said segment of 160th Street 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(201).

Adopted this \_\_\_\_\_ of \_\_\_\_\_, 2005 at Dakota City Nebraska.

ATTEST: Board of County Commissioners  
Dakota County Nebraska

\_\_\_\_\_  
County Clerk  
Board Member Hartnett moved the adoption of said resolution  
Roll Call: 5 yea 0 nay

\_\_\_\_\_  
Chairperson

Resolution adopted, signed & billed as adopted.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The board discussed the Tire Grant that the County was awarded for 120 ton of Tires.

Stan Binkley appeared before the Board. He had concerns about the crowning of the roads, mowing of road ditches and no gravel on Q Avenue. He also objected to the stockpiling of Chicken manure for long lengths of time. He said that the land owner and the people stockpiling the manure don't have to live next to it.

Chair Engel announced that since Commissioner Miller and Commissioner Bousquet devoted so much time to the jail that he was removing them from the Road Committee and placing Commissioner Hartnett and himself on that committee effective immediately.

Rod Herron, Jail Administrator, appeared before the board requesting a part time person to help out with Electronic Monitoring. He said that Linda Schovenac and Amanda Jones each had 30 people on Electronic Monitoring and this is too many for one person to handle and a part time person could help them both.

Mr. Ed Matney had dropped off a letter earlier, which read as follows:

Dakota County Attorney  
DAKOTA COUNTY, NEBRASKA  
PO. Box 117 Dakota City, Nebraska 68731  
(402) 987-2151 Fax (402) 987-2186

May 9, 2005

William Engel  
Commissioner  
P.O. Box 338  
Dakota City, NE 68731

Dear Commissioner Engel:

I am writing to encourage you to support the Sheriff's Office in its efforts to expand the house-arrest program. Currently, the staffing situation has about reached its limit to adequately supervise the large number of people placed on house arrest. Because the house-arrest program is financially wise for Dakota County, my office makes every effort to recommend it for appropriate defendants.

The judges have been very supportive of the program. However, I anticipate that they will only continue their support for a program with appropriate staffing levels. At this point, expansion of the program is not possible. The Board of Commissioners should act to change that at its earliest opportunity.

Sincerely,

Edward H. Matney  
Dakota County Attorney

EHM/bsh  
cc Sheriff Wagner  
Chief Deputy Herron

Commissioner Bousquet moved, seconded by Commissioner O'Neill to authorize Rod Herron to hire a part time person less than 32 hours a week.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Mark Dorcey, Register of Deeds, appeared and presented the Register of Deeds 0100-604 budget. The 2005/06 Official's Request was \$73,166. Mr. Dorcey also submitted a Revenue Summary showing his office year-to-date earnings.

Robert Giese, County Treasurer, appeared and presented the County Treasurer's 0100-603 budget. The 2005/06 Official's Request was \$230,835.47.

Sheriff Wagner and Rod Herron appeared and presented the 0100-671 Jail Budget. The 2005/06 Official's Request was \$3,396,673.

Sheriff Wagner and Rod Herron appeared and presented the 0100-651 Sheriff's budget. The 2005/06 Official's Request was \$929,228.18.

Amanda Jones appeared and presented the 0100 669 Community Corrections-Pretrial budget. Her 2005/06 request was \$39,446.06.

Commissioner Miller moved, seconded by Commissioner Bousquet to rescind the Amendment to the Interlocal Agreement entered into on the 25th day of April, 2005 and to adopt the following Interlocal agreement subject to the County Board approving the Management Agreement referred to in the following amendment.

#### AMENDMENT TO INTERLOCAL AGREEMENT

This Amendment to Interlocal Agreement (the "Amendment") is made and entered into this 9th day of May, 2005 by and between the City of South Sioux City, Nebraska, (the "City") and The County of Dakota, in the State of Nebraska, (the "County").

#### WITNESSETH

WHEREAS, the City and the County have previously entered into an agreement entitled "Interlocal Agreement" dated June 14, 2004 (the "Original Agreement" and as amended by and together with this Amendment, the "Agreement") pursuant to the provisions of the Interlocal Cooperation Act (Sections 13-801 to 13-827, R.R.S. Neb. 1997, as amended, the "Act") relating to the construction and financing of a new jail correctional facility (the "Project") and also to contributions to the joint City-County Law Enforcement Center;

WHEREAS, the City and the County have determined that it is necessary to modify the Agreement to provide for the creation of a joint entity, constituting a separate body corporate and politic to act on behalf of the City and the County in accordance with the terms of the Act in order to hold title to and facilitate the construction and financing of the Project;

NOW THEREFORE, pursuant to the Act and the approvals by the governing bodies of the City and the County and in consideration of the mutual covenants and undertakings herein provided for, IT IS HEREBY AGREED, as follows:

Section 1. Paragraph 2 of the Original Agreement is hereby amended to provide as follows:

2. Administration. Pursuant to the Act, the City and the County hereby create a joint entity which shall be named the Dakota County Jail/Correctional Facilities Agency (the "Agency") and shall constitute a separate body corporate and politic under the provisions of the Act. The Agency shall be subject to control by the City and the County (collectively, the "Members") in accordance with the terms of this Agreement. The Agency's existence shall commence upon the execution of this Amendment to Interlocal Agreement by each of the Members. The following provisions shall govern the Agency and its operations:

A. Purpose. The purposes of the Agency are as follows:

(1) To make efficient use of the powers of the Members by enabling them to cooperate with each other on a basis of mutual advantage and thereby provide the Project to serve the needs of the Members relating to jail and correctional facilities.

(2) To provide or contract for the acquisition, finance, construction and operation of the Project as a jail and correctional facility serving the requirements of the City and the County, including but not limited to contracting for the lease and sale of the Project to the City and the County by lease-purchase agreement and contracting with the County for the management of the Project, all as authorized by the Act, specifically including Section 13-807 thereof.

B. Organization. The following terms shall apply to the governance of the Agency:

(1) Governing Body. The governing body (the "Governing Body") of the Agency shall consist of three representatives, one from each of the Members and a third member appointed by the County from the public at large. Unless otherwise determined by resolution of the Mayor and Council of the City, the representative of the City shall be its City Administrator. Unless otherwise determined by the Board of Commissioners of the County, the representative of the County shall be the County Clerk of Dakota County. The representative appointed from the public at large shall be a resident of Dakota County.

(2) Voting. Each member of the Governing Body shall have one vote. Each representative shall be required to vote in accordance with any direction made by resolution of such representative's appointing body.

(3) Quorum. A majority of all members of the Governing Body shall constitute a quorum for the transaction of any Agency business.

(4) Officers. Governing Body shall appoint one of its representative members as the Executive Director/Secretary of the Agency and another of such member as the Deputy Executive Director/Secretary.

(5) Meetings and Notice. Meetings of the Governing Body may be called in the same manner and on the same notice as meetings of the Board of Commissioners of the County.

(6) Agency Legal Counsel. The Dakota County Attorney shall be the Agency's legal counsel.

C. Duration. The Agency shall have a life of thirty years, commencing from and after the date of this Amendment; provided, however, that if after all bonds issued by the County to pay the costs of constructing and acquiring the Project (including the County Bonds (as defined below) and any bonds issued to refund the County Bonds) have been retired prior to such termination date and any and all other contractual obligations of the Agency have been satisfied, the existence of the Agency may be terminated at the option of either of the Members. Upon the termination of the Agency, all property then owned by the Agency shall become the property of the County, subject however to the terms of any then existing lease-purchase agreement made by the Agency.

D. Member Contribution/Lease-Purchase Agreements. Any costs related to the establishment, organization and operating expenses of the Agency shall be paid for from equal contributions by the Members as budgeted and appropriated from year to year. The Cost of the Project shall be provided for under the terms of a separate lease-purchase agreement between the County and the Agency (the "County Lease-Purchase Agreement") and a separate Lease-Purchase Agreement between the City and the Agency (the "City Lease-Purchase Agreement"). The City Lease-Purchase Agreement and the County Lease-Purchase Agreement are each to be made in order to effect the cooperative purpose set forth in Paragraph 3 of the Original Agreement as approved at the elections referred to in Paragraph 4 and Paragraph 5 of the Original Agreement. The County Lease-Purchase Agreement shall provide for the County to contribute to the costs of the Project by issuing its Correctional Facilities Bonds (Sales Tax Revenue Source), Series 2005, in the principal amount of \$7,025,000 (the "County Bonds"). The City Lease-Purchase Agreement shall provide for the City to contribute to the costs of the Project by making payments from sales tax receipts as provided for in that proposition submitted to the voters of the City on August 10, 2004 (the "City Sales Tax Contribution"). The Agency shall assign the City Lease Purchase Agreement and the payment rights thereunder to the County in consideration of the issuance of the County Bonds and in order to provide for payment of the County Bonds. Title to the Project shall be in the Agency but shall transfer to the County and the City in accordance with the terms of the County Lease Purchase Agreement and the City Lease Purchase Agreement.

E. Powers. The Agency shall have such powers as are allowed by the Interlocal Cooperation Act, and any amendments thereto, including, but not limited to, the powers:

(1) To sue and be sued;

(2) To have a seal and alter the same at pleasure or to dispense with the necessity thereof;

(3) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers, including leases, lease purchase agreements and management contracts;

(4) from time to time, to make, amend, and repeal bylaws, rules and regulations, not inconsistent with the Interlocal Cooperation Act and this Agreement, to carry out and effectuate its powers and purposes;

(5) To make all necessary rules and regulations governing the use, operation and control of a jail/correctional facility;

(6) To establish just and equitable rates or charges for the use of the jail/correctional facility, any property or equipment associated therewith, or any services provided in connection with said facility;

(7) to purchase, plan, develop, construct, equip, maintain and improve a jail/correctional facility including the lease or acquisition of real estate or rights therein by gift, grant, lease, purchase or condemnation, as necessary for the construction and operation of such facility;

(8) To acquire, hold, use and dispose of the any reserves derived from the operation of a jail/correctional facility;

(9) To acquire, hold, use and dispose of other personal property for the purposes of the Agency;

(10) To provide a jail/correctional facility for the use of the County and the City and such other public users as shall be deemed appropriate by the Agency;

(11) To make or cause to be made utilization and engineering studies and surveys necessary or useful and convenient to carrying out the functions of the Agency;

(12) to contract with and compensate consultants for professional services including, but not limited to, architects, engineers, planners, lawyers, accountants, and others found necessary or useful and convenient to the stated purposes of the Agency;

(13) To provide for a system of budgeting, accounting, auditing and reporting of all Agency funds and transactions, for a depository, and for bonding of employees;

(14) to consult with representatives of Federal, State and local agencies, departments and their officers and employees and to contract with such agencies and departments for services and equipment as needed for the jail/correctional facility;

(15) To exercise such other powers as are available under the then existing law of each Member;

(16) to borrow money, make and issue negotiable bonds, certificates, bond anticipation notes, refunding bonds and notes, all in accordance with Sections 13-808 through 13-824 of the Interlocal Cooperation Act, and any amendments thereto, and to secure the payment of such bonds, certificates, refunding bonds and notes or any part thereof by a pledge of any or all of the Agency's net revenues and any other funds or property which the Agency has a right to, or may hereafter have the right to pledge for such purposes;

(17) to provide in the proceedings authorizing such obligations for remedies upon default in the payment of principal and interest on any such obligations, including, but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Agency's property, such trustee and receiver to have the powers and duties provided for in the proceedings authorizing such obligations;

(18) To receive payments for the use of the jail/correctional facility and associated equipment and property;

(19) To hire employees, fix their compensation, benefits, personnel rules and regulations, and terminate their employment;

(20) to employ a manager which may be a political subdivision or other entity or person and which may exercise such of the Agency's powers as shall be determined by contract and as determined by the Governing Body from time to time; and

(21) to borrow money and accept grants, contributions, property or loans from, and to enter into contracts, leases, or other transactions with municipal, county, state, or the federal government, including any Member.

It is the intention of the parties that the powers of the Agency are to be exercised on behalf of the Agency under the terms of a management agreement between the Agency and the County. Any such management agreement shall also be signed on behalf of the City to show approval of the form and content of such management agreement.

F. Technical Cooperation from Members. The Members agree to respond to reasonable requests to make information available to the Agency or its manager for the purposes of this Agreement, and to assure that any engineers and consultants hired by the Members release to the Agency materials, data and other items pertinent to this Agreement.

G. Budgeting. The Governing Body shall prepare a budget based on a fiscal year ending June 30 of each year for the operation of the Agency, the same to be adopted by the Governing Body no later than August 31 of each year.

H. Not for Profit. It is expressly understood that the Agency is a public body and is to be operated not for profit and no profit or dividend will inure to the benefit of any individual.

I. Dissolution. Upon dissolution of the Agency, all assets shall be distributed to the County.

J. Manner of Acquiring and Holding Property. The Agency may lease, purchase, or acquire by any means, from a Member or from any other source, such real and personal property as is required for the operation of the Agency and for carrying out of the purposes of this Agreement. The title to all such property, personal or real, shall be held in the name of the Agency. The Agency may sell, lease, sell by lease purchase agreement, convey or otherwise transfer title to any real or personal property as may be determined appropriate by the Governing Body and as approved by each Member. All conveyances of real property owned or held in the name of the Agency shall be authorized by resolution of the Governing Body after approval by the governing body of each Member and shall be executed by the Executive Director/Secretary (or Deputy Executive Director/Secretary) on behalf of the Agency.

K. Amendment of Agreement. This Agreement may be amended upon approving resolutions adopted by the governing body of each Member that approved this Agreement.

Section 2. The parties hereto each acknowledge and agree that the each of the questions submitted for voter approval in accordance with the terms of Paragraph 4 and Paragraph 5 of the Original Agreement received the required voter approval. Except as expressly modified by the provisions of this Amendment, all terms and provisions of the Original Agreement are hereby confirmed and shall remain in force and effect.

IN WITNESS WHEREOF, the governmental subdivisions who are a party hereto, being all of the original and present parties to the Original Agreement, have on the day and year first above written, caused this Amendment to Interlocal Agreement to be executed by their respective officers duly authorized and have caused their respective seals to be affixed hereto.

CITY OF SOUTH SIOUX CITY, NEBRASKA

By: \_\_\_\_\_  
Mayor

(SEAL)

Attest:

\_\_\_\_\_  
City Clerk

THE COUNTY OF DAKOTA,  
IN THE STATE OF NEBRASKA

By: \_\_\_\_\_  
Chairman

(SEAL)

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest:

\_\_\_\_\_  
County Clerk

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Payroll claims paid pursuant to Employee Handbook:  
COUNTY GENERAL FUND: Gross salaries- \$77,712.79, General Fund Employees Net Pay- \$54,536.46, Employer deductions paid: Retirement- 4,998.81, Social Security Tax- 4,662.69, Medicare- 1,090.47, DC Health Plan- 15,846.35, Delta Dental- 614.25, Jefferson Pilot Life- 146.25.  
Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 836.63, Theodore Piepho- 1450.04, Lora Skow- 860.01, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 790.23, Phyllis Ridge- 872.80, Lyn Beltz- 125.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 772.74, Carol Dunham- 1055.94, Joe Flynn- 2038.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.49, Dustin Kinsey- 789.60, Richard Jensen- 1233.74, Duane Kotalik- 961.25, Tammy Dunn-Peterson- 745.75, Sandy Beers- 1000.08, Jeremy Bermel- 1548.75, Anthony Bos- 1622.06, Brian Ellinger- 1903.87, Penny Epting- 1132.02, Todd Hammer- 1306.15, Melvin Harrison III- 1459.38, Rodney Herron- 1564.33,



Kimberly Johnson- 671.22, Jared Junge- 1557.50, Michael Kreegar- 1400.89, Gayle Richards- 744.80, Kevin Rohde- 1141.60, James Wagner- 1813.63, Randall Walsh- 2082.70, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Amanda Jones- 1098.47, Rebecca Broer- 1426.17, Richard Criss- 1049.60, Eric Davis- 1101.26, Ronald Fink Jr.- 1004.00, John Gilles- 1043.20, Michael Gregerson Jr.- 1113.75, Alma Gunderson- 1226.29, Paula Harrigfeld- 700.21, Cathy Harsma- 1024.00, Joseph Ramirez- 1401.60, Krystal Ramirez- 1150.73, Linda Schovanec- 1196.03, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 888.75, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,137.89, State- 2,543.26, Social Security Tax- 4,662.69, Medicare- 1,090.47, Retirement- 3,390.51, DC Health Plan- 1,167.86, Delta Dental- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 989.65, Aflac Health- 502.52, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$15,124.05, Road Employees Net Pay- \$10,644.66, Employer deductions paid: Retirement- 1,020.89, DC Health Plan- 2,925.48, Delta Dental- 113.40, Jefferson Pilot Life- 27.00, Social Security Tax- 908.68, Medicare- 212.51.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Richard McNear- 2222.88, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,329.78, State- 495.33, Social Security- 908.68, Medicare- 212.51, Retirement- 680.57, DC Health Plan- 300.69, Delta Dental- 58.71, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,448.94, Cops Fast Employee Net Pay- 995.88, Employer deductions paid: Retirement- 112.29, Unicare Health- 243.79, Delta Dental- 9.45, Jefferson Pilot Life- 2.25, Social Security- 89.83, Medicare- 21.01, Brent Gilster- 1448.94.

COPS FAST GRANT: Employee withholding paid to: Federal- 192.12, State- 65.41, Social Security- 89.83, Medicare- 21.01, Retirement- 79.69, Sheriff Union Dues- 5.00.

Chair Engel adjourned their meeting at 4:18 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
MAY 16, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 10:00 a.m. Roll call was taken with the following members present: Miller, O'Neill, Hartnett, and Engel. Ted Piepho, Secretary. The Pledge of Allegiance was recited.

Absent: Commissioner Bousquet

The Board reviewed the claims submitted by the County Clerk to be paid out of Accounts Payable.

Chair Engel recessed their meeting for lunch at 11:44 a.m.

Chair Engel reconvened their meeting with all members, including Commissioner Bousquet and County Clerk, Ted Piepho present.

Pat Foust appeared before the board and explained the status of local Communications Projects.

Item Estimated Cost

Roof \$187,000. and they still have \$46,000 from the 60,000 the County and the City of South Sioux City set back a few years ago. They spent \$14,073.27 for In Vision Architecture fee, which leaves approximately \$141,703.27 left to fund.

Radio Equipment \$37,000 Will receive grant funds in the amount of \$25,000 so there will be a necessity to fund an additional \$12,000

Dictation System \$6,300 Hope to take this out of the operating budget for FY004-05.

911 System \$125,046 No plans to receive any outside revenues.

Mapping \$39,264 This will be put on the back burner and not implemented at this time.

Console furniture \$32,000

ITEP grant match \$25,000

Equipment relocation \$15,000

Server Room A/C \$3,500 Hope to take this out of the operating budget for FY004-05.

Service window and Speaker \$3,000 Hope to take this out of the operating budget for FY004-05.

Subtotal \$391,549 This amount does not include the mapping, which is to be later.

\$ 12,800 will come from 2004-05 operating budget.

\$378,749 \$320,000 will come from Sales Tax Source.

He asked for permission to go ahead with getting a bond.

The board discussed which bonding agency should take the lead in issuing these bonds.

There was discussion whether the County, City or Agency should be the primary owner of the bonds. A comment was made that it might hurt the county's bonding authority. There was also concern how the City of South Sioux City would look with the County taking the primary agent.

Mr. Bousquet asked, "Could we make a motion, which would put Pat Foust on track with his projects, contingent on funding if the city would, with Richard Pedersen and John Trecek, if left holding the bag, what it does to our bonding ability as a County. I guess I would make that a motion." Commissioner Miller said; I'll second that."

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Mr. Mellick said that all the used pickups were gone, but that Woodhouse had a couple different ones today. He said there was a problem that the dealer sells them before he can come back to the board for permission to purchase them.

There was discussion about giving the Road Dept. one of the Sheriff's Pickups. Pam thought that the sheriff had in their budget to trade Rod's pickup in anyway this next fiscal year.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to reject all bids on the pickups and to authorize Arnie to solicit unadvertised bids and to purchase a pickup that he decides on.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- No, Hartnett- Yea, Engel- Yea, Miller- Yea, MOTION CARRIED.

Mr. Mellick presented a resolution on 160th Street that the State Department of Roads requires.

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt Resolution 05C-015 that the functional classification of 160th Street from Highway 110 to F Avenue be changed from minimum maintenance to that of a Rural Local Road.

RESOLUTION 05C-015

WHEREAS, a new business is being constructed at the east end of a minimum maintenance road described as follows: 160th Street from the intersection of Highway 110 east to F Avenue, more particularly described as beginning at the southwest corner of Section 36, T-29-N, R-8-E of the 6th Principal Meridian, Dakota County Nebraska, and ending near the Southeast corner of Section 36, T-29-N, R-8-E of the 6th Principal Meridian, Dakota County, Nebraska.

WHEREAS, heavy truck traffic generated by this new business will use this road rather than travel through a more populated residential area, now therefore,

BE IT RESOLVED: that the functional classification of said road previously described be changed from minimum maintenance to that of a Rural Local Road.

Adopted this 16th of May, 2005 at Dakota City Nebraska.

ATTEST:

Board of County Commissioners  
Of Dakota County Nebraska

\s\ Theodore A. Piepho  
County Clerk

\s\ William F. Engel  
Chairperson

Board Member Hartnett Moved the adoption of said resolution.

Roll Call: 4 - Yea 1- Nay

Resolution adopted, signed & billed as adopted.

Ms. O'Neill asked if we pass this are we setting a precedent that will cause other people to request other minimum maintenance roads to be reclassified.

Commissioner Bousquet said that this road is going to take traffic off another road. Any other minimum road doesn't have the housing or issues around them.

Arnie said when he talked to Lamone down there and one reason that they will probably allow it is to take traffic off another road. He said that their board meets this coming Friday.

Commissioner Bousquet said if there is someone out there that can justify taking a minimum maintenance road out of that and reclassifying it as a main road, we would have to look at it.

Commissioner Hartnett said that in driving all the roads in the county, minimum maintenance roads are not roads anyone would expect to be brought up.

Mr. Mellick said that we have reclassified minimum maintenance roads a couple of times. One time there was one out here by Dakota City. There was a minimum maintenance road and a business wanted to locate by it so we reclassified it.

Ms. O'Neill said she was just trying to look ahead.

ROLL CALL VOTE: O'Neill- Nay, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, MOTION CARRIED.

Mr. Mellick reported that the County Attorney was supposed to meet with Mr. Storm and his attorney Thursday. He said that the completion of Project BRO 7022(11) would take less than two weeks. He added that if they didn't get the other project started and would have to extend the date on the North Bridge (BRO-7022(14)), it would probably cost the county more money. We need to get the south bridge done before the north bridge is started.

There was discussion why they didn't start the north bridge back when they were requested to.

Mr. Mellick reported that the concrete for the ethanol plant would cost about \$28,000.

Commissioner Bousquet reported on the Jail Project.

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt wording for the synopsis of the Dakota County Jail Project as follows: The new Dakota County Jail is designed in two phases: Phase I would be 140 new beds, including 12 work release dorm beds and 64 double bunk cells (128 beds). Phase II would provide 132 beds, all provided for in 66 double-bunked cells. (It should be noted that Nebraska Jail Standards will require a minimum of 10% of these beds to be single bunk, maximum security.)

In addition to the jail housing, the Phase I jail design will consist of space for a full-service kitchen, jail administration office space and a secure connecting link, to the existing courthouse, allowing transfer of inmates directly from housing to court without ever leaving the secure perimeter.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Pam DeVries, Health Director, reported on what the Health Dept. is doing for the Community. She expects to get the same grants next year.

She said that the trailer was finished.

She is providing people that will be first responders with a GPS system. She thought that it is important for them to be on the scene as quick as possible.

She elaborated on a badge system and badges will be provided to people that are suppose to be in the area.

Pam said that she will be purchasing collapsible water containers that can be filled and supplied to people working and living in a disaster area.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to acknowledge receipt of and approve the Official's Reports of the County Clerk, Clerk of the District Court and the Register of Deeds reports for April, 2005, as submitted.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Bryan Smith Jr., Public Defender, appeared before the board and submitted a proposed budget. The board expressed to Brian that the board feels that an attorney should reimburse the county for bar dues when they leave the employ for the county.

Mr. Smith's request for 2005/06 was \$163,602.34.

Bill Wiseman, Chair of the Veteran's Oversight Committee, appeared before the board and submitted a Veteran's Service Officer proposed 2005/06 budget of \$39,998.70.

County Clerk submitted a proposed budget for County Court requesting \$15,950 for 2005/06 budget year. He said that Judge Rager had filed it with him and would not be able to come before the board because Mr. Rager had court all day.

Nanci Walsh presented the proposed board's 2005/06 budget submitted a proposed budget for the County Board of \$36,948.22.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the claims for payment submitted by the County Clerk as follows:

GENERAL FUND: Cellular One, phone- 27.70; Dakota County Star, publishing- 484.11; NACO, directory- 75.00; Jackie Hartnett, mileage- 85.86; South Sioux City Area Chamber, governors day- 470.00; Capital One, spy ware software- 29.95; Cellular One, phone- 27.70; Redfield & Co., equalization forms- 198.43; Villager Courtyard, lodging- 52.00; Robert Giese, mileage- 80.30; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Das lmservices, data services- 27.50; Monroe Systems, office supplies- 80.67; Executive Copy, Repair Office- 120.00; Staples, office supplies- 672.36; Microfilm Imaging Systems, equipment lease- 480.00; Bear Graphics, paper/binder- 484.12; MIPS, voter support- 52.90; NACO, clerks workshop- 75.00; Dunns Office, election tool- 56.14;

Ted Piepho, meals/mileage- 106.29; Gene Cantrell, mileage- 21.00; Jim Crosgrove, mileage- 24.75; Dakota County Star, publishing- 16.26; Holiday Inn, lodging- 183.00; Hubbard Post Office, postage- 25.00; Jim Jepsen, mileage- 3.75; Dick McCabe, mileage- 36.00; Dick McNear, mileage- 36.00; Marlan Millard, mileage- 172.13; Neil Miller, mileage- 12.75; Joe O'Neill, mileage- 10.50; Perkins, supplies- 40.12; Cindy Purucker, mileage- 39.00; Martin Rohde, mileage- 30.00; Bear Graphics, envelopes- 107.66; Executive Copy, copier base rate charge- 273.13; Redfield, office supplies- 130.39; Thomson West, cd rom service- 110.00; Thurston County Court, transcribing- 15.60; United Bank of Iowa, lease payment- 158.04; Lexis Nexis, statutes- 204.75; ABC Lock Service, change locks- 47.00; Cellular One, phone- 33.11; Rembolt Ludtke LLP, attorney jail contracts- 400.00; Perkins, office supplies- 226.49; Sioux City Journal, attorney ads- 147.00; United Bank of Iowa, lease payment- 90.40; Dakota County Sheriff, papers/warrants- 936.09; Clerk of District Court, district court costs- 301.50; William Binkard, counsel- 814.70; Alexander Esteves, counsel- 1296.82; Randy Hisey, counsel- 1068.00; Shelly Horak, counsel- 462.00; Michael Schmiedt, counsel- 300.00; Robert Pierson, counsel- 831.59; Patrick Tott, counsel- 3089.50; Jury Duty Pay- 946.54; Staples, office supplies- 55.51; William Binkard, counsel- 138.00; Dakota County Court, court costs- 859.00; Robert Finney, counsel- 2419.20; Randy Hisey, counsel- 870.00; Shelly Horak, counsel- 486.00; Hurley Law Office, 3156.00; Sandra Inkster Ehrich, counsel- 1620.00; Barbara Kueny, counsel- 540.00; John Loos, counsel- 135.00; Douglas Roehrich, counsel- 462.00; Nathan Tucker, counsel- 961.80; Hungrys North, jury lunch- 71.68; A-team, AC repair- 126.50; BenStar, paper products- 313.43; Cellular One, phone- 27.70; City of Dakota City, sewer- 1082.40; Dakota Food & Fuel, fuel- 24.00; Dustin Kinsey, computer work- 180.00; Foulk Bros. Plumbing, plumbing- 442.74; Gill Hauling, dumpster service- 110.00; WW Grainger, supplies- 1101.08; Hardware Hank, supplies- 38.29; Rick Jensen, mileage- 149.81; Lowes, supplies- 41.00; Menards, supplies- 273.71; MidAmerican Energy, gas- 1636.01; NPPD, electric- 1472.06; O'Keefe, elevator service- 117.64; Qwest, phone- 40.37; Robertson Implement, mower supplies- 90.15; Sams Club, supplies- 469.63; Service Master, cleaning- 825.00; Stateline Electric, move electric- 555.65; Trembly Pest Control, pest control- 50.00; Dakota County Extension, mileage/supplies/copier/misc- 2377.90; Advance Auto Parts, vehicle maintenance- 49.45; Bort Auto Body, vehicle maintenance- 436.74; Cellular One, phone- 83.53; City of South Sioux City, long distance/copies/fuel- 3857.98; ConocoPhillips, fuel- 75.65; Crystal Oil, tire repair- 15.00; Dakota County Sheriff, training- 737.48; Dakota County Treasurer, vehicle maintenance- 108.40; Harolds, film developing- 5.95; Jacks Uniforms, uniforms- 43.55; Joaquin Orduno, interpreter- 45.00; Perkins, typewriter ribbons- 21.06; Racom, phone access line- 592.00; Siouxland Federal Credit Union, k9 training- 280.33; Siouxland Federal Credit Union, training videos/meals- 101.39; Siouxland Federal Credit Union, aol- 23.90; Siouxland Humane Society, animal control- 76.00; Siouxland NAPA, vehicle maintenance- 629.07; Dakota County Bar Association, bar dues- 75.00; Department of Motor Vehicles, transcripts- 20.00; H2O4U, office supplies- 15.75; Omaha World Herald, advertisement- 63.16; Pathology Medical Services, autopsy cost- 1414.10; Perkins, office supplies- 131.85; Secretary of State, certified copies- 20.00; Sioux City Journal, ad- 147.00; Sprint, phone- 100.00; Thurston County Court, authenticated copies- 13.50; City of South Sioux City, LEC- 22721.22; American Bio Medical Corp., house arrest drug kits- 98.03; Bob Barker, inmate supplies- 183.73; Breast Care Center, inmate medical- 295.00; Butler County Clinic, inmate medical- 470.00; Butler County Detention Center, out of county boarding- 14355.00; Butler County Health Care Center, inmate medical- 210.45; CBM Food Service, food service- 10673.21; Cass County Jail, out of county boarding- 1404.72; Sergio Castillo, Sr., interpreter- 30.00; Cedar County Sheriff, out of county boarding- 4725.00; Cellular One, phone- 88.94; City of South Sioux City, transport fuel- 181.05; Clements, vehicle maintenance- 571.47; ConocoPhillips, fuel- 393.93; David City Discount Pharmacy, inmate medical- 521.82; Dept. of Correctional Services, safekeeper/medical- 8755.61; Dept. of Correctional Services, safekeeper/medical- 2265.61; Good Neighbor Community Health, inmate medical- 498.44; Hartington Family Dentistry, inmate medical- 117.00; HyVee, food products- 19.80; Jacks Uniforms, uniforms- 140.40; Keller Pharmacy, inmate medical- 12.95; Ken's/The Apothecary Shop, inmate medical- 79.13; Mercy Business Health Urgent Care, inmate house calls- 2055.17; Madison County Sheriff, out of county boarding- 16140.00; Mercy Business Health, inmate medical- 1733.00; Mercy Medical Center, inmate medical- 321.00; Nebraska Crime Commission, training video- 17.00; Nebraska UC Fund, unemployment- 3536.00; David Noble DDS, inmate medical- 48.00; Northeast NE Juvenile Services, juvenile holding- 46555.75; Physicians Clinic, inmate medical- 170.00; Platte County Detention, out of county boarding- 18800.00; Quest, inmate medical- 20.85; Quest, inmate medical- 207.50; Redlers Pharmacy, inmate meds- 1940.49; Veronica Reveles, interpreter- 20.00; Safeguard Business, receipt pages- 936.42; Siouxland Federal Credit Union, fuel- 91.77; Siouxland Federal Credit Union, meals- 23.32; Staples, supplies- 87.68; Thurston County Sheriff, out of county boarding- 6390.00; Walmart, supplies- 104.63; Woodbury Co. Juvenile Detention, house juveniles- 500.00; Cellular One, phone- 27.70; Perkins, supplies- 19.78; Cellular One, 6 month contract- 192.00; Claritus, software- 295.00; Pam DeVries, mileage- 71.11; Dunes Family Medicine, phys- 250.00; Gloria Dwyer, supplies- 38.22; Pat Glover, mileage- 153.99; HyVee, seminar meals- 130.00; Menards, trailer tiles- 113.68; Perkins, pens- 24.54; Siouxland Community Health, memory Boards- 73.66; Walmart, supplies- 270.20; Alan Boyd, mileage- 380.30; Cellular One, phone- 181.89; Aflac, service fees- 45.00; AT&T, phone- 32.14; C & H, contract- 750.00; Cable One, internet- 258.70; Dakota County Star, publishing- 340.13; Dakota County State Bank, stop payments- 30.00; Gwood Sales, copy paper- 1110.00; Lazette Gifford, website- 40.00; Hassler, meter rental- 150.00; MIPS, monthly support- 339.65; Network Systems, internet work- 37.50; Northeast Nebraska Area Agency on Aging, administration match- 4656.00; Qwest, phone- 659.70; Qwest, phone- 659.69; Qwest, phone- 65.91; South Sioux City Area Chamber, leadership luncheon- 56.56; US Postal Service, postage- 2500.00; WCS Telecom, phone- 456.82.

ROAD FUND: Advance Auto, parts/tools- 135.58; Ahlers & Cooney PC, union attorney fees- 57.75; Aramark, towel service- 137.10; Atco, supplies- 136.65; Bridgestone, tires- 1680.50; Tim Butler, snap on tools- 37.58; CarQuest, parts- 18.37; Cellular One, phone- 27.70; Circle R, parts- 236.30; Dakota County Star, pickup bids- 42.07; Flaugh's Pronto, fuel- 1018.15; Gill Hauling, dumpster service- 45.00; Great Plains International, parts- 160.08; Higman Sand, road rock- 7088.14; Hubbard Mini-Mart, fuel- 4103.88; Hydraulic Sales & Svc, parts- 197.56; H2O4U, water- 28.75; Joes Dept Store, supplies- 16.16;

Kimball Midwest, supplies- 186.38; Linweld, oxygen tank supplies- 31.90; Medical Enterprises, cdl drug testing- 29.90; Richard McNear, prior years svc- 5.00; Midwest Svc & Sales, sign lettering- 160.00; NPPD, service- 45.59; Newman Traffic Signs, signs- 161.07; Northeast Nebraska Public Power, prepay electric- 800.00; Northeast Nebraska Telephone, phone- 185.13; Pilger Sand & Gravel, gravel- 2477.56; PowerPlan, parts/filters- 931.84; Rees Mack, parts- 560.16; Sams Club, supplies- 100.44; Sioux City Iron, supplies- 88.34; Sioux City Journal, classified ads- 1204.27; Siouxland Hydraulics, parts- 122.06; Siouxland Napa, supplies/credit- 7.91; Stephen Welding, labor- 45.00; Thill Track & Trailer Svc, parts- 875.00; Utility Equipment Co., pipe- 394.20; Warren Oil, fuel/oil- 3358.80; Warren Oil, fuel- 1078.87; Wilmes Hardware Hank, parts/oil- 21.38; Ziegler, parts/oil- 911.52.

HARD SURFACE FUND: Union Bank & Trust, administrative fees- 500.00

POOR RELIEF: Becker Hunt Funeral Home, burial expense- 1730.00; Siouxland Community Health Center, prescription- 46.24; Nebraska Department of Social Service, administrative fees- 14.25.

JUVENILE ACCOUNTABILITY: Kurt Rager, meals/mileage/hotel reimbursement- 802.35.

COMMUNITY CORRECTIONS: American Bio Medica Corp, drug tests- 172.14.

INHERITANCE TAX: GA Johnson, jail- 20000.00; HMN Architects, jail- 51549.92; Magic Carpet & Drapery, carpet- 3684.75.

PUBLIC SAFETY SALES TAX: Jail Bond Fund, 88% sales tax- 11863.49; City of South Sioux City, 12% sales tax- 1617.75;

WEED FUND: Bridgestone/Firestone, tire- 85.00; Dakota County Star, legal notice- 102.00; FIMCO, sprayer parts- 132.18; WW Grainger, safety equipment- 147.72; Holiday Inn, lodging/meals- 205.74; Hubbard Mini Mart, fuel- 259.00; Hubbard Post Office, postage- 50.00; Joes Department Store, sprayer parts- 23.93; North Central RC & D, dues- 6.00; Northeast Coop, prepay spray- 3500.00; Leon Pies, fuel- 20.00; Siouxland Hydraulic, pickup repairs- 56.22; Siouxland Napa, oil/filter/parts- 63.28; Torco, pickup repairs- 158.50; Top Line Transmissions, pickup repairs- 881.00.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 4:18 p.m.

**DAKOTA COUNTY COMMISSIONERS**

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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**DAKOTA COUNTY BOARD OF COMMISSIONERS  
MAY 23, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE**

Chair Engel called their regular scheduled meeting to order at 1:32 a.m.

Roll call was taken with the following members present: Bousquet, O'Neill, Hartnett, Engel and Ted Piepho, Secretary.

The Pledge of Allegiance was recited.

Absent: Commissioner Miller arrived at 1:38 p.m.

Dave Boschult, Ag Inspection Specialist, presented his 2004 evaluation for Noxious Weed Program in Dakota County. Mr. Boschult evaluated the Noxious Weed Program and out of a possible score of 3400 points, his report reflected a score of 3384. He praised the Weed Supt., Leon Pies, for doing a good job.

He elaborated on the Salt Cedars and Purple strife being on the Noxious Weed list.

Pat Foust appeared before the board and asked the board to adopt a resolution supporting Homeland Security Funding. He said the resolution should state that the Commissioners support applications for Homeland Security funds. He added that these resolutions are required from each governing entity in the County and are a requirement of Nebraska Emergency Management Agency and the Department of Homeland Security.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt Resolution 05C-016, which supports applications for Homeland Security funds as follows:

**RESOLUTION 05C-016**

Whereas, Department of Homeland Security grant funding requires grant applications be supported by local communities, and

Whereas, the County of Dakota is committed to the protection and safety of citizens and,

Whereas, response capability is maximized through partnership with other county and regional entities:

NOW, THEREFORE, BE IT RESOLVED by the Chairman of the Dakota County Board of Commissioners and the members of the County Board of Commissioners of Dakota County, Nebraska, hereby support the local Homeland Security Assessment and state/federal funding applications to address deficiencies in accordance with state prioritization and in keeping with the Nebraska Homeland Security Strategy.

PASSED AND APPROVED THIS 23rd DAY OF MAY, 2005.  
DAKOTA COUNTY BOARD OF COMMISSIONERS  
\\S\ William F. Engel

ATTEST

\\s\ Theodore A. Piepho  
Clerk

SEAL

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to convene into Closed Executive Session to discuss the applicants for the Highway Supt., Road Foreman and Planning and Zoning Administrator.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED. 1:48 p.m.

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

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED. 2:20 p.m.

The County Clerk presented a resolution of Support in conjunction with the Rural Heritage Development Initiative. Commissioner Miller said that she asked this to be on the agenda, as the Loess Hills RC&D requested that the County Board goes on record of the proposal as an innovative plan to integrate and coordinate ongoing efforts by a number of communities along the Highway 12 and 20 Corridor to develop a new model for heritage tourism.

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt Resolution 05C-017 that the Dakota County Board of Commissioners go on record in support of the proposal as an innovative plan to integrate and coordinate ongoing efforts by a number of communities along the Highways 12 and 20 Corridor to develop a new model for heritage tourism as follows:

DAKOTA COUNTY  
RESOLUTION 05C-017

WHEREAS the National Trust for Historic Preservation with support from the W.K. Kellogg Foundation recently announced that it will work with regional and state partners to carry out a national demonstration initiative for heritage-based economic development- and

WHEREAS the goal of the project is to show how heritage tourism and preservation-based strategies, combined with local product and skill development, can be used to diversify the economies of rural regions suffering economic and demographic decline, and

WHEREAS the Highways 12 and 20 Corridor in northern Nebraska offers travelers a look at landscapes of grasslands that echo epic stories of natives and pioneers in the Sandhills and Pine Ridge country, and

WHEREAS decades of agricultural and pastoral consolidation have small towns and left empty Main Street buildings behind and the remaining businesses struggling, and

WHEREAS a number of retired urban refugees, information age entrepreneurs, and returning native sons and daughters are well-versed in the components of cyberspace and portable media and communications, and

WHEREAS authentic encounters with the material culture of the past are few, and

WHEREAS the people who inhabit these built environments along the Highways 12 and 20 Corridor can provide an authentic encounter to visitors from urban and suburban America, and

WHEREAS such activity can revitalize their economies and reconcile the culture and concerns of long-time residents with a new generation of immigrants seeking a sense of place- and

WHEREAS this plan proposes the development of a "museum without walls" that has no permanent collection or building hut is an interpretive program that helps visitors and residents make sense of the disparate natural and cultural elements of a regional landscape, and

WHEREAS the plan plays a critical role in helping visitors weave together the variety of histories and narratives that emerge from a particular region, offering multiple interpretive pathways that add up to a coherent whole, and

WHEREAS this demonstration project seeks to develop an interpretive model for heritage tourism that revitalizes depressed rural economies and promotes community dialogue to build a bridge between the past and the future of communities in northern Nebraska.

THEREFORE BE IT RESOLVED that the Dakota County Board of Commissioners go on record in support of the proposal as an innovative plan to integrate and coordinate ongoing efforts by a number of communities along the Highways 12 and 20 Corridor to develop a new model for heritage tourism.

Signed this 23rd day of May, 2005.

By \s\ William F. Engel  
William F. Engel  
for the DAKOTA COUNTY BOARD OF COMMISSIONERS

ATTEST

\s\ Theodore A. Piepho  
County Clerk

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The County Clerk presented two resolutions for budgets that would exceed with the payment of May claims and payroll.

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt Resolution 05C-018 increasing the Election Commissioner's Budget \$3,000 as follows:  
RESOLUTION 05C-018

WHEREAS, the office of County Election Commissioner will exceed his budget with the payment of the submitted May, 2005 payment of accounts payable and payroll claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the office of Miscellaneous 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 Budget of the General Fund to be utilized for the payment of the over expended budget of the Election Commissioner and that said budget be increased by \$3,000.00 to \$47,506.78 for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, that the Miscellaneous Budget be reduced by \$3,000 to \$299,904.00 for fiscal year 2004-2005.

BE IT FURTHER RESOLVED to acknowledge that the figure of the Misc. budget after reducing it as result of the passage of Resolution 05C-004 dated January 31, 2005 should have reflect to decrease the Misc. Budget by \$3,000 instead of \$2,000 and the total budget of 303,404.00 instead of \$235,084.17.

BE IT FURTHER RESOLVED to acknowledge that the figure of the Misc. budget after reducing it as result of the passage of Resolution 05C-008 dated February 28, 2005, should have been 299,904.00 instead of \$231,584.17.

AND FINALLY BE IT RESOLVED that the Miscellaneous Budget be reduced by \$3,000 to \$766,904.00 for fiscal year 2004-2005.

Passed and adopted this 23rd day of May, 2005.

ATTEST: \s\ William F. Engel  
Chairman Dakota County Board of Commissioners

\s\Theodore A. Piepho  
Theodore A. Piepho  
County Clerk

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to adopt Resolution 05C-019 increasing the Legal Services Budget by \$4,300 as follows:  
RESOLUTION 05C-019

WHEREAS, the office of Legal Services will exceed its budget with the payment of the submitted May, 2005 accounts payable; and,

WHEREAS, An emergency exists; and,

WHEREAS, the office of County Miscellaneous 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 Miscellaneous Budget of the General Fund to be utilized for the payment of the over expended budget of Legal Services and that said budget be increased by \$4,300.00 to \$194,000.00 for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, That the County Miscellaneous Budget be reduced by \$4,300.00 to \$762,604.00 for fiscal year 2004-2005.

Passed and adopted this 21st day of May, 2005.

ATTEST: \s\William F. Engel  
Chairman  
Dakota County Board of Commissioners

\s\Theodore A. Piepho  
County Clerk

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet informed the board that bids would be opened for the Earth work and utilities to construct the new jail at 2:00 pm on Tuesday, May 24th.

Commissioner Miller suggested that the county appoint the county member to the Dakota County Jail/Corrections Facility Agency. She said that Lyle Todd expressed that he would serve.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to appoint Lyle Todd as the county's member to the Dakota County Jail/Corrections Facility Agency.  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

The County Board reviewed the Agreement Proposal of Health and Human Services, which pays them \$6,800 for them to vacate the 1700 Square feet of space that the County is obligated in providing Health & Human Services as mandated by state law.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to approve the Agreement with Health & Human Services awarding them \$6,800 to vacate the space that they utilize in the basement of the present courthouse, provided said amount includes janitorial services and utilities.

Agreement

This agreement is entered into by and between the State of Nebraska Department of Health and Human Services (hereinafter known as the Department) and the Dakota County Board of Commissioners (hereinafter known as the Board).

1. PREMISES: According to Nebraska Revised Statute Section 68-130, the County shall maintain office and service facilities for the administration of public assistance programs as such existed on April 1, 1983. The space provided is equal to 1700 square feet in the Dakota County Courthouse.

The Department agrees to vacate this space occupied by the Department in the Dakota County Courthouse and to waive claims to this space for the term of this agreement.

In exchange, the Board agrees to continue the commitment to provided office space as required by law through payment to the Department for the rental of comparable space with utility and janitorial services.

The Board agrees to pay \$6,800 per year to the Department for rental of comparable office space. This amount is based on \$4.00 per square foot as the estimated non-federal share for 1,700 square feet to be occupied by the Department at the Siouxland Family Center in South Sioux City.

The Department agrees the Board will not be liable for any other costs for said space or services, except as expressly stated herein. The Department will claim and retain all federal funding available for the office space rental.

2. TERM: The term of this agreement shall begin on the date the Department vacates the space in the Dakota County courthouse or July 1, 2005, whichever is later. It will remain in effect unless modified by either party. Either party may initiate modification of this agreement through first giving 90 days notice of intent to modify the agreement.

3. PAYMENT: The annual payment shall be made prospectively on the first day of July for the year. Payments for any period of time less than one year shall be prorated based on a quarterly period of time or on the actual number of days if less than a quarter of the year. The first payment shall be due July 1, 2005.

Payment shall be made to the Nebraska Department of Health and Human Services, P0 Box 95026, Lincoln, NE 68509-5026, Attention: Jane Quiring, Controller, Financial Services.

Director, Nebraska Department of Health and Human Services

Dakota County Board of Commissioners, Chair

\s\William F. Engel

\_\_\_\_\_ 2005 May 23 \_\_\_\_\_, 2005

Date Date

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Ed Matney, County Attorney, appeared before the board to discuss the Homer Bridge BRO-7022(11). He was not encouraged about the meeting that the county had with the land owner and his attorney. He said that they wanted \$20,000 and he wanted JEO to pay it. There was talk that they could start the dirt work to finish the project as soon as condemnation papers were filed.

The County Clerk said he had talked with an attorney from NACO, but added that he could not discuss it in open session because it could disclose the County's strategy as part of the real estate purchase and litigation.

Commissioner Miller moved, seconded by Commissioner Hartnett to convene into closed session to discuss the purchase of Real Property to complete BRO-7022(11) and possible litigation.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 3:05 p.m.



Commissioner Hartnett moved, seconded by Commissioner O'Neill to reconvene in open session.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS  
MOTION CARRIED. 3:29 p.m.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to direct the County Attorney to proceed and file condemnation to condemn the Storm property to acquire the real estate to move Wigle Creek Road 90' to the south and to proceed with the project.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS  
MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Engel to rescind an earlier motion by the board, which requires all employees to live in Dakota County.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS  
MOTION CARRIED.

The board discussed Planning and Zoning issuing building permits for other entities.

COUNTY GENERAL FUND: Gross salaries- \$76,675.32, General Fund Employees Net Pay- \$53,922.36, Employer deductions paid: Retirement- 4,963.11, Social Security Tax- 4,598.88, Medicare- 1,075.55, DC Health Plan- 15,847.01, Delta Dental- 614.25, Jefferson Pilot Life- 146.25.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 899.88, Theodore Piepho- 1450.04, Lora Skow- 1032.00, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 829.92, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.81, Lyn Beltz- 110.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 28.00, Richard Jensen- 1233.74, Duane Kotalik- 1230.40, Tammy Dunn- Peterson- 750.50, Sandy Beers- 1000.08, Jeremy Bermel- 1793.75, Anthony Bos- 1381.16, Brian Ellinger- 1683.96, Penny Epting- 1059.20, Todd Hammer- 1321.25, Melvin Harrison III- 1451.14, Rodney Herron- 1564.33, Kimberly Johnson- 485.90, Jared Junge- 1401.76, Michael Kreegar- 1344.85, Gayle Richards- 744.80, Kevin Rohde- 1263.22, James Wagner- 1813.63, Randall Walsh- 1553.21, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 774.75, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Amanda Jones- 1098.47, Rebecca Broer- 1592.23, Richard Criss- 1056.00, Eric Davis- 1182.87, Ronald Fink Jr.- 1060.48, John Gilles- 1104.00, Michael Gregerson Jr.- 1417.50, Alma Gunderson- 1084.00, Paula Harrigfeld- 679.23, Cathy Harsma- 1024.00, Joseph Ramirez- 1024.00, Krystal Ramirez- 732.80, Linda Schovanec- 1349.62, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 716.08, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 943.80, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 6,906.53, State- 2,464.51, Social Security Tax- 4,598.88, Medicare- 1,075.55, Retirement- 3,363.95, DC Health Plan- 1,167.89, Delta Dental- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 989.65, Aflac Health- 494.32, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,901.17, Road Employees Net Pay- \$9,036.33, Employer deductions paid: Retirement- 870.85, DC Health Plan- 2,925.60, Delta Dental- 113.40, Jefferson Pilot Life- 27.00, Social Security Tax- 770.86, Medicare- 180.28.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,085.58, State- 395.02, Social Security- 770.86, Medicare- 180.28, Retirement- 580.54, DC Health Plan- 300.70, Delta Dental- 58.74, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,553.01, Cops Fast Employee Net Pay- 1,054.79, Employer deductions paid: Retirement- 120.36, DC Health Plan- 243.80, Delta Dental- 9.45, Jefferson Pilot Life- 2.25, Social Security- 96.29, Medicare- 22.52, Brent Gilster- 1553.01.

COPS FAST GRANT: Employee withholding paid to: Federal- 216.71, State- 72.28, Social Security- 96.29, Medicare- 22.52, Retirement- 85.42, Sheriff Union Dues- 5.00.

SOUTH SIOUX CITY CHAMBER OF COMMERCE: Lodging tax- 11,764.01

(Visitor Promotion)

WOODHOUSE FORD: 13,790.00 (ROAD)

Chair Engel adjourned their meeting at 4:05 p.m.

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
JUNE 6, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:35 p.m.

Roll call was taken with the following members present: Bousquet, O'Neill, Hartnett, Engel and Ted Piepho, Secretary.

The Pledge of Allegiance was recited.

Absent: Commissioner Miller arrived at 1:38 p.m.

Mark Casey appeared before the board and was interviewed for the position of Highway Supt./Road Foreman.

Commissioner Bousquet moved to hire Mark Casey for the position of Highway Supt./Road Foreman. It was decided to ask Mr. Casey a few questions about salary etc. as Mr. Casey had already left. The motion died for a lack of second.

Mr. Bousquet left the room at 2:05 to see if he could locate Mr. Casey.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to transfer a 1989 Lincoln Mark VII, Dakota County Title Number 05147700030, bearing the serial number 1LNBM93E3KY767768 and a 1986 Ford Tempo, Dakota County Title Number 05147700025, bearing the serial number 1FABP22X1GK154103 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, MOTION CARRIED.

Commissioner Bousquet returned at 2:12 p.m.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to adopt Resolution 05C-020 acknowledging the Election Commissioner's moving the NW 1/4 of Section 11 Township 27N Range 7E from Omadi Precinct to Hubbard Precinct as follows:

RESOLUTION 05C-020

CHANGE PRECINCT BOUNDARY

WHEREAS, it has come to the attention of the Election Commissioner that the NW 1/4, Section 11, T27N, Range 7E of the 6th P.M. lies in Omadi Precinct, and

WHEREAS, said quarter section is within the boundary of the Emerson-Hubbard School District No. 561, and

WHEREAS, this property is the only property affiliated with Emerson-Hubbard School District No. 561 and lies within Omadi Precinct, and

WHEREAS, this causes another ballot split in Omadi Precinct, and

WHEREAS, there are only two families residing within said quarter section, and

WHEREAS, the families residing within said quarter section would rather be part of Hubbard Precinct, and

WHEREAS, the Election Commissioner would prefer to include said quarter section in Hubbard Precinct to prevent a ballot split caused by the School District affiliation,

WHEREAS, it is an off election year and Nebraska statutes give the Election Commissioner the authority to change precinct boundary,

AND FINALLY WHEREAS, that it is the opinion of the Election Commissioner that the right for a secret ballot may be jeopardized if all members of the two families vote for the same School Board Members in any one election, or voters would have a good idea of who voted for what School Board Members in any one election.

BE IT THEREFORE RESOLVED THAT the County Board confirm the action of the Election Commissioner that the boundary of Hubbard Precinct be changed to include the NW 1/4, Section 11, T27N, Range 7E of the 6th P.M.

AND FINALLY BE IT RESOLVED THAT the County Board confirm the action of the Election Commissioner that the boundary of Omadi Precinct be changed to exclude the NW 1/4, Section 11, T27N, Range 7E of the 6th P.M.

Passed and adopted this 6th day of June, 2005, at Dakota City, Nebraska.

COUNTY BOARD OF COMMISSIONERS

ATTEST:

SEAL

William F. Engel, Chairman

Theodore A. Piepho, County Clerk and  
Ex officio Election Commissioner.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS  
MOTION CARRIED.

Mike Storm appeared before the board and read a letter that he had prepared as a statement for the board in conjunction with the county's position on the Bridge Project BRO-7022 (11) South of Homer on Omaha Avenue.

Commissioner Hartnett moved, seconded by Commissioner Engel to convene in Closed Executive Session to discuss litigation.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS  
MOTION CARRIED. 2:25 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to reconvene in open session.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS  
MOTION CARRIED. 2:35 p.m.

Commissioner Hartnett moved, seconded by Commissioner Miller to hire George Hirschbach as Special Council for the county to file and pursue condemnation for approximately an acre, which is necessary to move Wagle Creek Road 90' South of where it now connects to Omaha Avenue south of Bridge Project BRO-7022 (11).

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS  
MOTION CARRIED.

The board briefly discussed the County's Burial Policy. It was determined to get the guidelines from Human Services, who administers the policy for the county.

The board discussed moving the Road Communications Antenna from the tower and the Gill Landfill to the new tower construction near Homer.

Mr. Foust said that it would cost a couple thousand dollars for the materials.

Commissioner Miller moved, seconded by Commissioner Bousquet to pay the cost of the materials to move the Road's Communication Antenna and repeater from the tower located near the Gill Landfill to the tower recently constructed on the land recently purchased from Bryce Anderson.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS  
MOTION CARRIED.

Dennis Reinert appeared before the board and interviewed for the Planning & Zoning Administrator position.

Jane Meins appeared before the board and expressed displeasure over the condition of the road in front of their house. She said that she had gotten stuck and was very concerned if they had an emergency. She said that emergency vehicles couldn't get to their place.

Ed Matney II appeared before the board and asked the county to write a letter that he could take to Lincoln that would support the HHS not labeling Dakota County a rural community.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to write a letter asking Health and Human Services Department not to change Dakota County from an urban classification to a rural classification and that Mr. Matney present said letter to HHS in a hearing Thursday, June 10, 2005 in Lincoln, NE.

Commissioner Miller moved, seconded by Commissioner Bousquet to award the Earthwork bids for the new jail project to Jomac Contracting in the amount of \$97,476.00 for the base bid and to accept Alternate 1 and Alternate 2 in the amounts of \$12,100 and \$16,110 respectively, totaling \$125,686 and to authorize Commissioner Bousquet to sign all documents in place of the chair to speed up the starting of the project.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS  
MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to award the bid for Utilities Site work to Larry Albenesius Contracting at a base bid of \$68,040.00 and to take the deduct of \$10.00 per foot equaling \$7,700.00 for use of Han core HiQ.P.E. PVC Storm Pipe, making a total bid of \$61,240 and to authorize Commissioner Bousquet to sign all documents in place of the chair to facilitate the starting of the project.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to accept the base bid of Tindall Corporation for Precast Modular Cell units BP #1 and taking deducts of \$28,000 for Int Sprinkler Head w/piping at, \$19,040 for Cell Floor Sealant (sf) at and \$14,065 for Changeover totaling 1,019,961 for total bid and to authorize Commissioner Bousquet to sign all documents in place of the chair to facilitate the starting of the project.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel declared a recess at 3:55 p.m.  
Chair Reconvened from break at 4:07 p.m.

Madelyn Thorsland, from the State's Assessor's Office for Dakota County presented twelve tax list corrections and asked the board to approve them.

Commissioner Engel moved, seconded by Commissioner Miller to approve the Tax List Corrections as presented by the State's Assessor for Dakota County on parcels; 220139245, 220110085, 220143137, 220143137, 220097755, 220128863, 220201552, 220197202, 220124620, 220007071, 220219106, 220219106, 220219106 amounting to net value difference of -\$672,712 to the tax rolls and a net tax difference of -\$14,143.66.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minute of May 16 and May 23, 2005 as typed in the official record.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to send Delta Dental Insurance a termination notice and to direct the County Clerk to set up a self-fund Dental Plan with Three Rivers Benefit, along with the necessary checking accounts and duplicate the benefits covered in the Delta Plan.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to hire Dennis Reinert as Zoning Administrator at a salary of \$5,000.00 annually.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to convene in Closed Executive Session to discuss personnel.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 4:25 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel to convene in open session.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED. 5:05 p.m.

COUNTY GENERAL FUND: Gross salaries- \$82,002.46, General Fund Employees Net Pay- \$57,201.38, Employer deductions paid: Retirement- 5,199.05, Social Security Tax- 4,912.86, Medicare- 1,148.99, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 148.50.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 862.50, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Lyn Beltz- 400.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 400.12, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 775.17, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 576.00, Richard Jensen- 1233.74, Duane Kotalik- 1022.77, Tammy Dunn-Peterson- 714.88, Sandy Beers- 1000.08, Jeremy Bermel- 1855.00, Anthony Bos- 1850.92, Brian Ellinger- 2078.37, Penny Epting- 1059.20, Todd Hammer- 1706.30, Melvin Harrison III- 1855.22, Rodney Herron- 1857.63, Kimberly Johnson- 454.26, Jared Junge- 1944.26, Michael Kreegar- 1801.23, Gayle Richards- 744.80, Kevin Rohde- 1405.11, James Wagner- 1813.63, Randall Walsh- 1862.15, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 816.07, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1384.56, Amanda Jones- 1098.47, Rebecca Broer- 1805.70, Richard Criss- 1193.60, Eric Davis- 1470.02, Ronald Fink Jr.- 1154.64, John Gilles- 1379.20, Michael Gregerson Jr.- 1080.00, Alma Gunderson- 1338.11, Paula Harrigfeld- 713.36, Brenda Harrison- 21.00, Cathy Harsma- 1331.20, Joseph Ramirez- 441.60, Krystal Ramirez- 1076.35, Linda Schovanec- 1185.78, Arnold Mellick- 115.39, Cynthia Purucker- 968.99, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 1044.47, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,823.16, State- 2,777.79, Social Security Tax- 4,912.86, Medicare- 1,148.99, Retirement- 3,532.74, DC Health Plan- 1,410.52, DC Dental Plan- 401.52, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 989.65, Aflac Health- 494.32, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,046.84, Road Employees Net Pay- \$9,136.07, Employer deductions paid: Retirement- 880.68, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 779.89, Medicare- 182.39.

Joel Broekemeier- 1255.27, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,106.45, State- 402.42, Social Security- 779.89, Medicare- 182.39, Retirement- 587.10, DC Health Plan- 300.69, DC Dental Plan- 58.71, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,749.19, Cops Fast Employee Net Pay- 1,165.90, Employer deductions paid: Retirement- 135.56, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 108.45, Medicare- 25.36, Brent Gilster- 1749.19.

COPS FAST GRANT: Employee withholding paid to: Federal- 263.05, State- 85.22, Social Security- 108.45, Medicare- 25.36, Retirement- 96.21, Sheriff Union Dues- 5.00.

Chair Engel recessed their meeting to meet with the Dakota-Thurston County Extension Board at 5:08 pm.

Chair Engel reconvened their meeting at 5:15 p.m. Board Members present: Bousquet, Hartnett, Engel, O'Neill and Nanci Walsh stenographer. ABSENT: Commissioner Miller.

The meeting started with dinner. Presentations followed by members of the Extension Office Staff including Carol Larvick, Sonya Plugge, Brenda Sale, and Del Hemsath regarding their job duties.

Commissioner Hartnett left at 6:10 p.m. Commissioner Bousquet left at 6:15 p.m. Meeting was adjourned at that time due to lack of quorum.

Chair Engel adjourned their meeting at 6:15 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

\_\_\_\_\_  
Theodore A. Piepho  
County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
JUNE 20, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 10:05 a.m. Roll call was taken with the following members present: Miller, O'Neill, Hartnett, Engel and Ted Piepho, Secretary.

The Pledge of Allegiance was recited.  
Absent: Commissioner Bousquet arrived at 10:10 a.m.

Dennis Reinert appeared before the board and discussed the Planning and Zoning Administrator position and accepted the position.

John Trecek, Ameritas Financial Corporation, appeared before the board and brought to the attention that there was a slight problem with the way the Nebraska Department of Revenue published the Sales Tax Revenue for 2004. He said that these numbers were lower than 2003 and prior years and that caused a slight problem with our bond issue for the jail.

He advised the board that they would have to pursue using Section 23-1202.3, which allows the county to levy as much as 5.2 cents per hundred dollars of value. He noted that the county will not have to levy that much, but that we will have to levy for the first years interest to make a sound bond issue.

The board was not happy about this as they had promoted that the sales tax would cover the expense of the new jail and here we now have to levy a property tax. It is not expected that we will have to spend the property tax as Sales Tax is still expected to cover the cost, but just the fact that any property tax is to be levied was not welcomed by the board.

Pat Anderson, South Sioux City Chamber, and Donna Goodier, Convention and Tourism Director submitted a proposed budget for the Dakota County Convention and Tourism Board as follows:

	2004-05 Budget	2004-05 Forecast	2005-06 Budget
<b>Income</b>			
Lodging Tax Income	"\$139,000.00"	"\$139,262.00"	"\$139,250.00"
Interest	\$300.00	\$350.00	\$300.00
Grant Income	"\$8,300.00"	"\$8,300.00"	"\$1,500.00"
Special Events	"\$3,000.00"	"\$3,400.00"	\$500.00
CD Proceeds	\$0.00	\$115.00	\$225.00
Total Income	"\$150,600.00"	"\$151,427.00"	"\$141,775.00"
<b>Expenses</b>			
Administrative Expenses	"\$8,400.00"	"\$8,400.00"	"\$8,400.00"
Cable	\$600.00	\$600.00	\$600.00
Community Promotions	"\$15,000.00"	"\$4,315.00"	"\$3,000.00"
Consultant Fee & Contracts	"\$3,500.00"	"\$13,000.00"	"\$1,500.00"
Copies	\$500.00	\$145.00	\$300.00
CVB Grant Funds			"\$15,000.00"
Fees and Dues	"\$3,500.00"	"\$5,450.00"	"\$5,500.00"
Insurance	"\$1,671.00"	"\$2,100.00"	"\$2,500.00"
Lodging	"\$3,500.00"	"\$3,129.00"	"\$3,300.00"
Meals	"\$2,000.00"	"\$1,400.00"	"\$1,500.00"
Media Advertising	"\$23,000.00"	"\$10,600.00"	"\$14,000.00"
Misc.	\$100.00	\$20.00	\$50.00
Offices Supplies/Equipment	"\$2,500.00"	"\$2,100.00"	"\$2,000.00"
Payroll	"\$32,240.00"	"\$32,240.00"	"\$33,500.00"
Payroll Expenses	"\$2,800.00"	"\$2,500.00"	"\$2,600.00"
Postage	"\$1,500.00"	"\$1,800.00"	"\$2,000.00"
Printing/Publishing	"\$7,000.00"	"\$8,000.00"	"\$8,500.00"
Professional Services			"\$14,500.00"
Program Supplies	"\$3,500.00"	"\$3,500.00"	"\$3,500.00"
Special Event	"\$17,000.00"	"\$18,900.00"	"\$10,000.00"
Telephone	"\$3,300.00"	"\$2,625.00"	"\$2,700.00"
Travel	"\$4,500.00"	"\$4,700.00"	"\$5,000.00"
Total Expenses	"\$136,111.00"	\$125,524.00	\$139,950.00
	"\$14,489.00"	"\$25,903.00"	"\$1,825.00"

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Convention and Tourism Budget as presented.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Donna Goodier also said that they had a vacancy on the CVB Advisory Committee's Board.

**CVB Advisory Committee Vacancy**

The following were applicants and an X denotes that they completed an application for the position:

Name	Business	Submitted Application
Joan McWilliams	Post Office	X
Matt Aitken	Aitken Family Dentistry	
Cheryl Messerschmidt	EconoLodge Inn & Suites	X
Pam Miller	County Commissioner	
Al Bengston	City Council	
Brent Ruch	Dakota County State Bank	X

Joan McWilliams was the individual that was recommended to the CVB Board for the vacancy.

Commissioner Miller voiced her opinion that she would like to see someone from the County serve in that vacancy and noted that they will put that on the July 5th Agenda.

Duane Stowe appeared before the board wondering whether the county and Cargill have ever gotten together to determine whether Cargill would contribute monies toward putting mag water on 164th Street and E Avenue.

The board said that they had not, but that the county would start rebuilding E Avenue in a couple weeks and it would be fruitless to do it before that is done.

Del Lieber appeared before the board to inquire about purchasing the modular building that was advertised and the county did not receive any bids to purchase it.

Mr. Lieber said that he would pay \$100.00 for the building and the board said that they would accept.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to sell the modular to Del Lieber for \$100.00.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to direct the County Attorney to draft a purchase agreement for the modular building used by the Health Department and Driver's License.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Kim Watson, Deputy County Attorney, appeared before the board and briefed them where the condemnation stands with the Storm property.

Robert Giese, County Treasurer, appeared before the board to offer a schedule to update the Pledged Securities Schedule as follows:

PLEGGED SECURITIES FOR DAKOTA COUNTY TREASURER AS OF 06/30/05.

FIRST NATIONAL BANK

CUSIP	MATURITY DATE	ISSUE DATE	AMOUNT
31339YJZ6	07/30/06	07/30/03	\$500,000.00
31339XDV3	06/19/08	06/01/03	\$500,000.00

SECURITY NATIONAL BANK

BANK DEPOSITARY GUARANTY BOND

BOND NO. DG2259 NEO1O	11/22/00	\$500,000.00
BOND NO. DG2259 NEO16	04/27/01	\$500,000.00

NEBRASKA STATE BANK

FHLB 31339XD24	12/19/06	08/30/04	\$500,000.00
BANK DEPOSITARY GUARANTY BOND			
BOND NO. DG1471 NEOF7			\$2,000,000.00

DAKOTA COUNTY STATE BANK

SARPY CNTY MUNI36/15/06		\$345,000.00
DOUG CNTY MUNI06/15/09		\$295,000.00
PAPILLCNTY MUNI11/01/09		\$225,000.00
WAYNE CNTY MUNI06/05/12		\$275,000.00
WAYNE CNTY MUNI12/01/13		\$220,000.00
		\$1,360,000.00

Commissioner Hartnett moved, seconded by Commissioner Miller to acknowledge the Pledged Securities Schedule and to approve the same.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

The County Treasurer then presented a Motor Vehicle Exemption Application for the Boys and Girls Home on a 2000 Dodge Mini-van, serial #1B4GT44L5YB621328.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Motor Vehicle Exemption Application for the Boys and Girls Home on a 2000 Dodge Mini-van, serial #1B4GT44L5YB621328.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Sheriff Wagner, Rod Herron and Sandy Beers appeared before the board to explain how much and why the Sheriff's Budget and Jail Budget would be overspent for FY2004/05 budget.

Angie Coan, Gateway Bar and Grill, 1558 Gateway Drive, South Sioux City, Dakota County, NE 68776, appeared before the board to ask if the board would approve a Special Designated Liquor License for July 27th, 28th, 29th, 30th and 31st to serve beer during the fair.

Commissioner Engel moved, seconded by Commissioner Hartnett to approve a request for a Special Designated Liquor License in the name of Richard L. Coan Gateway Bar & Grill, 1558 Gateway Drive, South Sioux City, Dakota County, NE 68776; for the location at 1524 Atokad Drive, South Sioux City, Nebraska, Dakota County, 68776, to serve beer at the Dakota-Thurston County Fair July 25, 26, 27, 28, 29, 30 and 31st, 2005.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to adopt Resolution 05C-022 as follows:

RESOLUTION 05C-0022

WHEREAS, the various offices within the General Fund will exceed their budgets with the payment of the submitted June, 2005 accounts payable and payroll; and,

WHEREAS, an emergency exists; and,

WHEREAS, the other offices within the General Fund have unappropriated moneys left.

BE IT THEREFORE RESOLVED, that the Dakota County Board of Commissioners hereby authorize the unappropriated monies to be used to increase the following budgets by stated amounts for the 2004-2005 fiscal year:

County Clerk increased by \$5600.00 to \$184,003.06  
 Election Commissioner increased by \$500.00 to \$48,006.78

County Court increased by \$300.00 to \$24,350.00  
Public Defender by \$1,000.00 to \$131,394.38  
Legal Services by \$26,000.00 to \$220,000.00  
Building and Grounds by \$8,000.00 to \$191,448.44  
Extension Office by \$550.00 to \$45,011.06  
County Sheriff by \$8,000.00 to \$874,614.68  
County Jail by \$140,000.00 to \$2,069,508.40  
County Jail by \$3000.00 to \$2,072,508.40  
County Jail by \$3500.00 to \$2,076,008.40  
County Jail by \$1,000.00 to \$2,077,008.40  
Veterans Service Officer by \$800.00 to \$38,068.24  
Weed Personnel by \$400.00 to \$17,081.04

BE IT FURTHER RESOLVED, that the following budgets be reduced by stated amounts for fiscal year 2004-2005:

County Attorney by \$5,600.00 to \$371,777.90  
County Commissioners by \$500.00 to \$155,441.72  
Child Support by \$300.00 to \$35,875.06  
Clerk of District Court by \$1,000.00 to \$122,802.72  
Communications by \$26,000.00 to \$274,000.00  
Law Library by \$8,000.00 to \$11,500.00  
Planning and Zoning by \$550.00 to \$12,028.78  
County Attorney by \$8,000.00 to \$363,777.90  
Miscellaneous by \$140,000.00 to \$622,604.00  
Community Corrections by \$3,000.00 to \$37,472.30  
District Judge by \$3,500.00 to \$3,500.00  
County Surveyor by \$1,000.00 to \$2,000.00  
Health Department by \$800.00 to \$130,304.19  
Planning and Zoning by \$400.00 to \$11,628.78

Passed and adopted this 20th day of June, 2005.

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William Engel, Chairman  
Dakota County Board of Commissioners

ATTEST:

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County Clerk

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner O'Neill moved, seconded by Commissioner Bousquet to acknowledge receipt of and approve the Officials reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court for the month of May, 2005.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of June 5, 2005 and the Emergency Meeting June 15, 2005 as typed.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the payroll and accounts payable claims as follows:

GENERAL FUND: Cellular One, phone- 29.54; Dakota County Star, publishing- 9.31; NACO, handbooks- 40.00; Perkins, supplies- 199.92; SIMPCO, meeting- 15.00; Nanci Walsh, mileage- 113.08; Cellular One, phone- 27.70; Dell Computers, computers/monitors- 3,310.17; Midwest Office Automation, maintenance- 573.27; MIPS, software- 250.00; MIPS, computer set up- 208.76; NE NEBR ASSN OF CO OFFICIALS, handbooks- 50.00; Perkins, supplies/chair repair- 59.40; Staples, monitor cable- 17.09; Charlotte Doenhoefer, prior yrs serv- 10.00; Ruth Jensen, prior yrs serv- 12.00; Nadine Lewon, prior yrs serv- 17.00; Mardell Sorensen, prior yrs serv- 26.00; Irene Van Lent, prior yrs serv- 16.00; DAS Imsservices, data service- 55.00; Dugan Printing, supplies- 894.05; Robert Giese, mileage- 80.30; Iowa Office Supply, supplies- 99.82; Office Systems Co, equip. repair- 464.75; Redfield, office supplies- 316.18; Bear Graphics, voter cards- 851.76; Daniel Christoffers, mileage/meals- 124.21; MIPS, support- 52.90; MIPS, computer setup- 208.77; Theodore Piepho, mileage/meals- 47.16; Dakota County Star, meeting notice- 6.63; Perkins, supplies- 24.14; Lynette Beermann, reimburse supplies- 7.75; Dustin Kinsey, computer work- 500.00; Staples, supplies- 101.77; Creighton Law Review, law book- 25.00; DAS Material, supplies- 216.62; Des Moines Stamp, supplies- 8.50; Microfilm Service Bureau, microfilm records- 709.24; Midwest Office Automation, contract- 296.04; Redfield, folders- 105.10; Thomson West, cdrom service- 110.00; Thurston County Court, transcribe- 6.40; United Bank of Iowa, lease payment- 158.04; Cellular One, phone- 34.08; Frank Gonzalez, interpret- 720.00; NE Supreme Court,



legal documents- 350.00; Pacific City Graphics, letterhead- 125.00; Record Printing, business cards- 55.07; Brian Smith, mileage- 113.99; United Bank of Iowa, lease- 90.40; Coffee King, coffee- 40.92; Matthew Allen, mileage- 109.10; Deanna Bauer, witness fees- 32.15; Roger Bentz, witness fees- 28.10; William Binkard, counsel- 240.00; Dakota County Court, court costs- 1446.25; Robert Finney, counsel- 88.71; Fitch Law office, counsel- 621.00; Frank Gonzalez, interpret- 160.00; Jim Harvey, mileage- 24.05; Jan Hawk, witness fee- 24.05; Randy Hisey, counsel- 306.00; Randy Hisey, counsel- 432.00; Randy Hisey, counsel- 360.00; Shelly Horak, counsel- 552.00; Sandra Inkster, counsel- 1746.00; Barb Kueny, counsel- 120.00; David Navarette, witness fee- 41.46; Johnathan Rattanasak, mileage- 28.10; Stratton Ptak Kube, counsel- 1295.55; Patrick Tott, counsel- 3747.00; Nathan Tucker, counsel- 497.10; Dixon County Sheriff, service fees- 47.58; Robert Finney, counsel- 253.50; Randy Hisey, counsel- 1564.20; Hurley Law Offices, counsel- 846.00; Stacy Skinner, witness fees- 20.00; Cody Skinner, witness fees- 20.00; Richard Thramer, counsel- 369.60; Dakota County Sheriff, papers/warrants- 789.44; Berenstein Moore Heffernan, counsel- 1690.00; Rembolt, counsel- 300.00; Maximus, prop cost- 1092.51; Perkins, supplies- 12.24; Cellular One, phone- 28.68; Dakota Food & Fuel, fuel- 23.00; Foulk Bros Plumbing, plumbing- 1633.46; Gill Hauling, service- 110.00; Richard Jensen, mileage- 94.20; Lowes, supplies/repair- 100.36; Menards, supplies- 627.55; Midamerican Energy, gas- 1793.63; NE DOL, inspections- 120.00; NPPD, electric- 2059.15; QWEST, phone- 40.37; Robertson Implement, salt- 247.50; Sams Club, supplies- 183.20; Share Corp, cleaner- 102.86; Trembly Pest Control, pest control- 50.00; Wilmes Hardware Hank, supplies- 51.45; Dakota County Extension, reimburse- 6776.87; Automotive Electric, repair- 42.78; Bobbers Car Wash, tokens- 125.00; Cellular One, phone- 97.85; City of South Sioux City, phone/fuel- 3021.13; Conocophillips, fuel- 96.17; Dakota County Sheriff, reimburse- 61.23; Dakota County Star, subscription- 35.00; Dakota County Treasurer, service/repair- 146.70; Harolds, developing- 15.96; Amy Hueser, interpret- 20.00; Jacks Uniforms, pants- 126.90; Jackson Glass, repair- 705.10; Net Systems Plus, troubleshoot- 37.50; Racom, t1- 592.00; Robertson Implement, food- 56.85; Sioux City Ford, repair- 175.15; SFCU, meals/fuel/ammunition- 522.98; Siouxland Humane Society, animals- 114.00; Mountha Soundara, interpret- 40.00; Torco Remfg, pulley- 30.00; AJ Phillips, envelopes- 115.00; Cellular One, phone- 300.00; Dakota County Treasurer, court/certified copies- 34.00; Dell, supplies- 2199.36; DMV, transcripts- 16.00; Douglas County, copies- 9.00; Electronic Engineering, pager- 99.50; Debra Fergen, mileage/meals- 274.90; Amber Hegarty, meals- 61.09; James Publishing, law books- 69.94; Edward Matney, mileage/misc- 133.49; Medtox, test- 7.00; NE County Attorney Assn, training- 1695.60; Secretary of State, certified copies- 20.00; Sprint, phone- 100.00; State of NE HHSS, test- 5.34; Thurston County Court, copies- 3.75; Wingate Inn, lodging- 377.70; City of South Sioux City, June fee- 22284.58; Amanda Jones, mileage- 15.60; Ace Refrigeration, replace freezer- 2181.00; BI Inc, house arrest- 9223.44; Bob Barker, supplies- 577.96; Michael Burwell, medical- 318; Butler County Clinic, medical- 78.00; Butler County Detention, boarding- 9185.00; CBM Food, meals- 12993.36; Cass County Jail, boarding- 2341.20; Cedar County Sheriff, boarding- 2610.00; Cellular One, phone- 141.72; Conocophillips, transport- 445.17; Dakota County Sheriff, reimburse- 17.11; David City Pharmacy, medical- 46.37; Dept of Correction Serv, medical/safekeepers- 8609.32; Dixon County Sheriff, boarding- 13050.00; Good Neighbor Comm, medical- 86.25; Norma Huerta, interpret- 15.00; Keller Pharmacy, medical- 12.95; JM Lanspa, medical- 130.00; Mercy Bus Health, medical- 1299.00; David Noble, medical- 16.00; NE Juvenile Serv, boarding- 48146.25; Joaquin Orduno, interpret- 50.00; Platte County Detention, boarding- 47,100.00; Quest, medical- 64.10; Redfield, sheets- 194.09; Redlers Pharmacy, medical- 2859.54; Sams Club, supplies- 247.87; SFCU, fuel/meals- 230.43; Staples, supplies- 373.10; Text & Data Tech, software- 1800.00; Thurston County Sheriff, boarding- 3645.00; Walmart, supplies- 259.82; Washington County Sheriff, boarding- 14740.00; Woodbury Co Juv, boarding- 3300.00; Cellular One, phone- 27.70; Apex-Carex, medical- 48.76; Dunes Family Med, medical- 250.00; Pam Devries, mileage- 103.27; Pat Glover, Mileage- 95.17; Kreisers, multistix- 60.00; Midwest Office Automations, maintenance- 27.03; Perkins, supplies- 18.39; Redlers Pharmacy, test- 31.25; GPSONSALE, devices- 5510.03; Marx Truck Trailer, awning- 1075.34; Alan Boyd, mileage- 137.30; Cellular One, phone- 208.94; Electronic Engineering, pager- 13.95; AFLAC, service fees- 45.00; AT&T, phone- 33.83; Ben Star Packaging, paper- 142.60; Cable One, internet- 269.95; Dakota City Postmaster, box rental- 528.00; Five Star, leadership- 380.00; 5400 Weed Fund, budget exp- 1133.37; Dakota County Cash Advance, advance- 150.00; Hardcover Caf., leadership- 93.00; HyVee, leadership- 520.00; Lazette Gifford, website- 40.00; MIPS, support- 339.65; NACO, dues- 1032.00; Nebraska Loes Hills, sponsorship- 200.00; Network Systems Plus, service- 128.50; Qwest, phone- 642.28; Qwest, phone- 659.70; Qwest, phone- 65.91; US Postal Service, postage- 2500.00; WCS Telecom, phone- 467.07; 0300 Dakota County Road Fund, budget transfer- 23747.20; 0802 Road Improvement, budget transfer- 22520.90

ROAD FUND: Advance Auto, parts/supplies- 134.20; Aramark, towel service- 138.24; Atco, supplies- 183.95; Barkley Asphalt, mix- 1354.95; Bomgaars, supplies- 64.67; Bridgestone, tire repair- 320.00; Cellular One, phone- 28.68; Dakota County Star, ads/notice- 113.36; Erlandson, gravel- 8981.02; Farm & Ranch, tarp repair- 946.00; First State Bank, tractor interest- 12502.87; Flaugh's Pronto, fuel- 193.25; Gill Hauling, dumpster service- 45.00; Higman Sand & Gravel, rock- 391.30; Hubbard MiniMart, fuel- 4872.25; Hydraulic Sales & Service, repairs- 143.14; H204U, water- 29.50; Joes Department Store, parts/tools/misc- 206.96; Linweld, oxy/supplies- 142.26; Marx Truck Trailer, parts- 190.24; Richard McNear, prior yrs- 5.00; NPPD, electric- 23.68; Northeast NE Telephone, phone- 186.85; Pilger, gravel- 5467.92; Powerplan, parts- 421.29; Presco, blades- 1261.62; Rees Mack, parts- 568.45; Sioux City Iron, supplies- 208.48; Siouxland NAPA, parts/supplies/tools- 546.93; Stan Houston Equip, light- 82.93; Stephan Welding, parts- 37.20; Town & Country, repairs- 60.62; Tractor Supply, tool box- 245.08; Tri State, radio equip- 513.60; UECO, pipe- 1149.40; Warren Oil, fuel/oil- 2067.72; Wilmes Hardware, supplies- 50.93; Ziegler, parts/labor- 493.47;

HARD SURFACE FUND: JEO, road relocation/meeting- 1931.50;

INSTITUTIONS: Beatrice State Development Center, qtrly payment- 1923.00; Norfolk Regional Center, qtrly payment- 276.00;

COUNTY DRUG LAW ENFORCEMENT: HSS International, training- 4760.00;

LE EQUIPMENT GRANT FUND: Pam Franks, grant money- 70.00;

JUVENILE ACCOUNTABILITY: Amanda Jones, mileage- 6.90; BI Inc, juvenile- 143.00;  
 COMMUNITY JUSTICE GRANT: BI Inc, juvenile- 143.00;  
 INHERITANCE TAX: Ace Sign, sign- 680.00;  
 PUBLIC SAFETY: City of SSC, sales tax- 1968.25; Jail Bond Fund, sales tax- 14433.86;  
 WEED FUND: Bomgaars, parts- 22.86; Dr David Dyke, Vehicle payment- 2995.04; Gemplers, nets- 92.00; Heritage Express, fuel- 23.01; Hubbard Minimart, fuel- 376.00; Nutra Flo, parts- 36.22; Leon Pies, registration- 10.00; Star Printing, copies- 34.50; Van Diest Supply, chemical- 2807.50; Grainger, gloves- 426.10;  
 COUNTY GENERAL FUND: Gross salaries- \$77,592.20, General Fund Employees Net Pay- \$54,609.11, Employer deductions paid: Retirement- 4,833.37, Social Security Tax- 4,655.72, Medicare- 1,088.81, DC Health Plan- 16,090.80, DC Dental Plan- 623.70, Life Insurance- 148.50.  
 Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 396.56, Bobbi Jo Harsma- 968.88, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.81, Mark J. Dorsey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 439.19, Arnold Mellick- 242.68, Lynette Beermann- 1450.04, Michelle Criss- 622.08, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 512.00, Richard Jensen- 1233.74, Duane Kotalik- 1391.89, Tammy Dunn-Peterson- 750.50, Patricia Stingley- 80.00, Sandy Beers- 1000.08, Jeremy Bermel- 1417.50, Anthony Bos- 1346.63, Brian Ellinger- 1694.42, Penny Epting- 1059.20, Todd Hammer- 1223.10, Melvin Harrison III- 1319.20, Rodney Herron- 1564.33, Kimberly Johnson- 458.78, Jared Junge- 1480.52, Michael Kreegar- 1312.82, Gary Powell- 576.00, Gayle Richards- 744.80, Kevin Rohde- 1080.80, James Wagner- 1813.63, Randall Walsh- 1531.15, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 743.76, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1358.44, Richard Criss- 1081.60, Eric Davis- 1380.58, Ronald Fink Jr.- 1022.83, John Gilles- 1040.00, Michael Gregerson Jr.- 1130.63, Alma Gunderson- 1084.00, Paula Harrigfeld- 713.32, Brenda Harrison- 367.50, Cathy Harsma- 1024.00, Joseph Ramirez- 1244.80, Krystal Ramirez- 933.18, Linda Schovanec- 1199.44, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 674.76, Pamela DeVries- 1398.56, Gloria Dwyer- 770.40, Patricia Glover- 849.42, Alan Boyd- 910.00.  
 GENERAL FUND: Employee withholding paid to: Federal- 7,030.19, State- 2,499.74, Social Security Tax- 4,655.72, Medicare- 1,088.81, Retirement- 3,274.82, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,079.82, Aflac Health- 494.32, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.  
 COUNTY ROAD PAYROLL: Gross salaries- \$13,279.62, Road Employees Net Pay- \$9,299.97, Employer deductions paid: Retirement- 896.39, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 794.32, Medicare- 185.75.  
 Joel Broekemeier- 1172.03, Randall Crombie- 1165.80, Ronald Harder- 1136.70, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1279.82, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1204.90.  
 ROAD FUND: Employee withholding paid to: Federal- 1,134.85, State- 414.60, Social Security- 794.32, Medicare- 185.75, Retirement- 597.57, DC Health Plan- 300.70, DC Dental Plan- 58.74, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.  
 COPS FAST GRANT: Gross salaries- 1,440.93, Cops Fast Employee Net Pay- 991.34, Employer deductions paid: Retirement- 111.67, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 89.34, Medicare- 20.89, Brent Gilster- 1440.93.  
 COPS FAST GRANT: Employee withholding paid to: Federal- 190.23, State- 64.88, Social Security- 89.34, Medicare- 20.89, Retirement- 79.25, Sheriff Union Dues- 5.00.  
 S SIOUX CITY CHAMBER OF COMMERCE: Lodging Tax- 11,487.21  
 ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel recessed their until 11:00 a.m. July 5, 2005 to meet with several applicants for the Road Position recently advertised.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
 William F. Engel, Chair

ATTEST

\_\_\_\_\_  
 Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
JULY 5, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 1:30 p.m.  
Roll call was taken with the following members present:  
Commissioners Miller, O'Neill, Hartnett, Engel and Ted Piepho, County Clerk.  
Commissioner Bousquet arrived at 1:42 p.m.

Pat Foust, LEC Director, appeared before the board and asked permission to sell the present E911 System and to use the proceeds toward a new system.  
Commissioner Bousquet arrived at 1:41 pm.  
Mr. Foust said that the present system would not be sold until the new system is in place. He added that someone may be interested in it for parts.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to authorize Pat Foust to sell the present E911 system, at an appropriate time and to use the proceeds toward a new 911 system.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Ruth Gotch appeared before the board concerning an intersection located near 1950 207th Street. She said that you don't dare stop at the stop sign because you can't get started again without backing down the hill.

The board told Ms. Gotch that Arnie would take a look at it and get with her.

Arnie Mellick, Acting Road Foreman, asked for the board's permission to advertise for a new motor grader and would like to trade in the oldest 140G, which is about 15 years old and has about 8000 hours on it.  
Commissioner Hartnett moved, seconded by Commissioner O'Neill to authorize Arnie Mellick, Acting Road Foreman, to advertise for bids to purchase a new motor grader and to option for the outright purchase of the motor grader or to trade in a 140G cat. Be it further resolved to open bids at 1:35 pm. August 1, 2005 and the board reserves the right to reject any and all bids.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Dennis Reinert, Planning and Zoning Administrator, appeared before the board and asked if the Planning and Zoning Board could be paid for attending Planning and Zoning Meetings.  
Nebraska Statutes were cited that allowed them to be paid \$15.00 for each meeting that the members attend.  
Commissioner Engel moved, seconded by Commissioner Miller to authorize members of the Planning and Zoning Board to be paid \$15.00 for every Planning and Zoning Meeting that they attend.  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to appoint Nanci Walsh to the Convention and Visitor's Board.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel opened the Public Hearing for consideration of the Towing Regulations being proposed by the Planning and Zoning Board at 2:00 p.m.

Dennis Reinert, Planning and Zoning Administrator explained the proposed regulations and expressed concerns in areas that he felt were lacking scope, detail and specifics.

County Attorney, Ed Matney, recommended that the county table the adoption of the regulations and refer the regulations back to the Planning and Zoning Board.  
Chair Engel closed the hearing at 2:35 pm.  
Commissioner Bousquet moved, seconded by Commissioner O'Neill to table the adoption of the Towing Regulations and to refer the regulations back to the Planning & Zoning Board.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Tom Lynch, Scott McLinden and Doug Garwood appeared before the board to ask the board to adopt a Preliminary Resolution for the county to authorize Industrial Development Bonds for the Siouland Ethanol Plant.  
Mr. McLinden said that there was no financial obligation for or by the county. He added that there is not a cent obligated by the county or its tax payer's.  
He also said that the Revenue Bonds issued do not go against the County's Bond Debt so it would not hinder the County's possibility of issuing more bonds for a jail if it wished to do so.

Commissioner Hartnett moved, seconded by Commissioner Engel to adopt Resolution 05C-023, "A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE ISSUANCE BY THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA OF NOT TO EXCEED \$60,000,000 OF INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE CONSTRUCTION AND ACQUISITION OF

PLANT AND FACILITIES AND EQUIPMENT SUITABLE FOR USE AS DRY MILL CORN-PROCESSING ETHANOL PLANT AND NOT TO EXCEED \$10,000,000 OF INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE CONSTRUCTION AND ACQUISITION OF PLANT AND FACILITIES AND EQUIPMENT SUITABLE FOR USE FOR SOLID WASTE DISPOSAL BOTH AS A PART OF AN INDUSTRIAL AND MANUFACTURING FACILITY IN CONNECTION WITH A LEASE OR LOAN TO SIOUXLAND ETHANOL, LLC, AND AUTHORIZING A PUBLIC HEARING ON THE PROPOSAL TO ISSUE SUCH BONDS" as follows:

RESOLUTION NO. 05C-023

A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE ISSUANCE BY THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA OF NOT TO EXCEED \$60,000,000 OF INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE CONSTRUCTION AND ACQUISITION OF PLANT AND FACILITIES AND EQUIPMENT SUITABLE FOR USE AS DRY MILL CORN-PROCESSING ETHANOL PLANT AND NOT TO EXCEED \$10,000,000 OF INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE CONSTRUCTION AND ACQUISITION OF PLANT AND FACILITIES AND EQUIPMENT SUITABLE FOR USE FOR SOLID WASTE DISPOSAL BOTH AS A PART OF AN INDUSTRIAL AND MANUFACTURING FACILITY IN CONNECTION WITH A LEASE OR LOAN TO SIOUXLAND ETHANOL, LLC, AND AUTHORIZING A PUBLIC HEARING ON THE PROPOSAL TO ISSUE SUCH BONDS.

WHEREAS, The County of Dakota, in the State of Nebraska, (hereinafter referred to as the "County"), is a duly organized and existing county and political subdivision of the State of Nebraska under the laws and constitution of the State of Nebraska, and is authorized and empowered by Sections 13-1101 to 13-1110, inclusive, Reissue Revised Statutes of Nebraska, 1997, as amended, (hereinafter referred to as the "Act"), to issue revenue bonds and to pay the costs of any "project" within the meaning of such term as used in the Act;

WHEREAS, the County has been requested by Siouxland Ethanol, LLC, a Nebraska limited liability company (the "Company") to authorize and issue its industrial development revenue bonds pursuant to the provisions of the Act in an amount to be determined by the Company but not to exceed \$60,000,000 of Industrial Development Revenue Bonds to finance the construction and acquisition of plant and facilities and equipment suitable for use as dry mill corn-processing ethanol plant and not to exceed \$10,000,000 for the purpose of paying the costs of construction and acquisition of plant, improvements and equipment for a solid waste disposal facility both as a part of a manufacturing plant located in or near the Village of Jackson, Nebraska (the "Project"); and

WHEREAS, the industrial development revenue bonds, whether one or more, if issued, shall be limited obligations of the County and shall not constitute nor give rise to pecuniary liability of the County or a charge against its general credit and taxing powers; and the principal of and interest on the industrial development revenue bonds shall be payable solely out of the revenues derived from the Project to be financed by said industrial development revenue bonds; and

WHEREAS, before said industrial development revenue bonds may be issued, it is necessary to conduct a public hearing on the proposal to issue such bonds,

NOW, THEREFORE, be it resolved by the Board of Commissioners of The County of Dakota, in the State of Nebraska, as follows:

Section 1. That the said bonds in a total amount not exceeding \$70,000,000 as determined by the Company shall be issued in one or more series by the County when the documents relating thereto have been submitted to the County Attorney and approved by the Board of Commissioners of the County, and when the Company has paid all expense of the County relative to the issuance of said bonds. It is estimated that one series of bonds in the amount not to exceed \$10,000,000 may be issued on a basis that the interest thereon is exempt from federal income taxation.

Section 2. That issuance of the bonds shall be pursuant to the Act, and neither the passage of this Resolution, nor the issuance of said bonds shall obligate the County or constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation, and shall not constitute or give rise to any pecuniary liability or charge against the general credit or taxing powers of the County and said bonds, when issued, shall be payable solely out of the revenues derived from the Project to be financed by the bonds.

Section 3. That the County Clerk, without any further action or authorization from the Board of Commissioners, is hereby authorized to call a public hearing on the proposal to issue such bonds, upon the request of the Company, at such time as the County Clerk and Company deem advisable and the County Clerk is hereby authorized to cause notice of any such public hearing to be given and published in such method and manner as the County Clerk and the Company shall deem reasonable and necessary.

Section 4. That this resolution shall stand as a statement of the official intent of the County under Regulation Section 1.150-2 and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows: the construction and acquisition of plant, facilities and equipment for a dry mill corn-processing ethanol plant and for a solid waste disposal facility, both as a part of a manufacturing plant to be located on an approximately 149 acre site one and one-half miles west of Jackson, Nebraska on State Highway 20, bordered on the south side by a county gravel road, Knox Boulevard and on the north side by a county gravel road, 143rd Street.

2. The maximum principal amount of debt expected to be issued for such project is \$70,000,000.

Section 5. The Company and appropriate officers or employees of the County are authorized to apply to the Nebraska Investment Finance Authority for a unified volume cap allocation for the issuance of that portion of the proposed bonds, if any, determined to be able to be issued with interest exempt from federal income taxation and requiring an allocation of volume cap as contemplated by Section 146 of the Internal Revenue Code of 1986, as amended, and to take any and all actions required in connection with such application.

Section 6. At the request of the Company, Oppenheimer & Co. Inc. is hereby appointed as underwriter or placement agent with respect to the proposed bonds subject to the terms of a bond

purchase or placement agreement to be entered into prior to the issuance of the bonds; Baird, Holm, McEachen, Pedersen, Hamann & Strasheim LLP, Omaha, Nebraska is hereby appointed bond counsel, and Briggs and Morgan, Professional Association, Minneapolis, Minnesota, or such other firm selected by Oppenheimer & Co. Inc., is hereby appointed special tax counsel. Briggs and Morgan, Professional Association shall also serve as counsel to Oppenheimer & Co, Inc.

Section 7. All resolutions and orders or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 5th day of July, 2005.

Chairperson

(SEAL)

ATTEST:

\_\_\_\_\_  
County Clerk  
DOCS/679744.2  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Abstained, Bousquet- Abstained,  
MOTION CARRIED.

Commissioner Bousquet left the room at 2:40 p.m.

John Trecek appeared before the board and said that the Sales Tax numbers for the first quarter were not what was expected and thought that they were inaccurate. Discussion was had concerning levying property tax for the Jail when the board said that there wouldn't be. Commissioner Bousquet returned to the room at 9:45 a.m.

The following was an article from the Sioux City Journal dated Wednesday July 8, 2004. Dakota County Commissioners voted 4-1 Tuesday to approve the sale of \$2.3 million in bonds, the first phase in financing the new \$7.025 million jail. Excavation work on the project began a month ago, but it was the commissioners, not the bulldozers, who found themselves between a rock and a hard place Tuesday. They had promised there would be no property tax increase if voters approved a unique countywide sales tax to pay for a new, bigger jail. Voters did that last August. But commissioners had to face the facts Tuesday: the sales tax, at least the first four months' Collections, will not be enough to cover interest on the bonds if revenues don't increase. There is no time to wait to see. The county has paid up to \$1 million a year to hoard overflow prisoners from its 42-bed jail in other counties' Jails; that will continue until the new, 116-bed jail opens late next year. John Trecek, vice president of Ameritas Investment Corp., the county's underwriter of the bonds, explained the need for a sales-tax-backed bond issue. He said the "disappointing" Sales tax receipts left the county no choice but to issue the bonds under a state statute which provides a property tax-backed guarantee that the county can pay the interest. State figures - which were themselves estimates since there has never been such a tax before were flawed, he said. After refiguring with the newly released (2004) figures, the estimates dropped further, he said. Trecek said it looked like the levy for the first, and possibly only year would be only about 2 cents per \$100 valuation, or \$20 on a \$ 100,000 home. That would cover the first year's interest of about \$160,000. Subsequent year's interest would drop dramatically and the interest would be paid off in three years. He said. Even so, "This represents the best you can make of a worst case scenario," Commissioner Pam Miller pointed out that the levy couldn't be determined for certain until the county received its property valuations for the next budget year. Anyway out? Commission chair Bill Engel asked, "Is there any other way we can get this money"? "I'm at a loss, under the statistics," Trecek said. "The only authority that's left for you to borrow against is sales tax, which we can see is inadequate: that leaves property tax. It's better than coming up short nine or 10 months from now and having a lawsuit from a bondholder." Commissioner Betty O'Neill pressed Trecek about what would happen if the commissioners didn't approve the bond issue. Construction would stop, the county would have to find money to pay for the work already done and would probably face several law suits, he said. O'Neill voted aye. Commissioner Jackie Hartnett followed suit. "We're between a rock and a hard place," she said. "We need to do this." Commissioner Rick Bousquet reminded commissioners that there will be a savings of about \$500,000 a year by getting the county's prisoners back in their own jail, and additional revenue from hoarding federal prisoners. Trecek said the property tax money would not be lost if sales tax revenue proved to be adequate later in the fiscal year. He said the levy could be used as reserves, applied to the last payment on the jail, or put back into the budget as property tax relief. He said the county got a favorable interest rate on the bond issuance. It will average 3.88 percent over the 10 year life of the bonds.

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt Resolution 05C-024, A RESOLUTION AUTHORIZING THE ISSUANCE OF CORRECTIONAL FACILITIES BONDS

(PROPERTY TAX PAYMENT SOURCE), SERIES 2005, OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000) FOR THE PURPOSE OF PROVIDING FOR A JAIL/CORRECTIONAL FACILITY AND EQUIPPING AND FURNISHING SUCH FACILITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; RESERVING THE RIGHT TO PROVIDE FOR PAYMENT FROM OTHER SOURCES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS and other documents as follows:

EXTRACT FROM MINUTES

A regular meeting of the Board of Commissioners of The County of Dakota, in the State of Nebraska, was held in the Commissioners' Meeting Room, Dakota County Courthouse, Dakota City, Nebraska, at 1:30 o'clock pm. on July 5, 2005, in open and public session. Present were the following: William F. Engel, Pam Miller, Rick Bousquet, Betty O'Neill and Jacqueline Hartnett Commissioners. Absent were: None All Present.

Notice of the meeting was given in advance by publication and a copy of the affidavit of publication is attached to this extract from minutes. Notice of the meeting was given in advance to all members of the Board of Commissioners. Availability of the agenda was communicated in the advance notice and in the notice to the members of the Board of Commissioners. All proceedings hereafter shown were taken while the convened meeting was in open session.

Commissioner Miller offered the following resolution and moved its passage and adoption:  
RESOLUTION NO. 05C-024

A RESOLUTION AUTHORIZING THE ISSUANCE OF CORRECTIONAL FACILITIES BONDS (PROPERTY TAX PAYMENT SOURCE), SERIES 2005, OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000) FOR THE PURPOSE OF PROVIDING FOR A JAIL/CORRECTIONAL FACILITY AND EQUIPPING AND FURNISHING SUCH FACILITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; RESERVING THE RIGHT TO PROVIDE FOR PAYMENT FROM OTHER SOURCES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA:

Section 1. The Board of Commissioners (the "Board") of The County of Dakota in the State of Nebraska (the "County") hereby finds and determines that (a) the County is in need of a new jail and correctional facility (the "Project"; such term as used herein refers only to that phase of the new jail and correctional facilities to be constructed from amounts provided by the issuance of bonds as described in this Resolution in an aggregate amount not to exceed \$7,025,000 and is not intended to refer to additions and improvements to be subsequently determined upon by the Board which may relate to shelled in space or other improvements designed to increase the capacity of the Project over and above the capacity originally contracted for by the Board); (b) that pursuant to Section 23-120, R.R.S. Neb. 1997, as amended, ("Section 23-120") the County is authorized to construct and equip such a facility and for such purposes to borrow money and issue bonds to pay costs of the same, subject to the limitations set forth in Section 23-120; (c) that the Board by resolutions adopted on June 21, 2004 (the "Project Resolutions"), has initiated the Project, calling an election relating to financing for the Project and providing for entering into an Interlocal Cooperation Act Agreement with the City of South Sioux City, Nebraska (the "City"); (d) that as of the time of adoption of the Project Resolutions and as of the time of adoption of this Resolution, the County has outstanding no indebtedness which is payable from its general fund levy, taking into consideration that as of the time of adoption of the Project Resolutions and as of the time of adoption of this Resolution the County had and has outstanding its General Highway Allocation Fund Bonds in the principal amount ranging from \$2,605,000 to \$830,000 (as presently outstanding) issued pursuant to the terms of Section 66-4,101, R.R.S. Neb. 2003 ("Section 66-4,101") for payment of interest and retirement of which funds received from the Highway Allocation Fund of the State of Nebraska are pledged; (e) that under the terms of Section 66-4,101 the issuance of such bonds is not to be subject to any restrictions on or conditions precedent to the exercise of powers of the County to issue bonds contained in any other statute; (f) that the County is authorized under the terms of Section 23-120 to make and to agree to make an annual levy of not to exceed five and two tenths cents on each one hundred dollars upon the taxable value of all taxable property in the County for the Project; that for such purposes the Board hereby designates the Project (as defined and described above) as the project for which such levy is to be made, as agreed to and set forth in Section 10 of this Resolution with respect to the bonds herein authorized; (g) that such levy shall be made for not to exceed ten years, commencing with the levy for the County for taxes due December 31, 2005 and ending (as and to the extent required to pay principal and interest on the bonds herein authorized) with the levy for the County for taxes falling due December 31, 2014 and in each such year shall be in an amount sufficient to pay principal and interest on the bonds herein authorized up to the full permitted amount of 5.2¢ per \$100 of taxable valuation for each such year; (h) that there has been submitted to the voters of Dakota County at a special election held on August 10, 2004 the question of issuing the bonds of the County in the principal amount of Seven Million Twenty-five Thousand Dollars (\$7,025,000) for the purpose of providing for a jail/correctional facility and equipping and furnishing such facility (the Project); that notice of such election was given by publication in the Dakota County Star on July 8, July 15, July 22, July 29 and August 5, 2004; (i) that at said election such question was

submitted and the Election Commissioner of Dakota County has reported that a total of 2,326 ballots were cast and of such total 1,937 were in favor of issuing such bonds and 389 were against issuing such bonds; (j) that to provide for taxes levied to meet the liability on such bonds of the County in accordance with Section 23-127, R.R.S. Neb. 1997, there was also submitted at the same special election two separate propositions as follows: 1) pursuant to Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003, (the "Local Option Revenue Act"), there was submitted at the special election held on August 10, 2004 (the "City Sales Tax Election") to the voters of the City of South Sioux City, Nebraska, (the "City") the question of imposing an additional sales and use tax of one-half of one percent (0.5%) upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax, with 88% of the collections in each year (the "City Sales Tax Portion") to be applied to paying principal and interest on bonds for the construction of a new Dakota County jail/correctional facility including retirement of lease-purchase indebtedness for funding the City's contribution under an interlocal cooperation agreement with the County and 2) pursuant to Section 13-319, R.S. Supp. 2003, and Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003, (the "County Local Sales and Use Tax Statutes"), there was submitted at the special election held on August 10, 2004 (the "County Sales Tax Election") to the voters of Dakota County, other than the voters of the City (which is the only municipality within the County which has adopted a local sales tax) the question of imposing a sales and use tax of one-half of one percent (0.5%) on the same transactions within Dakota County other than in municipalities which impose a local option sales tax on which the State of Nebraska is authorized to impose a tax, with 88% of the collections in each year (the "County Sales Tax Portion") to be applied to paying principal and interest of bonds for the construction costs of a new Dakota County Jail/Correctional Facility; (k) that notice of the City Sales Tax Election was given by publication in the Dakota County Star on July 22, July 29 and August 5, 2004; that notice of the County Sales Tax Election was given by publication in the Dakota County Star on July 8, July 15, July 22, July 29 and August 5, 2004; (l) that the Election Commissioner of Dakota County has reported with respect to the City Sales Tax Election that a total of 1,107 ballots were cast and of such total 977 were in favor of the proposition for levying the tax and 130 were against such proposition; that the Election Commissioner of Dakota County has reported with respect to the County Sales Tax Election that a total of 1,233 ballots were cast and of such total 997 were in favor of the proposition for levying the tax and 236 were against such proposition; (m) that the City and the County have previously entered into an agreement entitled Interlocal Agreement dated June 14, 2004 (the "Interlocal Agreement") under Sections 13-801 to 13-827, R.R.S. Neb. 1997, as amended, (the "Interlocal Act") and have each by separate resolution approved an Amendment to Interlocal Agreement (the "Amendment" and together with the Interlocal Agreement, the "Amended Agreement") amending the Interlocal Agreement and creating the Dakota County Jail/Correctional Facilities Agency (the "Agency"); that the Amendment has been executed and delivered by the County and the City; (n) that in order to carry out the provisions of the Amended Agreement and provide for payment of the City's contribution for funding the payments of principal and interest on bonds payable from the City Sales Tax Portion and the County Sales Tax Portion (such bonds to be issued by subsequent resolution or resolutions of the Board and to be payable from such sales tax portion, in an aggregate principal amount not to exceed \$4,725,000, the "Sales Tax Bonds"), the City and the Agency are to enter into a Lease-Purchase Agreement (the "City Lease-Purchase Agreement") for purchase by the City from the Agency of an undivided one-half interest in the Project and obligating payment of the City Sales Tax Portion under Section 19-2421, R.R.S. Neb. 1997, as amended; (o) that in order to carry out the provisions of the Amended Agreement and provide for the costs of the Project and for funding by the County of a portion of the payments of principal and interest on the Sales Tax Bonds, the County and the Agency are to enter into a Lease-Purchase Agreement (the "County Lease-Purchase Agreement") for purchase by the County from the Agency of an undivided one-half interest in the Project under Section 23-3114, R.R.S. Neb. 1997, as amended; (p) that the bonds herein authorized are being issued to cover a portion of the costs of the Project as approved at the election held on August 10, 2004 and because of uncertainty as to the sufficiency of receipts attributable the City Sales Tax Portion and the County Sales Tax Portion; (q) that it is the intention of the Board that amounts available from the City Sales Tax Portion and the County Sales Tax Portion shall be applied to the payments due on the bonds herein authorized to the extent available after providing for current payments of principal and interest on the Sales Tax Bonds and after establishing and maintaining of an appropriate reserve as set forth in the proposed form of resolution to authorize the Sales Tax Bonds which is appended to this Resolution as Exhibit A and incorporated by reference, subject to any changes therein as may be deemed appropriate by the Board at the time or times for issuance of Sales Tax Bonds (whether one or more, collectively, the "Sales Tax Bond Resolution"); that all conditions, acts and things required to exist previous to the issuance of the County's bonds pursuant to Section 23-120 payable from the special levy of taxes described in this Section 1 and in Section 10 of this Resolution do exist and have happened as required by law.

Section 2. For the purposes described in Section 1 hereof, there shall be and there are hereby ordered issued the bonds of the County to be designated as "Correctional Facilities Bonds (Property Tax Payment Source), Series 2005" of The County of Dakota, in the State of Nebraska, in the principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) (the "2005 Bonds"), with said bonds bearing interest at the rates per annum and to become due on July 1 of the years as indicated below:

Maturing on July 1 of Year	Amount of Principal Maturing	Interest Rate Per Annum
2008	\$200,000	3.10%
2009	200,000	3.25
2010	275,000	3.40
2011	275,000	3.55
2012	300,000	3.65
2013	350,000	3.75
2014	350,000	3.85
2015	350,000	3.95

The 2005 Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue of the 2005 Bonds shall be the date of delivery thereof. Interest on the 2005 Bonds, at the respective rate for each maturity, shall be payable on July 1, 2006 and semiannually thereafter of January 1 and July 1 of each year (each an "Interest Payment Date"), and the 2005 Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day of the month immediately preceding the month in which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. The 2005 Bonds shall be numbered from 1 upwards in the order of their issuance. No 2005 Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the 2005 Bonds issued shall be as directed by the initial purchasers thereof. Payments of interest due on the 2005 Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 3 hereof (the "Paying Agent and Registrar"), by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each 2005 Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity together with any unpaid interest accrued thereon shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the 2005 Bonds to the Paying Agent and Registrar.

The County and the Paying Agent and Registrar may treat the registered owner of any 2005 Bond as the absolute owner of such 2005 Bond for the purpose of making payments thereon and for all other purposes and neither the County nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such 2005 Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any 2005 Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the County and the Paying Agent and Registrar, in respect of the liability upon the 2005 Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The Fremont National Bank and Trust Company, Fremont, Nebraska is hereby designated to serve as Paying Agent and Registrar for the 2005 Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the County and said Paying Agent and Registrar, the form of which is hereby approved. The Chairperson of the Board and the County Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this Resolution was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the County books for the registration and transfer of the 2005 Bonds at its principal corporate trust office in Fremont, Nebraska. The names and registered addresses of the registered owner or owners of the 2005 Bonds shall at all times be recorded in such books. Any 2005 Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the County will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new 2005 Bond or 2005 Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the 2005 Bonds by this Resolution, one 2005 Bond may be transferred for several such 2005 Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such 2005 Bonds may be transferred for one or several such 2005 Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a 2005 Bond, the surrendered 2005 Bond or 2005 Bonds shall be canceled and destroyed. All 2005 Bonds issued upon transfer of the 2005 Bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the 2005 Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the 2005 Bonds upon transfer of which they were delivered. The County and said Paying Agent and Registrar shall not be required to transfer any 2005 Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any 2005 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the 2005 Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the 2005 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The 2005 Bonds maturing on or after July 1, 2011, shall be subject to optional redemption from any source, including but not limited to proceeds of refunding bonds, in whole or in part, prior to maturity on the fifth anniversary of the date of original issue of the 2005 Bonds, or at any time thereafter, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. Such optional redemption shall be made from time to time as shall be directed by the Board. The County may select the 2005 Bonds for any such optional redemption in its sole discretion. 2005 Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Any 2005 Bond redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new 2005 Bond evidencing the unredeemed principal thereof.

Notice of redemption of any 2005 Bond called for redemption shall be given, at the direction of the County, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such 2005 Bond at said owner's registered address. Such notice shall designate the 2005 Bond or 2005 Bonds to be redeemed by



maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such 2005 Bond or 2005 Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any 2005 Bond partially redeemed, such notice shall specify the portion of the principal amount of such 2005 Bond to be redeemed. No defect in the mailing of notice for any 2005 Bond shall affect the sufficiency of the proceedings of the County designating the 2005 Bonds called for redemption or the effectiveness of such call for the 2005 Bonds for which notice by mail has been properly given and the County shall have the right to direct further notice of redemption for any such 2005 Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the 2005 Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to and payment on such date shall have the same force and effect as if made on the nominal date of payment.

Section 7. The 2005 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA

CORRECTIONAL FACILITIES BOND (PROPERTY TAX PAYMENT SOURCE),  
SERIES 2005  
OF  
THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA

No.\_\_\_\_ \$\_\_\_\_\_

Interest Rate	Date of Maturity Date	Original Issue	CUSIP NUMBER
____%	July 1, ____	_____, 2005	

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That The County of Dakota, in the State of Nebraska, for value received, hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable on July 1, 2006 and semiannually thereafter on January 1 and July 1 of each year (each, an "Interest Payment Date"). Such interest shall be computed on the basis of a 360-day year consisting of twelve 30 day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption) is payable upon presentation and surrender of this bond at the principal corporate trust office of The Fremont National Bank and Trust Company, Fremont, Nebraska, as Paying Agent and Registrar.

Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day of the month immediately preceding the month in which the Interest Payment Date occurs, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) of even date and like tenor, except as to date of maturity, rate of interest and denomination, which were issued by the County for the purpose of paying a portion of the costs of providing for a jail/correctional facility and equipping and furnishing such facility for use by the County and the City of South Sioux City, Nebraska (the "City"). The issuance of said bonds has been authorized by resolution duly adopted (the "Resolution") and by proceedings duly had by the Board of Commissioners of The County of Dakota, in the State of Nebraska, pursuant to Section 23-120, R.R.S. Neb. 1997, as amended.

Any or all of the bonds of said issue maturing on or after July 1, 2011, are subject to redemption at the option of the County from any source of funds, in whole or in part, on the fifth anniversary of the date of original issue shown above or at any time thereafter, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption.

Notice of redemption shall be given by mail to the registered owner of any bond called for redemption in the manner specified in the Resolution authorizing said issue of bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefore, a registered bond or registered bonds

for the unpaid principal balance of like series, maturity and interest rate in any of the authorized denominations provided for in the Resolution.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the principal corporate trust office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Resolution, subject to the limitations therein prescribed.

The County, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all other purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the day for payment of the principal or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of the County, including this bond, does not exceed any limitation imposed by law. The County agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the County in accordance with the provisions of Section 23-120(3)(b) Reissue Revised Statutes of Nebraska, 1997, as amended, for the purpose of paying and sufficient to pay the interest and principal of this bond as and when such interest and principal become due, subject, however, (a) to a limit of taxes of not to exceed 5.2¢ on each \$100 of taxable valuation annually and to the limit as to duration of such tax to not more than ten years; and (b) subject to the constitutional tax limitation on levying taxes by the County to not more than 50 cents per each \$100 of taxable value.

This bond shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar.

AS PROVIDED IN THE RESOLUTION REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE RESOLUTION, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the County until registered and authenticated by the Paying Agent on the form of registration set forth below.

IN WITNESS WHEREOF, the Board of Commissioners of The County of Dakota, in the State of Nebraska, has caused this bond to be executed on behalf of the County with the manual or facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and by causing the official seal of the County to be impressed or imprinted hereon, all as of the date of original issue specified above.

THE  
COUNTY OF DAKOTA, IN THE STATE OF  
NEBRASKA

Chairperson

ATTEST:

County Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Resolution adopted by the Board of Commissioners of The County of Dakota, in the State of Nebraska, as described in said bond.

The Fremont  
National Bank and Trust Company,  
Fremont, Nebraska, Paying Agent  
and Registrar

\_\_\_\_\_  
Authorized Signature

(FORM OF ASSIGNMENT)

For value received \_\_\_\_\_  
hereby sells, assigns, and transfers unto  
\_\_\_\_\_ the within bond and hereby  
irrevocably constitutes and appoints  
\_\_\_\_\_, Attorney, to transfer the same on  
the books of registration in the office of the within mentioned  
Paying Agent and Registrar with full power of substitution in the  
premises.

Date:  
\_\_\_\_\_

\_\_\_\_\_  
Registered Owner(s)

Signature Guaranteed

By \_\_\_\_\_  
\_\_\_\_\_  
Authorized Officer

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the 2005 Bonds shall be executed on behalf of the County with the manual or facsimile signatures of the Chairperson and County Clerk of the County. The 2005 Bonds shall be issued initially as "book-entry only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the County are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter previously executed and delivered by the County), for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the 2005 Bonds. Upon issuance of the 2005 Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The County and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds 2005 Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a 2005 Bond from a Bond Participant while the 2005 Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

- (i) The accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the 2005 Bonds;
- (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the 2005 Bonds, including any notice of redemption; or
- (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the 2005 Bonds.

The Paying Agent and Registrar shall make payments with respect to the 2005 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such 2005 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange 2005 Bonds requested by the Depository in appropriate amounts.

Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the County, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the 2005 Bonds or (ii) to make available 2005 Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such 2005 Bonds shall designate.

(c) If the County determines that it is desirable that certificates representing the 2005 Bonds be delivered to the ultimate Beneficial Owners of the 2005 Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the 2005 Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the 2005 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any 2005 Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such 2005 Bond and all notices with respect to such 2005 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the 2005 Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the 2005 Bonds may be delivered in physical form to the following:

- (i) any successor securities depository or its nominee; or
- (ii) any person, upon

(A) the resignation of the Depository from its functions as depository or

(B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement.

(f) In the event of any partial redemption of a 2005 Bond unless and until such partially redeemed 2005 Bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such 2005 Bond as is then outstanding and all of the 2005 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced or upon termination by the County of book-entry-only form, the County shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the County agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any 2005 Bond shall cease to be such officer before the delivery of such 2005 Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such 2005 Bond. The 2005 Bonds shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar. The 2005 Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the 2005 Bonds, they shall be delivered to the County Treasurer, acting on behalf of the County, who is authorized to deliver them to Ameritas Investment Corp. and SMITH HAYES Financial Services Corporation, as initial purchasers thereof, upon receipt of the purchase price of 98.75% of the principal amount thereof plus accrued interest on the principal amount of the 2005 Bonds to date of payment for the 2005 Bonds. The Chairperson is hereby authorized to execute and deliver the Bond Purchase Agreement for the sale of the 2005 Bonds between the County and said purchasers in the form presented. Said initial purchasers shall have the right to direct the registration of the 2005 Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. The County Clerk shall record the proceedings of the Board of Commissioners in the book of records of the proceedings of the County and make and certify a transcript of the proceedings of the Board of Commissioners with respect to the 2005 Bonds which shall be delivered to said purchaser. Such purchasers and their agents, representatives and counsel (including their bond counsel) are hereby authorized to take such actions on behalf of the County as are necessary to effectuate the closing of the issuance and sale of the 2005 Bonds, including, without limitation, authorizing the release of the 2005 Bonds by the Depository at closing.

Section 9. Accrued interest, if any, received from the sale of the 2005 Bonds shall be applied to pay interest falling due on July 1, 2006. Expenses of issuance of the 2005 Bonds may be paid from the proceeds of the 2005 Bonds. The net principal proceeds of the 2005 Bonds shall be deposited into a special fund of the County, held by the County Treasurer of the County, designated as the "Dakota County Jail/Correctional Facility Project Construction and Acquisition Fund" (the "Construction Fund"). In addition there shall be deposited into one or more separate accounts in the Construction Fund the proceeds of the Sales Tax Bonds in accordance with terms set in the Sales Tax Bond Resolution.

Monies in the Construction Fund shall be disbursed upon order of the Board of Commissioners. Pending application, monies in the Construction Fund may be invested in any investments permitted for counties in the state of Nebraska, maturing or redeemable at such times as will provide sufficient funds to pay the costs of the Project. Any earnings on said investments may be applied to pay further costs of the Project or, upon written direction from the Board of Commissioners, may be transferred to provide for payments of principal and interest on the 2005 Bonds. Costs of the Project shall include, but not be limited to land or land rights acquisition, construction, equipment, engineering and consulting fees and expenses, legal fees and expenses related to the Project and costs for utilities and any costs associated with obtaining any required permits for the Project, including reimbursement to the County or the City for any such costs advanced by the County or the City. In accordance with the terms of the Amended Agreement and the County Lease-Purchase Agreement, title to the Project as and when constructed shall be in the Agency.

Section 10. In accordance with and pursuant to the Board's initiation of the Project by the Project Resolutions on June 21, 2004, the Board hereby determines to make with respect to the Project and for the payment of the 2005 Bonds as issued to pay costs of the Project an annual levy under the terms of Section 23-120(3)(b) of not to exceed 5.2¢ on each \$100 of taxable valuation of taxable property in the County for a period of ten years, unless and until the 2005 Bonds shall no longer be outstanding under the terms of this Resolution. The amount of such levy in each year shall be the amount required to pay principal and interest on the 2005 Bonds as authorized by this Resolution as falling due in the calendar year following the calendar year in which taxes so levied become due (December 31 of each year) up to the full amount of 5.2¢ for each such year, provided that for any fiscal year the County may satisfy its obligation to levy and collect such tax for the payment of principal and interest on the 2005 Bonds by applying monies available in the "Redemption Account" to be established under the terms of the Sales Tax Bond Resolution. The Board further determines that such levy (a) represents a levy for bonded indebtedness approved according to law and secured by a levy on property and (b) is levied to provide financing for the County's share of revenue required under the Amended Agreement. In order to provide for the payment of principal and interest on the 2005 Bonds and to carry out the determinations made in this Resolution and specifically this Section 10, the Board acting for and on behalf of the County hereby agrees for the benefit of the owners of the 2005 Bonds that the Board shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the County pursuant to Section 23-120(3)(b), R.R.S. Neb. 1997, as amended, for the purpose of paying and sufficient to pay the interest and principal of the 2005 Bonds as and when such interest and principal become due according to the terms thereof, provided, always, that (a) such levy is subject to a limit of taxes of not to exceed 5.2¢ on each \$100 of taxable value in any year and such special levy in such limited amount shall not be levied for the 2005 Bonds and the Project for a duration in excess of 10 years and (b) such levy amount shall be included within the constitutional levy limitation of 50 cents per each \$100 of taxable value.

Section 11. The County hereby covenants to the purchasers and holders of the 2005 Bonds hereby authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the 2005 Bonds, which would cause the 2005 Bonds to be "arbitrage bonds" within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The County hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the 2005 Bonds. The County hereby designates the 2005 Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code. The County hereby covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during calendar 2005, including issuance by any subordinate governmental unit thereto but excluding "private activity bonds" other than "qualified 501(c)(3) bonds" (each as described and defined in Section 141 and Section 145 of the Code, respectively) and bonds or other obligations issued to refund (other than to advance refund) any bonds or other obligations to the extent that the amount of the refunding bonds or other refunding obligations does not exceed the amount of the bonds or other obligations refunded; that not more than \$10,000,000 of tax-exempt obligations issued by the County (including issuance by any subordinate governmental units thereto) shall be designated as such "qualified tax-exempt obligations" during calendar 2005.

The County hereby specifically agrees that the County shall take no action which would cause the 2005 Bonds to be treated as "private activity bonds" within the meaning of such term as provided in Section 141 of the Code or "federally guaranteed" within the meaning of Section 149 of the Code.

Section 12. The County's obligations under this Resolution with respect to the 2005 Bonds herein authorized shall be fully discharged and satisfied as to any of such 2005 Bonds and any such 2005 Bond shall no longer be deemed to be outstanding hereunder if such 2005 Bond has been purchased by the County and cancelled or when the payment of principal of and interest thereon to the date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company (which may be the Paying Agent and Registrar), in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any 2005 Bond to be paid prior to maturity, the County shall have duly called such 2005 Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the

2005 Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the County as and when collected.

Section 13. The City Lease-Purchase Agreement and the County Lease-Purchase Agreement each contain or are to contain provisions relating to continuing disclosure under Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). Such provisions are hereby incorporated by reference. The County reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the County, consistent with the Rule, and subject to agreement by the City in the case of continuing disclosure obligations under the City Lease-Purchase Agreement. The County hereby agrees that such covenants are for the benefit of the registered owners of the 2005 Bonds (including "Beneficial Owners," as defined in this Resolution) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under this Resolution. The continuing disclosure obligations of the County under this Section 13 shall cease when none of the 2005 Bonds remain outstanding.

Section 14. The County may from time to time with the consent of the Agency and the City in the case of the City Lease-Purchase Agreement and with the consent of the Agency in the case of the County Lease-Purchase Agreement provide for any amendment, change or modification of the City Lease-Purchase Agreement or the County Lease-Purchase Agreement, as the case may be, for the purpose of curing any ambiguity or formal defect or omission or making any other change therein which is not to the prejudice of the registered owners of the 2005 Bonds (including Beneficial Owners) as to which the County's Board of Commissioners shall have been advised by counsel that it is for such purpose and in the opinion of such counsel is not to the prejudice of the registered owners of the 2005 Bonds (including Beneficial Owners). Except for amendments, changes or modifications permitted under the preceding sentence, the County shall not consent to any other amendment, change or modification of the City Lease-Purchase Agreement or the County Lease-Purchase Agreement without the written consent of the registered owners of all of the 2005 Bonds then outstanding under this Resolution.

Section 15 The County Lease-Purchase Agreement, the Management Agreement and the Ground Lease, each in the form presented to the meeting at which this Resolution is adopted, are hereby approved and the execution and delivery thereof on behalf of the County by the Commissioners on behalf of the County is hereby authorized. The County- Lease-Purchase Agreement, the Management Agreement and the Ground Lease shall be executed and delivered in substantially the form presented but with any such changes and completions as shall be determined appropriate by the executing officers for and on behalf of the County. The County hereby acknowledges that, under the terms of the County Lease- Purchase Agreement, the City Lease-Purchase Agreement is being assigned to the County and that the amounts payable thereunder shall be held and disbursed under the terms of the Sales Tax Bond Resolution, including application of amounts for payment, redemption or defeasance of the 2005 Bonds.

Section 16. This Resolution shall be in force and take effect from and after its adoption as provided by law.

ADOPTED this 5th day of July, 2005.

Commissioners

ATTEST:

County Clerk  
(SEAL)

Commissioner \_\_\_\_\_ seconded the motion and upon roll call vote the following Commissioners voted "AYE":

\_\_\_\_\_. The following Commissioners voted "NAY": \_\_\_\_\_  
\_\_\_\_\_. With more than a majority of the Board in favor, the Chairperson declared the resolution adopted. \*\*\*\*\*

I the undersigned County Clerk for The County of Dakota, in the State of Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Chairperson and Board of Commissioners of said County on July 5, 2005; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the County Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

County Clerk

**PAYING AGENT AND REGISTRAR AGREEMENT**

This Agreement is made and entered into as of this \_\_\_\_ day of July, 2005, by and between The County of Dakota, in the State of Nebraska (the "County"), and The Fremont National Bank and Trust Company, Fremont, Nebraska (the "Paying Agent").

## WITNESSETH:

WHEREAS, the County has authorized the issuance of \$2,300,000 of its Correctional Facilities Bonds (Property Tax Payment Source), Series 2005, date of original issue - July \_\_, 2005 (the "Bonds"), by a Resolution adopted July 5, 2005 (the "Resolution"), and requires the services of a paying agent and registrar for said issue; and

WHEREAS, the Paying Agent is willing to provide services as paying agent and registrar pursuant to the terms of this Agreement and the Resolution in consideration for the compensation described in this Agreement.

NOW THEREFORE, the County and the Paying Agent do hereby agree as follows:

1. The Paying Agent agrees that it shall maintain on behalf of the County books of record in which the registered owners of the Bonds and their registered addresses shall be duly recorded.

2. Paying Agent agrees that it shall serve as paying agent for the County in making the payments of principal and interest falling due on the Bonds. The County shall, not later than five days before each interest and principal payment date on the Bonds, deposit with the Paying Agent an amount sufficient to make such payment and the Paying Agent shall apply such deposit by mailing a check or draft to each of the registered owners of the Bonds as shown on the books of record maintained pursuant to paragraph 1 hereof for the appropriate amounts of interest due on each respective bond and by paying principal upon presentation, all in accordance with the Resolution. The provisions of this paragraph 2 are subject to the provisions of paragraph 13 so long as the Bonds are outstanding in "book-entry-only" form.

3. Paying Agent hereby accepts and agrees to perform all duties directed by the Resolution to be performed by the "Paying Agent" as defined in the Resolution and the terms of the Resolution are hereby incorporated by reference.

4. The Paying Agent shall make the initial registration of the Bonds upon written directions from the original purchaser thereof as designated in the Resolution.

5. Transfer of the Bonds shall be registered pursuant to the limitations prescribed in the Resolution, upon surrender to the Paying Agent of any outstanding Bond in form deemed by the Paying Agent properly endorsed for transfer with all necessary signatures guaranteed in such manner and form as the Paying Agent may require by a signature guarantor reasonably believed by Paying Agent to be responsible, accompanied by such assurances as the Paying Agent shall deem necessary or appropriate to evidence the genuineness and effectiveness of each necessary signature and, if deemed appropriate by the Paying Agent, satisfactory evidence of compliance with all applicable laws relating to the collection of taxes. In registering transfer of the Bonds, the Paying Agent may rely upon the Uniform Commercial Code or any other statutes which in the opinion of counsel protect the Paying Agent and the County in not requiring complete documentation, in registering Bonds without inquiry into adverse claims, in delaying registration for purposes of such inquiry, or in refusing registration wherein Paying Agent's judgment an adverse claim requires such refusal.

6. As provided by law, the books of registration maintained by the Paying Agent shall not be deemed public records and shall be available for inspection solely pursuant to a court order or a subpoena of any governmental agency having jurisdiction to issue such subpoena.

7. At least annually, the Paying Agent shall give a report to the County accounting for all funds received and disbursement made. The Paying Agent shall maintain customary records in connection with its exercise of its duties under this Agreement and the Resolution.

8. At any time the Paying Agent may apply to the County for instructions and may consult with the County's attorney or the Paying Agent's own counsel in respect to any matter arising in connection with its duties under this Agreement and the Resolution and the Paying Agent shall not be liable or accountable for any action taken or omitted by it in good faith in accordance with such instructions or with the opinion of such counsel. The Paying Agent may rely on any paper or document reasonably believed by it to be genuine and to have been signed by the proper person or persons.

9. The County agrees to pay any expenses reasonably incurred by the Paying Agent in connection with the performance of its duties under this Agreement and the Resolution including counsel fees, and in addition shall pay the Paying Agent as compensation for its services pursuant to the attached schedule.

10. Any corporation or association into which the Paying Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation, or transfer to which it is a party, shall ipso facto, be and become successor Paying Agent hereunder and vested with all of the trusts, powers, discretion, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instruments or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

11. The County shall have the right to remove the Paying Agent only in the event of a material breach of the Paying Agent's duties under this Agreement and the Resolution. In such event, the

County shall have the right to designate a successor and the Paying Agent hereby agrees that it shall turn over all of its records with respect to the Bonds to any such successor upon request by the County.

12. This Agreement shall terminate when the Bonds have been paid in full. The Paying Agent shall have no duties with respect to the investment of monies paid to it under this Agreement and the Resolution except as may be otherwise agreed between Paying Agent and the County. Any deposit of such monies shall be either fully insured by insurance at the Federal Deposit Insurance Corporation or fully secured in the manner required by law for deposit of funds of the County. Any such deposit may be in an account maintained with the Paying Agent.

13. Under the terms of the Resolution, the Bonds are to be issued initially as "book-entry-only bonds" using the services of The Depository Trust Company (the "Depository") and initially the entire issue of the Bonds shall be registered in the name of Cede & Co., as nominee for the Depository, with one typewritten bond of each separate stated maturity. Payment of semiannual interest for any Bond registered as of each Record Date in the name of Cede & Co. shall be made by wire transfer to the account of Cede & Co. on the interest payment date for the Bonds at the address shown in the Paying Agent's books of registration for Cede & Co. as registered owner in accordance with the Depository's procedures as in effect from time to time. The Paying Agent agrees that it will execute and observe the terms and conditions of the Letter of Representations (the "Letter of Representations") as authorized by the Resolution. The Letter of Representations may be in the form of separate undertakings executed by the Paying Agent and the County in connection with services provided by the Depository.

The Paying Agent and the County may treat the Depository (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under the Resolution, registering the transfer of Bonds, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever, and neither the Paying Agent nor the County shall be affected by any notice to the contrary. Neither the Paying Agent nor the County shall have any responsibility or obligation to any participant of the Depository ("Participant"), any person claiming a beneficial ownership interest in the Bonds under or through the Depository or any Participant, or any other person which is not shown on the registration books of the Paying Agent as being a bondholder, with respect to the accuracy of any records maintained by the Depository or any Participant; the payment by the Depository or any Participant or any amount in respect of the principal of or interest on the Bonds; any notice which is permitted or required to be given to bondholders under the Resolution; the selection by the Depository or any Participant of any person to receive payment in the event of a partial redemption of the Bonds; or any consent given or other action taken by the Depository as bondholder. The Paying Agent shall pay all principal of and interest on the Bonds only to the Depository, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. Except under the conditions directed below, no person other than the Depository shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the County to make payments of principal and interest pursuant to the Resolution. Upon delivery by the Depository to the Paying Agent of written notice to the effect that the Depository has determined to substitute a new nominee in the place of Cede & Co., and subject to the provisions in the Resolution with respect to Record Dates, the term "Cede & Co." in this Agreement shall refer to such new nominee of the Depository. If the Depository gives notice to the County or the Paying Agent pursuant to the Letter of Representations that it will discontinue providing its services as securities depository with respect to the Bonds, the County shall either appoint a successor securities depository or terminate the book-entry system for the Bonds under the following conditions:

(i) Any successor securities depository must be a clearing agency registered with the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934 and must enter into an agreement with the County and the Paying Agent agreeing to act as the depository and clearing agency for all the Bonds. After such agreement has become effective, the Depository shall present the Bonds for registration of transfer in accordance with the Resolution and the Paying Agent shall register them in the name of the successor securities depository or its nominee. If a successor securities depository has not accepted such position prior to the effective date of the Depository's termination of its services, the book-entry system shall automatically terminate, except as provided below in this paragraph 13.

(ii) If the County elects to terminate the book-entry system for the Bonds, it shall so notify the Paying Agent in writing. Thereafter, upon presentation of the Bonds, or any of them, by the Depository or its nominee to the Paying Agent for registration of transfer in accordance with the Resolution, the Paying Agent shall register the transfer in accordance with the Resolution and all provisions of this paragraph 13 shall immediately cease to be in effect, except as provided below in this paragraph 13.

The County may elect to terminate the book-entry system for the Bonds at any time by giving written notice to the Depository and the Paying Agent. On the effective date of such termination, the provisions of this paragraph 13 shall cease to be in effect, except that the Paying Agent shall continue to comply with applicable provisions of the Letter of Representations with respect to Bonds as to which the Depository remains the registered owner. After such termination, the Paying Agent shall, upon presentation of Bonds by the Depository or its nominee for registration of transfer or exchange in accordance with the Resolution make such transfer or exchange in accordance with the Resolution. Upon the appointment of a successor securities depository or termination of the book-entry system, the Paying Agent shall give notice of such event to the registered owners of Bonds (through the Depository) and (1) of the name and address of the successor securities depository or (2) that Bonds may now be obtained by the beneficial owners of the Bonds, or their nominees, upon proper instructions being given



to the Depository by the relevant Participant and compliance by the Depository with the provisions of the Resolution regarding registration of transfers. Notwithstanding any other provision of this Agreement to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of the Depository (or any successor nominee), all payments with respect to the principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations. In connection with any notice or other communication to be provided to bondholders pursuant to the Resolution by the County or the Paying Agent with respect to any consent or other action to be taken by bondholders, the County or the Paying Agent, as the case may be, shall establish a record date for such consent or other action and give the Depository notice of such record date not less than 15 calendar days in advance of such record date to the extent possible.

14. If any one or more of the covenants or agreements to be performed by either of the parties to this Agreement shall be determined by a court of competent jurisdiction to be unenforceable, such covenants or agreement shall be deemed and construed to be severable from the remaining covenants and agreements contained herein and shall in no way affect the validity of the remaining provisions of this Agreement.

15. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

16. This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.

IN WITNESS WHEREOF, the parties hereto have each caused this Paying Agent and Registrar Agreement to be executed by their duly authorized officers and attested as of the date first above written.

THE COUNTY OF DAKOTA,  
IN THE STATE OF NEBRASKA

By

\_\_\_\_\_

Chairperson

ATTEST:

\_\_\_\_\_

County Clerk

(SEAL)

THE FREMONT NATIONAL BANK AND  
TRUST COMPANY,  
Fremont, Nebraska  
Paying Agent and Registrar

By \_\_\_\_\_  
Its \_\_\_\_\_

ROLL CALL VOTE: Hartnett- Yea, Engel- No, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel declared a recess at 3:16 p.m.  
Chair Engel reconvened their meeting at 3:19 p.m.

Commissioner Hartnett moved, seconded by Commissioner Miller that all the personal property in the basement of the annex be declared surplus property and to authorize Nanci Walsh to advertise all for sale and whatever does not sell shall be of no value and discarded as quickly as possible.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

It was the consensus of the board to have a Special Meeting at 8:30 a.m. Tuesday July 12, 2005, to appoint a Road Foreman, Highway Supt. and/or Director of Roads.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of June 20, 2005 as typed.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Payroll claims paid: COUNTY GENERAL FUND: Gross salaries- \$81,391.97, General Fund Employees Net Pay- \$57,005.90, Employer deductions paid: Retirement- 5,154.06, Social Security Tax- 4,891.78, Medicare- 1,144.09, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 148.50. Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Bobbi Jo Harsma- 920.00,

Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 760.41, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Arnold Mellick- 242.68, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 648.00, Richard Jensen- 1233.74, Duane Kotalik- 799.76, Tammy Dunn-Peterson- 598.50, Patricia Stingley- 55.00, Sandy Beers- 1000.08, Jeremy Bermel- 1995.48, Anthony Bos- 1699.53, Brian Ellinger- 1797.18, Penny Epting- 1062.80, Todd Hammer- 1472.08, Melvin Harrison III- 1632.55, Rodney Herron- 1564.33, Kimberly Johnson- 653.14, Jared Junge- 1743.01, Michael Kreegar- 1832.20, Gary Powell- 588.00, Gayle Richards- 723.85, Kevin Rohde- 1680.22, James Wagner- 1813.63, Randall Walsh- 2284.20, Rita Chase- 752.64, Amber Hegarty- 1633.98, Aimee Kennedy- 816.07, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 699.84, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1455.36, Richard Criss- 1031.20, Eric Davis- 1254.32, Ronald Fink Jr.- 1098.31, John Gilles- 1086.40, Michael Gregerson Jr.- 1107.45, Alma Gunderson- 1633.20, Paula Harrigfeld- 671.36, Brenda Harrison- 420.00, Cathy Harsma- 1090.83, Joseph Ramirez- 1001.86, Krystal Ramirez- 923.20, Linda Schovanec- 1326.14, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 770.40, Patricia Glover- 975.26, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,693.80, State- 2,729.34, Social Security Tax- 4,891.78, Medicare- 1,144.09, Retirement- 3,501.03, DC Health Plan- 1,167.86, DC Dental Plan- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,079.92, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,901.18, Road Employees Net Pay- \$9,036.38, Employer deductions paid: Retirement- 870.85, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 770.86, Medicare- 180.28.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.61.

ROAD FUND: Employee withholding paid to: Federal- 1,085.58, State- 395.02, Social Security- 770.86, Medicare- 180.28, Retirement- 580.54, DC Health Plan- 300.69, DC Dental Plan- 58.71, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 2,056.64, Cops Fast Employee Net Pay- 1,340.00, Employer deductions paid: Retirement- 159.39, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 127.51, Medicare- 29.82, Brent Gilster- 2056.64.

COPS FAST GRANT: Employee withholding paid to: Federal- 335.69, State- 105.50, Social Security- 127.51, Medicare- 29.82, Retirement- 113.12, Sheriff Union Dues- 5.00.

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

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING  
JULY 12, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 8:38 a.m.

Roll call was taken with the following members present:

Commissioners Miller, Bousquet, O'Neill, Hartnett, Engel and Ted Piepho, County Clerk.

Ted Piepho, submitted a letter withdrawing his name from consideration for the Dakota County Roads Director position.

Commissioner Miller said that we were having the Highway Supt. report to the Road Foreman and thought that should be changed.

Commissioner Hartnett moved, seconded by Commissioner Engel to nominate Arnie Mellick as Highway Supt./Road Foreman.

ROLL CALL VOTE: Engel- Yea, Miller- Nay, Bousquet- Nay, O'Neill- Nay, Hartnett- Yea, MOTION FAILED.

Commissioner O'Neill stated, this is a reorganization of the Road Department. We are reorganizing right?

Mr. Bousquet said that's right.

Ms. Miller asked Commissioner O'Neill what she meant.

Mr. Bousquet said that we are putting in a new manager.

Ms. O'Neill said, I guess I am confused, we are talking about Highway Supt./Road Foreman?

Commissioner Bousquet said, "What we have are applications from individuals that have a Highway Supt. License and we have applications from individuals that don't have a Highway Supt. License.

Any of them can do the job. I am thinking kind of like Pam is, that if he doesn't have a Highway Supt License, he would be like Director of Roads and then let him hire whoever he wants for the Highway Supt. position and if he were to pick one of the two, then operate that way."

Commissioner Engel said that is where we disagree. I wasn't always for Arnie, but we gave him an ultimatum. If he passed the test he would have the job. The Supt. can handle the foreman's job and now we are changing the rules. He said that it is very important what you do here today. You can't go one way and then the other and this is what has been happening. What ever happens here today, Jackie and I will fulfill our duties.

Commissioner Miller moved, seconded by Commissioner Bousquet to hire Bill B. Rohde for the Road Foreman position at a salary of \$35,000 and that he hire a Highway Supt and that he is expected to take the Highway Supt. test in the future. Be it further resolved that he start as soon as possible, but no later than August 1, 2005 and that he get an increase when he gets his Highway Supt.'s License.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Nay, Engel- Nay, MOTION CARRIED.

Mr. Engel said that the Road Committee will meet with Mr. Rohde.

Commissioner Bousquet moved, seconded by Commissioner Miller to recess until 4:00 p.m. today to acknowledge whether Mr. Rohde accepts the job or not.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel recessed their meeting at 8:55 a.m.  
The board did not reconvene at 4:00 p.m. due to a lack of quorum.

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
JULY 18, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE

Chair Engel called their regular scheduled meeting to order at 10:03 a.m. with the pledge of allegiance. Roll call was taken with the following members present:  
Commissioners Miller, O'Neill, Hartnett, Engel and Ted Piepho, County Clerk.  
ABSENT: Commissioner Bousquet.

The board reviewed the claims filed with the County Clerk and submitted by him for payment.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to appoint Commissioner Pam Miller as the County Board's Member to the Dakota County Jail/Correctional Facilities Board.  
ROLL CALL VOTE: Miller- Abstained, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, MOTION CARRIED.

Chair Engel recessed their meeting at 11:53 a.m. for lunch.

Chair Engel reconvened their meeting at 1:33 p.m. from lunch with the following members present: Commissioners O'Neill, Hartnett, Engel and Ted Piepho, County Clerk. Commissioners Bousquet and Miller absent.

Robert Giese, County Treasurer, presented the Treasurer's Semi-Annual Report for period January 1, 2005 through June 30, 2005.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to accept and approve the Treasurer's Semi-Annual Report as submitted by the County Treasurer and to authorize the Chair to sign same.

ROLL CALL VOTE: Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into Board of Equalization to consider Motor Vehicle Exemptions applied for by Heartland Counseling Services, Inc. on a 2005 Ford Taurus SE 4 door sedan bearing the serial number 1FAFP53U35A114941 and to approve a Tax Exempt Application on a 2005 Ford Taurus SE 4 door sedan bearing the serial number 1FAFP5245A282621.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, and Bousquet- Absent, UNANIMOUS MOTION CARRIED. 1:35 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve two Motor Vehicle Tax Exemption Applications applied for by Heartland Counseling Services, Inc. on a 2005 Ford Taurus SE 4 door sedan bearing the serial number 1FAFP53U35A114941 and to approve an Tax Exempt Application on a 2005 Ford Taurus SE 4 door sedan bearing the serial number 1FAFP5245A282621.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Absent, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller arrived at 1:38 p.m.

The County Board of Equalization considered the Personal Property Appeal by VanBuskirk Companies asking that the county remove an air conditioner as their new depreciation schedules include two AC units and not three.

Madelyn Thorsland, from the Assessor's Office, recommended that the AC units be removed from their Personal Property Schedule.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Personal Property Appeal of VanBuskirk Companies by removing one Air Conditioning Unit from their Personal Property Schedule.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to reconvene as Board of Commissioners.

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 1:45 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the payroll, except to wait to increase the salaries in the Clerk of the District Court's Office until all other raises are determined.

COUNTY GENERAL FUND: Gross salaries- \$82,983.33, General Fund Employees Net Pay- \$58,348.50, Employer deductions paid: Retirement- 5,177.55, Social Security Tax- 4,990.45, Medicare- 1,167.15, DC Health Plan- 16,334.60, DC Dental Plan- 633.15, Life Insurance- 150.75.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 378.80, Marisol Curiel- 320.00, Bobbi Jo Harsma- 882.63, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Erin Wilmes- 372.13, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Lyn Beltz- 77.50, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 758.16, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 648.00, Richard Jensen- 1233.74, Duane Kotalik- 1191.95, Tammy Dunn-Peterson- 752.88, Patricia Stingley- 80.00, Jeremy Bermel- 1839.93, Anthony Bos- 1520.62, Brad Claypool- 1118.04, Sandy Dickens- 1000.08, Brian Ellinger- 1782.85, Penny Epting- 1095.20, Todd Hammer- 1275.10, Melvin Harrison III- 1575.42, Rodney Herron- 1725.65, Kimberly Johnson- 474.60, Jared Junge- 2146.91, Michael Kreegar- 1578.10, Gary Powell- 96.00, Gayle Richards- 744.80, Kevin Rohde- 1317.68, James Wagner- 1813.63, Randall Walsh- 2058.88, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 761.84, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1384.61, Amanda Jones- 1098.47, Rebecca Broer- 1487.50, Richard Criss- 1245.54, Eric Davis- 1121.25, Ronald Fink Jr.- 1196.00, John Gilles- 1235.60, Michael Gregerson Jr.- 1321.79, Alma Gunderson- 1323.00, Paula Harrigfeld- 723.85, Brenda Harrison- 388.50, Cathy Harsma- 1245.54, Joseph Ramirez- 1232.28, Krystal Ramirez- 1045.71, Linda Schovanec- 1186.08, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 813.20, Patricia Glover- 1115.26, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,763.13, State- 2,770.31, Social Security Tax- 4,990.45, Medicare- 1,167.15, Retirement- 3,517.53, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,079.92, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,901.17, Road Employees Net Pay- \$9,036.33, Employer deductions paid: Retirement- 870.85, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 770.86, Medicare- 180.28.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.61.

ROAD FUND: Employee withholding paid to: Federal- 1,085.58, State- 395.02, Social Security- 770.86, Medicare- 180.28, Retirement- 580.54, DC Health Plan- 300.70, DC Dental Plan- 58.74, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,621.31, Cops Fast Employee Net Pay- 1,093.49, Employer deductions paid: Retirement- 125.65, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 100.52, Medicare- 23.51, Brent Gilster- 1621.31.

COPS FAST GRANT: Employee withholding paid to: Federal- 232.84, State- 76.78, Social Security- 100.52, Medicare- 23.51, Retirement- 89.17, Sheriff Union Dues- 5.00.

ROLL CALL VOTE: Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Accounts Payable Claims filed with the County Clerk by the various offices and submitted by him as follows:

GENERAL FUND: Dakota County Star, publishing- 661.66; Perkins, supplies- 141.58; Perkins, supplies- 241.21; Sioux City Journal, subscription- 234.00; Staples, supplies- 5.87; Redfield, forms- 94.69; Robert and Patricia Chitwood, lektriever lease- 1989.27; Robert Giese, mileage- 73.00; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, equipment lease- 240.00; NE Assoc of Co Officials, dues- 75.00; Quality Inn, room- 129.95; Mark Dorcey, mileage- 277.13; Siouxland National Bank, deposit books- 37.88; MIPS, support- 55.55; Secretary of State, voter cards- 15.00; Todds Storeall, storage- 160.00; Walmart, supplies- 11.15; Dakota County Star, publishing- 19.10; Dakota County Clerk, plat maps- 42.00; Lynette Beermann, reimburse- 8.50; Dell, toner- 186.56; Carol Sue Dunham, mileage- 170.10; Notary Public Underwriters, fees- 70.00; Staples, supplies- 101.77; AJ Phillips, cards- 77.50; Des Moines Stamp, supplies- 64.60; Virginia Piper, reimburse- 31.68; Thomson West, service- 110.00; Thurston County Court, transcribe- 2.80; United Bank of Iowa, lease- 158.04; Frank Gonzalez, interpret- 560.00; Tom Lovan, counsel- 105.00; Perkins, supplies- 80.07; United Bank of Iowa, copier lease- 90.40; Dakota County Sheriff, papers/warrants- 612.25; William Binkard, counsel- 594.00; Dakota County Court, court costs- 881.90; Pharyce Eslick, bailiff- 200.00; Discover Bank, garnishment- 282.39; Randy Hisey, counsel- 348.00; Sandra Inkster Ehrich, counsel- 990.00; Barbara Kueny, counsel- 542.50; Douglas Roehrich, counsel- 954.00; Richard Thrumer, counsel- 197.40; Patrick Tott, counsel- 234.00; William Binkard, counsel- 691.12; Clerk of District Court, court costs- 1135.50; Coffee King, coffee- 40.92; Robert Decker, bailiff- 50.00; Alexander Esteves, counsel- 222.00; Discover Bank, garnishment- 1266.66; Fitch Law Office, counsel- 249.00; Randy Hisey, counsel- 3456.00; Douglas Roehrich, counsel- 618.00; Patric Tott, Counsel- 1023.00; Michael Schmiedt, counsel- 150.00; Nathan Tucker, counsel- 2753.20; Maximus, cost allocation- 1834.81; Bear Graphics, envelopes- 54.78; Dakota County Treasurer, money order- 39.00; Dakota County Extension, reimb- 546.08; Benstar Packaging, supplies- 137.37; John Barone, inspection- 345.00; Cellular One, phone- 28.95; City of Dakota City, qtrly payments- 1341.16; Dakota Food & Fuel, gas- 45.90; Foulk Bros, material/labor- 100.02; Gill Hauling, dumpster- 125.00; Richard Jensen, mileage- 128.59; Duane Kotalik, reimburse- 18.86; Menards, supplies- 930.05; NPPD, electric- 4017.45; O'Keefe, elevator- 117.64; Qwest, phone- 40.37; Sams Club, supplies- 455.52; Siouxland Lock & Key, keys- 49.79; Stateline Electric, service- 344.38; Trembly Pest Control, pest control- 50.00; MidAmerican Energy, gas- 1788.70; Walmart, supplies- 49.93; Grainger, supplies- 71.52; Wilmes Hardware hank, supplies- 433.65; Advance Auto Parts, service- 154.76; CarQuest, service- 9.16; Cellular One, phone- 94.00; City of South Sioux City, phone/fuel- 3199.75; Crystal Oil, repair- 45.00; Dakota County Star, publishing- 9.63; Dakota County Treasurer, service- 150.54; Dakota Food & Fuel, fuel- 25.87; Dolezal Motor, service- 77.60; Fremont Tire, repair/service- 70.15; Harolds, film- 140.67; Joes Department Store, ammo- 13.60; Racom, t1- 592.00; SFCU, service/aol/ammo- 329.62; Siouxland Nappa, service/repair- 274.43; AJ Phillips, cards/paper- 245.00; Dakota County Treasurer, court costs- 65.20; Dept of Motor Vehicles, transcripts- 20.00; Connie Lee, transcripts- 758.00; Pathology Medical Services, autopsy- 1420.79; Perkins, supplies- 94.26; Sprint, phone- 110.33; City of South Sioux city, expense billing- 22284.58; American Bio Medical, drug test- 98.03; BI Inc, boarding- 3776.75; Bob Barker, supplies- 270.50; Benstar Packaging, detergent- 125.46; Blair West Pharmacy, medical- 79.25; Butler County Clinic, medical- 63.00; Butler County Detention, boarding- 10890.00; CBM Food, food- 7925.47; Cass County Jail, boarding- 25150.00; Cellular One, phone- 283.72; City of South Sioux City, fuel- 583.81; Conoco Philips, fuel- 512.83; David City Pharmacy, medical- 194.67; Dept of Correctional Services, medical/safekeepers- 16086.26; Dixon County Sheriff, boarding- 4550.00; Good Neighbor Community Health, medical- 321.93; Jacks Uniforms, shirts/pants- 137.45; Keller Pharmacy, medical- 12.95; MTS Safety, gloves- 182.49; Mercy Health, medical- 652.00; Mercy Medical, medical- 1154.40; NE Nebraska Juvenile Services, boarding- 32240.00; Nebraska UC Fund, unemployment- 1872.00; Henry Nguyen, interpret- 20.00; David Noble, medical- 520.00; Office Systems Company, contracts- 473.20; JR Pantoja, interpret- 210.00; Redlers Pharmacy, medical- 2505.99; Sams Club, supplies- 165.07; Linda Schovanec, mileage- 8.51; SFCU, fuel/meal- 119.16; Staples, supplies- 326.73; Thurston County Sheriff, boarding- 2700.00; Walmart, supplies- 112.47; Washington County Sheriff, boarding- 5500.00; Woodbury Co Juvenile Dept, boarding- 4700.00; Cellular One, phone- 27.70; Perkins, supplies- 49.69; Alan Boyd, mileage- 303.35; Cellular One, phone- 47.08; CVSOAN, dues- 25.00; Electronic Engineering, pager- 37.90; Office Systems, copier contract- 98.00; Thompson West, law books- 1111.75; Vern Morgan Trust, lease- 100.00; AFLAC, service fees- 45.00; AT&T, phone- 38.98; Cable One, internet- 284.15; Cellular One, phone- 216.47; Claritus, supplies- 155.45; NE Dept of H&HS,

space rental- 6800.00; Gloria Dwyer, reimburse- 150.79; Lazette Gifford, website- 40.00; Midwest Office Solutions, copier repair- 100.00; MIPS, support- 358.85; Net Sys Plus, computer work- 650.25; NIRMA, comp/liability- 68249.50; Qwest, phone- 662.41; Qwest, phone- 659.70; Qwest, phone- 65.91; Region IV Mental Health, 1st qtr payment- 5708.00; Region IV Inc, 1st qtr payment- 5320.25; Romans Wiemer, audit- 12450.00; Security Shredding, shredding- 210.00; Sioux Air, spray backwaters- 1080.00; C&H, Apr thru June- 750.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 456.80; Pam Devries, mileage- 33.61; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 89.10; Perkins, supplies- 9.77; Redlers Pharmacy, medicine- 31.25; Pam Devries, mileage- 24.70; ROAD FUND: Advance Auto, supplies/tools- 153.30; Aramark, towel service- 179.59; Barkley Asphalt, asphalt- 51.00; Joel Brockemeier, reimburse- 50.00; Butler County Landfill, tire recycling- 3213.10; Carquest, supplies- 43.84; Cellular One, phone- 29.21; Dakota County Clerk, title- 10.00; Dakota County Road, fuel/supplies/cdl testing- 75.08; Erlandson Trans, gravel- 6462.44; The Feed Shed, erosion control- 55.00; Flaugh's Pronto, fuel- 129.04; Gill Hauling, dumpster- 45.00; Higman Sand & Gravel, rock- 440.88; Hubbard Mini Mart, gas/diesel- 5067.05; H204U, water- 46.00; IA-NE State Bank, grader payment- 15234.75; Jackson Glass, parts/labor- 129.84; Joes Department Store, parts/supplies- 80.40; Linweld, oxy/acetylene- 31.90; Richard McNear, prior yrs- 5.00; Midwest Striping, highway striping- 5843.75; NIRMA, comp/liability- 68249.50; NPPD, elec- 2773.00; NE Nebraska Telephone, phone- 177.29; Pilger Sand & Gravel, gravel- 5932.99; Arnold Mellick, 2004 inspections- 2500.00; Powerplan, parts/labor- 723.37; Rees Mack sales, parts/labor- 285.60; Sioux City Iron, supplies- 72.67; Siouxland NAPA, parts/supplies/oil- 435.95; Tractor Supply, parts/tools/grease- 101.04; UECO, pipe- 257.20; Warren Oil, diesel- 5106.98; Zieglers, parts/labor- 16276.74; HARD IMPROVEMENT FUND: Dakota County Register of Deeds, storm land- 40.50; Debra Larson, appraisal- 200.00; Vernie Larson, appraisal- 200.00; JEO, road relocation- 1710.50; Utility Equipment, pipe- 257.20; Patrick Wojcik, appraisal- 200.00; Dakota County Court, storm land- 3500.00; VETRANS AID: Veterans Service Office, emergency relief- 900.00; LE EQUIPMENT GRANT FUND: Dakota County Sheriff, p/c reimburse- 315.95; JUVENILE ACCOUNTABILITY: BI Inc, juvenile- 66.00; 2509 Community Justice Fund, reimburse- 50.00; Amanda Jones, mileage- 120.84; COMMUNITY JUSTICE GRANT: BI Inc, monitoring- 198.00; American Bio Medical, tests- 172.14; INHERITANCE TAX: Magic Carpet, carpet- 3952.05; PUBLIC SAFETY: City of SSC, sales tax- 2296.38; Jail Bond Fund, sales tax- 16840.12; JAIL PROJECT FUND: Albenesius Contracting, site utilities- 28849.50; Building Sprinkler, sprinkler consult- 480.00; Dakota County Inheritance Tax Fund, architect/management consultant/misc- 154955.05; GA Johnson, management fees- 48000.00; HM Architects, jail- 180683.76; Jomac Contracting, earthwork- 38943.00; WEED FUND: Hubbard Mini Mart, gas/diesel- 435.21; Joes Dept Store, supplies- 16.89; NNTC, service- 150.00; Leon Pies, registration/supplies- 47.26; Siouxland Napa, oil- 11.88; E911: City of South Sioux City, monies through June- 25893.59; ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Hartnett to hire Baird Holm to serve as the County's Bond Counsel in connection with the issuance by the County of industrial development revenue bonds for the benefit of Siouxland Ethanol, LLC. as long as it does not cost the county any monies.

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the issuance of a check in the amount of \$3,500 payable to the Dakota County Court as determined by the appraisers that appraised the Storm property, which is being condemned and further described as follows: PROJECT: BRO-7022(11) C.N.: 31216 TRACT: 1 ---A tract of land located in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 23, Township 27 North, Range 8 East of the 6th Principal Meridian, Dakota County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 23; thence North 00 degrees 26 minutes 48 seconds West (an assumed bearing), 510.000 meters (1673.22 feet) on the East Line of the West Half of the Northwest Quarter (W1/2 NW1/4) of said Section 23, to the intersection of said East Line and the South Line of a tract of land deeded to Dakota County, being 0.258 hectares (0.637 acres), as recorded in Instrument No. 02-000704 in the Register of Deeds, Dakota County, Nebraska; thence South 89 degrees 33 minutes 12 seconds West, 13.716 meters (45.00 feet) on said tract South Line; thence North 00 degrees 26 minutes 48 seconds West, 100.000 meters (328.08 feet) on said tract West Line, to the point of beginning; thence North 61 degrees 26 minutes 11 seconds West, 22.287 meters (73.12 feet); thence North 86 degrees 57 minutes 33 seconds West, 103.737 meters (340.34 feet) to a point of curvature; thence Westerly on a curve concave to the South, having a radius of 691.159 meters (2267.58 feet), an arc distance of 160.433 meters (526.35 feet), the chord bearing South 86 degrees 23 minutes 28 seconds West and having a distance of 160.073 meters (525.17 feet); thence South 79 degrees 44 minutes 29 seconds West, 33.000 meters (108.27 feet); thence North 10 degrees 15 minutes 31 seconds West, 12.192 meters (40.00 feet) to the Centerline of Wigle Creek Road; thence North 79 degrees 44 minutes 29 seconds East, 33.000 meters (108.27 feet) on the Centerline of Wigle Creek Road, to a point of curvature; thence Easterly on a curve concave to the South, having a radius of 703.351 meters (2307.52 feet), an arc distance of 163.263 meters (535.64 feet), the chord bearing North 86 degrees 23 minutes 28 seconds East and having a distance of 162.897 meters (534.44 feet); thence South 86 degrees 57 minutes 33 seconds East, 122.521 meters (401.97 feet) to the West Line of a tract of land deeded to Dakota County, being 0.258 hectares (0.637 acres), as recorded in Instrument No. 02-000704 in the Register of Deeds, Dakota County, Nebraska; thence South 00 degrees 26 minutes 48 seconds East, 21.835 meters (71.64 feet) on said tract West Line, to the point of beginning. Said tract

contains 0.397 hectares (0.980 acres), more or less, which includes 0.116 hectares (0.287 acres), more or less, previously occupied as public road, the remaining 0.28 1 hectares (0.693 acres), more or less, being the area hereby acquired.

And also

A tract of land located in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 23, Township 27 North, Range 8 East of the 6TH Principal Meridian, Dakota County, Nebraska, more particularly described as follows:

Commencing as the Southeast Corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 23; thence North 00 degrees 26 minutes 48 seconds West (an assumed bearing), 510.000 meters (1673.22 feet) on the East Line of the West Half of the Northwest Quarter (W1/2 NW1/4) of said Section 23, to the intersection of said East Line and the South Line of a tract of land deeded to Dakota County, being 0.258 hectares (0.63 7 acres), as recorded in Instrument No. 02-000704 in the Register of Deeds, Dakota County, Nebraska; thence South 89 degrees 33 minutes 12 seconds West, 13.716 meters (45.00 feet) on said tract South Line; thence North 00 degrees 26 minutes 48 seconds West, 121.835 meters (399.72 feet) on said tract West Line, to the point of beginning; thence North 86 degrees 57 minutes 33 seconds West, 122.521 meters (401.97 feet) to a point of curvature; thence Westerly on a curve concave to the South, having a radius of 703.351 meters (2307.58 feet), an arc distance of 163.263 meters (535.64 feet), the chord bearing South 86 degrees 23 minutes 28 seconds West and having a distance of 162.897 meters (534.44 feet) to the Centerline of Wigle Creek Road; thence North 79 degrees 44 minutes 29 seconds East 82.000 meters (269.03 feet) on the Centerline of Wigle Creek Road; thence North 81 degrees 52 minutes 26 seconds East, 86.833 meters (284.88 feet) on the Centerline of Wigle Creek Road; thence North 86 degrees 30 minutes 12 seconds East, 93.837 meters (307.86 feet) to the West Line of a tract of land deeded to Dakota County, being 0.258 hectares (0.637 acres), as recorded in Instrument No. 02-000704 in the Register of Deeds, Dakota County, Nebraska; thence South 00 degrees 26 minutes 48 seconds East, 12.873 meters (42.23 feet) on said tract West Line; thence North 89 degrees 33 minutes 12 seconds East, 24.384 meters (80.00 feet) on said tract South Line; thence South 00 degrees 26 minutes 48 seconds East, 16.165 meters (53.03 feet) to the point of beginning.

Said tract contains 0.344 hectares (0.850 acres), more or less, which includes 0.181 hectares (0.446 acres), more or less, previously occupied as public road, the remaining 0.163 hectares (0.404 acres), more or less, being the area hereby acquired.

ROLL CALL VOTE: Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Lora J. Kruse and Roger Hames, residents along 142nd Street, appeared before the board and informed the board that the road was in very rough condition and that they thought the traffic went by their residential area there too fast. They appeared in hopes to influence the county to pave the road similar to what was done by the Milt Peters Addition on Elgin Avenue.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of July 5, 2005, as type in the official record.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Absent, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel recessed their meeting at 2:10 p.m.

Chair Engel reconvened their meeting at 2:23 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to acknowledge receipt of and approve the Officials reports filed with the County Clerk by the County Clerk, Register of Deeds and the Clerk of the District Court's Report for the month of June, 2005 and the quarterly reports for period April 1 through June 30, 2005 filed by the County Sheriff, County Clerk's and the Veteran Service Officer.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Absent, UNANIMOUS MOTION CARRIED.

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

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
AUGUST 1, 2005 PROCEEDINGS  
COUNTY ROAD SHOP 1863 N. BLUFF ROAD  
HUBBARD NEBRASKA

Chair Engel called their regular scheduled meeting to order at 10:07 a.m. at the Road Maintenance Shop outside Hubbard. The purpose of the meeting being started there was to introduce William B. Rohde, who was starting as Director of Roads, to the County Road Crew. Mr. Rohde was officially starting employment this day.

Roll call was taken with the following members present:  
Commissioners O'Neill, Engel Bousquet and Ted Piepho, Secretary.  
ABSENT: Commissioners Miller and Hartnett.

Such things as Highway Supt. and makes of motor graders were discussed. Bill Rohde is supposed to appoint a Highway Supt.

Chair Engel recessed their meeting at 10:22 a.m. until 1:30 p.m. at the courthouse.

DAKOTA COUNTY BOARD OF COMMISSIONERS  
AUGUST 1, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel reconvened their meeting at 1:35 p.m.  
Roll call was taken with the following members present:  
Commissioners O'Neill, Engel, Bousquet and Ted Piepho, Secretary.  
ABSENT: Commissioners Miller and Hartnett.

Bill Rohde opened the bids to purchase a new Motor Grader that were advertised as follows:  
NOTICE TO BIDDERS

Sealed bids for furnishing one new or demo (50 hours or less) articulated motor grader will be received by Dakota County Nebraska at the office of the County Clerk, Courthouse, PO Box 39, Dakota City NE 68731, until 12:00 Noon Monday, August 1, 2005. The bids will be opened at 1:35 P.M. at the Commissioners meeting.

Specifications and bid forms are available at the Road Department Office, 1863 N. Bluff Road in Hubbard NE. Dakota County reserves the right to waive all technicalities and irregularities and to reject any or all bids.

Dakota County Road Department  
1863 N Bluff Rd  
Hubbard NE 68741

Minimum specifications were as follows:

MINIMUM SPECIFICATIONS  
SCOPE

The bidder shall furnish according to this section of the specifications one (1) new or demo (50 hours or less) articulated motor grader.

BUY AMERICA

The motor grader shall be a product of an American manufacturing company.

ENGINE

- A. 6 cylinder, 4 cycle diesel power, turbo-charged
- B. Horsepower shall be variable, minimum of 150-180
- C. Replaceable wet sleeves
- D. Sound suppressed muffler
- E. Engine compartment doors
- F. 2000 watt hot water engine heater
- G. Direct electric start
- H. Exhaust aspirated dry type aid cleaner with pre-cleaner and service indicator.
- I. Ether starting aid

ELECTRICAL SYSTEM

- A. 24 Volt
- B. 50 amp alternator
- C. 127 amp hour batteries

MOLDBOARD

- A. 14 foot long, 2 feet high, 0.88" thick
- B. Hydraulic side shift
- C. Hydraulic moldboard tip



- D. 2 foot extension - right hand side
- E. Moldboard float control

**CAB**

- A. Sound suppressed R.O.P. cab, low profile
- B. Suspension type adjustable shock absorbing seat
- C. Cab-mounted headlights and taillights
- D. Cab-mounted directional lights
- E. Cab-mounted blade lights
- F. Outside mounted right and left mirrors
- G. 40,000 B.T.U. twin fan heater/air-conditioner
- H. Cab-mounted flood light for wing on right hand side
- I. Factory AM/FM radio
- J. Defroster fan - front and rear
- K. Tinted glass
- L. Hand throttle, accelerator, decelerator
- M. Front and back windshield washers and wipers on all front windows
- N. Heavy duty floor mat
- O. Hour meter
- P. Horn
- Q. Articulated indicator
- R. All gauges and instruments necessary for normal operation
- S. Rear mounted floodlights
- T. One top-of-cab mounted amber warning light with individual switch (strobe type)

**TRANSMISSION DIFFERENTIAL**

- A. Direct drive power shift, planetary type gear reduction
- B. Minimum 6 speeds forward, 4 speeds reverse
- C. Differential lock/unlock with operator control
- D. Transmission bottom guard

**HYDRAULIC SYSTEM**

- A. System shall be of the closed system type
- B. Variable displacement piston pump
- C. Hydraulic lock valves in all implement circuits to prevent drift
- D. Capacity 50 gpm @ 2200 rpm and 2150 psi

**DRAWBAR**

- A. Provide rear type drawbar

**WHEELS AND BRAKES**

- A. 10 inch rims, all wheels shall be interchangeable
- B. 14.00 x 24 Radials, Bridgestone V-steel Ultra Traction
- C. 4 wheel sealed oil disc brakes, dual circuit
- D. Equip with air dryer if system utilizes air over hydraulic brake system

**MISCELLANEOUS**

- A. Provide a tool box
- B. Reverse warning system
- C. Machine to be serviced and ready for operation including coolant/antifreeze levels
- D. Dealer will mount existing Balderson Snow Plow Hitch on new motor grader
- E. This machine will be equipped with a hydraulic wing (both side and rear hydraulically operated). The wing blade will be minimum of 11'6" long. The side and rear post will be of the shorter style and not extend over cab height. All necessary hoses, valves and controls for its operation will be supplied and mounted on machine.

**MANUFACTURER'S SPECIFICATIONS**

- A. A complete set of manufacturer's specifications and illustrated descriptions shall be furnished with the bid.

**MANUALS**

- A. Operator's manual, parts book and service repair manual shall be furnished with the bid.

**WARRANTY**

Bid to include one (1) year full machine warranty, 5 year - 7500 hour full power train warranty and hydraulic system. NO PRO-RATE.

**MACHINE FOR TRADE-IN**

1990 140G Caterpillar Motor Grader, SN72V12712 w/Balderson Snow Wing

PROPOSAL

Chairperson and Board of Commissioners  
Dakota County Courthouse  
Dakota City, NE 68731

Commissioners:

The undersigned, having examined the Notice to Bidders and Minimum Specifications, hereby propose to furnish one (1) new or demo (50 hours or less) articulated motor grader for the following sum:

Make and Model of Motor Grader: \_\_\_\_\_

Make of Engine \_\_\_\_\_

1. Initial Price \$ \_\_\_\_\_

2. Less Discount \$ \_\_\_\_\_

3. Net Bid (delivered without trade-in) \$ \_\_\_\_\_

4. Less Trade-in County Unit 1990 140G Caterpillar W/Balderson Snow Wing \$ \_\_\_\_\_

5. Net Bid (delivered with Trade-in(s))  
\$ \_\_\_\_\_

6. Date of Delivery \_\_\_\_\_

NAME OF BIDDER \_\_\_\_\_

ADDRESS: \_\_\_\_\_

BY: \_\_\_\_\_

DEALER FINANCING PLAN OPTIONS:

Net Bid with Trade-in \$ \_\_\_\_\_ at APR for 36 months \$ \_\_\_\_\_ / month

Net Bid with Trade-in \$ \_\_\_\_\_ at APR for 48 months \$ \_\_\_\_\_ / month

Net Bid with Trade-in \$ \_\_\_\_\_ at APR for 60 months \$ \_\_\_\_\_ / month

The first bid opened was from JD Evans, 4000 North Cliff Avenue, Sioux Falls SD 57104. They bid a New Holland RF-200 B with a Cummins Engine. The initial price was \$225,000.00 less \$46,000.00 discount making a net bid of \$179,000.00 without a trade-in. \$69,000.00 would be offered for the trade-in if the county wishes to trade in a 1990 140G Caterpillar, making the net bid with trade in \$110,000.00.

The second bid opened was from Ziegler Cat, 5300 Harbor Drive, Sioux City IA 51111. They bid a Caterpillar 140H with a Caterpillar 3176 Engine. The initial price was \$190,342.00 less no discount making a net bid of \$190,342.00 without a trade-in. \$51,750.00 would be offered for the trade-in if the county wishes to trade in a 1990 140G Caterpillar, making the net bid with trade in \$138,592.00.

The third bid opened was from Murphy Tractor & Equipment Co. They bid a John Deere 770D with a Deere Engine. The initial price was \$256,492.00 less \$82,000.00 discount making a net bid of \$174,492.00 without a trade-in. \$46,500.00 would be offered for the trade-in if the county wishes to trade in a 1990 140G Caterpillar, making the net bid with trade in \$127,792.00.

Commissioner Miller arrived at 1:40 p.m.

The bids were referred to the Road Committee for an evaluation of the lowest and best bid.

Arnold Mellick, long time Road Foreman for Dakota County and in more recent year the Highway Superintendent, appeared before the board and thanked them for employment in the previous mentioned positions. He had taken one half day vacation to be present.

Commissioner O'Neill moved, seconded by Commissioner Miller to transfer Dakota County Abandoned Vehicle Title Number 05189700024 on a 1991 Chevrolet Corsica bearing the serial number 1G1LT53T6MY209427 and Title No. 05189700026 on a 1984 Chevrolet C10 Pickup bearing the serial number 1GCDC14H2EJ153995 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the application for a Special Designated Liquor License in the name El Ranchito, Inc., 2101 Cornhusker Drive, South Sioux City NE 68776 under license number 29683, to serve beer at a special event sponsored by Tony Gomez either August 20 or August 21, 2005 at the Old Crystal Lake area, which is school land leased by Tony Gomez.

BE IT FURTHER RESOLVED that authorities have the County Board's permission to temporarily close the portion of the road named 152nd street leading to the entrance of said property during the hours of the above name event.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner O'Neill that Bill Rohde have the authority to hire a grader operator to replace Joel Broekemeier as soon as possible.

ROLL CALL VOTE: Hartnett- Absent, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

COUNTY GENERAL FUND: Gross salaries- \$79,642.29, General Fund Employees Net Pay- \$56,151.26, Employer deductions paid: Retirement- 4,907.30, Retirement Makeup- 34.44, Social Security Tax- 4,783.29, Medicare- 1,118.71, DC Health Plan- 16,577.72, DC Dental Plan- 642.60, Life Insurance- 153.00.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 421.43, Marisol Curiel- 320.00, Bobbi Jo Harsma- 888.38, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Erin Wilmes- 485.88, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Lyn Beltz- 32.50, Mark J. Dorsey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 382.35, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 504.00, Richard Jensen- 1233.74, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 1,230.25, Patricia Stingley- 55.00, Jeremy Bermel- 1584.10, Anthony Bos- 1322.46, Brad Claypool- 1406.02, Sandy Dickens- 1000.08, Brian Ellinger- 1594.90, Penny Epting- 1095.20, Todd Hammer- 1321.75, Melvin Harrison III- 1494.96, Rodney Herron- 1564.33, Kimberly Johnson- 422.62, Jared Junge- 1518.59, Michael Kreegar- 1341.49, Gayle Richards- 744.80, Kevin Rohde- 1164.80, James Wagner- 1813.63, Randall Walsh- 1448.00, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 720.52, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1225.00, Richard Criss- 1060.00, Eric Davis- 1142.38, Ronald Fink Jr.- 1066.00, John Gilles- 1122.94, Michael Gregerson Jr.- 1140.41, Alma Gunderson- 1127.00, Paula Harrigfeld- 671.36, Brenda Harrison- 330.75, Cathy Harsma- 1060.00, Joseph Ramirez- 1219.02, Krystal Ramirez- 874.65, Linda Schovanec- 1171.98, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 998.86, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,235.69, State- 2,572.79, Social Security Tax- 4,783.29, Medicare- 1,118.71, Retirement- 3,330.08, Retirement Makeup- 24.44, DC Health Plan- 1,167.86, DC Dental Plan- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,079.92, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,901.17, Road Employees Net Pay- \$9,036.37, Employer deductions paid: Retirement- 870.85, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 770.86, Medicare- 180.28.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1213.57, Marlan Millard- 1113.60, Leon Pies- 550.80, James Swanson- 1101.61.

ROAD FUND: Employee withholding paid to: Federal- 1,085.58, State- 395.02, Social Security- 770.86, Medicare- 180.28, Retirement- 580.54, DC Health Plan- 300.69, DC Dental Plan- 58.71, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,440.25, Cops Fast Employee Net Pay- 990.95, Employer deductions paid: Retirement- 111.62, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 89.30, Medicare- 20.88, Brent Gilster- 1440.25.

COPS FAST GRANT: Employee withholding paid to: Federal- 190.07, State- 64.84, Social Security- 89.30, Medicare- 20.88, Retirement- 79.21, Sheriff Union Dues- 5.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce - Lodging Tax: 13,699.40.

Chair Engel adjourned their meeting at 2:25 p.m.

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
AUGUST 15, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel reconvened their meeting at 10:00 a.m.

Roll call was taken with the following members present:

Commissioners O'Neill, Engel, Hartnett and Ted Piepho, Secretary.

ABSENT: Commissioners Miller and Bousquet. Commissioner Miller arrived at 10:10 a.m. and Commissioner Bousquet arrived at 10:11 a.m.

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

Dennis Reinert, Planning and Zoning Administrator, discussed the fee for Building Permits. It was the board's opinion that fees should be a quarter of a percent or one-half percent of the project rather than a set fee of \$50.00 as it is now.

Chair Engel recessed their meeting for lunch at 11:43 a.m.

Chair Engel reconvened their meeting at 1:30 p.m. with Commissioners Bousquet, O'Neill, Hartnett, Engel and County Clerk, Ted Piepho, present.

Commissioner Miller arrived at 1:42 p.m.

Steve Oltmans, General Manager of the P-M NRD updated the board on the following projects. Ralph Puls and Randy were also in attendance.

1. Pigeon/Jones Creek Project
2. Dakota County Rural Water
3. Drainage District # 5

One of the things that I thought was important was Mr. Oltmans mentioned was that 200th Street would receive improvements and the county should possibly upgrade that road as Federal Aid Secondary or Primary Road.

Duane Stowe, Clara Linstead and Gary Odgen appeared before the board concerning the condition and dust on 164th Street.

Brian McDonald, with JEO, appeared before the board and updated them on the North Bridge located on Omaha Avenue. He said that they should be done with the project BRO-7022(14) approximately October 19, 2005. There was a short discussion whether that would comply with the contract ending date.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to table the appointment of the Highway Superintendent until a later date.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller departed the meeting at 2:43 p.m.

It was decided that the Road Department should have a meeting the first Monday of each month with the Road Committee attending the meeting.

Commissioner Bousquet departed the meeting at 2:47 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel to accept Ziegler's bid to purchase a new motor grader. That bid was as follows: Ziegler Cat, 5300 Harbor Drive, Sioux City IA 51111. They bid a Caterpillar 140H with a Caterpillar 3176 Engine. The initial price was \$190,342.00 less no discount making a net bid of \$190,342.00 without a trade-in. \$51,750.00 would be offered for the trade-in if the county wishes to trade in a 1990 140G Caterpillar, making the net bid with trade in \$138,592.00. ROLL CALL VOTE: Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

The board discussed with Rod Herron whether the Road Department should continue doing the repairs on the Sheriff's Patrol cars. It was Mr. Herron's opinion that it was not working very well and costing the county more than if they took them to experienced mechanics.

Commissioner Engel moved, seconded by Commissioner Hartnett to rescind the county's requirement that county owned Patrol cars be repaired by the County Maintenance man, but to encourage the Sheriff's Department to distribute the maintenance of these vehicles with businesses throughout the county.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Absent, UNANIMOUS MOTION CARRIED.

Nanci Walsh reported that \$7.00 was taken in on the Surplus Equipment sale that was conducted and that everything else was junked.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to confirm and approve the sale of surplus held July 14, 2005.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Absent, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Engel to acknowledge receipt of and approve the Officials Reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court for the month of July, 2005.

ROLL CALL VOTE: Engel- Yea, Miller- Absent, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

**Payroll Claims Paid:**

COUNTY GENERAL FUND: Gross salaries- \$80,820.07, General Fund Employees Net Pay- \$56,723.45, Employer deductions paid: Retirement- 5,018.75, Retirement Makeup- 34.44, Social Security Tax- 4,856.27, Medicare- 1,135.77, DC Health Plan- 16,334.60, DC Dental Plan- 633.15, Life Insurance- 150.75.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 389.46, Marisol Curiel- 320.00, Bobbi Jo Harsma- 945.88, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Erin Wilmes- 474.50, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 795.20, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 288.00, Richard Jensen- 1233.74, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 862.13, Jeremy Bermeil- 1682.85, Anthony Bos- 1429.78, Brad Claypool- 1439.90, Sandy Dickens- 1000.08, Brian Ellinger- 1836.55, Penny Epting- 1095.20, Todd Hammer- 1251.78, Melvin Harrison III- 1558.48, Rodney Herron- 1564.33, Kimberly Johnson- 409.06, Jared Junge- 1635.27, Michael Kreegar- 1316.80, Gary Powell- 144.00, Gayle Richards- 744.80, Kevin Rohde- 1164.80, James Wagner- 1813.63, Randall Walsh- 1529.45, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1466.50, Richard Criss- 1159.39, Eric Davis- 1264.25, Ronald Fink Jr.- 1059.50, John Gilles- 1119.63, Michael Gregerson Jr.- 1178.78, Alma Gunderson- 1148.00, Paula Harrigfeld- 697.59, Brenda Harrison- 362.25, Cathy Harsma- 1099.75, Joseph Ramirez- 1288.60, Krystal Ramirez- 1148.35, Linda Schovanec- 1164.93, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 1006.72, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,455.61, State- 2,652.99, Social Security Tax- 4,856.27, Medicare- 1,135.77, Retirement- 3,406.55, Retirement Makeup- 24.44, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,218.65, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,961.33, Road Employees Net Pay- \$9,918.49, Employer deductions paid: Retirement- 869.72, DC Health Plan- 3,413.19, DC Dental Plan- 132.30, Life Insurance- 31.50, Social Security Tax- 832.12, Medicare- 194.62.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1147.06, Walter Heinemann- 1113.60, Richard Hoesing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1155.36, Marlan Millard- 1113.60, Leon Pies- 550.80, William Rohde- 1076.91, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,126.62, State- 417.98, Social Security- 832.12, Medicare- 194.62, Retirement- 579.79, DC Health Plan- 300.70, DC Dental Plan- 97.89, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,506.09, Cops Fast Employee Net Pay- 1,028.24, Employer deductions paid: Retirement- 111.72, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 93.38, Medicare- 21.84, Brent Gilster- 1506.09.

COPS FAST GRANT: Employee withholding paid to: Federal- 205.62, State- 69.18, Social Security- 93.38, Medicare- 21.84, Retirement- 82.83, Sheriff Union Dues- 5.00.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve claims submitted by the County Clerk as follows except that SIMPCO'S claim be reduce by one-half to represent a 6 month membership:

GENERAL FUND: Dakota County Star, publishing- 130.03; Nanci Walsh, reimbursement- 35.45; DAS Imservices, data support- 27.50; DAS Imservices data support- 27.50; Charlotte Doenhofer, prior yrs- 10.00; Robert Giese, mileage- 83.95; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; MIPS, software- 126.06; Mardell Sorensen, prior yrs- 26.00; Dakota County Star, publishing- 88.27; Irene Van lent, prior yrs- 16.00; Perkins, supplies- 44.10; Microfilm Imaging, lease- 240.00; Todds Storeall, storage- 48.00; NACO, directory- 15.00; Carol Sue Dunham, mileage- 85.05; Staples, supplies- 54.39; Century Business Products, toner- 88.45; Dakota County Star, subscription- 60.00; Data Source, cartridge- 135.48; Nebraska Law Review, law books- 118.16; Office Systems Company, contract- 555.22; Thomson West, service- 110.00; Thurston County Court, reimbursement- 18.78; United Bank of Iowa, copier- 169.04; Frank Gonzalez, interpret- 360.00; Clerk of Supreme Court, reimburse- 6.39; Dakota County Treasurer, money order- 30.00; United Bank of Iowa, copier lease- 91.40; Dakota County Sheriff, papers/warrants- 1084.71; Clerk of District Court, court costs- 542.00; Robert Decker, bailiff fees- 25.00; HyVee, supplies- 33.96; William Binkard, counsel- 1017.13; Randy Hisey, counsel- 522.00; Connie Lee, transcript- 97.50; Douglas Roehrich, counsel- 1740.00; Michael Schmiedt, counsel- 270.00; Tott Law Office, counsel- 765.00; Dakota County Court, court cost- 1960.75; Sandra Fuller, witness fee- 60.50; Hurley Law Office, counsel- 762.00; Hurley Law Office, counsel- 1662.00; Hurley Law Office, counsel- 1890.00; Sandra Inkster, counsel- 969.03; John Loos, counsel Jr- 900.00; Executive Copy Systems, copier- 273.13; Dakota County Treasurer, money order- 30.00; Benstar Packaging, supplies- 442.09; Cellular One, phone- 28.68; A-Team H&C, ac service- 1282.62; Gill

Hauling, dumpster- 125.00; Foulk Bros Plumbing, plumbing- 1073.10; Grainger, supplies- 180.13; Wilmes Hardware Hank, supplies- 318.42; Richard Jensen, mileage- 167.43; Menards, supplies- 840.37; Midamerican Energy, gas- 1780.21; NPPD, electric- 3938.13; Qwest, phone- 40.36; Robertson Implement, parts- 91.33; Sams Club, supplies- 487.87; Share Corporation, supplies- 87.21; Siouxland Lock & Key, supplies- 349.80; Stateline Electric, service- 499.47; Trembly Pest Control, monthly fee- 50.00; Dakota County Extension, reimbursement- 1003.80; A-1 Auto Salvage, supplies- 100.00; Advance Auto Parts, repair- 166.00; Ahlers & Cooney, consult- 36.00; Cellular One, phone- 108.49; Circle R Frame, repair- 631.73; City of South Sioux City, phone/fuel/copies- 3910.69; Dakota County Sheriff, reimburse- 42.64; Dakota County Star, publishing- 203.66; Dakota County Treasurer, repair- 362.25; Dakota Food & Fuel, fuel- 68.46; Fremont Tire, repair- 36.45; Harolds, film develop- 4.98; Net Systems Plus, computer work- 75.00; Poms Tire Service, tires- 595.28; Racom, t1- 596.00; Sioux City Ford, repair- 938.22; Sioux City Journal, publishing- 601.15; SFCU, reimburse- 153.72; Siouxland Humane Society, control- 222.00; Siouxland NAPA, repair- 334.93; Torco Remfg, repair- 116.95; Walmart, supplies- 16.10; Willis Animal Clinic, supplies- 52.50; Clerk of Douglas County, copy- 4.75; Dakota County Treasurer, records- 107.75; Connie Lee, transcripts- 464.75; Des Moines Stamp, stamp- 49.90; H204U, supplies- 16.50; Iowa Office Supply, toner- 171.35; Edward Matney, reimburse- 138.47; Perkins, supplies- 194.55; Sprint, phones- 125.70; City of SSC, expense- 22284.58; Alegent Health, medical- 315.70; Bob Barker, supplies- 364.33; Blair West Pharmacy, medical- 40.30; Michael Burwell, medical- 201.00; Butler County Detention Center, boarding- 10450.00; Cass County Jail, boarding- 38500.00; CMB Food Service, meals- 10124.42; Cedar County Sheriff, boarding- 945.00; Cellular One, phone- 130.74; City of SSC, fuel- 87.91; Conoco Phillips, fuel- 345.50; Creighton Dental Clinic, medical- 68.00; Crittenton Center, medical- 70.50; Dakota County Sheriff, reimburse- 442.00; David City Pharmacy, medical- 35.98; De Lage Landen Financial Services, copier contract- 442.00; Dept of Correctional Services, safekeepers/medical- 14571.61; Dixon County Sheriff, boarding- 1300.00; Dunes Medical Lab, medical- 232.00; Good Neighbor Community Health, medical- 205.21; ISECUREtrac Corp, board- 999.75; Jacks Uniforms, supplies- 51.34; Jetz Midwest, washer- 1172.88; Kens The Apothecary Shop, medical- 15.30; Madison County Sheriff, boarding- 50.00; Mercy Business Health, medical- 1282.00; NE Nebr. Juvenile Services, boarding- 17953.75; Neb-IA Rad Consultants, medical- 31.00; David Noble, medical- 92.00; JR Pantoja, interpret- 20.00; Platte County Detention Facility, boarding- 8350.00; Prince of the Road, transport- 131.86; Quest Diagnostics, medical- 43.34; Redlers Pharmacy, medical- 823.52; Sams Club, supplies- 331.88; SFCU, fuel/meal/rental- 308.77; Staples, supplies- 251.10; Thurston County Sheriff, boarding- 1845.00; Walmart, supplies- 133.81; Washington County Sheriff, boarding- 2750.00; Woodbury County Juvenile, boarding- 1600.00; Electronic Engineering, pager- 95.78; Wayne County Clerk, reimburse- 20150.60; Cellular One, phone- 27.70; Digital River, antivirus- 39.94; NACO, directory- 30.00; Perkins, supplies- 59.46; AJ Phillips, records- 80.00; Pam Devries, mileage- 59.53; Dunes Family Medicine, medical- 250.00; Pat Glover, mileage- 86.26; Perkins, supplies- 48.87; Redlers Pharmacy, medical- 20.59; Network Systems Plus, computer work- 36.00; Pam Devries, mileage- 3.24; Perkins, supplies- 1326.76; Alan Boyd, mileage- 471.83; Electronic Engineering, pager- 13.95; Aflac, service- 45.00; AT&T, phone- 33.09; AsyncTech, website- 14.95; Cable One, internet- 287.10; Lazette Gifford, website- 40.00; Hasler, meter rental- 150.00; Iron Horse Golf Course, room rental- 80.00; Midwest Office, copier maint- 108.00; MIPS, support- 358.85; NE Neb Assn of Co Officials, registration- 17.00; Network Systems Plus, computer work- 371.00; NTI2, computer recycle- 555.00; Perkins, parts/labor- 231.20; Qwest, phone- 645.00; Qwest, phone- 659.70; Qwest, phone- 65.90; Region 4, qtrly services- 1094.75; SIMPCO, dues- 1782.50; Sioux Air, backwater spray- 1080.00; Sioux City Journal, publishing- 91.64; US Postal Service, postage- 2500.00; WCS Telecom, phone- 438.64; 5400 Weed Fund, transfer- 1000.00;

ROAD FUND: Advance Auto, tools- 11.88; Aramark, towel service- 134.84; Axels & Gears, labor- 65.00; Bomgaars, supplies- 137.52; Bridgestone, tire repair- 260.00; Carquest, parts- 7.28; Cellular One, phone- 27.70; Central Valley AG, propane- 2420.00; Circle R, parts- 99.55; Dakota County Star, publishing- 22.53; Erlandson Trans, gravel- 4062.14; Flaugh's Pronto, fuel- 51.70; Gill Hauling, dumpster- 45.00; Higman Sand & Gravel, road rock- 5561.16; Hubbard Mini Mart, fuel- 3888.98; Hundertmark Pressure Cleaners, repairs- 215.00; H204U, service- 29.50; Joes Dept Store, parts/supplies/tools- 160.85; Linweld, supplies- 81.79; Marx Truck Trailer, repairs- 66.11; Richard McNear, prior yrs- 5.00; Medical Enterprises, medical- 29.90; Mercy Business, certification- 350.00; Midwest Equipment, repairs- 94.60; Motion Industries, repairs- 261.24; NNPD, elec- 23.68; Northeast Equip, supplies- 136.38; NE Nebr PPD, elect- 77.30; NE Neb Telephone, phone- 132.62; Pilger Sand & Gravel, gravel- 2725.73; Poms Tire Serv, tires- 375.00; Powerplan, parts/labor- 220.40; Rees Mack Sales, filters- 978.03; Rinker Material Corp, rock- 1640.46; RMS, parts- 813.31; Sabre Communications, antenna/line- 2054.00; The New Sioux City Iron, supplies- 72.35; Sioux City Tarp, repair- 370.76; Siouxland Napa, parts/supplies/tools- 210.35; Stephan Welding, repairs- 19.80; The Tool Doktor, repair/labor/freight- 88.61; Warren Oil, fuel- 4791.63; Zieglers, parts- 354.87; Dakota County Register of Deeds, filing- 20.50; JEO, road relocation- 2877.00;

ROAD IMPROVEMENT FUND: Dakota County Register of Deeds, filing- 20.50; JEO, road relocation- 2877.00;

POOR RELIEF: NE Dept of Social Svcs, admin fees- 19.00; Becker Hunt Funeral Home, burials- 2600.00

VETERANS AID: Veterans Service Office, emergency relief- 900.00;

JUVENILE ACCOUNTABILITY: BI Inc, juvenile- 511.50; Amanda Jones, mileage- 462.02;

COMMUNITY JUSTICE GRANT: BI Inc, monitoring- 66.00;

PUBLIC SAFETY: City of SSC, sales tax- 1882.54; Jail Bond Fund, sales tax- 13805.31;

JAIL PROJECT FUND: Dakota County Inheritance Tax Fund, reimburse- 2850.00; Dakota County Star, publishing- 208.08; DGR, engineering fees- 1508.52; GA Johnson, management fees- 50500.00; HMN Architect, jail- 189311.27; Jomac Contracting, earthwork- 66420.00; Baird Holm Mceachen Pedersen, legal fees- 13000.00; Lindblom, toilet- 90.00;

WEED FUND: Hubbard Mini Mart, gas/diesel- 382.00; NE Dept of AG, weed book- 25.00; Leon Pies, registration- 10.00; Van Diest Supply, spray- 225.83;

Commissioner Engel moved, seconded by Commissioner O'Neill to approve the minutes of July 18, 2005 and August 1, 2005 as typed.

ROLL CALL VOTE: Miller- Absent, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned their meeting at 2:25 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
AUGUST 22, 2005 PROCEEDINGS  
SPECIAL MEETING  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Special Meeting to order at 1:34 p.m.

Roll call was taken with the following members present:

Commissioners O'Neill, Engel, Hartnett, Bousquet and Ted Piepho, Secretary.

ABSENT: Commissioner Miller arrived at 1:40 p.m.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss Litigation as requested by the County Attorney.

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 1:35 p.m.

Commissioner Miller arrived approximately 1:40 p.m. during the Executive Session.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reconvene in Open Session.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 2:04 p.m.

The board waited a couple of minutes for copies of the budget from their Administrative Assistant.

Chair Engel adjourned their meeting at 2:04 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
AUGUST 29, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 1:32 p.m.

Roll call was taken with the following members present:

Commissioners O'Neill, Engel, Bousquet and Ted Piepho, Secretary.

ABSENT: Commissioners Hartnett and Miller.

Commissioner Hartnett arrived at 1:35 p.m. and Commissioner Miller arrived at 1:38 p.m.

The agenda for the meeting was as follows:

1. Call to Order - 1:30 p.m.

Roll Call

Pledge of Allegiance

Approve Minutes of August 15, 2005 & August 22, 2005.

BOARD OF EQUALIZATION

2. 1:31 p.m. Mid States Electric, Inc. Personal Property Appeal.

1:35 p.m. Byron Hall B or B Farms Personal Property Appeal.

1:40 p.m. Ruth & Tim Stewart Personal Property Appeal.

3. 1:45 p.m. Kevin Schwartz - Requesting Traffic Study for reduced speed limit signage entering Homer from Fiddler Creek Road.

4. 1:50 p.m. Kelly Malcom - Discuss the distance from parking to courthouse entry.

5. 2:00 p.m. Dave Barclay- Is requesting the County to accept the hard surfacing on Omaha Avenue.

6. 2:15 p.m. Clancy's Pub 777 Inc. Omaha, NE is requesting the Board to approve a Special Designated Liquor License for Atokad's Live Meet.

7. Miscellaneous Agenda Items

A. Take from the table and appoint Highway Supt. (Separate Motions)

B. Discuss Engineering services for existing and future Road Projects.

C. National Association of Counties Deferred Compensation Loan Option. (Passing this would allow Employees to borrow 50% of the balance in their deferred Compensation Account. The County does not participate in matching any contributions into this employees account. It merely allows an employee to borrow against their own account in certain situations if they wish.

D. Making front door in compliance with ADA

E. Review and Approve Payroll Claims

F. Jail Project

I.) Executive Session - Discussion Bid Review and bid Clarification.

II.) Authorize the Construction Manager and Architect to proceed with project review and bid recommendations to the board.

G. Approve Lease Purchase for Motor Grader for bid awarded 8-15-05.

H. County Board Inventory

I. Levy allocation for miscellaneous subdivisions and fire districts.

J. 2004 Tax List Correction

9. Public Comment

10. Mail and/or Emergency Business

11. Adjourn

The board discussed the length of term that they wished to finance the Motor Grader that the county is purchasing from Zeigler. They decided that the five year option was the best.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to finance the motor grader being purchased through Zeigler for a term of five (5 years) years at 3.60% interest making the payment \$15,579.50 with principal and interest and the first payment be 03-15-2006 and every six months there after until the final payment being 9-15-2010.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Nanci Walsh, Board assistant, informed the board that the Ag. Society, Fire Districts and Historical Society had filed "Preliminary Levy Allocations requests from the County Board". She noted that the Ag. Society and Historical Society had filed theirs after the August 1 deadline.

Commissioner Miller moved, seconded by Commissioner Bousquet allocating \$70,195 for the Ag. Society's General Fund and \$40,000 to the Ag Society's Capital Improvement Fund for a total of \$110,195.00 as follows:

RESOLUTION 05C-025

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.

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

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Ag Society			
General	\$ 70,195.00	\$ 70,195.00	.007262
Capital Improvement	40,000.00	40,000.00	.004139
Total	110,195.00	110,195.00	.011401

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

Passed and adopted this 29th day of August, 2005.

\_\_\_\_\_  
 County Clerk Board Chair  
 ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet allocating \$70,195 for the Dakota Covington, Emerson and Homer Fire Districts as follows:

RESOLUTION 05C-026

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.

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

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Fire Protection			
Dist #1, Homer			
Total	30,892.47	24,729.16	.0295
Dakota Covington Rural Fire			
Total	70,825.14	63,033.11	.0295
Emerson Rural Fire			
Total	45,696.91	29,801.33	.0295

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

Passed and adopted this 29th day of August, 2005.

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 County Clerk Board Chair  
 ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner O'Neill allocating \$19,611.33 for the Dakota County Historical Society's General for a total of \$19,611.33.00 as follows:

RESOLUTION 05C-027

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.

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

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Historical Society	19,611.33	19,611.33	.002029

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

Passed and adopted this 29th day of August, 2005.

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County Clerk

\_\_\_\_\_  
Board Chair

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Kevin Schwartz, Chairman of the Homer Village Board of Trustees, appeared before the board to request the county to do a Road Study for a reduced speed limit sign to be placed on Fiddler Creek Road as vehicles enter Homer Village Limits. He said that the speed limit goes from 50 down to 25 and the school is located just beyond that and says that is a safety hazard.

The board told the Director of Roads Bill Rohde to initiate the study.

Kelly Malcom and Sandy Ehrich appeared before the board to inform them that they have witnessed elderly people having problems walking from the front sidewalk of the courthouse to the courthouse.

Commissioner Hartnett moved, seconded by Commissioner Miller to convene as Board of Equalization to hear the protests of Mid States Election, Tim and Ruth Stewart and B or B Farms protesting the penalties assessed them for not filing their Personal Property Schedules by the deadline.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED. 2:03 p.m.

Madelyn Thorsland, States Assessor for Dakota County, said that the values submitted by the taxpayer be accepted, but read statute 77-1233.06 paragraph 3, which states in part, "Section 77-1233.06 (3) The action of the county board of equalization, in an appeal of the penalties imposed, shall be limited to correcting penalties which were wrongly imposed or incorrectly calculated. The county board of equalization shall have no authority to waive or reduce any penalty which was correctly imposed and calculated. The entire penalty and interest on the penalty shall be waived if the omission or failure to report any item of tangible personal property was for the reason that the property was timely reported in the wrong tax district;

Commissioner O'Neill moved, seconded by Commissioner Miller to set the Personal Property Values of Mid States Electric, Inc. at \$39,061.00 and to set the value of Tim and Ruth Stewart's at \$50,094.00 and to set the value of B or B Farms at \$13,413.00 and to deny reducing the 25% penalty for failure to file their Personal Property Schedules by the deadline.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to reconvene as Board of Commissioners.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 2:08 p.m.

Dave Barclay, With Barclay Asphalt, appeared before the board and told the board that the asphalt that was laid on Omaha Avenue for Project BRO-7022(11) was very Good. He said that the State's specifications fit that of an Interstate highway and this is no interstate highway. He added that he would be willing to incorporate an inch and one-half overlay on the existing asphalt and would be willing to guarantee it for 5 years.

Several board members expressed that they were not inclined to accept it less than the specifications called for.

Patrick Vondra, with 777 Inc., appeared before the board to request that the board approve a Special Designated Liquor License Application for them to sell alcohol at Atokad's live meet September 16, 17 and 18, 2005.

Shawn Goodman, Atokad's General Manager, witnessed that Atokad was in agreement to have 777 Inc. having a Special Designated License for their event.

Commissioner Engel moved, seconded by Commissioner Hartnett to approve a request for a Special Designated Liquor License in the name of 777 Inc. located at 777 No. 114th Street, Omaha, NE 68154 to sell alcohol at the Horsemen's Atokad Downs, located at 1524 Atokad Drive, South Sioux City, Nebraska, Dakota County, 68776, and to sell alcohol beverages during Atokad's live meet September 16, 17 and 18, 2005.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Bill Rohde, Director of Roads, appeared before the Board concerning the Highway Superintendents position. He recommended Randy Crombie at a salary of \$3,000 a year for that position in addition to what he is presently getting and that Kimon not be the second in charge.

Commissioner Miller moved, seconded by Commissioner O'Neill to take from the table the position of Highway Superintendent, which was tabled in their prior meeting.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint Randy Crombie as the County's Highway Supt. and that he be paid \$3,000 for those duties and that he be the second person in charge of the Road Department under Bill Rohde.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Bill Rohde requested a closed session to discuss the engineering of County Road Projects. He cited Section 84-1410 (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. He said in this case it is a company.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to convene into Closed Session to discuss the engineering services of JEO.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED. 2:25 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel to reconvene in open session with the clerk being absent and Nanci Walsh acting secretary.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED. 2:42 p.m.

Nanci Walsh, Administrative Assistant, presented the inventories for the Commissioners, Driver's Exam, Miscellaneous and the Real Property owned by the County.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the inventories as submitted for the Commissioners, Driver's Exam, Miscellaneous and the Real Property owned by the County.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Jim Graham appeared before the board and suggested that the county request the state to put in a spur to Cargill.

Commissioner Bousquet moved, seconded by Commissioner Miller to approve making the front door to the courthouse handicapped accessible and to authorize a buzzer for entrance.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Miller to authorize the purchase of the motor grader through the NACO lease purchase program.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Dick Erickson, Appraiser for Dakota County, appeared before the board to ask them to approve a Tax List Correction as follows: Owner is: Bralda, Parcel ID; 220027080, Old Value: 61,435, New Value: 50,000. He said that \$50,000 was a TERC settlement in 2003 and it was settled after they could change the value for 2004. Therefore he explained that it had to be done by Tax List Correction.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve and authorize the Chair to sign a Tax List Correction on Parcel ID; 220027080, reducing the Old Value of \$61,435, to the new value of \$50,000.00 as settled by the TERC in 2003 carrying over the same value to 2004.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Abstained, O'Neill- Yea, MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of August 15, 2005 and August 22, 2005 as typed.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet introduced the idea to the board that CBM prepare the meals for the inmates in our new jail. He added that they would possibly put in the equipment if the county on the other hand would let them prepare meals there for all their clients.

Chair Engel recessed their meeting at 3:15 p.m. and reconvened their meeting at 3:25 p.m.

Richard Pallensen appeared before the board and complained about the wash boards on Wigle Creek Road. He said that he just got through replacing lower ball joints, tie rod ends and shocks on his 1999 Yukon and felt that was due to the road conditions.

Chair Engel recessed their meeting at 3:42 p.m.

Chair Engel reconvened their meeting at 4:03 p.m.

Jerry Johnson, the Construction Manager for the Jail Project was in attendance.

Steve Davis, Architect for Dakota County's Jail Project, joined the meeting via telephone.

They explained that one of the bidder's did not mean to include Bid Package 10 in their total package bid. If the county would add their bid of \$171,700 to their total package, the cost of the overall bid packages would be forty some thousand less than if the county would accept the low bid on every bid project.

The County Attorney's opinion was that if they didn't take the low bid from all the various bidders, then they should rebid everything.

Commissioner Engel moved to accept the total package bid of McCann and to add their bid of \$171,700 for Bid Package 10 to their total package bid.

The motion died for a lack of a second.

Commissioner Bousquet moved, seconded by Commissioner Miller to accept the low bid of each individual Bid Project subject to the review by the Architect and Construction Manager.

ROLL CALL VOTE: Engel- Abstained, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, MOTION CARRIED.

The following payroll claims were paid.

COUNTY GENERAL FUND: Gross salaries- \$80,070.67, General Fund Employees Net Pay- \$55,997.32, Employer deductions paid: Retirement- 5,043.88, Retirement Makeup- 34.44, Social Security Tax- 4,809.83, Medicare- 1,124.89, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 148.50.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 393.01, Marisol Curiel- 320.00, Bobbi Jo Harsma- 925.75, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 775.32, Phyllis Ridge- 872.80, Mark J. Dorsey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 96.00, Richard Jensen- 1233.74, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 741.00, Jeremy Bermel- 1606.54, Anthony Bos- 1669.23, Brad Claypool- 1431.43, Sandy Dickens- 1000.08, Brian Ellinger- 1970.80, Penny Epting- 1170.19, Todd Hammer- 1422.86, Melvin Harrison III- 1389.08, Rodney Herron- 1564.33, Kimberly Johnson- 463.30, Jared Junge- 1500.63, Michael Kreegar- 1320.92, Gayle Richards- 744.80, Kevin Rohde- 1332.24, James Wagner- 1813.63, Randall Walsh- 1923.13, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 736.01, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1750.00, Richard Criss- 1060.00, Eric Davis- 1249.63, Ronald Fink Jr.- 1040.00, John Gilles- 1154.42, Michael Gregerson Jr.- 1094.65, Alma Gunderson- 1120.00, Paula Harrigfeld- 676.61, Brenda Harrison- 325.50, Cathy Harsma- 1154.42, Joseph Ramirez- 775.13, Krystal Ramirez- 1131.25, Linda Schovanec- 1180.88, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 592.12, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 869.08, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,466.59, State- 2,653.22, Social Security Tax- 4,809.83, Medicare- 1,124.89, Retirement- 3,429.62, Retirement Makeup- 24.44, DC Health Plan- 1,167.86, DC Dental Plan- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,218.65, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,157.91, Road Employees Net Pay- \$10,082.13, Employer deductions paid: Retirement- 864.81, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 845.51, Medicare- 197.75.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1113.60, Marlan Millard- 1134.48, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1091.28.

ROAD FUND: Employee withholding paid to: Federal- 1,155.16, State- 428.75, Social Security- 845.51, Medicare- 197.75, Retirement- 576.52, DC Health Plan- 300.69, DC Dental Plan- 78.28, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,316.80, Cops Fast Employee Net Pay- 921.06, Employer deductions paid: Retirement- 102.05, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 81.64, Medicare- 19.09, Brent Gilster- 1316.80.

COPS FAST GRANT: Employee withholding paid to: Federal- 160.90, State- 56.69, Social Security- 81.64, Medicare- 19.09, Retirement- 72.42, Sheriff Union Dues- 5.00.

VISITORS PROMOTION: SSC Chamber of Commerce: Lodging tax- 14,820.93

Chair Engel adjourned their meeting at 4:43 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 12, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 1:31 p.m.  
Roll call was taken with the following members present:  
Commissioners O'Neill, Hartnett, Engel, Bousquet and Ted Piepho, Secretary.  
ABSENT: Commissioners Miller.

Commissioner Miller arrived at 1:38.  
The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 12, 2005 PRELIMINARY AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. Call to Order- 1:30 p.m.  
Roll Call  
Pledge of Allegiance  
Approve Minutes of August 29, 2005
2. Review and Approve Payroll Claims if different than the Employee
3. 2:00 p.m. Budget Hearing
4. 2:15 p.m. Tax Request Hearing (CLOSE BOTH HEARINGS)
5. Resolution for additional 1% restricted funds
6. Adopt FY 2005/2006 budget
7. Tax Request Resolution
9. Board to approve Annual Road Report for 2004-2005 (Must be after budget is approved)
10. Sign the appropriate pages of the Annual Road Report
11. Bill Rohde - Road Project progress reports.
12. Discuss and approve bidding future engineering projects
13. Thurston County is asking Dakota County to pay the utilities for our use of the Thurston County Maintenance Shop in Emerson. Approve same.
14. Approve NACO Lease-Purchase Motor Grader (Documents must be signed)
15. Payment of invoice(s) from Thompson West / West Group
16. Ed Matney - "Closed Session re: Pending Litigation"
17. 2:45 p.m. Sue Petersen - City of SSC Distribution of Sales Tax monies and adopt procedures
18. 3:00 Jerry Johnson Jail Project - Award bids.
19. Abandoned Vehicles  
05250700004 1993 Jeep Eagle 1J4GZ58S3PC653030  
05250700006 1991 Buick Skylark 1G4NV54U4MM215020
20. Public Comment
21. Mail and/or Emergency Business
22. Adjourn

Commissioner Hartnett moved, seconded by Commissioner Bousquet to transfer Dakota County Abandoned Vehicle Title Number 05250700004 on a 1993 Jeep Eagle bearing the serial number 1J4GZ58S3PC653030 and Title No. 05250700006 on a 1991 Buick Skylark bearing the serial number 1G4NV54U4MM215020 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Engel to finance the Motor Grader purchased from Ziegler through the NACO Lease Purchase program and to authorize the chair to sign all documents.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Miller arrived at 1:38 p.m.

Bill Rohde, Dakota County Director of Roads, discussed the letter from Thurston County asking the County to pay the utilities for Thurston County's Maintenance Shop in Emerson in exchange for storing Dakota County's motor grader there.

Mr. Rohde told the board he would talk to them and thought we could hold off paying them anything for another year.

He submitted a letter from Thurston County that was written in 1999 that said we could store it there at no charge.

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

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED 1:45 p.m.

Commissioner Engel moved, seconded by Commissioner Hartnett to reconvene into Open Session.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED 2:28 p.m.

Commissioner Miller moved, seconded by Commissioner O'Neill to pay Thompson West \$16,644 which represents 60% of the District Judge's charges for computer software authorized by Judge Redmond.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Bill Rohde, Dakota County's Director of Roads, advised the board that JEO had three projects that they were working on and they were projects referred to as the Rosie Purucker Bridge, the Martinec Bridge and Knox Blvd. which is the paving project for the ethanol plant. Mr. Rohde said that his figures reflect we have paid JEO \$22,000, \$25,675 and \$5,500 respectively for the three projects and engineers coming in to do the projects would most likely not use the engineering that JEO has done. This information was given because the county is contemplating using a different engineer on projects.

Chair Engel opened the Budget Hearing at 2:40 p.m.

Nanci Walsh, Assistant to the Board, explained the proposed budget to the board.

Chair Engel opened the Tax Request Hearing. 2:45 p.m.

Eric Georgensen appeared before the board and said that although the budget is going up 6%, which seems like a modest increase, with the farm land value increase will present him with a 27% increase in taxes and this is too much of a burden to apply to the farmers.

Bill Rohde, Dakota County's Director of Roads, and Randy Crombie, Highway Superintendent, said that they did not have an opportunity to prepare the budget for the Road Department and they foresee going over on Gravel and Borrow and Fuel, which are line items 3-0202 and 3-0209.

Chair Engel closed the Tax Request Hearing and the budget hearing at 2:58 p.m.

Commissioner Miller moved, seconded by Commissioner Hartnett to table the adoption of the County Budget, to approve table the 1% increase in Restricted Funds in addition to the two and one-half percent allowable by law.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Sue Petersen, City Clerk for South Sioux City, appeared before the board to discuss the distribution of Sales Tax with the City of South Sioux City. She preferred that the city and county share a checking account and that there would be two signatures required, one person from the city and one person from the county.

She specifically requested that the city get the 12% as agreed to in the joint agreement as soon as the county gets it.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to pay South Sioux City the 12% Sales Tax designated for LEC as outlined in the Joint Agreement with the City of South Sioux City as soon as possible after the County receives the payment from the state.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Jerry Johnson, Construction Manager for the Jail Project, explained Bid Projects 4 through 32. With all projects considered the bids exceed the bonding authority by about \$400,000. This was a concern for the commissioners. They discussed what projects had to be adopted to get construction under way and to hold off adopting any other projects to see what can be valued engineered out of the project.

Commissioner Miller departed the meeting at 4:25 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to accept and award Bid Project #4 to McHan, Bid Project #5 to Steve Harris, Bid Project #7 to HCI Construction, Inc., Bid Project #10 to McHan Construction Company and Bid Project #11 to McHan Construction Inc.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

**PAYROLL CLAIMS PAID AS FOLLOWS:**

COUNTY GENERAL FUND: Gross salaries- \$85,628.87, General Fund Employees Net Pay- \$59,360.08, Employer deductions paid: Retirement- 5,446.97, Retirement Makeup- 34.44, Social Security Tax- 5,154.42, Medicare- 1,205.48, DC Health Plan- 16,090.80, DC Dental Plan- 623.70, Life Insurance- 148.50.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 388.27, Marisol Curiel- 320.00, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 785.26, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 884.00, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 896.00, Richard Jensen- 1233.74, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 755.25, Jeremy Bermel- 1795.05, Anthony Bos- 1941.70, Brad Claypool- 2041.27, Sandy Dickens- 1000.08, Brian Ellinger- 2185.60, Penny Epting- 1358.01, Todd Hammer- 1508.40, Melvin Harrison III- 1939.63, Rodney Herron- 1857.58, Kimberly Johnson- 248.60, Jared Junge- 2064.36, Michael Kreegar- 1810.60, Gary Powell- 120.00, Gayle Richards- 744.80, Kevin Rohde- 1730.82, James Wagner- 1813.63, Randall Walsh- 2262.50, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 792.83, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1477.00, Richard Criss- 1219.04, Eric Davis- 1415.38, Ronald Fink Jr.- 1332.50, John Gilles- 1238.92, Alma Gunderson- 1310.75, Paula Harrigfeld- 739.59, Brenda Harrison- 480.38, Cathy Harsma- 1381.38, Joseph Ramirez- 1119.63, Krystal Ramirez- 1346.88, Linda Schovanec- 1776.60, Randall Crombie- 80.78, Arnold Mellick- 34.62, Cynthia Purucker- 878.40, Leon Pies- 550.80, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 1056.27, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 8,578.73, State- 3,033.40, Social Security Tax- 5,154.42, Medicare- 1,205.48, Retirement- 3,712.33, Retirement Makeup- 24.44, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 65.00, Deferred Comp- 692.78, Garnishments- 1,218.65, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$15,062.40, Road Employees Net Pay- \$10,692.70, Employer deductions paid: Retirement- 925.87, DC Health Plan- 2,925.61, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 901.59, Medicare- 210.86.

Joel Broekemeier- 2034.46, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1109.60, Arnold Mellick- 1113.60, Marlan Millard- 1113.60, Leon Pies- 581.79, William Rohde- 1346.15, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,285.21, State- 482.69, Social Security- 901.59, Medicare- 210.86, Retirement- 617.21, DC Health Plan- 300.70, DC Dental Plan- 78.32, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,884.67, Cops Fast Employee Net Pay- 1,242.62, Employer deductions paid: Retirement- 146.06, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 116.85, Medicare- 27.33, Brent Gilster- 1884.67.

COPS FAST GRANT: Employee withholding paid to: Federal- 295.06, State- 94.15, Social Security- 116.85, Medicare- 27.33, Retirement- 103.66, Sheriff Union Dues- 5.00.

Chair Engel adjourned their meeting at 4:32 p.m.

**DAKOTA COUNTY COMMISSIONERS**

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 19, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 10:05 a.m.

Roll call was taken with the following members present:

Commissioners Miller, O'Neill, Hartnett, Engel, Bousquet and Ted Piepho, Secretary.

ABSENT: All Present

The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 19, 2005 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. Call to Order - 10:00 a.m.
  - Roll Call
  - Pledge of Allegiance
  - Approve Minutes of August 29, 2005 and September 12, 2005
2. Review and Approve Accounts Payable claims
3. 11:45 a.m. Recess for Lunch
4. 1:30 p.m. Reconvene from Lunch
5. Move items in red under # 8 and adopt them upon reconvening from morning session. They must be mailed to the state today.
6. 1:35 p.m. Jerry Johnson - Award remaining Bid Projects for Jail  
Bill Engel - Discussion on Jail
7. 2:15 p.m. Elliotte Saunders - Boat Ramp at the end of County Road #37
8. 2:30 p.m. Miscellaneous Items
  - Adopt LEC Budget - This should be done prior to adopting County Budget.
  - Adopt Dakota County's Fy2005-06 Budget
  - Adopt & Sign Annual Road Report
  - Letter from State of NE, - asphalt replacement at Homer South Bridge
  - Requesting Commission authorization for expenditure over \$5,000 to proceed with GIS mapping. Total cost of the project is about \$31,500; the L.E.C. would pay licensing fees of \$10,500 with the state PSC paying the balance. Contract is contingent upon PSC approval to funding.
9. Committee Reports
10. Official's Reports
  - County Clerk
  - Clerk of the District Court
  - Register of Deeds
  - Veteran's Service Officer
11. Public Comment
12. Mail and/or Emergency Business
13. Adjournment

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

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 10:25 a.m.

Commissioner Miller moved, seconded by Commissioner Bousquet to reconvene in open session.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 11:25 a.m.

The County Clerk realized that he had forgotten to shut off the recorder during the Closed Executive Session. The taping was immediately erased and the recorded restarted. The County Clerk put a leader on the recording to bring the meeting current.

Dennis Reinert, Planning and Zoning Administrator, appeared before the board to inform them that he thought his budget was short in the mileage code.

Chair Engel recessed their meeting for lunch at 11:58 a.m.



Chair Engel reconvened their meeting from lunch at 1:31 p.m.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve to a 1% increase in Restricted Funds in addition to the two and one-half percent allowable by law in the County's Fy2005/06 Budget.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve the LEC Budget of Expenditures at \$691,138.00.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the County's FY2005/06 Budget with a property tax request be set at \$4,650,739.82 and a copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2005.

Dakota County

RESOLUTION OF ADOPTION AND APPROPRIATIONS

"WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2005, to June 30, 2006, prepared by the Budget Making Authority, was transmitted to the County Board."

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

"SECTION 1. That the budget for the Fiscal Year July 1, 2005, to June 30, 2006, as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the Budget for Dakota County for said fiscal year."

"SECTION 2. That the offices, departments, activities and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2005, and ending June 30, 2006."

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

"DATED AND PASSED THIS 19th DAY OF September, 2005."

COUNTY BOARD

William Engel

Jacqueline Hartnett

Pam Miller

Rick Bousquet

Betty O'Neill

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt the following Resolution setting Property Tax Request at \$4,650,739.82 and a copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2005:

RESOLUTION SETTING 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 majority vote a resolution or ordinance setting the tax request 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, by a majority vote, resolves that:

1. The 2005-2006 property tax request be set at \$4,650,739.82.
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2005.

Adopted this 19th day of September, 2005.

Attest:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chair

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Engel to approve the Annual Road Report as presented by Randy Crombie, County Highway Supt., in the September 12, 2005 meeting and to authorize the chair to sign same.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Jerry Johnson, Construction Manager for the Jail project described the Bid Projects that he was value Engineering to the Base Bid and the reasons. They were Bid Projects 8, 12, 13, 15, 17, 21, 23, 24, and 30. He said they had to have Bid Project 14 approved today to keep things moving. When asked why the bids were over approximately \$400,000 and some odd dollars, he said that the requirements for 90 square foot cells instead of 70 made the bids come in over about 20%.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept Bid Project 14 subject to Construction Manager, Jerry Johnson's Value Engineering to the Base bid.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Bill Rohde, Dakota County's Director of Roads, read a letter from K.G. Domogalla, Asst. Dist. Const. Engr. as follows:

Bill Rohde  
Dakota Co.  
P.O. Box 863  
Dakota City, NE 68731

RE: Homer South BRO-7O22(11)  
C.N. 31216

John Christensen has asked that I write you concerning the substandard asphalt placed on the subject project. The Department of Roads is not requiring the removal and replacement of the asphalt pavement as the only alternative to remedy the problem. A 2" overlay with a pay factor of possibly 40% for the substandard mix is another possible solution. The final decision is left to Dakota County, provided it conforms with the federal aid requirements. I am not endorsing any specific solution, merely clarifying we would be open to other possibilities. Dakota County must decide what is in the best interest of their tax payers.

K.G. Domogalla P.E.  
Asst. Dist. Const. Engr.

KGD/ln

cc: J. Francis  
P. Boyle  
T. Mead - JEO  
J. Christensen - Christensen Bros.  
File

Commissioners Bousquet and Miller express that they still stood on their original thoughts that the asphalt should be replaced.

Jay Lowery, 508 Red Bird Lane, appeared before the board concerning the handicap accessibility of the courthouse and asked that a doorbell be installed. That stirred a decision of where the bell should be placed.

Commissioner Miller moved, seconded by Commissioner O'Neill to approve the claims submitted by the County Clerk as follows:

GENERAL FUND: Dakota County Star, publishing- 533.84; Perkins, supplies- 45.69; Nanci Walsh, mileage- 129.80; Dakota County State Bank, deposit slips- 25.50; Galaxy Technical Services, maintenance- 124.50; MIPS, installation- 451.88; Perkins, supplies- 115.27; Theodore A Piepho, reimburse- 37.28; Redfield, forms- 31.92; Robert Giese, mileage- 76.65; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Nadine Lewon, prior yrs- 17.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 240.00; Perkins, supplies- 185.81; DAS lmservices, data service- 27.50; General Business Interiors, desk extension- 540.60; Theodore Piepho, mileage- 64.80; Todds Storeall, storage- 80.00; Dakota County Star, publishing- 24.31; Carol Sue Dunham, mileage- 85.02; Executive Copy Systems, repair- 120.00; NACO, registration fee- 125.00; Norfolk Printing, supplies- 417.41; Staples, supplies- 166.18; Ben Star Packaging, paper- 245.72; DAS

Material, supplies- 822.09; Midwest Office, contract- 357.08; Kurt Rager, supplies- 7.47; Thomson West, cdrom service- 116.75; William Binkard, robe- 376.00; Lexis Nexis, law books- 45.60; Dustin Kinsey, computer repair- 270.00; Iowa Office Supply, supplies- 207.85; Frank Gonzalez, interpret- 800.00; Midwest Office Automation, contract- 85.30; NE State bar Assoc, seminar- 125.00; Perkins, supplies- 44.90; [Jury Fees/Mileage; Donald Albertson- 41.48; Lucia Castillo- 37.43; Tim Christiansen- 43.11; Terry Cooley- 38.64; Sheila Curiel- 38.24; Ashley Dummer- 37.43; Steven Emmons- 53.63; Kathy Eriksen- 42.99; Karolyn Fredricksen- 39.86; Randall Grove- 38.24; Shirley Guy- 39.05; Traci Heikes- 39.86; Cassandra Joseph- 39.05; Melissa Klouda- 38.24; Richard Koch- 46.34; Josefina Lopez- 39.05; Margaret Meier- 41.48; Deborah Moore- 37.43; Robert Mulvenna- 40.67; Jose Muniz- 35.81; Hipolito Murguia- 39.05; Starla Nelsen- 41.48; Madeleine Newton- 37.43; Dean Pallas- 53.63; Matthew Raveling- 40.67; Craig Schmidt- 35.81; Helen Sorensen- 39.86; Mary Stevens- 39.05; Kevin Stewart- 47.96; Steve Sturges- 39.05; Gregory Utech- 45.53; Gerilyn Vandepol- 39.05; Janet Wiig, 39.05; William Woehler- 37.43;], Bob Decker, bailiff fees- 75.00; HyVee, donuts- 33.96; Lynette Beermann, ice reimb- 20.21; Tasna Anderson, witness- 20.00; Russell Becke, witness- 24.86; Rebecca Carver, witness- 26.48; Dakota County Court, court costs- 2622.45; Lionel Fernandez, witness- 24.05; Sandra Fuller, witness- 60.50; Randy Hisey, counsel- 2262.00; Shelley Horak, counsel- 996.00; Hurley Law Office, counsel- 72.00; Sandra Inkster, counsel- 650.00; Jovanny Jimenez, witness- 24.05; Barbara Kueny, counsel- 1236.58; John Loos Jr, counsel- 480.00; Kenneth marks, witness- 40.25; Travis Pilgrim, witness- 23.24; Juan Sanchez, witness- 24.05; Cathy Stevens, witness- 28.10; Doyle Stevens, witness- 20.00; John Tinoco, witness- 22.83; Patrick Tott, counsel- 378.00; Nathan Tucker, counsel- 129.60; Covey Warnock, witness- 24.05; Jacob Woehler, witness- 23.24; Dakota County Sheriff, papers/warrants- 1850.17; Clerk of District Court, court costs- 600.00; Coffee King, coffee- 40.92; Dakota County Treasurer, money order- 9.00; Randy Hisey, counsel- 1758.00; Hurley Law Office, counsel- 408.00; Michael Schmidt, counsel- 681.32; Richard Thramer, counsel- 1039.20; Maximus, cost recovery summary- 1461.13; A-Team Heating and Cooling, service- 902.40; Benstar Packaging, supplies- 175.32; Bomgaars, tools- 77.78; Cellular One, phone- 29.60; Cimmarina Boats, tail light- 27.94; Foulk Bros Plumbing, water heater- 2524.60; Gill Hauling, service- 125.00; Grainger, supplies- 421.32; Wilmes Hardware, supplies- 179.91; Richard Jensen, mileage- 122.31; Menards, supplies- 303.47; Midamerican Energy, gas- 1452.00; NPPD, energy- 4214.69; O'Keefe, repair- 157.32; Qwest, phone- 27.46; Siouxland Lock & Key, keys- 16.50; Trembly Pest Control, monthly fee- 50.00; Dakota County Extension, reimburse- 1298.22; Cellular One, phone- 56.63; Circle R Frame, service- 394.67; City of SSC, phone/fuel- 4087.03; Crystal Oil, tire repair- 60.00; D&R Service, service- 86.00; Dakota County Sheriff, reimburse- 110.00; Dolezal Motor, service- 451.08; Economy Transmission, service- 1230.75; Fremont Tire, service/repair- 82.85; Harolds, film- 15.87; Jacks Uniforms, supplies- 247.70; Jackson Glass, windshield- 202.50; NCS Pearson, tests- 818.00; Pepperball Technologies, pepperballs- 226.99; Poms Tire, tires- 311.64; Racom, t1- 596.00; Sioux City Ford, service- 95.45; SFCU, reimb- 730.80; Staples, supplies- 363.35; Trio Auto Parts, service- 30.00; Walmart, supplies- 32.98; Willis Animal Clinic, animal care- 118.75; Amanda Jones, mileage- 108.75; Aspen Publishers, law books- 297.00; Dakota County Treasurers, supplies- 71.05; DMV, transcripts- 20.00; H204U, supplies- 16.50; Amber Hegarty, supplies- 101.28; Edward Matney, reimb- 401.73; NetSysPlus, repair- 75.00; Perkins, supplies- 5.52; Secretary of State, copies- 20.00; Sprint, phone- 119.29; Thurston County Court, copies- 2.50; City of SSC, lec expense- 22284.58; Invision, roof work- 1428.14; Alegent Health, medical- 203.62; BI Inc, house arrest- 9569.86; Bob Barker, supplies- 1052.09; Boys And Girls Home, blanchard- 150.00; Butler County, boarding- 16665.00; CBM Food Service, meals- 13501.84; Cass County Jail, boarding- 41218.58; Sergio Castillo Jr, interpret- 80.00; Cellular One, phone- 132.73; City of SSC, fuel- 108.77; ConocoPhillips, transport- 181.81; Dakota County Sheriff, meals- 48.22; David City Pharmacy, medical- 20.48; De Lage Financial, copier- 221.00; Dept of Corr. Serv, safekeepers- 7495.81; Dunes Medical Lab, medical- 319.00; Fremont Tire, tuneup- 232.69; Good Neighbor Comm Health, medical- 304.06; HyVee, milk- 5.20; ISECUREtrac, house arrest- 999.75; Jacks Uniforms, supplies- 44.75; Kreislers, medical- 39.77; Mercy Business Health, medical- 600.00; NE NE Juvenile Serv, boarding- 25787.50; David Noble DDS, medical- 166.00; Platte County Detention Facility, boarding- 3150.00; Redlers Pharmacy, medical- 337.30; Sams Club, supplies- 35.92; SFCU, reimb- 932.56; Staples, supplies- 352.73; The Swanson Corp, meals- 99.04; Walmart, supplies- 372.28; Woodbury Co Juvenile, boarding- 2300.00; Cellular One, phone- 27.70; Randy Crombie, reimb- 145.00; Office Systems, repair- 115.00; Sioux City Journal, publishing- 52.69; Dunes Family Medicine, medical- 250.00; Pam Devries, mileage- 49.00; Pat Glover, mileage- 81.40; Midwest Office, maintenance- 25.28; Redlers Pharmacy, tubersol- 62.50; Sanofi Pasteur, vaccine- 5152.99; American Red Cross, microshield- 175.00; Claritus, supplies- 1106.00; Pam Devries, mileage- 194.72; Pat Glover, reimb- 55.00; Perkins, supplies- 881.93; Sign Masters, magnetics- 203.30; Alan Boyd, mileage- 279.45; Electronic Engineering, pager- 13.95; Laken Memorials, marker- 145.00; Thompson West, settlement- 16644.00; Aflac, service fees- 45.00; AT&T, phone- 34.77; Cable One, internet- 287.10; De Lage Financial Services, lease- 152.95; Dex Media, book- 13.03; Lazette Gifford, website- 40.00; IBM Corp, annual fee- 62.85; MIPS, support- 358.85; Netsysplus, computer work- 1098.50; South Sioux Chamber, leadership- 885.66; Qwest, phone- 65.89; Qwest, phone- 634.17; Qwest, phone- 659.70; Sioux Air, spray- 1080.00; South Sioux Chamber, leadership- 1000.00; USPS, postage- 2500.00; WCS Telecom, phone- 416.67; ROAD FUND: Aramark, towel service- 138.24; Bierschbach Equip, trencher rental- 810.44; Bomgaars, supplies- 203.67; Cellular One, phone- 27.70; Dakota County Petty Cash, supplies- 104.18; Erlandson, gravel- 987.70; Federal Surplus Property, tools/locker- 186.00; Flaugh's Pronto, fuel- 121.86; Gill Hauling, service- 45.00; William Haafke, haul rock- 1490.72; Higman Sand & Gravel, road rock- 11011.78; Hubbard Mini-Mart, fuel- 5708.79; Hydraulic Sales, repairs- 38.44; H204U, service- 29.50; Bob Jacobsen, clothing- 50.00; Joes Dept Store, supplies/tools- 192.65; Linweld, supplies- 156.87; Richard McNear, prior yrs- 5.00; Medical Enterprises, testing- 29.90; Menards, stakes- 12.98; Midwest Equip, repairs- 86.88; NPPD, electric- 23.68; Aaron Nelson, haul rock- 382.55; NE NPPD, prepay- 1000.00; Northeast NE Telephone, phone- 194.77; Pilger Sand & Gravel, gravel- 6138.66; Poms Tire, tire/repair/labor- 1468.50; Powerplan, filters- 115.73; Presco Sales, grader blades/posts- 3542.80; Rees Mack Sales, parts- 69.68; Rinker Material Corp, road rock- 2493.56; Sams Club, supplies- 166.11; The

New Sioux City Iron, supplies- 49.20; Sioux City Journal, want ad- 52.69; Siouxland NAPA, parts- 240.26; Stan Houston, tripod- 62.27; Town & Country, chains- 42.49; UECO, pipe- 217.92; Warren Oil, fuel- 5469.50; Zieglers, parts- 376.74;  
INSTITUTIONS: Beatrice State Dev Center, qtrly payment- 1932.00; Norfolk Regional Center, qtrly payment- 273.00;  
VETERANS AID: Veterans Service Office, emergency relief- 900.00;  
JUVENILE ACCOUNTABILITY: BI Inc, juvenile- 775.50; Amanda Jones, mileage- 31.05;  
COMMUNITY JUSTICE GRANT: American Bio Medical, tests- 171.84;  
PUBLIC SAFETY: City of SSC, sales tax- 2113.67; Jail Bond Fund, sales tax- 15500.23;  
JAIL PROJECT FUND: Albenesius Contracting, utilities- 12151.00; DGR, engineering fees- 1137.71; GA Johnson, construction management- 26000.00; HMN Architects, jail- 73641.13; Jomac Contracting, earthwork- 11084.40; Lindblom, portable toilet- 86.00; Minute Man, statement- 471.22; Tindall Corp, cells- 18471.11;  
WEED FUND: Bomgaars, parts- 15.29; Dakota County Star, ad- 102.00; Hubbard Mini-Mart, fuel- 361.50; Hubbard Post Office, postage- 75.00; Perkins, supplies- 35.04; Leon Pies, reimburse- 37.93; Sioux City Journal, ad- 52.70; Town and Country Power, repairs- 22.35;  
E911: City of SSC, 911 monies- 23255.65;  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Pat Foust, LEC and Communications Director, appeared before the board requesting the county authorize expenditure over \$5,000 to proceed with GIS mapping. The total cost of the project is about \$31,500; the L.E.C. would pay licensing fees of \$10,500 with the state PSC paying the balance. The Contract is contingent upon PSC approval to funding.

Commissioner Miller moved, seconded by Commissioner Bousquet to authorize an expenditure of \$31,500 to proceed with GIS mapping pending contingent upon PSC approval to funding.  
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioners Bousquet and O'Neill stepped out of the meeting at 3:18 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve the minutes of August 29, 2005 as typed and to correct the minutes of September 12, 2005 to read that the County Budget and 1% increase on the restricted funds was tabled instead of being approved and to show Commissioner Miller absent instead of voting yea on the motion to accept Bid Projects 4, 5, 7 and 11.  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Absent, O'Neill- Absent, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet rejoined the meeting at 3:25 p.m.  
Commissioner O'Neill rejoined the meeting at 3:27 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to convene into Closed Executive Session to discuss personnel.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 3:35 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reconvene into Open Session.  
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED 3:52 p.m.

Chair Engel adjourned their meeting at 3:52 p.m.

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 26, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 1:31 p.m.  
Roll call was taken with the following members present:  
Commissioners Miller, O'Neill, Engel, Bousquet and Ted Piepho, Secretary.  
ABSENT: Commissioner Hartnett.

The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 26, 2005 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. Call to Order - 1:30 p.m.  
Roll Call  
Pledge of Allegiance  
Approve Minutes of September 19, 2005
2. 1:31 p.m. Robert Giese - Unpaid distress warrants report
3. 1:35 p.m. Jerry Johnson - Construction Manager for the Jail Project  
Award Bids for various bid projects.
4. 2:15 p.m. Elliotte Saunders - Boat ramp at the end of County Road #37
5. Jackson East Project NH-20-7 Resolution & Agreement with State to relocate Ithaca Way.  
Resolution 05C-028
6. Liquor License Application for Omaha Exposition & Racing, Inc dba Horsemen's Atokad Downs.  
- The County may choose not to make a recommendation of approval or denial to the Liquor Control Commission or it may choose to hold a Public Hearing on the application.
7. Approve payroll claims if necessary
8. Misc. Items  
Punctured tire in parking lot - individual wants reimbursement  
Appoint negotiator for Knox Blvd.  
Right of Way Permit -Knox Blvd  
Officials Reports
9. Public Comment
9. Mail and/or Emergency Business
10. Adjourn

The board discussed recessing until Friday when Jerry Johnson and Steve Davis could talk with them to creatively cut the construction cost on the Jail Project.

Randy Walsh, Deputy Sheriff appeared before the board for Distress Warrant Collections and Robert Giese appeared concerning Distress Warrants. Robert Giese in a written report dated August 12, 2005, submitted it formally to the Dakota County Commissioners and that report was as follows:

August 12, 2005

Dakota County Commissioners  
Dakota County Courthouse  
Dakota City, Nebraska

The Dakota County Sheriff returned the 2004 Distress Warrants to the Dakota County Treasurer on August 12, 2005.

345 Distress Warrants issued: November 1, 2004 totaling \$151,243.97.

Of the 345 Distress Warrants:

268 are satisfied valued at \$122,382.20.  
additional interest was 4,162.10.  
22 were sold at sheriffs sale  
45 are to be stricken 14,320.66  
7 remain unsatisfied 2,923.95  
2 taken off by correction 15,779.45

1 printed in error

He attached a list of the parcels the sheriff is recommending to strike and also attached was a list of the ones the sheriff sold.

Robert H. Giese  
Dakota County Treasurer

Commissioner Engel moved, seconded by Commissioner Miller to strike the Distress Warrants as recommended by Deputy Walsh.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea,  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Engel to adopt Resolution 05C-028 that the County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached as part of Project No. NH-20-7(114) and that the County will be responsible for the operation and maintenance costs associated with the road after constructed as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
RESOLUTION 05C-028

WHEREAS, the State has plans for the improvement of Highway US-20 east of Jackson, under Project No. NH-20-7(114), Jackson East, and

WHEREAS, the State desires, in the interest of public safety and convenience, to relocate Ithaca Way.

WHEREAS, the County desires the State's relocation of Ithaca Way under the designation of Project No. NH-20-7(114).

WHEREAS, the State will design and construct the road. The County will have no cost obligation for this work.

NOW THEREFORE BE IT RESOLVED, that the County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached as part of Project No. NH-20-7(114).

BE IT FURTHER RESOLVED, that the County will be responsible for the operation and maintenance costs associated with the road after constructed.

BE IT FURTHER RESOLVED, that the construction plans for Project No. NH-20-7(114), Jackson East, be incorporated into the agreement with the state.

AND FINALLY BE IT FURTHER RESOLVED, that this Resolution be attached, as Exhibit B to the Agreement with the State and that the Chairman be authorized to sign said agreement with the State.

Signed and approved by the Dakota County Board of Commissioners this 26th day of September, 2005 at Dakota City, Nebraska.

ATTEST:

\_\_\_\_\_  
William F. Engel  
Chairperson, Dakota County Board  
of Commissioners.

\_\_\_\_\_  
Theodore A. Piepho  
Dakota County Clerk

SEAL

THREE (3) ORIGINALS

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea,  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller to approve the agreement on PROJECT NO. NH-20-7(114), JACKSON EAST, STATE CONTROL NO. 31435 between the COUNTY OF DAKOTA and STATE OF NEBRASKA, DEPARTMENT OF ROADS, that the County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached, as part of Project No. NH-20-7(114) and reads as follows:

PROJECT NO. NH-20-7(114), STATE CONTROL NO. 31435  
COUNTY OF DAKOTA  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
JACKSON EAST

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

WITNESSETH:

WHEREAS, the State has plans for the improvement of Highway US-20 east of Jackson, under Project No. NH-20-7(114), and

WHEREAS, the State desires, in the interest of public safety and convenience, to relocate Ithaca Way, as shown on Exhibit "A", attached hereto and hereby made a part of this Agreement.

WHEREAS, the County desires the State's relocation of Ithaca Way under the designation of Project No. NH-20-7(114), as evidenced by the Resolution of the County Board dated the 26 day of September, 2005, attached hereto, identified as Exhibit "B," and hereby made a part of this agreement.

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

SECTION 1: The County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached, as part of Project No. NH-20-7(114).

SECTION 2: The State will design and construct the road. The County will have no cost obligation for this work.

SECTION 3: The County will be responsible for the operation and maintenance costs associated with the road.

SECTION 4: The construction plans for Project No. NH-20-7(114), Jackson East, are hereby incorporated into this agreement by this reference.

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 26th day of September, 2005 at Dakota City, Nebraska.

WITNESS:

COUNTY OF DAKOTA

\_\_\_\_\_  
Chairperson, County Board

Clerk

EXECUTED by the State this \_\_\_\_ day of \_\_\_\_\_, 2005.

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Roadway Design Engineer

RECOMMENDED:

District Engineer

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

The County Clerk mentioned to the County Board and Highway Supt. that the tube installed for a field entrance put in on Omaha Avenue in conjunction with the Bridge Replacement Project Number BRO7022(11) should be moved to the North directly across the road from where Wigle Creek Road will intersect Omaha Avenue after it is relocated. The reason he recommended this is for safety purposes and that being if someone is traveling East on Wigle Creek Road and they are not familiar with the road or miss the turn, they will simply go over the field entrance and would not be harmed rather than going off into a deep ditch.

The County Board considered whether to have a public hearing for Liquor Licenses when someone in the county makes application for a Liquor License. The County Clerk suggested that they do not because it is a mute point what the County Board does because they are only making a recommendation to the State Liquor Control Commission and they make the ultimate decision anyway. Commissioner Bousquet moved, seconded by Commissioner Miller to not make a recommendation of approval or denial to Liquor Licenses when applied for before the Liquor Control Commission.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, UNANIMOUS MOTION CARRIED.

The County Clerk brought up the issue of Odilon Dominguez requesting the County to pay for his tire. This is a situation where a signpost was partly laying in a parking stall and the tire was punctured as result of him driving on it.

Commissioner Miller moved, seconded by Commissioner Bousquet to deny that the county had any liability to Odilon Dominguez's punctured tire because the driver could see the post and the post is actually part of the Construction Company's used to secure the construction from the back or North parking lot.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Highway Right-Of-Way and Permit Application for Knox Blvd.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner O'Neill moved, seconded by Commissioner Miller to approve the minutes of September 19, 2005 as typed.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

At 3:52 p.m., Chair Engel recessed their meeting until 9:00 a.m. Friday, September 30, 2005.

Payroll claims paid pursuant to the employee manual were as follows:

COUNTY GENERAL FUND: Gross salaries- \$87,821.17, General Fund Employees Net Pay- \$63,446.54, Employer deductions paid: Retirement- 5,540.49, Retirement Makeup- 34.44, Social Security Tax- 5,444.89, Medicare- 1,273.40, DC Health Plan-, DC Dental Plan-, Life Insurance-

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 2024.57, Daniel Christoffers- 378.80, Marisol Curiel- 320.00, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 990.40, Robert Giese- 1450.04, Ruth Gillaspie- 1314.42, Jolene Heinemann- 1049.97, Kimberly Kuehl- 980.06, Phyllis Ridge- 1087.52, Lyn Beltz- 170.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1314.42, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 787.85, Carol Dunham- 1055.94, Joe Flynn- 1914.16, Mary Gamble- 1200.98, Bryan Smith Jr- 1849.19, Dustin Kinsey- 804.80, Richard Jensen- 1536.05, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 803.69, Jeremy Bermel- 1871.36, Anthony Bos- 1446.30, Brad Claypool- 1363.67, Sandy Dickens- 1185.12, Brian Ellinger- 2212.45, Penny Epting- 1133.67, Todd Hammer- 1275.10, Melvin Harrison III- 1439.90, Rodney Herron- 1979.92, Kimberly Johnson- 555.94, Jared Junge- 1756.46, Michael Kreegar- 1390.87, Gayle Richards- 881.44, Kevin Rohde- 1547.00, James Wagner- 1813.63, Randall Walsh- 1529.45, Rita Chase- 1204.32, Amber Hegarty- 2042.29, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 2423.06, Bobbi Strong- 1018.76, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1414.00, Richard Criss- 1144.93, Eric Davis- 1220.38, Ronald Fink Jr.- 1108.25, John Gilles- 1060.00, Alma Gunderson- 1221.50, Paula Harrigfeld- 449.38, Brenda Harrison- 420.00, Cathy Harsma- 1164.38, Joseph Ramirez- 1007.00, Krystal Ramirez- 1128.13, Linda Schovanec- 1240.80, Randall Crombie- 115.39, Cynthia Purucker- 2839.08, Leon Pies- 550.80, Pamela DeVries- 1740.10, Gloria Dwyer- 1060.68, Patricia Glover- 1130.22, Alan Boyd- 1132.95.

GENERAL FUND: Employee withholding paid to: Federal- 9,038.61, State- 3,261.51, Social Security Tax- 5,444.89, Medicare- 1,273.40, Retirement- 3,762.85, Retirement Makeup- 24.44.

COUNTY ROAD PAYROLL: Gross salaries- \$12,996.95, Road Employees Net Pay- \$9,841.56, Employer deductions paid: Retirement- 786.45, DC Health Plan-, DC Dental Plan-, Life Insurance-, Social Security Tax- 805.81, Medicare- 188.47.

Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1109.60, Arnold Mellick- 1113.60, Marlan Millard- 1113.60, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,152.02, State- 423.14, Social Security- 805.81, Medicare- 188.47, Retirement- 524.27, Deferred Comp.- 61.68, Aflac Health-, Aflac Life/Dsbl-.

COPS FAST GRANT: Gross salaries- 1,514.32, Cops Fast Employee Net Pay- 1,037.89, Employer deductions paid: Retirement- 117.36, Social Security- 93.89, Medicare- 21.96, Brent Gilster- 1514.32.

COPS FAST GRANT: Employee withholding paid to: Federal- 207.57, State- 69.72, Social Security- 93.89, Medicare- 21.96, Retirement- 83.29.

SSC CHAMBER OF COMMERCE: Lodging Tax- \$16,776.63

Chair Engel adjourned their meeting at 3:52 p.m.

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk



DAKOTA COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 26, 2005 PROCEEDINGS  
CONTINUED SEPTEMBER 30, 2005  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Board of Commissioners Proceedings on September 30, 2005 (continued from September 26, 2005 meeting)

Chairman Engel reconvened the meeting at 9:05 a.m.

Present: Commissioners Bill Engel, Pam Miller, Rick Bousquet, Betty O'Neill, and Jackie Hartnett. Also present: Nanci Walsh, Administrative Assistant acting as recording secretary; Steve Davis of HMN Architects; Jerry Johnson, Stan Wheelock and Darren of Johnson Construction; Terry of Architects; Sheriff Jim Wagner, Chief Deputy/Jail Administrator Rod Herron, and Sandy Dickens.

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to allow the Dakota County Treasurer to issue a cash advance to be submitted with the application to construct access for Knox Boulevard to the State of Nebraska. This application and payment was on the agenda and approved on Monday, September 26, 2005.

ROLL CALL VOTE: Miller-Yea; Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; and Engel-Yea. UNANIMOUS MOTION CARRIED.

Discussion began on the bid packages for the jail. The first item discussed was the smooth concrete versus the sandblast. Steve Davis presented a sample of the smooth concrete. It was the consensus of the board that was fine.

Discussion was had on the deleting the canopy that is over the front door of the jail and to the east. This will not change the look from the south of the jail and will be a cost savings in several bid packages. It was the consensus of the board to delete this item.

The cells should be arriving sometime in November. They are currently being constructed and then will be loaded on approximately nine rail cars. It is at least three weeks to delivery once the railroad has the cars with the cells loaded. These are coming from Tindall Corporation from the Atlanta, Georgia area.

There will be a preconstruction meeting on Friday, September 30, 2005 at 1:30 p.m. in the county board meeting room for the next contractors.

There was a brief discussion on the manual versus electronic controls for the heating system.

Bid Packages 6, 8, and 9 were discussed.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the award of Bid Package 6 - Asphalt Concrete Paving/Base Course/Line Striping in the amount of \$1,800.00 to Brower Construction; Bid Package 8-Structural/Arch Precast Concrete w/ installation to Wells Concrete with the base bid of \$1,137,821 with changes as 1, 2, 3, 5, 6, 7 & 8; and Bid Package 9-Unit Masonry to B & S Masonry for \$262,336; and that Jerry Johnson would continue to work on additional value engineering with these vendors.

ROLL CALL VOTE: Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; Engel-Yea; and Miller-Yea. UNANIMOUS MOTION CARRIED

The Board discussed Bid Packages 12, 13, 15, 16, 17, and 18.

Commissioner Bousquet moved, seconded by Commissioner Engel, to award Bid Package 12 to Chief Industries for the Detention Equipment in the amount of \$390,389 base bid less the value engineering of items 1- 4 as listed on the recommendations; Bid Package 15 to Winkler Roofing for the Roofing and Sheetmetal work in the base bid amount of \$147,893 less items 1-3 on the recommendations sheet and the further reduction for the savings from the canopy that has been deleted; Bid Package 14 to Quad States Caulking for the Firestop/Joint Sealants in the base bid amount of \$19,313; and Bid Package 18 for the Alum-Framed Entrances and Storefront to Modern Glass Company in the amount of \$18,600. And further moved and seconded to reject and rebid Bid Package 13 for the Engine Generator and Transfer Switch and to reject the bids for Bid Package 17 for the Overhead Coiling and Sectional Doors for which there were no bids.

ROLL CALL VOTE: O'Neill-Yea; Hartnett-Yea; Engel-Yea; Miller-Yea; and Bousquet-Yea. UNANIMOUS MOTION CARRIED

Discussion was had on the next set of bid packages.

Commissioner Miller moved, seconded by Commissioner Bousquet, to approve Bid Package 19 for the Metal Studs and Gyp Drywall Assemblies to Jarco Builders in the base amount of \$132,500 with an adjustment to be made due the deletion of the canopy; Bid Package 20 for the Acoustical Ceilings to Jarco Builders in the base amount of \$43,400; Bid Package 21 for the Resilient Floor Tile, Sheet Vinyl and Carpet to Complete Floors in the amount of \$23,158; Bid Package 23 for the Painting to Miller Painting Inc. in the base bid amount of \$69,850; and Bid Package 24 for the Laundry Equipment to RJ

Kool Company in the base bid amount of \$13,255; Bid Package 26 for the plumbing to Hander Inc. Plumbing and Heating for a base bid of \$323,400 less items 1, 3, 4, 6, 7, 8 and adding the alternate water softner. And to further reject and not rebid package 22 for Epoxy Resinous Floor System (there were no bids) and to reject Bid Package 25 for the food service equipment.

ROLL CALL VOTE: O'Neill-Yea except Bid Package 21 which is Nay; Hartnett-Yea; Engel-Yea except abstain on Bid Package 21; Miller-Yea; and Bousquet-Yea. MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Miller, to approve Bid Package 27 for the Fire Protection in the base amount of \$108,500 to Total Fire Protection Inc.; Bid Package 28 HVAC to Interstate Mechanical with the base bid of \$297,120; Bid Package 29 Automatic Temperature Controls to Star Controls for the base bid of \$76,373; and that all of these are subject to further value engineering by Jerry Johnson.

ROLL CALL VOTE: Hartnett-Yea; Engel-Yea; Miller-Yea; Bousquet-Yea; and O'Neill-Yea. UNANIMOUS MOTION CARRIED

Discussion was then had on Bid Package 30 the Electrical and Bid Package 31 the Security Electronics. After the discussion it was determined that the figures needed to be double checked. These items will be taken up again at the next board meeting.

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to reject Bid Package 32 for the Elevator.

ROLL CALL VOTE: Engel-Yea; Miller-Yea; Bousquet-Yea; O'Neill-Yea; and Hartnett-Yea. UNANIMOUS MOTION CARRIED

There was a brief discussion about the parking situation with Steve Davis. He recommended the board work with DGR the engineers on the jail project and save his fee, he will talk to DGR about what the Board suggested.

Chairman Engel adjourned the meeting at 11:20 a.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
OCTOBER 10, 2005 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE  
Dakota County Board of Commissioners  
October 10, 2005 Proceedings

The meeting was called to order by Chairman Engel at 1:30 p.m.

PRESENT: Commissioners Bill Engel, Rick Bousquet, Betty O'Neill, and Jackie Hartnett. Also present: Nanci Walsh, Administrative Assistant acting as recording secretary.

ABSENT: Commissioner Pam Miller and Theodore Piepho, County Clerk.

Leon Pies, Dakota County Weed Superintendent, appeared before the board regarding a joint application by Nebraska Loess Hills RC & D/Middle Missouri Valley Weed Management Area consisting of Dakota, Thurston, Burt, Washington, and Cuming counties. Grant dollars requested are \$8,133.32 and match is \$8,133.33 with Dakota County's match being \$2,967.50. Match is with existing funds, not new dollars.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the grant application from the Noxious Weed and Invasive Plant Species Assistance Fund.

ROLL CALL VOTE: Bousquet- Yea; O'Neill- Yea; Hartnett- Yea; Engel- Yea; and Miller-Absent. UNANIMOUS MOTION CARRIED

Bill Rohde, Road Foreman, appeared before the board regarding the purchase of Right-of-Way for Project BRO-7022(16) and the appointment of an appraiser to appraise said Right-of-Way.

Commissioner Bousquet moved, seconded by Commissioner Engel, to appoint Bill Rohde as negotiator and to have Mr. Rohde hire an appraiser for the Right-of-Way purchase for Project BRO-7022(16).

ROLL CALL VOTE: O'Neill- Yea; Hartnett- Yea; Engel- Yea; Miller-Absent; and Bousquet- Yea. UNANIMOUS MOTION CARRIED

Mr. Rohde then discussed the application of dust control by Cargill. Cargill is drafting an agreement that they will pay half and residents the other half. This will be a perpetual agreement and in following years the application of dust control will be done by September 15. All but one landowner has agreed to this.

Mr. Rohde presented another issue regarding dust control. Apparently one of the operators forgot to lift his blade when grading the road by Teri Dolezal and Richard McNear. Teri Dolezal requested reimbursement for the error in the amount of \$100. Discussion was had regarding setting a precedent. The county policy has been to try not to blade those areas that have dust control unless the areas are rough or unsafe. This was not the case in this instance.

Commissioner Hartnett moved, seconded by Commissioner O'Neill, to pay Teri Dolezal \$100 for the lost dust control due to an operator error.

ROLL CALL VOTE: Hartnett- Yea; Engel- Yea; Miller-Absent; Bousquet-Nay; and O'Neill- Yea.  
MOTION CARRIED

Jerry Johnson and Stan Wheelock of GA Johnson appeared before the board regarding Bid Package 30 for the Electrical and Bid Package 31 for the Security Electronics.

The original bids were Muth Electric Bid Package 30 \$697,927 and Com Tec Security Bid Package 31 \$770,900 for a total of \$1,468,827. After discussions with both Mr. Johnson recommended excepting the bids with Muth Electric Bid Package 30 - \$907,421 and Com Tec Security Bid Package 31 - \$311,650 for a total of \$1,219,071.

Commissioner Bousquet moved, seconded by Commissioner Engel, to award Bid Package 30 as modified to Muth Electric for \$907,421.

ROLL CALL VOTE: Engel- Yea; Miller-Absent; Bousquet- Yea; O'Neill- Yea; and Hartnett- Yea.  
UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to award Bid Package 31 to Com Tec Security for \$311,650.

ROLL CALL VOTE: Bousquet- Yea; O'Neill- Yea; Hartnett- Yea; Engel- Yea; and Miller-Absent.  
UNANIMOUS MOTION CARRIED

Mr. Johnson reported that Tindall will be done manufacturing the cells on October 12, 2005. Eleven rail cars are scheduled to transport them to Dakota City where they will be transferred to trucks and brought to the site. The site should be ready when they arrive.

Discussion was had on the parking situation. It may be spring before the lot in the front can be completed.

Commissioner O'Neill moved, seconded by Commissioner Hartnett, to open all the courthouse doors until such a time as parking is available in the front for handicapped and individuals with trouble walking.

ROLL CALL VOTE: O'Neill- Yea; Hartnett- Yea; Engel- Yea; Miller-Absent; and Bousquet-Nay.  
MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Hartnett, to convene in Executive Session to discuss a personnel/legal matter.

ROLL CALL VOTE: Hartnett- Yea; Engel- Yea; Miller-Absent; Bousquet- Yea; and O'Neill- Yea.  
UNANIMOUS MOTION CARRIED at 2:37 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel, to reconvene in regular session.

ROLL CALL VOTE: Engel- Yea; Miller-Absent; Bousquet- Yea; O'Neill- Yea; and Hartnett- Yea.  
UNANIMOUS MOTION CARRIED at 3:02 p.m.

Commissioner Bousquet moved, seconded by Commissioner O'Neill, to approve the minutes of September 26 and 30th.

ROLL CALL VOTE: Bousquet- Yea; O'Neill- Yea; Hartnett- Yea; Engel- Yea; and Miller-Absent.  
UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Engel, to table the Elsie Morgan tort claim.

ROLL CALL VOTE: O'Neill- Yea; Hartnett- Yea; Engel- Yea; Miller-Absent; and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to convene as Board of Equalization.

ROLL CALL VOTE: O'Neill- Yea; Hartnett- Yea; Engel- Yea; Miller-Absent; and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED at 3:15 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to levy the taxes as follows:
Note: Levies in bold are set by another county.

Table with 2 columns: 2004-2005, 2005-2006. Rows include DAKOTA COUNTY LEVIES, POLITICAL SUBDIVISIONS TAX RATE, County General Fund, County Relief Medical, etc.

Table with 7 columns: CITY/VILLAGE, General, Bond, Police Ret., Fire Library, 2004-2005, 2005-2006. Rows include Dakota City, \*Emerson, Homer, Hubbard, Jackson, South Sioux City.

Table with 7 columns: SCHOOL DISTRICT, GENERAL, BOND, SINKING, BUILDING, Quality CPU/haz mat, 2004-2005, 2005-2006. Rows include #4 Jackson, #11 So. Sioux, #31R Homer, etc.

Table with 7 columns: SUBDIVISION, GENERAL, LB 38, CAPITOL, ADA, INTRNT, 2004-2005, 2005-2006. Rows include Ag. Society, Ed. Service Unit, Historical Soc., etc.

Table with 7 columns: RURAL FIRE PROTECTION, GENERAL, BOND, SINKING, AMBULANCE, 2004-2005, 2005-2006. Rows include Dakota Covington, Emerson, Homer, etc.

ROLL CALL VOTE: Hartnett- Yea; Engel- Yea; Miller-Absent; Bousquet- Yea; and O'Neill- Yea. UNANIMOUS MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner O'Neill, to reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea; Miller-Absent; Bousquet- Yea; O'Neill- Yea; and Hartnett- Yea. UNANIMOUS MOTION CARRIED at 3:17 p.m.

The board reviewed the mail.

Chairman Engel adjourned the meeting at 3:20 p.m.

DAKOTA COUNTY COMMISSIONERS
William F. Engel, Chair

ATTEST
Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
 OCTOBER 17, 2005 PROCEEDINGS  
 BASEMENT MEETING ROOM  
 COUNTY COURTHOUSE  
 DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 10:03 a.m.  
 Roll call was taken with the following members present:  
 Commissioners Miller, Hartnett, O'Neill, Engel, and Ted Piepho, Secretary.  
 ABSENT: Commissioner Bousquet.

The agenda for the meeting was as follows:  
 DAKOTA COUNTY BOARD OF COMMISSIONERS  
 OCTOBER 17, 2005 AGENDA  
 COUNTY BOARD ROOM  
 DAKOTA COUNTY COURTHOUSE  
 DAKOTA CITY, NEBRASKA

1. 10:00 a.m. - Call meeting to Order  
 Roll Call  
 Pledge of Allegiance  
 Approve Minutes of October 10, 2005  
 Review and Approve Accounts Payable claims  
 Jail Tour
2. 11:45 a.m. Recess for Lunch
3. 1:30 p.m. Reconvene from Lunch
4. 1:31 p.m. Mark Olsen & Ed Matney Co. Atty - Woodbury County Juvenile Detention - Discuss the use of Woodbury County Juvenile Detention Center by Dakota Co.
5. 1:50 p.m. Executive Session for Personnel and legal matters
6. 2:10 p.m. Appoint Joe Flynn as Chief Deputy Public Defender
7. 2:15 p.m. Resolution prohibiting Sex Offenders to live within certain distance of a school.
8. 2:20 p.m. Officials Reports
9. Discuss Jail Project
11. Committee Reports
12. Public Comment
13. Mail and/or Emergency Business
14. Adjournment

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of October 10, 2005 as typed.  
 ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

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

Commissioner Bousquet arrived at 10:42 a.m.

Commissioner Miller informed the board that the Ethanol Plant had a couple of grants turned down because the applications had some technical problems with them. She said that SIMPCO had submitted the applications.

The Veteran's Service Office submitted his report in writing.  
 Dakota County Veterans Office  
 3rd Quarter Report

	Interviews	Applications Submitted
Federal Benefits		
Compensation	15	10
Pension	19	13
Education	2	2
Home Loans	3	2
Discharges	15	14
Burial	5	5
Medical Benefits	27	27
EVR	4	4
Appeals	2	1
Insurance	1	1
Transportation Request	15	7
Other	5	5
Power of Attorney VA Form 21-22	23	
State Benefits		
NVA Applications	15	15
Nebraska Veterans Home	2	1
Homestead Exemption	0	0
Wavier of Tuition	1	0
Discharges	15	14

Hunting/ Fishing Permits	2	2
Employment	5	1
Other		
Workload		
Calls Received	152	
Home Visits	41	
Outgoing Calls	128	
Office Visits	162	
Other		

The board proceeded to take their quarterly jail tour at 11:30. They finished their jail tour at 11:50 a.m. One note that needed corrective action was a dehumidifier caused water to run across the floor to a drain, which poses a safety problem.

The chair recessed their meeting at 11:50 for lunch from the Jail.

The chair reconvened their meeting at 1:27 p.m with all members of the county board and the County Clerk present.

Jerry Johnson said that they would start digging the footings for the new jail tomorrow. He provided the board with telephone numbers for himself, Darin and Dan. They are as follows:

Darin 605-929-4827

Dan 605-366-4433

Jerry's 605-366-5001

Job site 402-494-9205

Job site Fax Number 402-494-9206

Jackie informed Jerry that Nanci and her talked with Steve from the Tindall Corp and he said that unless the footing were poured by November 1, they were not going to permit the cells to be set. Jerry said they would be fine.

Ed Matney, County Attorney, Mark Olson, Woodbury County Juvenile Detention Center and Larry Claussen, Member of Board of Supervisors for Woodbury County, appeared before the board to discuss Dakota County using Woodbury County Juvenile Detention Center.

Mr. Claussen said that they don't have room to commit housing any of our juveniles with their present facility, but that if Dakota County were to pay for the construction cost up front and commit to \$100 per day per detention bed, they would construct five more.

Mr. Claussen estimated the cost of the construction to be \$500,000 but that he did not have anything concrete from an architect.

Dakota County members concern was the cash flow to pay out the initial construction cost. Discussion was had if Dakota County could pay those cost over several years.

Mr. Claussen said that Woodbury County would have some bonding authority to do that but mentioned three years.

Dakota County members questioned whether that was long enough.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into closed executive session to discuss personnel and legal matters.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 1:50 p.m.

Commissioner Hartnett moved, seconded by Commissioner Miller to reconvene into open session.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED 2:54 p.m.

Jerry Johnson reported back to the board and said that they would deliver the cells in three weeks.

Commissioner Bousquet, moved, seconded by Commissioner Hartnett that the County Attorney draft a resolution supporting the cities and villages mandating a certain distance that a sex offender has to reside from a school or day care.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Engel to table the appointment of the Chief Public Defender.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Engel to acknowledge receipt of and approve the Officials reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court Reports for the month of September, 2005 and the County Sheriff and Veteran Service Officer's Third Quarter Reports for the period July 1, through and including September, 2005.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the claims submitted by the County Clerk for payment as follows:

GENERAL FUND: Dakota County Star, publication- 208.01; Star Printing, letterhead- 60.00; Nanci Walsh, mileage- 28.13; Perkins, envelopes, supplies- 69.47; Theodore Piepho, cell phone- 20.00; Robert Giese, mileage- 101.85; 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; Microfilm Imaging Systems, lease- 240.00; Todds Storeall, storage- 80.00; Gene Cantrell, mileage, meeting attendance- 25.50; Jim Crosgrove, mileage, meeting attendance- 23.25; Jim Jepsen, mileage, meeting attendance- 32.25; Dick McCabe, mileage, meeting attendance- 42.00; Dick McNear, mileage, meeting attendance- 31.88; Marlan Millard, mileage, meeting attendance- 40.50; Donald Miller, mileage, meeting attendance- 49.13; Joe O'Neill, mileage, meeting attendance- 17.63; Perkins, supplies- 17.10; Dennis Reinert, mileage- 139.50; Martin Rohde, mileage, meeting attendance- 48.00; Carol Sue Dunham, mileage- 85.05; Executive Copy Systems, maintenance agreement- 279.13; Audio Videographics, tapes- 599.30; Harbro, judicial robe- 141.00; Kerri Irwin, reimbursement- 51.92; Paula Jensen, reimbursement- 12.65; Perkins, office supplies- 12.50; Kurt Rager, reimbursement- 15.90; Star Printing, envelopes- 582.50; Thomson West, CD rom service- 116.75; Iowa Office, supplies- 17.03; Nebraska Law Review, subscription- 42.20; William Binkard, reimbursement/copier- 450.10; Joseph Flynn, reimbursement/lodging, mileage- 200.65; Frank Gonzalez, interpreting- 440.00; Perkins, supplies- 344.75; Bryan Smith, Jr, mileage- 144.05; Dakota County Sheriff, papers, warrants- 1217.85; Coffee King, coffee- 40.92; Connie Lee, bill of exceptions- 97.50; Randy Hisey, attorney fees- 3060.00; Shelley Horak, attorney fees- 537.00; John Loos, Jr, attorney fees- 120.00; Michael Schmiedt, attorney fees- 735.00; Clerk of District Court, filing fees- 424.00; Frank Gonzalez, interpreting- 80.00; Holly Cook, mileage- 24.85; Dakota County Court, court costs- 1290.95; Thomas Fitch, attorney fees- 1290.40; Russ Fuchser, mileage- 24.85; Frank Gonzalez, interpreting- 40.00; Hurley Law Office, attorney fees- 300.00; Sandra Inkster Ehrich, attorney fees- 225.00; Cynthia James-Thomas, mileage- 25.82; Barbara Kueny, attorney fees- 255.50; Eloy Lemus, mileage- 24.85; Thurston County Sheriff, service fees- 35.04; Nathan Tucker, attorney fees- 114.60; Mary Walling, mileage- 24.85; Bear Graphics, envelopes- 117.08; Staples, supplies- 281.30; BenStar Packaging, janitorial supplies- 429.08; Cellular One, phone- 27.70; City of Dakota City, water, sewer- 1395.96; Dakota Food & Fuel, mower gas- 75.00; Electronic Engineering, beeper- 95.78; Gill Hauling, dumpster service- 130.00; Grainger, lights, tools- 559.11; Wilmes Hardware, plumbing supplies- 33.41; Richard Jensen, mileage- 181.10; Menards, building supplies- 1329.31; MidAmerican Energy, utilities- 1452.00; Nebraska Dept of Labor, elevator inspection- 75.00; NPPD, utilities- 2977.60; OKeefe Elevator, routine exam- 17.60; Sams Club, supplies- 459.18; Trembly Pest Control, pest control- 50.00; Dakota County Extension, reimbursement/postage, mileage, forum, storage, supplies, copier lease- 801.24; AJ Phillips, printing- 497.00; Cellular One, phone- 62.98; Circle R Frame Aligners, vehicle maintenance- 626.40; City of South Sioux City, reimbursement/telephone, fuel- 5014.41; Crystal Oil, fuel- 38.00; D & R Service, vehicle maintenance- 22.50; Dakota Food and Fuel, fuel- 113.91; Dakota County Treasurer, budgeted transfer- 7500.00; Dakota County Sheriff, socket- 6.40; Dakota County Star, publish notice- 8.68; m Economy Transmission, vehicle maintenance- 1405.52; Fremont Tire, vehicle maintenance- 169.40; Jacks Uniforms, uniform maintenance- 736.76; K & S Auto Service, vehicle maintenance- 296.40; NetSys+, computer support- 37.50; PepperBall Technologies, paint balls- 281.99; Poms Tire Service, tires- 396.45; Racom Corp, phone circuit- 596.00; Robertson Implement, dog food- 37.90; Siouxland Federal Cr Un, charge card- 1809.27; Siouxland Humane Society, animal control- 152.00; Siouxland NAPA, vehicle maintenance- 76.21; Stanard & Associates, deputy tests- 279.00; Staples, printer supplies- 46.89; Clerk of Douglas County, copies- 5.25; Dept. of Motor Vehicles, transcripts- 79.00; Iowa Office Solutions, service call- 314.08; Edward Matney, reimbursement/postage, mileage- 141.10; Perkins, office supplies- 88.69; Sprint, phone- 250.00; Thurston County Sheriff, subpoena- 21.53; City of South Sioux City, October- 22,284.58; Alegent Health Midlands, inmate medical- 203.62; American Bio Medica, drug test kits- 98.03; BI Inc, house arrest- 3359.75; Bob Barker, inmate supplies- 351.07; BenStar Packaging, laundry, inmate supplies- 203.87; Butler County Clinic, inmate medical- 128.00; Butler County Detention Center, housing inmates- 7260.00; CBM Food Service, inmate meals- 13068.36; Cass County Jail, housing inmates- 37050.00, Cellular One, phones- 111.95; City of South Sioux City, reimbursement/fuel- 113.45; ConocoPhillips, fuel jail transports- 531.58; Dakota County Sheriff, reimbursement/mileage- David City Discount Pharmacy, inmate medical- 224.07; DeLage Landen Financial, copier contract- 221.00; Dept of Correctional Services, housing inmates- 8566.64; Sandy Dickens, mileage- 165.87; Dixon County Sheriff, housing inmates- 5300.00; Good Neighbor Community Health, inmate medical- 368.54; iSECUREtrac Corp, house arrest- 967.50; Jackson Glass, windshield repair- 20.00; MTS Safety Products, rubber gloves- 443.63; Mercy Business Health, inmate house calls- 908.00; Mercy Medical Center, inmate medical- 351.60; Neb-Iowa RAD Consultants, inmate medical- 31.00; Nebraska Dept of Labor, unemployment- 1728.00; Dr. David Noble, inmate dental- 76.00; NE Nebraska Juvenile Service, inmate housing- 6773.75; NW Iowa Emergency Physicians, inmate medical- 215.00; Platte County Detention Facility, inmate housing- 4900.00; Redlers Pharmacy, inmate medical- 1779.44; Sams Club, inmate supplies- 11.63; Sioux City Ford, Ford E350 Van- 17024.00; Siouxland Federal Cr Un, credit card/transport fuel, meals- 93.78; Stanard & Associates, corrections tests- 692.50; Staples, printer supplies- 149.04; Jon Taylor, inmate medical- 44.21; Walmart, supplies- 151.47; Washington County Sheriff, inmate housing- 2200.00; Woodbury Co Juvenile Detention, housing inmates- 5800.00; Cellular One, phone- 27.70; Randy Crombie, workshop- 20.00; Cindy Purucker, mileage- 50.44; Pam DeVries, mileage- 145.98; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage, continuing ed- 148.19; Perkins, supplies- 12.72; Sanofi Pasteur, medicine- 480.01; CellularOne, 6 month phone- 192.00; Pam DeVries, battery, mileage- 51.72; Army Times, subscription- 39.95; Alan Boyd, mileage- 166.36; Electronic Engineering, pager- 13.95; Madison County Veterans Office, dues- 5.00; Perkins, supplies- 223.31; Thompson West, law books- 746.50; Aflac/Flex One, service fees- 45.00; AT&T, phone- 28.45; C&H Heavy Duty Spec, 3 month storage- 750.00; Cable One, internet- 269.95; Dakota County Recycling, share expense- 250.00; Dakota County Star, publishing- 355.07; De Lage Landen Financial, copier lease- 93.00; FSH Communications, payphone- 58.30; Lazette Gifford, website upkeep- 40.00; MIPS, payroll, claims, budget support- 358.85; Network Systems +, computer support- 112.50; Qwest, phone- 1374.38; Region IV, quarterly service/mentally disabled- 5320.25; Region 4 Behavioral Health, quarterly

service/mental health, substance abuse- 6856.25; US Postal Service, postage- 2500.00; WCS Telecom, phone- 408.57; Dakota County Treasurer, budgeted transfer- 10000.00.  
ROAD FUND: Aramark, towel service- 174.35; ATCO, shop supplies- 367.90; Barkley Asphalt, asphalt- 85.20; Carquest, oil- 99.36; Cellular One, phone- 33.12; Colonial Research, shop supplies- 66.94; Electronic Engineering, beeper- 19.90; Erlandson Transportation, gravel- 3549.16; Flaugh's Pronto, fuel- 141.42; Gill Hauling, dumpster service- 47.00; Higman Sand & Gravel, road rock- 6310.00; Hubbard Mini Mart- fuel- 3819.06; H2O4U, water service- 47.50; Joes Department Store, parts/supplies/tools- 160.83; Kimball Midwest, supplies- 390.90; Linweld, oxy/acetylene- 31.90; MARX Truck Trailer Sales, parts- 935.56; Richard McNear, prior years- 5.00; Midwest Service, steel, bridge spikes- 12261.20; Mikes Electric & Plumbing, shop lights- 186.45; Newman Traffic Signs, signs- 258.62; Northeast Equipment, tractor rental- 900.00; NPPD, utilities- 23.68; NNTC, telephone- 199.38; NACO, grader payment- 33332.81; Leon Pies, clothing allowance- 50.00; Pilger Sand & Gravel, gravel- 556.97; Piorier Equipment, visor, filters- 420.62; Power Plan/Murphy, filters and repairs- 567.23; Rees Mack Sales, repair- 444.03; Road Machinery and Supply, supplies- 27.36; Bill Rohde, reimbursement/Cindy's farewell- 64.72; Siouxland NAPA, parts, supplies, tools- 787.97; Tractor Supply, tools- 358.97; Utility Equipment Co, pipe- 347.60; Warren Oil, diesel, grease- 5517.65; Zieglers, parts, labor- 559.09; Menards, engraver, antifreeze- 43.27.  
HARD SURFACE ROADS: Union Bank and Trust, bond funds/interest- 15161.95.  
ROAD IMPROVEMENT: JEO, engineering services- 7594.50; Dakota County Treasurer, reimburse cash advance/Knox Blvd fee- 2,000.00.  
VETERANS AID: Veterans Service Office, emergency relief- 3400.00.  
JUVENILE ACCOUNTABILITY: BI Inc, electronic monitoring- 462.00; Amanda Jones, mileage- 28.70.  
COMMUNITY CORRECTIONS: American Bio Medica Corp, drug tests- 101.84.  
INHERITANCE TAX: Magic Carpet and Drapery, Probation Office carpet- 1528.35.  
PUBLIC SAFETY SALES TAX: City of South Sioux City, 12% sales tax/July-2297.81; Jail Bond Fund 3300, 88% sales tax/July- 16850.62.  
HANDICAP ACCESSIBILITY: Five Star Awards, access sign- 62.88.  
JAIL PROJECT FUND: GA Johnson, constructions management fees- 24000.00; HMN Architects, jail project- 11319.15; LeGrand & Company, appraisal- 6064.50; Linblom Services, portable toilet- 86.00.  
NOXIOUS WEED FUND: Edwards Top Line, labor and repairs- 1332.04; Hubbard Mini Mart, fuel- 317.00.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Chairman Engel adjourned the meeting at 3:12 p.m.

DAKOTA COUNTY COMMISSIONERS

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William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
OCTOBER 24, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m.

Present were: Commissioners Engel, Hartnett, O'Neill and Ted Piepho, Secretary.

Absent: Commissioners Bousquet and Miller.

The County Clerk departed the meeting at 1:32 a.m. with Nanci Walsh assuming the duties of Secretary.

Brenda Shald appeared before the board to see if the county wanted her to look at the overall communications systems to see if a savings could be had by double billing.

County Clerk, Ted Piepho returned to the meeting at 1:50 p.m. to assume the duties of Secretary.

Dennis Reinert, Planning and Zoning Administrator, appeared before the board with a Revised Building Permit Application and a revised fee schedule for building permits. The fee schedule was as follows:

Square Footage	Cost of Permit
Site Location only	\$ 25.00
100-499	\$ 275.00
500-749	\$ 300.00
750-999	\$ 325.00
1000-1249	\$ 350.00



1250-1499	\$ 375.00
1500-1749	\$ 400.00
1750-1999	\$ 425.00
2000-2249	\$ 450.00
2250-2749	\$ 475.00
2750-3000	\$ 500.00

An additional fee of \$.05 per square foot will be charged for living space in excess of 3000 square feet. For buildings that require site location only, a fee of \$25.00 will be assessed.

Randy Crombie appeared before the board to ask the board to amend the One and Six Year Road Plan to include the Knox Blvd. Paving Project C22-210 on the One Year Plan. The cost of the project will be approximately \$170,000 and \$100,000 would be funded by a grant.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt Resolution 05C-029 adding Knox Blvd. Paving Project C22-210 to the One Year Road Plan as follows:

RESOLUTION 05C - 029

Whereas the Dakota County highway Superintendent has requested to amend the 1 and 6 year program because of the new ethanol plant on the west end of Knox Blvd. adjoining Highway 20. Legal description: Part SE 1/4 Sec. 27 T29N R7E, Part NE 1/4 Sec.34 T29N R7E

WHEREAS, the extreme west end of Knox Blvd will be subject to heavy truck traffic generated by this new business,

WHEREAS, Siouxland Ethanol Plant has requested that one-tenth of a mile on Knox Blvd. be paved.

WHEREAS, Siouxland Ethanol Plant has been award a grant of \$100,000 for said paving project on Knox Blvd.

WHEREAS, it is the desire of the Dakota County Board of Commissioners to pay one-tenth of a mile on Knox Blvd.

BE IT RESOLVED, that the amendments be added to the current 1 and 6 Year Road Program of said County as Project No. C-22(210)

Adopted at Dakota City, Nebraska, this 24th day of October, 2005.

ATTEST;

BOARD OF COMMISSONERS  
DAKOTA COUNTY. NEBRASKA

\_\_\_\_\_  
Theodore A Piepho  
County Clerk

\_\_\_\_\_  
Bill Engel,  
Chairman

ROLL CALL VOTE: Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Abstained, MOTION CARRIED.

Brian McDonald, with JEO appeared before the board and asked the board to approve the final plans for the Knox Blvd. Paving Project C22-210.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Final Plans as presented by Brian McDonald, with JEO and to authorize the Chair to sign the Title Sheet.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Abstained, Bousquet- Absent, MOTION CARRIED.

Brian McDonald also had in hand the Final Plans for the Bridge Project BRO-7022(16) Hubbard Southwest. This project is sometimes referred to as the Rosie Purucker Bridge.

Mr. McDonald said that there had not been any changes to the design of the 100' bridge.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the Final Plans for the Bridge Project BRO-7022(16) Hubbard Southwest, sometimes referred to as the Rosie Purucker Bridge and to authorize the chair to sign the Title Sheet for said project.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Absent, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Mr. McDonald informed the board that he has sent bid requests to Negas Construction and Steve Harris Construction to do the construction on moving Wigle Creek Road 90' south of its present location. He had not heard from either of them and will be contacting them to see if they are interested in doing the project.

Ed Matney, County Attorney, presented Resolution 05C-030 pertaining to individuals on the Sex Offender List living within a certain distance of a school.

Commissioner Miller moved, seconded by Commissioner Engel to adopt Resolution 05C-030 that the Mayor and City Council of the City of South Sioux City and Mayor and City Council of the City of Dakota City are commended for their innovative and timely efforts to protect the children of our community from the scourge of sexual predators, as follows:

RESOLUTION 05C-030

**A RESOLUTION BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS COMMENDING SOUTH SIOUX CITY OFFICIALS AND DAKOTA CITY OFFICIALS FOR ENACTING ORDINANCES ADDRESSING SEX OFFENDERS.**

WHEREAS convicted sex offenders present a serious risk to repeat their sex offenses;  
 WHEREAS sex offenders often employ deception and/or physical violence to perpetrate their crimes on innocent victims;  
 WHEREAS sex offenders frequently victimize children, who are unable to protect themselves;  
 WHEREAS, on September 12, 2005, the Mayor and City Council of the City of South Sioux City enacted an ordinance, believed to be the first of its kind in the State of Nebraska, restricting where sex offenders may live and prohibiting property owners from renting certain real property to sex offenders;  
 WHEREAS on October 6, 2005, the Mayor and City Council of the City of Dakota City enacted an ordinance restricting where sex offenders may live and prohibiting property owners from renting certain real property to sex offenders; and  
 WHEREAS the efforts of the city officials of the City of South Sioux City and the city officials of the City of Dakota City to protect our children are worthy of great praise;  
 NOW, THEREFORE, BE IT RESOLVED by the Dakota County Board of Commissioners that the Mayor and City Council of the City of South Sioux City and Mayor and City Council of the City of Dakota City are commended for their innovative and timely efforts to protect the children of our community from the scourge of sexual predators.  
 DATED this 24th day of October, 2005.

\_\_\_\_\_  
Commissioner Bill Engel  
Chair

\_\_\_\_\_  
Commissioner Jacqueline Hartnett

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Commissioner Rick Bousquet

\_\_\_\_\_  
Commissioner Pamela Miller

\_\_\_\_\_  
Commissioner Betty O'Neill

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Edward H. Matney  
County Attorney

**ATTEST:**

\_\_\_\_\_  
Theodore A. Piepho  
County Clerk

ROLL CALL VOTE: Engel- Yea, Miller- Yea, and Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill, to transfer Dakota County Abandoned Vehicle Title Number 05292700010 on a 1990 Pontiac Trans Am bearing the serial number 1GMCU06DOLT230857 and Title No. 05292700007 on a 1991 Dodge Caravan bearing the serial number 2B4GK55R7MR180129 and Title No. 05292700009 on a 1994 Mazda 626 bearing the serial number 1YVGE22D5R5108183 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles.

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of October 19, 2005, as typed.

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

**Payroll claims paid according to the handbook are as follows:**

COUNTY GENERAL FUND: Gross salaries- \$79,882.19, General Fund Employees Net Pay- \$55,731.91, Employer deductions paid: Retirement- 4,974.04, Retirement Makeup- 34.44, Social Security Tax- 4,800.21, Medicare- 1,122.62, DC Health Plan- 15,847.00, DC Dental Plan- 614.25, Life Insurance- 146.25.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1230.77, Daniel Christoffers- 378.80, Marisol Curiel- 320.00, Bobbi Jo Harsma- 954.50, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 827.20, Robert Giese- 1450.04, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 160.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1098.18, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 792.80, Carol Dunham- 1055.94, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1849.19, Dustin Kinsey- 804.80, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 714.10, Jeremy Bermel- 1417.90, Anthony Bos- 1320.80, Brad Claypool- 1647.42, Sandy Dickens- 1030.08, Brian Ellinger- 1603.85, Todd Hammer- 1469.40, Melvin Harrison III- 1439.90, Rodney Herron- 1626.90,

Kimberly Johnson- 451.54, Jared Junge- 1554.48, Michael Kreegar- 1406.02, Gayle Richards- 767.20, Kevin Rohde- 1164.80, James Wagner- 1813.63, Randall Walsh- 1502.30, Rita Chase- 984.00, Amber Hegarty- 1692.31, Aimee Kennedy- 743.76, Edward Matney III- 2346.03, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1837.16, Richard Criss- 1140.75, Eric Davis- 1244.75, Penny Epting- 1217.13, Ronald Fink Jr.- 1147.25, John Gilles- 1285.30, Alma Gunderson- 1148.00, Paula Harrigfeld- 585.90, Brenda Harrison- 420.00, Cathy Harsma- 1154.25, Joseph Ramirez- 1181.25, Krystal Ramirez- 1151.57, Linda Schovanec- 1241.68, Randall Crombie- 115.39, Jolene Gubbels- 481.00, Cynthia Purucker- 137.04, Leon Pies- 550.80, Pamela DeVries- 1454.50, Gloria Dwyer- 890.40, Patricia Glover- 1034.77, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,508.51, State- 2,668.45, Social Security Tax- 4,800.21, Medicare- 1,122.62, Retirement- 3,380.11, Retirement Makeup- 24.44, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 85.00, Deferred Comp- 660.78, Garnishments- 1,349.75, Aflac Health- 453.62, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,996.95, Road Employees Net Pay- \$9,202.25, Employer deductions paid: Retirement- 786.45, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 774.53, Medicare- 181.14.

Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1109.60, Arnold Mellick- 1113.60, Marlan Millard- 1113.60, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,084.45, State- 398.12, Social Security- 774.53, Medicare- 181.14, Retirement- 524.27, DC Health Plan- 300.70, DC Dental Plan- 78.32, Reassure America Life- 9.76, Union Dues- 200.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

COPS FAST GRANT: Gross salaries- 1,522.55, Cops Fast Employee Net Pay- 1,037.55, Employer deductions paid: Retirement- 118.00, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 94.40, Medicare- 22.08, Brent Gilster- 1522.55.

COPS FAST GRANT: Employee withholding paid to: Federal- 209.51, State- 70.27, Social Security- 94.40, Medicare- 22.08, Retirement- 83.74, Sheriff Union Dues- 5.00.

VISITORS PROMOTION: SSC Chamber of Commerce: Lodging Tax- 15,660.16

Chair Engel adjourned their meeting at 2:24 p.m.

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 7, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m.

Present were: Commissioners Engel, O'Neill, Miller, Bousquet and Ted Piepho, Secretary.  
Absent: Commissioner Hartnett.

John Trecek, with Ameritas Investment Company appeared before the board concerning asking them to adopt A RESOLUTION AUTHORIZING THE ISSUANCE OF CORRECTIONAL FACILITIES BONDS (SALES TAX PAYMENT SOURCE), SERIES 2005, OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$4,725,000) FOR THE PURPOSE OF PROVIDING FOR A JAIL/CORRECTIONAL FACILITY AND EQUIPPING AND FURNISHING SUCH FACILITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME INCLUDING AMOUNTS RECEIVED FROM THE CITY OF SOUTH SIOUX CITY PURSUANT TO A LEASE-PURCHASE AGREEMENT ASSIGNED TO THE COUNTY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; APPROVING AN APPRAISAL; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS.

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt Resolution 05C-031 A RESOLUTION AUTHORIZING THE ISSUANCE OF CORRECTIONAL FACILITIES BONDS (SALES TAX PAYMENT SOURCE), SERIES 2005, OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$4,725,000) FOR THE PURPOSE OF PROVIDING FOR A JAIL/CORRECTIONAL FACILITY AND EQUIPPING AND FURNISHING SUCH FACILITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME INCLUDING AMOUNTS RECEIVED FROM THE CITY OF SOUTH SIOUX CITY PURSUANT TO A LEASE-PURCHASE AGREEMENT ASSIGNED TO THE COUNTY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; APPROVING AN APPRAISAL; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS as follows and that the Chair and County Clerk be authorized to sign the documentation following said resolution:

RESOLUTION NO. 05C-031

A RESOLUTION AUTHORIZING THE ISSUANCE OF CORRECTIONAL FACILITIES BONDS (SALES TAX PAYMENT SOURCE), SERIES 2005, OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$4,725,000) FOR THE PURPOSE OF PROVIDING FOR A JAIL/CORRECTIONAL FACILITY AND EQUIPPING AND FURNISHING SUCH FACILITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME INCLUDING AMOUNTS RECEIVED FROM THE CITY OF SOUTH SIOUX CITY PURSUANT TO A LEASE-PURCHASE AGREEMENT ASSIGNED TO THE COUNTY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; APPROVING AN APPRAISAL; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA:

Section 1. The Board of Commissioners (the "Board") hereby finds and determines (a) that there has been submitted to the voters of Dakota County at a special election held on August 10, 2004 the question of issuing the bonds of the County in the principal amount of Seven Million Twenty-five Thousand Dollars (\$7,025,000) for the purpose of providing for a Jail/Correctional Facility and equipping and furnishing such facility (the "Project"); that notice of such election was given by publication in the Dakota County Star on July 8, July 15, July 22, July 29 and August 5, 2004; (b) that at said election such question was submitted and the Election Commissioner of Dakota County has reported that a total of 2,326 ballots were cast and of such total 1,937 were in favor of issuing such bonds and 389 were against issuing such bonds; (c) that to provide for taxes levied to meet the liability on such bonds of the County in accordance with Section 23-127, R.R.S. Neb. 1997, there was also submitted at the same special election two separate propositions as follows: 1) pursuant to Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003, (the "Local Option Revenue Act"), there was submitted at the special election held on August 10, 2004 (the "City Sales Tax Election") to the voters of the City of South Sioux City, Nebraska, (the "City") the question of imposing an additional sales and use tax of one-half of one percent (0.5%) upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax, with 88% of the collections in each year (the "City Sales Tax Portion") to be applied to paying principal and interest on bonds for the construction of a new Dakota County Jail/Correctional Facility including retirement of lease-purchase indebtedness for funding the City's contribution under an interlocal cooperation agreement with the County and 2) pursuant to Section 13-319, R.S. Supp. 2003, and Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003, (the "County Local Sales and Use Tax Statutes"), there was submitted at the special election held on August 10, 2004 (the "County Sales Tax Election") to the voters of Dakota County, other than the voters of the City (which is the only municipality within the County which has adopted a local sales tax) the question of imposing a sales and use tax of one-half of one percent (0.5%) on the same transactions within Dakota County other than in municipalities which impose a local option sales tax on which the State of Nebraska is authorized to impose a tax, with 88% of the collections in each year (the "County Sales Tax Portion") to be applied to paying principal and interest of bonds for the construction costs of a new Dakota County Jail/Correctional Facility; (d) that notice of the City Sales Tax Election was given by publication in the Dakota County Star on July 22, July 29 and August 5, 2004; that notice of the County Sales Tax Election was given by publication in the Dakota County Star on July 8, July 15, July 22, July 29 and August 5, 2004; (e) that the Election Commissioner of Dakota County has reported with respect to the City Sales Tax Election that a total of 1,107 ballots were cast and of such total 977 were in favor of the proposition for levying the tax and 130 were against such proposition; that the Election Commissioner of Dakota County has reported with respect to the County Sales Tax Election that a total of 1,233 ballots were cast and of such total 997 were in favor of the proposition for levying the tax and 236 were against such proposition; (f) that the City and the County have previously entered into an agreement entitled Interlocal Agreement dated June 14, 2004 (the "Interlocal Agreement") under Sections 13-801 to 13-827, R.R.S. Neb. 1997, as amended, (the "Interlocal Act") and have each by separate resolution approved an Amendment to Interlocal Agreement (the "Amendment" and together with the Interlocal Agreement, the "Amended Agreement") amending the Interlocal Agreement and creating the Dakota County Jail/Correctional Facilities Agency (the Agency); that the Amendment has been executed and delivered by the County and the City; (g) that in order to carry out the provisions of the Amended Agreement and provide for payment of the City's contribution for funding the payments of principal and interest on the bonds herein authorized the City and the Agency have entered into a Lease-Purchase Agreement (the "City Lease-Purchase Agreement") for purchase by the City from the Agency of an undivided one-half interest in the Project and obligating payment of the City Sales Tax Portion under Section 19-2421, R.R.S. Neb. 1997, as amended; (h) that in order to carry out the provisions of the

Amended Agreement and provide for the costs of the Project and for funding by the County of a portion of the payments of principal and interest on the bonds herein authorized from the County Sales Tax Portion, the County and the Agency have entered into a Lease-Purchase Agreement (the "County Lease-Purchase Agreement") for purchase by the County from the Agency of an undivided one-half interest in the Project under Section 23-3114, R.R.S. Neb. 1997, as amended; (i) that for purposes of paying a portion of the costs of the Project and in view of uncertainties with respect to the sufficiency of the City Sales Tax Portion and the County Sales Tax Portion, the County has pursuant to a resolution adopted on July 5, 2005 (the "Property Tax Bond Resolution") previously issued its Correctional Facilities Bonds (Property Tax Payment Source), Series 2005, in the principal amount of \$2,300,000 (the "Property Tax Bonds") with such bonds being issued in lieu of bonds payable from the City Sales Tax Portion and the County Sales Tax Portion thereby reducing the amount of such bonds required to be issued from \$7,025,000 to \$4,725,000; (j) that all conditions and things required to exist previous to the issuance of the County's bonds in the principal amount of \$4,725,000 and providing for payment of the principal and interest thereon pursuant to the propositions described and referred to in this Section 1 and pursuant to Section 23-120, R.R.S. Neb. 1997, as amended, do exist and have happened as required by law.

Section 2. For the purposes described in Section 1 hereof, there shall be and there are hereby ordered issued the bonds of the County to be designated as Correctional Facilities Bonds (Sales Tax Payment Source), Series 2005" of The County of Dakota, in the State of Nebraska, in the principal amount of Four Million Seven Hundred Twenty-five Thousand Dollars (\$4,725,000) (the "2005 Bonds"), with said bonds bearing interest at the rates per annum and to become due on July 1 of the years as indicated below:

Maturing on July 1 of Year	Amount of Principal Maturing	Interest Rate Per Annum
2006	\$350,000	3.30%
2007	400,000	3.45
2008	400,000	3.60
2009	450,000	3.75
2010	475,000	3.90
2011	475,000	4.05
2012	500,000	4.20
2013	525,000	4.30
2014	550,000	4.40
2015	600,000	4.50

The 2005 Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue of the 2005 Bonds shall be the date of delivery thereof. Interest on the 2005 Bonds, at the respective rate for each maturity, shall be payable on July 1, 2006 and semiannually thereafter of January 1 and July 1 of each year (each an Interest Payment Date"), and the 2005 Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day of the month immediately preceding the month in which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. The 2005 Bonds shall be numbered from 1 upwards in the order of their issuance. No 2005 Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the 2005 Bonds issued shall be as directed by the initial purchasers thereof. Payments of interest due on the 2005 Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 3 hereof (the "Paying Agent and Registrar"), by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each 2005 Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity together with any unpaid interest accrued thereon shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the 2005 Bonds to the Paying Agent and Registrar. The County and the Paying Agent and Registrar may treat the registered owner of any 2005 Bond as the absolute owner of such 2005 Bond for the purpose of making payments thereon and for all other purposes and neither the County nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such 2005 Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any 2005 Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the County and the Paying Agent and Registrar, in respect of the liability upon the 2005 Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The Fremont National Bank and Trust Company, Fremont, Nebraska is hereby designated to serve as Paying Agent and Registrar for the 2005 Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the County and said Paying Agent and Registrar, the form of which is hereby approved. The Chairperson of the Board of Commissioners and the County Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this Resolution was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the County books for the registration and transfer of the 2005 Bonds at its principal corporate trust office in Fremont, Nebraska. The names and registered addresses of the registered owner or owners of the 2005 Bonds shall at all times be recorded in such books. Any 2005 Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of

transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the County will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners risk and expense), registered in the name of such transferee owner or owners, a new 2005 Bond or 2005 Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the 2005 Bonds by this Resolution, one 2005 Bond may be transferred for several such 2005 Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such 2005 Bonds may be transferred for one or several such 2005 Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a 2005 Bond, the surrendered 2005 Bond or 2005 Bonds shall be cancelled and destroyed. All 2005 Bonds issued upon transfer of the 2005 Bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the 2005 Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the 2005 Bonds upon transfer of which they were delivered. The County and said Paying Agent and Registrar shall not be required to transfer any 2005 Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any 2005 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the 2005 Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the 2005 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The 2005 Bonds maturing on or after July 1, 2011, shall be subject to optional redemption from any source, including but not limited to proceeds of refunding bonds, in whole or in part, prior to maturity on the fifth anniversary of the date of original issue of the 2005 Bonds, or at any time thereafter, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. Such optional redemption shall be made from time to time as shall be directed by the Board of Commissioners of the County. The County may select the 2005 Bonds for any such optional redemption in its sole discretion. 2005 Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Any 2005 Bond redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new 2005 Bond evidencing the unredeemed principal thereof. Notice of redemption of any 2005 Bond called for redemption shall be given, at the direction of the County, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such 2005 Bond at said owner's registered address. Such notice shall designate the 2005 Bond or 2005 Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such 2005 Bond or 2005 Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any 2005 Bond partially redeemed, such notice shall specify the portion of the principal amount of such 2005 Bond to be redeemed. No defect in the mailing of notice for any 2005 Bond shall affect the sufficiency of the proceedings of the County designating the 2005 Bonds called for redemption or the effectiveness of such call for the 2005 Bonds for which notice by mail has been properly given and the County shall have the right to direct further notice of redemption for any such 2005 Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the 2005 Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

Section 7. The 2005 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
CORRECTIONAL FACILITIES BOND (SALES TAX PAYMENT SOURCE), SERIES  
2005  
OF  
THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA

No. \_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate    Maturity Date    Date of Original Issue    CUSIP No.

\_\_\_\_\_%    July 1, \_\_\_\_    November 29, 2005

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That The County of Dakota, in the State of Nebraska, for value received, hereby promises to pay to the registered owner specified above, or registered assigns, but only from the special sources referred to herein, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable on July 1, 2006 and semiannually thereafter on January 1 and July 1 of each year (each, an "Interest Payment Date"). Such

interest shall be computed on the basis of a 360-day year consisting of twelve 30 day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption) is payable upon presentation and surrender of this bond at the principal corporate trust office of The Fremont National Bank and Trust Company, Fremont, Nebraska, as Paying Agent and Registrar. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day of the month immediately preceding the month in which the Interest Payment Date occurs, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of Four Million Seven Hundred Twenty-five Thousand Dollars (\$4,725,000) of even date and like tenor, except as to date of maturity, rate of interest and denomination, which were issued by the County for the purpose of providing for a Jail/Correctional Facility and equipping and furnishing such facility for use by the County and the City of South Sioux City, Nebraska (the "City"). The issuance of said bonds has been approved by the voters of the County at an election held on August 10, 2004 and duly authorized by resolution duly adopted (the "Resolution") and by proceedings duly had by the Board of Commissioners of The County of Dakota, in the State of Nebraska, pursuant to Section 23-120, R.R.S. Neb. 1997, as amended.

Any or all of the bonds of said issue maturing on or after July 1, 2011, are subject to redemption at the option of the County from any source of funds, in whole or in part, on the fifth anniversary of the date of original issue shown above or at any time thereafter, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption.

Notice of redemption shall be given by mail to the registered owner of any bond called for redemption in the manner specified in the Resolution authorizing said issue of bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefore, a registered bond or registered bonds for the unpaid principal balance of like series, maturity and interest rate in any of the authorized denominations provided for in the Resolution.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the principal corporate trust office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Resolution, subject to the limitations therein prescribed. The County, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all other purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the day for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

In order to provide for taxes levied to meet the liability on the bonds of this issue, there was submitted at the special election held on August 10, 2004, two separate propositions as follows: 1) pursuant to Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003 (the "Local Option Revenue Act"), there was submitted to the voters of the City the question of imposing an additional sales and use tax of one-half of one percent (0.5%) upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax (the "City Sales Tax"), with 88% of the collections in each year (the "City Sales Tax Portion" ) to be applied to paying principal and interest on bonds for the construction of a new Dakota County Jail/Correctional Facility including retirement of lease-purchase indebtedness for funding the City's contribution under an interlocal cooperation agreement with the County and 2) pursuant to Section 13-319, R.S. Supp. 2004 and Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2003, there was submitted to the voters of Dakota County, other than the voters of the City, the question of imposing a sales and use tax of one-half of one percent (0.5%) on the same transactions within Dakota County, other than in municipalities which impose a local option sales tax, on which the State of Nebraska is authorized to impose a tax (the "County Sales Tax") with 88% of the collections (the "County Sales Tax Portion") to be applied to paying principal and interest of bonds for the construction costs of a new Dakota County Jail/Correctional Facility; that the City and the Dakota County Jail/Correctional Facilities Agency ("Agency") have entered into a Lease Purchase Agreement (the "Agreement") providing for payments of the City Sales Tax Portion and the Agency has assigned the Agreement and the payment rights thereunder in order to provide for the payment of the bonds of this issue and that the County in the Resolution has agreed to collect and apply the County Sales Tax Portion to provide for payment of the principal and interest on the bonds of this issue. The bonds of this issue are limited obligations of the County payable from amounts provided from the City Sales Tax Portion and the County Sales Tax Portion and from any other funds of the County legally available to make such payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said County, including this bond, does not exceed any limitation imposed by law.

This bond shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar.

AS PROVIDED IN THE RESOLUTION REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE RESOLUTION, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IN WITNESS WHEREOF, the Board of Commissioners of The County of Dakota, in the State of Nebraska, has caused this bond to be executed on behalf of the County with the manual or facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and by causing the official seal of the County to be impressed or imprinted hereon, all as of the date of original issue specified above.

THE COUNTY OF DAKOTA, IN THE  
STATE OF NEBRASKA  
\s\ William F. Engel  
Chairperson

ATTEST:  
\s\ Theodore A. Piepho  
County Clerk

(SEAL)

(END OF RESOLUTION)  
CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Resolution adopted by the Board of Commissioners of The County of Dakota, in the State of Nebraska, as described in said bond.

The Fremont National Bank and Trust Company,  
Fremont, Nebraska, Paying Agent and Registrar

\_\_\_\_\_  
Authorized Signature

(FORM OF ASSIGNMENT)

For value received \_\_\_\_\_ hereby sells, assigns, and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Registered Owner(s)

Signature Guaranteed  
By \_\_\_\_\_  
\_\_\_\_\_  
Authorized Officer



Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the 2005 Bonds shall be executed on behalf of the County with the manual or facsimile signatures of the Chairperson and County Clerk of the County. The 2005 Bonds shall be issued initially as "book-entry only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the County are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter previously executed and delivered by the County), for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the 2005 Bonds. Upon issuance of the 2005 Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The County and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds 2005 Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a 2005 Bond from a Bond Participant while the 2005 Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the 2005 Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the 2005 Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the 2005 Bonds. The Paying Agent and Registrar shall make payments with respect to the 2005 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such 2005 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange 2005 Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the County, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the 2005 Bonds or (ii) to make available 2005 Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such 2005 Bonds shall designate.

(c) If the County determines that it is desirable that certificates representing the 2005 Bonds be delivered to the ultimate Beneficial Owners of the 2005 Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the 2005 Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the 2005 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any 2005 Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such 2005 Bond and all notices with respect to such 2005 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the 2005 Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the 2005 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement.

(f) In the event of any partial redemption of a 2005 Bond unless and until such partially redeemed 2005 Bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such 2005 Bond as is then outstanding and all of the 2005 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced or upon termination by the County of book-entry-only form, the County shall immediately provide a supply of bond certificates for

issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the County agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any 2005 Bond shall cease to be such officer before the delivery of such 2005 Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such 2005 Bond. The 2005 Bonds shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar. The 2005 Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the 2005 Bonds, they shall be delivered to the County Treasurer, acting on behalf of the County, who is authorized to deliver them to Ameritas Investment Corp. and SMITH HAYES Financial Services Corporation, as initial purchasers thereof, upon receipt of the purchase price of \_\_\_\_\_% of the principal amount thereof plus accrued interest on the principal amount of the 2005 Bonds to date of payment for the 2005 Bonds. The Chairperson is hereby authorized to execute and deliver the Bond Purchase Agreement for the sale of the 2005 Bonds between the County and said purchasers in the form presented. Said initial purchasers shall have the right to direct the registration of the 2005 Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. The County Clerk shall record the proceedings of the Board of Commissioners in the book of records of the proceedings of the County and make and certify a transcript of the proceedings of the Board of Commissioners with respect to the 2005 Bonds which shall be delivered to said purchasers. Such purchasers and their agents, representatives and counsel (including their bond counsel) are hereby authorized to take such actions on behalf of the County as are necessary to effectuate the closing of the issuance and sale of the 2005 Bonds, including, without limitation, authorizing the release of the 2005 Bonds by the Depository at closing.

Section 9. Accrued interest, if any, received from the sale of the 2005 Bonds shall be applied to pay interest falling due on July 1, 2006. Expenses of issuance of the 2005 Bonds may be paid from the proceeds of the 2005 Bonds. The net principal proceeds of the 2005 Bonds shall be deposited into a special fund of the County, held by the County Treasurer of the County, established under the Property Tax Bond Resolution and designated as the "Dakota County Jail/Correctional Facility Project Construction and Acquisition Fund" (the "Construction Fund") into a separate account to be held with respect to the 2005 Bonds. Monies in the Construction Fund shall be disbursed upon order of the Board of Commissioners. Pending application, monies in the Construction Fund may be invested in any investments permitted for counties in the state of Nebraska, maturing or redeemable at such times as will provide sufficient funds to pay the costs of the Project. Any earnings on said investments may be applied to pay further costs of the Project or, upon written direction from the Board of Commissioners, may be transferred to the Bond Payment Fund created in Section 10 below to be credited against amounts required to be deposited therein for payments of principal and interest on the 2005 Bonds as the same fall due. Costs of the Project shall include, but not be limited to land or land rights acquisition, construction, equipment, engineering and consulting fees and expenses, legal fees and expenses related to the Project and costs for utilities and any costs associated with obtaining any required permits for the Project, including reimbursement to the County or the City for any such costs advanced by the County or the City. In accordance with the terms of the Amended Agreement and the County Lease-Purchase Agreement, title to the Project as and when constructed shall be in the Agency.

Section 10. Pursuant to the City Sales Tax Election, the City Sales Tax Portion has been authorized and appropriated for the payments due from the City under the City Lease-Purchase Agreement. In accordance with the terms of the Amended Agreement and the County Lease-Purchase Agreement, the City Lease-Purchase Agreement is being assigned to the County to fund the City's contribution for the payment of principal and interest on the 2005 Bonds. Pursuant to the Amended Agreement and the County Sales Tax Election, the County Sales Tax Portion has been authorized and appropriated and is hereby appropriated for payment of principal and interest on the 2005 Bonds. There is hereby created a special fund to provide for the payment of the Bonds with the County Treasurer of Dakota County designated as the Dakota County Jail/Correctional Facilities Bond Payment Fund (the "Bond Payment Fund"). Into the Bond Payment in order to provide for the payment of the principal and interest due on the 2005 Bonds and in accordance with the terms of the propositions submitted at the City Sales Tax Election and the County Sales Tax Election, the County hereby agrees that it shall deposit, as and when received, to the Bond Payment Fund (a) all amounts received from the City as contribution rentals under the terms of the City Lease-Purchase Agreement, representing the City Sales Tax Portion; (b) all amounts received by the County attributable to the County Sales Tax Portion; (c) any additional amounts determined from time to time by the County Board to be required to assure payment of principal and interest on the 2005 Bonds as the same fall due, including amounts provided from taxes levied in accordance with the terms of Section 23-120, R.R.S. Neb. 1997, as amended, or any other revenues or funds of the County lawfully available to pay principal and interest on the 2005 Bonds. For purposes of administering the Bond Payment Fund there are hereby ordered established three separate accounts as follows: (i) the Current Debt Service Account, (ii) the Debt Service Reserve Account and (iii) the Redemption Account. Amounts deposited to the Bond Payment Fund shall be credited to these three accounts in accordance with the following requirements:

(x) Current Debt Service Account. All amounts deposited to the Bond Payment Fund during the County's fiscal year ending June 30, 2006, excluding any amounts attributable to sales tax collections for sales in the months of January, February, March, April, May and June 2005 up to the amount of \$390,000, shall be deposited to the Current Debt Service Account and shall be held available for meeting debt service due on the 2005 Bonds in the then (as of the time of receipt and deposit by the County to the Bond Payment Fund and Current Debt Service Account) next following period of twelve and one-half months until the full amount for all payments due in such period of twelve and one-half

months has been fully accumulated. All amounts deposited to the Bond Payment Fund in each fiscal year of the County commencing on or after July 1, 2006, shall also first be credited to and accumulated in the Current Debt Service Account until such account has sufficient funds to pay all principal and interest due on the 2005 Bonds in the then (as of the time of receipt and deposit by the County to the Bond Payment Fund and Current Debt Service Account) next following period of twelve and one-half months until the full amount for all payments due in such period of twelve and one-half months has been fully accumulated. All amounts available to be credited to the Current Debt Service Account (including any investment earnings on funds held in the Current Debt Service Account) after an amount which equals all principal and interest falling due on the 2005 Bonds during the then (as of the time of receipt and deposit by the County to the Bond Payment Fund and Current Debt Service Account) next following period of twelve and one-half months has been accumulated shall be credited to the Debt Service Reserve Account and the Redemption Account in accordance with the provisions of (y) and (z) below.

(y) Debt Service Reserve Account. All amounts received by the County for deposit to the Bond Payment Fund attributable to sales tax collections for sales in the months of January, February, March, April, May and June of 2005 up to an amount equal to \$390,000 shall be credited to the Debt Service Reserve Account at the time of issuance of the 2005 Bonds. Any such receipts in excess of such amount of \$390,000 shall be treated as if not attributable to such months and held, credited and applied in the same manner as other receipts for the fiscal year ending June 30, 2006. Any amounts remaining in each fiscal year from amounts deposited to the Bond Payment Fund shall, after making the credits required in (x) above, be credited to the Debt Service Reserve Account until there has been accumulated and is then being maintained in such account the amount of \$472,500 and, after such amount has been accumulated and remains on hand in such account, no further credits to such account shall be made. The Debt Service Reserve Account shall be maintained in a separate bank depository or investment account subject to dual signature control with the second signature being that of a designated official of the City.

(z) Redemption Account. Any amounts remaining in each fiscal year from amounts deposited to the Bond Payment Fund shall, after making the credits required by (x) and (y) above be credited to the Redemption Account and may be applied in the discretion of the Board to the payment, redemption or defeasance of the Property Tax Bonds or the 2005 Bonds. Amounts deposited to the Redemption Account allocable to the City Sales Tax Portion shall be applied at the request of the City to satisfy additional pecuniary obligations of the City in accordance with the terms of the City Lease-Purchase Agreement.

Amounts credited to the Current Debt Service Account shall be expended to pay principal and interest on the 2005 Bonds as the same fall due. Amounts credited to the Debt Service Reserve Account shall be applied to make the final payment of principal and interest on the 2005 Bonds and shall also be applied: (A) to make payments of principal and interest falling due on the 2005 Bonds in the event that there are insufficient amounts for such purposes in the Current Debt Service Account; (B) at any time during any fiscal year in which the final payment for principal and interest on the 2005 Bonds falls due (whether at maturity or upon earlier call for redemption), upon order of the Board of Commissioners, to pay principal and interest on the 2005 Bonds as the same fall due or as principal may be called for early redemption; or (C) in connection with any issuance of refunding bonds issued to refund the 2005 Bonds, as determined by the Board of Commissioners, to pay principal and interest on the 2005 Bonds as then being refunded or to provide a reserve for the payment of principal and interest on the refunding bonds then being issued to refund the 2005 Bonds. Amounts credited to the Redemption Account shall be applied (a) to pay principal and interest on the Property Tax Bonds, to defease the Property Tax Bonds in accordance with the terms of the Property Tax Bond Resolution or to redeem the Property Tax Bonds in accordance with the terms of the Property Tax Bond Resolution or (b) to defease the 2005 Bonds in accordance with the terms of this Resolution or to redeem the 2005 Bonds in accordance with the terms of this Resolution. Amounts deposited for the defeasance or any bonds or amounts held in the Redemption Account pending the redemption of 2005 Bonds shall not be invested in a manner which would cause interest on the 2005 Bonds or the Property Tax Bonds to be subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"). Monies held in the Current Debt Service Account and Redemption Account of the Bond Payment Fund may be invested in any investments permitted for counties in the state of Nebraska, maturing or redeemable at such times as will provide sufficient funds to pay principal and interest on the Bonds or make redemptions in accordance with the terms of this Resolution. Monies held in the Debt Service Reserve Account may be invested in any investments permitted for counties in the State of Nebraska maturing not more than five years from the time of investment and in any event not later than July 1, 2015.

Section 11. The County hereby covenants to the purchasers and holders of the 2005 Bonds hereby authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the 2005 Bonds, which would cause the 2005 Bonds to be "arbitrage bonds" within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The County hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the 2005 Bonds. The County hereby designates the 2005 Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code. The County hereby covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during calendar 2005, including issuance by any subordinate governmental unit thereto but excluding "private activity bonds" other than "qualified 501(c)(3) bonds" (each as described and defined in Section 141 and Section 145 of the Code, respectively) and bonds or other obligations issued to refund (other than to advance refund) any bonds or other obligations to the extent that the amount of the refunding bonds or other refunding obligations does not exceed the amount of the bonds or other obligations refunded; that

not more than \$10,000,000 of tax-exempt obligations issued by the County (including issuance by any subordinate governmental units thereto) shall be designated as such "qualified tax-exempt obligations" during calendar 2005. The County hereby specifically agrees that the County shall take no action which would cause the 2005 Bonds to be treated as "private activity bonds" within the meaning of such term as provided in Section 141 of the Code or "federally guaranteed" within the meaning of Section 149 of the Code.

Section 12. The County's obligations under this Resolution with respect to the 2005 Bonds herein authorized shall be fully discharged and satisfied as to any of such 2005 Bonds and any such 2005 Bond shall no longer be deemed to be outstanding hereunder if such 2005 Bond has been purchased by the County and cancelled or when the payment of principal of and interest thereon to the date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any 2005 Bond to be paid prior to maturity, the County shall have duly called such 2005 Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the 2005 Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the County as and when collected.

Section 13. The City Lease-Purchase Agreement and the County Lease-Purchase Agreement each contain provisions relating to continuing disclosure under Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). Such provisions are hereby incorporated by reference. The County reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the County, consistent with the Rule, and subject to agreement by the City in the case of continuing disclosure obligations under the City Lease-Purchase Agreement. The County hereby agrees that such covenants are for the benefit of the registered owners of the 2005 Bonds (including "Beneficial Owners," as defined in this Resolution) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under this Resolution. The continuing disclosure obligations of the County under this Section 13 shall cease when none of the 2005 Bonds remain outstanding.

Section 14. The County may from time to time with the consent of the Agency and the City in the case of the City Lease-Purchase Agreement and with the consent of the Agency in the case of the County Lease-Purchase Agreement provide for any amendment, change or modification of the City Lease-Purchase Agreement or the County Lease-Purchase Agreement, as the case may be, for the purpose of curing any ambiguity or formal defect or omission or making any other change therein which is not to the prejudice of the registered owners of the 2005 Bonds (including Beneficial Owners) as to which the County's Board of Commissioners shall have been advised by counsel that it is for such purpose and in the opinion of such counsel is not to the prejudice of the registered owners of the 2005 Bonds (including Beneficial Owners). Except for amendments, changes or modifications permitted under the preceding sentence, the County shall not consent to any other amendment, change or modification of the City Lease-Purchase Agreement or the County Lease-Purchase Agreement without the written consent of the registered owners of all of the 2005 Bonds then outstanding under this Resolution.

Section 15 The terms and conditions of the County Lease-Purchase Agreement, the Management Agreement and the Ground Lease, each as previously executed and delivered, are hereby confirmed and ratified in all respects. In connection with the County's entering into the County Lease-Purchase Agreement, an appraisal has been required by the County in accordance with Section 13-403, R.R.S. Neb. 1997, and there has been prepared and placed on file with the County Clerk an appraisal entitled Complete Appraisal of and Self- Contained Appraisal Report on: Proposed Dakota County Jail 17th Street and Broadway Street, Dakota City, Nebraska prepared by NAI LeGrand & Company (the "Appraisal"). The Appraisal is hereby approved as presented to the Board of Commissioners.

Section 16. This Resolution shall be in force and take effect from and after its adoption as provided by law.

ADOPTED this 7th day of November, 2005.

\s\ William F. Engel  
\s\ Rick Bousquet  
\s\ Pam Miller  
\s\ Betty O'Neill  
Commissioners

ATTEST:

\s\ Theodore A. Piepho  
County Clerk

(SEAL)

Commissioner Bousquet seconded the motion and upon roll call vote the following Commissioners voted AYE : Miller, Bousquet, O'Neill and Engel.

The following Commissioners voted NAY : NONE

With more than a majority of the Board in favor, the Chairperson declared the resolution adopted.

\*\*\*\*\*

I the undersigned County Clerk for The County of Dakota, in the State of Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Chairperson and Board of Commissioners of said County on November 7, 2005; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the County Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

\s\ Theodore A. Piepho  
County Clerk

#### EXTRACT FROM MINUTES

A regular meeting of the Board of Commissioners of The County of Dakota, in the State of Nebraska, was held in the Commissioners Meeting Room, Dakota County Courthouse, Dakota City, Nebraska, at 1:30 o'clock p.m. on November 7, 2005, in open and public session. Present were the following: Commissioners Pam Miller, Rick Bousquet, Betty O'Neill and William F. Engel, Chairman.

Commissioners. Absent was: Jacqueline Hartnett.

Notice of the meeting was given in advance by publication and a copy of the affidavit of publication is attached to this extract from minutes. Notice of the meeting was given in advance to all members of the Board of Commissioners. Availability of the agenda was communicated in the advance notice and in the notice to the members of the Board of Commissioners. All proceedings hereafter shown were taken while the convened meeting was in open session.

Commissioner Miller offered the following resolution and moved its passage and adoption:

#### PAYING AGENT AND REGISTRAR AGREEMENT

This Agreement is made and entered into as of this 29th day of November, 2005, by and between The County of Dakota, in the State of Nebraska (the "County"), and The Fremont National Bank and Trust Company, Fremont, Nebraska (the "Paying Agent").

#### WITNESSETH:

WHEREAS, the County has authorized the issuance of \$4,725,000 of its Correctional Facilities Bonds (Sales Tax Payment Source), Series 2005, date of original issue - November 29, 2005 (the "Bonds"), by a Resolution adopted November 7, 2005 (the "Resolution"), and requires the services of a paying agent and registrar for said issue; and

WHEREAS, the Paying Agent is willing to provide services as paying agent and registrar pursuant to the terms of this Agreement and the Resolution in consideration for the compensation described in this Agreement.

NOW THEREFORE, the County and the Paying Agent do hereby agree as follows:

1. The Paying Agent agrees that it shall maintain on behalf of the County books of record in which the registered owners of the Bonds and their registered addresses shall be duly recorded.

2. Paying Agent agrees that it shall serve as paying agent for the County in making the payments of principal and interest falling due on the Bonds. The County shall, not later than five days before each interest and principal payment date on the Bonds, deposit with the Paying Agent an amount sufficient to make such payment and the Paying Agent shall apply such deposit by mailing a check or draft to each of the registered owners of the Bonds as shown on the books of record maintained pursuant to paragraph 1 hereof for the appropriate amounts of interest due on each respective bond and by paying principal upon presentation, all in accordance with the Resolution. The provisions of this paragraph 2 are subject to the provisions of paragraph 13 so long as the Bonds are outstanding in "book-entry-only" form.

3. Paying Agent hereby accepts and agrees to perform all duties directed by the Resolution to be performed by the "Paying Agent and Registrar" as described in the Resolution and the terms of the Resolution are hereby incorporated by reference.

4. The Paying Agent shall make the initial registration of the Bonds upon written directions from the original purchaser thereof as designated in the Resolution.

5. Transfer of the Bonds shall be registered pursuant to the limitations prescribed in the Resolution, upon surrender to the Paying Agent of any outstanding Bond in form deemed by the Paying Agent properly endorsed for transfer with all necessary signatures guaranteed in such manner and form as the Paying Agent may require by a signature guarantor reasonably believed by Paying Agent to be responsible, accompanied by such assurances as the Paying Agent shall deem necessary or appropriate to evidence the genuineness and effectiveness of each necessary signature and, if deemed appropriate by the Paying Agent, satisfactory evidence of compliance with all applicable laws relating to the collection of taxes. In registering transfer of the Bonds, the Paying Agent may rely upon the Uniform Commercial Code or any other statutes which in the opinion of counsel protect the Paying Agent and the County in not requiring complete documentation, in registering Bonds without inquiry into adverse claims, in delaying registration for purposes of such inquiry, or in refusing registration wherein Paying Agent's judgment an adverse claim requires such refusal.

6. As provided by law, the books of registration maintained by the Paying Agent shall not be deemed public records and shall be available for inspection solely pursuant to a court order or a subpoena of any governmental agency having jurisdiction to issue such subpoena.

7. At least annually, the Paying Agent shall give a report to the County accounting for all funds received and disbursement made. The Paying Agent shall maintain customary records in connection with its exercise of its duties under this Agreement and the Resolution.

8. At any time the Paying Agent may apply to the County for instructions and may consult with the County's attorney or the Paying Agent's own counsel in respect to any matter arising in connection with its duties under this Agreement and the Resolution and the Paying Agent shall not be liable or accountable for any action taken or omitted by it in good faith in accordance with such instructions or with the opinion of such counsel. The Paying Agent may rely on any paper or document reasonably believed by it to be genuine and to have been signed by the proper person or persons.

9. The County agrees to pay any expenses reasonably incurred by the Paying Agent in connection with the performance of its duties under this Agreement and the Resolution including counsel fees, and in addition shall pay the Paying Agent as compensation for its services pursuant to the attached schedule.

10. Any corporation or association into which the Paying Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation, or transfer to which it is a party, shall ipso facto, be and become successor Paying Agent hereunder and vested with all of the trusts, powers, discretion, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instruments or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

11. The County shall have the right to remove the Paying Agent only in the event of a material breach of the Paying Agent's duties under this Agreement and the Resolution. In such event, the County shall have the right to designate a successor and the Paying Agent hereby agrees that it shall turn over all of its records with respect to the Bonds to any such successor upon request by the County.

12. This Agreement shall terminate when the Bonds have been paid in full. The Paying Agent shall have no duties with respect to the investment of monies paid to it under this Agreement and the Resolution except as may be otherwise agreed between Paying Agent and the County. Any deposit of such monies shall be either fully insured by insurance at the Federal Deposit Insurance Corporation or fully secured in the manner required by law for deposit of funds of the County. Any such deposit may be in an account maintained with the Paying Agent.

13. Under the terms of the Resolution, the Bonds are to be issued initially as "book-entry-only bonds" using the services of The Depository Trust Company (the "Depository") and initially the entire issue of the Bonds shall be registered in the name of Cede & Co., as nominee for the Depository, with one typewritten bond of each separate stated maturity. Payment of semiannual interest for any Bond registered as of each Record Date in the name of Cede & Co. shall be made by wire transfer to the account of Cede & Co. on the interest payment date for the Bonds at the address shown in the Paying Agent's books of registration for Cede & Co. as registered owner in accordance with the Depository's procedures as in effect from time to time. The Paying Agent agrees that it will execute and observe the terms and conditions of the Letter of Representations (the "Letter of Representations") as authorized by the Resolution. The Letter of Representations may be in the form of separate undertakings executed by the Paying Agent and the County in connection with services provided by the Depository.

The Paying Agent and the County may treat the Depository (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or of interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under the Resolution, registering the transfer of Bonds, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever, and neither the Paying Agent nor the County shall be affected by any notice to the contrary. Neither the Paying Agent nor the County shall have any responsibility or obligation to any participant of the Depository ("Participant"), any person claiming a beneficial ownership interest in the Bonds under or through the Depository or any Participant, or any other person which is not shown on the registration books of the Paying Agent as being a bondholder, with respect to the accuracy of any records maintained by the Depository or any Participant; the payment by the Depository or any Participant or

any amount in respect of the principal of or interest on the Bonds; any notice which is permitted or required to be given to bondholders under the Resolution; the selection by the Depository or any Participant of any person to receive payment in the event of a partial redemption of the Bonds; or any consent given or other action taken by the Depository as bondholder. The Paying Agent shall pay all principal of and interest on the Bonds only to the Depository, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. Except under the conditions directed below, no person other than the Depository shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the County to make payments of principal and interest pursuant to the Resolution. Upon delivery by the Depository to the Paying Agent of written notice to the effect that the Depository has determined to substitute a new nominee in the place of Cede & Co., and subject to the provisions in the Resolution with respect to Record Dates, the term "Cede & Co." in this Agreement shall refer to such new nominee of the Depository. If the Depository gives notice to the County or the Paying Agent pursuant to the Letter of Representations that it will discontinue providing its services as securities depository with respect to the Bonds, the County shall either appoint a successor securities depository or terminate the book-entry system for the Bonds under the following conditions:

(i) Any successor securities depository must be a clearing agency registered with the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934 and must enter into an agreement with the County and the Paying Agent agreeing to act as the depository and clearing agency for all the Bonds. After such agreement has become effective, the Depository shall present the Bonds for registration of transfer in accordance with the Resolution and the Paying Agent shall register them in the name of the successor securities depository or its nominee. If a successor securities depository has not accepted such position prior to the effective date of the Depository's termination of its services, the book-entry system shall automatically terminate, except as provided below in this paragraph 13.

(ii) If the County elects to terminate the book-entry system for the Bonds, it shall so notify the Paying Agent in writing. Thereafter, upon presentation of the Bonds, or any of them, by the Depository or its nominee to the Paying Agent for registration of transfer in accordance with the Resolution, the Paying Agent shall register the transfer in accordance with the Resolution and all provisions of this paragraph 13 shall immediately cease to be in effect, except as provided below in this paragraph 13.

The County may elect to terminate the book-entry system for the Bonds at any time by giving written notice to the Depository and the Paying Agent. On the effective date of such termination, the provisions of this paragraph 13 shall cease to be in effect, except that the Paying Agent shall continue to comply with applicable provisions of the Letter of Representations with respect to Bonds as to which the Depository remains the registered owner. After such termination, the Paying Agent shall, upon presentation of Bonds by the Depository or its nominee for registration of transfer or exchange in accordance with the Resolution make such transfer or exchange in accordance with the Resolution. Upon the appointment of a successor securities depository or termination of the book-entry system, the Paying Agent shall give notice of such event to the registered owners of Bonds (through the Depository) and (1) of the name and address of the successor securities depository or (2) that Bonds may now be obtained by the beneficial owners of the Bonds, or their nominees, upon proper instructions being given to the Depository by the relevant Participant and compliance by the Depository with the provisions of the Resolution regarding registration of transfers. Notwithstanding any other provision of this Agreement to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of the Depository (or any successor nominee), all payments with respect to the principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations. In connection with any notice or other communication to be provided to bondholders pursuant to the Resolution by the County or the Paying Agent with respect to any consent or other action to be taken by bondholders, the County or the Paying Agent, as the case may be, shall establish a record date for such consent or other action and give the Depository notice of such record date not less than 15 calendar days in advance of such record date to the extent possible.

14. If any one or more of the covenants or agreements to be performed by either of the parties to this Agreement shall be determined by a court of competent jurisdiction to be unenforceable, such covenants or agreement shall be deemed and construed to be severable from the remaining covenants and agreements contained herein and shall in no way affect the validity of the remaining provisions of this Agreement.

15. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

16. This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.

IN WITNESS WHEREOF, the parties hereto have each caused this Paying Agent and Registrar Agreement to be executed by their duly authorized officers and attested as of the date first above written.

THE COUNTY OF DAKOTA,  
IN THE STATE OF NEBRASKA  
By \s\ William F. Engel  
Chairperson

ATTEST:  
\s\ Theodore A. Piepho

County Clerk

(SEAL)

THE FREMONT NATIONAL BANK AND TRUST COMPANY,  
Fremont, Nebraska  
Paying Agent and Registrar

By \_\_\_\_\_  
Its \_\_\_\_\_

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea, UNANIMOUS MOTION CARRIED.

Elliott Saunders appeared before the board and explained that he was going to pour the boat ramp at the end of County Road #37 and the Missouri bank within the next two weeks. He said that the water is low and that they are going to pour the ramp and then push it into the water. The board seemed ok with this and told him to keep the Dakota County Director of Roads informed and he is to oversee the project.

Terry Schulz, County Surveyor, appeared before as requested by the board. The board informed Mr. Schulz that they have had some complaints about the timeliness of Mr. Schulz getting to the needs of Dakota County residents. Mr. Schulz said that he was really sure of where the board was as far as surveying goes and pledged to be more active in providing Dakota County residents with surveying needs.

Dennis Reinert, Planning and Zoning Administrator, appeared before the board and proposed a Fee Schedule for Residential and Commercial Building Permits.  
Dakota County, Nebraska  
Building Permit Application and Fee Schedule

Permit Number: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please print all information.)

Project Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Legal Description/ID# \_\_\_\_\_  
\_\_\_\_\_

Area of property in (acres/square feet): \_\_\_\_\_

Owner Information:  
Name(s): \_\_\_\_\_  
Current Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_

General Contractor Information:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_

Septic System Contractor Information:  
Name: \_\_\_\_\_  
NDEQ Certification License Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_

Subcontractor Information:

	Name	Phone Number
Masonry		
Framing		
Electrical		
Heating & Cooling		
Plumbing		

Proposed Construction: \_ new \_ addition \_ alteration \_ attached garage

Water Supply: \_ rural water \_ well



Sewage Disposal:  public system  septic system

Floor Area:

1st floor                      sq. ft.  
 2nd floor                      sq. ft.  
 3rd floor                      sq. ft.  
 basement finished        sq. ft.  
 Total:                          sq. ft.

Estimated Value: \$ \_\_\_\_\_  
 Estimated Start Date: \_\_\_\_\_  
 Estimated Completion Date: \_\_\_\_\_

Construction Type:

wood frame  steel frame  masonry construction  
 poured concrete  other \_\_\_\_\_

Distance Structure will be from:

A. Front property line \_\_\_\_\_  
 B. Rear property line \_\_\_\_\_  
 C. Right side property line \_\_\_\_\_  
 D. Left side property line \_\_\_\_\_

Zoning District:

AG  AR  R-10  B  HSB  
 LM  HM  RC

Flood Plain: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved: \_\_\_\_\_ Date: \_\_\_\_\_

**Residential Building Permit Fee Schedule  
 by Square Footage of Living Space**

Square Footage	Cost of Permit
100-499	\$275.00
500-749	\$300.00
750-999	\$325.00
1000-1249	\$350.00
1250-1499	\$375.00
1500-1749	\$400.00
1750-1999	\$425.00
2000-2249	\$450.00
2250-2749	\$475.00
2750-3000	\$500.00

An additional fee of \$.05 per square foot will be charged for living space in excess of 3000 square feet.

Example: living space of 3200 square feet

3000 square feet	\$500.00
+200 (200 x \$.05)	\$10.00
<b>Total:</b>	<b>\$510.00</b>

**Commercial Building Permit Fee Schedule**

Total Valuation	Fees
\$1.00 to \$1,000.00	\$10.00
\$1,001 to \$2,000.00	\$10.00 for the first \$1,000.00, plus \$1.00 for each additional \$100.00 to and including \$2,000.00
\$2001.00 to \$25,000.00	\$20.00 for the first \$2,000.00, plus \$4.00 for each additional \$1,000.00 to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$112.00 for the first \$25,000.00, plus \$3.00 for each additional \$1,000.00 to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$187.00 for the first \$50,000.00, plus \$2.00 for each additional \$1,000.00 to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$287.00 for the first \$100,000.00, plus \$1.50 for each additional \$1,000.00 to and including \$500,000.00

\$500,001.00 and up \$887.00 for the first \$500,000.00, plus  
\$1.00 for each additional  
\$1,000.00 to and thereof

For building that requires site location only, a fee of \$50.00 will be assessed. The cost of each additional inspection will be fifty dollars.

All residential and commercial building permit applications are to be accompanied by a complete set of plans.

Commissioner Bousquet moved, seconded by Commissioner Engel to adopt the Building Permit Fee Schedule as presented by Dennis Reinert, Planning and Zoning Administrator.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea,  
UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Engel to adopt Resolution 05C-032 that the County Commissioners of Dakota County, do herewith pledge their full support, endorsement, and cooperation for participation in Nebraska's Economic Development Certified Community Program by City of South Sioux City, NE as follows:

Applicant Community: City of South Sioux City, NE  
Section One - Item 1b  
APPENDIX A  
Economic Development Certified Community

RESOLUTION No. 05C-032

Resolution of Support

WHEREAS, local municipal government, county government, and regional economic development entities must provide leadership and coordination for economic development efforts; and

WHEREAS, economic development needs can best be solved through a cooperative effort between local, county, regional and state economic development organizations and entities; and

WHEREAS, there is a need to recognize and promote our community's organizational readiness, infrastructure investment, ability to respond to business needs, and

WHEREAS, the Economic Development Certified Community Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a program promoting our community's economic development preparedness;

THEREFORE, the County Commissioners of Dakota County, do herewith pledge their full support, endorsement, and cooperation for participation in Nebraska's Economic Development Certified Community Program by City of South Sioux City, NE.

Approved this 7th day of November, 2005.

Signed \s\ William F. Engel  
Title: Chairman

ATTEST:

\s\ Theodore A. Piepho  
County Clerk

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED.

Entity Represented: Dakota County Commissioners

ATTEST  
(SEAL)  
County Clerk

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt Resolution 05C-033 that the County Board hereby Extends its commitment to participate in NIRMA and NIRMA II for an additional three years covering the period August 1, 2006 through July 31, 2009 as follows:

FOR AMENDMENT AND ADDENDUM TO  
NIRMA/NIRMA II INTERGOVERNMENTAL/INTERLOCAL AGREEMENTS

WHEREAS, Dakota County has previously entered into Intergovernmental/Interlocal 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. Section 44-4301 et seq.); and

WHEREAS, Counties and other Public Agencies as defined in Section 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 those 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/Interlocal Agreements will expire on July 31, 2006, 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, 2006 through July 31, 2009; and

2. Declares that this Resolution shall serve as an amendment and addendum to the original Intergovernmental/Interlocal Agreements entered into by the County Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

After motion duly made by member Miller and seconded by member Bousquet the following members voted by roll call vote in favor of passage and adoption of said Resolution: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The following members voted against the same: None

The following members were absent or not voting: Hartnett

PASSED AND APPROVED this 7th day of November, 2005.

Dakota County Board

By: \_\_\_\_\_  
Chairman/Presiding Officer

Attest:

\_\_\_\_\_  
County Clerk

ROLL CALL VOTE: Hartnett- Absent, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel Adjourned their meeting at 2:59 p.m

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 21, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 10:00 a.m.

Present were: Commissioners Engel, O'Neill, Miller, Hartnett and Ted Piepho, Secretary.

Absent: Commissioner Bousquet.

The board reviewed the claims submitted by the County Clerk that were submitted to him for payment.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve the Claims submitted to the County Clerk for payment as follows:

GENERAL FUND: Dakota County Star, publishing- 676.33; Perkins, supplies- 110.63; Nanci Walsh, mileage- 110.77; Discover Card, supplies/gotomypc- 139.15; Five Star Awards, laminated sheets- 4.50; MIPS, deposit vouchers- 7.61; Net Sys Plus, computer work- 637.50; Perkins, supplies- 93.06; Theodore Piepho, phone- 20.00; Staples, supplies- 306.19; Visa Card, software upgrade- 24.84; Robert Giese, mileage- 92.15; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Das Imservices, data service- 27.50;

Staples, supplies- 65.22; Des Moines Stamp, supplies- 167.40; AJ Phillips, supplies- 162.00; Terrascan, data processing- 3710.00; DAS Imservices, data services- 27.50; Microfilm Imaging, equip rent- 240.00; Todds Storeall, storage- 80.00; Sally Reinert, misc- 152.21; Carol Sue Dunham, mileage- 97.20; Lynette Beermann, mileage/motel- 182.01; DAS Material, supplies- 97.05; Des Moines Stamp, stamps- 426.10; HyVee Food, cake- 88.54; Iowa Office Supplies, supplies- 29.13; Iowa Office Solutions, supplies- 16.48; Perkins, supplies- 157.56; Kurt Rager, supplies- 31.90; Redfield & Company, jury summons- 36.92; Thomson West, service- 116.75; Thurston County Court, reimburse- 8.15; Lexis Law, legal- 637.70; Iowa Office Supplies, supplies- 80.30; Frank Gonzalez, interpret- 280.00; NE State Bar Assoc, dues- 560.00; Pacific City Graphics, supplies- 71.00; Perkins, supplies- 17.70; Thomson West, legal- 109.50; Rolando Alvarez, witness- 24.85; Pamela Andersen, witness- 20.48; Marilyn Chamberlain, witness- 21.94; Michael Chamberlain, witness- 25.82; Dakota County Court, legal- 2051.65; Discover Bank, garnishment- 323.04; Russ Fuchser, witness- 24.85; Victor Garcia, witness- 27.27; Marty Haugen, witness- 29.70; Tim Hauswirth, witness- 24.85; Hungry's, lunch- 50.83; Sandra Inkster, counsel- 105.00; Barbara Kueny, counsel- 798.48; John Loos Jr, counsel- 216.00; Margarita Lopez, witness- 34.55; Rosaura Lopez, witness- 44.25; Douglas Roehrich, counsel- 588.00; Heidi Rohan, witness- 39.40; Kevin Schwartz, witness- 25.82; Richard Thrasher, counsel- 527.40; Thurston Co Attorney, research- 87.51; Patrick Tott, counsel- 228.00; Nathan Tucker, counsel- 380.40; Gilman Ventura, witness- 24.85; Mary Walling, witness- 28.73; Holly Andersen, Raymond Bathke. Ronald Boltjes, Dawn Breece, Eric Clements, Janice Hamilton, Kari Harrigfeld, Tamara Harris/Katherine Henjes, Mark Lethcoe, Donna McArdle, Harlan Millard, Ricardo Moreno, Marilyn Wanamaker, Pharyce Eslick, juror fees- 983.11; Dakota County Sheriff, papers/warrants- 1050.55; Frank Gonzalez, interpret- 200.00; Randy Hisey, counsel- 1038.00; Hurley Law Office, counsel- 186.00; John Loos, counsel- 285.00; Michael Schmiedt, counsel- 744.00; Tott Law Office, counsel- 6821.38; Clerk of District Court, court cost- 670.00; Coffee King, coffee- 42.70; Michael Schmiedt, counsel- 209.42; Discover Bank, garnishment- 2192.25; Randy Hisey, counsel- 3438.00; John Loos, counsel- 925.39; Richard Thrasher, counsel- 394.80; Nathan Tucker, counsel- 971.95; Staples, supplies- 241.60; A-Team Heating, repair- 301.00; Cellular One, phone- 27.58; Dakota Food & Fuel, gas- 28.00; Gill Hauling, dumpster- 115.00; Grainger, supplies- 275.84; Wilmes Hardware Hank, supplies- 21.65; Richard Jensen, mileage- 136.82; Menards, supplies- 361.42; Midamerican, gas- 1452.00; NPPD, electric- 1411.77; Mary O'Dell, flags- 242.54; Sams Club, supplies- 379.15; Share Corp, supplies- 217.06; Stateline Electric, supplies- 180.80; Trembly Pest Control, spray- 50.00; Dakota County Extension, reimburse- 1328.91; Access Data corp, support- 500.00; Anthony Bos, reimburse- 233; Cellular One, phone- 62.07; Circle R Frame, repair- 1388.75; City of SSC, phone/fuel- 4383.76; Crystal Oil, fuel/repair- 73.00; Dakota Co Sheriff, inspection/registration- 39.25; Dakota County Clerk, title fee- 10.00; Dakota Food & Fuel, fuel- 44.77; Electronic Engineering, repair- 62.50; Fremont Tire, service- 252.19; Harolds, developing- 102.43; Jacks Uniforms, supplies- 324.45; K&S Auto, repair- 293.18; Net Sys Plus, computer work- 187.50; Joaquin Orduno, interpret- 30.00; Poms Tire Service, tires- 207.92; RACOM, t1- 596.00; Robertson Implement, dog food- 18.95; Sioux City Ford, repair- 803.03; SFCU, training/manuals/tools/aol- 453.99; Siouxland Humane Society, animal control- 153.00; St Lukes Health, physical- 50.00; Staples, supplies- 47.06; Walmart, supplies- 57.66; Dakota County Treasurer, copies- 4.00; H2O4U, supplies- 17.25; Amber Hegarty, meals/parking- 170.35; Marriott Hotels, lodging- 979.00; Perkins, supplies- 42.79; Secretary of State, copies- 20.00; Sprint, phone- 285.80; Kim Watson, reimburse- 164.49; City of SSC, lec- 23290.26; Amanda Jones, mileage- 8.20; American Bio medical, drug test kit- 98.03; Bob Barker, supplies- 968.71; Bekins Fire & Safety, supplies- 39.90; Benstar Packaging, supplies- 107.15; BI Inc, monitoring- 4532.65; Butler County Detention, boarding- 1980.00; CBM Food Service, food- 10827.84; Cass County Jail, boarding- 46750.00; Sergio Castillo Jr, interpret- 30.00; Cellular One, phone- 149.00; Circle R Frame, repair- 2035.44; City of SSC, fuel- 273.28; Conoco, fuel- 284.35; Dakota Food & Fuel, fuel- 66.00; Sandy Dickens, mileage- 139.68; De Lage Landen, copier contract- 221.00; Dept of Correctional Svcs, safekeepers/medical- 8409.92; Dixon County Sheriff, boarding- 4900.00; Fremont Tire, service- 22.95; Good Neighbor Community, medical- 147.97; ISECUREtrac, house arrest- 999.75; Jackson Glass, repair- 552.00; Lincoln Radiology, medical- 37.00; Mercy Business Health, medical- 1200.00; NLET, training- 150.00; Northeast NE Juvenile, boarding- 9240.00; Platte County Detention, boarding- 8850.00; Redlers Pharmacy, medical- 1076.80; Sams Club, supplies- 128.87; Sign Masters, van lettering- 100.00; Sioux City Ford, service- 1697.00; SFCU, fuel/splashguards/motel/meals- 390.37; Staples, supplies- 60.48; Walmart, supplies- 262.77; Woodbury Co Juvenile, boarding- 7100.00; Cellular One, phone- 26.30; Cindy Purucker, mileage- 25.22; Aslabeled, stickers- 73.39; Pam Devries, mileage- 163.93; Dunes Family Med, medical- 250.00; Pat Glover, mileage- 121.25; Perkins, supplies- 22.27; Sanofi Pasteur, supplies- 203.84; Stericycle, supplies- 525.84; Boundtree, supplies- 1527.31; Pam Devries, mileage- 10.67; Ed M. Feld Equip, generator- 2529.00; NE Nebraska Public Health, health meetings- 1665.31; Todd Storeall, annual rent- 540.00; Alan Boyd, mileage- 386.06; Electronic Engineering, pager- 13.95; Office Systems Company, contract- 108.00; Staples, computer- 849.94; Thompson West, law books- 995.00; Aflac, flex one- 45.00; AT&T, phone- 37.53; Business Telecom Systems, phone- 1652.00; Cable One, internet- 269.95; Claritus, meter- 809.00; De Lage Landen, lease- 93.00; Executive Tech, repair- 297.63; FSH Comm, payphone- 58.30; Grand Island Abstract, refund- 389.24; Hasler, meter- 150.00; IBM Corp, eserver- 188.55; Joes Towing, pickup- 1080.00; Lazette Gifford, website- 40.00; MIPS, support- 358.85; Net Sys Plus, computer work- 1482.25; Qwest, phone- 652.50; Qwest, phone- 632.20; US Postal, postage- 2500.00; WCS Telecom, phone- 382.30; ROAD FUND: Advance Auto, parts- 8.88; Aramark, service- 156.37; Atco, supplies- 589.25; Bomgaars, supplies/parts- 184.18; Carquest, supplies- 56.30; Diesel Specialties, repair- 308.14; Erlandson Trans, gravel- 2779.39; Flaugh's Pronto, fuel- 271.14; Gill Hauling, dumpster- 47.00; Harry Heads & Auto Mach, tools/repair- 401.23; Hubbard Minimart, gas/diesel- 3528.31; H2O4U, water service- 12.25; Joes Dept Store, parts/supplies/tools- 234.02; Marx Distribution, dust control- 1900.00; Bill McKelvey, radio equip- 375.00; Richard McNear, prior yrs- 5.00; Medical Enterprises, testing- 29.90; Menards, tool- 54.00; Midwest Service and Sales, signs- 287.90; NPPD, service- 23.68; NE NPPD, electric- 283.99; Northeast NE Telephone, phone- 197.50; Pilger Sand & Gravel, gravel- 918.75; Piorier Equip, parts- 263.09; Poms Tire, supplies/repairs- 55.50; Powerplan, parts- 59.80; Presco Sales & Svc, sign posts- 116.70;

Rees Mack Sales, parts- 246.05; Sams Club, desk- 259.28; Sioux City Ford, parts- 44.47; Siouxland Napa, parts/oil- 1002.54; Timothy Butler, tools- 30.95; Town & Country, supplies- 57.84; Tri-State Comm, repair- 90.00; Tractor Supply, tools- 124.79; UECO, pipe- 305.60; Warren Oil, fuel- 5106.72; Zieglers, parts- 434.22;

ROAD IMPROVEMENT: Barkley Asphalt, asphalt- 2500.00; Industrial Tools & Machinery, culverts- 126.00; JEO, relocation plan- 6560.50; Linweld, misc- 181.61; Stephan Welding, culverts- 286.50; Becker Hunt Funeral, burial- 1050.00; Nebraska Dept of Social Svcs, admin fees- 19.00;

VETERANS AID: Luken Memorials, marker- 155.00; Veterans Service Office, emergency relief- 2600.00;

JUVENILE ACCOUNTABILITY: Amanda Jones, mileage- 32.80; BI Inc, juvenile em- 170.50;

COMMUNITY JUSTICE GRANT: BI Inc, electronic monitoring- 60.50; American Bio Corp, tests- 101.84;

PUBLIC SAFETY: City of SSC, sales tax- 2166.61; Jail Bond Fund, sales tax- 15888.46;

HANDICAP ACCESSIBILITY: Jackson Glass, door opener- 1900.00;

JAIL PROJECT FUND: City of Dakota City, permit- 6766.00; GA Johnson, management- 28000.00;

HMN Architects, jail- 8550.09; Lindblom, toilet- 86.00; McHan Construction, construction- 26100.00;

Portastorage, office- 800.00; Tindall Corp, cells- 692494.20;

WEED FUND: Central Community College, training- 85.00; Hubbard Minimart, fuel- 277.25; Joes Dept

Store, equip- 12.75; North Central RC&D, dues- 6.00; Dakota County Star, renewal- 35.00;

ROLL CALL VOTE: Miller- Yea, Bousquet- Absent, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet arrived at 11:20 a.m.

Chair Engel recessed their meeting for lunch at 11:22 a.m.

Chair Engel reconvened their meeting at 1:30 p.m.

Present were: Commissioners Engel, O'Neill, Bousquet, Hartnett and Ted Piepho, Secretary.

Absent: Commissioner Miller and she arrived at 1:32 p.m.

Bill Rohde, County Director of Roads appeared before the board and discussed JEO's letter penalizing Christensen Construction for the Homer South Bridge Project BR0-7022(11). He said the problem was when the asphalt for the project that was done by Barclay Asphalt had to be redone because it did not meet specifications.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to forgive Christensen Construction for any penalties connected to project BRO-7022(11).

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Randy Crombie, Highway Supt., appeared before the board and asked the board to adopt a reduction in speed limit on Fiddler Creek Road entering Homer from the west.

Commissioner Miller moved, seconded by Commissioner Hartnett to adopt Resolution 05C-034, which reduces the speed limit on Fiddler Creek Road when entering Homer from the west as follows:

Resolution No.05C-034

In accordance with the standards set forth in the Manual on Uniform Traffic Control Devices, as from time to time amended, and

Whereas it is in the best interest of Dakota County, Nebraska, to establish and maintain proper and consistent signing in conformity with said manual,

The Dakota County Highway Department therefore requests formal approval to place, erect and maintain traffic control devices on Dakota County roads, at the following locations:

TYPE OF DEVICE	LOCATION	PURPOSE
35 mph speed limit sign	Omaha Avenue & Fiddler Creek	Reduce Speed from 50 mph to 35 mph on Fiddler Creek Rd approaching Homer school

ENGINEERING STUDY:

The purpose is to slow the traffic on Fiddler Creek Road on the West side of Homer approaching the Homer school zone

Traffic study attached

Dakota County Board

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Clerk

(seal)

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to table the audit by Brenda Shald and Associates until the county has had a chance to do their own in house audit.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to reappoint Bill Engel to serve on the Northeast Nebraska Area Agency on Aging Board.

ROLL CALL VOTE: Engel- Abstained, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel signed the Highway Certification for 2005.

Commissioner Hartnett moved, seconded by Commissioner Miller to authorize and direct that Three Rivers administer the County's Flex Plan in 2006.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet gave an update on the Jail Project. It appears that the Cells will arrive much later than expected.

Ed Matney, County Attorney, gave a report on the CJAC meeting held last week.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to acknowledge receipt of and approve the Officials reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court for the month of October, 2005.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Payroll Claims Paid:

COUNTY GENERAL FUND; Gross salaries- \$83,572.14, General Fund Employees Net Pay- \$58,041.88, Employer deductions paid: Retirement- 5,297.34, Retirement Makeup- 34.44, Social Security Tax- 5,028.97, Medicare- 1,176.12, DC Health Plan- 16,090.80, DC Dental Plan- 623.70, Life Insurance- 148.50.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1230.77, Daniel Christoffers- 378.80, Marisol Curiel- 320.00, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 827.20, Robert Giese- 1450.04, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 811.69, Phyllis Ridge- 908.01, Lyn Beltz- 525.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1098.18, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 792.80, Carol Dunham- 1055.94, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1849.19, Dustin Kinsey- 804.80, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 805.79, Franklin Morse- 35.00, Jeremy Bermel- 1830.96, Anthony Bos- 1693.17, Brad Claypool- 1685.53, Sandy Dickens- 1030.08, Brian Ellinger- 1773.90, Todd Hammer- 1551.98, Melvin Harrison III- 1681.30, Rodney Herron- 1626.90, Kimberly Johnson- 274.65, Jared Junge- 1662.22, Michael Kreegar- 1651.65, Gayle Richards- 767.20, Kevin Rohde- 1456.00, James Wagner- 1813.63, Randall Walsh- 2113.18, Rita Chase- 984.00, Amber Hegarty- 1692.31, Aimee Kennedy- 826.41, Edward Matney III- 2346.03, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1914.48, Richard Criss- 1417.50, Eric Davis- 1069.25, Penny Epting- 1119.76, Ronald Fink Jr.- 1114.75, John Gilles- 1219.04, Alma Gunderson- 1396.50, Paula Harrigfeld- 702.00, Brenda Harrison- 231.00, Cathy Harsma- 1277.44, Joseph Ramirez- 1164.38, Krystal Ramirez- 1618.75, Linda Schovanec- 1351.36, Randall Crombie- 115.39, Jolene Gubbels- 684.50, Cynthia Purucker- 22.84, Leon Pies- 550.80, Pamela DeVries- 1454.50, Gloria Dwyer- 801.36, Patricia Glover- 1016.77, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,163.59, State- 2,892.50, Social Security Tax- 5,028.97, Medicare- 1,176.12, Retirement- 3,603.70, Retirement Makeup- 24.44, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 80.00, Deferred Comp- 660.78, Garnishments- 1,349.75, Aflac Health- 453.62, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,996.95, Road Employees Net Pay- \$9,202.25, Employer deductions paid: Retirement- 786.45, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 774.53, Medicare- 181.14.

Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1109.60, Arnold Mellick- 1113.60, Marlan Millard- 1113.60, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,084.45, State- 398.12, Social Security- 774.53, Medicare- 181.14, Retirement- 524.27, DC Health Plan- 300.70, DC Dental Plan- 78.32, Reassure America Life- 9.76, Union Dues- 200.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

COPS FAST GRANT: Gross salaries- 1,646.00, Cops Fast Employee Net Pay- 1,107.46, Employer deductions paid: Retirement- 127.57, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 102.05, Medicare- 23.87, Brent Gilster- 1646.00.

COPS FAST GRANT: Employee withholding paid to: Federal- 238.68, State- 78.41, Social Security- 102.05, Medicare- 23.87, Retirement- 90.53, Sheriff Union Dues- 5.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce: Lodging Tax- 13,535.26

Chair Engel Adjourned their meeting at 2:15 p.m

DAKOTA COUNTY COMMISSIONERS

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
DECEMBER 5, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 1:30 p.m.

Present were: Commissioners Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: Commissioner Miller.

Bill Rohde, Dakota County's Director of Roads, appeared before the board and asked them to approve a Right-of-Way Certificate for the Knox Blvd. Paving Project C-22(210).

Commissioner Hartnett moved, seconded by Commissioner Bousquet to approve the RIGHT OF WAY CERTIFICATE FOR COUNTY OR CITY FEDERAL AID HIGHWAY PROJECT C-22(210) Paving Project for Knox Blvd. as follows:

RIGHT OF WAY CERTIFICATE  
FOR COUNTY OR CITY FEDERAL AID HIGHWAY PROJECT

NAME OF PROJECT: Dakota County Knox Boulevard C-22(210)

DESCRIPTION OF PROJECT: Roadway Paving

This is to certify that the necessary right-of-way for said project has all been acquired in compliance with the provisions of Title III of the UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT of 1970.

All encroachments including improvements and signs Have been removed from the right-of-way or provisions Have been made for their removal by January 1, 2006.

All necessary moving, lowering or rearranging of pipelines, pole lines and other utility lines have been completed or provisions made for such work to be completed by January 1, 2006.

Relocation assistance was not required for this project.

If relocation assistance was required the necessary action to comply with Title II of the UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT of 1970 has been performed by the State of Nebraska, Department of Roads. Relocation Assistance personnel and certified accordingly.

The right-of-way is now available for immediate construction and it is recommended that said project be advanced to letting stage.

DATED this 5th day of December, 2005.  
COUNTY OF DAKOTA, NEBRASKA

ATTEST	CERTIFIED BY:
\s\ Theodore A. Piepho	\s\ William F. Engel
Theodore Piepho	Title: Chairman,
County Clerk	County Board of Commissioners

I, Theodore A. Piepho, County Clerk, in and for the County of Dakota, hereby certify that the Chair of the County Board of Commissioners duly signed said document upon passage and authorization by the Dakota County Board of Commissioners.

If there are any exceptions, list and explain fully on additional page.  
If there are encroachments, list on additional page.

I, Theodore A. Piepho, County Clerk, in and for the County of Dakota, hereby certify that there were no exceptions or encroachments attached to this document.

\s\ Theodore A. Piepho  
ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea,  
UNANIMOUS MOTION CARRIED.

Mr. Rohde discussed to discontinue the County's Compensation time off policy, which is to pay overtime for overtime hours rather than allowing compensation hours to accumulate, and to authorize comp. hours to accumulate up to a maximum of 80 hours, but they must be used by the next calendar year in which they were earned.

Commissioner O'Neill remarked that we have a policy of not authorizing comp. Time and she would like to keep it. She added that we just had a situation where comp time was not a good situation. There was discussion and that discussion that it might be ok if the county would limit a maximum of 80 hours accumulation.

The County Clerk reminded that county board that the reason for discontinuing Comp time was because when Richard McNear retired it allowed him to stay on the payroll for an extra three or four months costing the county to pay his health insurance for that time, which was equivalent to 1500 to 2000 dollars. That is as much as a value of \$4.00 an hour or more.

The County Clerk and Boards Assistant advised the board that the Union Contract states if the county authorizes comp. time the Road Employees can accumulate up to 480 hours and, in their opinion, the county board cannot change the contract without opening up the contract through normal union negotiation channels.

Commissioner Hartnett moved, seconded by Commissioner Engel to authorize the Road Department to accumulate up to 80 hours comp time in lieu of paying immediate overtime.  
ROLL CALL VOTE: Bousquet- NO, O'Neill- NO, Hartnett- Yea, Engel- Yea, Miller- Absent, MOTION FAILED.

Mr. Rohde said that he was going to check with the City of Dakota City, to see if they can provide the county with snow removal. He said that with the construction going on that it was not worth their time to come into town from Hubbard to remove the snow, especially for light snow falls.

Sandy Beers appeared before the board to request the board to purchase three sheriff's cars. He had solicited inventories and prices from various dealers. With the County Attorney present, he was asked if this was a sealed bid situation. Mr. Matney said that he felt it was because the total purchase amount is over \$20,000 and said that you could not break a bid up to circumvent the bid process.

Mr. Matney, County Attorney, appeared before the board to inform them that the District Judge wanted some law books brought up to date and the would be \$7,540. He added that this would be a lot cheaper than the internet software than the county had before.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to authorize and direct the County Attorney to update the law library books as described and pay the dues to keep them current.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED.

Ron Rapp appeared before the board to inform them that there would not be a rate increase in the County's long term Compensation for it's employees would not have a rate increase.

The board reviewed the Human Society Agreement as follows:



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

This Agreement effective the 5th day of December, 2005 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 or 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 of 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: \_\_\_\_\_, 2005  
Date

Signed: \_\_\_\_\_, 2005  
ATTEST: Date

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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

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Humane Society Agreement as follows authorizing the Siouxland Humane Society 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.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Payroll paid: COUNTY GENERAL FUND: Gross salaries- \$89,816.83, General Fund Employees Net Pay- \$61,729.09, Employer deductions paid: Retirement- 5,828.88, Retirement Makeup- 34.44, Social Security Tax- 5,416.16, Medicare- 1,266.69, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 141.63.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1230.77, Daniel Christoffers- 364.60, Bobbi Jo Harsma- 891.25, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 827.20, Robert Giese- 1450.04, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 320.00, Mark J. Dorsey- 556.29, Margaret Rahn- 1098.18, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 792.80, Carol Dunham- 1055.94, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1849.19, Dustin Kinsey- 804.80, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 743.05, Jeremy Bermel- 2593.97, Anthony Bos- 1667.57, Brad Claypool- 2210.65, Sandy Dickens- 1030.08, Brian Ellinger- 2239.30, Todd Hammer- 2175.36, Melvin Harrison III- 2269.96, Rodney Herron- 1932.00, Kimberly Johnson- 409.64, Jared Junge- 2326.47, Michael Kreegar- 2109.03, Gayle Richards- 767.20, Kevin Rohde- 1907.36, James Wagner- 1813.63, Randall Walsh- 2371.10, Rita Chase- 984.00, Amber Hegarty- 1692.31, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1809.08, Richard Criss- 1613.26, Eric Davis- 1157.00, Penny Epting- 1921.50, Ronald Fink Jr.- 1332.50, John Gilles- 1214.10, Alma Gunderson- 1646.75, Paula Harrigfeld- 610.20, Brenda Harrison- 223.13, Cathy Harsma- 1454.63, Joseph Ramirez- 1542.38, Krystal Ramirez- 1675.00, Linda Schovanec- 1231.06, Randall Crombie- 115.39, Jolene Gubbels- 522.63, Leon Pies- 550.80, Pamela DeVries- 1454.50, Gloria Dwyer- 890.41, Patricia Glover- 961.97, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 9,567.37, State- 3,333.42, Social Security Tax- 5,416.16, Medicare- 1,266.69, Retirement- 3,977.68, Retirement Makeup- 24.44, DC Health Plan- 1,167.86, DC Dental Plan- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 80.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 453.62, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,256.99, Road Employees Net Pay- \$9,381.96, Employer deductions paid: Retirement- 804.00, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 22.94, Social Security Tax- 790.67, Medicare- 184.94.

Randall Crombie- 1113.60, Ronald Harder- 1121.15, Walter Heinemann- 1144.92, Richard Hoesing- 1146.02, Robert Jacobsen- 1144.92, Fred Kellogg- 1147.06, Kimon Litras- 1140.82, Arnold Mellick- 1134.48, Marlan Millard- 1134.48, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1132.59.

ROAD FUND: Employee withholding paid to: Federal- 1,119.24, State- 412.05, Social Security- 790.67, Medicare- 184.94, Retirement- 535.99, DC Health Plan- 300.69, DC Dental Plan- 78.28, Reassure America Life- 9.76, Union Dues- 200.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

COPS FAST GRANT: Gross salaries- 2,131.57, Cops Fast Employee Net Pay- 1,382.43, Employer deductions paid: Retirement- 165.20, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 132.16, Medicare- 30.91, Brent Gilster- 2131.57.

COPS FAST GRANT: Employee withholding paid to: Federal- 353.39, State- 110.44, Social Security- 132.16, Medicare- 30.91, Retirement- 117.24, Sheriff Union Dues- 5.00.

Chair Engel Adjourned their meeting at 2:52 p.m

Dakota County Commissioners

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William F. Engel, Chairman

ATTEST:

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
DECEMBER 19, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their regular scheduled meeting to order at 10:00 a.m.

Present were: Commissioners Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: Commissioner Miller.

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

Commissioner Bousquet reported that Jerry Johnson had called him and wanted to know if the county wanted to rent a ground thawer. Commissioner Bousquet said that they should forge ahead with the project because of the cost of out boarding prisoners.

Commissioner Hartnett said that he gave a figure to get it done and it should be no more than that. She added that things did not happen in a timely manner this fall.

Mr. Bousquet cautioned the board that papers laid up in the County Attorney's desk for two months and held up the bonding process.

Commissioner O'Neill brought up that they said that they would be shipped at Thanksgiving time.

Commissioner Hartnett reported that Nanci had called Tindal and they said that the cells were being shipped today.

Commissioner Bousquet said that the rails are pretty well open. There is not a lot of grain being shipped right now.

The Board talked about the number of people that are doing house arrest duties. Commissioner Hartnett reported that Rod reported to the Merit Commission that they needed to hire 10 people 6 months before the opening of the jail to train them.

Commissioners Bousquet and Hartnett commented that they don't have the money.

The board discussed the number of inmates and to equate the cost of the inmates boarded in other counties adds up to \$88,000 a month. That led into discussion that the number of people on house arrest is down to 6 and they questioned if two people were needed to do house arrest.

Commissioner Bousquet said that he thought that they would be over budget on the Construction of the Jail.

Commissioners Bousquet, Hartnett and Engel said that the Construction Manager needs to be held accountable to construct the jail on budget.

Bill Rohde and Randy Crombie appeared before the board.

They talked about applying for a grant using tires to control drainage. They thought that they would have to have an engineer ready for engineering.

This led to discussion whether the county was going to continue to go with JEO or to get another engineer on board.

The board felt that JEO should go ahead with the engineering on the three projects that they are currently on and asked what Bill and Randy's recommendation was for future engineering services.

Bill said he talked with Olsson and Associates and they are very professional plus they do the engineering for NRD. He identified what cities they had offices in.

Randy asked if there were any projects that the board wanted to have added to the one and six.

Mr. Rohde mentioned that Commissioner Miller wanted the minimum maintenance road upgraded and this is the river leading to the river east of Homer.

Mr. Crombie mentioned L Avenue leading to the river North of Jackson.

The board thought that 164th Street was in pretty good condition, but had some low spots. They thought that we would build up the low spots and put some rock on that part of the road.

Mr. Crombie reported that the gravel budget is the same as it was in 1998.

Chair Engel recessed their meeting at 12:47 a.m. for lunch.

Chair Engel reconvened their meeting from lunch at 1:30 p.m.

Present were: Commissioners Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: Commissioner Miller.

Donna Goodier appeared before the board and informed them what she did for Dakota County to entice Tourism to come to Dakota County.

Steve Oltmans and Ralph Puls with Papio- Missouri NRD and Olsson Associates accompanied them. Mr. Oltmans said that they would like to take this opportunity to update the County Board on where they are at on the Pigeon Jones Creek Project.

Sandy from the Sheriff's Office said that they would like to purchase two pickup trucks and one car.

Bob Sheehan appeared before the board and requested a Letter of Support as requested in a letter to Jackie Hartnett from Jeff Golden as follows:  
December 12, 2005

Jackie Hartnett  
Dakota County Supervisor  
PO Box 106  
Hubbard, NE 68741

Dear Jackie,

Boys and Girls Home of Nebraska has provided human services in our community and surrounding areas for 17 years. Our success has in no small part come from the generous support of our community and its leaders. As one of those leaders, I am writing to ask you to send our congressional delegation a letter of support for development of a consolidated children's residential treatment center. I have attached a sample letter for your convenience and would be pleased to provide the letter to you by email.

We currently operate two facilities in South Sioux City, both of which are rented and neither one of which was designed as a children's residential treatment center. As our community continues to grow we strive to address its growing needs. We sincerely believe that the children and families we serve will benefit from a new, therapeutically designed, modern and efficient facility in which professional treatment is provided to children and adolescents suffering from serious issues related to abuse and neglect.

Boys and Girls Home of Nebraska helps hundreds of children, adolescents, and families in our community lead better lives every year. We want to continue to be a leader and a partner in the community. Your letters of support to our congressional delegation will significantly assist our efforts and I thank you for taking the time to help us continue to serve the needs of our community.

Attached is the contact information for Congressman Fortenberry and Senators Hagel and Nelson. Please, send your letters to them all by FAX. Capital mail service, unfortunately, continues to suffer significant problems. Please send your original letters to us and we will hand deliver them in Washington, DC.

Sincerely,

Jeff Golden, JD  
Government Relations Director

Please address and FAX your letters to:

Congressman Jeff Fortenberry  
1517 Longworth House Office Building  
Washington, D.C. 20515-2701      FAX: 202-225-5686

Senator Charles T. Hagel  
248 Russell Senate Office Building  
Washington, D.C. 20510-2705      FAX: 202 224-5213

Senator E. Benjamin Nelson  
720 Hart Senate Office Building  
Washington, D.C. 20510      FAX: 202-228-0012

Please MAIL your original to:

Jeff Golden  
Government Relations Director  
Boys and Girls Home of Nebraska, Inc.  
100 Futures Drive  
South Sioux City, NE 68776

All originals will be delivered in person in Washington, DC.

Commissioner Hartnett moved, seconded by Commissioner Engel to send the following Letter of Support to Senators Ben Nelson, Charles Hagel and Congressman Jeff Fortenberry to ask for their strong support of funding for Boys and Girls Home of Nebraska's development of a modern children's residential treatment center in South Sioux City to serve the needs of seriously abused and neglected children in Nebraska as follows:

December 19, 2005

Senator E. Benjamin Nelson  
720 Hart Senate Office Building  
Washington, D.C. 20510  
FAX: 202-228-0012

RE: Support for Boys and Girls Home of Nebraska's Children's Residential Treatment Center

Dear Senator Nelson,

The Board of Commissioners is writing to ask for your strong support of funding for Boys and Girls Home of Nebraska's development of a modern children's residential treatment center in South Sioux City to serve the needs of seriously abused and neglected children in Nebraska.

Boys and Girls Home of Nebraska has served the needs of children and families in South Sioux City for 17 years. In productive partnerships throughout the community they provide valuable prevention and intervention services that strengthen children, adolescents and their families so that they can become healthy and productive members of the community. The Board strongly supports their efforts and ask you to assist them in this endeavor.

Boys and Girls Home of Nebraska is experienced in developing innovative and successful programs and facilities throughout Nebraska. This South Sioux City project will:

- \* strengthen economic development,
- \* provide clean, stable jobs,
- \* enhance needed community and human services, and
- \* increase efficiency and effectiveness of services.

Boys and Girls Home of Nebraska needs your help to consolidate their operations in South Sioux City through development of a modern children's residential treatment facility staffed by professionals and designed first and foremost for children and family services.

Nebraska's most at-risk children deserve high-quality emotional and behavioral health services and Boys and Girls Home of Nebraska provides those services. Please support Boys and Girls Home of Nebraska's request for funding for this important project that serves our community. Thank you.

Sincerely,  
William F. Engel  
Chairman

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved to approve the Child Support Agreement with Maximus. The motion died for a lack of second to request Maximus to explain how much Dakota County can expect to be paid for the indirect costs.

Commissioner Bousquet moved, seconded by Commissioner Engel to table the Maximus Child Support Agreement and request Maximus to appear at the next meeting to explain the agreement.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to authorize the Sheriff's Office to purchase two new pickups and one new car under the State bid for Patrol cars/pickups.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of November 21, 2005 and December 05, 2005 as typed.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the claims submitted by the County Clerk as follows:

GENERAL FUND: Dakota County Star, publishing- 165.22; Perkins, supplies- 4.29; Dakota County Clerk, affidavit- 5.00; Perkins, supplies- 238.79; Net Sys Plus, computer work- 126.00; Theodore Piepho, reimburse- 129.94; Sams Discover, supplies- 47.56; Staples, ink- 72.74; AJ Phillips, supplies- 482.00; DAS lmservices, data service- 27.50; Charlotte Doenhoefler, prior yrs- 10.00; Robert Giese, mileage- 101.85; Ruth Jensen, prior yrs- 12.00; NE Assoc of Co Treasurers, dues- 75.00; Mardel Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 480.00; Todds Storeall, storage- 80.00; Dakota County Star, publishing- 22.53; De Lage Landen, copier rental- 150.95; Dennis Reinert, mileage- 157.14; The Ink Spot, envelopes- 195.00; Norfolk Printing, binders- 228.75; Des Moines Stamp, stamps- 34.08; Carol Sue Dunham, mileage- 81.00; Butler County Court, dues- 25.00; Lexis Nexis, law books- 83.15; DAS Material, supplies- 211.50; Des Moines Stamp, stamps- 186.90; Office Systems Co, contract- 109.75; Kurt Rager, reimburse- 17.62; Redfield, folders- 106.50; Thomson West, service- 116.75; Thurston County Court, reimburse- 7.35; William Binkard, reimburse- 142.00; Lexis Nexis, law books- 43.45; Frank Gonzalez, interpret- 440.00; Lexis Nexis- law books- 83.15; Pacific City Graphics, letterhead- 133.00; Perkins, supplies- 85.85; Record Printing, business cards- 54.00; Bryan Smith, mileage- 87.30; Stacy Bianchini, witness fee- 24.85; Sergio Castillo, witness fee- 23.88; Dakota County Court, court cost- 1464.40; Alexander Esteves, legal- 121.58; Randall Groetken, witness fee- 20.97; Amanda Hansen, witness fee- 26.79; James Heinemann, witness fee-

20.48; Randy Hisey, counsel- 2310.00; Hungrys North, meal- 7.50; Hurley Law Office, counsel- 1578.00; Sandra Inkster, counsel- 240.00; Ted Koperski, witness fee- 291.00; Bill Kryger, witness fee- 25.82; John Loos Jr, counsel- 582.00; Jessica Penny, witness fee- 26.79; Lindsay Reed, witness fee- 32.12; Douglas Roehrich, counsel- 702.00; Sally Stubbs, witness fee- 25.82; Tim Topete, witness fee- 24.85; Patrick Tott, counsel- 1710.00; Nathan Tucker, counsel- 569.40; Aaron Tyler, witness fee- 35.52; Maria Villalpando, witness fee- 114.57; Dakota County Sheriff, papers/warrants- 2881.51; Clerk of District Court, claim- 712.00; Frank Gonzalez, interpret- 189.10; Randy Hisey, counsel- 354.00; Hurley Law Office, counsel- 168.00; John Loos Jr, counsel- 348.00; Michael Schmiedt, counsel- 427.50; Richard Thramer, counsel- 139.80; Tott Law Office, counsel- 504.00; Nathan Tucker, counsel- 15.00; Maximus, legal- 1009.23; Staples, supplies- 264.78; Dakota County Extension, reimburse- 669.83; A-Team Heating, air cond- 3800.00; John Barone, inspection- 115.00; Bekins Fire, fire extinguishers- 427.30; Benstar, supplies- 477.12; Bomgaars, supplies- 50.05; Cellular One, phone- 26.66; State Fire Marshall, registration- 120.00; Gill Hauling, service- 115.00; Grainger, supplies- 938.17; Wilmes Hardware Hank, supplies- 522.83; Richard Jensen, mileage- 146.08; Menards, supplies- 561.50; MidAmerican, energy- 1452.00; NPPD, power- 1553.42; Okeefe Elevator, inspection- 160.21; Sams Club, supplies- 376.95; Share Corp, supplies- 698.04; Trembly Pest, fee- 50.00; Automotive Electric, repair- 71.81; Cellular One, phone- 95.00; City of SSC, phone/fuel- 3171.74; Dakota County Sheriff, reimburse- 99.08; Dakota County Star, publishing- 10.57; Dakota Food & Fuel, fuel- 103.66; Fremont Tire, service/repair- 467.85; Harolds, film develop- 74.86; Jacks Uniforms, supplies- 176.05; Jackson Glass, repair- 75.00; K & S Auto Service, service- 30.63; Lexis Nexis, law books- 88.14; Midwest Radar, certification- 250.00; Poms Tire, tires- 382.48; Racom Corp, repair- 684.00; Robertson Implement, dog food- 18.95; Sioux City Ford, fuel- 479.66; SFCU, aol- 23.90; Siouxland NAPA, parts- 94.26; Torco-Remfg, battery- 123.95; AJ Phillips, stationary- 405.00; DMV, transcript- 19.00; Des Moines Stamp, ink pad- 9.00; Edward Matney, reimburse- 326.81; H204U, supplies- 17.25; NE State Bar, legal – 1280.00; City of SSC, lec- 22787.42; Alegent Health, medical- 522.92; AJ Phillips, cards- 162.00; BI Inc, board- 2559.60; Benstar Packaging, supplies- 166.72; Bob Barker, supplies- 1266.80; CBM Food Service, meals- 12918.15; Cass County Jail, boarding/medical- 48362.15; Sergio Castillo Jr, interpret- 50.00; Cellular One, phone- 108.02; City of SSC, fuel- 220.43; ConocoPhillips, jail- 90.79; Dakota Co Health Dept, tb tests- 50.40; Dakota Food & Fuel, fuel- 171.84; De Lage Landen, contract- 243.90; Dept of Correctional Serv, medical/safekeepers- 10104.79; Dixon County Sheriff, boarding- 2250.00; Sandy Dickens, mileage- 143.08; John Gilles, transport/fuel- 42.23; Good Neighbor Comm, medical- 145.29; ISECUREtrac, house arrest- 967.50; Jacks Uniforms Equip, handcuffs- 158.20; Madison Co Sheriff, boarding- 50.00; Henry Nguyen, interpret- 45.00; Northeast NE Juv Serv, boarding- 15385.00; David Noble, medical- 242.00; Redlers Pharmacy, medical- 681.40; Sams Club, supplies- 116.51; Sioux City Ford, van contract- 200.00; Sioux City Journal, subscription- 192.00; SFCU, transport/padlocks- 108.64; Staples, toner- 48.29; US Latex Products, gloves- 222.68; Walmart, supplies- 87.65; Woodbury Co Juv Det, boarding- 7800.00; Better Roads Magazine, subscription- 24.00; Cellular One, phone- 27.22; Perkins, supplies- 142.91; Pam Devries, mileage- 103.30; Dunes Family Medicine, medical- 250.00; Pat Glover, mileage- 110.09; Medibadge, stickers- 100.55; NE Dept of HHS, license- 500.00; Perkins, supplies- 28.84; Sears, refrigerator- 499.98; AJ Phillips, cards- 35.00; Botticelli Catering, lunch- 466.52; Boundtree, oximeter/backboard- 1487.00; City of SSC, video conference- 50.00; Pam Devries, mileage- 17.46; Dakota County Treasurer, rent/phones/internet/postage- 5040.00; Perkins, supplies- 108.86; Alan Boyd, mileage- 432.62; American Legion, markers- 607.60; Cellular One, phone- 200.44; Electronic Engineering, pager- 13.95; Office Systems Company, contract- 108.00; Perkins, supplies- 84.70; Aspen Publishers, law books- 297.00; Thomson West, law books- 72.29; Aflac, flex plan- 45.00; AT&T, phone- 30.07; Benstar Packaging, copy paper- 1105.93; Cableone, internet- 269.95; Dakota City Postmaster, first class presort- 150.00; De Lage Landen, lease- 110.50; Executive Copy Systems, parts- 80.82; FSH Communications, payphone- 57.70; Lazette Gifford, website- 40.00; MIPS, support- 358.85; NACO, dues- 1032.00; Net Sys Plus, computer work- 688.25; Qwest, phone- 1285.28; US Postal, postage- 2500.00; WCS Telecom, phone- 341.29;

ROAD FUND: Advance Auto, parts/tools- 204.98; Aramark, service- 210.15; Bs Enterprises, sign posts- 102.00; Bomgaars, parts/supplies- 68.96; Cellular One, phone- 28.87; Randy Crombie, clothing- 50.00; Loren & Teri Dolezal, dust control- 100.00; First State Bank, tractor- 12502.887; Flaugh's Pronto, fuel- 290.20; Ron Harder, clothing- 50.00; Gill Hauling, service- 47.00; Higman Sand & Gravel, rock- 3542.64; Hubbard Minimart, gas/diesel- 2945.70; H204U, service- 13.00; Joes Dept Store, parts/supplies- 94.96; Linweld, oxy- 102.89; Kimon Litras, clothing- 50.00; Richard McNear, prior yrs- 5.00; Marx Distribution, supplies- 159.94; Marx Truck Trailer Sales, parts- 238.41; Marlan Millard, clothing- 50.00; Northeast NE Telephone, phone- 208.74; NPPD, energy- 23.68; Leon Pies, test- 55.00; Pilger Sand & Gravel, gravel- 1400.47; Piorier Equipment, equipment- 231.68; Presco Sales, signs- 63.50; Rees Mack Sales, parts- 147.54; St Lukes Health, physical- 55.00; Sioux City Iron, supplies- 72.16; Siouxland Napa, parts- 82.30; Town & Country, supplies- 29.86; Tri-State Comm, equip- 115.00; Warren oil, diesel- 4870.60; Zieglers, blades/parts- 7290.17;

ROAD IMPROVEMENT: JEO, project- 2308.00; Dakota Co Register of Deeds, filing- 141.00;

POOR RELIEF: Becker Hunt Funeral Home, burial- 1050.00;

INSTITUTIONS: Norfolk Regional Center, qtrly payment- 15.00; Beatrice State Development Center, qtrly payment- 1896.00;

VETERANS AID: Veterans Service Office, vso- 2900.00;

STOP FUND: Moro Vision, night vision- 2840.00; WIT, registration- 200.00;

COUNTY DRUG LAW ENFORCEMENT: Moro Vision, night vision- 3500.00;

JUVENILE ACCOUNTABILITY: BI Inc, juv electronic monitoring- 38.50; Amanda Jones, mileage- 16.40;

COMMUNITY JUSTICE GRANT: BI Inc, electronic monitoring- 209.00;

PUBLIC SAFETY: City of SSC, sales tax- 2278.94; Jail Bond fund, sales tax- 16712.26;

HANDICAP ACCESSIBILITY: K & L Construction, work- 4205.00;

JAIL PROJECT FUND: Baird Holm, legal- 17000.00; Certified Testing Services, jail- 1071.40; CW Suter & Sons, jail- 3175.20; Harder Inc, jail- 16101.00; K&P Services, dumpster- 137.15; Lindblom Services, toilet- 96.00; McHan Construction, construction- 18000.00; Minute Man, statement- 677.23;

PortaStorage, office- 225.00; Tindall Corp, cells- 32669.10; Total Fire Protection, jail- 3661.87; Fremont National Bank, bond fees- 1225.00;  
WEED FUND: Holiday Inn, lodging- 146.52; Hubbard MiniMart, gas- 201.00; Leon Pies, fuel/dues- 40.00; Sams Club, supplies- 70.01;  
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea,  
UNANIMOUS MOTION CARRIED.

The following payroll claims were paid pursuant to the Employee Manual.

COUNTY GENERAL FUND: Gross salaries- \$82,954.41, General Fund Employees Net Pay- \$57,602.21, Employer deductions paid: Retirement- 5,361.38, Retirement Makeup- 34.44, Social Security Tax- 4,990.65, Medicare- 1,167.17, DC Health Plan- 16,090.80, DC Dental Plan- 623.70, Life Insurance- 141.66.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1230.77, Daniel Christoffers- 393.01, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 827.20, Robert Giese- 1450.04, Ruth Gillaspie- 1098.18, Jolene Heinemann- 869.00, Kimberly Kuehl- 827.20, Phyllis Ridge- 885.30, Mark J. Dorcey- 556.29, Margaret Rahn- 1098.18, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 792.80, Carol Dunham- 1055.94, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1849.19, Dustin Kinsey- 804.80, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 718.93, Jeremy Bermel- 2001.51, Anthony Bos- 1593.26, Brad Claypool- 1619.95, Sandy Dickens- 1030.08, Brian Ellinger- 1863.40, Todd Hammer- 1791.41, Melvin Harrison III- 1799.88, Rodney Herron- 2084.55, Kimberly Johnson- 400.33, Jared Junge- 2033.84, Michael Kreegar- 1791.41, Gayle Richards- 767.21, Kevin Rohde- 1372.28, James Wagner- 1813.63, Randall Walsh- 1733.08, Rita Chase- 984.00, Amber Hegarty- 1692.31, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 1961.54, Bobbi Strong- 826.41, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1436.67, Richard Criss- 1220.06, Eric Davis- 1111.50, Penny Epting- 1519.75, Ronald Fink Jr.- 1171.63, John Gilles- 1103.07, Alma Gunderson- 1361.50, Paula Harrigfeld- 604.80, Brenda Harrison- 231.00, Cathy Harsma- 1216.69, Joseph Ramirez- 1157.63, Krystal Ramirez- 1187.50, Linda Schovanec- 1381.33, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 550.80, Pamela DeVries- 1454.50, Gloria Dwyer- 890.40, Patricia Glover- 1063.40, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,126.03, State- 2,890.74, Social Security Tax- 4990.65, Medicare- 1,167.17, Retirement- 3,650.96, Retirement Makeup- 24.44, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 80.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 453.62, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,017.61, Road Employees Net Pay- \$9,217.38, Employer deductions paid: Retirement- 787.84, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 22.98, Social Security Tax- 775.81, Medicare- 181.44.

Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoelsing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1109.60, Arnold Mellick- 1113.60, Marlan Millard- 1113.60, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1122.26.

ROAD FUND: Employee withholding paid to: Federal- 1,086.42, State- 399.17, Social Security- 775.81, Medicare- 181.44, Retirement- 525.20, DC Health Plan- 300.70, DC Dental Plan- 78.32, Reassure America Life- 9.76, Union Dues- 200.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

COPS FAST GRANT: Gross salaries- 1,711.84, Cops Fast Employee Net Pay- 1,144.76, Employer deductions paid: Retirement- 132.67, DC Health Plan- 243.80, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 106.13, Medicare- 24.82, Brent Gilster- 1711.84.

COPS FAST GRANT: Employee withholding paid to: Federal- 254.23, State- 82.75, Social Security- 106.13, Medicare- 24.82, Retirement- 94.15, Sheriff Union Dues- 5.00.

VISITOR PROMOTION: SSC Chamber of Commerce: Lodging tax- 12,912.22

Chair Engel adjourned their meeting at 4:14 p.m

Dakota County Commissioners

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William F. Engel, Chairman

ATTEST:

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
DECEMBER 28, 2005 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called the Emergency Meeting called by the County Clerk at the request of the County Attorney to order at 9:02 a.m.

Present were: Commissioners Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: Commissioner Miller, Commissioner Miller arrived at 9:03 a.m.

The County Attorney, Ed Matney, explained that the Emergency Meeting was called because a lower cost to bring the Law Library up on the North Western Reporter that the District Judge wanted to update was negotiated lower than the \$7,500 dollars that was talked about in the December 5th meeting.

He added that the lower price of \$5,730.40 negotiated was contingent to West Publishing receiving payment on Thursday, December 29, 2005.

He requested that the board authorize the limit of the Cash Advance Fund to be expanded to allow for the \$5,730.40 expenditure to save the difference between \$7,500.00 and \$5,730.40.

Nanci Walsh informed the board that this expenditure does not meet the use described what the cash advance fund could be used for.

Commissioner Miller asked if any of the other counties were going to help fund any of the payment or any future expenses of the Law Library.

Mr. Matney said they were not, but that he would continue to try and negotiate that, but the judges spend most of their time here and are the ones that use it so he doubted if that would be a possibility.

Commissioner Hartnett moved, seconded by Commissioner Engel to authorize and direct the County Treasurer to make an one time payment out of the Cash Advance Fund in the amount of \$5,730.40 and the Cash Advance Fund be reimbursed from the Law Library Budget next claims cycle.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned the Emergency Meeting at 9:09 a.m.

Dakota County Commissioners

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William F. Engel, Chairman

ATTEST:

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Theodore A. Piepho, County Clerk

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