

DAKOTA COUNTY BOARD OF COMMISSIONERS  
JANUARY 03, 2006 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 Miller, Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: None

Commissioner O'Neill, moved, seconded by Commissioner Hartnett to defer approving the minutes of December 19, 2005 and December 28, 2005 until January 17th and to ask the County Clerk to add more discussion to the minutes.

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 session to discuss personnel.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 1:36 p.m.

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

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED. 1:46 p.m.

Amanda Jones appeared before the board to ask that they authorize her applying for a Juvenile Crime Commission Grant in the amount of \$5,552.00, which would be Title 2 monies. She submitted a draft copy of her application.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve and authorize Amanda Jones to make application for the Juvenile Crime Commission Grant in the amount of \$5,552.00.

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

The board discussed that they did not feel that the County Surveyor was paying enough attention to Dakota County's surveying needs.

Commissioner Bousquet provided the board with ways to contact the Surveyor. They were: survey@surveyinnebraska.com (Email Address), (402)375-1842 (Office Number) and (402)375-0380 (Cell Number).

Stan Wheelock and Darin Evans appeared before the board and said that the Jail cells had been loaded on rail cars and that they are trying to get tracking information to prevent the cars carrying the jail cells from getting lost.

It was the synopsis of the board to advertise to contract for someone to do Bridge Inspections for Dakota County.

It was the synopsis of the board to table the setting of the Officials Salaries until Nanci Walsh has a chance to explain her computations.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the Annual Weed Report as submitted by the Weed Superintendent, Leon Pies, and to authorize the chair to sign said report.

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

Commissioner Engel moved, seconded by Commissioner Hartnett 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 November, 2005 and the County Sheriff's Quarterly Report for the period October 1, through and including December 31, 2005.

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

Commissioner Miller reported on the RC&D Weed Management Grant and that Dakota County will be recipient of a 2 to 3 thousand dollar grant.

Payroll Claims paid:

COUNTY GENERAL FUND: Gross salaries- \$83,063.90, General Fund Employees Net Pay- \$57,425.53, Employer deductions paid: Retirement- 5,457.25, Retirement Makeup- 34.44, Social Security Tax- 4,975.81, Medicare- 1,163.71, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 141.63.

Richard Bousquet- 510.91, William Engel- 510.91, Jackie Hartnett- 510.91, Pamela Miller- 510.91, Betty O'Neill- 510.91, Nanci Walsh- 1230.77, Daniel Christoffers- 396.56, Bobbi Jo Harsma- 924.31, Theodore Piepho- 1493.43, Joan Spencer- 1077.64, Darlene Davis- 827.20, Robert Giese- 1493.43, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 115.00, Mark J. Dorcey- 573.02, Margaret Rahn- 1098.18, Daniel Christoffers- 382.35, Dennis Reinert- 192.31, Lynette Beermann- 1493.43, Michelle Criss- 808.00, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1868.12, Dustin Kinsey- 820.00, Richard

Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 699.63, Jeremy Bermel- 1436.00, Anthony Bos- 1743.54, Brad Claypool- 1727.35, Sandy Dickens- 1030.08, Brian Ellinger- 2212.45, Todd Hammer- 1618.03, Melvin Harrison III- 1685.33, Rodney Herron- 1626.90, Kimberly Johnson- 558.60, Jared Junge- 1743.00, Michael Kreegar- 1677.06, Gayle Richards- 767.20, Kevin Rohde- 1838.90, James Wagner- 1868.12, Randall Walsh- 1859.78, Rita Chase- 984.01, Amber Hegarty- 1692.31, Aimee Kennedy- 826.40, Edward Matney III- 2416.46, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1658.01, Richard Criss- 1316.25, Eric Davis- 1209.00, Penny Epting- 1394.53, Ronald Fink Jr.- 1212.25, John Gilles- 1149.46, Alma Gunderson- 1382.50, Paula Harrigfeld- 259.20, Brenda Harrison- 73.50, Cathy Harsma- 1274.06, Joseph Ramirez- 1270.69, Krystal Ramirez- 1156.26, Linda Schovanec- 1218.59, Randall Crombie- 115.39, Jolene Gubbels- 666.00, Leon Pies- 550.80, Pamela DeVries- 1454.50, Gloria Dwyer- 890.40, Patricia Glover- 1177.92, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,018.79, State- 2,881.06, Social Security Tax- 4,975.81, Medicare- 1,163.71, Retirement- 3,712.88, Retirement Makeup- 24.44, DC Health Plan- 1,167.86, DC Dental Plan- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 459.17, Aflac Life/Dsbl- 90.70, Flex Plan- 765.00.

COUNTY ROAD PAYROLL: Gross salaries- \$12,996.95, Road Employees Net Pay- \$9,092.52, Employer deductions paid: Retirement- 786.45, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 22.94, Social Security Tax- 764.43, Medicare- 178.78.

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- 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- 1,052.69, State- 389.12, Social Security- 764.43, Medicare- 178.78, Retirement- 524.27, 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- 1,685.53, Cops Fast Employee Net Pay- 1,133.09, Employer deductions paid: Retirement- 130.63, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 104.50, Medicare- 24.44, Brent Gilster- 1685.53.

COPS FAST GRANT: Employee withholding paid to: Federal- 244.78, State- 81.02, Social Security- 104.50, Medicare- 24.44, Retirement- 94.70, Sheriff Union Dues- 5.00.

COUNTY COURT JURY: TOTAL: \$1,206.48, Holly Andersen- 75.82, Raymond Bathke- 71.94, Terri Bauder- 39.85, Ronald Boltjes- 39.85, James Brackett- 37.91, Dawn Breece- 36.46, Jeanne Davis- 51.49, Janice Hamilton- 70.97, Kari Harrigfeld- 47.13, Katherine Henjes- 36.46, Randy Howard- 41.79, Cheryl Kilberg- 41.31, Mark Lethcoe- 77.76, Donna McArdle- 41.79, Harlan Millard- 43.73, Ricardo Moreno- 79.70, Rebekah Ramirez- 45.67, Derrick Roth- 79.79, Marilyn Wanamaker- 35.48, Pharyce Eslick-Bailiff & doughnuts- 211.58.

Chair Engel adjourned the meeting at 3:20 p.m.

Dakota County Commissioners

ATTEST:

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William F. Engel, Chairman

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
JANUARY 12, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Special Meeting to order at 10:30 a.m.

Present were: Commissioners Miller, Bousquet, Engel, Hartnett and Ted Piepho, Secretary.  
Absent: Commissioner O'Neill

Ms. Walsh explained a spread sheet that had several scenarios of computation of election official's salaries including Naco's recommendation for the class of county they determined we should be in.

The board discussed what the salaries should be set for the term.

Commissioner Miller moved, seconded by Commissioner Bousquet that the Elected Official's salaries be set and at 4% increase over their 2006 salary and 3% each year thereafter in 2008, 2009 and 2010.

Ms. Walsh explained that the Sheriff received an additional amount for being the Jail Administrator and that caused discussion because of past discussions of having a separate Jail Administrator when the new jail is completed.

Commissioner Miller said that she would like to amend that motion to include the offices of County Clerk, County Treasurer, Clerk of the District Court, County Attorney and Public Defender as follows:  
SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS

**RESOLUTION**

WHEREAS, Section 23-1114 of the Nebraska Revised Statutes 1943 as amended requires that the salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.

BE IT THEREFORE RESOLVED That the county board of Dakota County, Nebraska hereby intends to set the salary of the County Clerk, County Treasurer, and Clerk of District Court for the term beginning January 2007.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Clerk, County Treasurer, and Clerk of District Court be established at \$40,385.28 for the calendar year 2007. That for each year thereafter a three (3) percent cost-of-living increase shall be added to the previous year's salary.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and be a member of the same health and medical group plan as offered to all county employees, which is single coverage.

BE IT FURTHER RESOLVED That in addition to the above salary, each official receive and be a member of the same dental and life insurance group plan as offered to all county employees.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and participate in the retirement plan offered to all county employees at the rate set by law.

AND FINALLY BE IT FURTHER RESOLVED, That the county reserves the right to enter into any program for the benefit of employees of the county (including elected officials), such as insurance programs and such other programs as may be approved, with the right of elected officials granted to participate in such programs on the effective date of such programs as approved by the board. It is the intent of the Dakota County Board of Commissioners that participation in such program shall not constitute an increase in the herein adopted salary but shall be and is part of such salary as adopted and approved by this resolution.

Adopted this 12th day of January, 2006 at Dakota City, Nebraska.

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ATTEST:  
County Clerk \_\_\_\_\_

**SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS**

**RESOLUTION**

WHEREAS, Section 23-1114 of the Nebraska Revised Statutes 1943 as amended requires that the salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.

BE IT THEREFORE RESOLVED That the county board of Dakota County, Nebraska hereby intends to set the salary of the County Attorney for the term beginning January 2007.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Attorney be established at \$65,339.82 for the calendar year 2007. That for each year thereafter a three (3) percent cost-of-living increase shall be added to the previous year's salary.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and be a member of the same health and medical group plan as offered to all county employees, which is single coverage.

BE IT FURTHER RESOLVED That in addition to the above salary, each official receive and be a member of the same dental and life insurance group plan as offered to all county employees.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and participate in the retirement plan offered to all county employees at the rate set by law.

AND FINALLY BE IT FURTHER RESOLVED, That the county reserves the right to enter into any program for the benefit of employees of the county (including elected officials), such as insurance programs and such other programs as may be approved, with the right of elected officials granted to participate in such programs on the effective date of such programs as approved by the board. It is the intent of the Dakota County Board of Commissioners that participation in such program shall not constitute an increase in the herein adopted salary but shall be and is part of such salary as adopted and approved by this resolution.

Adopted this 12th day of January, 2006 at Dakota City, Nebraska.

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ATTEST:  
County Clerk \_\_\_\_\_

**SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS  
RESOLUTION**

WHEREAS, Section 23-1114 of the Nebraska Revised Statutes 1943 as amended requires that the salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.

BE IT THEREFORE RESOLVED That the county board of Dakota County, Nebraska hereby intends to set the salary of the Public Defender for the term beginning January 2007.

BE IT THEREFORE RESOLVED: The annual salary for the office of Public Defender be established at \$50,511.76 for the calendar year 2007. That for each year thereafter a three (3) percent cost-of-living increase shall be added to the previous year's salary.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and be a member of the same health and medical group plan as offered to all county employees, which is single coverage.

BE IT FURTHER RESOLVED That in addition to the above salary, each official receive and be a member of the same dental and life insurance group plan as offered to all county employees.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and participate in the retirement plan offered to all county employees at the rate set by law.

AND FINALLY BE IT FURTHER RESOLVED, That the county reserves the right to enter into any program for the benefit of employees of the county (including elected officials), such as insurance programs and such other programs as may be approved, with the right of elected officials granted to participate in such programs on the effective date of such programs as approved by the board. It is the intent of the Dakota County Board of Commissioners that participation in such program shall not constitute an increase in the herein adopted salary but shall be and is part of such salary as adopted and approved by this resolution.

Adopted this 12th day of January, 2006 at Dakota City, Nebraska.

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ATTEST:  
County Clerk \_\_\_\_\_

Commissioner Hartnett said that she would second the amendment.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea,  
UNANIMOUS MOTION CARRIED.

Discussion was had that the Sheriff receives 25% for Jail Management.  
Discuss was had concerning that and how the wording could be.

County Attorney, Ed Matney, explained that Sheriff Wagner was still over the jail, but that the Chief Deputy administers the jail and this is what the board agreed to when that all took place.

Commissioner Miller said that she sees a very strong reason for the jail administrator to be separate from the Sheriff, whether that be the Chief Deputy or whomever.

Commissioner Miller left at 11:15 a.m.

Commissioner Bousquet moved to recess and do some inquiry with NACO. Discussion continued on the wording of the Sheriff's Salary Resolution.

It was decided to convene on a conference call with NACO attorneys to get their opinion on this subject.

Commissioner Bousquet withdrew his motion to recess.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to set the County Commissioners salary for the term beginning 2007 at \$13,812.76 and 3% in the years 2008, 2009 and 2010 as follows:  
SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS

RESOLUTION

WHEREAS, Section 23-1114 of the Nebraska Revised Statutes 1943 as amended requires that the salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.

BE IT THEREFORE RESOLVED That the county board of Dakota County, Nebraska hereby intends to set the salary of the County Commissioners for the term beginning January 2007.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Commissioners be established at \$13,812.76 for the calendar year 2007. That for each year thereafter a three (3) percent cost-of-living increase shall be added to the previous year's salary.

BE IT FURTHER RESOLVED That the Board Chairperson be paid an additional \$600 annually during the term of the office 2007, 2008, 2009, and 2010.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and be a member of the same health and medical group plan as offered to all county employees, which is single coverage.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official receive and be a member of the same dental and life insurance group plan as offered to all county employees.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and participate in the retirement plan offered to all county employees at the rate set by law.

AND FINALLY BE IT FURTHER RESOLVED, That the county reserves the right to enter into any program for the benefit of employees of the county (including elected officials), such as insurance programs and such other programs as may be approved, with the right of elected officials granted to participate in such programs on the effective date of such programs as approved by the board. It is the intent of the Dakota County Board of Commissioners that participation in such program shall not constitute an increase in the herein adopted salary but shall be and is part of such salary as adopted and approved by this resolution.

Adopted this 12th day of January, 2006 at Dakota City, Nebraska.

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ATTEST:  
County Clerk \_\_\_\_\_

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

Chair Engel recessed their Special Meeting at 11:32 a.m.

Chair Engel reconvened their Special Meeting at 3:00 p.m.

Present were: Commissioners Bousquet, Engel, Hartnett and Ted Piepho, Secretary. Also in attendance were Ed Matney, County Attorney and Jim Wagner, County Sheriff and Deputy Sheriff Rod Herron.

Absent: Commissioner O'Neill and Commissioner Miller.

The Board held a conference call with Elaine and Beth, NACO Attorneys, to discuss the Sheriff's Salary Resolution.

Commissioner Bousquet moved, seconded by Commissioner Engel to set the Sheriff's Salary for term beginning 2007 at 50,511.76 and 3% for each year thereafter in 2008, 2009 and 2010 as follows:  
SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS

RESOLUTION

WHEREAS, Section 23-1114 of the Nebraska Revised Statutes 1943 as amended requires that the salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.

BE IT THEREFORE RESOLVED, That the county board of Dakota County, Nebraska hereby intends to set the salary of the County Sheriff for the term beginning January 2007.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Sheriff be established at \$50,511.76 for the calendar year 2007. That for each year thereafter a three (3) percent cost-of-living increase shall be added to the previous year's salary.

BE IT FURTHER RESOLVED, That the salary for the County Sheriff includes a dollar amount for administering the jail without a Board of Corrections.

BE IT FURTHER RESOLVED, That the dollar amount to be considered for the administration of the jail shall be the difference between the Sheriff's Salary and the salary of the County Clerk, County Treasurer, and Clerk of District Court.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and be a member of the same health and medical group plan as offered to all county employees, which is single coverage.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official receive and be a member of the same dental and life insurance group plan as offered to all county employees.

BE IT FURTHER RESOLVED, That in addition to the above salary, each official shall receive and participate in the retirement plan offered to all county employees at the rate set by law.

AND FINALLY BE IT FURTHER RESOLVED, That the county reserves the right to enter into any program for the benefit of employees of the county (including elected officials), such as insurance programs and such other programs as may be approved, with the right of elected officials granted to participate in such programs on the effective date of such programs as approved by the board. It is the intent of the Dakota County Board of Commissioners that participation in such program shall not constitute an increase in the herein adopted salary but shall be and is part of such salary as adopted and approved by this resolution.

Adopted this 12th day of January, 2006 at Dakota City, Nebraska.

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ATTEST:

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

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

Commissioner Bousquet moved, seconded by Commissioner Engel that the Public Defender's position be considered a full time position and that he is refrained from performing private work.

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

Commissioner Hartnett moved, seconded by Commissioner Bousquet that the Chair of the Commissioners be paid an additional \$600 per year for serving as chair.

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

Commissioner Hartnett moved, seconded by Commissioner Bousquet to set the County Surveyor's Salary at \$1,000 for filling purposes, but that he be paid on a per hour basis.

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

Chair Engel adjourned the meeting at 3:45 p.m.

Dakota County Commissioners

ATTEST:

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William F. Engel, Chairman

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Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS  
JANUARY 17, 2006 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 Miller, Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: None

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of December 19, 2005, December 28, 2005, January 3, 2006 and January 12, 2006 as typed.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Chairman Engel opened nominations for the name of the chair to preside over meetings in 2006.

Commissioner Hartnett nominated Commissioner Engel.  
Commissioner Bousquet nominated Commissioner Hartnett.

Commissioner Hartnett moved, seconded by Commissioner Bousquet that nominations cease and a secret ballot vote be taken.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The County Clerk tabulated the votes and the secret ballot vote selected Commissioner Engel to serve as the Board's 2006 Chair.

Chair Engel opened nominations for Vice-Chair.

Commissioner O'Neill nominated Commissioner Hartnett.

Commissioner Miller moved, seconded by Commissioner Bousquet that nominations cease and the secretary cast a unanimous ballot for Commissioner Hartnett to serve as the Board's Vice Chair in 2006.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Abstained, Engel- Yea, MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller that all Depositories and Securities, Commissioner Meetings, Courthouse Hours, Holidays and Early Closings, M-F Schedule, Opening and Closing Graves, Legal Newspaper of County, County Government Day, Employee Association Agreement, Veteran Service Officer, Highway Supt., Planning & Zoning Administrator, Weed Supt., and Emergency Manager and all Committees and working committees be the same as last year or in the case of members of Committees be the same as currently served, with exception to the Ag. Land Committee, which is to be dissolved and that Commissioner Engel serve on Region IV Developmental Disabilities for Commissioner O'Neill and Commissioner O'Neill take Commissioner Miller's membership on the Budget Committee to serve with Commissioner Hartnett.

BE IT FURTHER RESOLVED that Randy Crombie is appointed as Highway Superintendent, Leon Pies as Weed Superintendent, Pat Foust as Emergency Management Director.

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

Commissioner Miller moved, seconded by Commissioner Bousquet to reappoint Dennis Reinert as Planning and Zoning Administrator.

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

The board reviewed the claims submitted by the County Clerk for approval to be paid.

Chair Engel recessed their meeting at 11:45 a.m. for lunch.

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

Present were: Commissioners Miller, Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, Secretary.  
Absent: None

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into Board of Equalization.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED 1:31 p.m.

Robert Giese, County Treasurer presented Motor Vehicle Exemption Applications to the board to consider for approval. They were: Golden Rod Hills on a 2002 Chevrolet Venture Van bearing Serial Number GNDU03E92D292361 and St. Michael's Church on a 1979 GMC C600 bearing the Serial Number T16A9V619942.

Commissioner Bousquet moved, seconded by Commissioner Engel to approve the Motor Vehicle Exemption Applications applied for by Golden Rod Hills on a 2002 Chevrolet Venture Van bearing Serial Number GNDU03E92D292361 and St. Michael's Church on a 1979 GMC C600 bearing the Serial Number T16A9V619942.

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 reconvene as Board of Commissioners.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 1:35 p.m.

Robert Giese, County Treasurer presented the County Treasurer's Semi Annual Report for Period July 1, 2005 through December 31, 2005 and the board reviewed same.  
Chairman Engel signed same.

Diane Moctezuma and Jeanette McAfee with the Haven House appeared before the board and requested a Letter of Support for a Grant Application that they were submitting.

Commissioner Engel moved, seconded by Commissioner Miller to approve and send a Letter to the Crime Commission supporting Haven House getting a grant to continue serving the victims of domestic violence and sexual assault.

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

Pat Rooney appeared before the board to sell the county an ad in the area Guide.

Commissioner Miller moved, seconded by Commissioner Bousquet to place the same ad in the Area Guide as last year with some minor changes and the ad be in color costing. \$319.00.

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

Kristi Quinn, with SIMPCO, appeared before the board and described her duties with SIMPCO and informed the board that SIMPCO, and especially her being a Dakota County resident, will help the county in any way that they can.

Commissioner Bousquet gave a brief Jail Report and said that the footings were done and they were just waiting for Tindall to deliver the pods.

Commissioner Miller informed the board about an Equestrian Center is being considered for this area. The majority of the members of the board welcomed the idea of an Equestrian Center, but did not feel they could commit tax dollars to funding the center.

Commissioner Miller spoke on LB776 and suggested that the county send a Letter of Support to Senator Ed Schrock, Chairman to the Committee on Natural Resources. This would allow grass clipping to be put in land fills.

Commissioner Miller moved, seconded by Commissioner Hartnett to send a Letter of Support supporting LB776 as follows:

January 17, 2006  
Senator Ed Schrock, Chairperson  
Committee on Natural Resources  
District #38, State Capitol  
P0 Box 94604  
Lincoln, NE 68509-4604

Dear Chairperson Schrock:

The Dakota County Board of Commissioners wishes to go on record as supporting LB-776, which addresses solid waste management.

The Dakota County Board of Commissioners voted at their regular meeting of January 17, 2006 to provide a letter of support for LB-776. The Board feels this action is a move in a positive direction to take advantage of such resources as methane gas produced at regulated landfills. Utilization of this resource will also serve to reduce the reliance on natural gas. This bill will benefit both the economy and the environment.

We appreciate your support for L8-776,

Sincerely,

\s\ William Engel                      \s\Jackie Hartnett  
\s\ Pam Miller                            \s\Rick Bousquet  
\s\ Betty O'Neill

cc: Committee on Natural Resources Members

Senator Patrick Engel, District 17

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

Dennis Reinert asked about who was to serve as the member to the Northeast Housing Authority. He mentioned that he went last time, but didn't know since they had approved the appointments and committees in a blanket motion and a formal appointment other than Arnold Mellick had not been made.

Commissioner Miller moved, seconded by Commissioner Bousquet to rescind the appointment of Arnold Mellick to the Northeast Housing Authority through the blanket motion of appointing positions and committee members earlier and to appoint Dennis Reinert to the Northeast Housing Authority.  
 ROLL CALL VOTE: Hartnett- Nay, Engel- Nay, Miller- Yea, Bousquet- Yea, O'Neill- Yea, MOTION CARRIED.

Dennis Reinert requested new appointments to the Planning and Zoning Board.  
 Commissioner Bousquet said that it was decided to advertise for members that wish to serve on the P&Z Board.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Accounts Payable Claims as submitted by the County Clerk for payment as follows:

GENERAL FUND: Dakota County Star, publishing- 257.06; NACO, workshop- 70.00; Nanci Walsh, mileage/supplies- 13.54; Eloise Gormally, prior yrs- 103.86; Bear Graphics, paper- 116.85; Dakota County State Bank, deposit slips- 51.00; MIPS, w2 forms/envelops/postage- 233.69; Perkins, supplies- 333.99; Theodore Piepho, cell reimburse- 20.00; Robert & Patricia Chitwood, lektriever- 1989.27; Robert Giese, mileage- 89.00; 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; Staples, supplies- 195.28; Bear Graphics, envelopes- 267.11; Dakota City Postmaster, stamps- 4.00; Todd's Storeall, storage- 80.00; Gene Cantrell, mileage- 21.23; Dakota County Star, publishing- 8.52; Jim Jepsen, mileage- 15.89; Dick McCabe, mileage- 25.68; Dick McNear, mileage- 21.68; Marian Millard, mileage- 18.12; Donald Miller, mileage- 26.35; Joe O'Neill, mileage- 18.12; Martin Rohde, mileage- 22.12; Carol Sue Dunham, mileage- 80.10; Executive Copy Systems, copier maint.- 279.13; Staples, supplies- 19.04; Lexis Nexis, law books- 83.15; Midwest Office Automations, contract- 443.33; Star Printing, letterhead- 97.50; Thomson West, service- 262.75; Thurston County Court, reimburse- 7.35; Record Printing, supplies- 253.21; Document Depot, document destruction- 40.00; William Binkard, reimburse- 326.30; Frank Gonzalez, interpret- 560.00; Perkins, supplies- 145.83; Thomson West, court rules- 172.00; Dakota County Sheriff, papers/warrants- 1469.11; Stacy Bianchini, witness fee- 22.67; Kenton Book, witness fee- 44.25; Terri Coughlin, witness fee- 48.13; Dakota County Court, court costs- 1373.12; Alexander Esteves, counsel- 716.65; Mary Fannon, witness fee- 54.92; John Herrig, witness fee- 29.70; Randy Hisey, counsel- 1206.00; Hungrys North, jury meals- 108.30; Sandra Inkster, counsel- 720.00; Pat Kavanaugh, witness fee- 21.78; Dept of Motor Vehicles, witness fee- 121.25; John Loos Jr, counsel- 336.00; Kristy Luiz, witness fee- 52.01; Ed Matney Sr, witness fee- 22.42; Bryan Meister, counsel- 28.90; Lisa Olson, witness fee- 21.78; Mark Price, witness fee- 22.67; Douglas Roehrich, counsel- 504.00; Lowell Satterwhite, witness fee- 20.00; Richard Thramer, counsel- 139.80; Richard Thramer, counsel- 1941.60; Raul Tinoco, witness fee- 24.85; Patrick Tott, counsel- 372.00; Coffee King, coffee- 42.70; Clerk of District Court, court costs- 389.00; John Loos Jr, counsel- 78.00; MIPS, jury list- 624.82; Dakota County Extension, reimburse- 431.06; Patricia Stingley, prior yrs- 103.86; Cellular One, phone- 26.30; City of Dakota City, water/sewer- 1301.06; Foulk Bros, repair toilets- 1233.87; Dustin Kinsey, computer work- 225.00; Gill Hauling, service- 115.00; G&R Controls, service- 90.00; Wilmes Hardware Hank, supplies- 124.84; Richard Jensen, mileage- 107.11; Menards, supplies- 340.97; Klemmett Dean, prior yrs- 84.00; Midamerican Energy, gas- 1452.00; NPPD, energy- 1641.58; O'Keefe Elevator, repair- 128.81; Sams Club, supplies/repair- 575.22; Siouxland Lock & Key, keys- 13.50; Trembly Pest Control, monthly fee- 50.00; Grainger, supplies- 129.69; Dakota Food & Fuel, gas- 23.00; Cellular One, phone- 73.54; Circle R Frame, repair- 596.50; City of SSC, phone/fuel- 3931.10; Crystal Oil, repair- 233.24; Fremont Tire, service- 1009.01; Harolds, film- 43.59; Hubbard Mini-Mart, supplies- 59.25; Jacks Uniforms, supplies- 418.55; K&S Auto Service, service- 150.33; MPH Industries, supplies- 47.20; Moore Wallace, applications- 46.26; Neva Neal, prior yrs- 103.86; Nebraska Sheriff Assoc, dues- 930.00; Net Systems Plus, computer work- 160.50; Poms Tire Service, tires- 311.88; Pro Lube, service- 96.47; RACOM, supplies- 1245.50; Robertson Implement, dog food- 18.95; Sioux City Ford, repair- 671.05; SFCU, aol- 23.90; Armon Todd, prior yrs- 69.24; Tri-State Comm, repair- 65.00; Douglas County Clerk, copies- 2.75; Debra Fergen, meals- 45.95; Department of Motor Vehicles, transcripts- 40.00; Document Depot, document destruction- 120.00; Edward Matney, reimburse- 44.64; Lexis Nexis, law books- 410.60; H204U, supplies- 17.25; Sprint, phone- 350.00; Perkins, supplies- 21.77; Thurston County Court, copies- 2.25; City of SSC, lec- 22787.42; Amanda Jones, mileage- 8.20; Bob Barker, supplies- 113.22; Bekins Fire & Safety, service- 19.50; Benstar, supplies- 41.48; BryanLGH, medical- 2787.60; Butler County Clinic, medical- 129.00; CBM Food Clinic, meals- 8096.78; Cass County Jail, boarding- 52100.00; Sergio Castillo Sr, interpret- 20.00; Cellular One, phone- 89.18; City of SSC, fuel- 62.25; Conoco, fuel- 67.97; Dakota County Sheriff, meal- 10.00; David City Discount, medical- 362.83; De Lage Landen, contract- 221.00; Sandy Dickens, mileage- 113.49; Dixon County Sheriff, boarding- 2300.00; Gwood Sales, supplies- 31.83; HyVee, flowers- 101.14; ISECUREtrac corp, house arrest- 999.75; Mercy Business Health, medical- 806.00; Midwest Pathology, medical- 25.00; NCP of NE, medical- 500.00; NE Workforce, unemployment- 3744.00; Northeast NE Juvenile, boarding- 16881.25; JR Pantoja, interpret- 40.00; Platte County Detention, boarding- 450.00; Pro Lube, service- 36.49; Redlers Pharmacy, medical- 565.99; Sams Club, supplies- 40.28; SFCU, fuel/meals- 244.85; Staples, supplies- 367.64; Walmart, supplies- 67.40; Woodbury Juvenile, boarding- 10700.00; Cellular One, phone- 26.30; De Lage Landen, copier rental- 91.00; Staples, supplies- 6.09; Briggs Corp, supplies- 37.49; Pam Devries, mileage- 98.45; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 130.95; Midwest Office Automations, copier maint- 45.90; Claritus, bio terror- 291.00; Pam Devries, mileage- 82.93; Hopkins, supplies- 371.77; Perkins Office Solutions, supplies- 65.49; Alan Boyd, mileage- 439.41; Electronic Engineering, pager- 13.95; Warren Johnston, prior yrs- 11.54; Dakota County Treasurer, law books- 5730.40; Aflac, service fee- 45.00; AT&T, phone- 32.34; Cableone, internet- 269.95; City of SSC, storm water- 145.50; Claritus, supplies/chip- 336.45; Dakota PC Warehouse, computer- 318.42; De Lage Landen, copier lease- 93.00; Executive Technologies, repair- 281.67; FSH Comm, payphone- 58.90; Lazette Gifford, website- 40.00; Jackie Hartnett, phone card- 42.80; Justice Benefits, collection fee- 2729.54; MIPS, support- 358.85; Network Systems Plus, network card- 16.00; Betty O'Neill, prior yrs- 46.16; Qwest, phone- 630.14; Qwest, phone- 652.50; Region IV,

services- 6829.50; Thompson Publishing, subscription- 413.50; US Postal Service, postage- 2500.00; WCS Telecom, phone- 350.71;  
ROAD FUND: Advance Auto, parts- 60.60; Mark Albenesius, gravel- 580.30; Aramark, service- 206.70; Bekins Fire & Safety, supplies- 190.01; Bomgaars, supplies- 60.73; Cellular One, phone- 28.20; Central Valley Ag, oil- 943.20; Dakota County Petty Case, supplies- 191.59; Flaugh's Pronto, fuel- 380.92; GCR Tire, tire- 669.84; Gill Hauling, service- 47.00; Walt Heinemann, clothing- 50.00; Richard Hoelsing, clothing- 50.00; Hubbard Mini-Mart, fuel- 2252.28; H204U, service- 39.75; IA-NE State Bank, grader payment- 15234.75; Joes Department Store, supplies- 149.67; Linweld, supplies- 54.27; Richard McNear, prior yrs- 57.70; Menards, supplies- 189.73; Nebraska Labor law, posters- 62.25; NPPD, service- 93.02; Northeast NE Telephone, phone- 187.96; Pomps, parts- 22.00; Presco Sales & Svc, signs- 8.73; Rees Mack Sales, labor/parts/supplies- 700.63; Willis Roeber, prior yrs- 69.24; Rogers Electric, supplies- 80.60; Industrial Tools & Machinery, supplies- 25.32; Siouxland Napa, parts/supplies- 179.65; Siouxland Trailer Sales, parts- 3.53; Stephan Welding, parts- 42.50; Superior Lamp, supplies- 8.75; Torco Remfg, starter- 265.00; Tractor Supply, parts- 121.98; Tri State Comm, equipment- 136.00; Warren Oil, diesel- 5906.80; Hardware Hank, supplies- 8.54; Zieglers, parts- 133.36;  
VETERANS AID: Veterans Service Office, relief- 400.00;  
ROAD IMPROVEMENT: Higman, gravel- 5277.81; JEO, bridge/project- 1346.00;  
JUVENILE SERVICE: Amanda Jones, mileage- 20.50; Dakota PC Warehouse, computer- 258.20;  
JUVENILE ACCOUNTABILITY: Dakota PC Warehouse, computer- 271.38;  
COMMUNITY JUSTICE GRANT: American Bio Medical, tests- 31.84;  
PUBLIC SAFETY: Jail Bond Fund, sales tax- 35599.41; City of SSC, sales tax- 4854.47;  
JAIL PROJECT: Certified Testing Services, jail- 148.00; DGR, engineering fees- 1101.84; Hander Inc, jail- 4669.20; HCI Construction, construction- 130954.48; HMN Architects, jail- 6808.61; Jomac Contracting, earthwork- 6483.50; K & P Services, dumpster- 94.95; Lindblom Services, toilet- 106.00; McHan Construction, construction/snow removal- 6607.50; Porta Storage, office- 225.00;  
WEED FUND: Maurice Crofoot, prior yrs- 103.86; Dr David Dyke, pickup payment- 2995.04; Colin Green, prior yrs- 57.70; Hubbard Mini-mart, gas/diesel- 202.00; Missouri Valley Weed Management, grant- 100.00;  
E911: City of SSC, 911 monies- 28145.32;  
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 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, 2005 and the County Sheriff's Quarterly Report for the period October 1, through and including December 31, 2005.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The payroll claims paid pursuant to the employee handbook were as follows:

COUNTY GENERAL FUND: Gross salaries- \$85,109.84, General Fund Employees Net Pay- \$58,931.17, Employer deductions paid: Retirement- 5,606.34, Retirement Makeup- 34.44, Social Security Tax- 5,102.63, Medicare- 1,193.35, DC Health Plan- 16,334.60, DC Dental Plan- 633.15, Life Insurance- 143.91.  
Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 407.79, Bobbi Jo Harsma- 948.00, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 125.00, Mark J. Dorsey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Michelle Criss- 808.00, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 820.27, Jeremy Bermel- 1759.14, Anthony Bos- 1652.71, Brad Claypool- 1915.30, Sandy Dickens- 1030.08, Brian Ellinger- 1823.13, Brent Gilster- 1787.17, Todd Hammer- 1502.44, Melvin Harrison III- 1915.30, Rodney Herron- 1626.90, Kimberly Johnson- 367.75, Jared Junge- 2070.64, Michael Kreegar- 1638.95, Gayle Richards- 767.20, Kevin Rohde- 1590.05, James Wagner- 1868.04, Randall Walsh- 1529.45, Rita Chase- 984.00, Amber Hegarty- 1692.31, Aimee Kennedy- 830.53, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1645.71, Richard Criss- 1284.19, Eric Davis- 1285.38, Penny Epting- 1387.58, Ronald Fink Jr.- 1239.88, John Gilles- 1219.04, Alma Gunderson- 1391.25, Paula Harrigfeld- 757.35, Cathy Harsma- 1280.81, Joseph Ramirez- 1171.13, Krystal Ramirez- 1178.13, Linda Schovanec- 1174.45, Randall Crombie- 115.39, Jolene Gubbels- 666.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 756.84, Patricia Glover- 1176.28, Alan Boyd- 941.85.  
GENERAL FUND: Employee withholding paid to: Federal- 8,218.54, State- 2,955.05, Social Security Tax- 5,102.63, Medicare- 1,193.35, Retirement- 3,817.45, Retirement Makeup- 24.44, DC Health Plan- 1,167.89, DC Dental Plan- 382.15, Colonial Health- 35.20, Sheriff Union Dues- 95.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 459.17, Aflac Life/Dsbl- 90.70, Flex Plan- 765.00.  
COUNTY ROAD PAYROLL: Gross salaries- \$13,384.05, Road Employees Net Pay- \$9,358.95, Employer deductions paid: Retirement- 812.54, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 22.98, Social Security Tax- 788.45, Medicare- 184.39.  
Randall Crombie- 1146.40, Ronald Harder- 1181.10, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 567.20, William Rohde- 1346.15, James Swanson- 1134.40.  
ROAD FUND: Employee withholding paid to: Federal- 1,105.01, State- 410.34, Social Security- 788.45, Medicare- 184.39, Retirement- 541.72, 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.

VISITORS PROMOTION: South Sioux City Chamber of Commerce: Lodging Tax- \$10,299.06.

Chair Engel adjourned the meeting at 2:30 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
JANUARY 31, 2006 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, Hartnett and Ted Piepho, Secretary.  
Absent: Commissioners Miller and O'Neill.

Commissioner O'Neill arrived at 1:34 p.m.

Skip Perley, a Woodbury County resident and member of Corrections Study Initiative was participating in a study to get the per day actual cost of what it cost to house an inmate. He said that the information kept, it was impossible coming up with that information now. The cost of the study was \$6400 and he felt that it would be good for Dakota County to have that information pertaining to what the daily cost is for Dakota County to house their inmates.

He asked the board if Dakota County would contribute half the cost, which would be \$3200.

Randy Crombie, Highway Supt., and Bill Rohde, Director of County Roads, reviewed the proposed projects that would be proposed at the One and Six Year Road Hearing.

The County Clerk suggested that the two projects agreed to by the County Board in the Joint Agreement with South Sioux City for the Jail Bond Issue be added to the Six Year Road Plan.

Nanci Walsh, Board's Assistant, agreed that one was to be complete in 2010 and the other in 2012. She added that South Sioux City will question why they are not on the One and Six if not added.

Commissioner Bousquet said that they should be added.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to convene into Closed Session pursuant to the statute authorizing Closed Sessions.

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 2:10 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- Absent, UNANIMOUS MOTION CARRIED. 2:24 p.m.

Recorder lacking approximately 3 minutes.

Carol Larvick appeared before the board to request permission to put up a 4H Welcome sign along the by-pass at C Avenue overpass.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to authorize the Extension construct a 4H Welcome Sign welcoming individuals to Dakota County as they enter Dakota County over the bridge from the east.

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

Tony Gomez appeared before the board to see about getting a Liquor License for the Old Crystal Lake like they had last year.

Joe O'Neill, Marty Rohde and Marlin Millard from the Planning & Zoning Board appeared to discuss increasing the number of Board Members.

Dennis Reinert had read the statue that indicates that the Planning and Zoning Board should be made up of 9 members.

There was discussion where we could have twelve.

Nanci Walsh and Sandy Beers appeared before the board to request that the county have a surplus property auction as there are 5 or 6 sheriff's cars at the county shop and surplus property is accumulating.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to declare the old Sheriff's car and the following list to be compiled by Ms. Walsh as surplus and obsolete property and to advertise same to dispose of the property by means of public bid.

2001 Ford Crown Victoria Police 4 Door Sedan 2FAFP71W11X124630

2000 Ford Crown Victoria Police 4 Door Sedan 2FAFP71WXYX129013

1999 Ford Crown Victoria Police 4 Door Sedan 2FAFP71W5XX173161

1999 Ford Crown Victoria Police 4 Door Sedan 2FAFP71WXXX173317

1999 Ford Crown Victoria Police 4 Door Sedan 2FAFP71W1XX202252

1998 Chevrolet Lumina 4 Door Sedan 2G1WL52K6W9222689

1983 Chevrolet - ton 4x4 350 V8 Automatic

Ford « ton 4x4 300 6cyl Manual 5 speed.

1972 700 A JD tractor Serial # 26785R no PTO just drawbar

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

Commissioner Bousquet moved, seconded by Commissioner Hartnett to Approve the AGREEMENT FOR ROADWAY REDESIGN for Knox Blvd. between the COUNTY OF DAKOTA and the STATE OF NEBRASKA DEPARTMENT OF ROADS as follows:

AGREEMENT FOR ROADWAY REDESIGN

PROJECT NO. S-20-7(1017)

CONTROL NO. 31819

COUNTY OF DAKOTA

US-20 & KNOX BLVD., INTERSECTION

THIS AGREEMENT, is made and entered into this 31st day of JANUARY, 2006, by and between the COUNTY OF DAKOTA, a governmental subdivision of the State of Nebraska (the "County"), and the STATE OF NEBRASKA DEPARTMENT OF ROADS (the "State") (collectively the "Parties").

WITNESSETH:

WHEREAS, the Parties desire that the County be allowed to fund, design and construct improvements to the intersection at Nebraska Highway US-20 and Knox Blvd. in Dakota County (the "Project") as shown on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, said improvement is located within the County of Dakota, Nebraska, outside city limits; and

WHEREAS, the State gives its permission for the Project and will accept the completed Project provided the Project is constructed with approval by the State Engineer as outlined in this document.

NOW, THEREFORE, in consideration of these facts and the mutual promises of the Parties hereto, it is hereby agreed as follows:

SECTION 1. The County agrees:

(a) to abide by the provisions of the Nebraska Fair Employment Practices Act as provided by Neb. Rev. Stat. 48-1101 through 48-1126 (Reissue 2004); and,

(b) not to discriminate on the basis of race, color, national origin or sex in the award and performance of this Agreement; and,

(c) that, if constructed, the Project will be constructed in accordance with the plans and specifications (the "Contract Documents") prepared by the County and approved by the State Roadway Design Engineer or designee (collectively the "State Engineer"); and,

(d) that any change orders or supplements receive written approval of the State Engineer; and,

(e) to prepare estimates and Contract Documents in accordance with the 1997 State of Nebraska Standard Specifications for Highway construction and all supplements, thereto, the State of Nebraska Standard plans for Highway construction; AASHTO Policy on Geometric Design of Highways and Streets; the Minimum Design Standards of the Board of Public Roads Classifications and Standards; ADA-Americans with Disabilities Act; Nebraska Department of Roads Standard Item Listing, and the State of Nebraska Road Design Manual (collectively the State Design Standards"); and,

(f) to acquire all governmental permits necessary to construct the Project; and,

(g) that all permits, estimates, and contract documents shall be submitted to and approved by the State Engineer, which approval has been received; and,

(h) to advertise for bids and let the Project; and,

(i) to provide construction phase services in compliance with State construction phase services procedures, including certification upon completion by an engineer registered in the State of Nebraska of the Project that the Project was constructed in conformance with the contract documents; and,

(j) that the State will provide an inspector on an intermittent basis to check the progress and acceptability of the work; and,

(k) to comply with all traffic safety regulations, including those prescribed in the latest approved edition of the Manual of Uniform Traffic Control Devices and to use extreme caution when working in the construction zone.

(l) to clear, at no cost to the State, the present Right-of-Way of the Project (as defined herein below) of all advertising signs and any other privately owned facilities or anything that may interfere with the construction, maintenance and operation of the improvement planned in the Project.

SECTION 2. The Parties agree that all Project construction shall occur in either State or County rights-of-way, as shown on Exhibit "A" (the "Right-of-Way").

SECTION 3. The County shall pay all costs of design and construction of this Project, provided that the State shall reimburse up to One Hundred Thousand (\$100,000.00) Dollars to the County for warranted improvements to the Highway System. Reimbursements shall be made upon written request and documentation of reasonable costs, submitted to the District Engineer through the State appointed inspector. Payment shall be made within 30 days of the receipt of the invoice. Included within the County costs are shop inspections and all laboratory testing including Proctor analysis and concrete cylinder compression tests.

SECTION 4. The State agrees:

- (a) that the County shall be permitted reasonable ingress and egress over State property or right-of-way for the purpose of designing and constructing this Project; and,
- (b) that the Project includes the removal of a portion of the Nebraska Highway US-20 asphalt shoulder and replacement with concrete surfacing.
- (c) that the Project includes the extension of existing highway culverts.
- (d) that the Project includes the installation of culverts beneath Knox Blvd. on right-of-way.
- (e) that the Project includes the grading and concrete surfacing of Knox Blvd. on the State right-of-way.
- (f) that the County may design and construct the Project; and,
- (g) that the State shall accept the completed Project, provided the Project is constructed in accordance with the contract documents approved pursuant to this Agreement.

SECTION 5. The Parties agree that the County shall make the sole determination as to the commencement date of the construction of the Project, and that nothing in this Agreement shall be deemed to require the County to construct the Project. The Parties agree that plans and specifications for the Project will be on file in the offices of the State Engineer.

SECTION 6. The Parties agree that; (a) This Agreement contains the entire agreement of the parties. No representations were made or relied upon by either party other than those that are expressly set forth herein. No agent, employee or other representative of either party is empowered to alter any of the terms hereon unless done in writing and signed by an authorized officer of the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as to the dates indicated below.  
EXECUTED by the County this 31 day of JANUARY, 2006.

ATTEST	COUNTY OF DAKOTA
\s\ Theodore A. Piepho	\S\ William F. Engel
Clerk	Chairperson
(SEAL)	

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED

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

The board took their quarterly jail tour at 3:05 p.m.

COUNTY GENERAL FUND: Gross salaries- \$85,122.70, General Fund Employees Net Pay- \$59,051.21, Employer deductions paid: Retirement- 5,651.19, Retirement Makeup- 34.44, Social Security Tax- 5,112.26, Medicare- 1,195.63, DC Health Plan- 16,333.93, DC Dental Plan- 633.15, Life Insurance- 143.88.  
Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 453.24, Bobbi Jo Harsma- 970.24, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55,

Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 125.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 422.94, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Michelle Criss- 808.00, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 714.10, Jeremy Bermel- 1866.87, Anthony Bos- 1743.53, Brad Claypool- 1803.43, Sandy Dickens- 1030.08, Brian Ellinger- 2024.50, Brent Gilster- 1643.18, Todd Hammer- 1518.96, Melvin Harrison III- 1790.00, Rodney Herron- 1977.77, Kimberly Johnson- 416.62, Jared Junge- 1747.49, Michael Kreegar- 1609.30, Gayle Richards- 767.20, Kevin Rohde- 1605.61, James Wagner- 1868.04, Randall Walsh- 1619.95, Rita Chase- 984.00, Amber Hegarty- 1692.31, Aimee Kennedy- 835.82, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1519.23, Richard Criss- 1277.44, Eric Davis- 1282.13, Penny Epting- 1349.31, Ronald Fink Jr.- 1314.63, John Gilles- 1060.00, Alma Gunderson- 1331.75, Paula Harrigfeld- 746.55, Cathy Harsma- 1297.69, Joseph Ramirez- 1274.07, Krystal Ramirez- 1287.51, Linda Schovanec- 1190.28, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1069.94, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,206.18, State- 2,960.64, Social Security Tax- 5,112.26, Medicare- 1,195.63, Retirement- 3,848.00, Retirement Makeup- 24.44, DC Health Plan- 1,005.95, DC Dental Plan- 401.52, Colonial Health- 35.20, Sheriff Union Dues- 95.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 459.17, Aflac Life/Dsbl- 90.70, Flex Plan- 765.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,341.35, Road Employees Net Pay- \$9,330.43, Employer deductions paid: Retirement- 809.66, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 22.94, Social Security Tax- 785.80, Medicare- 183.77.

Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 567.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,098.91, State- 407.50, Social Security- 785.80, Medicare- 183.77, Retirement- 539.80, 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.

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

Dakota County Commissioners

ATTEST:

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

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 13, 2006 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, Miller, Engel, Hartnett, O'Neill and Ted Piepho, Secretary.  
Absent: Commissioner Bousquet arrived at 1:31 p.m.

Arnold Mellick appeared before the board to discuss his letter of intent to conduct the Bridge Inspections for Dakota County. His bid was \$2,000 plus \$118, which represents 20% of the cost for him to take a training course put on by the UNL Education Unit. The other 80% for the cost of training would be paid by the Nebraska Department of Roads. The above cost represents \$41.53 for each bridge no matter whether they are non-Fracture Critical or Fracture Critical.

Mark Casey appeared before the board to discuss his letter of intent to conduct the Bridge Inspections for Dakota County. His bid was \$2,790 for the 51 bridges listed in the specifications. This represents \$45.00 for each Non Critical Bridge and \$90.00 for each Fracture Critical Bridges.

Commissioner Hartnett moved, seconded by Commissioner Miller to transfer Dakota County Abandoned Vehicle Title Number 05356700016 on a 1992 Toyota Camry Vin#4T1SK12E9NU045578 to Axles & Gears dba C & H Truck parts for consideration of the storage and towing charges due against said vehicles and to designate and approve the 1996 Mazda B2300 Pickup Vin#4F4CR12A7TTM44484 to be used by the County Road Department to make parts runs.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The County Clerk was asked to get the Letters of Intent to inspect Dakota County Bridges.

Nanci Walsh discussed the need for a Juvenile Services Plan to be written. She said that Mark Martin of Justice Solutions Group is experienced and willing to write a Juvenile Services Plan for Dakota County at \$65.00 per hour plus travel. The estimated time is 32 to 40 hours. If we do not submit to having a plan written, the County would loose out in grant monies for electronic monitoring and Amanda Jones salary.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve hiring Mark Martin to write the Juvenile Services Plan at a fee of \$65.00 per hour plus travel expenses.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The County Clerk returned from retrieving the Letters of Intent.

The Board briefly discussed the Maximus Agreement. Maximus could not be here to explain the agreement. Lynette Beermann, Clerk of the District Court said that she had recommended that the board approve it. She still recommended that we approve it because he can bring in more money than what she could.

Commissioner Miller, said that she understands that they fill out forms that go to the state to retrieve indirect costs. She said their fees are percent of what they retrieve from the state.

Ms. Beermann explained what they basically did in figuring cost through the Child Support in her office.

Commissioner Miller felt that it could be done in house.

Commissioner Hartnett echoed that she would like to do that and would like to revisit the passports. There was discussion on how much money the Clerk of District Courts office made providing those services and what the money was spent for. Lynette said she would take a look at it and talk it over with her staff. She returned later in the meeting and said that she would issue passports.

The board discussed the Firing Range. Commissioner Bousquet said that Rod Herron felt that the deputies and South Sioux Officers could go across the river for qualifications. He added that he did not feel that it is in the County's best interest to continue using the firing range. It was the board's consensus that the county no longer use the firing range in So. Sioux City.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to award the Bridge Inspection to Arnold Mellick as an individual dba Arnold Mellick Bridge Inspections.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Sterling Stolpe appeared before the board and they discussed the possibility of installing a security light at Old Saw Mill Road and North Shore Drive. Mr. Stolpe said that it would cost the county \$11.10 per month and they pay for the pole, etc.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to authorize Nebraska Public Power to install a Security Light at the intersection of Old Saw Mill Road and North Shore Drive.  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

The payroll claims to paid pursuant to the employee manual were as follows:

COUNTY GENERAL FUND: Gross salaries- \$81,551.27, General Fund Employees Net Pay- \$56,689.47, Employer deductions paid: Retirement- 5,394.28, Retirement Makeup- 34.44, Social Security Tax- 4,888.39, Medicare- 1,143.25, DC Health Plan- 16,334.60, DC Dental Plan- 633.15, Life Insurance- 143.91.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 487.33, Bobbi Jo Harsma- 1045.79, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 830.25, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 426.73, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Michelle Criss- 808.00, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 728.58, Jeremy Bermel- 1660.40, Anthony Bos- 1454.55, Brad Claypool- 1548.35, Sandy Dickens- 1030.08, Brian Ellinger- 1711.25, Brent Gilster- 1355.20, Todd Hammer- 1485.92, Melvin Harrison III- 1655.75, Rodney Herron- 1626.90, Kimberly Johnson- 435.24, Jared Junge- 1518.58, Michael Kreegar- 1380.61, Gayle Richards- 767.20, Kevin Rohde- 1383.97, James Wagner- 1868.04, Randall Walsh- 1977.43, Rita Chase- 719.55, Amber Hegarty- 1692.31,

Aimee Kennedy- 846.40, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1376.94, Richard Criss- 1110.38, Eric Davis- 1215.50, Penny Epting- 1196.27, Ronald Fink Jr.- 1111.50, John Gilles- 1119.63, Alma Gunderson- 1310.75, Paula Harrigfeld- 712.80, Cathy Harsma- 1213.32, Joseph Ramirez- 1022.63, Krystal Ramirez- 1300.00, Linda Schovanec- 1204.43, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1014.32, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,619.43, State- 2,753.64, Social Security Tax- 4,888.39, Medicare- 1,143.25, Retirement- 3,668.92, Retirement Makeup- 24.44, DC Health Plan- 1,005.98, DC Dental Plan- 440.88, Colonial Health- 35.20, Sheriff Union Dues- 95.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 459.17, Aflac Life/Dsbl- 90.70, Flex Plan- 765.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,352.03, Road Employees Net Pay- \$9,337.56, Employer deductions paid: Retirement- 810.38, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 22.98, Social Security Tax- 786.46, Medicare- 183.92.

Randall Crombie- 1146.40, Ronald Harder- 1149.08, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 567.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,100.42, State- 408.20, Social Security- 786.46, Medicare- 183.92, Retirement- 540.28, 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.

Chair Engel adjourned their meeting from the jail at 2:40 p.m.

Dakota County Commissioners

ATTEST:

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William F. Engel, Chairman

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Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 21, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 10:03 a.m.

Present were: Commissioners, Engel, Hartnett, Bousquet and Ted Piepho, Secretary.

Absent: Commissioner O'Neill and Commissioner Miller. Commissioner Miller arrived at 10:08 a.m.

The agenda for the meeting was as follows:

1. Call Meeting to Order at 10:00 a.m.
  - Roll Call
  - Pledge of Allegiance
  - Approve Minutes of last meeting
2. Review and Approve Accounts Payable claims
3. 11:45 a.m. Recess for Lunch
4. 1:30 p.m. Reconvene from Lunch
5. 1:30 p.m. Convene as Board of Equalization
  - Nominations for Chair
  - Nominations Cease
  - Vote
6. 1:31 p.m. Public Hearing
  - Oblate Apostles of the Two Hearts Tax Exempt Application for Religious purposes – Published
10. 2:00 p.m. One and Six Year Road Public Hearing
11. 2:45 p.m. Mike Carlson & Sophia LeMoine - Specialized Substance Abuse Supervision offered by the Probation Office - Information only.

## 12. Miscellaneous items

Jail Cost Study Dave Roederer (515) 284-6574  
Number of Planning and Zoning Board Members  
Insurance Renewal - Don Faber

## 13. Official's Reports

County Clerk  
Clerk of the District Court  
Register of Deeds  
Veteran's Service Officer

## 14. Public Comment

## 15. Mail and/or Emergency Business

Use of the Gun Range

## 16. Adjournment

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

The board briefly discussed our health insurance for the past year. It was noted that we have some claims that have been recertified that usually are very costly.

The County Clerk brought up that he had heard that the State was going to turn the Recreation Lake at Hubbard over to the County after completion and asked if anyone else had heard that.

Ms. Walsh, the Board's assistant said she had heard the same thing.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the minutes of January 31, 2006 and February 13, 2006 as typed.

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

The County Clerk asked the Board to convene into Closed Executive Session to discuss personnel.

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

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 11:00 a.m.

Commissioner Hartnett moved, seconded by Commissioner Miller to reconvene into open session.

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

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

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Absent, UNANIMOUS MOTION CARRIED. 11:35 a.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reconvene into open session.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, UNANIMOUS MOTION CARRIED. 12:00 noon.

Chair Engel recessed their meeting for lunch at 12:02 p.m. until 1:30 p.m.

Chair Engel reconvened their meeting at 1:31 p.m.

Present were: Commissioners Miller, Engel, Hartnett, Bousquet and Ted Piepho, Secretary.

Absent: Commissioner O'Neill.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to convene as Board of Equalization to discuss the Oblate Apostles of the Two Hearts Tax Exempt Application.

Commissioner Hartnett moved, seconded by Commissioner Bousquet that Commissioner Engel serve as Chair for Board of Equalization for 2006 calendar year.

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

Chair Engel opened the Public Hearing on the Tax Exemption Application applied for by the Oblate Apostles of the Two Hearts and the house is located at 1417 F Street, Legal Description; Lot 17 Lin Du Addition 1st Filing, City of South Sioux City, Dakota County, Nebraska.

Mike Tramp spoke on behalf of the Oblate Apostles of the Two Hearts and said that they were a Religious Organization. They are an organization under St. Michael's Church.

There was no one in the audience that wished to speak in favor of, in opposition, or being neutral to the tax exempt status of the Oblate Apostles of the Two Hearts receiving tax exempt status. The Chair said that the Assessor had recommended approval of the application.

Chair Engel closed the hearing at 1:35 p.m.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Exemption Application applied for by the Oblate Apostles of the Two Hearts for the house located at 1417 F Street, Legal Description; Lot 17 Lin Du Addition 1st Filing, City of South Sioux City, Dakota County, Nebraska.  
 ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea,  
 UNANIMOUS MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner Miller 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 January, 2006.  
 ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea,  
 UNANIMOUS MOTION CARRIED.

The Board discussed whether we should borrow the full \$73,00 for the Sheriff's cars or to just borrow 30 thousand.

Mike Carlson and Sophia Lamoine, with the Probation Office, appeared before the board, Mike introduced Pat Korth, who took Mike Carlson's position and Quin Rohan, who are new to the District Probation Office.

Mr. Carlson said that LB 46 in 2004 created a Community Corrections Program and the program (SASS) is a spin off of the Community Corrections Program. Him and Sophia went to Lincoln to train to be SASS Officers and explained what their function was.

Chair Engel Opened the One and Six Year Road Public Hearing at 2:00 p.m.  
 Randy Crombie, Highway Superintendent, explained each project as follows:

ONE & SIX YEAR  
 ROAD IMPROVEMENT PLAN  
 DAKOTA COUNTY, NEBRASKA

FEBRUARY 2006

PRIORITY NO.	PROJECT NO.	YEAR	FISCAL IMPROVEMENTS	ESTIMATED COST
1	C22-198	2006-2007	Reconstruct E. Avenue beginning at 164th Street, go South 1 mile to Nebraska Highway #35, grade and gravel, tubes stay the same.	\$30,000.00
			Beginning at Section# 5 & 6 ending at Section # 7 & 8T-28-N, R-9-E; Lincoln Grain Road.	
2	C22-168	2006-2007	Replace North abutment on Bridge # 021715P South Bluff Road Section # 13, T-28-N, R-7-E	\$30,000.00
			Stan Martineck Bridge.	
3	C22-193	2006-2007	Reconstruct M Avenue between 200th and 220th Streets. Grade and gravel, tubes are sized.	\$74,000.00
			Start between Section # 26 & 27, end between Section # 34 & 35 , T-28-N, R-7-E South of Hubbard	
			Bomag 0.3 miles of Lake Avenue between North Shore Drive and Old Sawmill Road. Repair all of intersection	\$40,000.00
			Section # 18, T-29-N, R-9-E.	
5	C22-183	2007-2008	Reconstruct G Avenue from Hwy # 35 1 mile to 185th Street. Grade and gravel Salem Lutheran Church Road	\$20,000.00
			between Section # 11 & 12, T-28-N, R-8-E	
6	C22-194	2007-2008	Reconstruct 170th Street from Hamlin Avenue West 0.5 miles towards K Avenue. Grade and gravel	\$10,000.00
			No Hydraulics between Section # 4 & 9 , T-28-N, R-8-E Beermann Dehy West	
7	C22-186	2007-2008	Remove and replace existing CMP culvert located 1.6 miles West of Hwy # 35 on 200th Street by Howard	\$7,000.00
			Rasmussen Section # 29, T-28-N, R-7-E	
8	C22-200	2007-2008	Replace existing CMP. Begin at S.E. corner of Section # 29, T-27-N, R-8-E, Thence Northerly \$25,000.00 0.2 miles, located just North of Thurston/Dakota County line on Wigle Creek Road. Regrade and gravel.	
9	C22-210	continuation	Regrade and pave 0.1 mile of Knox Blvd for new of Form 10 ethanol plant, Siouxland Ethanol LLC. 2005-2006 Road	\$170,000.00
			located between part S.E. 1/4 Section # 27 Completion	
			T-29-N, R-7-E and Part N.E. 1/4 Section # 34 date set for T-29-N, R-7-E in Dakota County.	
			Project submitted 2007 2005-2006 on a Form # 10 and to be completed in 2007	

10	C22-211	2007-2008	Replace cattle pass with 78 10 gauge spiral tube. Reconstruct 0.8 mile of Moody Road between Lynch Avenue and L Avenue. Start in Center of Section # 23 ending in S.W. 1/4, Section 24, T-29-N, R-7-E.	\$32,000.00
11	C22-187	2007-2008	Remove and replace Bridge No 02405 (PR7T) Suff. Rating 26.9 - Hubbard S.W. known as Rosie Purucker Bridge between Section # 25 & 36 T-28-N, R-6-E HUBBARD SW BRO-7022-16 Credit	Applying Soft Match
			Federal Aid 80%	\$280,000.00
			State Aid 5%	\$17,500.00
			County 15%	\$52,500.00
			(Soft Match Credit)	\$350,000.00
12	C22-188	2007-2008	Remove and replace Bridge No. 21715P RP 15T Suff. Rating 42.1 0.1 mile South of Hwy # 35 on South Bluff Road. Section # 13, T-28-N, R-8-E Hubbard Northeast or Stan Martineck Bridge HUBBARD NE BRO-7022-15	
	\$450,000.00		Federal Aid 80%	\$360,000.00
			State Aid 5%	\$22,500.00
			County 15%	\$67,500.00
			(Soft Match Credit)	\$450,000.00
13	C22-184	2008-2009	Reconstruct Elma Road from 220th Street to 230th Street 1 mile grade and gravel Merlin Chambers Section # 6, T-27-N, R-9-E	\$20,000.00
14	C22-190	2008-2009	Reconstruct 220th Street between S Avenue and T Avenue. Grade and gravel between Section # 3 & 34 T-27-N, R-6-E Allen Curtiss Road	\$24,000.00
15	C22-185	2008-2009	Reconstruct K Avenue from 160th Street South to Hwy # 35, 2.4 miles Section 1,12, & 13, T-28-N, R-7-E and Section 5,8, & 17, T-28-N, R-8-E. Henry DeGraff Rd	\$30,000.00
16	C22-196	2008-2009	Rebuild intersection O Avenue and 270th Street this will cover 0.3 mile. Needs graded, gravel, and utility adjustments. This will require engineering and some Right-of-Way to be bought. This will be a joint project with Thurston County	\$15,000.00
17	C22-179	2009-2010	Reconstruct K Avenue from Fiddler Creek Road North 1.5 miles to 225th Street. Grade and gravel. Squirt Erickson road between Section # 12, T-27-N, R-7-E and Section # 8, T-27-N, R-8-E	\$40,000.00
18	C22-119	2009-2010	Remove and replace existing bridge with CMP near the North 1/4 corner of Section # 13, T-29-N, R-6-E Not on Bridge Inventory, Frank O'Neill Bridge	\$35,000.00
19	C22-212	2009-2010	First Step-Re-Classify 260th Street from Blyburg Road for 1.3 miles to Missouri River from Minimum Maintenance to RL3. Second Step-Grade and gravel 260th Street from Blyburg Road 1.3 mile to Missouri River. Hydraulics pending. Beginning in South 1/2, Section # 22 and Ending in N.E. 1/4, Section # 26, T-27-N, R-9-E	\$30,000.00
20	C22-213	2009-2010	Construct new road that will connect Dakota Avenue & C Avenue. This will be an extension of 48th Street. This will be total road construction with paving. Will be 1520' feet long 31' feet wide and 9 inches deep with curb and gutter	\$230,000.00
21	C22-214	2009-2010	Project will reconstruct C Avenue from 39th to 48th Street. This will include grading and paving. Paving will be of Rural Design. 26' feet wide, and 9 inches thick and 3250' feet long	\$414,000.00
22	C22-182	2010-2011	Reconstruct 160th Street from K Avenue to Hamlin Avenue 2 miles. Grade and gravel Section # 3,4,& 5 T-28-N, R-8-E Bob Boals Road	\$40,000.00

- 23 C22-118 2010-2011 Relocate Oakdale Road around farmstead, grade, & gravel, Right-of-Way donated. Beginning at US Hwy 20 0.4 miles East of the W 1/4 corner of Section # 20 T-29-N, R-7-E then Northeast 0.25 miles Phil Kramper Road \$15,000.00
- 24 C22-195 2010-2011 Relocate intersection of Oakdale Road and Hwy # 20 on South side of #20. Relocate 0.3 miles East build road around Farmstead and gravel. Buy Right-of-Way, size tubes, and move utilities. Between Section 19&20 T-29-N, R-7-E. Should be coordinated with Project C22-118 \$25,000.00
- 25 C22-155 2010-2011 Remove existing Bridge # 20325(not posted). Replace with CMP, grade and gravel 0.3 miles North of intersection of 120th Street and S Avenue between Section # 10 & 11, T-29-N, R-6-E. Bloomfield Bridge \$20,000.00
- 26 C22-215 2010-2011 This project will regrade and pave C Avenue from 48th Street to Dakota City, Nebraska. Roadway will be of Rural Design. Paving will be 26' feet wide and 9 inches deep and 7310' feet long 936,000.00
- 27 C22-124 2011-2012 New Construction and Right-of-Way purchase for a new by-pass between South Sioux City and Dakota City. Beginning at the Northeast corner of the Southwest 1/4, Northeast 1/4 of Section 34, T-29-N, R-9-E. Riverfront Road, Simpcos began environmental study of interchange in 1998, waiting for results of the Highway # 35 study from South Sioux City to Norfolk \$800,000.00
- 28 C22-199 2011-2012 Reconstruct 164th Street, starting at E Avenue ending at Nebraska Hwy # 110. Grade and gravel. Beginning at Section # 6, T-28-N, R-9-E. Ending at Section # 1 T-28-N, R-8-E Chuck Beermann Road. \$30,000.00

Jim Schwieger, asked why Fiddler Creek has never been black topped. He referred to the Hubbard-Jackson Road, but have never black topped any roads in the county. He said that Fiddler Creek was one of the busiest roads in the county. He mentioned that the Fiddler Creek should have a speed limit.

Bill Rohde said that it is too bad that they didn't black top over the hill by Gail Jensen's back in the sixties. That road is very hard to maintain.

Bill Wiseman, living on Kenesaw, said that there are 26 new homes out there since 77. He added that the road is very dangerous. He mentioned an area where the guard rails and the road to narrow for cars to meet.

Chair Engel closed the Public Hearing at 2:29 p.m.

Commissioner Bousquet moved, seconded by Commissioner Miller to pass the One and Six Year Road Resolution; Be it resolved by the Board of Commissioners for Dakota County, Nebraska, that the One and Six Year Road Program as prepared by Randy Crombie, Dakota County Highway Superintendent, and attached hereto, be adopted.

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

Commissioner Miller said she would like to see project number 212 the Minimum Road reclassification upgraded to a regular county road done in the 2006- 07 year.

Mr. Rohde said that he would take that into consideration if they can work it in.

Joe O'Neill and Marlan Millard from the Planning and zoning, appeared before the board asking why Planning and Zoning was on the agenda because they didn't feel it should be discussed until they have had their meeting tonight.

Chair Engel recessed their meeting at 2:50 p.m. for 10 minutes at which time they will join in on a conference call with Dave Roederer (515) 284-6574 to discuss a Jail Cost Study.

Chair Engel reconvened their meeting at 3:02 p.m. and the County Clerk initiated a call with Dave Roederer to discuss a Jail Cost Study.

Ron Rapp and Peter Benson appeared before the board concerning the renewal of the County's Health Insurance.

Ed Matney, County Attorney, appeared before the board to discuss the Jail Administrator.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the claims as submitted by the County Clerk for payment.

GENERAL FUND: Rick Bousquet, mileage/parking- 117.25; Dakota County Star, publishing- 314.03; Gretchen Hirschbach, prior yrs- 69.24; Holiday Inn of Kearney, lodging- 175.76; Perkins, supplies- 32.30; Daniel Rohde, prior yrs- 23.08; Charles Rush, prior yrs- 34.62; SSC Area Chamber, caucus- 160.00; Nanci Walsh, mileage- 234.87; Dakota County Clerk, title- 14.00; Dakota County Star, publishing- 107.82; NE District Assoc, dues- 10.00; NE Nebr Assn of County Officials, registration- 20.00; Perkins, supplies- 5.49; AJ Phillips Co, supplies- 35.00; Automated Systems, support- 600.00; DAS Imservices, data service- 27.50; Dakota County Star, publishing- 89.16; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 84.55; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, rental- 480.00; Mips, bosanova- 126.11; NE Dist Assoc, dues- 10.00; Dakota County Star, publishing- 201.00; Todds Storeall, storage- 80.00; Theodore Piepho, phone/election stands- 355.09; Dakota County Star, meeting- 9.47; NACO P&Z, dues- 25.00; Lynette Beermann, supplies- 7.68; Carol Sue Dunham, mileage- 58.72; Executive Copy Systems, copier maint- 327.47; The Ink Spot, envelopes- 180.00; NE Nebr Assn of County Officials, registration- 20.00; AJ Phillips, sheets- 470.00; Benstar Packaging, paper- 285.40; Das material, supplies- 386.75; Data Source Media, cartridge- 297.62; Paula Jensen, supplies- 32.28; Perkins, supplies- 21.96; Kurt Rager, printer- 74.14; Thomson West, service- 116.75; Thurston County Court, transcribing- 14.40; William Binkard, supplies- 26.61; Frank Gonzalez, interpret- 360.00; NCDAA, dues/seminar- 455.00; NSBA, seminar- 185.00; Perkins, supplies- 95.79; Dakota County Sheriff, papers/warrants- 1962.83; Dakota County Court, court cost- 2266.29; Norma Delao, witness fee- 22.22; Thomas Fitch, counsel- 1116.00; Charles Gotschall, witness fee- 24.45; Lance Hedquist, witness fee- 20.00; Lance Hedquist, witness fee- 20.00; Randy Hisey, counsel- 1074.00; Marybeth Holmes, witness fee- 24.45; Christine Hovey, witness fee- 48.90; Hungry's North, food- 116.32; Dennis Hurley, counsel- 2064.00; Hurley Law Office, counsel- 994.90; Sandra Inkster, counsel- 1140.00; Cesar Leyva, witness fee- 22.67; Victor Leyva, witness fee- 20.00; Suzette Lonewolf, witness fee- 41.36; Patricia Nieman, witness fee- 24.45; Sue Petersen, witness fee- 48.90; Douglas Roehrich, counsel- 768.00; Richard Thramer, counsel- 377.40; Nathan Tucker, counsel- 1502.40; Lori Ubbinga, counsel- 2766.00; Harry Beatty, Gary Beermann, Christopher Bengtson, Roberta Boyle, Tammy Cahill-Lane, Phyllis Clingenpeel, Jason Heisinger, Jane Hubbard, James Iversen, Elwin Lovell, Kevin Martin, Sandra Muff, Marvin Muirhead, Troy Munhofen, Rod Nieman, Cordelia O'Mara, Linda Pritchett, Julie Prochello, Dianne Rose, Debra Sanford, Mary Sargent, Rick Swanson, Paul Tighe, Lesley Tweedy, Brian Van Berkum, Cletis Wilke, jury fees- 911.72; Pharyce Eslick, bailiff/donuts- 317.96; Clerk of District Court, court costs- 608.00; Robert Decker, bailiff fee- 25.00; Linda Kastning, mileage/training- 416.70; Connie Lee, Copies- 108.50; Madison County Sheriff, service- 23.08; Siouxland Reporting Service, hearing- 50.00; Patricia Slaughter, mileage- 243.24; Richard Thramer, counsel- 1716.60; Michael Schmiedt, counsel- 246.00; Hurley Law Office, counsel- 312.00; John Loos Jr, counsel- 378.00; Thomas Fitch, counsel- 282.00; Shelley Horak, counsel- 1128.00; Benstar Packaging, supplies- 389.15; Cellular One, phone- 26.66; Curry Floor, stair tread- 43.00; Dakota Food & Fuel, gas- 24.00; Foulk Bros Plumbing, plumbing- 164.78; Gill Hauling, service- 115.00; Grainger, supplies- 381.65; Wilmes Hardware Hank, keys- 5.56; Richard Jensen, mileage- 138.71; Menards, supplies- 726.64; Midamerican Energy, gas- 1452.00; NPPD, energy- 1596.96; Robertson Implement, salt- 270.00; Sams Club, supplies- 326.14; Trembly Pest Control, pest control- 50.00; Dakota County Extension, reimburse- 818.60; BIO-Key International, software- 3811.50; Bobbers Car Wash, tokens- 125.00; Cellular One, phone- 67.93; Circle R Frame, service/repair- 1243.79; City of SSC, phone/copies/fuel- 3869.71; Crystal Oil, repair- 16.00; Dakota County Sheriff, reimburse- 170.62; Dakota Food & Fuel, fuel- 193.24; Fremont Tire, service- 826.62; Harolds, developing- 3.08; HyVee, shipping- 15.54; Jacks Uniforms, supplies- 639.92; Jared Junge, meal/training- 5.09; K&S Auto Service, repair- 12.00; Pro-Lube, service- 49.98; Racom, t1- 596.00; Robertson Implement, food- 19.20; Sid Dillon, trucks- 13356.00; SFCU, training/aol/fuel- 129.53; Siouxland Humane Soc, animal control- 46.00; Staples, supplies- 108.63; Walmart, supplies- 18.29; Willis Animal Clinic, supplies- 116.00; AJ Phillips, cards- 45.00; Amber Hegarty, supplies- 22.32; DMV, transcripts- 27.00; Edward Matney, mileage/postage- 137.10; H204U, supplies- 20.75; Iowa Office Solutions, toner- 342.71; Perkins, supplies- 114.98; Sprint, phone- 280.00; David City Discount, medical- 221.48; De Lage Landen, contract- 221.00; Dept of Correctional Services, safekeepers/medical- 6303.05; Sandy Dickens, mileage- 168.78; Electronic Engineering, radio- 275.50; Guard-Rite Security, transport- 115.00; ISECUREtrac, house arrest- 390.25; Jacks Uniforms, supplies- 60.00; Lincoln Fire & Rescue, medical- 619.95; MCH Health System, medical- 185.50; Mercy Business Health, medical- 622.00; Mercy Medical Center, medical- 234.00; NE Nebraska Juvenile Services, boarding- 20860.00; Joseph Ramirez, mileage- 8.29; Redlers Pharmacy, medical- 615.56; Sams Club, supplies- 127.13; SFCU, fuel/meal- 463.78; Staples, supplies- 143.39; Walmart, supplies- 164.97; Randy Walsh, transport- 30.00; Woodbury Co Juvenile, boarding- 22700.00; Cellular One, phone- 26.30; Filmore County Hwy Dept, dues- 25.00; NE Nebr Assn of County Officials, registration- 20.00; Staples, computer card- 49.94; Pam Devries, mileage- 73.87; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 95.23; Sanofi Pasteur, tests- 106.35; Pam Devries, mileage- 250.90; NE HHS Regulations, lists- 148.00; Perkins, supplies- 107.01; Alan Boyd, mileage- 240.30; Electronic Engineering, pager- 13.95; AT&T, phone- 28.39; Benstar Packaging, paper- 1080.00; Stephanie Bousquet, reimburse- 403.85; Business Telcomm Systems, phone work- 2122.00; C&H Heavy Duty, contract- 750.00; Executive Technologies, service- 198.00; FSH Communications, payphone- 58.30; De Lage Landen, lease- 128.00; Lazette Gifford, website- 40.00; Hasler, meter rental- 150.00; IBM, server- 188.55; MIPS, support- 358.85; NetSys Plus, computer work- 680.00; Qwest, phone- 1293.24; Region IV Inc, services- 5320.25; Sams Club, supplies- 83.28; SIMPCO, dues- 1782.50; SSC Area Chamber, sponsorship- 426.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 359.46; ROAD FUND: A-Team Heating & Cooling, repair- 242.50; Advance Auto, parts/supplies- 52.22; Air Filter Cleaning, filters- 127.80; Aramark, service- 187.52; Bs Enterprises, signs- 372.00; Barkley Asphalt,

asphalt- 86.70; Bomgaars, supplies- 354.77; Campbell Supply, tools- 77.43; Cellular One, phone- 28.87; Dakota County Star, publishing- 36.00; First State Bank, grader payment- 15559.04; Flaugh's Pronto, fuel- 406.54; Fremont Tire, tires- 26.45; Gill Hauling, service- 47.00; Guarantee Oil, oil- 478.29; Higman Sand & Gravel, rock- 7829.66; Hubbard Mini-Mart, fuel- 3847.09; H204U, service- 13.00; Joes Dept Store, supplies- 15.25; Kimball Midwest, supply- 44.11; Liebers Garage, parts/labor- 200.38; Linweld, supplies- 293.80; Medical Enterprises, testing- 29.90; NE Nebr PPD, prepay- 1000.00; NPPD, service- 98.04; NE Nebr Telephone, phone- 190.19; Perkins, supplies- 29.35; Pilger Sand & Gravel, gravel- 3783.44; Priorier Equipment, parts- 65.00; Pumps, repair- 773.50; Powerplan, parts/supplies- 574.17; Presco Sales & Svc, signs- 190.94; Register of Deeds, easement- 10.50; S&S Equipment, parts- 155.90; Siouxland Hydraulics, parts- 27.20; Siouxland NAPA, supplies- 633.41; Staples, prints- 78.79; Stephan Welding, parts- 450.00; T&A Truck wash, maint- 140.00; Town & Country Power, supplies- 59.66; UECO, pipe- 305.60; Warren Oil, fuel- 4708.40; Zieglers, parts- 896.50;

ROAD IMPROVEMENT: JEO, project- 414.50;

POOR RELIEF: Nebr Dept of Social Svcs, admin fees- 19.00;

VETERANS AID: Veterans Service Office, relief- 300.00;

JUVENILE ACCOUNTABILITY: Amanda Jones, mileage- 32.80; BI Inc, electric monitoring- 242.00; Perkins, supplies- 27.88;

COMMUNITY CORRECTIONS: American Bio Medical, tests- 280.00; BI Inc, electric monitoring- 434.50; Tri State Nursing, test- 120.00;

COMMUNICATIONS: City of SSC, grant- 336463.40;

INHERITANCE TAX: General Fund, budget transfer- 100000.00;

PUBLIC SAFETY: City of SSC, sales tax- 4620.25; Jail Bond Fund, sales tax- 33881.86;

HANDICAP ACCESSIBILITY: Jackson Glass, polling place work- 1660.00; Theodore Piepho, stands- 454.79;

JAIL PROJECT: Bierschbach Equip, jail- 2545.02; GA Johnson, management fees- 68500.00; Hander Plumbing, jail- 9335.70; HMN Architects, jail- 12696.10; Howalt-Mcdowell Ins, risk ins- 7868.00; K&P Services, dumpster- 99.90; Lindblom Services, toilet- 106.00; McHan Construction, construction- 2037.50; Muth Electric, construction- 60150.78; PortaStorage, office- 225.00; Tindall Corp, cells- 100000.00;

WEED FUND: De Lage Landen, rental- 91.00; Heritage Express, gas- 42.00; Hubbard Mini-Mart, gas- 244.40; NE Nebr Assoc of County Officials, workshop- 20.00; Nebr Weed Control Assoc, conference/dues- 175.00; Leon Pies, workshop- 10.00;

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

Chair Engel adjourned their meeting from the jail at 4:50 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 27, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 1:31 p.m.

Present were: Commissioners, Engel, Hartnett, Bousquet, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: All Present.

The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 27, 2006 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 last meeting

2. 1:30 p.m. Don Workman - Donald Workman@maximus.com (402-423-2701)
3. 1:45 p.m. Stan Jans - requesting help with drainage problem with parcel by DC cemetery
4. 2:00 p.m. Planning & Zoning Public Hearing on new P & Z Regulations
5. 3:00 p.m. Bob Sheehan with Boys and Girls Home. Juvenile Services
6. 3:15 p.m. Rod Herron - Firing Range - Usage of South Sioux's firing range and alternatives to using it.
7. Rod Herron - Jail Study - To decide whether to hire a consultant to determine how much it cost to house an inmate per day. Also to look at a transition plan to move from the old jail to the new jail
8. Health Insurance Renewal - Executive Session to discuss certain issues confidential under HIPPA.
9. 3:30 p.m. Pat Foust - Communications Tower at Jackson.  
Approval and Approval of the expenditure.
10. Miscellaneous Agenda Items  
Sheriff Cars Lease Purchase  
3:30 P.M. Public Defenders - Brian Smith and Joe Flynn  
Open bids and award bids for Surplus Property advertised 2-16 and 2-23  
Executive Session for Personnel
11. Public Comment
12. Mail and/or Emergency Business
13. Adjournment

Don Workman appeared before the board concerning an agreement between Maximus and Dakota County. The following letters were written to Ted Piepho, County Clerk and Nanci Walsh, assistant to the board.

November 8, 2005

Mr. Theodore Piepho  
Dakota County Clerk  
Post Office Box 39  
Dakota City, NE. 68731

Dear Board Members:

The current contract between MAXIMUS, Inc. and Dakota County covers cost allocation plan services through December 31, 2005. It is now time to complete a new contract for the preparation of cost allocation plans that covers your fiscal years 2005, 2006 and 2007. We believe that you have found our services to be valuable in the past and are confident that you will continue to experience quality, value-added professional services in the future.

Enclosed with this letter are two originals of our proposed contract with Dakota County. We ask that the county appropriately execute both copies and return one original to us in the enclosed self-addressed stamped envelope.

MAXIMUS, Inc. is pleased to be of service to you. We appreciate the confidence you have placed in us in the past, and look forward to our continued mutually beneficial relationship long into the future. Please contact our Nebraska staff, Wes Ehlers or Don Workman at (402) 462-6481 if you have any questions or if we can otherwise be of assistance to you.

Sincerely,  
MAXIMUS, Inc.  
Diane Blaschko  
Vice President

Enclosures

January 20, 2006

Ms. Nancy Walsh  
Administrative Assistant  
Dakota County Board  
Courthouse  
Dakota City, NE68731

Dear Nanci:

In regard to our recent conversation regarding the renewal of our contract, I thought I would attempt to answer some questions you, Ted Piepho, or the county board members might have. Even though the Nebraska Department of Health and Human Services (NDIHS) has moved out of the courthouse, Dakota County still needs a cost allocation plan for the Title IV-D work that the Clerk of the District Court does. They are entitled to claim indirect costs providing a cost plan and supporting documents have been filed with the NDHHS. Nothing has changed in that regard, and from all indications, that program should remain mostly unchanged in the coming years.

As far as our fees for the cost plan, the contract we sent shows a fee of \$6,100 per fiscal year. There are safeguards built into our contract that will protect your county in the event of diminished indirect recoveries, or in the unlikely event of Federal programs being eliminated. Although our fee is \$6,100, it is contingent on Dakota County recovering at least \$12,200 in indirect costs for the Fiscal year. If it is less than that, the fee is 50% of indirect costs recovered. This hasn't come into play in the last few years, since between the Title IV-D and NDEHS recovery; the amount you have recovered far exceeds the \$12,200 figure. For example, if you should recover only \$6,000 in indirect cost during the next fiscal year, your fee will only be 50% of that amount (\$3,000). Many of the smaller counties we work with are billed in this manner, and it has worked well. We feel we are taking all the risk with this method, rather than the county paying for a report that it won't be able to use. Simply put, if we didn't think it was worthwhile for both parties, we would not be sending you a new contract, I hope this answers any questions about viability of indirect cost recovery for Dakota County. We have enjoyed working with Dakota County in the past, and hope to continue to do so for many years.

If anyone has any questions, please contact me at donaldworkman@maximus.com. Since I travel quite a bit, that is the easiest way to reach me.

Sincerely,

Don Workman  
Senior Consultant  
MAXIMUS, Inc.

The following agreement was presented to the board for approval

AGREEMENT TO PROVIDE  
PROFESSIONAL CONSULTING SERVICES  
DAKOTA COUNTY, NEBRASKA

THIS AGREEMENT, entered into this \_\_\_\_\_ day of February, 2006 and effective immediately by and between MAXIMUS, Inc. (hereinafter called the "Consultant") and the County of Dakota (hereinafter called the County) WITNESSETH THAT:

WHEREAS, the County has programs which it operates with outside funding, and

WHEREAS, the County supports these programs with support services paid from the County's general kinds, and

WHEREAS, outsider users will pay a fair share of these costs if supported by an appropriate cost allocation plan, and

WHEREAS, the Consultant is staffed with personnel knowledgeable and experienced in the requirements of developing and negotiating such governmental cost allocation plans, and

WHEREAS, the County desires to engage the Consultant to assist in developing a plan which conforms to Federal requirements and will be approved by their representatives.

NOW THEREFORE, the parties hereto mutually agree as follows:

- 1 Engagement of Consultant. The County agrees to engage the Consultant and the Consultant hereby agrees to perform the following services.
- 2 Scope of Services. The Consultant shall do, perform, and carry out in a good and professional manner the following services:

A Development of a Central Services Cost Allocation Plan. The Consultant shall prepare on behalf of the County a central services cost allocation plan to identify support services performed in

fiscal year 2005 which will result in cost reimbursements during fiscal year 2007. Consultant shall complete fieldwork during fiscal year 2006. The central services cost allocation plan identifies the various costs incurred by the County to support and administer federal programs. If the Agreement is not terminated per the provisions of Section 8., Termination of Agreement for Cause or Section 8.A., Special Termination, the Consultant shall develop a central services cost allocation plan to identify support services performed in fiscal year 2006 which will result in cost reimbursements during fiscal year 2008. Consultant shall complete fieldwork during fiscal year 2006. If the Agreement is again not terminated, the Consultant shall develop a central services cost allocation plan to identify support services performed in fiscal year 2007, which will result in cost reimbursements during fiscal year 2009. Consultant shall complete fieldwork during fiscal year 2008.

B Plan Contents, Consultant Staffing and County Participation. Each plan will contain a determination of the allowable costs of providing each supporting service, such as: purchasing, personnel, disbursement processing, etc. Consultant staff will analyze all data required, perform all cost allocation calculations, and complete the cost allocation plan in a form ready for the County to submit for Federal and State approval. County personnel involvement will be limited to locating and providing access to accounting and payroll records, answering questions to enable Consultant to appropriately interpret County records, and participation in brief interviews by selected personnel to enable Consultant to determine appropriate allocation of costs across County programs.

C Negotiation. Consultant shall negotiate use of the completed cost allocation plan with the appropriate Federal and State representatives if necessary.

D Instruction and Monitoring. Consultant shall instruct County personnel in preparing the claims to the State and other appropriate sources for recovery of funds due the County. Consultant will monitor the progress of County claims to insure the County receives recoveries due it.

3 Time of Performance. The services to be performed hereunder by the Consultant shall be undertaken and completed in such sequence as to assure their expeditious completion and best carry out the purposes of the Agreement.

A Term of Agreement. It is expressly understood and agreed that the effective date of this Agreement shall be the date first written above and shall continue in full force and effect until December 31, 2007. It is further agreed that this Agreement shall automatically renew twice on the same terms and conditions unless terminated by either party giving the other written notice by Certified Mail at the address for that party, as hereinafter set forth, at least fifteen days (15) prior to the expiration of this Agreement. This Agreement shall renew upon the first anniversary of the date first written above and shall be in full force and effect until December 31, 2008. This Agreement shall also renew upon the second anniversary of the date first written above and shall be in full force and effect until December 31, 2009.

Upon notice of termination, this Agreement shall remain in effect only until the County has received all recoveries due it as a result of the cost allocation plan, if any remain due; and has compensated Consultant as provided for herein.

4 Compensation. For Client fiscal year 2005, the County agrees to pay the Consultant one-half of the recovered funds not to exceed the sum of Six Thousand One Hundred Dollars (\$6,100.00) all services required herein, which shall include reimbursement for expenses incurred. Client shall receive recovered funds during Client fiscal year 2007. Consultant agrees to complete the project and all services provided herein for said sum. Unless terminated per Section 3, for Client fiscal year 2006, the County agrees to pay the Consultant one-half of the recovered funds not to exceed the sum of Six Thousand One Hundred Dollars (\$6,100.00) for all services required herein, which shall include reimbursement for expenses. Client shall receive recovered funds during Client fiscal year 2008. Consultant agrees to complete the project and all services provided herein for said sum. Unless terminated per Section 3, for Client fiscal year 2007, the County agrees to pay the Consultant one-half of the recovered funds not to exceed the sum of Six thousand One Hundred Dollars (\$6,100.00) for all services required herein, which shall include reimbursement for expenses. Client shall receive recovered funds during Client fiscal year 2009. Consultant agrees to complete the project and all services provided herein for said sum.

5 Method of Payment. The County will make payment for the annual plan to the Consultant from in the agreed-upon amount in paragraph 4 according to the following schedule:

A Client Fiscal Year 2005. Payment is due in full following submission of the completed cost allocation plan to the County and upon receipt by the County of recovered funds from the indirect costs. The County and the Consultant will share recoveries equally until the amount in paragraph 4 is paid in full to the Consultant. Should the County recover, from the plan, an amount less than the amount needed to satisfy Consultants fees, then no further payment is due the Consultant. Should the County recover more than double the Consultants fees, excess recoveries belong to the County and no additional fee is due the Consultant.

B Client Fiscal Year 2006. Upon delivery of the completed cost allocation plan, one-half of the agreed-upon amount in paragraph 4 will be invoiced to the County. At its sole discretion, the Consultant may chose to invoice the client a lesser amount if in the Consultant's estimation the County's total recovery will be less than the amount needed to satisfy Consultants fees. Thereafter, the County and

the Consultant will share recoveries equally until the amount in paragraph 4 is paid in full to the Consultant. Should the County recover from the plan an amount less than the amount needed to satisfy Consultant's fees, no further payment is due the Consultant. Should the County recover more than double the Consultants fees, excess recoveries belong to the County and no additional Fee is due the Consultant.

C Client Fiscal Year 2007. Upon delivery of the completed cost allocation plan, one-half of the agreed-upon amount in paragraph 4 will be invoiced to the County. At its sole discretion, the Consultant may chose to invoice the client a lesser amount if in the Consultant's estimation the County's total recovery will be less than the amount needed to satisfy Consultants fees. Thereafter, the County and the Consultant will share recoveries equally until the amount in paragraph 4 is paid in full to the Consultant. Should the County recover from the plan an amount less than the amount needed to satisfy Consultant's fees, no further payment is due the Consultant. Should the County recover more than double the Consultants fees, excess recoveries belong to the County and no additional fee is due the Consultant.

6 Changes. The County may, from time to time, require changes in the scope of the services of the Consultant to be performed hereunder. Such changes, which are mutually agreed upon by and between the County and the Consultant, shall be incorporated in written amendment to this Agreement.

7 Services and Materials to be Furnished by County. The County shall furnish the Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. The County shall cooperate with the Consultant in carrying out the work herein and shall provide adequate liaison between the Consultant and other agencies of County government. The County further agrees to provide all data specifically requested, including documentation and information to the Consultant in a timely manner. The Consultant shall assume that all information furnished by the County is accurate and complete. The Consultant shall not be liable for a cost allocation plan that cannot be filed in a timely manner as a result of inadequate data or data provided in an untimely manner by the County.

8 Termination or Agreement for Cause. If, through any cause, the Consultant shall fail to fulfill in timely and proper manner its material obligation under this Agreement, and such failure has not been cured within 10 business days of notice from the County, the County shall thereupon have the right to terminate this Agreement by giving written notice via U. S. Post Office Certified Mail - Return Receipt Requested to the Consultant of such termination and specifying the effective date thereof postmarked, at least fifteen days (15) before the effective date of such termination.

A Special Termination. Either party may, at its option, cancel any year of the plan preparation by giving the other party notice by September 30 of the year on which the plan will be based. For example, the County may cancel the work to be done based on fiscal year 2006 data by giving Consultant notice on or before September 30, 2006. The County may terminate this Agreement at any time without cause by giving the Consultant thirty (30) days prior written notice via Certified Mail. Under this provision, the Consultant shall be entitled to full compensation as specified in paragraph 4 for any cost allocation plan for which work has already begun.

9 Information and Reports. The Consultant shall, at such time and in such form as the County may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims and other information relative to the project as may be requested by the County. The Consultant shall furnish the County, upon request, with copies of all documents and other materials prepared or developed in relation with or as part of the project.

10 Records and Inspection. The Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement. The County shall have free access at all proper times upon at last ten days prior written notice to such records, and the right to examine and audit the same and to make transcripts therefrom, and to inspect all program data, documents, proceedings, and activities.

11 Accomplishment of Project. The Consultant shall commence, carry on, and complete the project with all practicable dispatch, in a sound economical and efficient manner, in accordance with the provisions thereof and all applicable laws. In accomplishing the project, the Consultant shall take such steps as are appropriate to insure that the work involved is properly coordinated with related work being carried on in the County.

12 Provisions Concerning Certain Waivers. Subject to applicable law, any right or remedy which the County may have under this Agreement may be waived in writing by the County by a formal waiver, if, in the judgment of the County, this Agreement, as so modified, will still conform to the terms and requirements of pertinent laws.

13 Matters to be Disregarded. The titles of the several sections, sub-sections, and paragraphs set forth in this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this Agreement.

14 Completeness of Agreement. This Agreement and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the parties hereto.

15 County Not Obligated to Third Parties. The County and the Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any right or benefit, whether directly or indirectly or otherwise, to third parties.

16 When Rights and Remedies Not Waived. In no event shall the making by the County or any payment to the Consultant constitute or be construed as a waiver by the County of any breach of covenant, or any default which may then exist, on the part of the Consultant, and the making of any such payment by the County while any such breach or default shall exist in no wise impair or prejudice any right or remedy available to the County in respect to such breach of default.

17 Personnel. The Consultant represents that he has, or will secure at his own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the County. All of the services required hereunder will be performed by the Consultant or under his supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

18 Consultant Liability if Audited. The Consultant will assume all financial and statistical information provided to the Consultant by the County employees or representatives is accurate and complete. Any subsequent disallowance of funds paid to the County under the plan is the sole responsibility of the County. If any disallowance of funds is due directly and substantially to errors committed by the Consultant, the Consultants liability shall be limited to the actual percentage Consultants fee is to total County recoveries as a result of the cost allocation plan not to exceed total fee paid to Consultant for the period of disallowance. Consultant will provide assistance to the County should an audit be undertaken of County indirect costs.

19 Copyright. Notwithstanding any provision to the contrary, the County acknowledges that the cost allocation plan to be provided by Consultant to the County is generated by Consultant's proprietary cost allocation software. Nothing contained herein is intended nor shall it be construed to require the Consultant to provide such software to the County. The County agrees that all ownership rights thereto lie with Consultant. County may use the report for and on behalf of its operations.

20 Applicable Law. Nebraska law will govern the terms and performance under this Agreement.

21 Indemnification. Each party ("Indemnitor") shall defend, indemnify and hold harmless the other party ("indemnitee") from and against damages and liability directly caused by the negligent actions or willful misconduct of the indemnifying party, its employees, consultants or agents, including reasonable attorney fees related thereto. The Indemnitor shall not be responsible for any damages or liability resulting, in whole or in part, from the negligence or willful misconduct of the Indemnitee, its employees, consultants or agents or any third party.

22 Limitation of Liability: The County agrees that Consultant's total liability to the County for any and all damages whatsoever arising out of or in all way related to this contract from any cause, including but not limited to contract liability or Consultant, negligence, errors, omissions, strict liability, breach of contract or breach of warranty shall not, in the aggregate, exceed fees paid to the Consultant.

In no event shall either party be liable for special, indirect, incidental, economic, consequential or punitive damages including but not limited to lost revenue, lost profits, replacement goods, loss of technology rights or services, loss of data, or Interruption or loss of use of software or any portion thereof regardless of the legal theory under which such damages are sought, and even if advised of the likelihood of such damages.

Any claim by the County against the Consultant relating to this contract must be made in writing and presented to the Consultant within six (6) months after the date on which MAXIMUS completes performance of the services, or delivery of the products, specified in this contract.

23 Delays. Neither party shall be liable hereunder by reason of any failure or delay in the performance of its obligations hereunder (except for the payment of money) on account of strikes, shortages, riots, insurrection, fires, flood, storm, explosions, earthquakes, acts of God, war, governmental action, labor conditions, material shortages or any other cause which is beyond the reasonable control of such party.

24 Notices. Any notices, bills, invoices, or reports required by this Agreement shall be sufficient if sent by both parties hereto in the United States mail, postage paid, to the addresses noted below:

DAKOTA COUNTY CLERK	MAXIMUS, Inc.
Post Office Box 39	7808 CreekrIDGE Circle, Suite 301
Dakota City, NE, 68731	Bloomington, Minnesota, 55439

25 Signature Authority: Each individual signing this Agreement certifies that (i) he or she is authorized to sign this Agreement on behalf of his or her respective organization, (ii) such organization has obtained all necessary approvals to enter into this Agreement, including but not limited to the approval of its governing board, and (iii) when executed, this Agreement is valid and enforceable obligation of such organization.



have 9 members as the county does and 2 of those members are from the extra territorial limits of the city. Mr. Reinert asked the board, "Do we really want 4 members, one each from Jackson, Dakota City, Emerson, Homer and Hubbard?"

Ms. Anderson mentioned that South Sioux City is made up of a city and we are made up of the county and our concern is the county so that would be just a little bit different.

Three items were of concern for the P & Z members from where the board is at.

1. Adding two additional members to the board than what have been on the board. They thought it would be appropriate if the Board would appoint the three members, whose terms are up and then add two new members. That would need to be changed because the regulations before you today state there are to be 9 members on the board. One of the reasons eleven was selected was to keep the board at an odd number of members on the board.

Another difference of opinion between to the two boards is a fee schedule. Ted had indicated that you approved a prior fee schedule and the Planning and Zoning Board increased the fee schedule, but not the level that Dennis Reinert and the Commissioners had discussed. That is an area that this group needs to look at today. Finally there was some discussion about a \$50.00 fee concerning farm out buildings being required in addition to an information statement and P & Z decided they just wanted to keep it with the informational statement and didn't want to impose that additional fee.

Mr. Matney said that clearing up those three items and passing the regulations would be a very good thing.

Mr. Bousquet asked, "Since the County Board has already passed a fee schedule, would they have to rescind that today."

Mr. Matney said that is something to want to do today, recommending that they adopt the Regulations as a complete package.

Nanci Walsh asked if the fee schedule was included in the regulations proposed here.

Ms. Anderson said that she had never been given a fee schedule but it was talked about at the meeting the other night.

Mr. Matney asked if the language was in the motion though.

Ms. Anderson said the Building Permit Fees were not in these regulations as presented but were talked about the other night so if you can choose to put them in, you need to include them in your motion.

Mr. Rohde said that P & Z preferred a flat rate fee versus the graduated fee based on value.

Mr. McNear agreed that the Planning and Zoning Board felt the fees could be three times what they are now, meaning what they were according to Planning and Zoning, and not the most resent adopted by the County Board. Mr. McNear cited a situation where a rural resident wanted to build a building and had to be commercial since he was going to park his trucks in it. The Building Permit was going to cost him \$1800.00 and he said there was no way he was going to pay \$1800.00 for a Building Permit.

Mr. Bousquet asked if it was fair for someone within South Sioux City extra territorial limits to pay those fees and other rural residents not pay them.

Mr. Matney said that even if the fee schedule is not in there, never the less that Planning and Zoning did discuss this and it would be ok to cap it at a certain level and include that in the P & Z Regulations. Even though they are not in there now and whichever Fee Schedule the board decides needs to be inserted in there.

The County Clerk asked if the board can incorporate something that wasn't advertised or being a part of proposed regulations.

Mr. Matney thought that since it was discussed by P & Z, it is part of the record.

Commissioner Hartnett said that she would go along with their recommendations.

Commissioner Miller said that the present provides an opportunity for 3 new members on the board and for them to learn. She continued that she has always heard that it was hard to find members to serve on the board and now we are finding out that that is not true. She thought that three new members on the board would be a good idea. She thought that new ideas on any board is a good idea.

Ms. Miller said she thought the County Clerk brought up a good point that since the fee schedule was not included in the proposed regs, they do not need to be approve it today, but could approve everything else.

Ed Matney, County Attorney pointed out that the Planning and Zoning wanted to incorporate three changes to the proposed regulations.

They were: Adding two members to the board, they recommended that the public file an informational statement for Ag. buildings.

Chair Engel closed the Public Hearing at 2:37 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Planning and Zoning Regulations with the recommendations of the Planning and Zoning Board that the Fee Schedule have a cap on it. Number 2 that the board be increased to eleven members with the three presently on be reappointed to their position and advertise and appoint two new members and that Farm Buildings do not have a \$50.00 fee, but they need to complete an informational statement as follows:

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

Chair Engel recessed their meeting at 2:42 p.m.

Chair Engel reconvened their meeting at 2:48 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Lease Purchase Agreement to purchase two new 2006 Chevrolet Silverado K1500 Crew Cab Pickups bearing the serial numbers 2GCEK13VX61270458 and 2GCEK13V961268555 with the principal amount of \$32,653.00, interest of \$2,143.05 for a total commitment of \$34,796.05.

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

Rod Herron appeared before the Board and said that the County Law Enforcement Officers could use Sioux City's Firing Range. He said it wouldn't cost them anything, but they just had to call 30 days prior to using it.

Commissioner Bousquet moved, seconded by Commissioner Miller to discontinue the use of South Sioux's Firing Range and to direct the County Law Enforcement Officers to use Sioux City's Firing Range effective March 1, 2006.

Chief Deputy Herron was asked whether he and the Sheriff would support a study to determine the per day cost to house inmates. He said he would and that he was sure that Sheriff Wagner would also go along with that and encouraged the board to go ahead with a study if they wished.

Commissioner Miller moved, seconded by Commissioner Bousquet to enter into an agreement for the firm that Dave Roederer is with in a joint effort with Sioux City for a Jail Cost Study costing the county \$3,500 to determine the per day cost to house an inmate and to also look at proceeding with a transition study to move to the new jail when it is built.

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

Brian Smith, Public Defender, appeared before the board as requested to give them information where the Public Defender's Office stood with their work load. He felt that his office was at approximately 70% work load.

Pat Foust appeared before the board to get their approval to spend monies on a 2004 Department of Homeland Security Communications SHSG Grant. He explained that the grant had been approved and it has been awarded, but he was looking for approval to spend the monies.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to authorize Pat Foust to spend monies on a 2004 Department of Homeland Security Communications SHSG Grant.

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

Bob Sheehan, with the Boys and Girls Home, said that they have a 10 bed facility in Norfolk and said that the county could use that facility for Juveniles. The daily rate was quoted at \$160.00 per day. The board asked him to draw up a proposal.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into Closed Executive Session to discuss the County Health Insurance renewal which will involve talking about individuals which names can not be public under the HIPPA Law.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 3:38 p.m.

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

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 4:18 p.m.

Commissioner Miller moved, seconded by Commissioner O'Neill to renew the County's Health Insurance with Three Rivers and to approve Option 1 as presented.

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

Commissioner Bousquet moved, seconded by Commissioner O'Neill to approve the minutes of February 21, 2006 as typed.

Payroll Claims paid pursuant to the Employee Manual.

COUNTY GENERAL FUND: Gross salaries- \$83,568.97, General Fund Employees Net Pay- \$57,868.74, Employer deductions paid: Retirement- 5,621.79, Retirement Makeup- 34.44, Social Security Tax- 5,017.62, Medicare- 1,173.49, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 141.63.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 407.79, Bobbi Jo Harsma- 1019.12, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 703.12, Phyllis Ridge- 908.00, Lyn Beltz- 160.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 411.58, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Michelle Criss- 808.00, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Mary Gamble- 981.60, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 757.53, Jeremy Bermel- 1705.30, Anthony Bos- 1677.48, Brad Claypool- 1727.35, Sandy Dickens- 1030.08, Brian Ellinger- 1899.20, Brent Gilster- 1643.18, Todd Hammer- 1927.66, Melvin Harrison III- 1736.30, Rodney Herron- 1626.90, Kimberly Johnson- 344.47, Jared Junge- 1778.90, Michael Kreegar- 1566.95, Gayle Richards- 767.20, Kevin Rohde- 1477.29, James Wagner- 1868.04, Randall Walsh- 1610.90, Amber Hegarty- 1692.31, Aimee Kennedy- 774.99, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1603.55, Richard Criss- 1107.00, Eric Davis- 1288.63, Penny Epting- 1300.62, Ronald Fink Jr.- 1308.13, John Gilles- 1446.65, Alma Gunderson- 1324.75, Paula Harrigfeld- 757.35, Brenda Harrison- 42.00, Cathy Harsma- 1277.44, Joseph Ramirez- 968.63, Krystal Ramirez- 1244.75, Linda Schovanec- 1370.75, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 694.51, Patricia Glover- 1168.10, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,068.57, State- 2,892.45, Social Security Tax- 5,017.62, Medicare- 1,173.49, Retirement- 3,826.32, Retirement Makeup- 24.44, DC Health Plan- 1,005.95, DC Dental Plan- 401.52, Colonial Health- 23.20, Sheriff Union Dues- 95.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 459.17, Aflac Life/Dsbl- 90.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,320.92, Road Employees Net Pay- \$10,004.79, Employer deductions paid: Retirement- 875.80, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 22.94, Social Security Tax- 846.53, Medicare- 197.98.

Randall Crombie- 1146.40, Ronald Harder- 1282.51, Walter Heinemann- 1221.65, Richard Hoelsing- 1249.50, Robert Jacobsen- 1253.90, Fred Kellogg- 1245.15, Kimon Litras- 1249.50, Arnold Mellick- 1253.90, Marlan Millard- 1232.40, Leon Pies- 620.38, William Rohde- 1346.15, James Swanson- 1219.48.

ROAD FUND: Employee withholding paid to: Federal- 1,231.06, State- 461.54, Social Security- 846.53, Medicare- 197.98, Retirement- 583.88, 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.

SOUTH SIOUX CITY CHAMBER OF COMMERCE: Lodging Tax to Visitors Promotion- 8,476.79.

Chair Engel adjourned their meeting at 4:23 p.m.

Dakota County Commissioners

ATTEST:

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

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

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DAKOTA COUNTY BOARD OF COMMISSIONERS  
MARCH 13, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 1:30 p.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Engel, Hartnett, Bousquet, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: All Present.

The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 13, 2006 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 last meeting

2. 2:15 p.m. Steve Oltmans and Ralph Puls - Proposed Interlocal Agreement for Road Alignment at recreation site South Bluff Road Levy Proposal rpuls@papiionnrd.org

3. Miscellaneous Agenda Items

Letters opposing 1175 and 1176 - MFO Funding  
Juvenile Services Plan  
Award and/or reject bids for surplus property on bids submitted 02-27-2006.  
Pre-Trial Electronic Monitoring  
Stan Jans request for drainage.  
Proposal to board juveniles in Boys and Girls Home at Norfolk  
Maximus Agreement

4. Committee Reports

5. Public Comment

6. Mail and/or Emergency Business

7. Recess to Marina Inn for Joint City - County - School meeting

8. 6:15 p.m. Reconvene meeting from earlier.

29th Annual Joint City School County Meeting Agenda

March 13, 2006

Marina Inn Carlisle Room

6:15 p.m.

Pledge of Allegiance

Welcome & Introductions

Acknowledgment of Boards and Roll Calls

Volunteer of the Year Award

6:30 p.m. - Dinner

Addresses

State of South Sioux City

State of Dakota City

State of Dakota County

State of South Sioux City Schools

Comments by other Public Bodies

Bill McLarty, Mayor

Chuck Carson, Council President

Bill Engel, Commissioner Chair

Jerry Bobier, Board President

Updates

Dakota County Jail &

Sales Tax Revenues

Siouxland Y

Federal and Grant Funding

MFO Funding

Pigeon Creek Watershed

Convention & Visitor Bureau

Bousquet, Dakota County Commissioner

Mark Proeschel, Executive Director

Steve Rector, Superintendent of SSC Schools

Nanci Walsh, Board Assistant

Steve Oltmans, General Manager

Donna Goodier, Director

Discussion

Industrial & Economic Development Pam Miller, Dakota County Commissioner & Dan McNamara,  
South Sioux City Economic & Community Development Director

Approximately 8:15 Adjournment

Commissioner Hartnett moved, seconded by Commissioner O'Neill to write a letter to Senator Mike Friend and Urban Affairs Committee Members, District 10 State Capitol, PO Box 94604, Lincoln, NE 68509-4604, opposing LB 1175 and LB 1176 as they relate to Mutual Finance Organizations, as follows:

Senator Mike Friend

District 10 State Capitol

PO Box 94604

Lincoln, NE 68509-4604

Chairman Mike Friend and

Urban Affairs Committee Members:

The Dakota County Board of Commissioners is opposed to LB 1175 and LB 1176 as they relate to Mutual Finance Organizations. The Volunteer Fire and Rescue Districts across Dakota County and across the state are vital protectors of life and property and are extremely frugal with taxpayer's dollars.

The Mutual Finance Organizations were designed to help reduce property taxes through the establishment of a single county-wide levy. This has been very successful in Dakota County with the use of the state funds for MFOs.

Please do not implement changes that would be a detriment to our rural fire departments.

Sincerely,

William F. Engel  
Chairman

Cc: Senator Pat Engel, District 17  
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 approve the Dakota County Three Year Comprehensive Juvenile Services Plan FY2006-FY2008 as presented subject to any needed changes that the County Attorney and/or Nanci Walsh feel necessary.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The agenda item "Proposal to board juveniles in Boys and Girls Home at Norfolk" was not discussed because a proposal had not been submitted to the county to date.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reject the bid on the 1971 700A John Deere Tractor, but to award the bids for the six Sheriff's cars to Elliotte Saunders and to award the bids for the other items at follows: 1983 Chevrolet 4X4 to C. Clausen, and the 1992 Ford 4X4 to B. Gunderson.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

The Board considered the oral proposal by Stan Jans for him to put in drainage to drain his property if the county will provide the materials.  
Ms. O'Neill questioned a precedent that may start.

Commissioner Bousquet moved, seconded by Commissioner Miller to authorize Stan Jans to install the necessary materials costing \$1,641.00 in the County Road to drain his property just across the road North of the older part of the Dakota City Cemetery.  
ROLL CALL VOTE: O'Neill- No, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, MOTION CARRIED.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Maximus Agreement as presented in the last meeting March 27, 2006.  
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Steve Oltmans, Ralph Puls and Neil Stockflite appeared before the board to discuss the recreation project near Hubbard.

INTERLOCAL COOPERATION ACT AGREEMENT  
Between  
THE COUNTY OF DAKOTA, NEBRASKA  
And  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
For  
PIGEON/JONES SITE 15 PROJECT ROADS

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THIS AGREEMENT (hereinafter referred to as "this AGREEMENT") is entered into by and between the COUNTY OF DAKOTA, NEBRASKA (hereinafter referred to as "the COUNTY") and the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (hereinafter referred to as "the DISTRICT," the DISTRICT and the COUNTY hereinafter being referred to as "the PARTIES"), and is made pursuant to the authority provided in the Nebraska Interlocal Cooperation Act (Section 13-801, R.R.S., 1997, et seq.).

RECITALS:

WHEREAS, the Pigeon/Jones Site 15 Project (hereinafter referred to as "the PROJECT") has been proposed by the DISTRICT; and,

WHEREAS, the PROJECT includes construction of a multi-use flood control and sediment retention dam and reservoir, trails and other public recreation features, outdoor education facilities and wildlife habitat, all on a site in the COUNTY immediately southeast of the Village of Hubbard, Nebraska, in the COUNTY; and,

WHEREAS, the PROJECT also includes construction of Site 15 internal circulation roads (hereinafter referred to collectively as "the SITE 15 INTERNAL ROADS"), including vehicular parking areas; and,

WHEREAS, the PROJECT also includes demolition and removal of certain existing COUNTY roads and a bridge, all affected by the PROJECT (hereinafter referred to collectively as "the PROJECT-AFFECTED COUNTY ROADS"), and construction of new COUNTY roads, including without limitation relocating portions of 200th Street, Lutton Avenue and South Bluff Road, and including construction of a new South Bluff Road bridge and a new South Bluff Road Tie-Back Levee (all such sub-projects hereinafter being referred to collectively as "the NEW COUNTY ROADS"); and,

WHEREAS, the expected timetable for the design and construction of the NEW COUNTY ROADS is as follows, to-wit:

FY 2006 South Bluff Road bridge design completed

FY 2007 South Bluff Road ROW acquired, 200 Street and Lutton Avenue realignment design completed, South Bluff Road Tieback Levee design completed and ROW acquired

FY 2008 South Bluff Road bridge construction completed, 200 Street and Lutton Avenue land rights acquired

FY 2009 200 Street and Lutton Avenue realignment construction completed, and South Bluff Road Tie Back Levee construction completed

WHEREAS, the PARTIES desire to agree upon covenants and provisions governing the actions of the PARTIES with respect to the demolition and removal of the PROJECT-AFFECTED COUNTY ROADS and the construction, operation and maintenance of the NEW COUNTY ROADS, all as a part of the PROJECT.

WHEREAS, the DISTRICT has applied for grants from the Nebraska Resources Development Fund to finance a portion of the costs of the PROJECT, including the demolition and removal of the PROJECT-AFFECTED COUNTY ROADS and construction of the NEW COUNTY ROADS, and construction of the Site 15 Internal Roads, and the PARTIES desire to make provisions for the payment of the portion of such costs that are not funded by such grants.

NOW, THEREFORE, for and in consideration of the foregoing recitals and the mutual covenants hereinafter expressed, the parties agree as follows:

1) THE PROJECT. The PARTIES do hereby agree to establish and participate in the portions of the PROJECT involving relocation of the PROJECT-AFFECTED COUNTY ROADS and involving construction, operation and maintenance of the SITE 15 INTERNAL ROADS and the NEW COUNTY ROADS, all as proposed by the DISTRICT.

2) GENERAL BENEFIT. The PARTIES do hereby determine and agree that the PROJECT will be predominantly of general benefit to the PARTIES, with only an incidental special benefit.

3) PURPOSE OF THIS AGREEMENT. This AGREEMENT provides for cooperative undertakings by and between the COUNTY and the DISTRICT, without any separate entity being created, and the duties and responsibilities of such parties shall be as defined by this AGREEMENT.

4) ROAD CONSTRUCTIONS. The relocation of the PROJECT-AFFECTED COUNTY ROADS and the construction of the SITE 15 INTERNAL ROADS and the NEW COUNTY ROADS includes the following sub-projects, to-wit:

a) SITE 15 INTERNAL ROADS. The SITE 15 INTERNAL ROADS will be constructed within the boundaries of the land to be acquired by the DISTRICT for the PROJECT in approximately the configuration depicted in the diagram entitled "PRELIMINARY SITE 15 MASTER PLAN" attached hereto as Exhibit "A" and incorporated herein by reference.

b) NEW 200th STREET. The portion of present 200th Street between its intersection with Lutton Avenue on the east and the centerline of "M" Avenue on the west (except for the west 1/4 mile), in the present configuration as depicted in the diagram entitled "PRELIMINARY JONES CREEK SITE 15 COUNTY ROAD REALIGNMENT OPTIONS," attached hereto as Exhibit "B" and incorporated herein by reference, will be abandoned and removed and a new 200th Street roadway (hereinafter referred to as "NEW 200TH STREET"), approximately one mile in length, will be constructed along the course between such points, approximately one-half mile south of such road's present location, at the location determined most feasible by the DISTRICT and its engineering consultants and approved by the COUNTY.

c) NEW LUTTON AVENUE. The portion of the roadway of present Lutton Avenue between I97th Street and approximately 1/4 mile south of 200th Street, will be demolished and removed and a new Lutton Avenue roadway (hereinafter referred to as "NEW LUTTON AVENUE") will be constructed, all approximately as depicted in the before and after ("Alignment E") configurations depicted in the diagram entitled "PRELIMINARY JONES CREEK SITE 15 COUNTY ROAD REALIGNMENT OPTIONS," attached hereto as Exhibit "B" and incorporated herein by reference.

d) **NEW SOUTH BLUFF ROAD AND BRIDGE.** The portion of the roadway of present South Bluff Road extending southerly a distance of approximately 1,600 feet from the centerline of its intersection with Highway 35, including the existing bridge now located in such portion, will be demolished and removed and a new South Bluff Road and bridge (hereinafter referred to collectively as "NEW SOUTH BLUFF ROAD AND BRIDGE") will be constructed, all approximately as depicted in one of the before and after configurations depicted in the diagrams entitled "POTENTIAL SOUTH BLUFF ROAD & LEVEE ENTRANCE ALIGNMENT" (or entitled "PIGEON CREEK LEVEE ENTRANCE TIE-BACK CONCEPT 2") attached hereto as Exhibits "C" and "D" and incorporated herein by reference.

e) **SOUTH BLUFF ROAD TIE-BACK LEVEE.** A new tie-back levee (hereinafter referred to as "the SOUTH BLUFF ROAD TIE-BACK LEVEE") will be constructed at a point proximate to and southerly of the intersection of Highway 35 and NEW SOUTH BLUFF ROAD, approximately as depicted in the diagram entitled "POTENTIAL SOUTH BLUFF ROAD & LEVEE ENTRANCE ALIGNMENT" (or entitled "PIGEON CREEK LEVEE ENTRANCE TIE-BACK CONCEPT 2") attached hereto as Exhibits "C" and "D".

#### 5) PROJECT DESIGN.

a) The SITE 15 INTERNAL ROADS, NEW 200th STREET, NEW LUTTON AVENUE, and the SOUTH BLUFF ROAD TIE-BACK LEVEE will be designed by the DISTRICT. Such design, including the specifications for the demolition of the improvements being replaced, shall be in accordance and conformance with all applicable Nebraska Department of Roads design standards, and shall be subject to the COUNTY'S written approval, such approval to not be delayed or withheld unreasonably. The DISTRICT shall begin designing such portions of the PROJECT on or about July 1, 2006 and complete such design work on or before July 1, 2007, or as soon thereafter as the DISTRICT determines feasible within the limits of available funds. The cost of such designs shall be paid by the DISTRICT.

b) The NEW SOUTH BLUFF ROAD AND BRIDGE will be designed by the COUNTY. Such design, including the specifications for the demolition of the improvements being replaced, shall be in accordance and conformance with all applicable Nebraska Department of Roads design standards, and shall be subject to the DISTRICT'S written approval, such approval to not be delayed or withheld unreasonably. The COUNTY shall complete such design work on or before July 1, 2007, or as soon thereafter as the COUNTY determines feasible within the limits of available funds. The cost of such designs shall be paid by the COUNTY.

#### 6) LAND ACQUISITION:

a) Lands, easements and rights-of-way and any utility relocations necessary for the SITE 15 INTERNAL ROADS, NEW 200th STREET, NEW LUTTON AVENUE, will be acquired on a timely basis by the DISTRICT, and the cost of such acquisitions and relocations shall be paid by the DISTRICT.

b) Lands, easements and rights-of-way and any utility relocations necessary for the NEW SOUTH BLUFF ROAD AND BRIDGE and the SOUTH BLUFF ROAD TIE-BACK LEVEE will be acquired on a timely basis by the COUNTY, and the cost of such acquisitions and relocations for the NEW SOUTH BLUFF ROAD AND BRIDGE shall be paid by the COUNTY and the cost of such acquisitions and relocations for the SOUTH BLUFF ROAD TIE-BACK LEVEE shall be reimbursed to the COUNTY by the DISTRICT.

c) The COUNTY shall donate to the DISTRICT all lands, easements and rights-of-way over any COUNTY-owned land and rights-of-way that the DISTRICT determines is necessary for the construction, operation and maintenance of the PROJECT, including improvements referred to in this AGREEMENT.

d) The DISTRICT shall obtain from the U. S. Army Corps of Engineers, 404 permits required for the operation, maintenance, repair, replacement, management and/or regulation of the PROJECT, including the NEW SOUTH BLUFF ROAD AND BRIDGE and/or the NEW SOUTH BLUFF ROAD LEVEE.

e) Upon completion of construction of the PROJECT, the COUNTY shall convey to the DISTRICT the lands, easements and rights-of-way acquired by the COUNTY for the NEW SOUTH BLUFF ROAD LEVEE and the DISTRICT shall convey to the COUNTY the lands, easements and rights-of-way acquired by the DISTRICT for NEW 200th STREET and NEW LUTTON AVENUE.

#### 7) PROJECT CONSTRUCTION.

a) The SITE 15 INTERNAL ROADS, NEW 200th STREET, NEW LUTTON AVENUE, and the SOUTH BLUFF ROAD TIE-BACK LEVEE will be constructed by the DISTRICT during the time of the DISTRICT'S construction of the PROJECT, except for the NEW SOUTH BLUFF ROAD AND BRIDGE, and such improvements shall be constructed substantially in accordance with designs approved by the COUNTY. The COUNTY shall share the cost of such construction as hereinafter provided. The DISTRICT shall begin construction of the PROJECT prior to July 1, 2007, and shall complete such construction on or before July 1, 2010, or as soon thereafter as the DISTRICT determines feasible within the limits of available funds.

b) The NEW SOUTH BLUFF ROAD AND BRIDGE will be constructed by the COUNTY at COUNTY expense substantially in accordance with designs approved by the DISTRICT. The COUNTY shall begin construction of such improvements by July 1, 2007, and complete such construction by July 1, 2008, or as soon thereafter as the COUNTY determines feasible within the limits of available funds.

8) OPERATION AND MAINTENANCE.

a) After final construction of each respective sub-project is substantially completed, the COUNTY, at the COUNTY'S own cost and expense, shall permanently operate, maintain, repair, replace, manage and regulate NEW 200th STREET, NEW LUTTON AVENUE and the NEW SOUTH BLUFF ROAD AND BRIDGE (and permanently operate, maintain, repair and replace the SITE 15 INTERNAL ROADS), including without limitation the sub-roadbed, culverts, roadside ditches, guard rails, traffic and parking control signs, devices, and markings, and all other devices and improvements for the regulation and facility of public vehicular use of the premises, and including removal of snow and ice, all in a good and workmanlike manner, as the COUNTY in its discretion determines necessary and in accordance with any applicable and generally-accepted engineering practices.

b) The DISTRICT, at the DISTRICT own cost and expense, shall operate and maintain the SOUTH BLUFF ROAD TIE-BACK LEVEE and the other non-roadway PROJECT improvements, including PROJECT recreational facilities, dam, reservoir and appurtenances, wildlife habitat areas and other public facilities shown on the diagrams attached hereto as Exhibit "A", all at such times and in such manner as the DISTRICT determines necessary.

9) PROJECT RULES AND REGULATIONS. The DISTRICT'S Board of Directors from time to time may adopt rules and regulations governing the times of the public use of the SITE 15 INTERNAL ROADS and regulating the public use of the non-roadway portions of the PROJECT.

10) ROAD VACATION/ABANDONMENT. If and when requested by the DISTRICT, the COUNTY shall vacate and abandon and grant to the DISTRICT title to the portions of the former right-of-way of 200th STREET, LUTTON AVENUE and SOUTH BLUFF ROAD as the DISTRICT determines necessary for PROJECT construction, operation or maintenance.

11) COST-SHARING. The COUNTY shall reimburse the DISTRICT in an amount equal to fifty percent (50%) of the sum of (1) the DISTRICT'S expenditures, not otherwise funded by grant received, for design and for demolition and construction work performed by or for the DISTRICT for NEW 200th STREET, AND NEW LUTTON AVENUE; and (2) the DISTRICT'S expenditures for land rights for NEW 200th STREET and NEW LUTTON AVENUE (exclusive of attorneys fees); provided, however, the grand total of all such reimbursements shall be limited to and shall not exceed THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000); and the DISTRICT shall be responsible to pay the remainder of such costs without COUNTY reimbursement. To provide for the COUNTY'S reimbursement of such costs the parties shall follow the following procedure:

a) From time to time after actual monetary expenditures have been made by the DISTRICT for land rights (exclusive of attorneys fees), and for design and construction work performed by or for the DISTRICT on NEW 200th STREET and NEW LUTTON AVENUE, the DISTRICT shall transmit to the COUNTY written notifications of the amounts of such expenditures and shall describe in each such written notification the identities of the persons furnishing such work and to whom such amounts were paid; and,

b) Within 45 days after receipt by the COUNTY of such a written notification, the COUNTY shall reimburse the DISTRICT in the amount of Fifty Percent (50%) of the DISTRICT expenditures described in such written notification, subject to the grand total limitation; and,

c) For COUNTY budgeting purposes, the DISTRICT shall make a reasonable effort to keep the COUNTY informed as to the amounts and dates of anticipated major expenditures for which reimbursement from the COUNTY will be due under this AGREEMENT; and,

d) Notwithstanding the foregoing, no reimbursements from the COUNTY to the DISTRICT shall become due and payable prior to July 1, 2007.

12) PROJECT RISK OF LOSS. The COUNTY shall have and bear the sole risk of post-construction loss of or damage to NEW 200th STREET, NEW LUTTON AVENUE, NEW SOUTH BLUFF ROAD AND BRIDGE; and, the DISTRICT shall have and bear the sole risk of post-construction loss of or damage to the SOUTH BLUFF ROAD TIE-BACK LEVEE, regardless whether such loss or damage results from flood or other casualty whatsoever.

13) INDEMNIFICATION. Except as otherwise specifically provided in this AGREEMENT:

a) The COUNTY shall defend and indemnify the DISTRICT and hold the DISTRICT harmless:

i) from and against any and all costs of operation, maintenance, repair, replacement, management and regulation of NEW 200th STREET, NEW LUTTON AVENUE and the NEW SOUTH BLUFF ROAD AND BRIDGE; and, from and against any and all costs of operation, maintenance, repair and replacement of the SITE 15 INTERNAL ROADS; and,

ii) from and against any and all claims, demands, causes of action, costs and expenses, including without limitation court costs and attorneys fees, for personal injuries or property damages in whole or in part arising out of:

(1) the operation, maintenance, repair, replacement, management and regulation of the portions of the PROJECT which the COUNTY has undertaken to operate, maintain, repair and replace, or,

(2) the use by members of the public of the portions of the PROJECT which the COUNTY has undertaken to operate, maintain, repair and replace; or,

(3) negligence or other actions or inactions of the COUNTY, its employees, officers, contractors and agents in the operation, maintenance, repair, replacement, management or regulation of the portions of the PROJECT which the COUNTY has undertaken to operate, maintain, repair and replace (except as may be caused solely by the negligence of the DISTRICT or its employees, officers, contractors or agents); and,

b) The DISTRICT shall defend and indemnify the COUNTY and hold the COUNTY harmless:

i) from and against any and all costs of operation, maintenance, repair, replacement, management and regulation of the portions of the PROJECT which the DISTRICT has undertaken to operate, maintain, repair and replace; and,

ii) from and against any and all claims, demands, causes of action, costs and expenses, including without limitation court costs and attorneys fees, for personal injuries or property damages in whole or in part arising out of:

(1) the operation, maintenance, repair, replacement, management and regulation of the portions of the PROJECT which the DISTRICT has undertaken to operate, maintain, repair and replace; or,

(2) the use by members of the public of the portions of the PROJECT which the DISTRICT has undertaken to operate, maintain, repair and replace; or,

(3) negligence or other actions or inactions of the DISTRICT, its employees, officers, contractors and agents in the operation, maintenance, repair, replacement, management or regulation of the portions of the PROJECT which the DISTRICT has undertaken to operate, maintain, repair and replace (except as maybe caused solely by the negligence of the COUNTY or its employees, officers, contractors or agents).

14) ASSIGNMENT. The COUNTY may not assign any of its rights or duties expressed in this AGREEMENT in whole or in part to any person without the prior written consent of the DISTRICT.

15) APPROVALS BY COUNTY and DISTRICT. Except as otherwise expressly stated in this AGREEMENT, (a) where this AGREEMENT speaks of approval and consent by the COUNTY such approval is understood to be manifested by the determination and action of the COUNTY BOARD or its designated representative, and (b) where this AGREEMENT speaks of approval and consent by the DISTRICT such approval is understood to be manifested by the determination and action of the General Manager of the DISTRICT or his designated representative.

16) EFFECTIVE DATE. This AGREEMENT shall be in force and effect from and after its execution by the parties hereto.

17) TERM. This AGREEMENT shall have permanent duration.

18) NON-DISCRIMINATION. The parties shall not, in the performance of this AGREEMENT, discriminate or permit discrimination in violation of federal or state laws or local ordinances because of race, disability, color, sex, age, political or religious opinions, affiliations or national origin.

19) APPLICABLE LAW. Each party to this AGREEMENT shall follow all applicable federal and state statutes and regulations in carrying out the faithful performance and terms of this AGREEMENT. Each party hereto shall, whenever applicable, require performance under the Fair Labor Standards Act.

20) CAPTIONS. Captions used in this AGREEMENT are for convenience and not for use in the construction of this AGREEMENT.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the dates hereinafter indicated pursuant to authorizing resolutions duly adopted at regular meetings of their governing bodies.

Executed by the COUNTY OF DAKOTA, NEBRASKA, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

THE COUNTY OF DAKOTA, NEBRASKA

By \_\_\_\_\_  
CHAIRPERSON  
BOARD OF COMMISSIONERS

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

Executed by the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT

By \_\_\_\_\_  
GENERAL MANAGER

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the preceding INTERLOCAL COOPERATION ACT AGREEMENT Between THE COUNTY OF DAKOTA, NEBRASKA And PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT For PIGEON/JONES SITE 15 PROJECT ROADS.

There was considerable discussion about the county being able to afford the funding of the project. The contract required that the County pay a maximum of \$350,000.00 plus the bridge project.

It was discussed to have a public hearing on the issue or to at least advertise to accept letters of opinion from the public whether to proceed with the project.

Commissioner Miller amended her motion and Commissioner Bousquet agreed to amend their motion to pass the agreement today and to direct the chairman to sign the agreement, but not to sign the agreement until the conclusion of their meeting on February 27, 2006 and in the interim an ad be placed in the paper soliciting comments in opposition to the project to give them ample time to write in but that a deadline be set the Wednesday prior to the meeting and the board could nullify the agreement in their meeting of March 27th.

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

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the minutes of February 27, 2006 as typed.

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

The payroll claims paid pursuant to the Employee Handbook were as follows:

COUNTY GENERAL FUND: Gross salaries- \$81,991.02, General Fund Employees Net Pay- \$56,822.59, Employer deductions paid: Retirement- 5,448.81, Retirement Makeup- 34.44, Social Security Tax- 4,903.51, Medicare- 1,146.80, DC Health Plan- 16,821.07, DC Dental Plan- 662.18, Life Insurance- 146.16.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Bobbi Jo Harsma- 948.00, Tammy Parrish- 659.06, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 205.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Michelle Criss- 595.90, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Mary Gamble- 1830.68, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 798.55, Franklin Morse- 50.00, Jeremy Bermel- 1516.78, Anthony Bos- 1900.34, Brad Claypool- 1485.70, Sandy Dickens- 1030.08, Brian Ellinger- 1693.35, Brent Gilster- 1507.66, Todd Hammer- 1345.57, Melvin Harrison III- 1602.05, Rodney Herron- 1626.90, Kimberly Johnson- 446.88, Jared Junge- 1653.22, Michael Kreegar- 1355.20, Gayle Richards- 767.20, Kevin Rohde- 1391.74, James Wagner- 1868.04, Randall Walsh- 1529.45, Amber Hegarty- 1692.31, Aimee Kennedy- 846.40, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.41, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1355.86, Richard Criss- 1107.00, Eric Davis- 1099.75, Penny Epting- 1231.05, Ronald Fink Jr.- 1103.06, John Gilles- 1162.70, Alma Gunderson- 1172.50, Paula Harrigfeld- 710.10, Cathy Harsma- 1113.75, Joseph Ramirez- 1140.75, Krystal Ramirez- 1059.50, Linda Schovanec- 1243.36, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1235.18, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,672.78, State- 2,756.17, Social Security Tax- 4,903.51, Medicare- 1,146.80, Retirement- 3,704.90, Retirement Makeup- 24.44, DC Health Plan- 1,248.65, DC Dental Plan- 421.31, Colonial Health- 23.20, Sheriff Union Dues- 95.00, Deferred Comp- 660.78, Garnishments- 1,211.02, Aflac Health- 459.17, Aflac Life/Dsbl- 90.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,341.35, Road Employees Net Pay- \$9,330.40, Employer deductions paid: Retirement- 809.66, DC Health Plan- 2,925.60, DC Dental Plan- 113.40, Life Insurance- 22.98, Social Security Tax- 785.80, Medicare- 183.77.

Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 567.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,098.89, State- 407.50, Social Security- 785.80, Medicare- 183.77, Retirement- 539.80, 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.

Chair Engel recessed their meeting at 3:25 p.m. until 6:15 p.m. at the Marina Inn for the City - County - School Joint Meeting.

Chairman Engel reconvened their meeting at approximately 6:20 p.m.  
Present were: Commissioners, Engel, Hartnett, Bousquet, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: All Present.

The agenda above was followed.

County Clerk, Ted Piepho, departed the meeting at 7:30 p.m. and Nanci Walsh assumed the duties of Secretary.

Commissioner Engel moved, seconded by Commissioner Hartnett to adjourn.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 8:15 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MARCH 20, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 10:03 a.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Engel, Hartnett, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: Commissioner Bousquet.

Commissioner Bousquet arrived at 10:08 a.m.

The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 20, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

WILLIAM F. ENGEL, CHAIR                      THEODORE A. PIEPHO, SECRETARY

1. Call Meeting to Order at 10:00 a.m.  
    Roll Call  
    Pledge of Allegiance  
    Approve Minutes of last meeting
2.            Review and Approve Accounts Payable claims
3. 11:45 a.m. Recess for Lunch

4. 1:30 p.m. Reconvene from Lunch
5. 1:30 p.m. Public Hearing  
Budget Hearing for LE Grant Fund (2505)
6. 1:40 p.m. Pat Foust - Request Commissioners to waive building permits  
& fees for public safety radio tower to be  
erected at the L.P. Gill Landfill Inc. property  
west of Jackson. The project includes a pre-  
constructed building similar to what was used at  
the Homer tower to house the equipment.
7. 2:00 p.m. Brian McDonald - Martineck Bridge  
Wigle Creek Road Contract
8. 2:15 p.m. Official's Reports  
County Clerk  
Clerk of the District Court  
Register of Deeds  
Veteran's Service Officer
9. Public Comment
10. Mail and/or Emergency Business
11. Adjournment

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

Chairman Engel recessed their meeting at 11:32 for lunch.

Chairman Engel reconvened their meeting from lunch at 1:30 p.m.

Present were: Commissioners, Engel, Hartnett, Bousquet, Miller and Nanci Walsh, acting Secretary.  
Absent: Commissioner O'Neill and Secretary Ted Piepho.

Chairman Engel opened the Public Hearing for LE Grant Fund (2505) at 1:30 p.m.

Nanci Walsh, Administrative Assistant, explained the proposed change. The current budget for 05-06 for the LE (Law Enforcement Equipment) Grant Fund 2505 is \$11,503.95 in expenditures and revenues. The proposed change is for an additional expenditure and revenue of \$24,000.00 to accommodate the receipt and spending of a grant received by Sheriff's Department for computers in patrol cars. With the change the budgeted expenditures and receipts change to \$35,503.95. There is no impact on the taxes.

Chairman Engel Closed the Public Hearing at 1:35 p.m.

Commissioner Hartnett moved, seconded by Commissioner Miller, to approve the increased budget for 05-06 for the LE Grant Fund 2505 for a total budgeted expenditures and revenues of \$35,503.95.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea,  
UNANIMOUS MOTION CARRIED.

Pat Foust, LEC Director, appeared before the board requesting that the Building Permit Fee be waived for the Sabre Construction of the Communication Tower.  
The board referred Mr. Foust to the Planning and Zoning Board.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Accounts Payable Claims submitted by the County Clerk as follows:

GENERAL FUND: Rick Bousquet, mileage- 55.63; City of SSC, meeting- 150.00; Dakota County Star, publishing- 356.98; Perkins, supplies- 42.87; Siouxland Lock & Key, keys- 5.25; Ben Star Packaging, paper- 213.53; Capital One, vacuum- 39.95; Des Moines Stamp, stamp- 29.75; Midwest Office Automation, maintenance- 162.50; OSDI Midwest Inc, contract- 895.00; Perkins, supplies- 27.93; Staples, hard drive- 299.58; Robert Giese, mileage- 102.35; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Net Sys Plus, 375.00; Dakota Co Star, publishing- 1534.58; Computer SOS, service- 40.00; Executive Copy, repair- 149.00; Bear Graphics, data binders- 457.53; Jacob North Co, transfers- 39.65; Theodore Piepho, mileage/phone- 145.15; Todds Storeall, storage- 80.00; Dakota County Star, publishing- 15.15; De Lage Landen, rental- 91.00; Hubbard Post Office, postage- 75.00; Perkins, supplies- 77.56; Lynette Beermann, mileage- 92.12; Carol Sue Dunham, mileage- 89.00; Midwest Office Automations, qtrly contract- 342.05; Thomson West, service- 116.75; Thurston County Court, reimburse- 7.15; Selina Anderson, witness fee- 37.80; Chad Bauerly, witness fee- 24.45; Donald Beltman, witness fee- 82.30; Dakota County Court, costs- 1230.35; Frank Gonzalez, interpret- 160.00; Randy Hisey, counsel- 444.00; Hurley Law Office, counsel- 644.10; Sandra Inkster, counsel- 315.00; Barbara Kueny, interpret- 617.50; John Loos Jr, counsel- 1753.77; Robert Rehan, counsel- 4734.66; Danielle Smith, witness fee- 24.45; Martha Tapia, witness fee- 23.56; Richard Thramer, counsel- 62.40; Patrick Tott, counsel- 1824.00; Nathan Tucker, counsel- 148.80; Mary Walling, witness fee- 28.01; Dakota County Sheriff, papers/warrants- 2113.29; Teri Lea Autry, health hearing- 40.00; Clerk of District Court, claims- 813.00; Coffee King, coffee- 42.70; Frank Gonzalez, interpret- 146.70; Madison County Sheriff, service- 23.08;

Michael Schmiedt, counsel- 36.00; Shirley Sides, health hearing- 60.00; Patricia Slaughter, mileage- 61.78; Hurley Law Office, counsel- 1056.00; Randy Hisey, counsel- 942.00; Michael Schmiedt, counsel- 1035.00; Richard Thramer, counsel- 762.00; Tott Law Office, counsel- 1836.00; Nathan Tucker, counsel- 201.60; Maximus Inc, cost preparation- 1527.77; John Barone, inspection- 190.00; Midwest Office Automation, copier maint- 95.25; A-Team Heating & Cooling, repair- 1175.28; Bomgaars, supplies- 37.43; Cellular One, phone- 27.33; Central Valley Ag, diesel fuel- 876.75; Dakota Food & Fuel, gas- 26.00; Gill Hauling, service- 115.00; Grainger, supplies- 660.44; Hardware Hank, supplies- 51.61; Richard Jensen, mileage- 108.36; Menards, supplies- 312.29; Midamerican Energy, gas- 1683.00; NPPD, energy- 1447.57; O'Keefe Elevator, repair- 128.81; Roto Rooter, toilet- 143.27; Sams Club, supplies- 546.01; Trembly Pest Control, pest control- 50.00; Dakota County Extension, reimburse- 847.37; Caroline Yohe, Andria Sivill, Cheryl Linafelter, Georgette Gonshorowski, Lisa Fokken, Wesley Lauer, Laurie Alesch, Lloyd Fickler Jr, Shirley Castillo, Timothy Broveak, Arthur Eslick, Douglas Moninger, Connie Evans, Robert Miller, Ruth Dean, Benjamin Tierney, Lisa Hanson, Jean Anderson, Lavonne Gruis, Larry Miller, Ronald VanVoorst, Julie Stinger, Herlinda Cisneros, Leticia Gonzalez, Wayne Stanley, Douglas Garvin, Pamela Peters, Bruce Hovey, Debra Singer, Donna Kleinberg, Cleo Stephan, Kevin Niemeier, Kerry Bligh, Kelley Snyder, Michelle Nguyen], jury fees- 1788.29; Robert Decker, bailiff fee- 150.00; Hungrys, food- 96.14; AJ Phillips, forms- 300.00; Tony Bos, supplies- 88.35; Cellular One, phone- 63.37; City of SSC, phone/fuel- 3847.48; Crystal Oil, service/tires- 415.72; Dakota County Clerk, titles- 20.00; Dakota Food & Fuel, fuel- 238.00; Electronic Engineering, radio- 388.35; Fremont Tire, repair/service- 347.09; Jacks Uniforms, supplies- 4394.50; Jackson Glass, windshield- 202.50; K&S Auto Service, repair- 344.10; Moore Wallace, supplies- 452.89; NCVC, training- 75.00; RACOM, t1- 596.00; Robertson Implement, food- 19.200; Sioux City Ford, repair- 83.86; SFCU, fuel/meal/aol- 179.46; Amber Hegarty, mileage- 88.68; Dept of Motor Vehicles, transcript- 8.00; Edward Matney, mileage- 145.05; Electronic Engineering, pager- 39.95; H204U, supplies- 17.25; Old Republic Surety Group, notary bond- 50.00; Sprint, phone- 150.00; Thurston County Court, copies- 4.50; City of SSC, lec billing- 22787.42; Amanda Barclay, mileage- 16.40; American Bio Medical, test kits- 98.03; BI Inc, house arrest- 1250.15; Bob Barker, supplies- 169.10; Benstar Packaging, supplies- 210.34; Gary Bring, dental- 70.00; Butler County Clinic, medical- 220.00; Butler County Detention Center, boarding- 3960.00; CBM Food Service, meals- 10170.52; Cass County jail, boarding- 36100.00; Cellular One, phone- 86.85; City of SSC, fuel- 78.27; Conocophilips, fuel- 85.87; Dakota Food & Fuel, fuel- 515.03; David City Discount, medical- 64.87; De Lage Landen, contract- 221.00; Dept of Correctional Services, medical/safekeepers- 7550.60; Sandy Dickens, mileage- 131.92; Faith Regional Physician, medical- 125.00; Arthur Gallagher Risk Management, notary bond- 100.00; HyVee, supplies- 16.64; ISECUREtrac, service- 161.00; Joes Dept Store, supplies- 37.44; MTS Safety Products, gloves- 328.63; Mercy Business Health, medical- 750.00; Mercy Medical Center, medical- 2006.02; National Public Safety, directory- 125.10; Northeast NE Juvenile Serv, boarding- 27321.25; David Noble, medical- 69.00; NW Iowa Emergency Phys, medical- 606.00; Plattsmouth Volunteer Rescue, medical- 540.00; Redlers Pharmacy, medical- 555.05; Sams Club, supplies/fees- 128.68; Linda Schovanec, mileage- 3.88; Secretary of State, notary fee- 60.00; Sioux City Ford, repair- 94.40; SFCU, fuel/monitor/supplies/meals- 694.04; Staples, supplies- 435.20; Walmart, supplies- 158.00; Woodbury Co Juvenile, boarding- 4700.00; Cellular One, phone- 27.33; De Lage Landen, copier rental- 91.00; Pam Devries, mileage- 71.64; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 117.92; Midwest Office Automation, maintenance- 22.52; Richard Criss, mileage- 287.91; Pam Devries, mileage- 48.24; Pat Glover, reg- 30.00; Hopkins Medical, case- 157.95; Perkins, supplies- 208.75; CVSOAN, training- 105.00; Electronic Engineering, pager- 13.95; Office Systems Company, contract- 108.00; AT&T, phone- 30.07; Shirley Bentz, prior yrs- 92.32; Cable One, internet- 270.95; Claritus, tapes- 43.90; Dakota County Star, guide- 419.00; De Lage Landen, lease- 110.50; FSH Comm, payphone- 58.30; Lazette Gifford, website- 40.00; MIPS, support- 358.85; MJ Martin, services plan- 2438.80; Marlan Morey, inspection- 10.00; Net Sys Plus, computer work- 418.75; Qwest, phone- 652.50; Qwest, phone- 667.95; Region IV, qtrly svcs- 6829.50; Madelyn Thorland, prior yrs- 50.00; Three Rivers, admin fees- 1000.00; Three Rivers, flex plan fees- 95.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 383.14;

ROAD FUND: Advance Auto, parts/supplies- 197.58; Aramark, service- 176.08; Cellular One, phone- 27.33; Central Valley Ag, oil- 471.60; Dakota County Clerk, map/title- 31.00; Fastenal, supplies- 477.33; Filter Care of NE, service- 41.50; Flaugh's Pronto, fuel- 408.08; Fremont Tire, tires- 17.88; Gill Hauling, service- 47.00; Heeney Electric, service- 237.77; Higman Sand & Gravel, rock- 1025.06; Hubbard Mini-Mart, fuel- 3453.12; H204U, service- 30.25; Joes Dept Store, supplies- 28.19; Linweld, supplies- 33.50; Love Brothers, repair- 57.00; Midwest Messenger, advertising- 141.00; NPPD, service- 48.36; Northeast NE Telephone, phone- 181.10; Pilger Sand & Gravel, gravel- 4697.54; Powerplan, parts- 24.78; Presco Sales & Service, sign posts- 168.52; RC Customs, part- 10.56; Sioux City Bolt, supplies- 147.20; New Sioux City Iron, supplies- 58.59; Stephan Welding, parts- 283.00; Torco Remfg, parts- 41.90; Town & Country, supplies- 111.91; Ziegler's, parts- 337.56;

ROAD IMPROVEMENT: JEO, project- 540.50;

INSTITUTIONS: Beatrice State Dev Center, quarterly payment- 1881.00;

S.T.O.P FUND: Kustom Signals, equipment- 231.90;

JUVENILE ACCOUNTABILITY: BI Inc., electric monitoring- 242.00; Amanda Jones, mileage- 12.30;

COMMUNITY CORRECTIONS: BI Inc, electric monitoring- 154.00; American Bio Medical Corp, drug tests- 171.84;

PUBLIC SAFETY: City of SSC, sales tax- 5658.63; Jail Bond Fund, sales tax- 41,496.59;

HANDICAP ACCESSIBILITY: Menards, pipe- 50.16;

JAIL PROJECT: B & S Masonry, jail construction- 34596.45; Chief Industries, jail construction- 5061.60; DGR, engineering fees- 1220.49; GA Johnson, construction mgmt fees- 24000.00; Hander Inc, jail construction- 11052.00; HMN Architects, jail construction- 6372.66; K & P Services DBA Independence Waste, construction dumpster- 194.95; Lindblom Services, portable toilet- 106.00; PortaStorage, portable office- 225.00; Tindall Corp, cells- 76177.70;

WEED FUND: CCC Campus, weed control training- 85.00; Holiday Inn, lodging/meals- 188.20; Hubbard Mini-Mart, gas- 161.00; Leon Pies, workshop- 20.49; XID Services, identification- 54.95  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Absent, Hartnett- Yea, Engel- Yea, Miller- 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 February, 2006.  
ROLL CALL VOTE: O'Neill- Absent, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Chairman Engel adjourned their meeting at 1:45 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MARCH 27, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 1:32 p.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Bousquet, Engel, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: Commissioner Hartnett.

Commissioner Miller arrived at 1:34 p.m.

The agenda for said meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 27, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. 1:30 p.m. Call to Order with Pledge of Allegiance  
Roll Call  
Pledge of Allegiance  
Approve Minutes 3-13 and 3-20-2006 meetings
2. 1:30 p.m. Public Hearing on Jones Creek Recreation Area
3. 1:50 p.m. Judy Renkel Ag Society County Fair Report
4. 2:15 p.m. Open Gravel Bids
5. 2:30 p.m. Brian McDonald  
Martinek Bridge  
Wigle Creek Road Relocation  
Knox Blvd.
6. Miscellaneous Agenda Items  
Action was taken for the Chairman to sign NRD Agreement  
South Bluff Road & Levee  
Boys & Girls Home Contract
7. Committee Reports
8. Public Comment
9. Mail and/or Emergency Business
10. Adjournment

Judy Renkel appeared before the board to inform the board about the Dakota Thurston County Fair. They are going to have a beer garden and she asked the board for a letter of support for them to have a liquor license for the fair, which is going to be held July 12 through the 16th.  
Chair Engel opened the Public Hearing on Jones Creek Recreation Area at 1:33 p.m.  
Commissioner Miller presented the following letter on behalf of the Chamber.

March 21, 2006  
Bill Engel, Chairman  
Dakota County Commissioners  
P.O. Box 338  
Dakota City, NE 68731

Dear Commissioner Engel,  
On behalf of the Legislative Committee of the South Sioux City Area Chamber of Commerce, we would like to express our support of the proposed recreational dam site near Hubbard. The Committee feels that this would be an excellent addition to the area in terms of tourism development. It would also greatly enhance the quality of life for our residents.

Sincerely

Pat Anderson  
President  
South Sioux City Area Chamber of Commerce

Ralph Puls from NRD was present to answer questions if needed.

Bob Peters, Dakota City Clerk Treasurer spoke in favor of the project and encouraged support of the project.

Skip Meisner, a member of the Economic Development Committee, spoke in favor of the project and said it would be an economic asset to the community committee.

Bill McLarty, Mayor of South Sioux City, spoke in favor of the project and presented the following letter:

March 27, 2006

Chairman Engel and  
Dakota County Commissioners  
P0 Box 338  
Dakota County Courthouse  
Dakota City, NE 68731

Dear Chairman Engel and Dakota County Commissioners:

The City of South Sioux City supports the new recreational area near Hubbard.  
This is an exciting opportunity to provide recreational amenities for our area.  
This adds to our area quality of life and will thus aid South Sioux City and Dakota County in attracting new industries to our area; increasing valuations and benefiting all taxpayers in the county.

We encourage the commissioners to support this project.

Sincerely,

Bill McLarty  
Mayor

Chair Engel closed the Public Hearing on Jones Creek Recreation Area at 1:48 p.m.

Commissioner Miller moved, seconded by Commissioner Bousquet that a letter of support be drafted to support the Fair Board for the Dakota-Thurston County Fair to have a Liquor License and beer garden for their event July 12 through July 16, 2006.

BE IT FURTHER RESOLVED to approve a request for a Special Designated Liquor License in the name of Dakota Agriculture Society, for the location at 1524 Atokad Drive, South Sioux City, Nebraska, Dakota County, 68776, to serve beer at the Dakota-Thurston County Fair July 12, July 13, July 14, July 15 and July 16, 2006.

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

Commissioner Bousquet moved, seconded by Commissioner Miller to reject the bid of Earlanston Trans, Inc. Rock, Sand and Gravel's bid and to accept all other gravel bids submitted by Stalp Sand & Gravel, Higman Sand & Gravel, S & S Willers Pilger Sand & Gravel.

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 agreement to relocate Wigle Creek Road contingent upon the County Attorney approving the Agreement and to accept the NOTICE OF AWARD to Fred Carlson Co. LLC dba Brower-Construction Co. for the Homer South Project in the amount of \$65,641.61.

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 to approve the minutes of March 20, 2006 as typed.

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

Bryan Smith Jr., Pub Defender, appeared before the board and mentioned a letter that he received from Demars, Gordon, Olson and Zalenwski dated March 24, 2006 and suggested that the board probably received a copy.

Mr. Bousquet said that this will be handled in open session will it not?

Mr. Smith, puzzling, said yes.

Mr. Smith said there was no basis for the subject matter in the letter that he was referring to.

The County Attorney suggested this was a matter for executive session and said that they couldn't go into executive session because it wasn't on the agenda. It will have to wait until next meeting.

The board advised him that they could not take action on anything because he wasn't on the agenda.

Mr. Smith was asked if he had hired anyone. Mr. Smith stated that he had hired his wife and that he had the resumes and interview notes.

The County Attorney asked Mr. Smith when he did that.

Mr. Smith's reply was "This morning."

One of the board members asked if he had advertised the position.

Mr. Smith said that he had advertised in two papers and that the majority of applicants did not have the qualifications of that of his wife.

The claims paid pursuant to the Employee Handbook were as follows:

COUNTY GENERAL FUND: Gross salaries- \$79,365.96, General Fund Employees Net Pay- \$57,331.25, Employer deductions paid: Retirement- 5,284.91, Retirement Makeup- 34.44, Social Security Tax- 4,920.70, Medicare- 1,150.82, DC Health Plan-, DC Dental Plan-, Life Insurance-

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Bobbi Jo Harsma- 853.20, Tammy Parrish- 753.88, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 411.58, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 677.91, Jeremy Bermel- 1570.64, Anthony Bos- 1429.78, Brad Claypool- 1485.70, Sandy Dickens- 1030.08, Brian Ellinger- 1818.65, Brent Gilster- 1389.08, Todd Hammer- 1386.84, Melvin Harrison III- 1673.65, Rodney Herron- 1626.90, Kimberly Johnson- 297.92, Jared Junge- 2030.21, Michael Kreegar- 1397.55, Gayle Richards- 767.20, Kevin Rohde- 1415.07, James Wagner- 1868.04, Randall Walsh- 1678.78, Mary Gamble- 168.71, Amber Hegarty- 1692.31, Aimee Kennedy- 846.40, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 821.24, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1524.50, Richard Criss- 1113.75, Eric Davis- 1151.10, Penny Epting- 1180.62, Ronald Fink Jr.- 954.00, John Gilles- 1452.61, Alma Gunderson- 1155.00, Paula Harrigfeld- 715.50, Cathy Harsma- 1113.75, Joseph Ramirez- 1032.75, Krystal Ramirez- 1066.00, Linda Schovanec- 1190.28, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 944.79, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,969.98, State- 2,843.02, Social Security Tax- 4,920.70, Medicare- 1,150.82, Retirement- 3,596.45, Retirement Makeup- 24.44, Deferred Comp- 660.78, Garnishments- 868.52.

COUNTY ROAD PAYROLL: Gross salaries- \$13,891.44, Road Employees Net Pay- \$10,460.84, Employer deductions paid: Retirement- 846.81, DC Health Plan-, Social Security Tax- 861.27, Medicare- 201.42.

Randall Crombie- 1178.65, Ronald Harder- 1131.29, Walter Heinemann- 1189.40, Richard Hoelsing- 1260.21, Robert Jacobsen- 1200.15, Fred Kellogg- 1255.83, Kimon Litras- 1195.95, Arnold Mellick- 1189.40, Marlan Millard- 1210.90, Leon Pies- 567.20, William Rohde- 1346.15, James Swanson- 1166.31.

ROAD FUND: Employee withholding paid to: Federal- 1,269.18, State- 472.52, Social Security- 861.27, Medicare- 201.42, Retirement- 564.53, Deferred Comp.- 61.68.

INHERITANCE TAX: Budget Transfer to General Fund- 100,000.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce: Lodging Tax- 9,599.26.

Chairman Engel adjourned their meeting at 2:50 p.m.

Dakota County Commissioners

ATTEST:

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

\_\_\_\_\_  
Chairman

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

DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 10, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 1:30 p.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Hartnett, Bousquet, Engel, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: All Present.

The agenda for said meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, APRIL 10, 2006 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 last meeting
2. 1:30 p.m. Open and award Bomag Bids.
  - Board chair to refer to the Road Committee for evaluation and Acceptance of bid.
3. 1:45 p.m. Dave Boschult - Nebraska Dept of Ag. Noxious Weed Program valuation
4. 2:00 p.m. County Curfew Resolution under the age of 18
5. 2:05 p.m. Jail Project:
  - Representatives from GA Johnson Construction will be present to give progress report.
  - Change order for additional rock
  - Discuss elevator and approve possible change order
  - Jail Transition Plan
6. 2:30 p.m. Bryan Smith - Public Defender
  - Approval of Hiring Spouse
  - Employment Applications
  - Executive Session - Personnel
  - Executive Session - Correspondence
  - Executive Session - possible litigation
  - Executive Session - Strategy
7. 2:45 p.m. Tony Gomez - Special Designated Liquor License.
8. Miscellaneous Agenda Items
9. Committee Reports
10. Public Comment
11. Mail and/or Emergency Business
12. Adjournment

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

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 1:31 p.m

Commissioner Hartnett moved, seconded by Commissioner O'Neill to reconvene into Open Session.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 2:28 p.m.

Randy Crombie opened the lone bid for BoMagging a portion of Lake Avenue. Sta-Bilt Construction Co., 1339 Nishna Avenue, PO Box 151, Harlan Iowa, bid \$56,639.66 for the 6 items.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept the bid and to leave it up to the Road Committee for measurement.

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

Dave Boschutt with the Nebraska Department of Ag. presented his evaluation of Dakota County's Noxious Weed inspections. He gave 3386 out of a possible 3400 points. He was happy with the Weed Superintendent's performance.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to table the County Curfew Resolution.

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

**The minutes of the last meeting were read as follows:**

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MARCH 27, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 1:32 p.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Bousquet, Engel, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: Commissioner Hartnett.

Commissioner Miller arrived at 1:34 p.m.

The agenda for said meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 27, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their regular meeting to order at 1:32 p.m.

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

1. 1:30 p.m. Call to Order with Pledge of Allegiance
  - Roll Call
  - Pledge of Allegiance
  - Approve Minutes 3-13 and 3-20-2006 meetings
2. 1:30 p.m. Public Hearing on Jones Creek Recreation Area
3. 1:50 p.m. Judy Renkel Ag Society County Fair Report
4. 2:15 p.m. Open Gravel Bids
5. 2:30 p.m. Brian McDonald
  - Martinek Bridge
  - Wigle Creek Road Relocation
  - Knox Blvd.
6. Miscellaneous Agenda Items
  - Action was taken for the Chairman to sign NRD Agreement
  - South Bluff Road & Levee
  - Boys & Girls Home Contract
7. Committee Reports
8. Public Comment
9. Mail and/or Emergency Business
10. Adjournment

Judy Renkel appeared before the board to inform the board about the Dakota Thurston County Fair. They are going to have a beer garden and she asked the board for a letter of support for them to have a liquor license for the fair, which is going to be held July 12 through the 16th.

Chair Engel opened the Public Hearing on Jones Creek Recreation Area at 1:33 p.m.

Commissioner Miller presented the following letter on behalf of the Chamber.

March 21, 2006  
Bill Engel, Chairman  
Dakota County Commissioners  
P.O. Box 338  
Dakota City, NE 68731

Dear Commissioner Engel,

On behalf of the Legislative Committee of the South Sioux City Area Chamber of Commerce, we would like to express our support of the proposed recreational dam site near Hubbard. The Committee feels that this would be an excellent addition to the area in terms of tourism development. It would also greatly enhance the quality of life for our residents.

Sincerely

Pat Anderson  
President  
South Sioux City Area Chamber of Commerce

Ralph Puls from NRD was present to answer questions if needed.

Bob Peters, Dakota City Clerk Treasurer spoke in favor of the project and encouraged support of the project.

Skip Meisner, a member of the Economic Development Committee, spoke in favor of the project and said it would be an economic asset to the community committee.

Bill McLarty, Mayor of South Sioux City, spoke in favor of the project and presented the following letter:

March 27, 2006

Chairman Engel and  
Dakota County Commissioners  
P0 Box 338  
Dakota County Courthouse  
Dakota City, NE 68731

Dear Chairman Engel and Dakota County Commissioners:

The City of South Sioux City supports the new recreational area near Hubbard. This is an exciting opportunity to provide recreational amenities for our area. This adds to our area quality of life and will thus aid South Sioux City and Dakota County in attracting new industries to our area; increasing valuations and benefiting all taxpayers in the county.

We encourage the commissioners to support this project.

Sincerely,

Bill McLarty  
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Chair Engel closed the Public Hearing on Jones Creek Recreation Area at 1:48 p.m.

Commissioner Miller moved, seconded by Commissioner Bousquet that a letter of support be drafted to support the Fair Board for the Dakota-Thurston County Fair to have a Liquor License and beer garden for their event July 12 through July 16, 2006.

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Commissioner Bousquet moved, seconded by Commissioner Miller to reject the bid of Earlanston Trans, Inc. Rock, Sand and Gravel's bid and to accept all other gravel bids submitted by Stalp Sand & Gravel, Higman Sand & Gravel, S & S Willers Pilger Sand & Gravel.

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

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the agreement to relocate Wigle Creek Road contingent upon the County Attorney approving the Agreement and to accept the NOTICE OF AWARD to Fred Carlson Co. LLC dba Brower-Construction Co. for the Homer South Project in the amount of \$65,641.61.

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

Commissioner Bousquet moved, seconded by Commissioner O'Neill to approve the minutes of March 20, 2006 as typed.

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

Bryan Smith Jr., Pub Defender, appeared before the board and mentioned a letter that he received from Demars, Gordon, Olson and Zalenwski dated March 24, 2006 and suggested that the board probably received a copy.

Mr. Bousquet said that this will be handled in open session will it not?

Mr. Smith, puzzling, said yes.

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COUNTY GENERAL FUND: Gross salaries- \$79,365.96, General Fund Employees Net Pay- \$57,331.25, Employer deductions paid: Retirement- 5,284.91, Retirement Makeup- 34.44, Social Security Tax- 4,920.70, Medicare- 1,150.82, DC Health Plan-, DC Dental Plan-, Life Insurance-

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Bobbi Jo Harsma- 853.20, Tammy Parrish- 753.88, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorsey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 411.58, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 677.91, Jeremy Bermel- 1570.64, Anthony Bos- 1429.78, Brad Claypool- 1485.70, Sandy Dickens- 1030.08, Brian Ellinger- 1818.65, Brent Gilster- 1389.08, Todd Hammer- 1386.84, Melvin Harrison III- 1673.65, Rodney Herron- 1626.90, Kimberly Johnson- 297.92, Jared Junge- 2030.21, Michael Kreegar- 1397.55, Gayle Richards- 767.20, Kevin Rohde- 1415.07, James Wagner- 1868.04, Randall Walsh- 1678.78, Mary Gamble- 168.71, Amber Hegarty- 1692.31, Aimee Kennedy- 846.40, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 821.24, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1524.50, Richard Criss- 1113.75, Eric Davis- 1151.10, Penny Epting- 1180.62, Ronald Fink Jr.- 954.00, John Gilles- 1452.61, Alma Gunderson- 1155.00, Paula Harrigfeld- 715.50, Cathy Harsma- 1113.75, Joseph Ramirez- 1032.75, Krystal Ramirez- 1066.00, Linda Schovanec- 1190.28, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 567.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 944.79, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,969.98, State- 2,843.02, Social Security Tax- 4,920.70, Medicare- 1,150.82, Retirement- 3,596.45, Retirement Makeup- 24.44, Deferred Comp- 660.78, Garnishments- 868.52.

COUNTY ROAD PAYROLL: Gross salaries- \$13,891.44, Road Employees Net Pay- \$10,460.84, Employer deductions paid: Retirement- 846.81, DC Health Plan-, Social Security Tax- 861.27, Medicare- 201.42.

Randall Crombie- 1178.65, Ronald Harder- 1131.29, Walter Heinemann- 1189.40, Richard Hoelsing- 1260.21, Robert Jacobsen- 1200.15, Fred Kellogg- 1255.83, Kimon Litras- 1195.95, Arnold Mellick- 1189.40, Marlan Millard- 1210.90, Leon Pies- 567.20, William Rohde- 1346.15, James Swanson- 1166.31.

ROAD FUND: Employee withholding paid to: Federal- 1,269.18, State- 472.52, Social Security- 861.27, Medicare- 201.42, Retirement- 564.53, Deferred Comp.- 61.68.

INHERITANCE TAX: Budget Transfer to General Fund- 100,000.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce: Lodging Tax- 9,599.26.

Commissioner O'Neill moved, seconded by Commissioner Miller to approve the minutes March 27, 2006 as read by Ed Matney, County Attorney.

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

Tony Gomez appeared before the board to request that the County Board permit the El Ranchito to make application for a Special Designated Liquor License for the old school land that he is leasing.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve letter of support and 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 May 13, 2006 at the Old Crystal Lake area, which is school land leased by Tony Gomez.

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

Jerry Johnson and Stan Wheelock appeared before the board to inform the board on the progress of the jail. They also had a couple of change orders for the project. They needed more gravel and rock in the one corner to stabilize the crane that needs to set there.

There was discussion where the county should haul the rock or have JoMac do it.

Stan said that they have already done \$5,366.91 and we would like to see you approve that as a change order.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve Change Orders to the Jail Project as follows: \$5,366.91 paid to JOMAC, and credits of \$23,200 to Tindall and \$3,840 to McChan.

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

Commissioner Hartnett informed the board that Van Phillips would come on the 24th with a report from the Merit Commission.

She also brought up that the food service for the prisoners seemed to be Noodles every day. Her purpose for mentioning it was whether they were going to bid out the services with the new jail.

There was also a question when they would begin hiring for the new jail.

She also brought up that the county should have a transition plan for the new jail and Mark Martin's name was mentioned, however they do not have a proposal or cost what would be charged.

Ms. Walsh said that Mr. Martin would put together a Scope of work to be done and cost if the board was serious to do that.

Commissioner Bousquet asked about Jail Standards having a list of people that would be available to do that.

Chair Engel asked Mr. Hirschbach if the board needed to take any action on the Public Defender.

Mr. Hirschbach said that there are two issues in criminal court and those would have to be resolved first. His advice was to table anything until they see what happens in County Court.

Chairman Engel adjourned their meeting at 3:40 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 17, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 10:02 p.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Hartnett, Engel, O'Neill, Miller and Ted Piepho, Secretary.  
Absent: Commissioner Bousquet.

The agenda for said meeting was as follows:

- 10:00 a.m. Call Meeting to Order at 10:00 a.m. with Pledge of Allegiance
- Roll Call
- Approve Minutes of last meeting
- Review and Approve Accounts Payable claims

11:45 a.m. Recess for Lunch

1:30 p.m. Reconvene from Lunch

1:31 p.m. Madelyn Thorsland - Tax List Corrections

1:40 p.m. Dave Rasmussen - Installation of temporary culvert on Inwood Road 1 Block east of Wigle Creek Road.

1:50 p.m. Bill Rohde - Dakota County Road Director  
Accept Bomag Bid

2:00 p.m. Public Hearing - South Bluff Road and Relocation of Martinek Bridge

2:15 p.m. Special Designated License Sai Chai Lao Association  
1709 F Avenue Dakota City

2:20 p.m. Lou Franco - Tires on Old School Land west of frontage road Section 36 Township 29N Range 8E of the 6th P.M.

- 2:45 p.m. Official's Reports
  - County Clerk
  - Clerk of the District Court
  - Register of Deeds
  - Veteran's Service Officer Quarterly Report
  - County Sheriff's Quarterly Report

2:40 p.m. Misc. Items  
Authorization for someone to attend the Washington Steak Dinner

Recorder and Recorded Meetings.

New Hires

Public Comment

Mail and/or Emergency Business

2:45 p.m. Adjournment

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

There was discussion concerning the Juvenile Boarding cost to house juveniles in Sioux City. It was noted that one of the juveniles was being held on city charges and discussion was had to bill back the city for those charges.

Chair Engel recessed their morning session at 11:23 a.m.

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

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

Absent: All present.

Madelyn Thorsland, State's Assessor for Dakota County, appeared before the board with many Tax List Corrections.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve and authorize the chair to sign the Tax List Corrections as presented by Madelyn Thorsland, State's Assessor for Dakota County.

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

Kent Rasmussen appeared before the board to request that the county put a tube parallel with the bridge over Wigle Creek on Inwood Road so that cement trucks and the company that he purchased a building from can cross the bridge as it is only a 10 ton bridge.

There was discussion. Kent was going to furnish the tube. There was an option and that was to come in from the minimum maintenance road from the west, which separates Dakota Thurston Counties.

Bill Rohde said they could maintain the road while this was being done.

Mr. Rohde said that his only problem with putting a tube across is how wet the creek bed is and will it support cement trucks after they get it built and added that when they were done it wasn't going to be any more of an all weather road than what the minimum maintenance road is.

Commissioner Bousquet expressed concern if we got a major rain, would the tube be big enough to handle the situation.

It was left up to Bill to work with the Rasmussen's to give them access.

Randy Crombie, Highway Supt., appeared before the board and recommended that the county advertise for Lake Avenue and North Shore Drive and that Bill Rohde Director of Dakota County Roads suggested that the county redo sections in the road rather than to redo the whole road.

The County Clerk informed the Road Department and the board that the board had accepted the bid submitted in the last meeting to do the project.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to rescind last weeks motion "Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept the bid and to leave it up to the Road Committee for measurement" and to re-advertise same to include Chip Seal Application and Full BoMag and the bids be opened at 2:00 p.m., May 8, 2006.

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

Chair Engel opened the Public Hearing for the relocation of the Martinek Bride on South Bluff Road.

Bill Rohde, Dakota County Director of Roads explained the difference between the two projects. Everyone in the audience was in favor of the Olson design instead of JEO's design. Comments were not recorded as part of the minutes because no one chose to sit at the table reserved for guest.

Chair Engel moved, seconded by Commissioner Bousquet to close the hearing.

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

Commissioner Bousquet moved, seconded by Commissioner Engel to re-engineer the Martinek Bridge according to Olsson's design, which will take South Bluff Road more in a westerly direction to meet Highway 35 more at a 90 degree angle for safety purposes.

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

Lou Franco appeared before the board to request that the county take the lead in applying for a grant to remove the tires on old school ground that she recently purchased.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to make application for the grant, but both rescinded their motion and second when Ed Matney, County Attorney, wanted to check to make sure that doesn't conflict with the grant that was awarded for putting them there as part of the Old Crystal Lake dredging project.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to acknowledge receipt of and approve the Official's reports filed with the County Clerk from the County Clerk, Register of Deeds and the Clerk of the District Court for the month of March, 2006 and the County Sheriff's Quarterly Report for the period January 1, through and including March 31, 2006.

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

Chair Engel called attention to the Sample Transition Plan, and appointed Nanci Walsh, Rod Herron, Commissioner Hartnett, Jim Wagner, Ed Matney and himself.

Ms. Walsh said that Mark Martin would like to know how involved the board wanted to get with a transition plan so that he would know how to bid.

There was discussion whether the county could spend the interest money for something other than the bond issue.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the minutes of April 10, 2006 as typed.

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 approve the claims submitted by the County Clerk as follows:

GENERAL FUND: Dakota County Star, publishing- 555.79; NACO, handbook- 34.00; Perkins, supplies- 86.83; Theodore Piepho, phone/reimburse dues- 65.00; Redfield, books/forms- 228.15; Staples, battery backup- 81.18; Robert Giese, mileage- 89.00; 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, service- 3.50; Des Moines Stamp, supplies- 71.05; Microfilm Imaging, lease- 240.00; Perkins Office Solutions, supplies- 158.58; Dakota County Star, publishing- 316.50; Election System & Software, ballots- 161.61; Todds Storeall, storage- 80.00; Gene Cantrell, mileage/meeting- 63.69; Jim Crosgrove, mileage/meeting- 24.79; Dakota County Star, publishing- 85.75; Holiday Inn, lodging- 210.00; Jim Jepsen, mileage/meeting- 47.67; Dick McCabe, mileage/meeting- 66.36; Marlan Millard, mileage/meeting- 54.35; Dennis Reinert, mileage- 113.03; Martin Rohde, mileage/meeting- 66.36; Carol Sue Dunham, mileage- 81.00; Lynette Beermann, supplies- 6.93; Des Moines Stamp, supplies- 58.00; Executive Technologies, maint. Agreement- 306.00; DAS Material, supplies- 458.66; Des Moines Stamp, stamps- 127.00; Pharyce Eslick, jury cases- 100.00; Thomson West, service- 116.75; Thurston County Court, transcribe- 8.45; William Binkard, reimburse- 156.17; Dakota County Star, publishing 46.25; Dakota County Bar Assn, dues- 50.00; Joe Flynn, software/mileage/lodging- 401.14; Frank Gonzalez, interpret- 240.00; Sioux City Journal, publishing- 298.60; George Babb, witness fee- 47.12; Dakota County Court, court costs- 1652.10; Randy Hisey, counsel- 216.00; Hungrys North, jury meals- 74.40; Hurley Law Office, counsel- 639.80; Sandra Inkster, counsel- 600.00; King James, witness fee- 24.45; Brad Jochum, witness fee- 42.25; Brett Kraayenbrink, witness fee- 24.45; Barbara Kueny, counsel- 524.44; John Loos Jr, counsel- 1246.11; Melissa Reed, witness fee- 24.45; Douglas Roehrich, counsel- 1218; Patrick Tott, counsel- 660.00; Dakota County Sheriff, papers/warrants- 1191.48; Clerk of District Court, claims- 600.00; Dixon County Sheriff, sheriff fees- 53.00; Hy-Vee, supplies- 43.10; Teri Lea Autry, mental health- 65.00; Hungrys North, lunch- 110.56; Frank Gonzalez, interpret- 160.00; Richard Thramer, counsel- 742.20; John Loos Jr, counsel- 72.00; Douglas Roehrich, counsel- 558.00; Michael Schmiedt, counsel- 105.00; Tott Law Office, counsel- 1392.00; Vickie Smith, counsel- 799.50; Alltel, phone- 26.89; A-Team Heating & Cooling, repair- 2899.30; Benstar, supplies- 432.42; City of DC, water- 1322.45; Dakota Food & Fuel, gas- 30.00; Gill Hauling, service- 115.00; Grainger, heaters- 373.50; G&R Controls, parts/repair- 1736.30; Wilmes Hardware Hank, supplies- 36.49; Richard Jensen, mileage- 141.24; Menards, supplies- 861.19; Midamerican Energy, gas- 1683.00; Nebraska Dept of Labor, inspections- 120.00; NPPD, energy- 1667.45; Roto Rooter, repair- 109.00; Sams Club, supplies- 512.53; Share Corp, cleaner- 90.65; Siouxland Lock & Key, keys- 10.50; Trembly Pest Control, pest control- 50.00; Dakota County Extension, reimburse- 975.34; Ammunition, ammunition- 498.00; Alltel, phone- 55.33; Circle R Frame, repairs- 2564.37; City of SSC, phone/fuel- 3711.93; Dakota County Star, publishing- 9.63; Dakota County Food & Fuel, fuel- 579.50; Electronic Engineering, radio- 130.55; Fremont Tire, repair/service- 955.29; Jacks Uniforms, supplies- 502.70; Jackson Glass, repair- 20.00; Pacific City Graphics, forms- 725.00; Racom Corp, t1- 596.00; Robertson Implement, dog food- 19.20; Sign Masters, lettering- 580.00; Sioux City Ford, service- 586.71; SFCU, training/aol- 53.90; Siouxland Humane Society, animal control- 146.00; Tires Tires Tires, repair- 637.99; Walmart, supplies/blades- 37.46; City of SSC, meeting- 25.00; Dakota County Bar Assoc, bar dues- 100.00; Dakota County Treasurer, court costs- 65.95; Edward Matney, postage- 24.35; M M Court Reporting, depositions- 137.00; Net Sys Plus, repair- 75.00; Pathology Medical, autopsy- 2068.41; Perkins, supplies- 26.43; Sprint, phone- 150.00; City of SSC, lec- 22787.42; Amanda Barclay, mileage- 28.70; American Bio, drug tests- 98.03; BI Inc, house arrest- 1335.00; Bob Barker, supplies- 492.58; Butler County Clinic, medical- 211.00; CBM Food Service, meals- 7758.43; Cass County Jail, boarding- 41850.00; Alltel, phone- 79.45; City of SSC, fuel- 122.88; ConocoPhillips, fuel- 25.27; Cut-Rate Batteries, batteries- 234.00; Dakota Food & Fuel, fuel- 448.22; David City Discount, medical- 118.40; De Lage Landen, contract- 221.00; Dept of Correction Services, safekeepers- 8800.25; Sandy Dickens, mileage- 131.92; Five Star Awards, plaque- 51.51; Hy-Vee, bakery- 18.92; ISECUREtrac, house arrest- 178.25; Jacks Uniform Equip, supplies- 557.75; Madison Co Sheriff, boarding- 50.00; Mercy Medical, medical- 306.60;

Nebraska Workforce Development, unemployment- 2880.00; NE Nebr Juvenile Srvcs, services- 11857.50; NW Iowa Emergency Phys, medical- 137.00; David Noble DDS, medical- 69.00; Nebraska Lablinc, medical- 165.00; JR Pantoja, interpret- 60.00; Redlers Pharmacy, medical- 894.65; Safeguard, receipts- 574.80; SFCU, fuel/monitor/supplies- 175.46; Staples, toner- 176.57; Walmart, supplies- 95.45; J Brian Wessling DDS, medical- 156.00; Woodbury Co Juvenile, boarding- 18500.00; Alltel, phone- 26.48; Randy Crombie, mileage- 28.48; Neb Assoc Cnty Eng, meeting- 80.00; Staples, supplies- 109.30; Apex-Carex, chests- 103.90; CLIA Laboratory, fee- 150.00; Pam Devries, mileage- 139.28;

Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 141.95; Kreisers Inc, supplies- 47.90; Perkins, supplies- 15.70; Alltel, phone- 192.00; Donna Beckman, hours/travel- 669.39; Pam Devries, mileage/lodging/meals- 272.13; Pat Glover, meals/lodging/mileage- 311.82; Hy-Vee, catering- 389.60; Alan Boyd, mileage- 147.93; Electronic Engineering, pager- 13.95; Perkins, supplies- 84.70; Aspen Publishers, law books- 297.00; AT&T, phone- 30.65; Cable One, internet- 273.90; Claritus, tapes- 9.00; Dakota County Treasurer, taxes- 7800.00; De Lage Landen, lease- 110.50; FSH Communication, payphone- 58.30; Lazette Gifford, website- 40.00; Net Sys Plus, work- 241.25; Qwest, phone- 652.50; Qwest, phone- 650.91; Region IV, svcs- 5320.25; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fees- 95.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 420.62; Community Justice Grant, costs- 243.67;

ROAD: A-Team Heating & Cooling, heater- 2419.00; Advance Auto, parts/supplies- 85.24; Alltel, phone- 33.22; Aramark, service- 209.88; Bekins Fire & Safety, fire ext- 33.05; Bomgaars, supplies/parts- 212.77; Dakota County Petty Cash, testing/camera/film- 88.00; Dakota County Star, publishing- 76.86; Filter Care of NE, cleaning- 34.50; Flaugh's Pronto, fuel- 581.86; Fremont Tire, repair- 108.90; Gill Hauling, service- 47.00; Great Plain Int. of SC, radio- 128.40; Hubbard MiniMart, gas/diesel- 3531.08; H204U, service- 30.24; Inland Truck Parts, parts- 472.63; Joes Dept Store, supplies- 202.23; Kimball Midwest, supplies- 16.24; Linweld, supplies- 36.50; NPPD, service- 96.09; NE Nebr Telephone, phone- 194.40; Pilger Sand & Gravel, gravel- 5598.69; Presco Sales & Svc, sign posts- 1658.88; Rees Mack Sales, parts/labor- 590.32; RMS, parts- 254.78; Sapp Bros Petro, propane- 324.75; Side Dump Ind, sandblast/paint- 2000.00; New Sioux City Iron, supplies- 10.57; Stephan Welding, parts- 191.50; Town & Country Power, supplies- 54.88; UECO, pipe- 1330.48; Warren Oil, fuel- 6181.30; Zieglers, parts- 268.56;

ROAD IMPROVEMENT: JEO, project- 1000.00;

HARD SURFACE: Union Bank & Trust, bond- 671341.96;

POOR RELIEF: Nebr Dept of Social Svcs, admin fees- 33.25; Walmart Pharmacy, prescriptions- 314.48;

VETERANS AID: Veterans Service Office, relief- 400.00;

JUVENILE ACCOUNTABILITY: BI Inc, em- 214.50; Amanda Jones, mileage- 16.40;

COMMUNITY JUSTICE: American Bio Medical, tests- 171.84; BI Inc, em- 115.50;

PUBLIC SAFETY: City of SSC, sales tax- 3772.31; Jail Bond Fund, sales tax- 27663.62;

HUNT MEMORIAL FUND: Eyemart Express, glasses- 138.90; Dr Thomas Patera, eye exam- 52.00;

JAIL PROJECT FUND: Albenesius Contracting Inc, utilities- 18134.55; GA Johnson, management fees- 20000.00; Hander Inc, jail- 27865.80; Jomac Contracting, concrete- 5366.91; K&P Services, dumpster- 99.95; Lindblom, toilet- 106.00; McHan Construction, construction- 81000.00; Muth Electric, construction- 38344.72; Porta Storage, office- 225.00; Wells Concrete Products, construction/walls- 718056.23;

WEED: Carquest, parts- 5.96; De Lage Landen, copier- 91.00; GCR, parts- 207.26; Holiday Inn, lodging- 161.95; Hubbard MiniMart, fuel- 332.00; Love Brothers, labor- 413.90; Leon Pies, workshop/mileage- 223.16; Siouxland NAPA, oil- 22.74;

E911: City of SSC, 911 monies- 27419.26;

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

The Board briefly talked about the Washington Steak Dinner.

Commissioner Miller moved, seconded by Commissioner Bousquet that Ed Matney be the representative on behalf of the county and the fees be taken out of the Law Library.

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

The board discussed new hires. It was the County Clerk's recommendation that the first payroll claims of any new hire be called to the boards attention before the first claim be authorized and paid.

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

Chairman Engel adjourned their meeting at 3:17 p.m.

Dakota County Commissioners

ATTEST:

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

Chairman

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

DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 24, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel called their Regular Scheduled Meeting to order at 1:32 p.m. with Pledge of Allegiance to the Flag.

Present were: Commissioners, Hartnett, Engel, O'Neill, Miller, Bousquet and Ted Piepho, Secretary.  
Absent: All Present

The agenda for said meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, APRIL 24, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. 1:30 p.m. Chair to insure Amplifier is on  
Chair to insure the Recorder is on and Recording.  
Chair to declare the meeting open with Pledge of Allegiance  
Roll Call  
Approve Minutes last meeting
2. 1:35 p.m. Van Phillips - Merit Commission Report
3. 1:40 p.m. Budget Hearing on Cops Fast, Public Safety Sales Tax, Hunt Memorial Fund.
4. 2:00 p.m. Special Designated Liquor License Sai Chai Lao Association 1709 F Avenue
5. 2:10 p.m. Miscellaneous Agenda Items
  - \* Agreement and Notice to proceed BRO-7022(11) Homer South
  - \* EJCDC Agreement between Dakota County and Fred Carlson Co. LLC dba Brower Construction.
  - \* Settlement Agreement and Mutual Release between Dakota County and JEO
  - \* Advertise to accept bids on a multi step project on described portions of Lake Avenue and Old Sawmill Road.
  - \* Abandoned Vehicles
    - 1975 Ford Granada VIN# 5W83F143944
    - 1992 Honda Civic VIN# JHME6865XNS028854
    - 1989 Chevrolet Beretta VIN# 1G1LV141XKE235642
    - 1989 Pontiac Grand Prix Vin# 1G2WJ14TXKF330377
6. Committee Reports
7. Boys and Girls Agreement to house juveniles at Norfolk
8. Public Comment
9. Mail and/or Emergency Business
10. Recess to Friday, April 28, 2006 at 10:00 a.m.  
Chair to Instruct that the recorder be turned off.  
  
Friday, April 28, 2006 10:00 a.m.  
Chair to insure Amplifier is on  
Chair to insure the Recorder is on and Recording.  
Chair to declare the meeting reconvened from Monday, April 24, 2006
11. Roll Call
12. 10:01 a.m. Update on Siouxland / Washington Conference & Steak Dinner
13. 10:05 a.m. Closed Session Investigation of Criminal Misconduct  
Roll Call  
Chair to Instruct that the recorder be turned off.  
Chair to instruct that the recorder be turned on.  
Open Session
14. 10:15 a.m. Closed Session Litigation  
Roll Call  
Chair to Instruct that the recorder be turned off.  
Chair to instruct that the recorder be turned on.  
Open Session

- 15. 10:30 a.m. Status of Dakota County Public Defender's Office.
- 16. 10:45 a.m. Adjournment  
Chair to Instruct that the recorder be turned off.

Van Phillips gave a status update of the Merritt Commission.

Chair Engel opened the Public Hearing on the COPS FAST GRANT FUND (2501) at 1:46 p.m.  
Commissioner Miller departed the meeting at 1:47 p.m.

**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 24th day of April, 2006 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. The budget detail is available at the Office of the County Clerk in the Dakota County Courthouse, Dakota City, NE.

\_\_\_\_/s/ Nanci Walsh\_\_ Budget Coordinator

**ACTUAL EXPENSE:**

1. Prior Year 2002-2003	\$	41,171.15
2. Prior Year 2003-2004	\$	46,751.64
3. Last Year 2004-2005	\$	55,243.49

**REQUIREMENTS:**

	ADOPTED	CHANGE	TOTAL
4. Current Year 2005-2006	+\$ 28,497.04	\$ 1502.96	\$ 30,000.00
5. Necessary Cash Reserve	+\$ 0.00	0.00	0.00
6. Cash on Hand and Estimated other Revenues	- \$ 28,497.04	\$ 1502.96	\$ 30,000.00
7. Collection Fee & Delinquent Allowance	+\$ 0.00	0.00	0.00
8. Total Property Tax Requirement =	\$0.00	0.00	0.00

Chair Engel opened the Public Hearing PUBLIC SAFETY SALES TAX (2960) at 1:49 p.m.

**ACTUAL EXPENSE:**

1. Prior Year 2002-2003	\$	0.00
2. Prior Year 2003-2004	\$	0.00
3. Last Year 2004-2005	\$	41,051.31

**REQUIREMENTS:**

	ADOPTED	CHANGE	TOTAL
4. Current Year 2005-2006	+\$ 182,000.00	\$ 200,000.00	\$ 382,000.00
5. Necessary Cash Reserve	+\$ 0.00	0.00	0.00
6. Cash on Hand and Estimated other Revenues	- \$182,000.00	\$ 200,000.0	\$ 382,000.00
7. Collection Fee & Delinquent Allowance	+\$ 0.00	0.00	0.00
8. Total Property Tax Requirement =	\$ 0.00	0.00	0.00

Chair Engel opened the Public Hearing for the HUNT MEMORIAL FUND (2990) at 1:52 p.m.

Commissioner Miller returned at 1:52 p.m.

**ACTUAL EXPENSE:**

1. Prior Year 2002-2003	\$	0.00
2. Prior Year 2003-2004	\$	0.00
3. Last Year 2004-2005	\$	0.00

**REQUIREMENTS:**

	ADOPTED	CHANGE	TOTAL
4. Current Year 2005-2006	+\$ 0.00	\$ 657.47	\$ 657.47
5. Necessary Cash Reserve	+\$ 0.00	0.00	0.00
6. Cash on Hand and Estimated other Revenues	- \$ 0.00	\$ 657.47	\$657.47
7. Collection Fee & Delinquent Allowance	+\$ 0.00	0.00	0.00
8. Total Property Tax Requirement =	\$0.00	0.00	0.00

Chair Engel closed the hearings at 1:54 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt the COPS FAST GRANT FUND (2501), PUBLIC SAFETY SALES TAX (2960) and the HUNT MEMORIAL FUND (2990) as proposed.

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 transfer Dakota County Abandoned Vehicle Title Numbers 06088700040, on a 1975 Ford Granada bearing the serial number 5W83F143944, 06088700039 on a 1992 Honda Civic bearing the serial number JHME6865XNS028854, 06088700038 on a 1989 Chevrolet Beretta bearing the serial number

1G1LV141XKE235642 and 06088700037 on a 1989 Pontiac Grand Prix bearing the serial number 1G2WJ14TXKF330377, 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- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet gave a Committee Report on the Jail.

The board considered a Special Designated Liquor request by Sai Chai Lao Association to be held May 28 at 1709 F Avenue.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to approve the Special Designated Liquor Request of Sai Chai Lao Association to be held May 28 at 1709 F Avenue.

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

Bob Sheehan appeared before the board asking whether the County had had a chance to look over the Boys and Girls Home Agreement to house juveniles at their Norfolk facility.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Boys and Girls Home for the county to hold juveniles in their Norfolk facility as follows:

#### AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_ 2006, by and between Dakota County, Nebraska, a political subdivision ("Dakota County") and the Boys and Girls Home of Nebraska, Inc. ("Boys and Girls Home").

WHEREAS, Boys and Girls Home has established juvenile staff-secure shelter facilities in South Sioux City for females (as space permits), and Norfolk, Nebraska for males; and

WHEREAS, law enforcement authorities in Dakota County detain juveniles on a recurring basis; and

WHEREAS, Boys and Girls Home and Dakota County are desirous of entering into an agreement whereby juveniles detained by law enforcement authorities in Dakota County can be housed at a juvenile staff-secure shelter maintained by Boys and Girls Home.

WHEREFORE, in consideration of their mutual promises, each to the other, Dakota County and Boys and Girls Home agree as follows:

#### 1. STAFF SECURE SHELTER SERVICES

Boys and Girls Home will provide staff-secure shelter services to juveniles detained by law enforcement authorities in Dakota County with an accompanying court order. When a juvenile exhibits behaviors that are self-threatening, threatening to others, or destructive to the facility, Boys and Girls Home staff may place the juvenile into a locked or unlocked seclusion room.

#### 2. PAYMENT

Dakota County shall pay Boys and Girls Home at the rate of \$160.00 per "bed day". The term "bed day" as used in this agreement constitutes a 24-hour period. However, it is understood that Boys and Girls Home will count a minimum of one "bed day" for each juvenile it houses for Dakota County. Boys and Girls Home shall submit an invoice on a monthly basis for services provided during the prior month.

#### 3. NUMBER OF JUVENILES

The number of juveniles that Boys and Girls Home will accept from Dakota County will be based on the maximum occupancy of the individual facility. There shall be no minimum or maximum number. The Boys and Girls Home will make space available for Dakota County as soon as is practical.

#### 4. PROCEDURES

It is understood that Boys and Girls Home will provide juvenile detention for Dakota County. Boys and Girls Home shall work cooperatively with the county's courts, jail stag probation and law-enforcement officers, and prosecutors to ensure that the juveniles detained by Boys and Girls Home for Dakota County are handled in a manner consistent with criminal-justice ideals and jail procedures.

#### 5. RIGHT TO REFUSE SERVICE

Boys and Girls Home may, in its absolute discretion, refuse to accept any juveniles from Dakota County into its facilities. The parties agree that good faith will be used in making refusal determinations.

#### 6. DURATION OF AGREEMENT AND TERMINATION

This agreement shall remain in full force and effect for one year from and after the date of execution of the agreement. However, either party may terminate this agreement upon 60 days written notice to the other party.

#### 7. RESOLUTIONS

Dakota County and Boys and Girls Home will adopt whatever resolutions necessary to implement this agreement and make it binding upon the respective parties to this agreement.

#### 8. INSURANCE AND INDEMNIFICATION

Dakota County, at its sole cost and expense, shall procure and maintain such policies of general and professional liability and other insurance as necessary to insure it and its employees against any claim for damages arising by reason of personal injuries or death occasioned directly or indirectly by the providing of Provider services by Provider. Such insurance coverage will be in effect prior to the

effective date of this Agreement and shall not be less than \$1M/\$3M. Provider shall furnish Boys and Girls Home with certificate of said insurance.

Dakota County agrees to indemnify and hold Boys and Girls Home harmless against any claim or liabilities arising under this Agreement, which is the sole responsibility of Dakota County. Boys and Girls Home agrees to indemnify and hold Provider harmless against any claim of liabilities arising under this Agreement, which are the sole responsibility of Boys and Girls Home.

**9. RELATIONSHIP OF THE PARTIES**

The relationship between Dakota County and Boys and Girls Home shall be that of two independent entities contracting with each other at arms length. Neither party shall be deemed the agent of the other and no joint venture or partnership shall result from this Agreement as written.

**10. NOTICES**

Any and all notices required to be given pursuant to the terms of this Agreement must be given by United States mail, postage prepaid, return receipt requested, or by Federal Express, Airborne Express, or other similar overnight express mail, and forwarded to the following addresses or such other address as either party may in writing submit:

For Dakota County:  
Dakota County Clerk  
ATTN: Theodore Piepho  
1601 Broadway Street  
PO Box 39  
Dakota City, Nebraska 68731-0039

For Boys and Girls Home:  
Boys and Girls Home of Nebraska, Inc.  
Attn: Michael Hisser  
PO Box 1197  
Sioux City, Iowa 51102-1197

**11. Entire Agreement**

This Agreement, together with any appendices and addendum constitute the entire understanding of the parties with respect to the subject matter, and supersede any prior agreements, promises, negotiations or representations, whether written or oral, related to the subject matter of the Agreement that are not expressly set forth in this Agreement.

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the day and year first set forth above.

Dakota County, Nebraska                      Boys and Girls Home of Nebraska, Inc.

\_\_\_\_\_  
Signature    Signature

\_\_\_\_\_  
Title    Title

\_\_\_\_\_  
Date    Date

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 approve and authorize the Chair to sign the NOTICE TO PROCEED to Fred Carlson Co. LLD dba Brower Construction Co. notifying them that the Contract Times under the contract will commence to run on or before 6-15-05.

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 advertise for bids, for work to be done on Lake Avenue and Old Saw Mill Road.

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

Commissioner Hartnett gave a report on Planning and Zoning.

County Clerk suggested that Planning and Zoning take a look to see if the appointments to Board of Adjustments are up to date.

Commissioner Miller informed the board that the RC&D meeting in May is going to be at the Northeast Community College and encouraged all to attend.

Commissioner Bousquet informed the board that the elevator bid was still good if they could work it in to the jail project.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the minutes of April 17, 2006, to include the County Clerks Comments that there were problems with the recorder and that on occasion the recorder had not been started.

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

Bryan Smith, Public Defender, appeared before the board concerning starting his secretary at \$11.50 per hour. He was asked about his wife working for him and He said that she wasn't working for him and that he hired Deb. Said he had the resumes that were submitted.

Lynette Beermann, Clerk of the District Court was asked to appear concerning her proposal to raise Dustin to \$12.00 per hour. Ms. Walsh had informed the board that this exceeded the handbook by being at the max for that class and he had not been here for 3 years to get the max.

Ms. Beermann agreed that she would consider a lesser amount.

Commissioner Bousquet moved, seconded by Commissioner Miller to table the raise of Dustin Kinsey and to approve the other claims as submitted.

COUNTY GENERAL FUND: Gross salaries- \$80,154.49, General Fund Employees Net Pay- \$55,343.49, Employer deductions paid: Retirement- 5,310.97, Retirement Makeup- 34.44, Social Security Tax- 4,795.12, Medicare- 1,121.45, DC Health Plan- 23,748.40, DC Dental Plan- 614.25, Life Insurance- 139.41.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 407.79, Bobbi Jo Harsma- 940.60, Tammy Parrish- 712.25, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 874.53, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorsey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Michelle Criss- 244.82, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Debra Jensen- 828.00, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 745.47, Patricia Stingley- 65.00, Jeremy Bermel- 1579.61, Anthony Bos- 1411.87, Brad Claypool- 1673.65, Sandy Dickens- 1030.08, Brian Ellinger- 1621.75, Brent Gilster- 1431.43, Todd Hammer- 1378.59, Melvin Harrison III- 1512.55, Rodney Herron- 1626.90, Kimberly Johnson- 321.20, Jared Junge- 1536.53, Michael Kreegar- 1397.55, Gayle Richards- 767.20, Kevin Rohde- 1313.98, James Wagner- 1868.04, Randall Walsh- 1448.00, Mary Gamble- 981.60, Amber Hegarty- 1692.31, Aimee Kennedy- 846.40, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1413.83, Richard Criss- 1339.88, Eric Davis- 1146.13, Penny Epting- 1140.62, John Gilles- 1205.19, Alma Gunderson- 1155.00, Paula Harrigfeld- 720.90, Cathy Harsma- 1110.38, Brett Johnson- 499.80, Joseph Ramirez- 1134.00, Krystal Ramirez- 1196.00, Linda Schovanec- 1161.14, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 569.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1051.13, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,554.97, State- 2,701.55, Social Security Tax- 4,795.12, Medicare- 1,121.45, Retirement- 3,610.44, Retirement Makeup- 24.44, DC Health Plan- 1,248.65, DC Dental Plan- 382.15, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,362.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,343.35, Road Employees Net Pay- \$9,555.25, Employer deductions paid: Retirement- 809.79, DC Health Plan- 4,384.32, DC Dental Plan- 113.40, Life Insurance- 22.98, Social Security Tax- 804.57, Medicare- 188.16.

Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,138.98, State- 422.01, Social Security- 804.57, Medicare- 188.16, Retirement- 539.89, DC Health Plan- 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.

VISITORS PROMOTION: SOUTH SIOUX CITY CHAMBER OF COMMERCE- Lodging Tax- 9,554.79  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel recessed their meeting until Friday, April 28, 2006 at 3:25 p.m.

Dakota County Commissioners

ATTEST:

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

\_\_\_\_\_  
Chairman

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

DAKOTA COUNTY BOARD OF COMMISSIONERS  
APRIL 28, 2006 PROCEEDINGS  
BASEMENT MEETING ROOM  
COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chair Engel reconvened their meeting of April 24, 2006, at 10:00 a.m. today April 28, 2006. Nanci Walsh, Board's Assistant, presented an Emergency Resolution to transfer monies in order to pay bonds due May 1, 2006.

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt the following Resolution transferring monies.

RESOLUTION  
06C-07

WHEREAS, the Dakota County Hard Surface Fund may be short of funds with the payment of the April, 2006 accounts payable; and

WHEREAS, the Hard Surface Fund as Bonds payable and due May 1, 2006; and

WHEREAS, the federal funds for the Hard Surface Bonds are being processed for electronic transfer; and,  
WHEREAS, an emergency exists; and,

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

WHEREAS, funds will be available in the Hard Surface Fund when the federal funds arrive in May, 2006.

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the loan of \$600,000 from the General Fund to the Hard Surface Fund this 28th day of April, 2006.

AND FINALLY BE IT RESOLVED, That the Dakota County Board of Commissioners authorize and direct the loan of \$600,000 be immediately be repaid to the General Fund from the Hard Surface Fund upon receiving the federal funds from the State of Nebraska.

Passed and adopted this 28th day of April, 2006.

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

ATTEST:

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

Commissioner Bousquet moved, seconded by Commissioner Miller to convene into Closed Executive Session to discuss strategy and litigation.  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 10:18 a.m.

Commissioner Miller moved, seconded by Commissioner Hartnett to reconvene in open session.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED. 11:35 a.m.

Commissioner Bousquet moved, seconded by Commissioner Miller to table the Settlement Agreement and mutual Release between Dakota County and JEO Consulting Group, the Standard Form of Agreement between Owner and Contractor.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Ed Matney, County Attorney, handed out a copy of the letter sent to Bryan Smith and copied to the County Commissioners from Demars Gordon Olson Zalewski Law Firm.  
Demars Gordon Olson Zalewski  
LAW FIRM

March 24, 2006

Mr. Bryan Smith  
Dakota County Public Defender  
P.O. Box 574  
Dakota City, Nebraska 68731

RE: Mary Goodman Gamble

Dear Mr. Smith:

I represent Mary Goodman Gamble, an employee you recently terminated from your office. Please refer all future correspondence to me.

In responding to questions about the reasons for her termination, you were quoted as follows:

"There is a large confidentiality issue that attaches to everything we do," he said. "And frankly, there have been leaks out of our office. This was the last straw. I have forgiven a few of them, but there were a couple of things that happened recently that put me over the top."

Your comment to the press directly states that Ms. Gamble could not be trusted and she had problems maintaining office confidentiality. That is completely false. Ms. Gamble demands a retraction that complies with the terms of Neb. Rev. Stat. 25-840.01. If one is not received within three weeks, she will pursue all available claims under 25-84001 and 20-204.

Secondly, it appears that Ms. Gamble's termination was motivated by her desire to run for public office and/or her conversation with your political opponent. As such, you have violated Ms. Gamble's Constitutional rights to freedom of speech and freedom of association.

Ms. Gamble would like to resolve this matter without litigation. In order to do so, she demands the following:

1. A retraction of your statement that in any way implied Ms. Gamble had breached confidentiality. Said retraction shall completely absolve Ms. Gamble from any implication that she did not act in a trustworthy manner, and will state she did not violate any office confidentiality policies.
2. Payment of \$30,000.00 to compensate Ms. Gamble for breach of her Constitutional rights, and damage to her reputation.
3. Payment of \$2,600.00 in attorneys fees.

If this matter is not resolved, Ms. Gamble will consider all available claims, including lawsuits against you, both in your official and individual capacities, as well as actions against the County under similar claims. I am asking you to review this with the County Commissioners and anyone else who may need to be involved, and respond to this letter within 14 days. We look forward to an amicable resolution of this situation.

Sincerely,

James C. Zalewski  
JCZ:sks  
cc: Mary Goodman Gamble  
County Commissioners

Ed Matney, County Attorney, read a copy of the letter that Naydeen Bell wrote on April 4, 2006 and sent to the District Judge William Binkard.

The Honorable, Judge William Binkard  
District Court  
P.O. Box 566  
Dakota City, NE 68731

April 4, 2006

RE: Motion to Grant Appointment for New Council Naydeen Bell  
Case # CR-06-14

To the Honorable, Judge William Binkard:

Please accept this letter as my request for a new Public Defender with regard to my case noted above. My Public Defender is Bryan Smith Jr.

Smith has contacted me only two times since January 5, 2006. I have contacted his office several times. I have left messages for him to contact me but he has not returned any of my phone calls. My pre-trial date is set for April 25. I do not have any idea what will be taking place nor do I know how I will be defended.

I feel that I will not receive the representation I have the right to receive with his full attention to my case due to his own personal case problems. For example, I was relocated from Dakota County Jail to Butler County Jail for two weeks. I never heard from him the whole time I was there. I didn't know what was going on with my case or even if I had an attorney.

I appreciate and thank you for your time and consideration on this matter.

Sincerely,

Naydeen Bell  
218 W. 30th  
South Sioux City, NE 68776  
402-494-2151

Mr. Matney spoke to the issue of Mr. Smith, Public Defender, being charged for no insurance on a motor vehicle, in which he commented that the vehicle had been seen here at the courthouse on different occasions.

Commissioner Bousquet moved, seconded by Miller to ask Bryan Smith for his resignation and that the county not be responsible for any charges or claims by Mary Goodman-Gamble or their attorneys.

Chairman Engel said he had a statement and read the following letter into the record:

The Commissioners have received a demand letter from Mary Goodman-Gamble's lawyer for damages against Bryan Smith, the Dakota County Public Defender. I want to place that demand letter in the record because it is clear notice that if any damages are awarded, they want the county to pay. The Board had nothing to do with Bryan Smith firing Ms. Goodman-Gamble; knew nothing about why she was fired; what was said between them; and has absolutely no part of running the Public Defender's office. The taxpayers are not going to pay to defend Bryan Smith or pay \$30,000.00 in damages or \$2,500.00 in attorney fees-not One penny! The Board is not able to make a retraction either because the Board did not do these things - Bryan Smith did them. I will entertain a motion to (1) place that demand letter in the record, (2) direct the County Attorney to respond to the demand on behalf of the County and deny any liability on behalf of the county, and (3) defend the County against the demand, which is not the fault of the Board in any respect whatsoever.

Commissioner Miller withdrew her second and Commissioner Bousquet withdrew his motion.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept the letter from Demars, Gordon, Olson, Zalewski Law Firm dated March 24, 2006 and to accept the statement read by Mr. Engel into the record and to direct the County Attorney to deal with the legal action.

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

Sherrie Allen appeared before the board and spoke out against the Public Defender, Bryan Smith. She said that her brother Jim Heinzman had been incarcerated for about a year and that he is not representing him well. She said that he doesn't communicate with her or her brother. She said Smith had not paid any of a \$1,330 court judgment against him made after an accident involving Smith's uninsured vehicle. Smith's 13-year-old stepdaughter was driving without a license when the car collided with Heinzman's. "As a taxpayer, when he's being this way with us, I'd hate to have him be the public defender," Allen said. "You guys hired him in good faith and he's just rubbed our noses in whatever he does."

Commissioner Bousquet moved, seconded by Commissioner Miller that the Board adopt a Resolution asking the Public Defender for his resignation and that the county is not liable for any cost as result of his actions and that Mr. Smith be responsible for all cost that he has brought on for the county. The Board further directed the County Attorney to deliver a letter to the Public Defender today to advise him of the Board's decision to request the resignation of the Public Defender.

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

Chairman Engel adjourned their meeting at 12:10 p.m.

Dakota County Commissioners

ATTEST:

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

\_\_\_\_\_  
Chairman

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

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MAY 8, 2006 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, MAY 8, 2006 AGENDA

Call to Order - 1:30 p.m.

Roll Call

Pledge of Allegiance

Approve Minutes last meeting

1:30 p.m. John Trecek &/or Richard Petersen - Telephone Conference to discuss uses of Bond Money

2:00 p.m. Open bids on North Shore Road, Lake Avenue, Old Sawmill Road

2:15 p.m. Joe Gill - Village of Jackson concerning county participation in paving road

2:30 p.m. Public Hearing CDBG Application for Knox Blvd.

2:45 p.m. Pat Foust - Starcomm governance agreement  
Approve Fiscal year 06 Starcomm bill

Miscellaneous Agenda Items

\*\*Tax Equalization & Review Commission - Findings and Order to Show Cause, and Notice of Hearing.

\*\*Executive Session - Personnel

\*\*Executive Session - Litigation

\*\*Status of Dakota County Public Defender's Office.

\*\*Jail Transition Services - Review and approve proposals from vendors on Jail transition services.  
Authorize and Approve

\*\*Recorder purchase - recording of meeting

TABLED ITEMS

Settlement Agreement and mutual Release between Dakota County and JEO Consulting Group,  
the Standard Form of Agreement between Owner and Contractor.

Committee Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Present: Commissioner William Engel, Commissioner Pam Miller, Commissioner Rick Bousquet,  
Commissioner Betty O'Neill, Commissioner Jackie Hartnett and Nanci Walsh, Administrative Assistant  
to the Board acting as recording secretary.

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

The Board called Richard Pedersen of Baird Holm Attorneys at Law and John Trecek of Ameritas in a  
conference call regarding questions with the sales tax for the jail and the bonds.

The Board had legally submitted a specific bond amount on the ballot question. Sales tax is to be first  
applied to the sales tax bonds, then to pay the bonds that were also backed by the 5.2 cents in property  
taxes. The 5.2 cents cannot be committed to anything else until those bonds are paid. There may be  
an opportunity in 2008 to restructure bonds. Of the sales tax 88% is to go to the payment of the jail  
bonds. \$902,000 collected for the jail for 2005. This is more than the need for the current year, but  
the combined debt service in later bond years will be \$950,000 to \$1 million in later years. May be  
able to retire some debt early, but right now there is not a "surplus."

Bill Rohde, Director of Roads, and Randy Crombie, Highway Superintendent, appeared before the  
board.

Mr. Rohde and Mr. Crombie opened bids from Brower Construction as follows:

Lake Ave: Old Saw Mill-North Shore Road 2- HMA

1. Cut and remove four areas totaling 427 square yards and install 4- average depth HMA patching  
material. We will do this for 22.15/square yard.
2. Necessary cleaning and tacking to prepare the existing surface for HMA (Hot Mix Asphalt).

3. Install 2- average depth HAM overlay. We estimate there to be approximately 4730 square yards of resurfacing. We estimate the above will require approximately 557 tons which we will install for \$46.50/ton

Job cost: \$35,358.55 (based on proposed quantities).

Alternate: 3- HMA

1. Cut and remove four areas totaling 427 square yards and install 4- average depth HMA patching material. We will do this for 22.15/square yard.

2. Necessary cleaning and tacking to prepare the existing surface for HMA (Hot Mix Asphalt).

3. Install 3- average 7 ndepth HMA overlay. We estimate there to be approximately 4730 square yards of resurfacing. We estimate the above will require 835 tons which we will install for \$46.50/ton.

Job cost: \$48,285.55 (based on the proposed quantities).

Mr. Rohde and Mr. Crombie also opened a bid from Sta-Bilt Construction Co. as follows:

A. Elgin Avenue Chip Seal 1480' x 22' - \$5,029.02.

B. Lake Avenue South Chip Seal 570' x 22' - \$1,936.27

C. Lake Avenue Stabilization from Red Rock Lane to Old Sawmill 1675' x 22- and 260' x 22' - \$55,577.50.

D. Lake Avenue Hot Mix Asphalt patching - no bid.

E. Lake Avenue & Old Sawmill Road Hot Mix Asphalt Overlay - No bid.

Total for projects A, B & C - \$62,542.79.

Commissioner Bousquet moved, seconded by Commissioner O'Neill, to approve the Bid for the Brower 3- overlay and patch for \$48,285.55 and to approve the Sta-Bilt chip seal bids for \$5,029.02 and \$1,936.27.

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

Joe Gill, representing the village of Jackson appeared before the board regarding some paving that the Village of Jackson is doing. Mr. Gill was requesting on behalf of the Village, that the county pay the difference between 6" and 8" paving on John Street to the city limit. This is the road that runs behind the church past the school. The Village feels that the heavy farm equipment/truck traffic on this road warrants the thicker pavement. The estimated cost is \$11,000-\$12,000.

Discussion was had on how the payment could be made. It could be either lump sum or spread out. The village would prefer lump sum to help them with the first payments on the bonds for this project.

Discussion was had about the timing of the payment. Commissioner Hartnett stated that if the County were to do it, they should do it yet in this year's budget if the budget allowed it. Mr. Rohde stated that he thought there would be more than that amount left in the road improvement fund.

Commissioner Miller moved, seconded by Commissioner Hartnett, to pay up to \$12,000 to the Village of Jackson from paving from this year's budget.

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

Pat Foust, Director the City/County Law Enforcement Center appeared before the board regarding the StarComm Governance Agreement. It takes a 2/3 majority to make changes/do business. Mr. Foust also requested that the board approve the payment of \$6,400.00 for Fiscal 06 StarComm commitment.

Commissioner Bousquet moved, seconded by Commissioner Miller, to approve the payment of \$6,400.00 by the Law Enforcement Center for Fiscal Year 06 Star Comm.

Discussion was had on the StarComm Agreement. County Attorney Ed Matney stated that he saw two corrections to make, the month of execution should change from April to May and in the fourth paragraph of the first page the reference to "Article 22, Chapter 23, "Inter-local Cooperation Act of Nebraska"" be changed to read "Neb. Rev. Stat. Section 13-801 et. seq. "Inter-local Cooperation Act of Nebraska;""

Commissioner Bousquet and Miller indicated that the StarComm agreement approval be added to their motion and second with the changes indicated by the County Attorney.

**PUBLIC SERVICE RADIO SYSTEM  
GOVERNANCE AGREEMENT**

This Agreement for the provision of Emergency Radio Communications is made on the \_\_\_\_\_ day of April, 2006, by and between Woodbury County, Iowa; Dakota County, Nebraska; Union County, South Dakota; the City of Sioux City Iowa; the City of Sergeant Bluff, Iowa; the City of North Sioux City, South Dakota, and the City of South Sioux City, Nebraska, (herein "Parties")

WHEREAS, the Parties recognize that due to modern technology and the cost associated with providing public safety radio services it is in the best interest of the public that a jointly owned and operated public safety radio system be implemented; and

WHEREAS, the preservation of life and property of the citizens depends upon the availability of adequate public safety radio transmitter equipment and public safety dispatch resources.

NOW, THEREFORE, BE IT REMEMBERED that for the mutual promises, covenants and agreements herein contained, the Parties have entered into the following Agreement, pursuant to the authority of Chapter 28E, "Joint Exercise of Governmental Powers," of the Code of Iowa; Article 22, Chapter 23, "Inter-local Cooperation Act of Nebraska;" and South Dakota, S.D.C.L. 1-24 - "Joint Exercise of Government Powers".

Section 1 - Purpose: The purpose of this Agreement is to establish, and set forth the powers, duties and responsibilities of, a Siouxland Tri-State Area Radio Communications System ("STARCOMM") Executive Board (herein "Executive Board") to oversee a communications system serving the public safety departments in Iowa, including Woodbury County; the City of Sioux City Iowa; and the City of Sergeant Bluff, Iowa; public safety departments in Nebraska, including Dakota County, Nebraska; City of South Sioux City, Nebraska; and public safety departments in South Dakota, including Union County, South Dakota; and the City of North Sioux City, South Dakota. This communications system will be best served by jointly funding and owning a state-of-the-art communications system that will serve the citizens of the Tri-State area in the most efficient and effective way possible. (This state-of-the art communications system is more specifically described in Section 10 below.)

Section 2 - Executive Board. There is hereby created an executive board to operate the communications system whose official name shall be The STARCOMM Public Service Radio System (hereinafter "the System") The Executive Board shall be comprised of the following persons or designee: It is expressly understood by all parties, however, that the Governance Board will not in any way have control over any aspect of the operation of any dispatch center, or the policies adopted by any dispatch center. Such control will rest solely and exclusively with each Communications Center and their governing bodies.

- \* The Mayor of the City of Sioux City;
- \* The Fire Chief of the City of Sioux City;
- \* The Police Chief of the City of Sioux City;
- \* A representative of Woodbury County Supervisors;
- \* The Sheriff of Woodbury County;
- \* The Director of the Joint City/County Law Enforcement Center of South Sioux City/Dakota County
- \* The Sheriff of Dakota County;
- \* A representative of Union County Supervisors;
- \* The Sheriff of Union County;
- \* The Police Chief of Sergeant Bluff;
- \* The Police Chief of South Sioux City;
- \* The Police Chief of North Sioux City;

Section 3 - Executive Board Voting: The Executive Board voting is subject to the following provisions:

Each Party's representative on the Executive Board shall vote as a block and each block shall have the number of votes they can cast based on the percentage of their Party's financial contribution to the STARCOMM budget. The total number of votes that can be cast are one hundred. Therefore, as an example: Sergeant Bluff contributes 3% toward the total STARCOMM budget and therefore would have three total votes out of 100. In cases where a governing body has more than one representative their votes shall not be divided among them. Any action taken by the STARCOMM Executive Board requires 67 votes, or 2/3 majority of the total vote in order to pass.

Section 4 - Meetings of Executive Board: The Executive Board shall meet quarterly, at a location to be determined by the Board, on the second Wednesday of January, April, July and September commencing the first applicable month after the approval of this Agreement. Additional meetings may be called at any time by at least two Executive Board members. Notice of additional meetings shall be in writing and mailed to all Executive Board members seven days prior to the date of the meeting. The notice shall be signed by the two board members calling the special meeting, and shall state the time, date and location of the meeting. All meetings shall be held in Sioux City, Iowa; South Sioux City, Nebraska; or North Sioux City, South Dakota. The administrative secretary to the Sioux City Fire Chief shall serve as executive secretary to the Executive Board and, as such, shall attend, and keep a record of the minutes of, all meetings of said Board. The administrative secretary shall maintain a record of all business conducted by the Governance Board. All meetings of the Board shall comply with the "open meetings" laws of the Parties.

Section 5 - Duties and Responsibilities of Executive Board: The Governance Board shall be responsible for:

- \* Prepare an Operating Budget
- \* Prepare a Capital Improvement Budget as needed
- \* Reviewing and approving all invoices received, which are associated with the System
- \* Assume responsibility for all STARCOMM equipment including the arrangement through contract or otherwise for maintenance, repairs and replacement
- \* Arrange for the purchase of all replacement and new STARCOMM equipment
- \* Apply for grants from government and private persons
- \* Ensuring all parties pay their respective percentage of the System invoices in a timely manner. Payments made after an invoice due date shall be subject to penalties and interest.

The operating budget and all capital improvement requests shall be prepared by the Executive Committee by December 1 previous to the applicable fiscal year. The approved budget will be submitted to the Parties for their approval. If a Party does not approve an expenditure in the approved budget by the Executive Board, the Party shall return the budget to the Executive Board with a written statement giving the reasons why the Party objects to the expenditure. The Executive Board shall consider the objections and re-certify the original or amended budget to the Parties. If a majority of the Parties approves the budget after recertification, that budget shall be the budget for the next fiscal year.

Section 6 - Cost-Sharing Agreement: The Operating Budget costs associated with the STARCOMM Public Service Radio System (hereinafter "the System"), as more specifically described in Section 10 below, would be shared as follows:

- \* City/County Law Enforcement Center for the Dakota County Board of Commissioners and the City of South Sioux City - 15%;
- \* Union County - 4%;
- \* City of North Sioux City - 2%
- \* Woodbury County - 23%
- \* City of Sioux City - 53%
- \* City of Sergeant Bluff - 3%

This cost-sharing arrangement applies to all operations of STARCOMM. The Woodbury County Emergency Management, 121 Deer Run Trail, Climbing Hill, Iowa 51015 shall pay any operating expenses of the System. Such expenses will be approved by the Executive Board and will be billed out each month in a timely manner. The billing will be done on actual expenditures, not to exceed the set operating budget. In emergency situations if any claim exceeds the set operating budget the Board will meet to evaluate the need for a budget amendment. All operating budgets and budget amendments will be assessed to the percentages listed in each bullet point above. Dakota County's percentage is determined by combining South Sioux City's population and rural Dakota County's population. This percentage is then listed under Dakota County and their portion of the STARCOMM operating budget is then paid under their current agreement between the City of South Sioux City and Dakota County's LEC agreement. Woodbury County and the City of Sioux City's percentages are determined by calculating the combination of County rural population of 12% and Sioux City population of 64%, totaling the population of 76% of the communities under this Agreement. The percentage of 76% will then be divided up between Woodbury County and the City of Sioux City under the same percentage set forth under the Woodbury County Information and Communications Commission/Communications division (hereinafter "WCICC Communications"). This percentage will automatically be adjusted under this Agreement at any time the WCICC/Communications 28E Agreement percentage is adjusted up or down. Union County's percentage is determined by the population of the southern half of Union County excluding North Sioux City; the northern half of Union County is outside of the STARCOMM radio system coverage. These percentages will be re-evaluated in December of 2006 after evaluating the usage of the radio system by the participating agencies, for the preparation of the FY2008 operating budget. If it is determined that these percentages are to be increased or decreased, this Agreement will be amended.

Each Party's share of the operating budget and any capital improvement expenditures shall be paid to the County Emergency Management monthly within fifteen days following a receipt from the County Emergency Management of the expenditures approved by the Executive Board.

If any Party fails or refuses to pay over the Party's share of the operating costs or capital improvement costs, the Executive Board shall have the power to suspend the defaulting Party's use of the System.

Section 7 - Insurance: The insurance for this system shall be provided under the STARCOMM operating budget in such amounts and providing such coverages as the Executive Board determines is appropriate.

Section 8 - Capital Improvements: If it is determined that a system upgrade is needed a capital improvement request shall be prepared and presented to each Party. Capital Improvement expenditures shall be shared by the Parties at the same percentage as set forth in Section 6.

Section 9 - Description of Public Service Radio System: The Public Service Radio System consists initially of:

1. Five locations with radio towers, each of which will hold antennas and microwave dishes that include transmitting and receiving equipment for each of the six frequency channels. Each of these locations also has a support building in which the equipment can be stored.
2. The five towers, buildings and associated communications equipment are constructed at the following locations: two are in Sioux City, one at Western Iowa Tech Community College, one at 3301 West 19th Street; three are in the rural area of Woodbury County, one at 2267 O'Brien Avenue rural Anthon, one at 2028 Jasper Avenue rural Merville, and one in Dakota County at 2100 Platt Road, rural Homer, Nebraska. (All are equipped with emergency power generators)
3. 1 Mobile Communications Bus
4. Twelve Communications Dispatch radio consoles. Seven are located at the Police/Fire Headquarters Communications room in Sioux City, three are located at the Law Enforcement Center in South Sioux City and two are located in the Union County Sheriff's Office.

Section 10 - Indemnification. The Parties recognize that equipment and facilities of the kind and nature under the governance of the Executive Board is subject to unpredictable breakdown and failure as well as weather related breakdowns. Therefore, the Parties agree that they will undertake at their own expense, a back-up plan for those times when the equipment and facilities under the governance of the Executive Board is unavailable or inoperative for whatever reason. Further, a Party to this Agreement agrees to indemnify and hold harmless the other Parties from any and all claims that arise in the indemnifying Party's jurisdiction due to the failure or breakdown of the equipment and facilities under the governance of the Executive Board.

The Parties to this Agreement also agree to indemnify and hold harmless the Executive Board from any and all claims arising from their actions pursuant to the terms of this Agreement to the extent such claims are not covered by insurance. The cost of the indemnification shall be in the same ratio as set forth in Section 6 herein.

Section 11 - Ownership of Property:

1. The ownership of the STARCOMM system, which was purchased through the Inter-Operability grant from the Federal Government will remain in the ownership of Woodbury County during the period of the grant agreement. This property is to be listed in attachment (A) (grant inventory). When legally permissible, title to this property shall be transferred to the Executive Board for management under the terms of this Agreement.

2. The members of this Agreement will have the right to use this equipment purchased under this grant for the period of this Agreement.

3. Any property purchased not part of the grant with STARCOMM operating or capital improvement funds will be under the direct ownership and management of the STARCOMM Executive Committee under the terms of this Agreement. This property is to be inventoried and to be kept with the STARCOMM records.

Section 12 - Disposing of Property:

1. Any property to be disposed of that was purchased with federal funds shall be disposed of in accordance with any applicable Federal Rules and Regulations.

2. Any property to be disposed of that is not subject to any Federal Rules and Regulations shall be sold in the manner calculated to return the best price for the property. Property may be gifted to another public agency to be used for a public safety purpose..

3. The funds received from the sale of property will be placed in the STARCOMM budget and used for purposes authorized by this Agreement..

4. The proceeds from all property disposed of because of the termination of the entire STARCOMM system or this Agreement will be divided according to the percentage breakdown as stated in Section 5 of this Agreement.

Section 13 -Miscellaneous:

1. The duration of this Agreement shall be from April \_\_\_\_\_, 2006 until June 30, 2026 unless sooner termination as hereinafter provided.

2. Any Party to this Agreement can withdraw from this Agreement for any reason upon written notice of 180 days to the STARCOMM Executive Board. The withdrawing Party shall not be entitled to a pro rata share of the equipment until such time as the Agreement is terminated, provided, however, if more than five years has elapsed after the withdrawal date, no pro rata share shall be paid. A majority of the Parties may terminate this Agreement upon written notice of 180 days to the STARCOMM Executive Board.

3. Additional Parties may become a Party to this Agreement provided they operate a public safety service; the current Parties agree to the new Party becoming a member; and there is agreement between the current Parties and the new Party with respect to a buy in amount, if any, of the new Party and the percentages of the future funding of the STARCOMM operating budget allocated to all Parties.

4. The STARCOMM shall operate on a fiscal year that runs from July 1 to June 30.

5. This Agreement becomes effective when approved by the Parties hereto and any other state governmental agency that may be required by Party's respective state laws.

6. All amendments to this Agreement must be in writing and signed by the Parties.

7. If any provision of this Agreement is held invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect, provided however, the Parties shall meet and amend this Agreement as necessary to effect its original purpose consistent with the court's decision

8. If a Party is in default of any of the terms in this Agreement, the Executive Board shall send a written notice to the Party in default. The notice shall state the manner in which the Party is in default;

the action that must be taken to cure the default; and the time in which the cure must be completed. If the Party in default fails to cure the default the Executive Board shall suspend the defaulting Party's use of the System until such time as the default is cured or other arrangements are made satisfactory to the Parties or it and may order the removal or cause the removal of all of the defaulting Party's equipment from the System, if any.

IN WITNESS WHERE OF, the parties hereto have caused this instrument to be executed on the day and year first above written.

Attest: City of Sioux City Iowa By: By: Robert K. Padmore Craig S. Berenstein City Clerk Mayor

Attest: Woodbury County, Iowa By: By: Patrick Gill Larry Clausen, Chairperson Woodbury County Auditor Woodbury County Board of Supervisors

Attest: Dakota County, Nebraska By: By: Theodore Piepho, County Clerk William Engel, Chairperson Dakota County, Nebraska Dakota County Commissioners

Attest: City of South Sioux City, Nebraska By: By: Sue Petersen William McLarty City Clerk Mayor

Attest: City of Sergeant Bluff, Iowa By: By: Candice Litras Dale Petersen City Clerk Mayor

Attest: Union County, South Dakota By: By: Carol Klumper Richard Spaans, Chairperson Union County Auditor Union County Commissioners

Attest: City of North Sioux City, South Dakota By: By: Shauna Kueck Don Fuxa City Clerk Mayor  
ROLL CALL VOTE: O'Neill-Yea; Hartnett-Yea; Engel-Yea; Miller-Yea; and Bousquet-Yea.  
UNANIMOUS MOTION CARRIED.

Ed Matney appeared before the board regarding transition services. He stated that the transition committee agreed to submit the proposals from Mark Martin and Rodney Bottoms to the Board. The group was leaning towards the proposal from Mark Martin/Justice Solutions Group.

Commissioner Hartnett stated that the Mr. Martin's experience in Nebraska as well as other states along with his Nebraska contacts, were the reasons for her support of this proposal. The important thing is to move forward.

Commissioner Hartnett moved, seconded by Commissioner Engel, to approve the proposal for transition services from Mark Martin/Justice Solutions Group for \$7,946.00.  
ROLL CALL VOTE: Hartnett-Yea; Engel-Yea; Miller-Yea; Bousquet-Yea; and O'Neill-Yea.  
UNANIMOUS MOTION CARRIED.

Chairman Engel opened the public hearing on the CDBG grant at 2:43 p.m.

Ms. Kristi Quinn of Simpco read the following statement into the record:

NOTICE IS HEREBY GIVEN THAT the Dakota County Board of Commissioners will hold a public hearing concerning an application to the Department of Economic Development for a Community Development Block Grant on May 8, 2006 at 2:30 p.m. in the Dakota County Courthouse, Dakota County Commissioners Board meeting room, 1601 Broadway, Dakota City, NE. This grant is available to local governments for community development activities.

The Dakota County Board of Commissioners is requesting \$77,500 for infrastructure improvements to Knox Boulevard, a county road, in support of the Siouxland Ethanol, LLC project. Requested is \$75,000 for (0230) Streets and \$2,500 for (0181) Grant Administration. The CDBG funds will be matched by \$100,000 in improvements to U. S. Highway 20 with funds from Dakota County. No people will be displaced as a result of this project.

The grant application will be available for public inspection at the Dakota County Board of Commissioners office located at 1601 Broadway, Dakota City, NE. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application.

Written testimony will also be accepted at the public hearing scheduled for 2:30 p.m., May 8, 2006. Written comments addressed to Dakota County Courthouse, Dakota County Board of Commissioners, William Engel, (Chair), 1601 Broadway, Dakota City, NE 68731, will be accepted if received on or before May 5, 2006.

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, please contact Dakota County Courthouse, Dakota County Board of Commissioners, William Engel (Chair), 1601 Broadway, Dakota City, NE 68731, 402.987.2190, no later than May 5, 2006.

Kristi Quinn  
Siouxland Interstate Metropolitan Planning Council  
712-279-6286  
kquinn@simpco.org

Chairman Engel asked if anyone in the audience had any comment or testimony in support, opposition or neutral for the proposal. No one present had any comment.

Chairman Engel closed the hearing at 2:45 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve the application for CDBG funds for Knox Boulevard.

ROLL CALL VOTE: Engel-Yea; Miller-Abstain; Bousquet-Yea; O'Neill-Yea and Hartnett-Yea. Commissioner Miller stated she abstained because she is a member of the Siouxland Ethanol Board.  
MOTION CARRIED

Commissioner Bousquet moved, seconded by Commissioner O'Neill, to convene in closed executive session for personnel reasons.

ROLL CALL VOTE: Miller-Yea; Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; and Engel-Yea.  
UNANIMOUS MOTION CARRIED at 2:46 p.m.

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

ROLL CALL VOTE: Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; Engel-Yea; and Miller-Yea.  
UNANIMOUS MOTION CARRIED at 3:10 p.m.

Ed Matney, County Attorney, addressed the board regarding the tabled items on the agenda.  
Settlement Agreement and mutual Release between Dakota County and JEO  
Consulting Group, the Standard Form of Agreement between Owner and Contractor.

Mr. Matney had spoken with Brian McDonald of JEO and they agreed that the county insert language on relocation of Wigle Creek Road in the Settlement agreement.

Commissioner Miller moved, seconded by Commissioner Bousquet, to approve the Settlement Agreement and Mutual Release with the amendments stated by the County Attorney between Dakota County and JEO Consulting Group. And to further approve the Standard Form of Agreement between Owner and Contractor between Dakota County and Fred Carlson Co. LLC dba Brower Construction Co.  
ROLL CALL VOTE: O'Neill-Yea; Hartnett-Yea; Engel-Yea; Miller-Yea; and Bousquet-Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner O'Neill, to table the agenda item  
"Tax Equalization & Review Commission - Findings and Order to Show Cause, and

Notice of Hearing.- until the next board meeting.  
ROLL CALL VOTE: Hartnett-Yea; Engel-Yea; Miller-Yea; Bousquet-Yea; and O'Neill-Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Miller, to table the agenda time on the recording of meetings/recorder purchase until the next meeting.

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

Commissioner Hartnett moved, seconded by Commissioner Miller, to convene in closed executive session on litigation.

ROLL CALL VOTE: Miller-Yea; Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; and Engel-Yea.  
UNANIMOUS MOTION CARRIED at 3:17 p.m.

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

ROLL CALL VOTE: Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; Engel-Yea; and Miller-Yea.  
UNANIMOUS MOTION CARRIED at 4:15 p.m.

County Attorney Ed Matney will talk to the clerk about the minutes of April 24, 2006 meeting.

County Attorney Ed Matney presented the Board with two additional complaints, one from an inmate and one from an inmate's family. He asked how the Board wanted these handled. It was the consensus of the board to send copies of the complaints to the Counsel for Discipline's office. Discussion was had the previous complaints had been forwarded to the judge in the case.

Commissioner Bousquet moved, seconded by Commissioner Hartnett, to table the status of the public defender's office until the next meeting.

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

The payroll claims paid pursuant to the employee handbook was as follows:

COUNTY GENERAL FUND: Gross salaries- \$81,471.59, General Fund Employees Net Pay- \$56,264.24, Employer deductions paid: Retirement- 5,348.86, Retirement Makeup- 34.44, Social Security Tax- 4,876.81, Medicare- 1,140.56, DC Health Plan- 24,479.12, DC Dental Plan- 633.15, Life Insurance- 139.83.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Bobbi Jo Harsma- 961.36, Tammy Parrish- 778.17, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 464.60, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Debra Jensen- 920.00, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Andrew Jensen- 64.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 800.96, Patricia Stingley- 80.00, Jeremy Bermel- 1570.63, Anthony Bos- 1479.85, Brad Claypool- 1557.30, Sandy Dickens- 1030.08, Brian Ellinger- 1594.90, Brent Gilster- 1439.90, Todd Hammer- 1457.03, Melvin Harrison III- 1512.55, Rodney Herron- 1626.90, Kimberly Johnson- 446.88, Jared Junge- 1599.37, Michael Kreegar- 1380.61, Gayle Richards- 767.20, Kevin Rohde- 1259.55, James Wagner- 1868.04, Randall Walsh- 1352.98, Mary Gamble- 981.60, Amber Hegarty- 1692.31, Aimee Kennedy- 846.40, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 826.40, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1376.92, Richard Criss- 1100.25, Eric Davis- 1139.50, Penny Epting- 1738.75, John Gilles- 1123.88, Alma Gunderson- 1310.75, Paula Harrigfeld- 710.10, Brenda Harrison- 86.63, Cathy Harsma- 1113.75, Brett Johnson- 1005.55, Joseph Ramirez- 1203.19, Krystal Ramirez- 1116.38, Linda Schovanec- 1365.52, Randall Crombie- 115.39, Jolene Gubbels- 740.00, Leon Pies- 569.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1038.86, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,750.00, State- 2,775.41, Social Security Tax- 4,876.81, Medicare- 1,140.56, Retirement- 3,637.34, Retirement Makeup- 24.44, DC Health Plan- 1,248.61, DC Dental Plan- 381.95, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,362.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$13,343.35, Road Employees Net Pay- \$9,555.28, Employer deductions paid: Retirement- 809.79, DC Health Plan- 4,384.32, DC Dental Plan- 113.40, Life Insurance- 22.94, Social Security Tax- 804.57, Medicare- 188.16.

Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,138.99, State- 422.01, Social Security- 804.57, Medicare- 188.16, Retirement- 539.89, DC Health Plan- 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.

Chairman Engel adjourned the meeting at 4:18 p.m.

Dakota County Commissioners

ATTEST:

William F. Engel, Chairman

Theodore A. Piepho, County Clerk

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS
MAY 15, 2006 PROCEEDINGS
COUNTY BOARD MEETING ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Present: Commissioner William Engel, Commissioner Betty O'Neill, Commissioner Jackie Hartnett and Nanci Walsh, Administrative Assistant to the Board acting as recording secretary.

Chairman Engel called the meeting to order at 1:30 p.m.
The pledge of allegiance was said.

Commissioner Hartnett moved, seconded by Commissioner O'Neill, to approve the minutes of May 15, 2006 as typed.

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

Commissioner Bousquet arrived at 10:05 a.m.

Phyllis Ridge appeared before the board. Ms. Ridge requested that the board consider allowing the use of her sick leave rather than vacation leave while her husband is in the hospital. The Board had Ms. Walsh contact County Attorney Ed Matney and County Treasurer Robert Giese. Both okayed the use of sick leave for this under Family and Medical Leave. It was the consensus of the board to allow sick leave in this case.

Commissioner Miller arrived at 10:35 a.m.

Clerk of District Court Lynette Beermann appeared before the board regarding a personnel issue.

The Board recessed at 11:47 a.m.

The Board reconvened at 1:35 p.m.

County Attorney Ed Matney met with the Board.

Commissioner Bousquet moved, seconded by Commissioner Hartnett, to convene in closed executive session on personnel and litigation.

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

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

ROLL CALL VOTE: O'Neill-Yea; Hartnett-Yea; Engel-Yea; Miller-Yea; and Bousquet-Yea.  
UNANIMOUS MOTION CARRIED at 2:10 p.m.

Bill Rohde, Director of Roads, met with board regarding a proposal for early retirement for road department employees.

Commissioner Bousquet moved, seconded by Commissioner Miller, to approve the following early retirement plan:

#### DAKOTA COUNTY, NEBRASKA VOLUNTARY EARLY RETIREMENT PLAN

##### 1. PURPOSE

It is the expressed intent of the Board, through this plan, to reduce the potential for involuntary layoffs by providing an economic incentive to employees to voluntarily elect an early retirement. Further, it is the expressed intent of the Board to provide this incentive only for the 2005-2006 fiscal year.

##### 2. STATEMENT OF NON-DISCRIMINATION

The County will not discriminate against any employee on the basis of age, gender, race, color, creed, religion, national origin, or disability through the application or administration of this plan.

##### 3. ELIGIBILITY

An employee of the Road Department is eligible for early retirement if the employee:

- a. has reached the age of 65 at the actual date of retirement,
- b. has worked a minimum of the most previous continuous five years at the County and is actively employed during the last fiscal year prior to early retirement,
- c. notifies the Board as provided by this Plan, and, in any event, not later than June 15, 2006,
- d. retires effective not later than June 30, 2006,

##### 4. DEFINITION OF TERMS

- a. Years of service - Years of service must be consecutive.
- b. Continuous Employment - Continuous employment must be without any voluntary interruptions of service. Absences due to reductions in force or due to approved leaves will not constitute a voluntary interruption in service, unless the absence or leave exceeds twenty-four (24) consecutive months in length. However, the period of time during which an employee is absent due to a reduction in force or due to an approved leaves will not be counted for purposes of determining the minimum length of service required to establish eligibility.

##### 5. APPLICATION

- a. The date of retirement for eligible employees will ordinarily be the end of the fiscal year. However, another date may be requested and approved by the Board.
- b. Application materials must include the following forms:

- 1. Resignation and Request for Retirement
- 2. Designation of Beneficiary Form
- 3. Release of Claims Form
- 4. Agreement Not to Reapply for Employment. This agreement does not prohibit the County from offering employment to the employee in the future.

c. All application materials must be received by the Administrative Assistant to the Board not later than June 15, 2006.

**6. EARLY RETIREMENT BENEFITS**

- a. Early retirement benefits are offered as an inducement to, and consequence of, retirement and are not to be construed as a continuation of salary.
- b. An eligible employee who is approved for early retirement will receive a cash payment which is dependent on his/her years of service. The schedule of payments is as follow:

Years of Service	1st Year Payment	2nd Year Payment
0 - 9 Years	\$1,800	\$900
10 - 19 Years	\$2,700	\$1,350
20+ Years	\$3,600	\$1,800

c. The cash payment will be payable as follows: \_\_\_\_\_. This payment will be subject to state and federal income taxes. If an otherwise eligible employees dies prior to the payment of the Salary-Related Benefit, any portion of this benefit which has not yet been paid shall be paid to the beneficiary designated on the employee's application form.

d. Eligible employees who are approved for early retirement will be paid their accrued vacation and compensatory time that is accumulated as of the effective date of their retirement. In addition, the Board agrees to pay eligible employees who are approved for early retirement for their accumulated, unused sick leave at one-half (1/2) of their regular rate of pay. The sick leave to be compensated will be the leave which is accumulated and unused as of the effective date of the employee's retirement.

e. Employees are advised to seek independent advice with regard to tax or financial consequences associated with any action taken by them under this plan.

**7. INSURANCE**

- a. In lieu of receiving a payment in cash, employees may elect to apply their cash payment to the payment of health insurance premiums.
- b. Nothing herein shall limit the County's ability to change the terms of its existing health and major medical insurance plan. This plan in no way guarantees that a participating employee will be provided any certain level of benefits during the time of the employee's participation in the insurance benefits portion of the early retirement program.

**8. TERMINATION**

This plan shall terminate on June 30, 2006. Notwithstanding the termination of this plan, employees who are granted benefits pursuant to this plan will continue to receive such benefits as set forth herein.

**RESIGNATION AND REQUEST FOR EARLY RETIREMENT**

I, \_\_\_\_\_, born on \_\_\_\_\_, hereby submit my resignation to the Board of Commissioners of the Dakota County and elect the early retirement benefits available to employees in the Dakota County Road Department.

I commenced continuous service in the Dakota County on \_\_\_\_\_.

Print Full Name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

The resignation and request for early retirement was accepted by the Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2006, by action as noted in the minutes of the Board.

\_\_\_\_\_  
 Administrative Assistant to the Board of Commissioners of  
 Dakota County, Nebraska

**RELEASE**

Dakota County (the "County") and \_\_\_\_\_ ("\_\_\_\_\_") agree as follows:

1. In consideration of the benefits to be provided to him/her in accordance with the Early Retirement Plan, \_\_\_\_\_ agrees to immediately sign and submit a letter of resignation to be effective on \_\_\_\_\_, 2006.

2. \_\_\_\_\_ is advised that he/she has the right to consult with an attorney prior to signing this Agreement.

3. \_\_\_\_\_ hereby releases and discharges the County, the Board of Commissioners of the County, and any and all officers, employees, representatives or agents of the County from any and all liability whatsoever including all claims, demands, or causes of action which he/she has or may ever claim to have by reason of his/her employment with the County and the termination of his/her employment relationship with the County

4. \_\_\_\_\_ agrees that this Agreement is entered into freely and voluntarily and solely in reliance upon his/her own knowledge, belief and judgment and not upon representations made by the County or others on its behalf.

Dakota County, Nebraska

By: \_\_\_\_\_ (Employee)

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

\_\_\_\_\_  
Witness Witness

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

**DESIGNATION OF BENEFICIARY**

If the Board approves my application for early retirement benefits and I die before I receive the cash payment provided by the Early Retirement Plan, I direct the Board to make this payment to:

\_\_\_\_\_

(Name of Beneficiary)

Print Full Name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

**AGREEMENT NOT TO SEEK RE-EMPLOYMENT**

In consideration of the benefits that will be provided to me by Dakota County, Nebraska, through its Early Retirement Plan, I hereby agree not to apply for or seek employment with Dakota County, Nebraska, at any time in the future. It is understood that this Agreement does not prohibit the County from offering employment to me at its complete discretion.

Print Full Name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

**NOTICE OF EARLY RETIRMENT PLAN**

To: All Eligible Road Department Employees  
From: Board of Commissioners  
Re: Early Retirement Plan

The Board of Commissioners has adopted an Early Retirement Plan for certain employees of the Road. In order to be eligible for the benefits of this Plan, employees must be age 65 years or older as of the effective date of their retirement, and, to be eligible, all retirements must take effect no later than June 30, 2006.

A copy of the Plan is attached. Please review it and visit with Nanci Walsh if you have any questions regarding the terms of the Plan. You should consult with an attorney and a tax adviser if you have any questions concerning your legal rights under the Plan or the tax consequences of the Plan.

If you want to apply for early retirement under this plan, your application must be received by the Board no later than June 15, 2006.

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

Commissioner Miller moved, seconded by Commissioner Hartnett, to approve the claims as follows:  
GENERAL FUND: Dakota County Star, publishing- 648.74; Perkins, supplies- 120.96; Nanci Walsh, mileage/meeting- 24.51; Midwest Office Automation, maintenance- 429.40; Perkins, supplies- 112.25; Staples, supplies- 20.31; Theodore Piepho, phone- 20.00; DAS Imservices, service- 3.50; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 97.90; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 148.44; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 240.00; Dakota County Star, publishing- 7.57; De Lage Landen, copier- 91.00; Marlan Millard, mileage/meeting- 188.68; Steve Charleston, convention- 140.00; Perkins, supplies- 20.66; Carol Sue Dunham, mileage- 85.05; Staples, supplies- 66.68; Office Systems Company, repair- 96.15; Norfolk Printing, dockets- 55.07; Sioux City Journal, publishing- 269.46; Star Printing, publishing- 14.00; Century Business Products, toner- 88.93; Paula Jensen, supplies- 43.57; Postmaster, box rent- 76.00; Redfield, supplies- 87.96; Thomson West, service- 116.75; William Binkard, supplies- 40.30; Frank Gonzalez, interpret- 360.00; Perkins, supplies- 53.02; Dakota County Sheriff, papers/warrants- 950.40; Clerk of District Court, claims- 391.00; Coffee King, coffee- 42.70; Robert Decker, bailiff fees- 50.00; Thomas Fitch, counsel- 774.00; Dennis Hurley, counsel- 822.00; HyVee, jury food- 29.61; John Loos Jr, counsel- 144.00; Nebr Supreme Court, fee- 122.00; Patrick Tott, counsel- 518.39; Frank Gonzalez, counsel- 320.00; Sandra Clark, witness fee- 33.35; Dakota County Court, cost- 1067.00; Thomas Fitch, counsel- 915.00; Randy Hisey, counsel- 348.00; Hurley Law Office, counsel- 2370.00; Sandra Inkster, counsel- 345.00; John Loos Jr, counsel- 1308.00; Douglas Roehrich, counsel- 444.00; Richard Thramer, counsel- 422.40; Patrick Tott, counsel- 162.00; Alltel, phone- 31.11; A-Team Heating, repair- 120.00; Benstar Packaging, supplies- 139.28; Bomgaars, supplies- 31.98; Gill Hauling, service- 115.00; Grainger, supplies- 551.25; Hardware Hank, supplies- 126.26; Richard Jensen, mileage- 183.42; Menards, supplies- 516.64; Midamerican Energy, gas- 1683.00; NPPD, electric- 1476.10; Net Sys Plus, service- 112.50; O'Keefe Elevator, repair- 128.61; Sams Club, supplies- 382.00; Stateline Electric, jail- 598.15; Trembly Pest Control, fee- 50.00; Dakota County Extension, reimburse- 1206.84; AJ Phillips, forms- 250.00; Alltel, phone- 80.72; Circle R Frame, repair- 601.65; City of SSC, phone/copies/fuel- 4287.27; Dakota County Sheriff, meal- 32.72; Dakota County Clerk, title- 10.00; Fremont Tire, service- 503.35; Jacks Uniforms, repair- 1421.25; Main Street Auto, repair- 424.53; Minnesota West College, training- 50.00; Nebraska Crime Commission, directories- 21.00; Robertson Implement, food- 19.20; SFCU, motel/fuel/supplies- 1573.05; Swanson Food, meals- 61.33; Tincher Ford, vehicle- 21065.00; Willis Animal Clinic, medical- 74.45; Cedar County Court, copies- 5.00; Dept of Motor Vehicles, transcripts- 71.00; H204U, water- 17.25; Madison County Court, copies- 2.50; Notary Public Underwriters, renewal- 70.00; Secretary of State, copies- 20.00; Sprint, phones- 150.00; Staples, supplies- 224.99; City of SSC, lec- 22787.42; Amanda Barclay, mileage- 12.30; Perkins, supplies- 121.12; Alegent Health Midlands, medical- 747.74; Alltel, phone- 87.90; BI Inc, house arrest- 1183.50; Bob Barker, supplies- 114.46; Butler County Det Center, boarding- 5110.00; BryanLGH, medical- 30.00; CBM Food, food- 13290.14; Cass County Jail, boarding/medical- 36614.26; Circle R Frame, repair- 250.00; City of SSC, fuel- 192.08; ConocoPhillips, fuel- 77.12; Dakota County Sheriff, meal- 10.03; De Lage Landen, contract- 221.00; Dept of Correctional Services, safekeepers- 7425.60; Sandy Dickens, mileage- 136.77; Dixon County Sheriff, April- 700.00; Executive Technologies, toner- 46.00; ISECUREtrac, house arrest- 172.50; JP Cooke, stamps- 51.37; Jacks Uniforms, uniforms- 836.20; Jackson Glass, windshield- 198.88; Madison Co Sheriff, boarding- 2300.00; Mercy Bus Health, medical- 1987.00; Mercy Medical, medical- 1933.20; NCP of Nebr, medical- 395.00; Neb-Iowa Rad Cons, medical- 25.00; Nebraska Lablinc, medical- 18.00; NE Nebr Juv, boarding- 9482.50; Nebr Emergency Med, medical- 272.00; Joaquin Orduno, interpret- 40.00; JR Pantoja, interpret- 40.00; Redlers Pharmacy, medical- 1352.15; Sams Club, supplies- 413.85; SFCU, fuel/meal- 28.13; Staples, toner- 147.87; Walmart, supplies- 60.10; Woodbury Co Juv, boarding- 10400.00; Alltel, phone- 30.74; Hubbard Post Office, postage- 100.00; Staples, copies- 9.36; Pam Devries, mileage- 97.45; Dunes Family Medicine, medical- 250.00; Pat Glover, mileage- 197.16; St Lukes, medical- 115.16; Deanna Beckman, mileage/hours- 795.54; Pam Devries, mileage- 84.99; Elite Office Products, supplies- 14.59; HyVee, food- 247.99; Phillips Printing, cards- 125.00; Alan Boyd, mileage- 71.65; Army Times, subscription- 55.00; Electronic Engineering, pager- 13.95; Navy Times, subscription- 55.00; Dakota County Treasurer, conference- 500.00; Edward Matney, reimburse- 1055.05; AT&T, phone- 28.56; Cable One, internet- 273.90; Claritus, ink- 133.00; De Lage Landen, lease- 110.50; Executive Tech, service- 233.00; FSH Comm, payphone- 58.30; Lazette Gifford, website- 40.00; IBM Corp, server- 188.55; MIPS, support- 717.70; NE Nebr Area Agency, admin match- 4656.00; Qwest, phone- 688.33; Qwest, phone- 652.50; Three Rivers, admin fee- 95.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 585.29; Road Improvement, fund transfer- 78862.23; Dakota Co General Fund, fund transfer- 48768.72; Weed Fund, fund transfer- 16548.87; Cover One, covers- 96.09; Dakota County Star, publishing- 151.50; Lockwood Company, voter envelopes- 1505.54; Theodore Piepho, reimburse- 52.11; Secretary of State, voter cards- 75.00; Todds Storeall, storage- 80.00; Tyler Graphics, ballots- 2659.45; Election Workers: (Patricia Giese, Ginger Huggenberg, Shirley Sides, Gary Sides, Clara Woten, Janet Merchant Marjorie Jarvill, Mary Kelly, Peggy Demke, Patti Holmes, Rosemary Nieto, Darlene Nielsen, Shirley Frank, Franklin Morse, Joan Koch, Mary Kurlmel, Mary Wolf, Jerome Klassen, Carol Johnston, Shirley Rager, Jan Johansen, Carol Krieger, Delores Porter, Aloise Ferris, Van Phillips, Linda Carter, Claudia Horner, Catherine Eriksen, Bertha Hines, Betty Bliven, Beverly Bliven, Carol Manley, Judy Curry, Betty Lou Jorgensen, Pharyce Eslick, Nellie Anderson, Peter Jorgensen, Alice Screiber, Marilyn Morse, Ruth Jensen, Jannette Burns, Lois Larson, Mary Cahill, Ruth Gillaspie, Josephine Cain, Dorothy Krampfer, Sarah Reinert, Robert Boals, Geraldine Tramp, Constance Denker, Myra Gentrup, Marvel Lukens, Janice Roeber, Charlene Jensen, Trudy Jepsen, Irene Van Lent, Randy Lussier, Marilyn McGowen, Bonnie Wilke, Clara Maurice, Colleen Tighe, Elaine Harris, Judy Renkel, Wilma Burns, Jean Lynch, Sharon Greenleaf, Patricia Stingley, Margaret Mari, Tim Piepho, Katherine Shelly, Vickee Plafcan, Nanci Walsh), election work- 6461.65; Joan Spencer, mileage- 9.79.

ROAD: Advance Auto, parts- 13.32; Alltel, phone- 32.03; Aramark, service- 173.14; C&H Truck Parts, parts- 2107.24; Bs Enterprises, posts- 570.00; Bierschbach, supplies- 18.00; Bomgaars, parts/supplies- 183.02; Central Valley Ag, oil- 172.69; Circle R, repair- 370.00; Dakota County Star, publishing- 112.55; Five Star Awards, plaque- 47.17; Flaugh's Pronto, fuel- 400.18; Fremont Tire, repair- 146.00; GCR Tire, tire- 145.50; Gill Hauling, service- 47.00; Higman Sand & Gravel, gravel- 13097.56; Hubbard Minimart, gas/diesel- 4678.46; H204U, service- 13.00; Joes Dept Store, parts- 177.86; Linweld, supplies- 35.50; Medical Enterprises, medical- 29.90; Menards, supplies- 18.87; Midwest Svc & Sales, signs- 429.60; NPPD, service- 71.93; NE Nebr Telephone, phone- 187.53; Pilger Sand & Gravel, gravel- 1458.47; Piorier Equip, parts- 109.36; Pumps, tires/supplies- 1647.00; Powerplan, parts- 1110.79; Presco Sales & Svc, signs- 262.60; RC Customs, supplies- 147.87; Rees Mack Sales, parts- 75.74; Sams Club, supplies- 128.54; Sioux City Ford, parts- 20.85; Siouxland Concrete, culvert- 408.88; Siouxland Hydraulics, parts- 503.15; Siouxland NAPA, parts/supplies- 181.57; Stephan Welding, repair- 98.50; T&A Truckwash, maint- 60.00; Tri-State Comm, repair- 103.39; UECO, pipe- 63.27; Warren Oil, fuel- 9982.08; Zieglers, parts/labor- 215.03;

HARD SURFACE: Union Bank & Trust, admin fees- 500.00;

ROAD IMPROVEMENT: JEO, meeting- 757.50;

JUVENILE ACCOUNTABILITY: Amanda Barclay, mileage- 122.55;

PUBLIC SAFETY: City of SSC, sls tax- 1864.46; Jail Bond Fund, sls tax- 13672.67;

HANDICAP ACCESS: Five Star Awards, signs- 422.84; Wilmes Hardware Hank, supplies- 41.42;

JAIL PROJECT FUND: Com-Tec Security, security- 4824.00; GA Johnson, management- 20000.00; Hander Inc, jail- 9578.70; HCI Construction, construction- 8202.60; HMN Architects, jail- 26800.15; Independence Waste, dumpster- 340.09; Lindblom, toilet- 86.00; McHan Construction, construction- 63450.00; Muth Electric, construction- 10953.00; PortaStorage, office- 225.00; Total Fire Protection, jail- 2925.00; Wells Concrete, construction- 208467.58;

WEED: Dakota County Star, publishing- 273.00; FIMCO, parts- 493.29; Hubbard Minimart, fuel- 335.00; Hubbard Post Office, postage- 75.00; Joes Dept Store, repairs- 35.73; Van Diest Supply, prepay- 3500.00;

ROLL CALL VOTE: Engel-Yea; Miller-Yea; Bousquet-Yea; O'Neill-Yea and Hartnett-Yea.

UNANIMOUS MOTION CARRIED

The board reviewed the Official's Reports for the month of April from the County Clerk, Clerk of District Court and Register of Deeds.

Commissioner Hartnett moved, seconded by Commissioner Miller, to accept the reports.

ROLL CALL VOTE: Miller-Yea; Bousquet-Yea; O'Neill-Yea; Hartnett-Yea; and Engel-Yea.

UNANIMOUS MOTION CARRIED

Madelyn Thorsland, State Assessor, appeared before the board regarding the Tax Equalization and Review Commission order to show cause hearing. She reported that they had been asked to show cause on the Area II Ag Land values and the Rural improved/unimproved subclass values. After the hearing notice was sent that the Area II land values were accepted.

Residential values were okay as a whole, but the rural improved/unimproved subclass was ordered to have a 23% increase. This will put the residential valuation level at 96.3% of market value overall. This is within the acceptable range.

Discussion was had on the sales roster. Ms. Thorsland will get that information to the board.

Ed Matney, Dakota County Attorney, stated that he is still waiting for information/responses on the questions from previous meetings. Therefore, he advised that the status of the Office of the Public Defender remain on the agenda.

Ted Piepho, County Clerk appeared before the board regarding the recorder. Recently there have been problems with the recorder that is presently being used to record meetings. A new recorder would cost between \$3000-\$3500 plus the expense of tapes. Mr. Piepho recommended not purchasing a recorder at this time and reviewing the possible purchase when is more financially viable. Mr. Piepho suggested not recording the minutes at this time.

Mr. Matney was asked about the recording of minutes. Mr. Matney will check into the possibility of taping the meetings, and erasing the tapes as soon as the minutes have been approved.

Chairman Engel recessed the meeting at 2:55 p.m. until Monday, May 22, 2006 at 10:00 a.m. to meet with Sheriff Wagner and to tour the county roads.

Dakota County Commissioners

ATTEST:

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

Chairman

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

The board was to meet at 10:00 a.m. on May 22nd to meet with Sheriff Wagner, however, there was not a quorum.

Commissioner Bousquet appeared at 10:15 to make a quorum, therefore Chair Engel reconvened their meeting at 10:15 a.m.

Present were: Commissioners Bousquet, O'Neill and Engel and Nanci Walsh acting Secretary at the request of the County Clerk.

Absent was: Commissioners Hartnett and Miller.

The board did not meet with Sheriff Wagner because of a time factor. They called Bill Rohde and Randy Crombie from the Road Department and commenced on a Road Tour at 10:30 a.m.

The toured the Papio Missouri Pigeon/Jones Creek Project.

The Board returned to the Courthouse at 12:30 a.m. at which time the Chair adjourned their meeting.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MAY 22, 2006 PROCEEDINGS  
COUNTY BOARD MEETING ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioner William Engel, Commissioner Rick Bousquet, Commissioner Betty O'Neill, and Ted Piepho, County Clerk and Board Secretary.

ABSENT: Commissioners Miller and Hartnett. Commissioner Miller arrived at 1:39 p.m.

Bob Denton and Dick Brown, with the Nebraska Probation Systems appeared before the board along with Debra Minardi and Christine Salvatore.

Commissioner Miller arrived.

Ms. Minardi explained the changes and the new program Specialized Supervision Substance Abuse (SSSA) Program.

They asked that their Budget be increased by \$10,005.18.

Hank Hurley and Dixie Lee Miller appeared before the board concerning the Road conditions North of Jackson in Dakota County.

They addressed the grading of the road, a curve, which they thought to be a safety hazard and the metal objects in the road causing flat tires.

They submitted the following informal petition with approximately 38 names attached.

MAY 18, 2006

TO: CHAIRMAN OF DAKOTA COUNTY COMMISSIONERS

SUBJECT: ROAD CONDITIONS (PETITION)

PETITION ORIGINATORS:

HANK HURLEY 1335 NODAWAY RD. JACKSON NE. (632-4232) DIXIE MILLER 1355 NODAWAY RD. JACKSON, NE. (632-3007)

The purpose OF THIS petition is to bring attention to the Board of County Commissioners, pertaining to the unacceptable and ongoing conditions of the six mile stretch of county roads North of Jackson. These roads consist of L Ave., 122nd St., M Ave. and Nodaway Rd. In the past, numerous complaints by the various residents residing along this stretch have been brought to the attention of various County Board members. It is our feeling that there is a lack of attention given this situation. Listed below is a number of these complaints

1. Lack of sufficient gravel
2. Washboard effect
3. Ruts & holes in roads
4. Metal objects causing numerous & constant flat tires
5. Lack of crown for water run-off
6. Gravel furrows on each side of road entrapping rain water
7. Large dirt clods in middle of road after grading



(Over)  
Sample of Bridge Information Required

Location: Between Sec. 1 and 2, T. 8N., R.1W  
 Length and Type: 1-70 foot span pony truss and 2-20 foot I-beam approach spans  
 Clear Roadway: (To be measured between inside of curbs) 18.34  
 Condition of Bridge: Timber floor and backwalls - poor  
 Proposed Treatment: (Check One)  Use in place  New Bridge  
 Estimated Length of New Bridge: 150 Feet  
 (Show estimated cost of each new bridge on front of form)

## BRIDGE NO. 1

Structure No.: C002221715P  
 Location: 3.5 mile South of Jackson, NE. S1/2 Section 13, T-28-N, R-7-E  
 Length and Type: Truss-Thru Steel 88 Ft.  
 Clear Roadway: (To Be measured between Inside of curbs) 16Ft  
 Condition of Bridge: Poor Condition  
 Proposed Treatment: (Check one)  Use in Place  New Bridge  
 Estimated Length of New Bridge: 125 Ft Width of New Bridge: 24 Ft.

Bridge No. 2 (All information Blank)

Bridge No. 3 (All information Blank)

Railroad Crossing Information all Blank

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

A brief discussion was had concerning what a one-half cent sales tax would bring in. The County Board is considering to put the question on the ballot in the November Election.

Commissioner Miller briefly mentioned the Economic and Demographics for Dakota County and mentioned there have been changes over the last five years and suggested that other members look at it.

Commissioner Bousquet moved, seconded by Commissioner Engel to authorize the Accounts Payable claims as submitted and to approve the Payroll claims with raises to two county attorney employees retroactive to April 11th, which is the date the Secretary started in the Public Defenders Office, and to approve Phyllis Ridge being paid sick leave for her husbands illness under the Family Medical Leave Act as follows:

COUNTY GENERAL FUND: Gross salaries- \$85,467.05, General Fund Employees Net Pay- \$58,709.47, Employer deductions paid: Retirement- 5,647.25, Retirement Makeup- 34.44, Social Security Tax- 5,124.47, Medicare- 1,198.48, DC Health Plan- 24,479.12, DC Dental Plan- 633.15, Life Insurance- 142.56.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Bobbi Jo Harsma- 1081.36, Tammy Parrish- 825.60, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorsey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 498.69, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Joe Flynn- 1600.00, Debra Jensen- 920.00, Bryan Smith Jr- 1868.04, Dustin Kinsey- 820.00, Andrew Jensen- 256.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 733.40, Jeremy Bermel- 1759.15, Anthony Bos- 2533.43, Brad Claypool- 2040.60, Sandy Dickens- 1030.08, Brian Ellinger- 1935.00, Brent Gilster- 1761.76, Todd Hammer- 1568.50, Melvin Harrison III- 1736.30, Rodney Herron- 1932.00, Kimberly Johnson- 388.69, Jared Junge- 1805.84, Michael Kreegar- 1617.77, Gary Powell- 72.00, Gayle Richards- 767.20, Kevin Rohde- 1500.62, James Wagner- 1868.04, Randall Walsh- 1751.18, Mary Gamble- 981.60, Amber Hegarty- 1692.31, Aimee Kennedy- 1059.84, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 1097.84, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1287.35, Richard Criss- 1113.75, Eric Davis- 1129.57, Penny Epting- 1446.72, John Gilles- 1096.88, Alma Gunderson- 1155.00, Paula Harrigfeld- 715.50, Cathy Harsma- 1113.75, Brett Johnson- 993.65, Joseph Ramirez- 1015.88, Krystal Ramirez- 1040.00, Linda Schovanec- 1227.52, Randall Crombie- 115.39, Jolene Gubbels- 820.00, Leon Pies- 697.30, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1026.59, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,535.16, State- 3,023.00, Social Security Tax- 5,124.47, Medicare- 1,198.48, Retirement- 3,849.00, Retirement Makeup- 24.44, DC Health Plan- 1,248.65, DC Dental Plan- 382.15, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,362.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,064.05, Road Employees Net Pay- \$10,110.37, Employer deductions paid: Retirement- 822.85, DC Health Plan- 4,384.32, DC Dental Plan- 113.40, Life Insurance- 22.98, Social Security Tax- 849.25, Medicare- 198.61.

Randall Crombie- 1339.90, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 527.20, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 1146.40, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,216.36, State- 446.37, Social Security- 849.25, Medicare- 198.61, Retirement- 548.60, DC Health Plan- 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.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- Lodging Tax: 13,736.50.

COUNTY COURT JURY: TOTAL: \$889.56- Harry Beatty- 37.67, Gary Beermann- 39.45, Christopher Bengtson- 39.45, Roberta Boyle- 41.68, Tammy Cahill-Lane- 35.45, Jason Heisinger- 38.12, Jane Hubbard- 36.78, James Iversen- 39.45, Elwin Lovell- 38.56, Kevin Martin- 52.80, Sandra Muff- 37.23, Troy Munhofen- 39.45, Rod Nieman- 35.89, Dianne Rose- 35.45, Debra Sanford- 35.45, Mary Sargent- 39.45, Rick Swanson- 36.78, Paul Tighe- 40.34, Lesley Tweedy- 14.45, Cletis Wilke- 41.68, Pharyce Eslick-bailiff- 125.00 & doughnuts- 8.98.

COUNTY COURT JURY: TOTAL: \$1112.76- Timothy Christiansen- 43.01, Joanne Greene- 35.45, Edwin Hammers- 61.70, Kirk Harris- 42.57, Tim Hauswirth- 39.45, Gene Heinemann- 124.00, Anne Hoelsing- 43.01, Marilyn Klinger- 41.23, David Launsby- 43.01, Bobbie Lindholm- 46.57, Jeffrey Matz- 43.90, Raymond Plafcan Jr.- 37.23, Diane Riibe- 40.34, David Roost- 46.13, Karen Skorey- 38.12, Mountha Soundara- 43.90, John Starzl- 52.80, Jerry Stinger- 39.45, Alan Thompson- 38.12, Doyle Van Dyke- 39.45, Arlowene Washburn- 40.34, Pharyce Eslick-bailiff- 125.00 & doughnuts- 7.98.

DISTRICT COURT JURY: TOTAL: \$1918.57- Sharon Leach- 43.45, Bradley Johnson- 80.68, Andria Sivill- 78.01, Gary Knudsen- 41.23, Mark Knox- 71.78, Rick Simons- 75.34, Paula Stockton- 38.56, Brandon Fleming- 39.45, Daniel Viers- 36.78, Maria Garcia-Magana- 38.56, Greg Stribley- 38.56, William Hulit- 78.90, Mark Chytka- 73.56, Douglas Mallette- 39.00, Joshua Andersen- 38.56, Carol Labrune- 38.56, James Cross- 35.45, Linda Niles- 77.12, Ahlers Rojean- 54.58, Terri Hall- 43.01, Jeffrey Trautwein- 35.45, Rhonda Weber- 77.12, David Mellick- 48.35, Holly Wardell- 40.78, Janet Bohlke- 78.90, David Roberts- 38.56, Susan Johnson- 81.57, Patricia Billups- 77.12, Chad Saunders- 73.56, Christina Luebe- 39.45, Theresa Brewer- 38.56, Frank Holmes- 39.45, Kerry Bligh- 38.56, Robert Decker-bailiff- 150.00.

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

Commissioner O'Neill moved, seconded by Commissioner Engel to approve the minutes of May 15, 2006 as typed.

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

Commissioner Bousquet reported that the Jail construction is going very well and that a December completion is expected.

Chair Engel adjourned their meeting at 2:40 pm.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
June 5, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioner William Engel, Commissioner Rick Bousquet, Commissioner Betty O'Neill, Commissioner Pam Miller, Commissioner Jacqueline Hartnett and Ted Piepho, County Clerk and Board Secretary.

ABSENT: All present.

Jane Gilbert with SIMPCO appeared before the board and explained the CDBG Application that was being proposed. She presented two documents for the board's consideration. One was a MEMORANDUM OF UNDERSTANDING and a Resolution that the Chair be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the County of Dakota, Village of Jackson and the State of Nebraska so as to effect acceptance of the grant application as follows:

**MEMORANDUM OF UNDERSTANDING**

(with respect to a special economic development activity involving  
Dakota County, Nebraska;  
and improvements to the public facilities infrastructure thereof,  
with Siouxland Ethanol, LLC, as the private, for-profit business principally benefiting from the public  
facilities infrastructure improvements)

This Memorandum of Understanding ("MOU") is entered into among the State of Nebraska, Department of Economic Development ("Department" or "DED"); the County of Dakota, Nebraska ("County"); Siouxland Ethanol, LLC ("Business"); upon the date of signature by all parties.

**RECITALS****PART I: IDENTIFICATION OF PARTIES.**

Business: The principally benefited business -- Siouxland Ethanol, LLC  
PO Box 147, Jackson, Nebraska 68743

County: Dakota County  
PO Box 39, Dakota City, Nebraska 68731

Department or DED: Nebraska Department of Economic Development,  
P.O. Box 94666, Lincoln, Nebraska 68509-4666

**PART II: PROJECT SUMMARY DESCRIPTION.**

The project involves a CDBG award of \$77,500 from the Department to the County, \$2,500 of which is for the County's costs of administration of the grant, and \$75,000 of which is to be granted to the County for infrastructure improvements to Knox Blvd, which benefits the associated Business' facility in Dakota County, Nebraska. CDBG funding will require the Business to satisfy various job requirements as set forth in 5.01 below.

**AGREEMENT:**

Premised on the Recitals above, and in consideration of the mutual promises and understandings of the parties set forth below, the parties agree as follows:

**PART III: DEFINITIONS; FEDERAL FUNDING SOURCES and GOVERNING FEDERAL LAW CITED; AND INCORPORATION OF RECITALS.**

3.01 Full-Time Equivalent Position (FTE): An FTE position represents a culmination of 2,080 work hours per annum per position by a person in a permanent position of employment with Business at its facility in Dakota County, Nebraska.

3.02 Low-to-Moderate Income Person (LMI): LMI persons are defined as members of a family (single-person or multi-person) where the family has an income equal to or less than the most recent HUD-established income limits for the family residence location. These income limits may be found generally via the HUD national website. The specific webpage address (subject to change by HUD) at the time of this writing is:

<http://www.huduser.org/datasets/il.html>

3.03 Specifics about how an employment position is considered to be "held by" or "made available to" an LMI person, and other related definitional matters, may be found in the HUD CDBG regulations in 24 C.F.R. Part 570.

3.04 The Department has been designated by the United States Department of Housing and Urban Development ("HUD") to administer; and HUD has awarded the Department funds for; the Community Development Block Grant ("CDBG") program. This is the source for funding by the Department for the project which is the subject matter of this MOU.

3.05 Based on the provisions of this MOU, the County has submitted, and the Department will consider, the County's application for funding for the project which will undertake community development activities authorized under the Housing and Community Development Act of 1974, as amended, and as authorized under the federal regulations governing CDBG at 24 C.F.R. Part 570.

3.06 All provisions of the RECITALS above are incorporated as agreed provisions of the MOU.

**PART IV: ADDITIONAL TERMS AND CONDITIONS OF THE CDBG FUNDING.**

4.01 CDBG Grant Amount, Grant as Conditional and Program Income Use Requirement.

The amount of CDBG funds to be granted from the Department to the County will not exceed \$77,500. \$2,500 of the \$77,500 is to be unconditionally granted for the County's costs of administration of the grant, and \$75,000 of the \$77,500 is to be conditionally granted to the County for a portion of the cost of infrastructure improvements to Knox Blvd, adjacent to the Business. If the CDBG national objective requirement (creating jobs which principally benefit LMI persons) is not fulfilled by the benefiting Business, the conditional portion of the grant will not be declared as unconditional, but rather, the benefiting Business will be obligated to repay the County, and the County will be obligated to repay the Department, the conditional portion of the grant. This repayment obligation is required by CDBG HUD regulations.

Unless otherwise excepted from such requirement (or otherwise specified as to a limited amount requirement) elsewhere in this MOU, the County acknowledges and agrees that any CDBG program income (defined in the HUD CDBG regulations) available to the County at the time of any "drawdown" request by the County to the Department must be first utilized in the project, thus lessening the amount of new CDBG funding paid from the Department to the County for this project.

4.02 Sources and Uses of Funds.

SOURCES	CDBG total	Dakota County	BUSINESS	TOTAL from DED and County
USES (Activities)				
0230 Streets	\$75,000	\$100,000		\$175,000
0181 General Administration	\$ 2,500	\$0	\$0	\$2,500
TOTAL	\$77,500	\$100,000	\$0	\$177,500

The Sources and Uses of Funds table above reflects:

- \* The anticipated total costs of the CDBG-assisted project.
  - \* The CDBG-assisted activities being funded.
  - \* The sources and amounts of other matching funds required for each activity.
  - \* The maximum authorized CDBG funds for each CDBG-assisted activity.
  - \* The ratio (derived by computation, not expressly shown) of CDBG funds to other matching funds for each CDBG-assisted activity, which ratio is a further limitation upon the maximum authorized CDBG funds which may be paid for each activity. The ratio is invoked as a limitation if the actual total costs of the activity are less than anticipated.
- [An example illustrates this point: If the anticipated cost of an activity such as the acquisition of equipment was \$100,000, with \$50,000 to be from CDBG funds as the source, and \$50,000 to be from the benefited business as the source-but the actual cost of the machinery turned out to be \$90,000 - then the 50% ratio limits CDBG funding to \$45,000, rather than the \$50,000 originally anticipated.]
- \* The proportionality (derived by computation, not expressly shown) of funding from all funding sources, for each activity and for the project in total. Disbursement of CDBG funds will be made only on a pro rata basis with all other funding sources, for each activity and for the project in total. CDBG funds will not be the first funds invested in the project-but rather-CDBG funds will flow into the project in proportion to all other funding sources.
  - \* The timing (of CDBG funds flowing into the project on a pro rata basis) is that CDBG funding is reimbursement funding. Reimbursement after-the-fact of the expense having been incurred is what will be done. This timing will result in the public entity having to temporarily carry the costs which are then later reimbursed through CDBG funding.

Any costs for "oversizing" the Project to meet the County's needs beyond the essential needs of the benefited Business must be exclusively paid by the County; and such costs borne for "oversizing" will not count toward the required County match of CDBG funds reflected in the table above.

4.03 Business':

- (a) Declaration of Essential Need and Direct Nexus.
- (b) Agreement to Create Jobs Which Principally Benefit LMI Persons, thus Fulfilling the CDBG National Objective Requirement for the Project.
- (c) Obligation to Repay the County in the Event of a Failure to Fulfill the CDBG National Objective Requirement.

(a) Business' Declaration of Essential Need and Direct Nexus.  
The Business agrees and declares by this provision that the public infrastructure improvement Project is essential to the Business and has a direct nexus to the Business' activities.

(b) Business' Agreement to Create Jobs Which Principally Benefit LMI Persons, thus Fulfilling the CDBG National Objective Requirement for the Project.  
The Business acknowledges and agrees that it is receiving a substantial benefit from the public infrastructure improvement Project, and in consideration of that substantial benefit and as is required by the national objective fulfillment requirements in the CDBG federal statutes and regulations, the Business agrees to the job creation requirements specified in 5.01.

(c) Business' Obligation to Repay the County in the Event of a Failure to Fulfill the CDBG National Objective Requirement.

If there is a failure to meet the CDBG required national objective involved in this Project, then the grant will not be unconditionally granted to the County, and the County will be required to repay the grant to the Department. If this contingent obligation of the County occurs, the Business will be required to repay to the County, and does hereby agree via this instrument to repay to the County the entire amount of the conditional grant funds which have been advanced to the County by the Department for the Project.

4.04 County's Repayment Obligation in the Event of a Failure to Fulfill the CDBG National Objective Requirement.

If there is a failure to meet the CDBG required national objective involved in this Project, then the grant will not be unconditionally granted to the County, and the County will be required to repay the entire amount of the conditional grant funds which have been advanced to the County by the Department for this Project.

**4.05 Reporting Requirements.**

(a) Employment Reporting. The Business will have each employee for which LMI status is relevant (normally this includes employees for created jobs, and employees for retained jobs, but not employees forming the measuring baseline of present employment by the Business), complete the Department's Employee Certification Form (such form to be provided to the Business by the County). Such form requests information from the employee concerning the employee's income status, race, gender, and handicap status. The information from such forms, and other pertinent employment data reasonably required by the County, will be provided by the Business, at least semi-annually. Such information is for use by the County and the Department in assembling and reporting LMI and other employment data to meet HUD requirements for the CDBG program.

(b) Financial Reporting. The Business will provide to the County or to the Department, in a timely manner, the Business' financial statements, including balance sheets and income statements, in such form as may be reasonably required by the County or by the Department, following the close of the Business' fiscal year. This obligation will continue so long as the CDBG grant made pursuant to this MOU remains conditional, unless waived by the Department.

**4.06 Due on Sale.**

Repayment of the entire amount of the conditional grant funds which have been advanced to the County by the Department for the Project may be declared (by the County) immediately due and payable upon any material change in the ownership control of the principal assets of the Business, or of the Business itself, including mergers and/or consolidations with other persons or entities. This provision exists to protect the interests of the County and the Department in seeing to it that the obligations of the Business, as set forth in this MOU, are completely fulfilled, as they must be to comply with HUD CDBG statutes and regulations permitting CDBG funds to be used for financial assistance to the Business in the first place.

**4.07 Maintain Location of Project.**

Until all the requirements of this MOU are satisfied, the Business agrees to keep its facility in Dakota County, Nebraska, located near Jackson. Failure to adhere to this requirement may result in repayment of any outstanding balance of the CDBG funded obligation as declared (by the County) immediately due and payable.

**PART V: JOB CREATION, JOB RETENTION, AND JOB MAINTENANCE REQUIREMENTS.****5.01 Job Creation and Job Maintenance Requirements.**

The Business acknowledges and agrees that it is receiving a substantial benefit from the public infrastructure improvement Project, and in consideration of that substantial benefit and as is required by the CDBG federal statutes and regulations, the Business agrees to the job creation requirements specified in this 5.01. As also required by 4.03(b), the Business must:

(a) create at least 30, new, permanent jobs (on an FTE basis), in the Business' facility in Dakota County, Nebraska over and above the agreed baseline of employment at the Dakota County facility which agreed baseline is 1 FTE for purposes of this MOU:

(1) within 18 months of the date on the Notice of Approval letter from the Department.  
(2) meeting the requirement that 51% or more of all jobs (on an FTE basis) created as a result of the CDBG-assisted project must be held by (or if not actually "held by", then the Business must meet the required regulatory standards so as to be considered to have made the jobs "available to") low-to-moderate income (LMI) persons.

(b) maintain the minimum required created 30 FTE jobs, for 36 months measured from the date of hire for each respective job.

(c) maintain the 1 FTE position which represents the agreed baseline of employment for 36 months measured from the Notice of Approval letter from the Department.

(d) pay all employees of the Business a minimum hourly rate of \$8.57 per hour, and provide all employees with an appropriate package of employee benefits.

Only permanent employees (not temporary employees); and only employee positions at the Business - facility in Dakota County, Nebraska; will be credited in assessing whether the job creation and job maintenance requirements have been satisfied.

**5.02 Proration of Any Repayment Obligation Arising from Failure by the Business to Meet the Job Requirements of Section 5.01.**

If the Business fails to meet the job requirements set forth in 5.01, the repayment requirements specified at 4.03(c) and 4.04 will be mitigated by allowing, in some instances, proration of the amount of the repayment obligation as follows:

(a) CDBG statutes and regulations require CDBG-assisted projects to meet the national objective of principally benefiting low-to-moderate income (LMI) persons. These statutes and regulations require that at least 51% of the created/retained jobs benefit LMI persons. If Business fails to meet the national

objective by not having at least 51% of the created/retained jobs benefiting LMI persons, then full repayment of the CDBG funding is required, and no proration is allowed.

(b) If the national objective (51% LMI benefit) is met, but the job creation/retention requirement (30 jobs in this instance) is not achieved, then a pro rata portion of the CDBG funds will be required to be repaid, equivalent to the ratio of jobs not created, divided by the number of jobs required to be created.

(c) If the national objective (51% LMI benefit) is met, but the jobs are not maintained for the required job maintenance period (36 months in this instance), then a pro rata portion of the CDBG funds will be required to be repaid, equivalent to the ratio of the required maintenance period in months, less the number of months the jobs were maintained, divided by the required maintenance period in months.

(d) If the national objective (51% LMI benefit) is met, but there is a failure as to both the job creation/retention requirement and the job maintenance period, then a pro rata portion of the CDBG funds will be required to be repaid, equivalent to subtracting from 1, the resultant arithmetic product of the two ratios in the two paragraphs immediately above.

#### **PART VI: OTHER TERMS AND CONDITIONS OF THIS MOU.**

##### **6.01 Severability, Binding Effect, Counterparts, and Governing Law.**

If any provision of this MOU or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity will not affect other provisions of this MOU.

This MOU will be binding upon, and will inure to the benefit of, the successors, assigns, and legal representatives of the parties.

This MOU may be signed in any number of counterparts, each of which will be an original, but all of which taken together will constitute one agreement.

This MOU will be governed by; construed according to the laws and regulations of; and subject to the jurisdiction of; the State of Nebraska.

##### **6.02 No Legal Actions.**

The Business warrants there are no legal actions, suits, or other proceedings, pending or threatened, before any court or administrative agency, which, if determined adversely to the Business, would have a material adverse effect on the financial condition of the Business nor on the ability of the Business to fulfill the CDBG national objective which is the subject of this MOU.

##### **6.03 Authorization of Representative Signing for the Benefited Business.**

The Business, by and through the officer or other representative accepting this MOU by signing below on behalf of the Business, has entered into this MOU with the full knowledge and authorization of the Business, under proper procedures prescribed by the articles of incorporation, bylaws, and other organizing documents applicable to the governance of Business.

##### **6.04 This MOU is NOT a Notice of Approval of the Project.**

Project funding approval by DED is neither expressed nor implied by DED's execution of this MOU, and project costs should not be incurred based solely upon this MOU. Additional approval steps beyond the MOU are required before a project receives a Notice of Approval, including satisfying other steps of the application and approval process at DED, and obtaining the approval of the Governor of the State of Nebraska.

##### **6.05 Conditions Precedent to Drawdown of CDBG Funds.**

Certain conditions must be satisfied before any requests for funds (so-called "drawdowns") by the County would be paid by DED, in the event a Notice of Approval for this project is ultimately issued by DED. The conditions are emphasized here so that all parties to this MOU will be aware of, and can appropriately plan for, the requirements for drawdowns, should the project be approved.

(a) The requirements set forth in Section 4.01 and in Section 4.02, Sources and Uses of Funds, must be strictly observed. These requirements include CDBG-activity maximum payments; the injection of matching funds; and CDBG funds payments being limited and governed by the ratio, proportionality, and reimbursement timing requirements detailed in 4.02.

(b) Documentation, in such form as DED may prescribe, showing disbursement by other project funding sources for qualified expenditures, will be required by the DED.

(c) Compliance with the environmental review process pertaining to the project, established by the National Environmental Policy Act of 1969 (NEPA), and other provisions of federal law as specified in 24 C.F.R. Part 58 which further the purposes of NEPA, is required.

(d) Compliance with the Davis-Bacon Act (and related acts) is required.

#### **ACCEPTANCE PROVISIONS.**

The parties acknowledge they have read and understand this MOU and agree to its provisions, and that it will be effective on the date when all parties have signed.

DED - NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT

By: \_\_\_\_\_  
(Signature of Director or Designee)

\_\_\_\_\_  
(Typed or Printed Name/Title)

\_\_\_\_\_  
(Date)

COUNTY-COUNTY OF DAKOTA

By: \_\_\_\_\_  
(Signature of Chief Elected Official)

\_\_\_\_\_  
(Typed or Printed Name/Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Federal Identification Number)

BUSINESS --  
SIOUXLAND ETHANOL, LLC

By: \_\_\_\_\_  
(Signature of Authorized Officer)

\_\_\_\_\_  
(Typed or Printed Name/Title)

\_\_\_\_\_  
(Date)

(This quadrant intentionally blank.)

COUNTY BOARD OF COMMISSIONERS  
DAKOTA COUNTY, NEBRASKA  
1601 Broadway Street  
P.O. Box 39, Dakota City, NE 68731-0039

William F. Engel, Chair      Theodore A. Piepho, Secretary

RESOLUTION 06C-009  
AUTHORIZING CHIEF ELECTED OFFICIAL  
TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the County of Dakota County, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

Whereas, the County of Dakota County, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$77,500 for street improvements to Knox Boulevard; and,

NOW THEREFORE, BE IT RESOLVED BY

the County Board of Commissioners of the County of Dakota County, Nebraska, that the Chair be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the County of Dakota, Village of Jackson and the State of Nebraska so as to effect acceptance of the grant application.

\_\_\_\_\_  
William F. Engel, Chair

ATTEST

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

Commissioner Hartnett moved, seconded by Commissioner O'Neill to acknowledge the Memorandum of Understanding between Siouxland Ethanol LLC, Department of Economic Development and Dakota County and to approve same and to adopt the preceding resolution 06C-009 AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS as written.  
ROLL CALL VOTE: Miller- Abstained, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

Pat Foust appeared before the board with a resolution that Dakota County supports the local Homeland Security Assessment and state/federal funding applications to address deficiencies in accordance with state prioritization and a resolution for the adoption of the National Incident Management System.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt RESOLUTION 06C-010 supporting 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 and to approve RESOLUTION 06C-011 that it shall be the public policy of Dakota County to adopt the NIMS concept of emergency planning and unified command written as follows:

RESOLUTION 06C-010

Whereas, Department of Homeland Security grant finding 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 County Commission and the members of the Commission of Dakota County, Nebraska, that Dakota County supports 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 5TH DAY JUNE, 2006.

/S/ William F. Engel

ATTEST  
s\ Theodore A. Piepho  
Clerk  
SEAL

RESOLUTION 06C-011

Adoption of the National Incident Management System Adoption of the National Incident Management System

It is hereby resolved by the Dakota County Board of Commissioners that:

Whereas, the President in Homeland Security Directive (HSDPD)-5, directed the Department of Homeland Security to develop and administer a National Incident Management System which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity;

Whereas, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal, and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005;

Whereas, Emergency Response to critical incidents, whether natural or manmade, requires integrated professional management, and

Whereas, Unified Command of such incidents is recognized as the management model to maximize the public safety response, and

Whereas, The National Incident Management System, herein referred to as NIMS, has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions, and

Whereas, Failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

Therefore; It shall be the public policy of Dakota County to adopt the NIMS concept of emergency planning and unified command.

PASSED AND APPROVED THIS 5TH DAY OF JUNE, 2006.

Board of County Commissioners  
Dakota County, Nebraska

ATTEST:                    \S\ William Engel,  
                                  Board Chair  
\S\ Theodore Piepho           County Clerk

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

Randy Crombie, Highway Supt., explained that he had an opportunity to apply for a grant to replace Bridge Signs at no cost to the county except the labor of the personnel to install them and asked the board to approve the application.

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt RESOLUTION 06C-012 as follows stating that the State of Nebraska is hereby requested to act on behalf of said County to program the project for the purchase and distribution of the signing materials shown on Exhibit "A" and that it BE FURTHER RESOLVED that sufficient labor material, equipment, and supervision, are now available, or will be made available to complete the signing work using County forces within an 18 month period. Said period will begin when the signing materials are received.

County of       Dakota  
Resolution No. 06C-012  
Project No. STPPSTWD(67) - Object Markers

Whereas: The Hazard Elimination Program is a "core safety program" for Highway Safety Construction. This program is provided for in Title 23, Section 148 of US. Code, and is part of the Highway Safety Improvement Program (HSIP) which is provided for in 23 CFR, Part 924, which is administered by the Federal Highway Administration,

Whereas: The State of Nebraska maintains a Multi-Disciplinary Safety Committee to oversee all facets of the HSIP,

Whereas: The Safety Committee has determined that it is desirable to mark county bridges in the State of Nebraska using Type 3 Object Markers,

Whereas: The Safety Committee on April 11, 2006 approved a project known as STPP-STWD(67) - Object Markers to accomplish the following:

- 1) Install Type 3 Object Markers at bridge sites which currently have no object markers
- Or
- 2) Install Type 3 Object Markers at bridge sites to replace existing Type 2 Object Markers
- or
- 3) Replace existing Type 2 or Type 3 Object Markers at bridge sites which have been damaged or don't meet retroreflectivity standards
- and
- 4) Bridge sites will include both ((20'-0" and ) 20' - 0" bridges)
- and
- 5) All sign installations will be in accordance with the applicable section of the Manual or Uniform Traffic Control Devices. The installation work will be done by County forces, and will be viewed as the 20% local match.
- and
- 6) The County will certify to the State of Nebraska that all were properly erected within 18 months of receiving said signing materials.

Be It Resolved: That the State of Nebraska is hereby requested to act on behalf of said County to program the project for the purchase and distribution of the signing materials shown on Exhibit "A" attached,

The estimated cost to the County is \$0.

Be it Further Resolved: That sufficient labor material, equipment, and supervision, are now available, or will be made available to complete the signing work using County forces within an 18 month period. Said period will begin when the signing materials are received.

Be It Further Resolved: That the Chairman of the County Board is authorized to sign this Resolution on behalf of said Board. In addition the Chairman and the Highway Superintendent are hereby authorized to sign the Certificate of Compliance after completion of the work.

Adopted this 5th day of       June, 2006 at Dakota City, Nebraska.

By Board of County Board of Commissioners of Dakota County, Nebraska.

Attest:                    \S\ William F. Engel  
                                  Chair  
\S\ Theodore A. Piepho           County Clerk

Board Member Miller moved the adoption of said Resolution

Roll Call: 5 Yes 0 Nay

Resolution adopted, signed, and billed as adopted.

"EXHIBIT "A"

County of Dakota C-22  
 Project No. STPP-STWD(67) - Object

Markers

Page 1 of 1

STATE NO.	COUNTY NO.	NO. OF OM-3L	NO. OF OM-3R	NO. OF POSTS
C002211510P	11510P	2	2	4
C002222210	22210	2	2	4
C002201905	1905	2	2	4
C002212405P	12405P	2	2	4
C002212105P	12105P	2	2	4
C002213410P	13410P	2	2	4
C002221715P	21715P	2	2	4
C002220510P	20510P	2	2	4
C002230910P	30910P	2	2	4
C002201010P	1010P	2	2	4
C002201005P	1005P	2	2	4
C002230725	30725	2	2	4
C002201405	1405	2	2	4
C002200320	320	2	2	4
C002200125	125	2	2	4
C002200115	115	2	2	4
C002200110	110	2	2	4
C002203005	3005	2	2	4
C002202405	2405	2	2	4
C002212205	12205	2	2	4
C002212005	12005	2	2	4
C002201805	1805	2	2	4
C002203405P	3405P	2	2	4
TOTAL FOR PROJECT NO. STPP-STWD(67)=			46	92

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

Bill Rohde, Director of Roads, asked for approval to purchase a new pickup for the Road Department. Commissioner Hartnett moved, seconded by Commissioner Bousquet to authorize and approve the purchase of a new pickup for the Road Department.

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 authorize an increase of \$10,000 to the District Probation Budget for the rental of office space in South Sioux City.

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

Ed Matney, County Attorney, appeared before the board to see if they had any questions concerning Mr. Hirschbach's letter. He went on to say that the board could abolish the Public Defender's Office, but they would have to have a Public Hearing and went on to say that the board could contract with private attorneys.

He said if the board abolishes the PD Office then a Policy Board should be created.

Jim Wagner, County Sheriff, appeared before the board and suggested that they wait with a Board of Correction until the board gets the Cost analysis and Transition Report from Mark Martin.

He noted that they have 7 juveniles outboarded and he said that problem hasn't been addressed yet.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the payroll claims, which pays an employee sick leave while she is off with her husband's illness, authorizes a raise for Dustin Kinsey to 11.50 per hour and pays Marlin Millard incentive for retiring.

Commissioner Bousquet expressed concern about Marlin Millard being the only one to get the incentive monies for retiring. He thought that it should be all or none participation because it makes it look like it was designed for Mr. Millard.

Commissioner O'Neill and Hartnett expressed concern over Mr. Kinsey's increase of \$1.25 an hour.

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

Commissioner Hartnett moved, seconded by Commissioner Bousquet to approve a \$2,500 claim to the Justice Solutions Group and to approve the claim to the United States Treasury to refund an overpayment by the Treasury for \$1,337.55.

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 Dustin Kinsey's salary be set at \$11.00 per hour.

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

Commissioner Miller moved, seconded by Commissioner Hartnett to approve Marlin Millard's benefit package of \$7,599.26 to take early retirement.

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

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the balance of the claims submitted by the County Clerk with Phyllis Ridge being paid sick leave instead of holiday pay as follows. COUNTY GENERAL FUND: Gross salaries- \$87,853.84, General Fund Employees Net Pay- \$60,246.76, Employer deductions paid: Retirement- 5,993.08, Retirement Makeup- 34.44, Social Security Tax- 5,288.77, Medicare- 1,236.89, DC Health Plan- 24,113.76, DC Dental Plan- 623.70, Life Insurance- 140.28.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 411.58, Bobbi Jo Harsma- 924.30, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 45.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 1210.00, Joe Flynn- 1600.00, Debra Jensen- 828.00, Bryan Smith Jr- 1868.04, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 723.75, Jeremy Bermel- 1732.23, Anthony Bos- 2100.09, Brad Claypool- 1915.30, Sandy Dickens- 1030.08, Brian Ellinger- 2122.95, Brent Gilster- 2041.27, Todd Hammer- 1766.66, Melvin Harrison III- 2103.25, Rodney Herron- 2115.06, Kimberly Johnson- 395.68, Jared Junge- 2164.91, Michael Kreegar- 1939.63, Gary Powell- 168.00, Gayle Richards- 767.20, Kevin Rohde- 1733.92, James Wagner- 1868.04, Randall Walsh- 1841.68, Mary Gamble- 981.60, Amber Hegarty- 1692.31, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1498.15, Richard Criss- 1432.69, Eric Davis- 1089.81, Penny Epting- 1644.99, John Gilles- 1221.75, Alma Gunderson- 1310.75, Paula Harrigfeld- 799.20, Brenda Harrison- 42.00, Cathy Harsma- 1312.88, Brett Johnson- 1154.30, Joseph Ramirez- 1186.31, Krystal Ramirez- 1365.00, Linda Schovanec- 1169.06, Randall Crombie- 115.39, Jolene Gubbels- 820.01, Leon Pies- 750.68, Pamela DeVries- 1454.50, Gloria Dwyer- 695.63, Patricia Glover- 1057.67, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 9,015.99, State- 3,214.80, Social Security Tax- 5,288.77, Medicare- 1,236.89, Retirement- 4,085.63, Retirement Makeup- 24.44, DC Health Plan- 1,005.95, DC Dental Plan- 362.38, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,362.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$21,905.01, Road Employees Net Pay- \$15,318.88, Employer deductions paid: Retirement- 1,245.36, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.98, Social Security Tax- 1,334.18, Medicare- 312.03.

Brent Byroad- 1054.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1054.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Marlan Millard- 7599.26, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 2,763.11, State- 654.96, Social Security- 1,334.18, Medicare- 312.03, Retirement- 830.27, DC Health Plan- DC Dental Plan- 97.85, Reassure America Life- 7.32, Union Dues- 180.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

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

Commissioner Bousquet brought up the issue of putting the question of adding one-half cent sales tax outside the City of South Sioux City to the ballot in the General Election.

Commissioners Engel, Hartnett and O'Neill did not sound in favor of doing so.

Mr. Bousquet said it would be the people making the choice.

Commissioner Hartnett moved, seconded by Commissioner Miller to authorize the chair to sign the necessary documents with Justice Solutions Group.

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

Commissioner Bousquet moved, seconded by Commissioner Hartnett to transfer Dakota County Abandoned Vehicle Title Number 06146700008 on a 1987 Plymouth Sundance bearing the serial number 1P3BS44D0HN405006 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- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

The Board discussed using the Referee System for Board of Equalization this year.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to use the Referee System for all 2006 Protest filled with the County Clerk.

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

Dick Erickson, State Assessor's Office, appeared before the board and discussed the percentages that the different classes were raised in value.

Commissioner Miller departed the meeting at 4:13 p.m.

Lynette Beermann, Clerk of the District Court, appeared before the board to discuss Dustin Kinsey's Salary. She argued that he should be raised to \$11.50 an hour. She cited the County Attorney came down one time and his were approved. She said that this is the third time she has been down and he deserves it.

Commissioner Hartnett moved, seconded by Commissioner Engel to authorize an additional fifty cent increase to the previous motion setting Mr. Kinsey's salary at \$11.00 making his salary \$11.50 an hour. ROLL CALL VOTE: Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Hartnett asked that the record show that although the County Board appears to have control of expenses, they really don't have control. Chair Engel adjourned their meeting at 4:32 pm.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
June 19, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 10:03 a.m.  
The pledge of allegiance was said.

Present: Commissioner Engel, Commissioner O'Neill, Commissioner Hartnett and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Bousquet and Miller.

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, JUNE 19, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA  
WILLIAM F. ENGEL, CHAIR                      THEODORE A. PIEPHO, SECRETARY

The agenda for this meeting was as follows:

1. 10:00 a.m. Call Meeting to Order at 10:00 a.m. with Pledge of Allegiance
  - a. Roll Call
  - b. Approve Minutes of last meeting
  - c. Review and Approve Accounts Payable claims
2. 11:00 a.m. Budget Hearing - Visitor's Promotion Fund and E911 Fund.
  - a. Budget Resolutions - Purpose of resolutions is to move budget authority by Department within the General Fund.
3. 11:15 a.m. NIRMA SAFETY MANUAL Jason@nirma.info
4. 11:45 a.m. Recess for Lunch
5. 1:15 p.m. Reconvene from Lunch
6. 1:15 p.m. Pat Foust - A Resolution to support the 2006 Department of Homeland Security grant applications
7. 1:20 p.m. Michelle Bostinelos - 2030 Long Range Transportation Plan 15 min sharon@simpco
8. 1:40 p.m. Donna Goodier - 2006-07 CVB Budget Presentation and approval
9. 1:50 p.m. Scott Mohnson - Condition of Fiddler Creek Road and hard surface request
10. 2:05 p.m. Official's Reports

- a. County Clerk
- b. Clerk of the District Court
- c. Register of Deeds

11. 2:15 p.m. Jim Gabel - Discuss Cattle Crossing on L Avenue

12. 2:25 p.m. Review and approve lease for premises located at 601 West 29th Street, South Sioux City, - office space for Probation Office. Milt and Elsie Peters owners

13. 2:30 p.m. Jerry Johnson - Open bids for Generator

14. 2:45 p.m. Roger Hamen Bo-mag 142nd Street

15. 3:00 p.m. Kevin Rogers & Patty Zeisler- Vacate Easement

- a. Pave Stable Drive - 500' stretch from Atokad entrance to beginning of Rogers Property.

16. 3:00 p.m. Misc. Items

- a. Board of Equalization - Referee System for hearing protest.
- b. Appoint Lyle Todd, Vernie Larson as referees to hear residential and to appoint Neil Helvig and Doug Helvig as referees to hear Ag and improvements and outbuildings on Ag.

#### BOARD OF COMMISSIONERS

c. Parking Lot - Betty O'Neill to discuss the time frame in which additional parking will be available.

d. County Surveyor -

e. Court Case Elsie Morgan vs Dakota County - Table claim has been referred to Ins. Co.

f. Papio Missouri River NRD All-Hazards Mitigation Plan Excerpt Dakota County

g. Real Estate Purchase - Ted Piepho Discussion and/or approval to purchase real property across the street from the existing courthouse.

13. Public Comment

14. Mail and/or Emergency Business

17. Recess June 27, 28 and 29 Transition Seminar put on Justice Solutions Group.

- i. July 27, 2006 recess to July 28, 2006
- ii. July 28, 2006 recess to July 29, 2006
- iii. July 29 Adjournment

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

The Chair and Vice Chair asked that the following letter be written into the record.  
June 12, 2006

Mr. William Engel, Chair  
Dakota County  
Board of Commissioners  
316 E 24th Street  
South Sioux City, NE 68776

Ms. Jackie Hartnett, Vice Chair  
Dakota County  
Board of Commissioners  
P0 Box 106  
Hubbard, NE 68741

Re: Dakota County Public Defender Office

Dear Commissioners Engel and Hartnett:

The National Legal Aid and Defender Association (NLADA) is a national, nonprofit membership association dedicated to quality legal representation for people of insufficient means. Created in 1911, NLADA has been a leader in supporting equal justice for over ninety years. NLADA is a recognized leader in the promulgation of indigent defense standards and the mechanisms for evaluating a jurisdiction's compliance against them.

Recently, local media reported that the County Commission is considering the closure of the Dakota County Public Defender office. Citizens of Nebraska have raised serious concerns with us regarding this possibility. We write to strongly urge you not to do so.

1 Guidelines for Legal Defense Systems in the United States (National Study Commission on Defense Services, U.S. Department of Justice, 976); The Ten Principles of a Public Defense Delivery System (adopted by the ADA, 2002) Standards for the Appointment and Performance of Counsel in Death Penalty Cases (NLADA, 1988; ABA, 1989), Defender Training and Development Standards (NLADA,

1997); Performance Guidelines for Criminal Defense representation NLADA, 1995); Guidelines for Negotiating and Awarding Contracts for Criminal Defense Services (NLADA, 1984; ABA, 1985); Standards for the Administration of Assigned Counsel Systems (NLADA 989); Standards and Evaluation Design for Appellate Defender Offices (NLADA, 1980); Evaluation Design for Public Defender Offices (NLADA, 1977), and Indigent Defense Caseloads and Common Sense: An Update NLADA. 1994).

2 Reported on KTIV-TV (IA) on Monday June 5, 2006 (Dakota County Considering Cutting Public Defenders Office).

Mr. William Engel, Chair  
Ms. Jackie Hartnett, Vice Chair  
June 12, 2006  
Page Two

The recommendation to disband the public defender's office was reported to be at the request of a special prosecutor. As stated in the U.S. Department of Justice, Office of Justice Programs report, Improving Criminal Justice Through Expanded Strategies and Innovative Collaborations: A Report of the National Symposium on Indigent Defense: The ethical imperative of providing quality representation to clients should not be compromised by outside interference or political attacks."

3 Moreover, if it is true that action is being contemplated upon the recommendation of a special prosecutor, the recommendation represents a clear violation of all national standards of justice related to the independence of the defense function, including the American Bar Association's Ten Principles of a Public Defense System.

The ABA Ten Principles represent a set of standards that constitute the fundamental criteria to be met for a public defense delivery system to deliver effective and efficient, high quality, ethical, conflict-free representation to accused persons who cannot afford to hire an attorney." The first principle clearly states that The public defense function, including the selection, funding, and payment of defense counsel, is independent of undue political and judicial interference. Our American system of criminal justice is founded on the notion that truth emerges when equal adversaries present and challenge evidence in front of an impartial jury. Giving one adversary say over who is on the other side of the aisle and the extent which that person has the time, training and resources to mount an adequate case destroys the foundation of fairness upon which our justice system rests. Permitting a prosecutor to assert control over the hiring, firing and conditions of employment for the local public defender violates the very heart of this prohibition.

We are also concerned that the overriding factor driving your decision-making appears to be cost control. NLADA recognizes that counties face a number of daunting economic realities and understand that you are facing this issue because the State of Nebraska has failed to meet its constitutional duty to adequately fund indigent defense services as per the federal constitutional mandate in Gideon v. Wainwright, 372 U.S. 335 (1963). Unfortunately, the state's dereliction of its duties under Gideon does not absolve the county of its duty to provide an adequate defense to people of insufficient means.

3 NCJ 181344, February 1999, at 10.

4 Available at: <http://www.abanet.org/legalservices/sclaid/defender/>  
Mr. William Engel, Chair  
Ms. Jackie Hartnett, Vice Chair  
June 12, 2006  
Page Three

Should you consider a move to low-bid contracting of defender services as reported, NLADA warns that Dakota County will again be in violation of all national standards of justice. Flat fee contracting is oriented solely toward cost reduction, in derogation of ethical and constitutional mandates governing the scope and quality of representation. Fixed annual contract rates for an unlimited number of cases create a conflict of interest between attorney and client, in violation of well-settled ethical proscriptions compiled in the Guidelines for Negotiating and Awarding Governmental Contracts for Criminal Defense Services written by NLADA and adopted by the ABA in 1985. Guideline 111-13, entitled Conflicts of interest, prohibits contracts under which payment of expenses for necessary services such as investigations, expert witnesses, and transcripts would decrease the Contractor's income or compensation to attorneys or other personnel," because this situation creates a conflict of interest between attorney and client.

6 The same guideline addresses contracts that simply provide low compensation to attorneys thereby giving attorneys an incentive to minimize the amount of work performed or to waive a clients rights for reasons not related to the client's best interests.

For these reasons, all national standards, as summarized in the eighth of the ABA's Ten Principles direct that: Contracts with private attorneys for public defense services should never be let primarily on the basis of cost; they should specify performance requirements and the anticipated workload, provide an overflow or finding mechanism for excess, unusual or complex cases, and separately find expert, investigative and other litigation support services."

NLADA admits that we do not have first hand knowledge of the pending civil litigation against the public defender or the facts of the special prosecution's charge. If there is proof that the Chief Public Defender acted inappropriately in the execution of his duties or broke the public's trust in the administration of tax

payer resources, we respect the County's right to discipline him or terminate his employment. However, those same issues do not justify the elimination of the office all together.

5 [www.nlada.org/Defender/Defender\\_Standards/negotiating\\_And\\_Awarding\\_ID\\_Contracts](http://www.nlada.org/Defender/Defender_Standards/negotiating_And_Awarding_ID_Contracts)

6 In addition to violating national standards, this conflict also places an attorney entering into such a contract in danger of violating the Nebraska Rules of Professional Conduct Rule 1.7(a), states that a conflict of interest exists when there is a significant risk that the representation of one or more clients will be materially limited by a personal interest of the lawyer." Rule 1.5(d) prohibits an attorney from entering into an agreement to collect a contingent fee for representing a defendant in a criminal case," In fixed fee contracts, the hourly rate that an attorney receives for each individual case is contingent upon how little work the lawyer performs and how little the attorney expends on investigation and support services. Thus while the client has an interest in the attorney performing as much work as is necessary for competent representation, the attorney has an interest in minimizing his work.

Mr. William Engel, Chair

Ms. Jackie Hartnett, Vice Chair

June 12, 2006

Page Four

In closing, while NLADA does not actively litigate systemic deficiencies in regard to the delivery of the constitutional right to counsel, you should note that other jurisdictions have been sued around issues of independence and flat fee contracting by the American Civil Liberties Union and the National Association of Criminal Defense Lawyers. NLADA stands ready to assist Dakota County in its efforts to improve the manner in which it provides access to counsel for persons accused of crimes who cannot afford to hire an attorney.

Richard Goemann  
Director, Defender Legal Services  
National Legal Aid & Defender Association

cc:

Ms. Pam Miller  
Dakota County  
Board of Commissioners  
414 Howard Street  
Homer, NE 68030

Mr. Rick Bousquet  
Dakota County  
Board of Commissioners  
408 Dairy Lane  
South Sioux City, NE 68776

Ms. Betty O'Neill  
Dakota County  
Board of Commissioners  
2113 F Street  
South Sioux City, NE 68776

Mr. William Engel, Chair  
Ms. Jackie Hartnett, Vice Chair  
June 12, 2006  
Page Five

Mr. Scott Dugan  
Acting Public Defender  
Dakota County Public Defender  
P.O. Box 574  
Dakota City, NE 68731

Mr. William G. Dittrick, President  
Nebraska State Bar Association  
Baird Holm LLP  
1500 Woodmen Tower  
Omaha, NE 68 102-2068

Hon. John V. Hendry, Chief Justice  
Nebraska Supreme Court  
Room 2214, State Capitol  
Lincoln, NB 68509

Hon. John M. Gerrard, Co-Chair  
Nebraska Minority and Justice Implementation Committee  
Nebraska Supreme Court  
Room 2219, State Capitol  
Lincoln, NE 68509

Ms. Linda R. Crump, Co-Chair  
 Nebraska Minority and Justice Implementation Committee  
 Equity, Access & Diversity Programs  
 UNL 128 Adm. Bldg.  
 P.O. Box 880437  
 Lincoln, NE 68588

Mr. E. Vincent Warren  
 Senior Staff Attorney  
 ACLU Foundation  
 Racial Justice Working Group  
 125 Broad Street, 18th Floor  
 New York, NY 10004

Ms. Malia Brink  
 Indigent Defense Counsel  
 National Association of Criminal Defense Lawyers  
 1150 18th St, NW, Suite 950  
 Washington, DC 20036

Chair Engel open public hearing on Visitor's Promotion Fund 0990 and the E911 Fund 5907 for the current budget year 2005-2006 at 11:15 a.m. published 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 19th day of June, 2006 at 11:00 am., 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 Visitors Promotion Fund. The budget detail is available at the Office of the County Clerk in the Dakota County Courthouse, Dakota City, NE.

The purpose of this hearing is to increase the budget expenditures of the E911 Fund to allow all the collected E911 surcharge to be disbursed to the City of South Sioux City as \_\_\_\_\_  
 Nanci Walsh Budget Coordinator

**E911 FUND (5907)**

**ACTUAL EXPENSE:**

1.	Prior Year 2002-2003		86,569.61
2.	Prior Year 2003-2004	\$	102,334.05
3.	Last Year 2004-2005	\$	122,778.55

		ADOPTED	CHANGE	TOTAL
4.	current Year 2005-2006	+\$ 97,181.19	\$ 30,000.00	127,181.19
5.	Necessary Cash Reserve	0.00	0.00	0.00
6.	Cash on Hand and Estimated other Revenues	- 97,181.19	\$30,000.00	\$127,181.19
7.	Collection Fee & Delinquent Allowance	0.00	0.00	0.00
8.	Total Property Tax Requirement=	\$ 0.00	0.00	0.00

-- Published June 15, 2006

**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 19th day of June, 2006 at 11:00 am., 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 Visitors Promotion Fund. The budget detail is available at the Office of the County Clerk in the Dakota County Courthouse, Dakota City, NE.

The purpose of this hearing is to increase the budget expenditures of the Visitors Promotion Fund to allow all the collected lodging tax to be disbursed to the South Sioux Chamber of Commerce for the Visitors Bureau.

Nanci Walsh Budget Coordinator

VISITORS PROMOTION FUND (0990)

ACTUAL EXPENSE:

- 1. Prior Year 2002-2003 \$ 63,129.49
- 2. Prior Year 2003-2004 \$88333.31
- 3. Last Year 2004-2005 142,250.06

REQUIREMENTS:	ADOPTED	CHANGE	TOTAL
4. Current Year 2005-2006	+\$ 141,775.00	\$15,000.00	\$ 156,775.00
5. Necessary (cash Reserve	H-\$ 0.00	0.00	0.00
6. Cash on hand and Estimated other Revenues -	141,775.00	\$ 15,000.00	\$ 156,775.00
7. Collection lee & Delinquent Allowance	0.00	0.00	0.00
8. Total Property Tax Requirement	0.00	0.00	\$ 0.00

Published June 15, 2006

Chair Engel made reference that these budget hearings are for the current budget year 2005-2006.

Visitors Promotion Fund Proposed change of budget authority to revenues and expenses from \$141,775 to \$156,775. This is an increase of \$15,000 to accommodate the actual receipts from the lodging tax.

E911 Fund proposed change of budget authority to revenues and expenses from \$97,181.19 to \$127,181.19. This is an increase of \$30,000 to accommodate the actual receipts from the 911 surcharge. The county is not experiencing an increase in these funds, the 2005-2006 budget was just under budgeted when the budget was adopted last September.

Chair Engel asked for any comments in opposition to the proposed changes. There were none.

Chair Engel asked for any comments in support of the proposed changes. There were none.

Chair Engel asked for any other comments or suggestions. There were none.

Jason Clancy, with NIRMA, appeared before the board and expressed the need to adopt and follow safety policies. He presented a template policy and said that the county should review it and fit it to Dakota County.

Chair Engel closed the Budget Hearing at 11:45 a.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt the proposed budget authority of the Visitors Promotion Fund revenues and expenses from \$141,775 to \$156,775 and to adopt the P911 Fund proposed change of budget authority to revenues and expenses from \$97,181.19 to \$127,181.19.

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

Chair Engel recessed their meeting at 11:47 a.m. until 1:15 p.m.

Chair Engel reconvened their meeting at 1:15 p.m.

Present: Commissioner Engel, Commissioner O'Neill, Commissioner Hartnett, Commissioner Bousquet and Ted Piepho, County Clerk and Board Secretary.

ABSENT: Commissioner Miller.

Jerry Johnson appeared before the board and opened bids for Bid Package 13, which was a rebid for the Construction of the new jail. The first bid opened was from Ziegler Power System and the amount was \$63,544.

The second bid that was opened was Cummins Central Power LLC and that bid was \$41,852.

Mr. Johnson took the bids under advisement to return later in the meeting to make a recommendation.

Commissioner Bousquet departed the meeting room at 1:20 p.m.

Pat Foust appeared before the board to ask for their approval to approve a Homeland Security Grant Application.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to authorize the Homeland Grant Application that the Commission approves application for 2006 Department of Homeland Security grants in the interest of public safety as follows:

Resolution 06C- \_\_\_\_\_

- Approval of Submission for 2006 Department of Homeland Security Grant
- Law Enforcement Terrorism Prevention Program (LETPP)
- State Homeland Security Grant Program (SHSGP)
- Citizens Corp Program (CCP)

Approval of Grant Applications

It is hereby resolved by the Dakota County Board of Commissioners that:

Whereas, Department of Homeland Security grant funding is supported by the Dakota County Board of Commissioners, and

Whereas, funding in response to grant applications is awarded to Dakota County Emergency Management through Dakota County and,

Whereas, Department of Homeland Security grant funding is for the benefit and protection of emergency responders and citizens throughout the County,

THEREFORE, BE IT NOW RESOLVED by the Chairman of the Dakota County Board of Commissioners and the members of the Commission of Dakota County, Nebraska, that the Commission approves application for 2006 Department of Homeland Security grants in the interest of public safety.

PASSED AND APPROVED THIS 19th DAY OF JUNE, 2006.

ATTEST:

/s/ Theodore Piepho  
County Clerk

Board of County Commissioners  
Dakota County, Nebraska  
/s/ William F. Engel  
Board Chairman

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

Commissioner Bousquet returned at 1:39 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to approve the Visitor's and Tourism 2006-07 Budget with \$178,820 Revenue and \$178257 in Expenditures.

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

Commissioner Bousquet moved to approve putting in a Cattle Crossing across County Road #37 at a cost of approximately \$6,400.

After discussion the motion died for a lack of a second.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the lease with Milton and Elsie Peters to rent office space from them on West 29th Street for the Probation Office at a cost of \$10,000 per year.

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

Jerry Johnson and Stan Wheelock appeared before the board and recommended to accept Cumming Central Power LLC's bid of \$41,852.00 for Bid Package 13 purchasing a generator.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to accept Cumming Central Power LLC's bid of \$41,852.00 for Bid Package 13 purchasing the generator for the new jail.

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

Jerry Johnson and Stan Wheelock brought up two change orders. They said that Nebraska Public Power was making them continuous sleeveless PVC pipe to run the underground electrical wiring. This was an added expense of \$728.00 and the other change order was that the State Fire Marshall was requiring a Strobe Light and a second Strobe Light to the day area and this is costing \$2,883.00.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the two change orders authorizing an added expenditures of \$728.00 for continuous sleeveless PVC pipe to Nebraska Public Power and to authorize adding the strobe lights at \$2,883.00.

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

Larry Morgan and Roger Hamon living along 142nd Street said they were representing the home owners along 142nd Street and they would like to have hard surfacing like Milt Peters got along the front of his subdivision.

They said that they have been putting mag water on every year, but they feel its time for the county to provide hard surface.

Larry Morgan then brought up a situation where he has been trying to have the county surveyor to locate corners for an area the he needs surveyed. He said that his surveyor has been trying to get this done for about three years.

Kevin Rogers and Patty Zeisler appeared before the board. Mr. Rogers asked the County to pave Stable Drive starting at the Atokad Entrance in a southernly direction for approximately 550'.

He and Patty Zeisler asked that the county vacate the road describe as Stevens Avenue which would extend from the point where Mr. Rogers is requesting paving, running in a westerly direction connecting to the 4 lane.

There was discussion that the county could not afford to do it outright but maybe possible to do it through a CDBG Grant.

Commissioner Bousquet moved, seconded by Commissioner O'Neill to authorize and approve Olsson Engineering to engineer the project.

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

Commissioner O'Neill moved, seconded by Commissioner Hartnett to convene as Board of Equalization.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED 3:21 p.m.

The County Clerk informed the Board that the Board of Commissioners had approved using the Referee System to handle the Property Valuation Protests for 2006. He said that should be a function of the County Board of Equalization since it has to do with value.

There was discussion whether the county could afford the added expense.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve a Referee System for hearing the 2006 Property Valuation Protests and to direct the Board's Assistant, the County Clerk and the State's Assessor for Dakota County to set up and proceed with the Referee System to hear Property Valuation Protests for the year 2006 on a trial basis.

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

Commissioner Bousquet moved, seconded by Commissioner Hartnett to appoint Lyle Todd, Vernie Larson, Neil Helvig and Doug Helvig to be referees to hear Property Valuation Protest filed with the County Clerk for the year 2006.

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

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

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Absent, UNANIMOUS MOTION CARRIED 3:34 p.m.

Randy Crombie, Highway Supt., informed the board that the Railroad closed Knox Blvd. to repair the railroad crossing without notifying the Road Department and people living in the area are being rerouted through Hubbard and they are not happy. His purpose for telling them was in case they got calls at home.

Commissioner O'Neill asked about the time frame in which the parking lot would be done. It was thought that Steve Harris Construction would start in a few weeks.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to direct the County Attorney to write the County Surveyor and ask that he submit a letter of resignation for the County Surveyor's Position because it is apparent that he does not have time to service the residents of Dakota County.

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

Commissioner Bousquet departed the meeting at 3:45 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to adopt Resolution 06C-013 reducing the Jail Budget by \$2,000 and increasing the Veteran's Service Office Budget by 2,000 as follows:

RESOLUTION 06C-013

WHEREAS, the office of Veterans Service Officer will exceed its budget with the payment of the submitted June, 2006 accounts payable and payroll; and,

WHEREAS, An emergency exists; and,

WHEREAS, the office of County Jail (Prisoners Board) 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 Jail Budget of the General Fund to be utilized for the payment of the over expended budget of Veterans Service Officer and that said budget be increased by \$2,000.00 to \$41,417.81 for fiscal year 2005-2006.

BE IT FURTHER RESOLVED, That the County Jail Budget be reduced by \$2,000 to \$2,230,123.78 for fiscal year 2005-2006.

Passed and adopted this 19th day of June, 2006.

Board of County Commissioner  
Dakota County, Nebraska

ATTEST:  
/s/ Theodore Piepho  
County Clerk

/s/ William F. Engel  
Board Chairman

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 adopt Resolution 06C-014 authorizing the Legal Services Budget of the General Fund to be increased be increased by \$12,000.00 to \$201,700 for fiscal year 2005-2006 and to decrease the County Jail Budget by \$12,000 to \$2,218,123.78 for fiscal year 2005-2006, as follows:  
RESOLUTION 06C-014

WHEREAS, the office of Legal Services will exceed its budget with the payment of the submitted June, 2006 accounts payable and payroll; and,

WHEREAS, An emergency exists; and,

WHEREAS, the office of County Jail (Prisoners Board) 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 Jail 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 \$12,000.00 to \$201,700 for fiscal year 2005-2006.

BE IT FURTHER RESOLVED, That the County Jail Budget be reduced by \$12,000 to \$2,218,123.78 for fiscal year 2005-2006.

Passed and adopted this 19th day of June, 2006.

Board of County Commissioners  
Dakota County, Nebraska  
/s/ William F. Engel  
Board Chairman

ATTEST:  
/s/ Theodore Piepho  
County Clerk

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 adopt Resolution 06C-015 to increase the County Sheriff's Budget by \$70,000 to \$976,1125.16 and to reduce the County Jail budget by \$70,000 to \$2,148,123.78, as follows:  
RESOLUTION 06C- 015

WHEREAS, the office of County Sheriff will exceed its budget with the payment of the submitted June, 2006 accounts payable and payroll; and,

WHEREAS, An emergency exists; and,

WHEREAS, the office of County Jail (Prisoners Board) 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 Jail Budget of the General Fund to be utilized for the payment of the over expended budget of County Sheriff and that said budget be increased by \$70,000.00 to \$976,125.16 for fiscal year 2005-2006.

BE IT FURTHER RESOLVED, That the County Jail Budget be reduced by \$70,000 to \$2,148,123.78 for fiscal year 2005-2006.

Passed and adopted this 19th day of June, 2006.

Board of County Commissioners  
Dakota County, Nebraska  
/s/ William F. Engel  
Board Chairman

ATTEST:  
/s/ Theodore Piepho  
County Clerk

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 adopt Resolution 06C-016 to reduce the Clerk of the District Court's Budget by \$100 to \$36,750.52 and to increase the Clerk of District Court's Child Support by \$100 to \$128,035.82, as follows:  
RESOLUTION 06C- 016

WHEREAS, the office of Child Support will exceed its budget with the payment of the submitted June, 2006 accounts payable and payroll; and,

WHEREAS, An emergency exists; and,

WHEREAS, the office of Clerk of District Court of the General Fund has unappropriated moneys left.

BE IT THEREFORE RESOLVED, That the Dakota County Board of Commissioners hereby authorize the unappropriated moneys of the Clerk of District Court Budget of the General Fund to be utilized for the payment of the over expended budget of Child Support and that said budget be increased by \$100.00 to \$36,750.52 for fiscal year 2005-2006.

BE IT FURTHER RESOLVED, That the Clerk of District Court Budget be reduced by \$100 to \$128,035.82 for fiscal year 2005-2006.

Passed and adopted this 19th day of June, 2006.

Board of County Commissioners  
Dakota County, Nebraska  
/s/ William F. Engel  
Board Chairman

ATTEST:

/s/ Theodore Piepho  
County Clerk

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

Commissioner Engel moved, seconded by Commissioner O'Neill to approve the Accounts Payable Claims as follows:

GENERAL FUND: Dakota County Star, publishing- 330.91; Perkins, supplies- 64.20; Nanci Walsh, mileage- 89.00; Robert & Patricia Chitwood, lease- 3892.21; Des Moines Stamp, stamp- 66.00; Microfilm Imaging Systems, maint- 140.00; Mytty PC Cons, program- 240.00; NACO, workshop- 75.00; Perkins, supplies- 717.03; Theodore Piepho, phone/supplies- 33.92; Redfield & Co, forms- 112.59; Staples, supplies- 825.05; Visa Card, software- 85.34; Robert Giese, mileage- 102.35; Charlotte Doenhoefler, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Office Systems Co, contract- 489.75; DAS lmservices, services- 3.50; Staples, supplies- 624.87; Microfilm Imaging, lease- 480.00; Bear Graphics Inc, cards- 247.50; Dakota County Star, ballots- 2082.00; Election Data Direct, supplies- 675.00; Election Systems & Soft, ballots/services- 8534.86; Betty O'Neill, food- 107.59; Perkins, supplies- 4.58; Rinder Printing, supplies- 139.00; Todds Storeall, storage- 80.00; SSC Legion Hall, rental- 60.00; Chris Knudsen, cleaning- 30.00; Knights of Columbus, rental/cleaning- 70.00; First Lutheran, rental- 60.00; Craig Dean, setup- 400.00; Salem Lutheran, rental- 40.00; Emerson Fire Hall, rental- 40.00; Carol Sue Dunham, mileage- 97.90; DAS Material, supplies- 398.16; Paula Jensen, supplies- 16.18; Microfilm Services, records- 709.24; Midwest Office Automations, contract- 372.15; Nebraska Law Review, review- 69.63; Public Agency Training, security- 550.00; Kurt Rager, equipment- 112.33; Star Printing, supplies- 652.00; Thomson West, service- 128.50; Thurston County Court, transcribe- 7.95; William Binkard, supplies- 187.26; Dakota County Sheriff, fees- 16.90; Frank Gonzalez, interpret- 400.00; Perkins, supplies- 176.51; Woodbury County Sheriff, fees- 67.04; Michelle Anderson, witness fee- 28.90; Dakota County Court, court costs- 1355.00; Patti Echtenkamp, witness fee- 28.90; Shelly Horak, counsel- 768.00; Hungrys North, lunch- 64.61; Hurley Law Offices, counsel- 576.00; Sandra Inkster, counsel- 105.00; Barbara Kueny, counsel- 373.00; Anna Rivera, witness fee- 26.67; Richard Thrasher, counsel- 107.40; Shelly Horak, counsel- 1008.00; Douglas Roehrich, counsel- 852.00; Randy Hisey, counsel- 1680.00; Hurley law Office, counsel- 114.00; Michael Schmiedt, counsel- 105.00; Dakota County Sheriff, papers/warrants- 1941.29; Clerk of District Court, costs- 422.00; Robert Decker, bailiff- 25.00; Frank Gonzalez, interpret- 160.00; Hungrys North, lunch- 231.00; HyVee, supplies- 25.04; Thurston County Court, case- 8.95; Maximus Inc, costs- 1125.10; Alltel, phone- 60.60; A-Team Heating, repair- 236.47; Benstar Packaging, supplies- 234.21; Bomgaars, supplies- 57.94; Dakota Food & Fuel, gas- 66.00; Foulk Brothers, repair- 2116.89; Gill Hauling, service- 115.00; Wilmes Hardware Hank, supplies- 92.54; Richard Jensen, mileage- 138.30; Menards, supplies- 836.67; MidAmerican, gas- 1964.00; NPPD, power- 2527.27; Roost Lawn Ornaments, bench- 40.00; Roto Rooter, service- 128.90; Sams Club, supplies- 785.44; Share Corp, spray- 238.15; Stateline Electric, air cond- 368.16; Trembly Pest Control, fee- 50.00; Verizon, phone- 122.92; Dakota County Extension, reimburse- 2423.54; AJ Phillips, books- 623.00; Alltel, phone- 88.63; City of SSC, fuel/phone- 4846.84; Combined Technical, certif- 250.00; Conocophillips, deputies- 88.95; Dakota County Sheriff, reimburse- 149.20; Dakota County Star, publish- 24.00; Dakota Food & Fuel, fuel- 722.15; Electronic Engineering, equip- 1239.01; Fremont Tire, service- 717.94; HyVee, floral- 27.81; Jacks Uniforms, supplies- 177.90; Jackson Glass, repair- 402.30; Joes Dept Store, supplies- 98.83; K&S Auto Service, service- 79.96; Nebraska Crime Commission, training- 50.00; Public Agency Training, training- 275.00; RACOM, t1- 596.00; Robertson Implement, supplies- 19.20; SFCU, service/aol/supplies/fuel- 667.51; Sign Masters, lettering- 290.00; TriState Comm, equipment- 3027.00; Walmart, supplies- 67.77; Verizon Wireless, phones- 126.04; Willis Animal Clinic, med- 139.00; Amber Hegarty, mileage/meals- 132.30; Dakota County Treasurer, records- 71.10; Debra Fergen, meals/mileage- 301.74; DMV, transcripts- 20.00; Edward Matney, reimburse/supplies- 2452.60; Electronic Engineering, pager- 99.50; H204U, supplies- 17.25; Kim Watson, meals- 59.00; Nebr Co Atty Assoc, training- 1695.60; Pathology, autopsy- 100.00; Perkins, supplies- 148.89; Sioux City Journal, renewal- 156.00; Sprint, phone- 171.65; Walmart, supplies- 117.60; Wingate Inn, seminar- 575.55; City of SSC, lec- 22787.42; Amanda Barclay, mileage- 8.20; Perkins, supplies- 15.42; Alegent Health, medical- 477.34; ApexCarex, medical- 51.40; Alltel, phone- 121.29; BI Inc, house arrest- 1458.20; Bob Barker, supplies- 258.38; Butler County Detention Center, boarding- 3190.00; CBM Food Service, meals- 13726.34; Cass County Jail, boarding- 40050.00; City of SSC, fuel- 540.22; Conoco Phillips, transports- 340.12; Dakota County Sheriff, supplies- 12.28; Dakota Food & Fuel, fuel- 165.17; De Lage Landen, contract- 221.00; Dept of Corr Services, safekeepers/medical- 10425.06; Sandy Dickens, mileage- 167.81; Fremont Tire, service- 53.45; ISECUREtrac Corp, house arrest- 178.25; Jacks Uniforms, supplies- 223.35; Jackson Glass, repair- 20.00; Rachel Johns, interpret- 60.00; Drs. Kincaid/Fett & Tharp, medical- 65.00; Lippincott, medical- 202.63; Louderback Drug, medical- 23.71; Mercy Bus. Health, medical- 1143.00; Neb-Iowa Rad Cons, medical- 26.00; NE Nebr Juvenile Serv, boarding- 29236.25; JR Pantoja, interpret- 175.00; Redlers Pharmacy, medical- 1495.47; Sams Club, supplies- 31.84; SFCU, fuel- 216.11; Staples, supplies- 135.40; Text & Data Tech, support- 1800.00;

Verizon, phone- 308.01; Walmart, supplies- 14.40; Woodbury Co Juv, boarding- 14700.00; Alltel, phone- 47.46; De Lage Landen, copier- 91.00; Mercy Business Health, training- 240.00; Perkins, data storage- 163.00; Ramada, lodging- 110.00; Staples, supplies- 59.99; Verizon, phone- 93.51; Pam Devries, mileage- 123.26; Dunes Family Medicine, physician- 250.00; Gloria Dwyer, luncheon- 44.77; Pat glover, mileage/luncheon- 153.51; Midwest Office Automation, maintenance- 30.42; Perkins, supplies- 9.98; Deanne Beckman, mileage/lodging/hours- 927.36; Pam Devries, mileage- 57.40; Elite Office Products, products- 1689.38; Pat Glover, class- 27.00; Nebr Volunteer Foundation conference- 75.00; Alan Boyd, meals/mileage- 581.11; Electronic Engineering, pager- 13.95; Midtown Holiday Inn, lodging- 310.00; Office Systems Company, copier- 108.00; Aspen Publishers, books- 297.00; Lawsoft, supplies- 45.00; Lexis Nexis, books- 266.31; Nebraska Law Review, books- 52.75; Thomson West, books- 2094.65; Comm Corrections Fund, fund transfer- 240.00; Alltel, phone- 110.74; AT&T, phone- 23.96; Ben Star Packaging, paper- 1134.00; Cable One, internet- 270.95; C&H Heavy Duty Specialist, contract- 750.00; Dakota City Postmaster, box rental- 560.00; De Lage Landen, lease- 110.50; Claritus, freight- 9.00; Executive Technologies, service- 88.50; FSH Communications, payphone- 58.30; Lazette Gifford, website upkeep- 40.00; Hasler, rental- 150.00; MIPS, support- 358.85; Qwest, phone- 1313.56; Sioux Air, spray- 1160.00; Madelyn Thorsland, prior yrs- 20.00; Three Rivers Benefit, admin fees- 90.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 461.10; ROAD: Ace Industrial Supply, supplies- 132.70; Advance Auto, parts- 66.48; Ahlers & Cooney, legal- 392.26; Alltel, phone- 31.88; Aramark, service- 170.64; ATCO, supplies- 148.00; Barkley Asphalt, asphalt- 240.17; Bierschbach, supplies- 24.00; Bomgaars, supplies/parts- 56.65; Dakota County Petty Cash, reimburse- 178.57; Fastenal, supplies- 22.90; Filter Care of NE, cleaning- 83.70; First State Bank, tractor- 12502.87; Flaugh's Pronto, fuel- 392.90; Fremont Tire, service- 36.85; Gill Hauling, service- 47.00; Green Light Truck Wash, repair- 185.06; William Haafke, hauling- 815.52; Higman Sand & Gravel, rock- 10526.28; Hubbard Minimart, gas/diesel- 5785.51; H204U, service- 33.75; Jackson Glass, parts- 20.00; Joes Dept Store, supplies- 188.60; Linweld, supplies- 36.50; Love Brothers, service/repair- 175.13; Marlin Millard, prior yrs- 15.00; Medical Enterprises, testing- 59.80; Midwest Equipment, mower- 1100.00; Midwest Service & Sales, signs- 123.60; NPPD, service- 23.68; Newman Traffic Signs, signs- 304.20; Northeast Equip, repair- 1000.83; NE Nebr Telephone, phone- 205.45; Pillager Sand & Gravel, gravel- 4126.48; Pierre Equipment, part- 280.58; Pompous, parts- 1854.14; Powerplan, supplies- 256.24; QPR, asphalt- 855.75; Rees Mack Sales, supplies- 325.14; Rinker Material, rock- 249.25; Bill Rohde, radio- 102.35; Sid Dillon, pickup- 5000.00; Siouxland NAPA, parts/supplies- 636.34; Stalp Gravel, asphalt- 9188.55; Stephan Welding, repair- 145.00; Truck Equip, part- 197.08; UECO, pipe- 1052.00; Verizon, phone- 110.79; Warren Oil, diesel- 3552.86; Wilson Repair, tire- 100.00; ROAD IMPROVEMENT: Brower Construction, resurfacing- 47435.61; Sid Dillon, pickup- 17599.77; StaBilt Construction, chipseal- 6965.29; INSTITUTIONS: Beatrice State Dev, qtrly Pymt- 1923.00; Norfolk Reg Center, qtrly Pymt- 150.00; COPS FAST: Dakota County General Fund, close fund- 8.97; LE EQUIPMENT GRANT: Dakota County Sheriff, reimburse- 319.98; Insight Public Sector, supplies- 12756.00; JUVENILE ACCOUNTABILITY: BI Inc, electric monitoring- 38.50; COMMUNITY JUSTICE: BI Inc, unit- 238.70; PUBLIC SAFETY: City of SSC, sls tax- 3499.83; Jail Bond Fund, sls tax- 25665.44; JAIL BOND FUND: Fremont National Bank, jail bonds- 538806.28; HANDICAP FUND: Village of Hubbard, access- 105.00; Gill Construction, construction- 800.00; JAIL PROJECT: Chief Industries, jail- 8232.30; Com-Tec, jail- 112840.20; GA Johnson, jail- 20000.00; Hander Inc, jail- 12348.00; HCI Const, jail- 25844.09; HMN Architects, jail- 14088.38; Interstate Medical, jail- 12921.30; Jomac, jail- 8839.10; K&P Services, jail- 358.80; Lindblom, toilet- 86.00; McHan Const, jail- 92754.00; Muth Electric, jail- 25759.89; PortaStorage, office- 225.00; Star Controls, jail- 13698.90; Wells Concrete, jail- 48.11; Winkler Roofing, jail- 85500.00; Ziems Trucking, jail- 675.00; WEED: Bomgaars, parts- 77.51; Dr. David Dyke, pickup payment- 2995.04; GCR Tire, tires- 401.12; Hubbard Minimart, fuel- 593.20; NutraFlo, parts- 951.42; Leon Pies, workshop- 10.00; Steffen, parts- 111.38; Van Diest Supply, prepay- 3800.00; ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED.

Payroll claims paid pursuant the employee handbook were as follows: COUNTY GENERAL FUND: Gross salaries- \$80,642.62, General Fund Employees Net Pay- \$55,898.15, Employer deductions paid: Retirement- 5,391.37, Retirement Makeup- 34.44, Social Security Tax- 4,841.64, Medicare- 1,132.32, DC Health Plan- 24,113.76, DC Dental Plan- 623.70, Life Insurance- 140.31. Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 407.79, Tracey Corkin- 800.00, Bobbi Jo Harsma- 948.00, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 874.53, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1600.00, Debra Jensen- 920.00, Bryan Smith Jr- 1868.04, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 718.93, Jeremy Bermel- 1436.00, Anthony Bos- 1437.36, Brad Claypool- 1432.00, Sandy Dickens- 1030.08, Brian Ellinger- 1611.00, Brent Gilster- 1389.08, Todd Hammer- 1461.15, Melvin Harrison III- 1432.00, Rodney Herron- 1626.90, Kimberly Johnson- 272.32, Jared Junge- 1567.96, Michael Kreegar- 1355.20, Gary Powell- 408.00, Gayle Richards- 767.20, Kevin Rohde- 1376.19, James Wagner- 1868.04, Randall Walsh- 1484.20, Mary Gamble- 932.52, Amber Hegarty- 1692.31, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1830.16, Richard Criss- 1329.76, Eric Davis- 1238.90, Penny Epting- 1112.80, John Gilles- 1275.76, Alma Gunderson- 1155.00, Paula Harrigfeld- 726.30, Cathy Harsma- 1182.94, Brett Johnson- 1088.85, Joseph Ramirez- 897.75, Krystal Ramirez- 533.00, Linda Schovanec- 1167.38, Randall Crombie-

115.39, Jolene Gubbels- 820.00, Leon Pies- 569.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1038.86, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,615.32, State- 2,727.13, Social Security Tax- 4,841.64, Medicare- 1,132.32, Retirement- 3,662.84, Retirement Makeup- 24.44, DC Health Plan- 1,005.98, DC Dental Plan- 362.57, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,362.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,646.72, Road Employees Net Pay- \$10,560.98, Employer deductions paid: Retirement- 755.43, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 26.01, Social Security Tax- 884.17, Medicare- 206.77.

Brent Byroad- 1054.40, Randall Crombie- 1146.40, Ronald Harder- 1138.41, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1054.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 740.00, William Rohde- 1346.15, James Swanson- 1304.56.

ROAD FUND: Employee withholding paid to: Federal- 1,315.17, State- 484.35, Social Security- 884.17, Medicare- 206.77, Retirement- 503.65, DC Health Plan-, DC Dental Plan- 97.90, Reassure America Life- 7.32, Union Dues- 180.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

Chair Engel recessed their meeting of June 19, 2006 until June 27, 2006 at 4:05 p.m.

Chair Engel call their meeting to order at 8:56 a.m.

Present were: Commissioners Engel, Hartnett, O'Neill and Nanci Walsh appointed by the County Clerk acting secretary.

Absent were Commissioners Miller and Bousquet.

The purpose of this meeting was training for the transition to the new jail.

Chair Engel declared a recess at 9:45 a.m.

Chair Engel reconvened their meeting from recess at 10:15 a.m.

Commissioner Engel departed the meeting at 11:00 recessing their meeting until June 28, 2006 at 8:30 a.m. A quorum was not present so could not open a meeting.

Chair Engel reconvened their continued meeting June 19 and June 27, 2006 to order at 8:30 June 29, 2006.

Present were: Commissioners Engel, Hartnett, O'Neill and Nanci Walsh appointed by the County Clerk acting secretary.

Absent were Commissioners Miller and Bousquet.

The purpose of this meeting was training for the transition to the new jail.

Chair Engel recessed their meeting from 12:15 p.m. to 1:25 p.m. for lunch and reconvened from lunch at 1:25 p.m. with the same members present as the morning session.

Chair Engel adjourned their meeting at 3:30 p.m.

Dakota County Commissioners

ATTEST:

William F. Engel, Chairman

Theodore A. Piepho, County Clerk

\* \* \* \* \*

Dakota County Board of Commissioners
July 03, 2006 Proceedings
County Board Meeting Room
Dakota County Courthouse
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:35 p.m.
The pledge of allegiance was said.

Present: Commissioners Engel, Bousquet, O'Neill, Hartnett and Ted Piepho, County Clerk and Board Secretary.

ABSENT: Commissioner Miller:

The agenda for said meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS
MONDAY , JULY 3, 2006 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 last meeting

2. 1:30 p.m. Marlin C. Sejnoha, Jr. with CBM Food Service, Inc. Discuss food preparation for the jail.
3. 1:45 p.m. Tony Gomez - Designated Liquor License at Old Crystal Lake
4. 2:00 p.m. Dennis Reinert - Planning and Zoning Board Member appointments
5. 2:15 p.m. Bids for services to seal cracks in pavement.
6. 2:30 p.m. Status of the Public Defender's Office  
Citizens Committee: jail facts sheets  
Status of the Dakota County Jail.
7. Tabled Items
8. Miscellaneous Agenda Items
9. Jim Gabel Cattle Crossing
10. Kevin Rogers & Patty Ziesler  
Vacate Easement  
Abandoned Road
11. Cooperative Agreement for Child Support enforcement services CODC
12. Real estate purchase.
13. Transition Report - Update on transition seminar and discussion of strategy and costs
14. Committee Reports
15. Public Comment
16. Mail and/or Emergency Business
17. Adjournment

Dennis Reinert, Planning and Zoning Administrator, appeared before the board with recommendations to add two additional members to the Planning and Zoning Board.  
Commissioner Miller arrived at 1:38 p.m.

Marlin C. Sejnoha, Jr. with CBM Food Service, Inc. appeared before the board and discussed options when the new jail opened. He proposed that the county open the kitchen and they would furnish the kitchen and charge back the equipment cost back to the county in a per meal cost or other convenient way to the county. He mentioned they could prepare meals for Woodbury County, but Dakota County would save by not having transportation costs applied to our meals.

Commissioner Bousquet moved, seconded by Commissioner Engel to approve an application for a Special Designated Liquor License in the name of a licensed Liquor License Licensee, to serve beer at a special events sponsored by Tony Gomez on July 23, 2006, September 4, 2006 and September 16, 2006, at the Old Crystal Lake area, which is school land leased by Tony Gomez.

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

Randy Crombie, Highway Supt., appeared before the board and suggested that the county install and maintain a cattle crossing guard at the intersection of Sections 1,2,11,and 12 of Dakota County T-29-N R-7-E.

Commissioner Bousquet moved, seconded by Commissioner Miller to adopt Resolution authorizing to spent \$6,900 to install and maintain a cattle crossing guard at the intersection of Sections 1,2,11,and 12 of Dakota County S29,29N Range 7E of the 6th PM. provide there is an agreement by both parties not close the road from the crossing to the river.

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

Fred Bader, from Nore Inc., appeared before the board to suggest that the county reseal the hard surface around Atokad Drive.

Discussion was had to look at other roads that need it and to determine priority. Mr. Bader was to present a proposal at a later time.

Eric Bertness and a couple members of the Citizens Committee appeared before the board concerning the issue of closing the old jail. They did not feel that the old jail should be closed.

George Hirschbach, Special Prosecutor for the Bryan Smith case, where Mr. Smith hired his wife, appeared before the board and asked if the board had any questions concerning his report to the County Board, which was filed through the County Clerk.

He added that the board could abolish the Public Defender's Office.

Ed Matney appeared before the board suggesting that the County Board have a Public Hearing to abolish the Public Defender's Office.

Deb Fergen, Deputy County Attorney, spoke on several different issues where she felt that Bryan Smith, Public Defender has cost the county money.

Bryan Smith was asked to come down to talk to the board.

Mr. Smith handed out cost analysis what it would cost to hire private attorneys.

Commissioner Engel moved, seconded by Commissioner Bousquet to hold a Public Hearing August 21, 2006 whether to abolish the Public Defenders Office.

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

Randy Crombie, Highway Supt, appeared before the board and asked that the board to hold a Public Hearing whether to vacate a road 66' wide and 627' in length in the SE1/4 of SW 1/4, Section 32, T29N, R9E and he advised the board that Olsson Associates estimated the cost of paving part of Stable Drive from the Atokad's entrance to the beginning of Kevin Rogers property at a cost of \$94,140., which includes Construction Total, Engineering, Survey and Construction Observation.

Commissioner Hartnett moved, seconded by Commissioner Miller to hold a Pubic Hearing July 31, 2006, whether to vacate a road 66' wide and 627' in length in the SE1/4 of SW 1/4, Section 32, T29N, R9E (know as Stevens Street which is the old road into Dakota City for Lake Avenue) and to give the property to the land owners.

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 approve the Child Support Enforcement Agreement between Dakota County and the State of Nebraska as follows:

AGREEMENT  
FOR CHILD SUPPORT ENFORCEMENT  
(CLERK OF THE DISTRICT COURT)

This agreement is made and entered into by and between the Nebraska Department of Health and Human Services including the Child Support Enforcement Unit of said Department (hereinafter referred to as "DEPARTMENT"), and the County Board of Commissioners or Supervisors and the Clerk of the District Court of DAKOTA County, Nebraska (hereinafter referred to as "COUNTY").

WITNESSETH:

WHEREAS, the DEPARTMENT, pursuant to Title IV-D of the United States Social Security Act (42 U.S.C. 651 et seq.) and pursuant to Neb. Rev. Stat Section 43-512 to 43-512.08 has been authorized to develop and implement a program to establish paternity and secure support for children receiving Aid to Dependent Children (ADC) / (Temporary Assistance to Needy Families - IANF) benefits, and for non-ADC (TANF) applicants; and,

WHEREAS, it is the purpose of this Agreement to provide, through the resources and professional ability of the COUNTY, assistance in administering Nebraska's State Plan for Child Support Collection and the establishment of paternity under Title IV-D of the Social Security Act, as filed with the United States Department of Health and Human Services under the provision of 45 CFR 302;

NOW THEREFORE, In consideration of the mutual undertakings and agreements hereinafter set forth, the DEPARTMENT and COUNTY agree as follows:

A. DEFINITIONS

1. "ADC (TANF) IV-D Case" shall mean a case with an absent parent whose child(ren) is eligible under Title 1V-A of the Social Security Act pursuant to 45 CUR 232.11 and Nebraska Revised Statutes, Section 43-5 12.07. This includes foster care cases where a child is receiving foster care maintenance payments.

2. "Non-ADC (TANF) Case" shall mean a case where a relative, lawful custodian, guardian or next Friend has made application for IV-D services under 45 CFR 30233, or where the child(ren) of an absent parent has stopped receiving ADC (TANF) payments, or is currently receiving Medicaid services only.

3. "IV-D) Case" shall mean any case receiving child support enforcement services under Title IV-D of the Social Security Act.

4. "TV-D judgment" shall include child support, spousal support, state ward, grant reimbursement, medical reimbursement, genetic testing and medical support.

**U. SCOPE OF SERVICES**

All services to be provided shall be in accordance with and pursuant to the Revised Statutes of Nebraska and subject to reimbursement in accordance with the provisions of the United States Code, the Code of Federal Regulations, and the Revised Statutes of Nebraska. In providing services, the COUNTY agrees to abide by regulations published in title 466 of the Nebraska Administrative Code (NAC) which relate to the processing of easements and claims for reimbursement, so long as such regulations are consistent with statutory obligations of said COUNTY, and the provisions of the Agreement.

2. The services to be provided by the Clerk of the District Court pursuant to this Agreement shall include, but are not limited to, the following:

a. The Clerk of the District Court shall submit (electronically or by paper) collections due to the state on a daily basis.

b. The Clerk of the District Court shall update and electronically transmit information regarding all support court orders. The DEPARTMENT must be notified of all changes in the court orders on a daily basis.

c. Any assignments received by the Clerk of the District Court from another agency or another state must be forwarded to the DEPARTMENT.

d. In processing child support payments, the Clerk of the District Court shall follow the business processes specified in the current version of the Clerk of the District Court Reference Guide provided by the DEPARTMENT.

e. The Clerk of the District Court shall accept support payments that are designated by a court order as "targeted payments". The Clerk of the District Court shall forward any such payment to CSE Finance, accompanied by a copy of the appropriate order of the court. The Clerk of the District Court shall identify the funds as a targeted payment, if appropriate, and indicate the language in the order specifying the court's direction to CSE Finance regarding the distribution of the funds.

f. The Clerk of the District Court shall accept occasional cash support payments, as ordered by the court pursuant to Neb. Rev. Stat. Section 42-369(l). The Clerk of the District Court shall receive cash payments, convert the funds to a check, and forward the check and any supporting documentation to the Payment Center. If the court has ordered that the payment is to be processed as a "targeted payment" the Clerk of the District Court shall forward the check and supporting documentation to CSE Finance.

g. The Clerk of the District Court shall also undertake from time to time such additional responsibilities as may be established by the statutes of the state, by state or federal regulations and by policies and procedures as set forth by the DEPARTMENT upon the same priority and discretion as established in Paragraph BI above.

h. The Clerk of the District Court may request access to CHARTS by completing the appropriate application via the DEPARTMENT.

i. Misdirected Payments - The Payment Center will pull misdirected items from their workflow and send them to the appropriate Clerk's office or return to sender the same day by first class mail.

j. Certification of Pay Record - The CDCs are responsible for certifying payment records prior to 12/21/01 implementation and CSE Central Office unit will certify payment records beginning 12/21/01.

k. Entering, Updating and Answering Questions Pertaining to Court Orders - The CDCs will continue to enter court actions, party information, judgment codes, obligation amounts, interest rates, frequency and start dates. The CDCs will also update information related to court actions, party information, obligation amounts, start dates, stop dates, payor/payee changes and interest rate changes. This information will be updated in CHARTS via the interface. If the courts receive deceased party information, this information should be entered into their court system and it will be transmitted to CHARTS via the current interface. The CDCs will answer questions related to the court case information.

Court Ordered Invested and Trust Accounts - The CDC is responsible to manage all trust or investment account activities.

m. Provide payment research support to the Payment Center - Payments that cannot be credited to the correct payor before the end of the day that are received at the Payment Center are considered unidentified. Unidentified payments will be deposited into the Payment Center Bank account by the close of the business day and will be on the daily payment file sent to CHARTS. The Payment Center will contact clerks of the court, employers, and others who may have information on how to properly identify the funds. As needed, the Payment Center will circulate to each CDC a listing of images available on payments so that the Clerks can assist the Payment Center in the search for the proper payor to credit the payment. This is especially true of money orders.

n. Non Monetary Receipts - CSE Finance is responsible for the processing of Non Monetary Receipts (NMR.)

1. Each Court will utilize its current process for receiving and/or approving of NMR.

2. Once an NMR has been accepted by the Court, the Clerk of the District Court must complete an NMR form and submit a copy of the NMR with supporting documentation by mail or fax to:

CSE Finance  
Nebraska Health and Human Services System  
220 S. 17th Street  
P.O. Box 94728  
Lincoln, NE. 68509-4728  
402.471.7385 (fax)

3. CSE Finance will date stamp the form and process the NMR into CHARIS within one business day. An acknowledgement will be sent to the appropriate Clerk when the transaction has been completed.

o. Adjustments - CSE Finance is responsible for processing adjustments. If an adjustment needs to be made (e.g. misapplied payment), the CDCs should complete an Adjustment Request Form and submit by mail or fax to:

CSE Operations  
Nebraska Health and Human Services System  
220 S. 17th Street  
P.O. Box 94728  
Lincoln, NE. 69509-4728  
402.471. 7327 (fax)

p. Onetime Purge Payment - The CDC will accept the payment and hold the funds until the order is filed. Code the case as a purge plan in JUSTICE, ADDACTS screen. Send the funds and a copy of the Court Order to CSE Finance for processing.

q. Ongoing Purge - If funds are received by the COC before the order is filed, hold those payments until the order is filed. Code the case as a purge plan in JUSTICE, RCDPURGE screen. Send the funds and a copy of the Court Order to CSR Finance for processing.

#### C. RESPONSIBILITIES OF THE DEPARTMENT

The DEPARTMENT is responsible for administration of the program and retains authority for setting standards and interpreting performance under the terms of this Cooperative Agreement. The DEPARTMENT will work cooperatively with the COUNTY in monitoring performance.

The DEPARTMENT shall:

1. Make available and update all applicable state and federal laws and regulations pertaining to services provided under this Agreement.
2. Provide technical assistance, training and advice to the COUNTY in support of the activities to be performed under this Agreement.
3. Provide reimbursement for services, as hereinafter set forth.
4. Provide appropriate access to CHARTS as deemed necessary by the DEPARTMENT.

#### D. REIMBURSEMENT OF COUNTY EXPENSES

This contract/agreement must be signed and filed with the DEPARTMENT by September 30, 2006 in order for the county to be reimbursed for services.

2. Reimbursement to Clerks of the District Court offices is based on a percentage of time allocable to the Title IV-D program. Time allocation will be determined through the analysis of data in the use of automated systems.

3. Reimbursement to ex-officio clerk offices will be based upon a percentage of time allocated to the Clerk of the District Court expenses for Title IV-D Program activities only. Other county expenses (ex: county clerk, election commissioner, assessor, register of deeds, etc.) are not reimbursable under this contract and are not to be submitted.

4. The Clerk of the District Court must complete a quarterly billing document, to include all direct personnel services (salaries, benefits) and any operating expenditure (postage, travel, training, etc.) associated with the administration of the office only. The DEPARTMENT shall apply the percentage of Title IV-D time allocable against the quarterly expenditures claimed by the Clerk of the District Court for reimbursement.

a. Allowable costs also include travel expenses for training directly related to child support enforcement. Reimbursement for travel expenses will be subject to the imitations set by the state for DEPARTMENT employees.

b. Salaries and benefits claimed must reflect expenditures for which time records have been maintained.

c. Documentation of expenditures shall be maintained for all direct expenses claimed for reimbursement. A copy of this documentation shall be attached to the expenditure report.

5. The COUNTY agrees to repay the DEPARTMENT for any overpayment or claim that is later disallowed by the State or Federal Government. Repayment will be in the form of reduction of future reimbursement or direct payback. This will be worked out between the DEPARTMENT and the COUNTY, with the DEPARTMENT making the final decision.

6. The above reimbursement plans will be subject to annual reviews or possible modification as required by Federal Law.

7. The DEPARTMENT reserves the right to defer or disallow payment of any claim submitted by the COUNTY in which any of the following apply:

a. The DEPARTMENT requires additional justification or documentation for any expenditure included on the quarterly claim.

b. Failure to maintain and/or provide such records, statistics, and reports to the DEPARTMENT as required by this Agreement or as are required by applicable statutes, the State Plan and Manual, or the regulations of the Federal Government.

8. The DEPARTMENT will reimburse expenditures by the COUNTY for activities related to IV-D child support enforcement at the current federal financial participation rate.

9. The COUNTY will be reimbursed by the DEPARTMENT for the federal share of indirect expenses incurred and supported by a current cost allocation plan submitted to and approved by the DEPARTMENT. The DEPARTMENT reserves the right to limit reimbursement of indirect expenses.

10. Prior written approval shall be obtained from the DEPARTMENT for the purchase, lease or rental (when State or Title LV-D federal matching funds are used) of equipment and other personal property, with a unit cost of five hundred dollars (\$500) or more. The COUNTY shall maintain an inventory of such items. A copy of said inventory shall be provided to the DEPARTMENT on an annual basis to be received with the reimbursement claim for the quarter ending September 30. If the inventory is not received within forty-five (45) days after the end of the quarter with the reimbursement request, there may be no reimbursement of expenses. The inventory should be mailed to:

Child Support Enforcement Finance Division  
Nebraska Health & Human Services System  
220 South 17th Street  
P.O. Box 94728  
Lincoln, NE 68509-4728

11. Reimbursement by the DEPARTMENT to the COUNTY shall be on a quarterly basis. The COUNTY shall submit all quarterly claims within forty-five (45) days after the end of the quarter for which reimbursement is being claimed. The DEPARTMENT shall pay approved claims within sixty (60) days of the date on which the COUNTY submits an approved claim for reimbursement. If claims are not received within forty-five (45) days after the end of the quarter for which reimbursement is being claimed, there may be no reimbursement of expenses. Backup documentation for late reports is required. Partial claims received within the above time line may be revised up to eighteen (18) months after the quarter ending date.

12. The federal share of the residual value of all equipment and other personal property (indicated in item #9 above) purchased by the COUNTY under the terms of this Cooperative Agreement shall revert to the DEPARTMENT upon disposal of the property, cancellation or termination of this Cooperative Agreement. At the option of the COUNTY, the federal share of the residual value (based on a depreciation schedule acceptable to the DEPARTMENT) will be paid to the DEPARTMENT, or title and physical possession of said equipment or other personal property will be transferred to the DEPARTMENT.

Any computer, printer and/or other equipment that is provided by the DEPARTMENT shall remain the property of the DEPARTMENT.

#### E. REPORTS

The COUNTY must file program reports using forms and automated processes established by the DEPARTMENT. The COUNTY shall have the right to review and propose alternations or substitutions in state forms or reporting processes. In all cases, the DEPARTMENT has the right to require reporting in formats and processes compatible with its needs.

#### F. RECORDS

The COUNTY shall maintain such records as are deemed necessary for accounting purposes in accordance with the statutes of the State of Nebraska and the budget act contained therein. The parties declare that such a budget act will establish the proper accounting requirements for the activities under this Agreement. Such accounting record shall be available from time to time for inspection by the DEPARTMENT, its auditors or authorized representatives of the U.S. Department of Health and Human Services. Such records shall also be kept for at least four (4) years beyond the date of origination. IV-D case files shall be available for inspection by the DEPARTMENT, state or federal staff. Federal procedures may require that the COUNTY make copies of materials and send them to the DEPARTMENT for transmittal to federal audit staff.

Audits are to be conducted in accordance with the Office of Management and Budget (OMB) Circular A-128, A Child Support Enforcement Supplemental Internal Control Questionnaire for cash handling and accounting for child support collections is to be completed as part of the audit and submitted to the Nebraska Department of Health and Human Services, Finance and Support, P.O. Box 95026, Lincoln, NE 68508-5026.

#### G. UNAVAILABILITY OF FUNDING

Due to unanticipated future reductions in state and/or federal appropriations, the DEPARTMENT cannot guarantee the continued availability of funding for this Agreement, notwithstanding the considerations stated above. In the event funds to finance this Agreement become unavailable, either in full or in part,

the DEPARTMENT may terminate the Agreement or reduce the consideration upon notice in writing to the COUNTY. The DEPARTMENT shall be the final authority as to the availability of funds.

The effective date of such Agreement termination or reduction in consideration shall be specified in the notice as to the date of service of said notice or the actual effective date of the federal funding reduction, whichever is later, Provided, that reductions shall not apply to payments made for services satisfactorily completed prior to said effective date. In the event of a reduction in consideration, the COUNTY may cancel this Agreement as of the effective date of the proposed reduction upon the provision of advance written notice to the DEPARTMENT.

#### H. NON-DISCRIMINATION

The COUNTY agrees to comply fully with Title VI of the Civil Rights Act of 1964, as amended; the Rehabilitation Act of 1973, Public Law 93-112, as amended; the Americans with Disabilities Act of 1990, Public Law 101-336; and the Nebraska Fair Employment Practice Act, as amended, in that there shall be no discrimination against any employee who is employed in the performance of this Agreement, or against any applicant for such employment, because of age, color, national origin, ancestry, race, religion, creed, disability, sex or marital status. This provision shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The COUNTY agrees that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the COUNTY. The COUNTY further agrees to insert similar provisions in all sub-contracts for services allowed under this Agreement.

#### LOBBYING

No federal appropriated funds have been paid or will be paid, by or on behalf of the COUNTY, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement.

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the COUNTY shall complete and submit Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

#### J. RENEWAL, MODIFICATION AND TERMINATION OF AGREEMENT

This Agreement commences July 1, 2006, and terminates on June 30, 2011.

Federal and state statute and IV-D rule changes that result in modification to this Agreement shall be incorporated automatically. The DEPARTMENT shall keep the COUNTY informed of all changes that materially affect this Agreement. Advance notice will be given prior to implementation of rule changes that might affect this Agreement.

This Agreement may be amended at any time in writing upon the agreement of both parties.

This Agreement may be terminated by either party upon a sixty (60) day written notice of cancellation. Termination may also be undertaken by the DEPARTMENT as a result of clear violation of federal or state law and regulations, of the Agreement itself, or failure to take corrective action, when so advised by the DEPARTMENT in advance and by writing.

#### K. CORRECTIVE ACTION

The DEPARTMENT will take corrective action should the COUNTY fail to follow federal or state laws, the Agreement itself, or fail to meet required performance standards.

The DEPARTMENT shall send written notification to the COUNTY identifying the violation and requesting a corrective action plan. The COUNTY shall send the corrective action plan to the DEPARTMENT within thirty (30) days of receiving the request.

The COUNTY will be given a period of three (3) to twelve (12) months to correct any program, performance, or operating deficiencies, depending on the extent and nature of the deficiency. Corrective action may include reduction of future reimbursements.

#### L. RULES

The COUNTY agrees to comply with Title IV-D, implementing regulations, and any other applicable federal regulations and requirements. As provided in Section C.2. of this Agreement, the DEPARTMENT agrees to provide the COUNTY with copies or updates of all applicable state laws, regulations and requirements.

#### M. DRUG-FREE WORKPLACE

The COUNTY hereby assures the DEPARTMENT that it will operate a drug-free workplace and has implemented a drug-free workplace policy. A copy of the COUNTY's policy shall be attached.

**N. WORKERS' COMPENSATION**

If the COUNTY has employees involved in the carrying out of this Contract, the COUNTY shall certify that it has obtained a policy providing coverage under the Nebraska Workers' Compensation Act for its employees or will obtain proof of such coverage within 30 days after the commencement of this Contract and shall provide the DEPARTMENT with proof of such coverage. A copy of the certificate of coverage shall be attached to this Contract. If the COUNTY subcontracts for certain of the work involved in this Contract and has obtained approval for such subcontracting, it shall insure that the subcontractor has obtained workers' compensation insurance and will file proof of such insurance with the COUNTY. Subcontractors are subject to all terms and conditions recited herein.

**STATE OF NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES**

BY: /s/ Nancy Montanez Dated this \_\_\_\_ day of \_\_\_\_\_, 2006

Nancy Montanez, Director

BY: /s/ William F. Engel Dated this 3rd day of July, 2006

BY: /s/ Lynette Beermann Dated his 5th day of June, 2006

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 approve the minutes of June 5th, 2006 and June 19, 2006 as typed.

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

The payroll claims paid for July 7, 2006 payroll were as follows:

COUNTY GENERAL FUND: Gross salaries- \$82,367.83, General Fund Employees Net Pay- \$56,994.35, Employer deductions paid: Retirement- 5,497.95, Retirement Makeup- 34.44, Social Security Tax- 4,947.42, Medicare- 1,157.09, DC Health Plan- 24,479.12, DC Dental Plan- 633.15, Life Insurance- 142.53.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Tracey Corkin- 822.75, Bobbi Jo Harsma- 948.00, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 90.00, Mark J. Dorsey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1600.00, Debra Jensen- 920.00, Bryan Smith Jr- 1868.04, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 668.26, Jeremy Bermel- 1570.64, Anthony Bos- 1365.92, Brad Claypool- 1581.20, Sandy Dickens- 1030.08, Brian Ellinger- 1474.60, Brent Gilster- 1406.02, Todd Hammer- 1490.91, Melvin Harrison III- 1512.55, Rodney Herron- 1626.90, Kimberly Johnson- 389.37, Jared Junge- 1806.84, Michael Kreegar- 1586.01, Gayle Richards- 767.20, Kevin Rohde- 1282.88, James Wagner- 1868.04, Randall Walsh- 1678.78, Mary Gamble- 981.60, Amber Hegarty- 1692.31, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1894.32, Richard Criss- 1124.63, Eric Davis- 1228.96, Penny Epting- 1145.62, John Gilles- 1232.25, Alma Gunderson- 1159.13, Paula Harrigfeld- 634.50, Cathy Harsma- 1117.88, Brett Johnson- 1241.85, Joseph Ramirez- 1299.38, Krystal Ramirez- 1304.00, Linda Schovanec- 1169.06, Randall Crombie- 115.39, Jolene Gubbels- 820.00, Leon Pies- 740.00, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 981.60, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,908.35, State- 2,839.46, Social Security Tax- 4,947.42, Medicare- 1,157.09, Retirement- 3,736.59, Retirement Makeup- 24.44, DC Health Plan- 1,005.95, DC Dental Plan- 381.95, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,362.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$15,141.60, Road Employees Net Pay- \$10,855.38, Employer deductions paid: Retirement- 755.47, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.98, Social Security Tax- 914.85, Medicare- 213.95.

Brent Byroad- 1232.33, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1370.72, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 910.80, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,421.18, State- 520.98, Social Security- 914.85, Medicare- 213.95, Retirement- 503.68, DC Health Plan-, DC Dental Plan- 97.85, Reassure America Life- 7.32, Union Dues- 200.00, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- Lodging tax: 11,225.67.

Chair Engel adjourned their meeting at 4:17 pm.

Dakota County Commissioners

ATTEST:

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

Chairman

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

Dakota County Board of Commissioners  
July 17, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 10:05 a.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, Bousquet, O'Neill, Miller, Hartnett and Ted Piepho, County Clerk and Board Secretary.

ABSENT: All present

The agenda for the meeting of July 17, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, JULY 17, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA  
WILLIAM F. ENGEL, CHAIR      THEODORE A. PIEPHO, SECRETARY

1. 10:00 a.m. Call Meeting to Order at 10:00 a.m. with Pledge of Allegiance
  - a. Roll Call
  - b. Approve Minutes of last meeting
  - c. Review and Approve Accounts Payable & Payroll Claims
2. 11:35 a.m. BOARD OF EQUALIZATION
  - a. Dates for finalizing Protest 7-20 and 7-21, July, 2006
  - b. Recess to July 20, 2006 for finalizing protestReturn to Board of Commissioners
3. 11:40 a.m. Jerry Johnson - Tour new jail
4. 11:45 a.m. Recess for Lunch
5. 1:30 p.m. Reconvene from Lunch
  - a. HCI Heritage - Express Manager Application for Lance Morgan
6. 1:35 p.m. Request the Board to extend the homestead exemption filing deadline from June 30 to July 20, 2006.
7. 1:40 p.m. Bill Rohde- Approve the pay applications for relocating Wigle Creek Road
  - a. FRED BADAR -WITH NORE INC. - CRACK SEALING BID. PROPOSALS
8. 1:55 p.m. Appoint Planning & Zoning Members (5)
9. 2:05 p.m. Official's Reports
  - a. County Clerk
  - b. Clerk of the District Court
  - c. Register of Deeds
10. 2:10 p.m. Community Development Block Grant Contract NO. 05-ED-015 Approve Contract.
  - a. Designate an employee to have principal day-to-day responsibility for administration of Grant
  - b. Grant Administrator named.
11. 2:15 p.m. Bryan Smith - Executive Session possible litigation & personnel
12. 2:30 p.m. Misc. Items
  - a. Community Corrections Officer- Leave of Absence replacement.
  - b. Omaha Avenue - Black top is crumbling
13. Public Comments
14. Mail and/or Emergency Business
15. 2:45 p.m. Adjourn

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

Commissioner Hartnett moved, seconded by Commissioner Miller to convene as Board of Equalization.  
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS  
MOTION CARRIED. 11:28 a.m.

The board discussed when they would meet to make decisions on protests. It was decided to meet at 9:00 a.m. Thursday, July 20th and at 2:30 p.m. Monday July 24th to finish the protest.

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

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 11:32 a.m.

Jerry Johnson, Construction Manager, appeared to give the board and media a tour of the new jail. The board departed the meeting room at 11:39 to proceed on a tour of the new jail. The board recessed for lunch from the tour at 12:15 p.m.

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

Present: Commissioners Engel, O'Neill, Miller, and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Hartnett and Bousquet

Lance Morgan appeared before the board to support his application to the Liquor Control Commission for him to be the Liquor License Manager for the Heritage Express Convenience Store.

Commissioner O'Neill moved, seconded by Commissioner Miller to approve the Application before the Liquor Control Commission to be the Liquor License Manager for the HCI Heritage Express.

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

Bill Rohde, Director of County Roads, appeared before the board to ask that they approve the cost allocation for the relocation of Wigle Creek Road

Commissioners Bousquet and Hartnett appeared at 1:35 p.m.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Pay Applications for the relocation of Wigle Creek Road, which will be reimbursed by JEO.

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

Fred Bader appeared before the board with cost for sealing cracks in Dakota County's hard surfaced roads.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to authorize Bill Rohde, Director of Roads, to decide which roads to seal this year and to schedule the completion of the other roads.

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 convene as Board of Equalization to consider extending the deadline for filing Homestead Exemption Applications until July 20, 2006.

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 1:50 p.m.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to extend the deadline for filing Homestead Exemption Applications from June 30, 2006 to July 20, 2006.

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

Commissioner Hartnett moved, seconded by Commissioner Miller 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.

Jane Gilbert appeared before the board and requested that the board appoint her to be the Grant Administrator for the Community Development Block Grant Contract NO. 05-ED-015.

Commissioner Miller moved, seconded by Commissioner Hartnett to appoint Jane Gilbert to be the Grant Administrator for the Community Development Block Grant Contract NO. 05-ED-015 and to appoint Nanci Walsh as the employee to have principal day to day responsibility for administration of the Grant. Be it further resolved to approve the contract with SIMPCO and DED.

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 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 months of May and June, 2006 and the Veteran Service Office and the County Sheriff's Quarterly Report for the period April 1, through and including June 30, 2006 and the County Clerk's Quarterly Interest report for the 2nd quarter of Calendar Year 2006.

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

Nanci Walsh, Assistant to the Board, brought up the issue that Amanda Barclay was going to take off 4 weeks for maternity leave and requested approval to hire someone to take her place during that time. She said that they would need 30 hours training and work 25 hours a week and suggested \$10.00 an hour for the temporary person.

Commissioner Miller moved, seconded by Commissioner Bousquet to authorize someone to be hired to take Amanda Barclays place while she is on maternity leave and to authorize 30 hours training the person hired and to authorize them to work 25 hours a week at a rate of \$10.00 an hour.  
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 requested them to sign the Resolution to install a cattle crossing in the road leading to the river on County Road Number 37.  
Commissioner Hartnett moved, seconded by Commissioner Bousquet to adopt Resolution 06C-017 authorizing the County to Install a cattle crossing on County Road #37; provided Jim Gable signs said resolution as follows:

RESOLUTION 06C-017

WHEREAS, Dakota County has agreed to purchase a cattle crossing guard, and to pay not more than \$6900.00 toward purchase price. Dakota County also agrees to install and maintain such crossing guard. Legal description is at the intersection of Sections 1,2,11,and 12 of Dakota County T-29-N R-7-E.

WHEREAS, Dakota County and Jim Gabel, as well as any future landowners agree not to attempt to close L Avenue from 122nd Street North.

BE IT FURTHER RESOLVED, That the Dakota County Commissioners and Jim Gabel agree to terms described above.

Adopted this 17th day of July, 2006 at Dakota County.

OWNER OF LAND ADJOINING BOTH SIDES OF THE ROAD #37 BOARD OF COMMISSIONERS DAKOTA COUNTY, NEBRASKA

\_\_\_\_\_  
JAMES GABEL Bill Engel, Chairperson

ATTEST OF COUNTY BOARD'S SIGNATURE ONLY

\_\_\_\_\_  
Theodore Piepho, County Clerk  
Board Member Hartnett moved the adoption of said Resolution.  
Roll Call \_\_\_\_\_5\_\_\_\_\_ yea \_\_\_\_\_0\_\_\_\_\_ nay  
Resolution adopted, signed and billed as adopted  
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED.

Mr Bryan Smith, Public Defender, had been asked by a Board Member to appear in Closed Executive Session to discuss Mr. Smith's side of the firing of Mary Gamble and the charges against him that had been dropped.  
Commissioner Hartnett moved, seconded by Commissioner O'Neill to convene into Closed Executive Session to discuss possible litigation and personnel.  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED 2:16 p.m.

Commissioner Bousquet 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.

Chair Engel asked for any input for public comment.

Ed Matney, County Attorney, said that the space that the county rented for Probation is working out very well.

Joe Flynn, Deputy Public Defender appeared before the board and asked if he could visit with the board in private.  
The board said that they couldn't go into executive session because it wasn't on the agenda.

Mr. Flynn chose to say a few words and those words were in favor of keeping the Public Defender's Office. He also added that Bryan Smith pulled his load of the work.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the minutes of July 3, 2006 as typed.  
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 approve the Accounts Payable Claims submitted by the County Clerk, as follows with exception of the Morgan Trust Claim for \$100 for a lease for public access to Old Crystal Lake from the West side;

GENERAL FUND: Dakota County Star, publishing- 336.08; Bear Graphics, paper- 56.46; Dakota County Star, subscription- 35.00; Dakota County State Bank, stop payment- 30.00; Galaxy Technical, maint- 79.13; Perkins, supplies- 128.81; Theodore Piepho, phone- 20.00; Staples, supplies- 224.67; Robert Giese, mileage- 89.00; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; DAS Imservices, services- 3.50; Executive Tech, service- 76.50; Staples, supplies- 113.29; Duggan Forms, supplies- 453.60; Mark Dorcey, mileage- 191.35; Holiday Inn, lodging- 118.00; Comm Comp Systems, printer- 125.00; B&C Office Tech, repair- 345.00; Election Data Direct, shipping- 96.45; Todds Storeall, storage- 80.00; Gene Cantrell, mileage/meeting- 42.46; Jim Crosgrove, mileage/meeting- 24.79; Dakota County Star, publishing- 7.57; Jim Jepsen, mileage/meeting- 31.78; Dick McCabe, mileage/meeting- 51.36; Dick McNear, mileage/meeting- 21.68; Marlan Millard, mileage/meeting- 18.12; Donald Miller, mileage/meeting- 45.13; Dennis Reinert, mileage- 98.35; Martin Rohde, mileage/meeting- 22.12; Executive Copy Systems, lease- 306.00; Norfolk Printing, binders- 1092.83; Staples, supplies- 48.31; Dell Marketing, toner- 279.84; Frank Gonzalez, interpret- 120.00; Thomson West, service- 128.50; Thurston County Court, supplies- 17.75; Frank Gonzalez, interpret- 240.00; Perkins, supplies- 61.23; Woodbury County Sheriff, fees- 22.20; Record Printing, supplies- 219.61; First Federal Bank, fees- 25.37; NCDAA, manual- 75.00; Bettina Perkins, interpret- 15.00; Jose Alvarez, witness fee- 25.34; Jennifer Anderson, witness fee- 33.35; Dakota County Court, court costs- 1314.79; Randy Hisey, counsel- 480.00; Shelly Horak, counsel- 924.00; Sandra Inkster, counsel- 1065.00; Jason Jager, witness fee- 24.45; Barbara Kueny, counsel- 2234.92; John Loos Jr, counsel- 1090.00; Gary Norris, witness fee- 20.44; Joan Peralez, witness fee- 22.22; Richard Peralez, witness fee- 20.00; Josh Reilly, witness fee- 25.34; Douglas Roehrich, counsel- 264.00; Richard Thramer, counsel- 334.80; Douglas Roehrich, counsel- 588.00; Richard Thramer, counsel- 334.80; Patrick Tott, counsel- 1842.00; Shelly Horak, counsel- 216.00; Hurley Law Office, counsel- 954.00; John Loos Jr, counsel- 2612.84; Michael Schmiedt, counsel- 15.00; Clerk of Supreme Court, claims- 122.00; Coffee King, supplies- 42.70; HyVee, water- 11.98; Dakota County Sheriff, papers/warrants- 1517.55; Alltel, phone- 30.20; John Barone, inspection- 370.00; Bomgaars, supplies- 251.84; City of DC, water/sewer- 1394.45; Dakota Food & Fuel, fuel- 33.00; Foulk Bros Plumbing, repair- 3062.34; Gill Hauling, service- 115.00; Grainger, supplies- 167.19; Hardware Hank, supplies- 71.07; Richard Jensen, mileage- 116.54; Menards, supplies- 202.62; MidAmerican Energy, gas- 1964.00; New Ideas Fabrication, repair- 42.80; NPPD, electric- 4128.33; Okeefe Elevator, inspection- 128.81; Sams Club, supplies- 425.04; Share Corp, supplies- 92.76; Trembly Pest Control, pest control- 50.00; Verizon Wireless, phone- 54.36; Dakota County Extension, reimburse- 699.10; Alltel, phone- 57.56; Dakota Food & Fuel, fuel- 169.08; Electronic Engineering, repair- 350.00; Brian Ellinger, repair- 10.17; Fremont Tire, service/repair- 1243.67; Harolds, developing- 43.20; Jacks Uniforms, bulb- 7.95; Jackson Glass, repair- 20.00; Main Street Auto, repair- 160.96; NLETC, investigation- 75.00; RACOM, t1- 596.00; Robertson Implement, food- 19.20; Siouxland Humane, service- 330.00; Star Printing, cards- 30.00; Verizon, phones- 66.62; Dakota County Star, subscription- 50.15; Des Moines Stamp, stamp- 27.35; Edward Matney, postage/supplies- 935.86; H204U, water- 17.25; Iowa Office Solutions, toner- 171.35; Perkins, supplies- 12.24; Secretary of State, copies- 20.00; Sprint, phone- 162.91; Thurston County Court, copies- 3.25; City of SSC, lec- 22787.42; AJ Phillips, cards- 30.00; Amanda Barclay, mileage- 16.40; Perkins, supplies- 53.90; Alltel, phone- 100.12; Associated Anesthesiologist, medical- 170.28; Bob Barker, supplies- 913.97; Bryan LGH, medical- 3766.76; Butler County Clinic, medical- 217.00; CBM Food Service, meals- 7681.32; Cass County Jail, boarding- 36900.00; ConocoPhillips, fuel- 395.25; Creighton Dental Clinic, medical- 74.00; Dakota Food & Fuel, fuel- 474.71; David City Discount, medical- 214.86; De Lage Landen, contract- 221.00; Sandy Dickens, mileage- 94.09; Dixon County Sheriff, boarding- 2050.00; Family Health Care, medical- 196.00; Fremont Tire, service- 139.65; John Gilles, reimb- 60.00; Frederick Hathaway, medical- 2611.00; ISECUREtrac Corp, house arrest- 172.50; Jyoung Appliance, repair- 40.00; Jacks Uniforms, uniforms- 75.90; Jackson Glass, repairs- 50.00; Karls TV, repair- refrigerator- 409.00; Madison Co Sheriff, boarding- 7750.00; NE Nebr Juv Serv, boarding- 24247.50; NMG LLC, medical- 58.00; Office Systems Company, contracts- 513.20; JR Pantoja, interpret- 30.00; Redlers Pharmacy, meds- 3456.90; Sams Club, supplies- 219.00; SFCU, fuel/meal/training- 320.39; Staples, supplies- 91.96; Walmart, supplies- 36.55; Woodbury Co Juv, boarding- 2600.00; Verizon, phone- 135.87; Wayne County Clerk, expense- 19887.74; Alltel, phone- 28.73; Randy Crombie, mileage- 113.48; Verizon Wireless, phone- 40.50; Aslabeled, stickers- 14.48; Pam Devries, mileage- 152.63; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 141.06; Deanna Beckman, hours/mileage- 927.00; Pam Devries, mileage- 20.91; HyVee, lunch- 172.50; Walmart, supplies- 352.08; Alan Boyd, mileage- 135.73; Electronic Engineering, pager- 13.95; AsyncTech, website- 14.95; Cable One, internet- 273.90; De Lage Landen, lease- 110.50; FSH Communications, payphone- 58.30; Lazette Gifford, website- 40.00; Hasler, meter- 150.00; HyVee, supplies- 61.69; MIPS, support- 366.05; NACO, dues- 1105.00; Nebraska Loes Hills, sponsorship- 300.00; NIRMA, workmans comp/ins- 69490.00; Qwest, phone- 1302.53; Region IV, services- 5320.25; Romans Wiemer, audit- 12450.00; SIMPCO, dues- 3565.00; Sioux Air, spray- 1160.00; Lyle Todd, equalization- 600.00; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, fees- 90.00; US Postal Service, postage- 2500.00; United States Treasurer, forms- 172.53; WCS Telecom, phone- 490.19; Road Fund, budget transfer- 55000.00;

ROAD: Alltel, phone- 28.73; Aramark, service- 225.03; Bomgaars, supplies- 28.98; Butler County Landfill, service- 11758.80; Dakota County Clerk, title- 10.00; Dakota County Star, publishing- 135.00; Erlandson Trans, gravel- 2187.60; Filter Care of NE, cleaning- 60.30; Flaugh's Pronto, fuel- 287.70; Fremont Tire, repair- 16.00; GCR Tire, tires- 151.09; Guarantee Oil, oil- 816.59; Bill Haafke, gravel- 661.02; Gill Hauling, service- 47.00; Higman Sand & Grave, rock- 6631.08; Hubbard Minimart, fuel- 4263.86; Hundertmark, washer- 2592.04; Hydraulic Sales, repair- 263.70; H204U, service- 33.75; Inland Truck Sales, parts- 227.23; IA Nebr State Bank, grader pymnt- 15234.75; Joes Dept Store,

parts/supplies- 283.72; Fred Kellog, allow- 50.00; Linweld, supplies- 88.43; Love Brothers, parts/repair- 777.71; Marlan Millard, prior yrs- 15.00; Marx Distribution, misc- 218.00; NIRMA, workman comp/ins- 69490.00; NPPD, electric- 23.68; Northeast Equip, repair/rental- 1257.47; NE Nebr PPD, transformer- 1221.99; Pilger Sand & Gravel, gravel- 1506.39; POMPS, repair- 575.00; Ponca Coop, oil- 471.60; Powerplan, supplies- 187.53; Rees Mack Sales, parts- 145.66; Rinker Material, rock- 1486.76; RI Tec Ind, supplies- 310.00; Siouxland NAPA, parts/supplies- 614.15; S&S Equipment, parts- 103.32; Staples, map- 89.28; Tri-State Comm, equipment- 503.60; UECO, pipe- 913.60; Warren Oil, fuel- 8123.22; Zieglers, parts- 143.07; Verizon, phone- 51.91;  
ROAD IMPROVEMENT: Menards, repair- 142.80; Siouxland Concrete, repair- 493.55; Theisen Const, repair- 5000.00;  
VETERANS AID: Veterans Service Office, relief- 900.00;  
COPS FAST: Insight Public Sector, car mount- 987.00; Amanda Barclay, mileage- 8.10;  
COMMUNITY JUSTICE GRANT: America Bio Medical, tests- 0.98;  
PUBLIC SAFETY: City of SSC, sls tx- 4636.35; Jail Bond Fund, sls tx- 33999.86;  
HANDICAP ACCESS: Capital One, doorbells- 239.70;  
JAIL PROJECT: B&S Masonry, jail- 30510.00; Chief Industries, jail- 21966.30; Com-Tec Security, security- 65759.40; GA Johnson, management- 15000.00; Hander Inc, jail- 33817.50; Interstate Mechanical, jail- 22140.00; Jarco Builders, jail- 39897.00; K&P Services, dumpster- 598.40; Lindblom Services, toilet- 151.54; McHan Const, construction- 75150.00; Muth Electric, construction- 85871.84; PortaStorage, office- 225.00; Total Fire Protection, jail- 9995.63; Winkler Roofing, construction- 38700.00;  
WEED FUND: Ace Engines, parts- 69.40; De Lage Landen, rental- 91.00; Fremont Tire, repair- 30.00; Heritage Express, fuel- 60.00; Hubbard Minimart, fuel- 339.00; Joes Dept, chemical- 4.25; NE Weed Cont, conference- 75.00; Nutraflo, parts- 129.93; Siouxland Hydraulic, parts- 8.52;  
E911 FUND: City of SSC, monies- 22828.65  
ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the payroll claims submitted by the County Clerk, except to table the department transfer of Penny Epting from the jail to the Sheriff's Budget as follows:

COUNTY GENERAL FUND: Gross salaries- \$87,384.62, General Fund Employees Net Pay- \$60,159.33, Employer deductions paid: Retirement- 5,899.65, Retirement Makeup- 34.44, Social Security Tax- 5,258.42, Medicare- 1,229.82, DC Health Plan- 24,479.12, DC Dental Plan- 633.15, Life Insurance- 142.56.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Tracey Corkin- 720.00, Bobbi Jo Harsma- 930.23, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.61, Kimberly Kuehl- 827.20, Phyllis Ridge- 856.93, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.01, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1600.00, Debra Jensen- 828.00, Bryan Smith Jr- 1868.04, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 1003.68, Jeremy Bermel- 1531.35, Anthony Bos- 1881.99, Brad Claypool- 1803.20, Sandy Dickens- 1030.08, Brian Ellinger- 1970.64, Brent Gilster- 2323.88, Todd Hammer- 1820.15, Melvin Harrison III- 1803.20, Rodney Herron- 1626.90, Kimberly Johnson- 418.95, Jared Junge- 1837.67, Michael Kreegar- 1604.48, Gary Powell- 456.00, Gayle Richards- 767.20, Kevin Rohde- 1679.27, James Wagner- 1868.04, Randall Walsh- 1678.65, Mary Gamble- 981.60, Amber Hegarty- 1692.31, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1993.52, Richard Criss- 1622.95, Eric Davis- 1270.18, Penny Epting- 1568.61, John Gilles- 1466.50, Alma Gunderson- 1372.07, Paula Harrigfeld- 270.00, Brenda Harrison- 84.00, Cathy Harsma- 1461.25, Brett Johnson- 1041.60, Joseph Ramirez- 1410.50, Krystal Ramirez- 1312.88, Linda Schovanec- 1193.98, Randall Crombie- 115.39, Jolene Gubbels- 820.00, Leon Pies- 569.20, Pamela DeVries- 1454.50, Gloria Dwyer- 695.63, Patricia Glover- 1020.86, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 8,814.26, State- 3,146.58, Social Security Tax- 5,258.42, Medicare- 1,229.82, Retirement- 4,016.41, Retirement Makeup- 24.44, DC Health Plan- 1,005.98, DC Dental Plan- 382.15, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,337.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,305.75, Road Employees Net Pay- \$10,306.28, Employer deductions paid: Retirement- 732.41, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 26.01, Social Security Tax- 863.03, Medicare- 201.82.

Brent Byroad- 1054.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1054.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,270.06, State- 464.63, Social Security- 863.03, Medicare- 201.82, Retirement- 488.30, DC Health Plan-, DC Dental Plan- 97.90, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- Lodging tax: 13,190.46.

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

Chair Engel adjourned their meeting at 3:04 p.m.

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
July 31, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, O'Neill, Hartnett and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Miller.

The agenda for the meeting of July 24, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, JULY 31, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. 1:30 p.m. Call to Order - 1:30 p.m.  
Pledge of Allegiance  
Roll Call  
Approve Minutes of July 17, 2006 and July 24, 2006.
2. 1:31 p.m. Robert Giese - County Treasurer Semi Annual Report
3. 1:35 p.m. D&R - Parking lot plans
4. 1:55 p.m. Brian McDonald - Advertise for Bids on Knox Blvd.
5. 2:00 p.m. Public Hearing for Steven Road. This is an old road that is on the north part of Kevin Rogers's lot south of HCI Heritage Express. SE 1/4 of SW 1/4 Sect. 32, T29N, R9E
6. Tabled Items
7. 2:15 p.m. Miscellaneous Agenda Items  
Community Corrections Officer - leave of absence replacement.  
Resolve split in Probation's Office space by consolidation Offices into one space.  
Discuss hard surfacing for Atokad Drive (Following Public Hearing at 2)  
Price estimates on hard surfacing for Atokad Drive. (Following Atokad Drive)  
Transition/Training Proposal from Rod Bottoms  
Rick Jensen - Personnel (Possible Executive Session)  
County Surveyor Resignation - appointment or advertise for replacement.
8. Committee Reports  
Jail Transition Report
9. Public Comment
10. Mail and/or Emergency Business
11. Adjournment

Robert Giese, County Treasurer, appeared before the board and presented his Semi-Annual Report for the Board to sign.

DAKOTA COUNTY TREASURER'S OFFICE  
Semi-Annual Treasurer's Statement printed on 07/24/2006 11:25:20A

Statement created for 01/01/2006 to 06/30/2006

FUND	Description	"Beg Balance	Collections	Disbursements	Ending Balance
100	COUNTY GENERAL	493,893.90	3,479,415.37	-2,878,578.07	1,094,731.20
300	ROAD/BRIDGE	61,455.68	457,614.91	-474,180.47	44,890.12

302	HARD SURFACE ROAD	69,715.30	657,472.52	-671,841.96	55,345.86
802	ROAD/BRIDGE IMPROVEMENT	32,433.96	78,872.42	-81,336.98	29,969.40
990	VISITOR PROMOTION	0	62,892.07	-51,666.40	11,225.67
1500	RELIEF/MEDICAL	23,836.17	1,126.90	-366.73	24,596.34
1700	INSTITUTIONS	12,901.72	4,852.45	-3,954.00	13,800.17
1900	SOLDIERS & SAILORS RELIEF(VETS AID)	575.55	6,712.67	-1,245.00	6,043.22
2350	STOP FUND	9,753.71	3,250.00	-231.9	12,771.81
2360	COUNTY DRUG LAW ENFORCEMENT	1,909.25	0	0	1,909.25
2501	COPS FAST GRANT	2,209.56	0	-2,209.56	0
2505	LAW ENFORCEMENT EQUIPMENT GRANT	1,188.00	24,000.00	-13,075.98	12,112.02
2507	TITLE II JJDP FORM-GRANT	2,300.00	2,896.00	-1,227.63	3,968.37
2508	JUVENILE INCENT BLOCK GRANT	271.38	0	-271.38	0
2509	COMMUNITY JUSTICE GRANT-PRETRIAL	885.85	853.67	-1,718.22	21.3
2510	LEC GRANT FUND	0	336,463.40	-336,463.40	0
2700	INHERITANCE TAX	477,479.86	200,000.00 <sup>81,837.32</sup>	359,317.18	
2940	LAW ENFORCEMENT CENTER	99.48	3.02	0	102.5
2960	PUBLIC SAFETY SALES TAX	40,453.88	200,431.87	-202,249.54	38,636.21
2990	HUNT MEMORIAL FUND	0	657.47	-190.9	466.57
3300	JAIL BOND SALES TAX	132,359.56	1,021,238.73	-538,806.28	614,792.01
3301	JAIL PROPERTY BOND	9,718.83	79,436.93	0	89,155.76
3910	ELK/PIGEON CREEK DRAINAGE PROJECT	10,344.33	22,998.11	-33,316.13	26.31
3911	OMADI DRAINAGE	708.02	13,282.44	-1,138.00	12,852.46
4010	HANDICAPPED ACCESSIBILITY FUND	5,924.17	0	-3,534.21	2,389.96
4200	JAIL PROJECT FUND	5,135,433.23	117,688.63	-2,279,032.38	2,974,089.48
5400	WEED FUND	7,622.86	16,549.83	-19,660.30	4,512.39
5900	CASH ADVANCE FUND	-1,730.40	5,730.40	0	4,000.00
5907	911 EMERGENCY SERVICES	28,236.41	50,343.61	-55,564.58	23,015.44
6001	STATE TREASURER IN LIEU 1957 PRIOR	0	215	-215	0
6003	OVERLOAD FINES STATE 75%	2,389.50	8,639.25	-10,916.25	112.5
6005	HIGHWAY TRUST FUNDS	29,079.25	200,749.89	-198,607.03	31,222.11
6006	DRIVERS LICENSE	4,493.50	29,106.25	-28,097.75	5,502.00
6007	STATE REC ROAD FEES	2,374.50	17,122.50	-16,273.50	3,223.50

6009	MOTOR VEHICLE SALES TAX	85,855.33	745,406.68	-697,704.94	133,557.07
6010	SNOWMOBILE TRAIL	154.09	95.99	-250.08	0
6014	BOAT LICENSE	163.35	11,932.47	-9,877.38	2,218.44
6016	COUNTY SALES TAX	3,887.79	29,755.54	-28,728.09	4,915.24
6017	PLATE FUND	7,975.50	18,401.50	-23,351.25	3,025.75
6019	CITY SALES TAX	11,630.63	119,785.06	-108,175.78	23,239.91
6020	SNOWMOBILE STATE GENERAL	51.41	32.01	-83.42	0
6021	TIRE FEE	182	1,604.00	-1,478.00	308
6026	BOAT SALES TAX	21.45	24,594.85	-18,295.94	6,320.36
6028	SPIRIT PLATES	227.49	2,869.84	-2,595.67	501.66
6029	MV FEE	12,252.32	92,196.73	-87,444.20	17,004.85
6032	MESSAGE PLATE FEES	707.5	3,932.50	-3,660.00	980
6033	MV EMERGENCY MEDICAL SYSTEM	791.5	5,707.50	-5,424.50	1,074.50
6040	ORGAN AWARENESS FUND	77	471	-447	101
6050	COMPUTERIZATION & OPERATIONS	7,003.50	44,380.50	-42,663.00	8,721.00
6100	SCH. DISTRICTS	872,773.24	7,054,728.62	-7,665,759.84	261,742.02
6500	FINES & LICENSE	49,843.64	1,663.99	0	51,507.63
6899	EDUCATIONAL SERVICE UNIT ONE	11,928.29	89,002.23	-98,578.48	2,352.04
7000	NORTHEAST COMMUNITY COLLEGE	59,836.76	449,661.81	-497,653.78	11,844.79
7300	LOWER ELKHORN NRD	1,034.54	1,495.45	0	2,529.99
7301	PAPIO-MISSOURI NRD	26,423.77	195,782.42	-217,055.37	5,150.82
7700	FIRE DISTRICTS	20,584.76	68,639.18	-85,942.85	3,281.09
8600	CITIES AND VILLAGES	395,731.08	1,670,996.16	-1,857,101.43	209,625.81
9000	AGRICULTURAL SOCIETY	7,617.79	56,919.18	-63,029.08	1,507.89
9300	HIST. SOCIETY	1,183.71	9,576.47	-10,515.06	245.12
9502	PARTIAL PAYMENT	1,053.10	3,394.49	-2,547.59	1,900.00
9701	CENTENNIAL TRUST FUND	407.18	0	0	407.18
	Grand Total	8,177,806.40	17,685,479.80	-19,634,332.26	6,228,953.94

Outstanding Warrants 0.00  
 Unpaid Claims 0.00  
 Bank Totals 999,012.00  
 County Investment and other 5,214,393.00  
 Cash on Hand 15,549.00

"I, Robert H. Giese, Treasurer in and for said county, do hereby certify that the above and foregoing is true and correct statement of all collections and disbursements made by me as County Treasurer for the six month ending JUNE 30, 2006. Subscribed and sworn to me this 24th Day of JULY, 2006.

We do hereby certify that we examined the above statement of Robert H. Giese, County Treasurer of Dakota County Nebraska for the six month ending JUNE 30, 2006. To the best of our knowledge, we believe each collection has been properly accounted for and the vouchers and other items of credit were in proper form and the above statement balances agree with the said accounts in the said County Treasurer's General Ledger.  
 Commissioners: William (Bill) Engel, Chairperson; Jackie Hartnett, Rich Bousquet, Pam Miller, Betty O'Neill."

Commissioner Bousquet moved, seconded by Commissioner Hartnett to acknowledge receipt of the Treasurer's Semi Annual Report for period January 1, 2006 through June 30, 2006, and to approve the Report and authorizing the Chair to sign same.

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

Bob Denton, Chief Probation Officer for District 16, and Ed Matney, County Attorney, appeared before the board to discuss the necessity for locating all the probation staff in one area and requested this to be done within the time frame that probation gets new computer equipment, which was estimated to be four weeks.

The board told them that they did not believe that the county could make arrangements to move other offices and relocate them in order to locate the probation in one area within that time frame. It was suggested that they try to resolve their issues with technology for the time being.

Commissioner Miller arrived at 1:40 during the discussion of the above.

Brian McDonald appeared before the board to inquire the time frame in which they wanted Knox Blvd. to be completed so that could be inserted in the notice of bid.

The board wanted it done this fall versus next spring.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to have an October 31st, 2006, deadline for the completion of the Knox Blvd. paving project, and to publish the following Notice of Bid:

**INVITATION TO BID**

Sealed Proposals for the construction of Knox Boulevard Paving, Dakota County, Nebraska C-22(210), CDBG No. 05-ED015, JEO Project No. 022MI05, will be received by the County Clerk at County Courthouse, Dakota City, Nebraska, until 1:30 PM on the 21st day of August, 2006, and thereafter will be read aloud.

The work consists of the following:

1. Roadway Excavation
2. Construction of Drainage Culverts
3. Construction of approximately 2,200 SY of 9" Concrete pavement on Fly Ash Stabilization Subgrade

There will be 30 working days to complete the project and all work must be completed on or before October 31, 2006.

Proposals will be taken for said construction work listed above by unit prices, as an aggregate bid for the entire project.

All Proposals for said construction work must be made on blanks furnished by the Engineer and must be accompanied by Bid Security of not less than 5% of the amount bid. Bid Security to be made payable to the Treasurer of Dakota County as liquidated damages in case the bid is accepted and the bidder neglects or refuses, to enter into contract and furnish bond in accordance herewith.

This project is being funded in part by a grant from the United States Department of Housing and Urban Development through the Nebraska Department of Economic Development. Bidders will be required to comply with the President's Executive Order No. 11246. Requirements for bidders and contractors under this order are explained in the specifications. Neither the United States nor any of its departments, agencies, or employees, and the State of Nebraska nor any of its departments, agencies, or employees is or will be a party to this Invitation for Bids for any resulting contract.

Plans, Specifications and Bid Documents may be inspected at the office of the County Clerk, Dakota City, Nebraska, and will be issued by JEO Consulting Group, Inc., Consulting Engineers, PO Box 1424, 803 W Norfolk Avenue, Norfolk, NE 68702, a payment of \$50.00 to cover partial cost, none of which will be returned, needs to be paid prior to plans and specifications being sent out. In order to bid the project, the plans and specifications must be issued directly by JEO Consulting Group, Inc. to the bidder.

The County Board Chairperson and County Board reserves the right to waive informalities and irregularities and to make awards on bids which furnish the materials and construction that will, in their opinion serve the best interests of Dakota County, and also reserves the right to reject any and/or all bids.

DAKOTA COUNTY, NEBRASKA

Theodore Piepho, Dakota County Clerk

ATTEST: Theodore Piepho  
County Clerk

PUBLISHED: August 3, 2006  
August 10, 2006  
August 17, 2006

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

Chair Engel opened the Public hearing for the proposed road closing, which was published as follows:

Notice of Public Hearing

Notice is given that the Dakota County Board of Commissioners will hold a public hearing to allow testimony in support or opposition of closing the abandoned road located South of the intersection of Atokad Drive and Stable Drive.

The road to be closed is 66 feet wide and 627 feet in length. Legal description of the area is SE 1/4 of SW 1/4 of Section 32, T29N, R9E.

Upon closure of the road, we ask that the land be divided with equal distribution to the current landowners on each side of the road.

Public Hearing will be held July 31, 2006 at 2 PM, in the County Board meeting room at the Dakota County Courthouse, Dakota City, Nebraska.

Published in the July 21st & 28th edition of the star.

Ted Piepho, County Clerk, spoke to the issue that if this road were closed as proposed, there would not be public access if the old lake bed was ever restored.

Commissioner Bousquet said that wasn't an issue because there could be access from the south.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to close the Public Hearing.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 2:10 p.m.

Commissioner O'Neill moved to table the decision of closing the road to evaluate the necessity for future accessibility to Old Crystal Lake Area. The motion died for a lack of a second.

Commissioner Miller moved, seconded by Commissioner Bousquet to close the road in the SE 1/4 of SW 1/4 of Section 32, T29N, R9E.

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

There was short discussion concerning Hard surfacing 510' of Stable Drive south from the Atokad entrance. Bill Rohde, Road Director, said that he had an estimate of \$80,000 to hard surface that 510' and checked with Brower Construction and they thought that they could asphalt that for \$35,000 to 40,000. He said that South Sioux Community Development would loan the county the money with a 5 year payback at no interest.

Nanci Walsh cautioned the board about getting too many loans, even if they are at zero interest, and not being able to pay for them. She said that we still have to cut a million to a million and one half million dollars out of our budget for next year.

Commissioner Miller suggested that this go through the Community Development Agency (CDA).

Bill Rohde brought up the fact that we (the county) are responsible for 1/2 of the upkeep for 9th Avenue and South Sioux City would like to hard surface that road. They would be willing to loan the county with a 5 year payback at two and one-half percent interest.

Commissioner Bousquet mentioned that we received a letter from Steve Davis recommending that the County contract with Rod Bottoms for training assistance for staffing the new jail.

A huge discussion was had whether we should contract with Rod Bottoms for training. A conference call was made to Rod Bottoms. At the end of the discussion, Jim Wagner spoke up and reiterated his last meeting comments that if the County Board wants to spend the money that he would work with him, but he didn't feel that they needed any more consultants or training and that his office could handle the situation in house.

Jerry Johnson and Brian, with DGR, appeared before the board with preliminary plans for parking in front of the courthouse.

They were asked about coming in off 16th Street instead of coming in off the service road in front of the courthouse.

The board was presented with a Letter of Resignation from Terry Schulz, County Surveyor.

Fred Franklin, the previous County Surveyor, had sent a email, which was enclosed with the board's mail that he was interested in being County Surveyor.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to appoint Fred Franklin, as temporary County Surveyor to locate the corners for property belonging to Larry Morgan.

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 July 17, 2006 and July 24, 2006 as typed.

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

Commissioner Miller moved, seconded by Commissioner O'Neill to hire Nikki Barclay as Community Corrections Officer for training and to replace Amanda Barclay while Amanda is off for Maternity Leave. ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED.

Rick Jensen appeared before the board. The board suggested that he keep up the outside area in the construction zone a little better. They also asked about the pop machines being empty.

The payroll claims paid pursuant to the Employee Handbook were as follows:  
COUNTY GENERAL FUND: Gross salaries- \$81,864.96, General Fund Employees Net Pay- \$56,644.96, Employer deductions paid: Retirement- 5,485.51, Retirement Makeup- 34.44, Social Security Tax- 4,916.24, Medicare- 1,149.74, DC Health Plan- 24,844.48, DC Dental Plan- 642.60, Life Insurance- 144.78.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Tracey Corkin- 815.00, Bobbi Jo Harsma- 939.11, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 805.85, Lyn Beltz- 205.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1600.00, Debra Jensen- 736.00, Bryan Smith Jr- 1868.04, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Lucia Castillo- 100.00, Tammy Dunn-Peterson- 839.60, Jeremy Bermel- 1586.71, Anthony Bos- 1715.80, Brad Claypool- 1214.40, Sandy Dickens- 1030.08, Brian Ellinger- 1556.64, Brent Gilster- 1482.40, Todd Hammer- 1411.83, Melvin Harrison III- 1554.80, Rodney Herron- 1626.90, Kimberly Johnson- 318.87, Jared Junge- 1962.22, Michael Kreegar- 1464.96, Gary Powell- 144.00, Gayle Richards- 767.20, Kevin Rohde- 1753.54, James Wagner- 1868.04, Randall Walsh- 1776.30, Mary Gamble- 981.60, Amber Hegarty- 285.53, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Rebecca Broer- 1846.17, Richard Criss- 1155.00, Eric Davis- 1180.79, Penny Epting- 1380.95, John Gilles- 1127.00, Alma Gunderson- 1285.07, Paula Harrigfeld- 943.65, Cathy Harsma- 1137.50, Brett Johnson- 1041.60, Joseph Ramirez- 1169.00, Krystal Ramirez- 1171.13, Linda Schovanec- 1239.69, Randall Crombie- 115.39, Jolene Gubbels- 820.00, Leon Pies- 569.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1047.04, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 7,856.36, State- 2,806.56, Social Security Tax- 4,916.24, Medicare- 1,149.74, Retirement- 3,731.53, Retirement Makeup- 24.44, DC Health Plan- 1,005.95, DC Dental Plan- 381.95, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,337.63, Aflac Health- 409.92, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,305.75, Road Employees Net Pay- \$10,306.30, Employer deductions paid: Retirement- 732.41, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.98, Social Security Tax- 863.03, Medicare- 201.84.

Brent Byroad- 1054.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1054.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,270.07, State- 464.63, Social Security- 863.03, Medicare- 201.84, Retirement- 488.30, DC Health Plan-, DC Dental Plan- 97.85, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

Chair Engel adjourned their meeting at 3:58 pm.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
August 14, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:32 p.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, O'Neill, Hartnett and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Miller.

The agenda for the meeting of August 14, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 14, 2006 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 last meeting
2. 1:30 p.m. Board of Equalization Corrections
  - Herman Frese
  - Dan Bousquet
  - Eugene Ohm
  - Dean Stoos
  - Luis Gutzman
3. 1:45 p.m. Lance Martin - Nebraska Internet Enhancement Fund.
4. 2:00 p.m. Lance Hedquist
  - Hard Surface 9th Avenue
  - Hard Surface Atokad Drive
5. Tabled Items
6. Miscellaneous Agenda Items
  - Board to authorize the Chairman to sign Storm Water Permit on Knox Blvd.
  - Authorization to advertise for Jail Food Service Bids
  - Open the bids/proposals for public defender services
  - Bryan E. Smith Jr. Resignation - Accept Resignation
  - Establish Policy Board to assist Co. Board on possible Public-Defender Contract
7. Committee Reports
8. Public Comment
9. Mail and/or Emergency Business
10. 3:00 p.m. Adjournment

Commissioner O'Neill moved, seconded by Commissioner Hartnett to convene as Board of Equalization to consider corrections to several people that protested their values and the protests had been dismissed.

ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 1:34 p.m.

Dick Erickson, States Appraiser for Dakota County, appeared before the board and said that it was necessary to make corrections to several peoples protest because of errors.  
Also in Attendance was Madelyn Thorsland.

Mr. Erickson said the first protest was Gene Ohm, Protest Number 68 on Parcel Number 220038376. Mr. Erickson said that there was a Data Entry Error and the value should have been reduced to \$42060 instead of \$55,540.

The second parcel was Parcel Number 220072779, Protest 297 and the owner is Dean Stoos. Mr. Erickson said that the value should have been \$49,550 instead of \$62,720.

Mr. Erickson said that Dan Bousquet we had not heard on three protests because there was no legal on the protest. He had filed an attachment with the legal on it but that attachment was not forwarded to the Assessor's Office with the protests.

Mr. Erickson therefore had recommendation on the three protests. He recommended no change to parcels 220054061 and 220043124, which were Protest Numbers 278 and 279 and said that his recommendation was also no change on Protest 280 but what ever the board wanted to do on Parcel Number 220043205 he was fine with. He said that the house was standing January 1 and that is when they are required to appraise the property. Since then (in March) the house was torn down and stands as a vacant lot now.

Commissioner Miller arrived at 1:43 p.m.

Commissioner Engel moved, seconded by Commissioner Miller for the land to remain the same and that the improvements be valued at \$0.0 for a total value of \$9,370 on Protest Number 280, Parcel Number 220043205.

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

Mr. Erickson introduced the last protest with a data entry error to be that of one filed by Lewis Gutzman Protest Number 149, Parcel Number 22000085. He said that his protest was dismissed because of no reason stated on the protest, but they missed that the reason had actually been written in with the legal description.

His recommendation for Protest 149 was that the value of the Land to be valued at \$5,680 and the improvement value to be \$149,400 for a total value of \$155, 080. He added that this value was approximately \$7,000 less than last year.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept the corrected values as recommended by the Assessor on Protest Numbers 68, 123, 149, 280, 297 and to accept the Appraiser's Recommendation of "no change" be made to Protest Numbers 278 and 279 filed by Dan Bousquet.

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

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

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

Lance Martin, Technology Director for the City of South Sioux City, appeared before the board to inquire whether the County would be interested in applying for a Nebraska Internet Enhancement Fund. This would provide the outlying entities wireless broadband throughout the county and be assessable for Law Enforcement Officials and rescues.

Commissioner Hartnett moved, seconded by Commissioner Miller to authorize the pre-application for Wireless Broadband Grant.

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

Lance Hedquist, City Administrator for the City of South Sioux City appeared before the board concerning two streets in South Sioux City which are the responsibility of the city and county to maintain. One is 39th Street and the other is 9th Avenue between Golf Road and Dixon Path. He asked the county to approve paving 9th Avenue.

Mr. Hedquist said that the city would loan the county the money to pave 9th Avenue at two and one-half percent payable over a five year period.

Commissioner Bousquet moved, seconded by Commissioner Miller to approve paving the County's half of 9th Avenue between Golf Road and Dixon Path under the terms that the City will loan the County the money for the County's share in said paving project at a rate of two and one-half percent interest payable over a five year period. Be it further resolved that the city assumes full maintenance of the street after completion of the paving project.

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

Lance Hedquist, speaking as Community Development Agency, addressed the issue of Kevin Rogers request for paving Stable Drive from the entrance of Atokad to the first curve south of said entrance. He said that CDA would be willing to loan the county the money at zero interest over a 5 year period, but they would not be inclined to loan Mr. Rogers the money.

Randy Crombie, Highway Supt., appeared before the board with a request for the Board to sign a Storm Water Permit, which is required by the DEQ whenever there is hard surfacing of 5 acres or more. The request was for the Knox Blvd. paving project.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to authorize the chair to sign Nebraska Department of Environmental Quality Form CSW-NO1 for the Knox Boulevard Paving Project at the intersection of Knox Blvd. with Highway 20 and extending 700' to the west. Be it further resolved to authorize Randy Crombie to sign forms for this project hereinafter.

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 advertise for food service to as follows and to open the bids on September 11, 2006.

**DAKOTA COUNTY BOARD OF COMMISSIONERS  
REQUEST FOR PROPOSALS (RFP)  
Inmate Food Services**

**1. INTRODUCTION**

Dakota County Nebraska is requesting sealed proposals for the provision of furnishing food service to include inmate and staff feeding seven days a week and program support services for an approximate population of 120 inmates. The contract period will be for three (3) years commencing on January 1, 2007, with an option for the County, at its discretion, to extend the contract for an additional one year terms. Dakota County presently operates a Jail facility at the following location:

The Dakota County Jail  
1601 Broadway

Dakota City, NE 68731

Anticipated Average Daily Population: 120

## 2. BIDDING PROCESS

The following is a schedule of events concerning the bid process:

### EVENT DATE

Distribution of Bid Packets  
(from: Dakota County)

August 14, 2006 Mandatory Pre-Bidders Conference  
(Tour of Kitchen Available)  
Dakota County Jail  
Dakota City, NE 68731

Please call Dakota County Board of Commissioners at (402) 987-2130  
By August 21, 2006 if you will be attending  
August 22, 2006  
9:00 AM

Bids Due  
(at: Dakota County Board Office)  
(Bids will be opened on September 11, 2006)  
September 8, 2006  
4:00 PM  
Notification of Award  
September 18, 2006  
Commence Services Projected  
January 1, 2007

A complete original and eight (8) exact duplicate copies of the sealed proposals, evidencing the name and address of the proposer, should be submitted to:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
1601 BROADWAY  
PO BOX 338  
DAKOTA CITY, NE 68731

**\*\* PLEASE MARK YOUR ENVELOPES: Inmate Food Service \*\***

Sealed proposals must be received not later than 4:00 p.m., September 8, 2006, at the address set forth above. Proposals received after 4:00 p.m., September 8, 2006, will not be considered.

The bid is to be completed in legible form. Any additional written material such as professional records, certifications, etc., your company thinks important, may be attached and submitted to augment the data. The bidder must initial any corrections.

**NO FAXED OR E-MAILED DOCUMENTS WILL BE ACCEPTED.**

Questions regarding bid specifications shall be directed to the following individual:

Nanci Walsh  
Administrative Assistant  
Dakota County Board of Commissioners  
1601 Broadway, PO Box 338  
Dakota City, NE 68731  
402-987-2130  
nwalsh@dakotacountyne.org

## 3. RESERVATION OF RIGHTS

The Dakota County Board of Commissioners reserves the right to reject any and all proposals, to award the agreement to other than the low proposal, to award separate agreements for separate parts of the services required, to negotiate the terms and conditions of all and any part of the proposals, to waive irregularities and/or formalities, and in general to make award in the manner as determined to be in the Board's best interest and its sole discretion.

## 4. RESPONSIVE PROPOSALS

Companies are expected to examine the RFP requirements and all instructions. Failure to do so will be at the company's risk. Each company shall furnish all information requested herein. The person signing the proposal must initial all erasures or other changes. If any person contemplating submitting a proposal is in doubt of the true meaning of any part of the specifications or other conditions with the RFP, he/she is advised to call and have the portion in question clarified.

**5. CHANGES AND ADDENDA TO BID DOCUMENTS**

Each change or addendum issued in relation to the RFP will be on file in the Board Office. In addition, to the extent possible, copies will be mailed to each person registered as having received a RFP. It shall be the contractor's responsibility to make inquiry as to the changes or addenda issued. All such changes or addenda shall become part of the contract and all bidders shall be bound by such changes or addenda.

**6. TAXES, TERMS AND CONDITIONS**

Dakota County is exempt from Federal Excise and State Sales Tax. The county's tax number will be provided after the award. Payment terms are Net 30 days upon receipt and acceptance.

**7. METHOD OF AWARD**

The award will be made to the vendor whose proposal is determined to be professionally and technically complete. The selection process may, however, include a request for additional information or an oral presentation to support the written proposal. The price proposal will be considered firm and cannot be altered after receipt per the terms of this proposal.

The County reserves the right to award this contract not necessarily to the vendor with the lowest price, but to the bidder that demonstrates the best ability to fulfill the requirements of the RFP. The successful vendor will be chosen based on the qualifications and selection criteria discussed in Section 12 of this proposal.

The successful vendor shall commence work only after the transmittal of a fully executed contract and after receiving written notification to proceed from Dakota County. The successful bidder will perform all services indicated in the proposal in compliance with the negotiated contract. All bids will be reviewed and recommendations for a selection will be made to the Dakota County Board of Commissioners. The Board of Commissioners and the Dakota County Sheriff will grant final approval.

Dakota County reserves the right to reject any and all proposals for any reason in whole or in part received in response to this RFP. Dakota County will not pay for any information herein requested, nor is it liable for any costs incurred by the proposer.

Vendors whose proposals do not meet the mandatory requirements will be considered non-compliant. After the evaluation of the proposals and selection of the successful vendor, all vendors will be notified in writing of the selected firm.

**8. WITHDRAWAL OF PROPOSAL**

Proposals may be withdrawn in person by a bidder, or authorized representative, provided their identity is made known and a receipt is signed for the bid, but only if the withdrawal is made prior to the stated bid deadline. No proposal may be withdrawn for at least 90 days after opening except the successful company whose prices shall remain firm for the entire contract period. In case of error by the bidder in making up a bid, the Dakota County staff may, by discretion, reject such a proposal upon presentation of a letter by the Bidder which sets forth the error, the cause thereof, and sufficient evidence to substantiate the claim.

**9. INDEMNIFICATION AND HOLD HARMLESS**

The Contractor whose proposal is accepted must agree to the following indemnification and hold harmless responsibilities:

The Contractor shall, at its own expense, protect, defend, indemnify and hold harmless Dakota County, its elected and appointed officers, employees and agents from all claims, damages, costs, lawsuits and expenses including, but not limited to, all costs from administrative proceedings, court costs, and attorney fees, that they may incur as a result of any acts, omissions or negligence of the selected firm, its employees or agents or its subcontractors of sub-subcontractors, or any of their officers, employees or agents which may arise out of the contract.

**10. EQUAL EMPLOYMENT OPPORTUNITY**

The Contractor and its subcontractors, as required by law, shall not discriminate against the employee or applicant for employment with the respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly relates to employment, because of race, color, religion, national origin, age, sex, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, or marital status. Breach of this covenant may be regarded as a material breach of the Contract.

The Contractor agrees to post notices containing this policy against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of the Contract, will state that all qualified applicants will receive consideration for employment without regard to race, color, sex, national origin, disability, age, height, weight, marital status and religion.

**11. INSURANCE REQUIREMENTS**

The Contractor whose proposal is accepted must meet and agree to maintain during the term of the contract the following insurance coverage requirements. All coverage's shall be with insurance companies licensed and admitted to do business in the State of Nebraska. All coverage's shall be with insurance carriers acceptable to the County.

A. The Contractor shall carry Worker's Compensation and Employer's Liability Insurance Coverage, as required by law. In the event that the Contractor uses subcontractors and sub-subcontractors for the performance of services required under this proposal, the Contractor shall ensure that said subcontractors and sub-subcontractors carry Worker's Compensation and Employer's Liability Insurance coverage, as required by law.

B. The Contractor shall be responsible for insuring all its tools and equipment and all materials which it may use and/or leave at the work site. The County shall not be responsible for any loss or damage to the Contractor's tools and materials.

C. The Contractor shall procure and maintain during the term of the contract Commercial General Liability Insurance on an "Occurrence basis" with limits of liability of not less than \$1,000,000 per occurrence and/or aggregate combines single limit, for Personal Injury or Bodily Injury and \$1,000,000 per occurrence and/or aggregate for Property Damage.

D. If any of the above coverage's expire during the term of the Agreement, the Contractor's insurer shall deliver renewal certification and/or policies to Dakota County at least thirty (30) days prior to expiration.

**12. SELECTION CRITERIA**

The primary criteria used in selecting a vendor will be as follows:

A. The vendor's demonstrated experience and expertise in correctional facilities. Experience shall include current service in correctional facilities of similar size and volume, as well as experience of staff, district manager, transition team, and availability or alternative preparation sites.

B. The vendor's demonstrated ability to comply with American Correctional Association (ACA) standards for local detention facilities and to cooperate with Dakota County to attain ACA certification for food services. Vendors will indicate those facilities currently under contract that have attained accreditation as a result of their efforts.

C. The price per meal proposed.

D. Past history and references. Vendors shall include a listing of references with their proposals, indicating facility locations, name, and telephone number of facility contact person. The list should contain at least three (3) current references, preferably of a size comparable to or larger than Dakota County.

E. The Vendor's preliminary Transition plan.

Staff members from the Dakota County Sheriff's Department and the Dakota County Board of Commissioners and staff will review submitted proposals. Vendors who are deemed, on a basis of selection criteria, fully qualified and best suited among those submitting proposals may be requested to participate in discussions regarding their proposals. Discussion will cover cost, methods, and all other relevant factors. Dakota County reserves the right to select a bidder based on the quality of the proposal - not necessarily the lowest bidder.

At the conclusion of discussions, the vendors will be ranked on the basis of selection criteria and final negotiations will be conducted with the vendor ranked first. If a satisfactory agreement can be reached, the contract shall be awarded to the vendor; otherwise, negotiations will be conducted with each subsequent vendor until a satisfactory contract can be established or until the determination is made that the rejection of all proposals is in the best interest of Dakota County.

**13. QUALIFICATIONS OF BIDDER**

To be considered for award of this contract, the vendor must meet the following minimum qualifications:

A. It is preferred that the vendor be organized to providing institutional and/or volume food service, should have previous correctional feeding experience with proven effectiveness in administering corrections food service programs.

B. The vendor must have a proven ability for a contract start-up by January 1, 2007.

C. The vendor must have qualified and trained staff with sufficient back-up personnel to successfully complete the contract requirements. Information must be submitted for each employee that will be in supervisory capacity at the Dakota County Jail facility.

D. The vendor must have the central office capability to supervise and monitor the program ensuring satisfactory provision of services. In addition, the vendor must have an alternate emergency preparation site in the surrounding bordering county area.

E. The vendor shall submit a list of three (3) references, including name of institution, address, contact person and phone number.

#### 14. PROPOSAL PACKAGE

Vendors must submit a response in the form of a proposal which includes the following sections:

A. Completed Signature Page - See attached, Page 1

B. References - See attached, Page 2

C. Technical Proposal

This portion of the proposal must address each item listed below:

##### 1. Introduction

###### a. Company Profile

(1) Date organized to provide food service management in institutional and correctional facilities.

(2) Corporate background and depth of support

- number of employees

- number of years doing business

(3) Facilities currently accredited by State or Federal Accreditation Board

- name of facility - accrediting agency - list all

b. Company achievements in providing correctional food service management.

##### 2. Operational Requirements

All proposals must clearly define an action plan for providing jail meals as outlined in the Scope of Services in Section 15 and Transition on Commencement of Contract in Section 16 of this request.

3. Pricing - on a per meal basis.

4. Sample Menu - six week cycle menu. Minimum 2800 calories.

#### 15. SCOPE OF SERVICES

Vendor shall undertake, perform, and complete the following:

A. Operations. Specifically, Vendor shall be responsible for the following:

1. Plan, coordinate, handle, prepare and provide meals for the Jail's inmates. All menus and special diets shall meet the standards for adult holding and detention facilities as established by the American Correctional Association. The Jail Administrator will approve all menus prior to commencement. All meals served shall be in compliance with the most recent Recommended Daily Allowance for adult males as established by the National Academy of Sciences.

2. Ensure that all meals are served at appropriate temperatures (140 degrees hot, 45 degrees cold), and in a manner that makes them palatable and visibly pleasing, complete with condiments (dressing, sugar, salt, pepper, and catsup or mustard, where appropriate).

4. Employment of staff where appropriate.

5. Employees of Vendor assigned to work at the Jail shall submit to periodic health examinations as required by law. Vendor shall submit satisfactory evidence of compliance with all health regulations, including health examinations, to the County upon request.

6. The County shall be responsible for removal of trash and garbage from the loading area.

7. Meet requirements of all federal, state and local health standards and any other applicable standards.

B. Inmate Food Service.

1. Prepare food offsite and deliver three (3) meals for each day of the calendar year. Meals are to be available at the times specified by the Jail Administrator or his designated representative. OR 1A. Equip kitchen in new Dakota County Jail Facility with necessary kitchen equipment and prepare three (3) meals for each day of the calendar year on site at the times specified by the Jail Administrator or his designated representative.

2. The Jail Administrator or their designated representative shall provide the Vendor written confirmation of the number of meals required to be served for each meal prior to service of that meal.

3. Adhere to a four (4) or five (5) week menu, at the Vendor's discretion, approved by a registered dietitian and accepted by the Jail Administrator.

5. Prepare special meals, approved by a registered dietitian, as communicated by the Jail Administrator, including, but not limited to, medical and religious meals.

6. Provide daily meals to staff as requested and at a cost per meal mutually agreed upon between Dakota County and the Vendor.

7. Provide catered meals for special Dakota County events as determined by the Sheriff's Office, with not less than seventy-two (72) hours notice. The cost per meal shall be mutually agreed upon between the Sheriff and the Vendor.

8. Vendor shall make fullest use of the donated commodities when available, wholesome, and appropriate for menu purposes. Vendor may refuse acceptance of any such commodities, which are contaminated or in excessive amounts. The utilization/control of donated commodities are subject to the following conditions:

a. Vendor shall properly handle, store, and prepare all commodities.

b. A weekly inventory shall be taken of all commodities by Vendor. The report shall include for each donated commodity, the commodities on hand at the beginning of the week, the quantity used, the quantity lost due to spoilage, theft, or shrinkage, and the balance at the end of the week.

c. Commodities received shall be used solely for the benefit of the persons in the Jail.

9. Cooperate with the County on its submission for accreditation from American Correctional Association.

C. Use of Jail Kitchen and Maintenance of Equipment.

All food will be prepared off site and the jail kitchen will be used only for delivery of meals.

D. Compensation and Payment Procedure.

The County shall pay the Vendor on a sliding scale cost per meal basis. The Vendor shall submit invoices weekly based upon number of meals served. The County shall reimburse Vendor for services billed pursuant to its procedure for payment of Accounts Payable within thirty (30) days from the date of the Jail Administrators' verification that the services billed have been satisfactorily performed.

E. Accounting Procedures.

The accounting procedures and internal financial controls of the Vendor shall conform to generally accepted accounting practices in order that the costs allowed by this request can be readily ascertained and expenditures verified.

F. Reports, Records and Inspection of Records.

Vendor shall keep full and accurate records of the meals served, as well as any receipt of donated commodities. A copy of the records shall be supplied to the Jail Administrator or his designated representative with the monthly invoices. In addition, the successful Vendor shall retain all records related to the services provided for six (6) years after the termination of an agreement. All records related to the service provided under this request shall be available for auditing by the County at any time during regular working hours.

G. Reporting of Accidents or Incidents at the Jail.

Vendor shall ensure that its employees immediately report any accidents or incidents of any unusual nature in writing to the Jail Administrator or his designated representative and the Dakota County Board of Commissioners.

H. Staffing Requirements.

As the kitchen facility is located within the Dakota County Jail, the Vendor shall adhere to the following:

a. Follow all security rules of the Dakota County Jail.

b. Coordinate its shipping and receiving operations with the Jail Administrator.

c. Submit names, dates of birth, social security number and driver's license numbers of all employees who may work within the kitchen facility at least three (3) days prior to the commencement of work.

d. Immediately notify the Jail Administrator of any termination of employment by Vendor in the kitchen or when an employee provides written notification of termination of employment in the kitchen.

e. All Vendor employees and subcontractors shall be provided and shall wear a photographic identification, at the County's expense. The identification is the property of Dakota County and shall be returned upon termination of employment with Vendor.

f. The Sheriff reserves the right to refuse admittance to any person or persons who may constitute a security risk to the Dakota County Jail.

g. The Vendor shall process complaints received from inmates daily as follows:

1. Vendor shall designate one of its employees as the recipient of the complaints and such person shall determine the appropriate manner in which to resolve the complaints daily.

2. Any complaints that Vendor cannot resolve should be provided in writing within twenty-four (24) hours to the Jail Administrator or his designated representative.

l. Inspection of Kitchen and Services Performed.

Meals shall be inspected to ensure they are prepared in compliance the menu requirements. If during an inspection, the meals, the kitchen or inventory are found not to be in compliance, the Jail Administrator shall inform the Vendor in writing.

**16. TRANSITION ON COMMENCEMENT OF CONTRACT**

The successful proposer shall assume full operations on January 1, 2006. A preliminary transition plan must be submitted with each proposal. The Vendor shall coordinate and cooperate with the existing food service and employees to assure a smooth and orderly transition with uninterrupted food services. The Jail Administrator may request any additional information determined necessary to assure smooth operation of the facility.

**17. Meal Plan Options**

Dakota County would like to explore, as a way to help contain costs, any meal plan options that you have available. Include pricing of all meal plan options you provide.

**18. Mandatory Pre-Bidders Conference**

A mandatory Pre-bidders conference will take place on Tuesday, August 22, 2006, at the Dakota County Jail. Staff members from the Dakota County Sheriff's Office and County Board will be in attendance to review this request and answer questions. In addition, a tour of the kitchen facilities will be conducted. Please contact the Dakota County Board of Commissioners at (402) 987-2130 by August 21, 2006, if you will be attending.

**ATTACHMENT A**

**DAKOTA COUNTY  
INMATE FEEDING COST SUMMARY**

Meals prepared (circle one) On Site Off Site

**INMATE MEALS**

COST PER MEAL	_____
80-89 Inmates	_____
90-99 Inmates	_____
100-109 Inmates	_____
110-119 Inmates	_____
120-129 Inmates	_____
130-139 Inmates	_____
140 and above	_____

**STAFF MEALS**

COST PER MEAL \_\_\_\_\_

DAKOTA COUNTY, NEBRASKA

Inmate Food Service  
Signature Sheet

Name of Agency: Address:

Telephone Number: Fax Number: E-Mail Address: Federal Tax ID Number:

**CHECK ONE OF THE FOLLOWING:**

\_\_\_\_ Partnership, \_\_\_\_ Non Profit Corporation, \_\_\_\_ Profit Corporation  
\_\_\_\_ Other, Specify: \_\_\_\_\_

If awarded a contract in response to this proposal, our company:  
\_\_\_\_\_ Will \_\_\_\_\_ Will not  
be able to meet the specifications as required in Section 11: Insurance Requirements.  
Signature of Authorized Signatory:

Title and Name of Agency: Name of Authorized Signatory (Print):

Date: The above individual is authorized to sign on behalf of the company submitting this proposal. Proposals must be signed by an official authorized to bind the provider to its provisions for at least a period of 90 days. How did you learn about this bid opportunity?

**VENDOR REFERENCE INFORMATION:**

City/County Name: Contact Name:

Inmate Population: Contact Phone Number:

Date of Services:

Contact Address:

City/County Name: Contact Name:

Inmate Population: Contact Phone Number:

Date of Services:

Contact Address:

City/County Name: Contact Name:

Inmate Population: Contact Phone Number:

Date of Services:

Contact Address:

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

The board considered the resignation of Bryan Smith as Public Defender. Commissioner Bousquet moved, seconded by Commissioner Miller to accept the resignation of Bryan Smith as of August 5, 2006 and to declare the Public Defender position has been vacant since August 5, 2006

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

The Board opened proposals for a contracted Public Defender and they were as follows:  
To Dakota County Board of Commissioners:

Just in case you do decide to close the office I make the following bid:

\$125,000/year or \$250,000 for the whole two year contract.

This bid is made with the assumption that I would be able to keep the office space and office equipment that I currently use in the courthouse. Obviously the office equipment would remain the property of Dakota County's, but during the tenure of this contract they would lease it to me free of charge.

This bid figures in that I would be in charge of office supplies and the postage for all our mailings. However, this bid also figures in that the County would still be supplying the utilities to the office including the internet and phone that they currently provide. If any of this is unacceptable to the County then I would like to reserve the right to change the bid.

Thank you for your consideration.  
Joe Flynn

**BID FOR INDEPENDENT CONTRACTOR AGREEMENT  
FOR SERVICES AS DAKOTA COUNTY PUBLIC DEFENDER**

THIS BID IS PRESENTED TO THE DAKOTA COUNTY BOARD OF COMMISSIONERS ON BEHALF OF DAKOTA COUNTY (hereinafter known as "The County") and IS PRESENTED BY BARBARA KUENY (hereinafter known as "The Bidder") set forth below according to the following terms, conditions, and provisions:

1) IDENTITY OF CLIENT:

The County, as the client hiring the independent contractor, is hereby identified as follows:

Dakota County  
P.O. Box 338  
Dakota City, NE 6807]

2) IDENTITY OF BIDDER:

The bidder is Barbara Kueny and she proposes the following persons as assistant public defenders, John R. Begley, an employee of Ms. Kueny's and Kelly Coughlin a subcontractor. The following are short biographies of the individuals Ms. Kueny proposes will serve as Public Defenders:

Barbara Kueny: Graduated from Creighton University Law School in 1988 and has been is solo practice since 1989. Ms. Kueny has served as a public defender for the Winnebago Tribe of Nebraska and has, and currently is, serving as a Judge for the Winnebago Tribe. Ms. Kueny's practice is centered on family law and criminal defense. She has served as a Special prosecutor in Douglas and Cedar Counties in Nebraska. Ms. Kueny has represented criminal defendants before the County and District Courts of Dakota County, Burt County, and Thurston County, Washington County and Douglas County.

John R. Begley: Graduated from Creighton Law University School in 1988 has previously served as Assistant In-House Legal Counsel and Acting Legal Counsel for the Omaha Tribe of Nebraska. Mr. Begley has known Ms. Kueny since law school and has been her associate for the last 2 years. Mr. Begley has appeared before the Dakota County Court, on juvenile matters and criminal matters. Mr. Begley has appeared in Washington and Burt County Courts in misdemeanor matters over the past 2 years. Mr. Begley routinely appears in civil matters in Douglas County. Mr. Begley has also provided research and brief writing services to other attorneys both for trial briefs and appellate response briefs.

Kelly Coughlin: Graduated from Creighton University School of Law in 1997 with honors. While at Creighton she received the CALI awards for both Trial Practice and Defense of Criminal Cases classes. In her first year out of law school she practiced exclusively in criminal law in the Federal, State District and County Courts. Ms. Coughlin and has previously served as a public defender for the Winnebago Tribe of Nebraska from August of 2003 until May of 2006 representing both juveniles and adults. She is currently a solo practitioner whose practice includes criminal law, family law, and juvenile law and in Douglas and Sarpy and Cass Counties.

3) MISSION STATEMENT:

To provide legal services in a zealous and ethical manner to all clients that they represent.

4) AMOUNT OF BID FOR SERVICES:

The bidder states that she proposes a contract for the 1st year of the Contract period in the amount of One Hundred Forty-Five Thousand dollars (\$145,000) and for the second year One Hundred Fifty-Three Thousand Seven Hundred dollars (\$153,700). Said proposal is based on an approximate amount of cases filed of 179 felonies, 2158 misdemeanors and (based upon demographic information for fiscal year 2005.)

The bidder is willing to discuss including the following types of cases (that the Court currently appoints private counsel for) in the contract: (1) Representation of children when a petition alleging delinquency has been filed against them and (2) representation in Child Support enforcement defense when jail is a possibility.

5) INITIAL REVIEW OF PERFORMANCE AND COST OF ADMINISTRATION.

There shall be a review of number of cases handled and costs of administration and evaluation of the performance of the bidder after the first quarter of the first year and after the first quarter of the second year to determine if inflation or other events require a supplemental request for costs of administration of the contract.

6) SERVICES AND MATERIAL TO BE PROVIDED BY THE COUNTY.

The County shall provide office space in the Dakota County Courthouse and provide for file storage in the Courthouse in a secured area. The current phone system and office equipment presently in the Office of the Public Defender shall remain in the office and be at the disposal of the Bidder and the County shall cover the cost of service contracts or service calls regarding the office equipment provided by the County. The County shall also cover the costs of telephone service including long distance service.

The County shall provide postage and copy paper. The bidder needs internet access to allow for research using Casemaker, a service provided by the Nebraska Bar Association. The bidder asks that the County provide internet access either separately or allow the Public Defender's office to use the County's network at County's expense.

7) MATERIAL FOR WHICH THE BIDDER SHALL BE RESPONSIBLE.

a. Stationery and envelopes and necessary office supplies including (file folders, labels, legal pads pens etc...).

b. Continuing Legal Education in Criminal law matters and memberships.

1. Memberships:

- a. Dakota County Bar association.
- b. Nebraska Criminal Defense Lawyers Association.
- c. Membership in Criminal law Section of Nebraska State Bar Association.

c. Litigation expenses:

- 1. Depositions.
- 2. Cost of copy Nebraska Revised Statutes.
- 3. Additional electronic research if necessary.

d. Advertise for and hire Receptionist/Secretary

Salary taxes for receptionist: Contactor shall be responsible for the salary and payment of employment taxes and insurance, including Unemployment insurance and workers compensation insurance, related to the hiring of the receptionist/secretary and said receptionist/secretary shall not be a county employee and said employment shall be at will employment. Bidder shall be responsible for the hiring and supervision of the receptionist/secretary.

e. Malpractice insurance shall be the responsibility of the bidder and her subcontractor.

8) TERMS OF PAYMENT:

The County shall at the commencement of the Contract pay the first two months worth of the contact's value for the first year to allow for the start up costs of stationery and envelopes, advertisement and salary of the receptionist and other start up costs. The remainder of the disbursement of the contracted sum shall be negotiated as to frequency and manner of disbursement (i.e. monthly, quarterly etc.).

9) PAYMENT FOR HIRING OF EXPERTS, INVESTIGATORS.

The Bidder shall apply to the court per Nebraska Revised Statues 23-3407 for fees to employ social workers, mental health professionals, forensic experts, investigators and other support staff to perform tasks for which such support staff and experts possess special skills and which do not require legal credentials or experience.

10) TERM OF CONTRACT AND RENEWAL.

a. If the bid is accepted the contract shall be for two years beginning on \_\_\_\_\_, 2006 and ending on that date 2008.

b. At the review after the first quarter of second year of the contract the matter of renewal shall be a topic on the agenda.

Respectfully submitted by:

Bidder: \_\_\_\_\_  
Barbara Kueny

Dated this 7th day of August, 2006.

Ed Matney, County Attorney submitted a letter to the board as follows:

William F. Engel  
Chairman  
Dakota County Board of Commissioners  
PO Box 338  
Dakota City NE 68731

Dear Chairman Engel:

As the Board prepares to consider contracting out the work of the office of public defender, it is a requirement that the Board appoint a policy board to assist the Board of Commissioners. The role of the policy board is to "ensure the independence of the contracting attorney and provide . . . expertise and support in such matters as criminal defense functions, determination of salary levels, determination of reasonable caseload standards, response to community and client concerns, and implementation of the contract." The policy board must consist of three members: two of them have to be practicing attorneys and one has to be a layperson.

As you know, the citizens group has taken an interest in this matter and, I believe, its members remain willing to help the Board of Commissioners. I have specifically spoken to Ron Rapp. Mr. Rapp told me that he was willing to serve on the policy board, if the Board of Commissioners wanted to appoint him to it.

As it regards practicing attorneys, I have spoken to Tom Fitch, Dennis Hurley, and Mike Schmiedt. All of them expressed a willingness to serve on the policy board, if the Board of Commissioners wanted them to do so. I do not believe any of those attorneys were planning to submit bids for the position.

I hope this information is helpful. Thank you.

Sincerely,

Edward H. Matney  
Dakota County Attorney

He encouraged the board to name the members that he recommended to have a head start on the process. The majority of the members did not wish to do that prior to the Public Hearing to be held August 21st.

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

Chair Engel adjourned the meeting at 2:53 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
August 21, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 10:03 a.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, O'Neill, Hartnett and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioners Miller and Bousquet.

The agenda for the meeting of August 21, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 21, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

1. 10:00 a.m. Call to Order - 10:00 a.m.
  - \* Roll Call
  - \* Pledge of Allegiance
  - \* Approve Minutes of August 14, 2006.
2. Review claims submitted by County Clerk for payment
3. 11:30 a.m. Tour old jail
4. 11:45 a.m. Recess for Lunch
5. 1:30 p.m. Reconvene from Lunch
6. 1:35 p.m. Open Bids for Knox Blvd. Paving
  - \* Award Bids
7. 1:45 p.m. Rededication of Tree
8. 2:00 p.m. Public Hearing whether to dissolve the Public Defender's Office
  - \* Action to dissolve or not to dissolve the office may follow:

\* The Board may elect to advertise to solicit bids for an individual or company to provide Public Defense on a contractual basis.

\* The Board may accept the proposal of one of the proposals opened in their meeting of August 14, 2006 to provide Public Defense.

9. 2:30 p.m. Zoning Board Members to address the recent recommendations of new Zoning Board Applicants.

Appointment of Zoning Board Members.

10. 3:00 p.m. Citizens Committee - Discussion of Financing Phase II Dakota County Jail

11. Tabled Items

12. 2:15 p.m. Miscellaneous Agenda Items

\* Authorize Special Designated License for Omaha Exposition & Racing September 15 through Sept 17.

\* Possible formation of Policy Board and Appoint members to said board.

\* Location of Flag Pole

13. Adopt Section corners perpetuated by the State Surveyor in Sections in the Quarter corner between sections 26 and 27, Township 29 North Range 7 East and also the northeast corner of Section 27 and adopt Lee J. Nord as the competent Surveyor to set said corners.

14. Committee Reports

\* Jail Transition Report

15. Public Comment

16. Mail and/or Emergency Business

17. 3:45 p.m. Adjournment

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

Nanci Walsh, Board's Assistant, briefly explained the lid and how much of the lid is reserved for other entities.

The board discussed the paving of 48th Street and when and how we would budget for that.

The board toured the old jail to serve as their quarterly tour. They departed for the tour at 11:30 a.m.

The board returned to the board room at 11:50 a.m. and the board chair immediately recessed their meeting to 1:30 p.m.

Chair Engel reconvened their meeting at 1:28 p.m. with all members and Secretary Ted Piepho present.

Brian McDonald, with JEO, opened the bids for paving Knox Blvd. Two bids were submitted and they were from A & R Construction and Gill Construction.

A & R Construction's bid was \$192,757.54 and Gill Construction's bid was \$180,269.15

Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept Gill Construction's bid of \$180,269.15, which is low bid, providing that there were no errors in calculating the numbers.

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 allocate an area for memorials and rededicate the memorials of Joy Nixon and Victor Hanson and to adopt a resolution regarding memorial placements and length of dedication.

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 approve a request for a Special Designated Liquor License in the name Omaha Exposition & Racing, Inc. d/b/a Horseman's Atokad Downs located at 1524 Atokad Drive, South Sioux City, Nebraska during their live horse racing events September 15, 16, and 17, 2006.

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

Commissioner O'Neill moved, seconded by Commissioner Miller that since there is a vacancy in the position of County Surveyor, that the board appoint Lee J. Nord as a competent surveyor to reestablish the missing section corners in Section 26 and 27 Township 29 North Range 7 East, Dakota County, Nebraska.

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

Jim Wagner gave a brief report for jail transition and said that the Policy Manual for the new Jail had been delivered to Jail Standards.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the minutes of August 14, 2006 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 claims submitted by the County Clerk as follows:

GENERAL FUND: Dakota County Star, publishing- 614.96; Perkins, supplies- 32.34; Des Moines Stamp, shipping charge- 6.00; Midwest Office Automation, fuel surcharge- 7.00; NE Nebraska Assoc. of County Officials, fall workshop registration- 16.00; Perkins, supplies- 43.56; Theodore Piepho, cell phone share, mileage- 85.86; Sioux City Journal, 52 week subscription- 250.00; AJ Phillips, supplies- 152.00; Dakota County Star, publishing- 90.11; DAS Imservices, data support- 3.50; Charlotte Doenhoefer, prior years service- 10.00; Robert H. Giese, mileage- 102.35; Ruth Jensen, prior years service- 12.00; Redfield Co, supplies- 564.37; Mardell Sorensen, prior years service- 26.00; Irene Van lent, prior years service- 16.00; Microfilm Imaging Systems, lease- 240.00; Bear Graphics, printing- 550.87; Election Systems, coding, zip disk- 69.23; Secretary of State, voter ID cards- 10.00; Staples, USB cable- 37.43; Todds Storeall, Sept. storage- 80.00; DeLange Landen Finan, copier rental- 91.00; Des Moines Stamp, stamp- 25.75; Staples, supplies- 68.22; Executive Copy Systems, copier expense- 326.50; Northeast NE Assoc. of County Officials, fall workshop registration- 16.00; Carol Sue Dunham, mileage- 89.00; Paula Jensen, office supplies- 40.98; Kurt Rager, computer supplies- 39.05; Thomson West, CD Rom service- 128.50; William Binkard, reimburse supplies- 108.67; Frank Gonzalez, interpret- 560.00; Perkins, supplies- 111.06; NCDAA, membership- 60.00; Sioux City Journal, subscription- 156.00; Jesus Almaraz, witness fee- 27.12; Dakota County Court, court costs- 1835.65; Matt Fiedler, witness fee- 24.45; Thomas Fitch, atty fees- 390.00; Billy Fletcher, witness fee- 26.23; Charlie Fletcher, witness fee- 26.23; Lacy Foster, witness fee- 20.00; Jessica Hernandez, witness fee- 23.56; Randy Hisey, atty fee- 1560.00; Hurley Law Office, atty fee- 708.00; Sandra Inkster-Ehrich, atty fee- 690.00; Stephanie Katen, witness fee- 343.96; Rod Krahmer, witness fee- 20.44; Barbara Kueny, atty fee- 318.00; John Loos Jr, atty fee- 996.00; Juan Nino, witness fee- 28.90; Douglas Roehrich, atty fee- 1236.00; Richard Thramer, atty fee- 377.40; Patrick Tott, atty fee- 528.00; Thu Vu Mai Tran, witness fee- 33.35; Thomas Fitch, atty fee- 1296.00; Randy Hisey, atty fee- 1866.00; Hurley Law Office, atty fee- 1482.00; Douglas Roehrich, atty fee- 630.00; Richard Thramer, atty fee- 1694.40; Patrick Tott, atty fee- 60.00; [Jury Duty/mileage: Gary Kent- 47.46; Cherry Dennis- 50.57; James Bruggeman- 41.23; Donna Sees- 40.78; Cheryl Linafelter- 48.35; Derek Anderson- 35.45; Judith Stoner- 46.57; Beatriz Lopez- 41.23; Wesley Lauer- 38.56; Merrie Eriksen- 43.01; Georgina Navarette- 43.01; Laurie Alesch- 37.67; Shirley Castillo- 35.45; Deborah Frank- 35.45; Rebecca Chamberlin- 48.35; Alice Stowe- 37.67; Connie Evans- 37.67; Rita Northrup- 41.23; Pamela Parker- 44.34; Lisa Hanson- 38.56; Jean Anderson- 38.56; Julie Stinger- 35.89; Pamela Davies- 37.67; Teresa Sheard- 38.56; Debra Singer- 35.89; Robert Strong- 43.01; Kelley Snyder- 44.79; Rosemary Andrews- 38.56; Donald Hogh- 45.68;] Robert Decker, bailiff- 75.00; Dakota County Sheriff, papers/warrants- 2349.20; David Francis, prepare BOE- 176.25; Celeste Mack, prepare BOE- 71.25; Frank Gonzales, interpret- 120.00; Valorie Olson, BOE hearing- 91.00; Dixon County Sheriff, subpoena- 38.25; Anthony Lockhart, witness fee- 31.37; NE Supreme Court, court costs- 122.00; Hy-Vee, Inc, jury supplies- 45.80; Lutheran Social Services of SD, interpret- 140.10; Coffee King, jury supplies- 42.70; NE Supreme Court, court costs- 66.50; Clerk of District Court, court costs- 1256.00; Maximus Inc, cost allocation preparation cost- 1301.86; Alltell, cell phone- 58.50; A-team Heating & Air Conditioning, service, repair- 510.78; Benstar Packaging, supplies- 295.32; Bomgaars, supplies- 455.39; Foulk Bros. Plumbing, pipe repair- 159.13; Gill Hauling Inc, dumpster- 120.00; Grainger, lighting- 215.58; Hardware Hank, supplies- 41.86; Rick Jensen, mileage- 152.94; Menards, supplies- 997.18; MidAmerican Energy, gas- 1964.00; NPPD, electricity- 4368.61; Roto Rooter, clean sewer- 68.90; Sams Club, janitorial supplies- 972.37; Service Master, clean carpets- 790.75; Share, pest control- 146.12; Trembly, pest control- 50.00; Verizon Wireless, cell phone- 54.36; Dakota County Extension, reimbursement- 743.39; Circle R Frame Aligners, vehicle maintenance- 1696.90; City of South Sioux City, communications, copies, fuel- 9588.50; Dakota County Star, publications- 138.71; Dakota Food & Fuel, fuel- 5.00; Electronic Engineering, repair- 7.70; Fremont Tire, vehicle maintenance- 2321.73; Harolds, film developing- 81.31; Hubbard Mini Mart, fuel- 30.00; Jack's Uniforms, uniforms, equipment- 630.60; Knoepfler Chevrolet, vehicle maintenance- 158.33; J R Pantoja, interpret- 40.00; PepperBall Technologies, pepperballs, instructor course- 671.97; Racom, phone access line- 600.25; Robertson Implement, dog food- 19.20; Sioux City Journal, publication ad- 709.23; SFCU, membership, pins, AOL- 708.34; Siouxland Humane Society, animal control- 138.00; Verizon, cell phones- 68.07; Walmart, supplies- 78.25; Dakota County Treasurer, reimburse cash advance- 165.13; Dept. of Motor Vehicles, transcripts- 55.00; Dixon County Sheriff Dept., subpoena fees- 61.40; Edward H. Matney, postage- 62.82; H2O4U, water- 17.25; Sprint, cell phones- 134.06; Walmart, supplies- 12.26; Woodbury County Sheriff's Dept., juvenile papers- 4.90; City of South Sioux City, LEC operations- 22787.42; Amanda Barclay, mileage- 32.80; Electronic Engineering, page- 89.50; BI Inc, house arrest- 4119.00; Bob Barker, inmate personal supplies- 235.34; Butler County Detention, boarding- 13145.00; CBM Foodservice, jail meals- 13004.24; Cass County Jail, inmate medical- 792.62; Cass County Jail, boarding- 42550.00; City of South Sioux City, fuel- 937.44; ConocoPhillips, fuel- 262.70; Dakota County Sheriff, reimbursement uniform- 25.95; Dakota Food & Fuel, fuel- 238.87; Eric Davis, mileage- 7.34; DeLange Landen Financial Services, copier contract- 221.00; Dept. of Correctional Serv., safekeepers and inmate medical- 2779.96; Sandy Dickens, mileage- 332.86; Dixon County Sheriff, boarding- 3950.00; Fremont Tire, vehicle maintenance- 23.45; HyVee, funeral plant- 40.66; Jack's Uniforms, uniforms- 100.95; JM Lanspa DDS, inmate medical- 58.00; Madison County Sheriff, boarding- 11900.00; Mercy Bus. Health, inmate house calls- 825.00; NCP of Nebraska, inmate medical- 276.00; NE Nebraska Juvenile Serv., house juveniles- 31702.50; New Idea Fabrication, weld jail bunk- 120.00; David Noble DDS, inmate medical- 187.00; Quest Diagnostics, inmate medical- 75.00; Racom, 10 Kenwood radios- 6244.00; Redlers Pharmacy, inmate medical- 2313.05; Sams Club Direct, food supplies- 49.90; Linda Schovanec, mileage- 15.13; SFCU, transport fuel, meals, rental- 396.74; Sirchie Finger Print Lab, fingerprint pads- 55.30; Staples, toner, supplies- 259.72; Star Printing &

Publishing, house arrest- 42.50; Verizon, cell phones- 140.03; Walmart, supplies- 242.24; Woodbury Co. Juvenile Detention, house juveniles- 6400.00; Sams Club, supplies- 71.85; Verizon Wireless, phone- 40.50; BoundTree Medical, supplies- 371.84; Pam DeVries, mileage- 133.05; Dunes Family Medicine, consulting physician- 250.00; Pat Glover, mileage- 130.83; Kreislers Inc, UA Stix- 59.92; Perkins, supplies- 56.44; Deanna Beckman, mileage- 451.75; BoundTree Medical, supplies- 133.12; Elite Office Products, toner- 59.99; Hach Co, incubator, rack- 970.80; HyVee, pandemic flu meeting- 172.50; Perkins, supplies- 45.50; Radio City, radio- 277.95; Alan Boyd, mileage- 158.42; Electronic Engineering, pager- 13.95; Thompson West, law library- 361.53; BenStar Pkg, copy paper- 273.90; Cable One, internet- 273.90; Claritus, sealing fluid- 34.95; Dakota County Star, publishing- 10.57; Dakota County Treasurer, pop- 18.00; DeLage Landen Financial Services, copier lease- 110.50; Executive Technologies, service- 148.68; FSH Communications, pay phone- 58.30; Lazette Gifford, website upkeep- 40.00; Hasler, meter rental- 150.00; Helvig Agricultural Serv Co, BOE referee- 787.50; IBM, annual fee AS400 e-server- 125.70; Justice Solutions, balance of contract- 5446.00; Vernie A. Larson, BOE referee- 1612.50; Midwest Office Automations, copier maintenance, toner- 475.08; MIPS, support- 366.05; Network Systems+, computer work- 479.50; Qwest, phones- 1362.56; Schmader Electric, repair siren- 2316.00; Madelyn Thorsland, prior years service- 10.00; Three Rivers Benefit, admin. Fees- 90.00; Lyle Todd, BOE referee- 1875.00; US Postal Service, postage- 2500.00; WCS Telecom, long distance charges- 477.71; Road Fund, budgeted transfer- 70,000.00.

ROAD FUND: Aramark, towel service- 176.40; Barclay Asphalt, asphalt- 253.90; Bomgaars, pars, supplies- 8.99; Central Valley Ag, chemical- 187.54; Circle R, D3 repair- 50.00; Crosbie Ditching & Concrete, culverts- 1120.00; Dakota County Petty Cash, drug testing, tax- 64.00; Erlandson Trans. Co., gravel- 2817.74; Filter Care of Nebraska, supplies- 66.15; First State Bank, grader payment- 15559.03; Gill Hauling, dumpster service- 52.00; Green Light Truck Wash, maintenance- 250.95; Bill Haafke, gravel hauling- 498.72; Higman Sand and Gravel, gravel- 12659.15; Hubbard Mini Mart, fuel- 6085.97; H2O4U, water service- 13.00; Jackson Glass, repair- 20.00; Joes Dept. Store, supplies, parts- 355.23; Knoepfler, parts- 64.38; Linweld, oxy/acy/supplies- 90.44; Marlan Millard, prior years service- 15.00; Medical Enterprises, drug testing- 74.80; Midwest Svc & Sales, culvert, bridge planks- 3332.30; NPPD, Homer service- 23.68; Northeast Equipment, tractor rental/repair- 915.25; NNPPD, yard light- 1108.18; NNTC, phone service- 174.69; Northern Truck Equip, parts- 99.19; Pilger Sand & Gravel, gravel- 2687.31; Poms, tire repair- 35.50; Power Plan, parts- 680.63; Rinker, gravel- 754.57; Siouxland NAPA, parts, supplies- 83.44; Titan Machinery, part- 886.27; Town & Country6 Power, supplies- 37.17; Verizon Wireless, phone- 57.65; Warren Oil, fuel- 7711.65; Ziegler, parts- 7009.93.

ROAD IMPROVEMENT: Cow Country Equipment, cattle crossing- 4296.70; JEO, engineering Knox Blvd- 370.00; Midwest Service & Sales, rebar bridge repair- 406.22; Straight-Line Striping, road striping- 9748.35.

POOR RELIEF: Brockhaus Funeral Home, burial expenses- 289.95.

VETERANS SERVICE OFFICE: Veterans Office, emergency aid- 1000.00.

LE EQUIPMENT GRANT FUND: Insight Public Sector, pentax paper- 42.00; Racom, radios, antennas, mounts- 3981.05.

TITLE II JJDP FORM GRANT FUND: BI, juvenile electric monitor- 110.00; Amanda Barclay, mileage- 20.50.

COMMUNITY JUSTICE GRANT-PRETRIAL: BI, juvenile electric monitoring- 77.00; American Bio Medica, drug tests- 172.82.

LEC GRANT FUND: City of South Sioux City. LETPP and SHFP grants- 209,295.93.

PUBLIC SAFETY SALES TAX: City of South Sioux City, 12% LEC tax- 3574.78; Jail Bond Fund, 88% jail tax- 26215.06.

JAIL PROJECT FUND: B&S Masonry, jail contractor payment- 83700.00; Chief Industries, jail contractor payment- 19621.80; Com-Tec Security, jail contractor payment- 37805.40; HCI Construction, jail contractor payment- 36096.62; HMN Architects, contractor payment- 7224.36; Interstate Mechanical Inc, jail contractor payment; Jarco Builders LTD, jail contractor payment- 31500.00; K&P Services, construction dumpster- 802.92; Lindblom Services, portable toilet- 166.00; McHan Construction Inc, jail contractor payment; Muth Electric, jail contractor payment; Portastorage, portable office- 225.00; Total Fire Protection, jail- 15624.00; Winkler Roofing, jail contractor payment- 3333.60.

WEED FUND: Heritage Express, fuel- 131.00; Hubbard Mini Mart, fuel- 158.00.

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

The board discussed a location for a flag pole. Commissioner Miller and Bousquet were appointed to a committee to select the location for the flag pole.

Chair Engel recessed their meeting at 1:44 p.m.

Chair Engel reconvened their meeting at 2:00 p.m.

Chair Engel opened the Public Hearing whether to dissolve the Public Defenders Office at 2:00 p.m.

Commissioner Hartnett said that the Budget Committee had requested Ms. Walsh to gather information that had been presented to the board and any information supplied to the board concerning closing the Public Defender's Office and information pertaining to the cost effectiveness of having a Public Defender's Office.

Ms. Walsh submitted the following:

1. Figures from May 1999
2. March 2005 Figures that Scot Dugan had furnished the board.
3. April 21, 2005 letter from CJAC Committee signed by Mr. Matney supporting having a Public Defenders Office.
4. June 12th Letter from National Legal Aid and Defenders Association.
5. Figures that Bryan Smith had provided the board.

Lavonne Schmidt addressed the board and said that she was opposed to dissolving the Public Defender's Office and said that indigent people need the best representation possible and she felt that was done by having a Public Defenders Office.

John Loos Jr., who is running as the Democratic candidate for the office, addressed the board in support of keeping the office.

He felt that it was important to have an office which represents the indigent located here in the courthouse for assess ability and because it is an advantage to have someone right here because sometimes actions are needed on the spur of the moment and somebody can be released that same day if someone is here. That's less bed days.

He felt that the Public Defender could handle more cases. He mentioned Juvenile cases for one.

Don Goodman addressed the board but his comments were directed toward Bryan Smith and not pertaining to the Public Defender's Office.

Harry Moore, Madison County's Public Defender, said that he felt more research is needed before they would decide to dissolve the PD Office. He said that there is no statute that allows for the board to undo after they have created the office.

Court appointed attorneys get 50, 55 and 60 dollars an hour. Historically counties having a Public Defender's Office spend one third of what they would with all cases having court appointed council and about one-half if the county contracts for it Public Defense.

Chair Engel closed the hearing at 2:15 p.m.

Commissioner Hartnett commented that the board looked at this issue about 10 years ago and felt it was responsible to have a Public Defender's Office.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to keep the Public Defender's Office as it is now, an elective office.

Ed Matney, County Attorney, said that he had neutral comments and addressed the board. He thought that the board should wait to make a decision. He felt there were other issues to consider. He felt that consideration should be given to the bids that were received. He said that Mr. Flynn's bid was a considerable savings to the taxpayers.

He mentioned Ms. Kueny's bid of \$145,000 being a savings.

Ms. Miller wanted to see if that would be cost effective.

Mr. Matney said with the rising cost of insurance was a factor for budget consideration.

He felt that the board could delay the decision up to a month.

Ted Piepho addressed the board as Election Commissioner. He said that his comments would be neutral but he felt that some prior actions needed to be undone if they were to dissolve the Public Defender's Office.

He said on January 12, 2006, the Board by Resolution set the Public Defender's salary for the next term.

On January he had to, by law, publish a Notice of Office to be voted on and that was done January 12th listing the Public Defender's Office.

On March 23, 2006, a Notice of 2006 Primary Election was published including the Public Defender's Office.

On May 4, 2006, a Sample Ballot was published and the Public Defender's Office was on that Sample Ballot.

On May 11, 2006, the Canvass Board met and canvassed the election and certified the two candidates for the Public Defender's Office to be nominated.

Mr. Piepho said that he had to have the ballots printed 35 days prior to the election and expressed concern if the board waited a month.

Commissioner Bousquet said that we don't want to end up with the same Public Defender. It is hard to make a decision with the possibility of Mr. Smith to be on the ballot.

Ms. Hartnett asked for the vote.

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

Don Miller and several Planning and Zoning Board members appeared before the board and expressed dissatisfaction with the Planning & Zoning Administrator not representing the Planning and Zoning Board's action correctly to the County Board of Commissioners.

Mr. Miller cited the situation where Mr. Reinert gave the wrong names for the two extra board members to be added to the Planning & Zoning Board.

Since the three members up this year had not been appointed,

Commissioner Miller moved, seconded by Commissioner Bousquet, to reappoint Jim Crosgrove, Dick McCabe and Marlan Millard to 3 year terms beginning in January 2006 and ending in January 2009. Be it further resolved to work out increasing the board to 11 members in January, 2007 if that is desired.

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

Sheriff Wagner gave a short Jail Transition Report. He said he knows what is needed for the transition to the new jail but wanted to keep most of the number of people confidential until he and the budget committee come to agreement between them.

Several members of the Citizens Committee appeared before the board and they were promoting finding the funding that the county would be able to continue with Phase 2 right away.

Ron Rapp, Eric Bertness, Vincent Kramper, spoke to that and presented a possible funding mechanism that would provide for the county to do that.

Lance Hedquist, City Administrator for South Sioux City, said the agreements with other entities could be a very important part in providing the county a means to fund the jail.

It was agreed by all Commissioners, that the Citizens Committee should continue exploring options to fund Phase 2 of the Jail Project and Commissioner Miller moved, seconded by Commissioner Bousquet that the Citizens Committee continue exploring options to fund Phase two of the Jail Project.

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

Chair Engel adjourned the meeting at 3:18 p.m.

Dakota County Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
August 28, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioners Miller, Bousquet, Engel, O'Neill, Hartnett and Ted Piepho, County Clerk and Board Secretary.

ABSENT: All present.

The agenda for the meeting of August 28, 2006 was as follows:

1. 1:30 p.m. Call meeting to order with citing Pledge of Allegiance
  - \* Roll Call
  - \* Approve minutes of meeting/s
2. 1:35 p.m. Road Department and Highway Supt. Budgets
  - \* Discussion on amending the Budget Committee's Proposal
  - \* Board to possibly vote on recommending increasing BC's proposal
  - \* 1:45 p.m. Nanci Walsh - Preliminary Budget Review
3. Tabled Items
4. 2:00 p.m. Miscellaneous Agenda Items
  - \* Possibly Refund Bryan Smith's filing fee
  - \* Appointment of Public Defender
  - \* Levy allocation for Ag. Society. 06C-018
  - \* Levy Allocation for Historical Society 06C-019
  - \* Levy Allocation for Fire Departments 06C-020
  - \* Dakota County Jail - Signage on outside of building
  - \* All Hazards Mitigation Plan
  - \* Jail Staffing / Transition Analysis - Consider Hiring Rod Bottoms
  - \* Officials Reports, Co. Clerk, Reg. of Deeds & Clk of Dist. Ct.
  - \* Executive Session Personnel
5. Committee Reports
  - \* Jail Transition Report
6. Public Comment

7. Mail and/or Emergency Business

8. 2:30 p.m. Adjournment

Bill Rohde and Randy Crombie appeared before the board with requests for money to be added back into their budgets that the budget committee were recommending to reduce.

They asked for the following to be put into their budget.

1. \$5,000 to be in P/T Salary 0400.
2. Overtime increased to \$10,000 from \$5,000
3. \$3,500 be in building repair because they wanted to divide the Lunch area from the office.
4. would like to up Gravel and Borrow up to \$170,000.
5. Grader blades should be \$12,000.
6. They are going to need \$10,000 in grader blades.
7. They are going to need \$12,000 in tires as there are two patrols that need tires.
8. They need \$9,000 in pavement marking as that has already been spent.
9. Would like Equip Rental increased from \$5,000 to \$7,500.
10. Other Equip. was \$20,000 last year and would like for it to be \$20,000 instead of \$10,000.
11. Would like to purchase a new motor grader and would like \$80,000 to do that.

Randy Crombie wanted the Highway Supt.'s salary to go up to \$5,200 from \$3,000. He and Bill agree that he put in a couple hundred hours in addition to his normal time as a road employee.

The board discussed refunding Bryan E. Smith Jr.'s filing fee.

Ms O'Neill said that she had called the Secretary of State's Office and there is no provision in the statutes for refunding his filing fee.

Commissioner Bousquet moved, seconded by Commissioner Miller to refund Bryan Smith's filing fee to be a candidate for the Public Defender's Office as he has resigned his present position as Public Defender.

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

Commissioner Bousquet moved, seconded by Commissioner Hartnett to appoint Joe Flynn as Public Defender effective immediately.

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 adopt Resolution 06C-018, which allocates a total levy of .017568 for the Ag Society to adopt Resolution 06C-019, which authorizes a levy of .001956 for the Historical Society, and to adopt Resolution 06C-020, which authorized a common levy of .0295 for the Rural Fire Districts as follows:

**RESOLUTION 06C-018**

**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	.006836
Capital Improvement	40,000.00	40,000.00	.003896
Total	110,195.00	110,195.00	.010732

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

Passed and adopted this 28th day of August, 2006

ATTEST:

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

\_\_\_\_\_  
Board Chair

**RESOLUTION 06C-019**

**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 failed to file 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	20,101.61	20,101.61	.001958

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

Passed and adopted this 28th day of August, 2006.

ATTEST:

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

\_\_\_\_\_  
Board Chair

RESOLUTION 06C-020

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	28,117.74	.0295
Dakota Covington Rural Fire			
Total	72,949.88	68,312.66	.0295
Emerson Rural Fire			
Total	29,801.33	33,668.29	.0295

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

Passed and adopted this 28th day of August, 2006.

ATTEST:

\_\_\_\_\_  
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 Bousquet to adopt Resolution 06C-021 adopting the All-Hazards Mitigation Plan, and exhibit "Exhibit A" attached thereto and made a part thereof by reference as follows:

Resolution Number 06C-021

WHEREAS, a study was prepared by the Nebraska Department of Natural Resources for the Pappio-Missouri River Natural Resources District - including the County of Dakota, and

WHEREAS, the purpose of the study was to prepare an all-hazards mitigation plan which establishes the framework and also a process to implement and review the plan to reduce hazards as conditions change, and

WHEREAS, a complete mitigation plan shows that a community is addressing its hazards and qualifies the community for mitigation assistance from federal and state agencies.

NOW, THEREFORE, the governing body of the County of Dakota County, does herewith adopt the All-Hazards Mitigation Plan, a copy of which is marked "Exhibit A" and attached hereto and made a part thereof by reference.

PASSED AND APPROVED this 28th day of August, 2006.

County Board of Commissioners

ATTEST:

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

\_\_\_\_\_  
William F. Engel

Papio-Missouri NRD's plan for mitigation as follows:  
Dakota County

Dam Failure Drought Earth-quake Flood Summer Storm Land slide Winter Storm Tornado/Wind Wildfire  
Probability Low High Low High High Low High High Low Extent Limited Limited Unknown Limited  
Severe Limited Severe Severe Limited Previous Occurrence No Yes No Yes Yes No Yes Yes No  
Probability: Based on history, what is the likelihood this type of event will happen again? -  
None, Low, Medium, or High  
Extent - If this event were to happen, how extensive could the damage be?  
- Zero, Limited, Severe, Full, or Unknown  
Previous Occurrence: Is there an historic record of this type of hazard in the county?

The above figure shows the input provided at the initial public meeting. Due to the geographical proximity, the following hazard types were not considered due to there being no likelihood of occurring in Nebraska: volcanic eruptions, avalanches, hurricanes, tidal surges, and tsunamis.

In the following sections, only the hazard types which have a significant likelihood of occurring or have a reason to potentially occur are listed. These types are: severe weather (summer and winter), tornado, flood, drought, and dam failure. Although there is a small risk for earthquakes, wildfires, and landslides, citizens did not rank it high enough to warrant detailed discussion in this plan. This may change in future updates.

Disaster History  
County-specific disaster histories are given for each hazard type in Chapter 2.

There are no repetitive loss properties in Dakota County.

Likelihood of Future Hazard Events  
It is certain that Dakota County will be impacted by severe weather every year. In these events, it should be expected to witness large hail, high winds, and intense rain in the summer, and large snowfalls, ice, and bitter windchills in the winter. It is also anticipated that Dakota County will experience flood damage, especially in the area of the County where the bluffs cause rapid runoff to the Missouri River lowlands. It is also a certainty that Dakota County will experience tornadoes in the future.

Past Hazard Mitigation Efforts  
Dakota County participates and is in good standing in the National Flood Insurance Program. The initial identification for Dakota County's floodplain maps was completed on June 28, 1977, and the Flood Insurance Rate Map became effective on April 15, 1982.

Vulnerability Assessment  
The intent was to use the HAZUS software program to assist with the vulnerability assessment for Dakota County since it would take a considerable amount of time to conduct fieldwork and drive every street in the county. However, due to technical difficulties, the HAZUS analysis was not able to be completed within the grant period. A HAZUS analysis for Dakota County will be included for the five-year update.

According to the Nebraska Department of Property Assessment and Taxation, the total assessed taxable value for all of Dakota County (including incorporated areas) in 2005 was \$959,446,579. Broken out by significant real property types, this is:

Residential real property:	\$ 436,750,845
Agricultural land/personal property:	\$ 200,489,432
Commercial real property:	\$ 159,295,280
Comm/Ind personal property:	\$ 77,699,140
Industrial real property:	\$ 71,695,965

The difference between the total taxable and real property values is from less significant real property values and personal taxable values.

The entire structure stock is vulnerable to the severe weather, tornado, and drought hazard. This means that, as of 2005, there is \$959,446,579 in at-risk assets for these hazard types.

### Mitigation Alternatives

1) Complete the structural inventory for the next Papio NRD plan update.

Objective 1: Have a reliable structural inventory and to meet the federal requirements for the vulnerability assessment

- Action 1.1: Complete the structural inventory for Dakota County

Funding sources and potential cost: If completed by the NDNR, there will be no cost.

GOALS: 1) Reduce or prevent future damage from natural hazard events,

2) Increase public safety

To address these goals, mitigation alternatives were suggested in the public meeting and prioritized by the Dakota County Board.

### Prioritization

Dakota County prioritized the mitigation alternatives according to the "STAPLE(E)" procedure (Social acceptability, Technical feasibility, Administrative capability of local government, Political acceptability, Legal authority to implement, Economic justification, and Environmental acceptability). In addition, alternatives were prioritized based on the community's goals and planning objectives.

At its discretion, Dakota County may choose to not implement any of the proposed mitigation projects at this time with the realization that future events may change this stance as well as the prioritization of projects. Projects sponsored for implementation will follow a public process.

2) Maintain good standing in the National Flood Insurance Program

Objective 2: Continue to regulate development in floodplain areas

Funding sources and potential cost: No funding needed, no cost.

3) Remap Dakota County's floodplains

Objective 3: Ensure local floodplain ordinance is regulating an accurate floodplain

- Action 3.1: Through FEMA's Flood Map Modernization program, the floodplain

maps for Dakota County are slated to be reviewed starting in 2008, with new countywide floodplain maps targeted to become effective in 2010.

Funding sources and potential cost: No cost - mapping to be completed by the Nebraska Department of Natural Resources

4) Upgrade problem Dakota County bridges

Objective 4: Increase the ability of vulnerable county bridges to withstand flooding

- Action 4.1: Mitigate county road bridges which restrict flood flows and cause flood damage to the road, bridge, and surrounding land and development. Figure 1 shows the locations of bridges that the Dakota County Highway Superintendent would like to mitigate if funding were available. The numbers adjacent to the dots are the chronological order of priority given by the Highway Superintendent. In these cases, the mitigation action would be to reconstruct the bridge to increase the span, which would prevent flood flows from eroding bridge approaches and would allow flood flows to pass unimpeded under the bridge.

By number (See Figure 1), the bridge improvements are:

#1: Elma Road at Omaha Creek, 2« miles east of Homer

#2: 200th Street at Pigeon Creek, 5 miles east of Hubbard and 4 miles northwest of Homer.

#3: Q Avenue at Elk Creek, 2« miles northwest of Hubbard

Funding sources and potential cost: Public Assistance funds from FEMA following a federally-declared disaster for Dakota County - cost varies by project and scope

5) Ensure adequate severe weather notifications to critical facilities

Objective 5: Purchasing or education of a weather radio - Action 5.1: For County-owned critical facilities, the County should consider purchasing a weather radio to be used in each facility for the rapid dissemination of a severe weather warning.

- Action 5.2: If the County has noisy manufacturing facilities which may not hear tornado sirens, the County could inform the owners of these facilities of the option that they could purchase a weather radio.

Funding sources and potential cost: County, local businesses. Approximate cost about \$50 per radio.

### Implementation

To start implementation, determining which projects should be submitted for funding will be based on a FEMA-approved cost-benefit method. This means that proposed projects would need to be reviewed for cost effectiveness with the assistance of state emergency management or floodplain management personnel. Unless otherwise delegated, the County Clerk will be the person responsible for project administration of any project selected for implementation. FEMA has the authority to approve or deny mitigation projects applied for under their agency's mitigation programs.

### Evaluation

In this plan, several potential mitigation projects are identified; however, it is not designed to have an all-inclusive list of projects. It is designed to be a living document which can be adapted to the landscape as conditions change. This means that this plan should be revised and updated as new projects are identified and prioritized and participating communities. There is a requirement to review and update this plan every five years. To do this, communities will follow the same procedure that the Papio NRD

will utilize in its mitigation plan updates, which is detailed on page 56 of the NRD portion of this report. There are also evaluation, update, and revision worksheets which have been included in this plan as Appendix B to assist with this process.

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

Commissioner Bousquet moved, seconded by Commissioner Miller to approve the minutes of August 21, 2006 as typed,

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

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. 2:48 p.m.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to reconvene into open session.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 3:12 p.m.

Commissioner Miller moved, seconded by Commissioner Hartnett 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, 2006.

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

The payroll claims paid pursuant to the Employee Handbook were as follows:

COUNTY GENERAL FUND: Gross salaries- \$88,421.41, General Fund Employees Net Pay- \$61,346.73, Employer deductions paid: Retirement- 5,701.51, Retirement Makeup- 34.44, Social Security Tax- 5,324.19, Medicare- 1,245.19, DC Health Plan- 24,844.48, DC Dental Plan- 642.60, Life Insurance- 144.78.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 406.53, Tracey Corkin- 800.00, Bobbi Jo Harsma- 948.00, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 827.20, Phyllis Ridge- 908.00, Lyn Beltz- 80.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 464.60, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1600.00, Debra Jensen- 920.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 786.49, Jeremy Bermel- 1697.43, Anthony Bos- 1759.53, Brad Claypool- 1646.80, Sandy Dickens- 1030.08, Brian Ellinger- 1860.24, Brent Gilster- 2241.04, Todd Hammer- 1922.22, Melvin Harrison III- 2631.20, Rodney Herron- 1626.90, Kimberly Johnson- 330.51, Jared Junge- 2349.74, Michael Kreegar- 1696.04, Gary Powell- 96.00, Gayle Richards- 767.20, Kevin Rohde- 1572.95, James Wagner- 1868.04, Randall Walsh- 2059.95, Mary Gamble- 981.60, Amber Hegarty-, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Nikki Stokes- 300.00, Rebecca Broer- 1673.32, Richard Criss- 1184.75, Eric Davis- 1364.73, Toni Duncan- 1147.25, Penny Epting- 1520.00, John Gilles- 1286.25, Alma Gunderson- 1210.75, Lora Hanson- 1150.50, Paula Harrigfeld- 742.50, Brenda Harrison- 42.00, Cathy Harsma- 1219.75, Brett Johnson- 1205.90, Joseph Ramirez- 1202.25, Krystal Ramirez- 1564.32, Linda Schovanec- 1371.56, Daniel Wood- 1215.50, Randall Crombie- 115.39, Jolene Gubbels- 820.00, Leon Pies- 569.20, Pamela DeVries- 1454.50, Gloria Dwyer- 712.32, Patricia Glover- 1047.04, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 9,049.86, State- 3,203.38, Social Security Tax- 5,324.19, Medicare- 1,245.19, Retirement- 3,889.14, Retirement Makeup- 24.44, DC Health Plan- 1,005.98, DC Dental Plan- 362.38, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 964.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,465.75, Road Employees Net Pay- \$10,371.14, Employer deductions paid: Retirement- 823.28, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.98, Social Security Tax- 872.95, Medicare- 204.16.

Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1346.15, James Swanson- 1134.40.

ROAD FUND: Employee withholding paid to: Federal- 1,284.99, State- 472.05, Social Security- 872.95, Medicare- 204.16, Retirement- 548.88, DC Health Plan-, DC Dental Plan- 97.85, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

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

Dakota County Board of Commissioners

ATTEST:

William F. Engel,

Chairman

Theodore A. Piepho, County Clerk

Dakota County Board of Commissioners  
September 11, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioners Bousquet, Engel, O'Neill, and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Miller and Hartnett.

The agenda for the meeting of August 28, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, SEPTEMBER 11, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair                      Theodore A. Piepho, Secretary

1. 1:30 p.m. Call to Order with reciting the Pledge of Allegiance
  - \* Roll Call
  - \* Approve Minutes of August 28, 2006.
2. 1:32 p.m. Randy Walsh and Robert Giese - Distress Warrants Returns
3. 1:40 p.m. Linda Phillips with Siouxland Cares - Curfew for Minors Resolution 06C-022.
4. 1:50 p.m. Pat Foust - Purchase an IBM Server
5. 2:00 p.m. Open bids for Food Service beginning January 2007
6.                      Tabled Items
7. 2:15 p.m. Miscellaneous Agenda Items
  - \* Sign documents affiliated with Knox Blvd. paving.
  - \* Purchasing Agent Appointment and Notice to proceed.
  - \* Administrative Assistant, job duties, advertise position, etc.
  - \* Resolution to close road in S/E ↖ of S/W ↖ Section 32, Township 29N Range 9E 06C-023
  - \* Ed Matney - Closed Session - Threatened litigation
  - \* Bill Rohde Wigle Creek Road adjustment
8.                      Committee Reports
  - \* Jail Transition Report
9.                      Public Comment
10.                     Mail and/or Emergency Business
11. 2:45 p.m. Adjournment

Randy Walsh and Robert Giese, County Treasurer, appeared before the board and reported information concerning the collection of Distress Warrants recently filed back with the Treasurer's Office. The reports offered were as follows:

Commissioner Hartnett arrived at 1:36 p.m.  
Dakota County Treasurer  
P.O. Box 863  
Dakota City, Ne 6873 1-0863  
Phone (402) 987-2131  
Fax (402) 494-9234

August 23, 2006

Dakota County Commissioners  
Dakota County Courthouse  
Dakota City, Nebraska

The Dakota County Sheriff returned the 2005 Distress Warrants to the Dakota County Treasurer on August 21, 2006.

There were 333 Distress Warrants issued November 1, 2005 totaling \$112,282.71.

Of the 333 Distress Warrants:

275 are satisfied      \$102,364.50  
 Additional interest      5,180.55  
 13 were sold at sheriffs sale  
 21 are to be stricken  
 24 remain unsatisfied  
 1 taken off by correction  
 Total amount uncollected      9,566.21

(Total amount uncollected includes ones sold by sheriff ones to be stricken, the unsatisfied ones, and 1 taken off by correction.)

Attached are a list of the parcels the sheriff is recommending to strike and also a list of the ones the sheriff sold.

Robert H. Giese  
 Dakota County Treasurer

THIS IS A LIST OF THE PARCELS THAT THE SHERIFF RECOMMENDS STRIKING.

NAME	PARCEL #	AMOUNT
AGUILAR/JOSE S EMMA	220175934	\$ 155.42
BIGBEAR/JOAN E.	22016S483	97.21
FLORES /RAFAEL	220190062	82.41
GALLEGOS/MARIA ELENA	220113327	83.77
GRIMA/MIGUEL OR SOF~HIA	220175845	55.88
HERNANDEZ/ELVI RA	220182914	96.71
HUNAN RESTAURANT	220219136	174.92
I BAR RA/MARGAR I TA	220125686	178.13
LOPEZ/ANTON IA	220166102	100.02
MED INA/SOCORRO	220193908	90.80
MELGOZA/JOSE L	220137889	190.73
MUONIZ/ZALLIE	220184836	166.63
MUNOZ /MART I NA	220138397	120.58
QUEZADA/PETER	220218609	66.14
ROSE/RICHARD E S KIMBERLY K	220181594	90.76
SIERRA/RICHELLE M	220129339	58.60
SKY-SCAN CABLE COMPANY	220175330	2.96
TORRES/FELI PE	220168006	127.83
TORRES /ROSAR ID	220190895	109.17
WALSH/WILLIAM H S MADONNA	220184933	22.83
ZENTZ/DARRELL W	220178038	77.95

PROPERTIES SOLD BY SHERIFF		
NAME	PARCEL	DW #
BOBIER/JACK D	220193959	2034
CARR I LLO/EDGAR	220107572	2053
DELTORRO/VERONICA RELLES	220107890	2073
GOMEZ OR MARIA E ZUNiGA/JOSE L	220191085	2103
GOMEZ/S I LVANO	220179611	2105
KINZIE/SHAWN	220190798	2141
LOZANO/RODR I GO	220112169	2162
LYONS/SUELLA M	220179670	2168
PARKS/BRYAN	220155658	2226
SANCHEZ/JUAN OR MARIA	220195315	2270
SANTANA/UBALDO	220109699	2281
VENEGAS/M IGUEL	220140200	2319
YATES/BILL	220140847	2328

Commissioner Miller arrived at 1:47 p.m.

Commissioner Bousquet moved, seconded by Commissioner Hartnett, to strike all the distress warrants if they have moved out of the county, filed bankruptcy, are deceased, under \$50.00, been on the list for more than two years, or the property has been destroyed and the 24 that is being recommended by the Sheriff's Office.

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

Kristin Herron appeared before the board on behalf of Pat Foust requesting to purchase an IBM server to replace their present server. It will cost \$20,250 and since it is over \$5000 they are seeking the board's approval.

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the LEC purchasing the IBM Server pending approval of the LEC Board.

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 approve the Standard Form of Agreement between owner and contractor and the Notice to proceed to Gill Construction and to authorize the chair to sign same including the Purchasing Agent Appointment in the name of Gill Construction.

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

Commissioner Hartnett moved, seconded by Commissioner Miller to adopt Resolution 06C-022 to close a section of Road south of the intersection of Atokad Drive and Stable Drive, more particularly described as a section of road that is 627 feet in length and 66 feet wide, with a legal description of Section 32, T29N, R9E.

RESOLUTION 06C-022

WHEREAS, Dakota County agrees to the closing of a section of Road south of the intersection of Atokad Drive and Stable Drive, more particularly described as a section of road that is 627 feet in length and 66 feet wide, with a legal description of Section 32, T29N, R9E, in which the closing has gone through the regular legal courses of a public hearing, vote, and resolution.

WHEREAS, the road to be closed is in the South Sioux City's Planning and Zoning jurisdiction and has also gone through South Sioux City's legal process with a motion being passed 7-1 at their August 2006 meeting.

BE IT FURTHER RESOLVED, that the Dakota County Commissioners, South Sioux City Council, and the present landowners all agree that the land involved be evenly distributed between the present landowners.

Adopted this 11th Day of September, 2006 at Dakota County.

BOARD OF COMMISSIONERS  
DAKOTA COUNTY, NEBRASKA

\s\ Bill Engel, Chairperson

ATTEST

\s\ Theodore Piepho, County Clerk  
Roll Call   5   yea, nay   0  

Resolution adopted, signed and billed as adopted

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

Bill Rohde appeared before the board to recommend an adjustment to Wigle Creek Road location.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to hire an independent Surveyor to survey the location points of Wigle Creek Road to insure they are located in the correct location and to proceed with the construction of Wigle Creek Road once that has been determined.

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

Nanci Walsh, Administrative Assistant, opened the bids for soliciting a vendor to provide food service for the inmates beginning January 2007.

They were as follows:

Consolidated Correctional Foodservice, A Division of Consolidated Management Company, 2670 106th Street, Suite 140, DesMoines IA 50322, 515-278-9774.

Number of inmates	Cost per meal
80-89	\$2.32
90-99	2.16
100-109	2.03
110-119	1.92
120-129	1.82
130-139	1.75
140 and above	1.68

\$.40 will be added to the above rate if less than three trustees helped with the meals.

CBM Food Service 3600 N. Cliff Avenue, Sioux Falls, SD 57104, 605-335-0825.

Number of inmates	Cost per meal
80-89	\$1.78
90-99	1.665
100-109	1.571
110-119	1.496
120-129	1.431
130-139	1.374

140 and above 1.322

Aramark, 4510-3 Empire Drive North, Hugo MN

Number of inmates	Cost per meal
80-89	\$2.39
90-99	2.198
100-109	2.042
110-119	1.956
120-129	1.869
130-139	1.788
140 and above	1.739
Staff Meals	2.00

The bids were referred to a committee assigned by the chair to include Nanci Walsh, Ted Piepho, Commissioner Bousquet and the Sheriff or his Chief Deputy.

Lance Hedquist appeared before the Board and introduced an Interlocal Agreement that the City act as the County's Economic Director. Their fee would be the first years taxes of the development.

Sheriff Wagner gave a transition report that they were working on a Keying system authorizing access to individuals in certain areas.

Discussion led into meeting with Dan Evans.

Norma DeLaO, Adriana Dungan and Sonia Villalbando, appeared before the board to express concerns about Mr. Matney's comments on open line.

Ms. Dungan. shared her comments echoing what Ms. DeLaO said.

Mr. Matney said that he did not say anything wrong and he was being falsely accused.

Frank Lemere addressed the board from the audience and expressed the same as Ms. DeLaO.

Commissioner Bousquet moved, seconded by Commissioner Engel to convene in Closed Executive Session to discuss possible litigation.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED 3:36 p.m.

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

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED 3:47 p.m.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to appoint John Loos as Deputy Public Defender.

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

The board discussed a proposed budget for the Sheriff.

Payroll claims paid pursuant to the employee handbook were as follows:

COUNTY GENERAL FUND: Gross salaries- \$87,720.07, General Fund Employees Net Pay- \$60,262.54, Employer deductions paid: Retirement- 5,699.89, Retirement Makeup- 34.44, Social Security Tax- 5,280.70, Medicare- 1,235.05, DC Health Plan- 25,575.20, DC Dental Plan- 661.50, Life Insurance- 147.97.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Tracey Corkin- 800.00, Bobbi Jo Harsma- 930.23, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 827.20, Robert Giese- 1493.55, Ruth Gillaspie- 1098.18, Jolene Heinemann- 885.60, Kimberly Kuehl- 744.48, Phyllis Ridge- 822.88, Mark J. Dorcey- 572.98, Margaret Rahn- 1098.18, Daniel Christoffers- 434.30, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 2140.04, Debra Jensen- 920.00, Richard Jensen- 1283.09, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 784.07, Jeremy Bermel- 1725.11, Anthony Bos- 2195.14, Brad Claypool- 2134.40, Sandy Dickens- 1030.08, Brian Ellinger- 2136.24, Brent Gilster- 1709.12, Todd Hammer- 1952.00, Melvin Harrison III- 2272.40, Rodney Herron- 1993.02, Kimberly Johnson- 190.86, Jared Junge- 2197.51, Michael Kreegar- 1639.36, Gayle Richards- 767.20, Kevin Rohde- 1693.35, James Wagner- 1868.04, Randall Walsh- 1655.40, Mary Gamble- 981.60, Amber Hegarty- 338.46, Aimee Kennedy- 920.00, Edward Matney III- 2416.41, Debra Schmiedt- 1961.54, Bobbi Strong- 920.00, Kimberly Watson- 1538.46, Amanda Barclay- 1098.47, Nikki Stokes- 270.00, Rebecca Broer- 1409.57, Richard Criss- 1165.50, Eric Davis- 1165.31, Toni Duncan- 1249.63, Penny Epting- 1808.00, John Gilles- 1267.00, Alma Gunderson- 1460.88, Lora Hanson- 968.50, Paula Harrigfeld- 178.20, Brenda Harrison- 84.00, Cathy Harsma- 1324.75, Brett Johnson- 1137.70, Joseph Ramirez- 1323.00, Krystal Ramirez- 1245.38, Linda Schovanec- 1276.32, Daniel Wood- 832.00, Randall Crombie- 115.39, Jolene Gubbels- 820.00, Leon Pies- 622.58, Pamela DeVries- 1454.50, Gloria Dwyer- 695.63, Patricia Glover- 963.60, Alan Boyd- 941.85.

GENERAL FUND: Employee withholding paid to: Federal- 9,123.94, State- 3,195.87, Social Security Tax- 5,280.70, Medicare- 1,235.05, Retirement- 3,889.83, Retirement Makeup- 24.44, DC Health Plan- 1,005.98, DC Dental Plan- 362.57, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,333.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,510.45, Road Employees Net Pay- \$10,401.30, Employer deductions paid: Retirement- 826.30, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 26.01, Social Security Tax- 875.72, Medicare- 204.79.

Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoesing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 611.90, William Rohde- 1346.15, James Swanson- 1136.40.

ROAD FUND: Employee withholding paid to: Federal- 1,291.28, State- 474.83, Social Security- 875.72, Medicare- 204.79, Retirement- 550.90, DC Health Plan-, DC Dental Plan- 97.90, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

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

Dakota County Board of Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
September 18, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 10:05 a.m.  
The pledge of allegiance was said.

Present: Commissioners Bousquet, Engel, O'Neill, and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Miller and Hartnett.

The agenda for the meeting of August 28, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, SEPTEMBER 18, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair                      Theodore A. Piepho, Secretary

- 1. 10:00 a.m. Call to Order with reciting the Pledge of Allegiance
- \* Roll Call
- \* Approve Minutes of August 28, 2006.

- 2. Review claims submitted by County Clerk for approval
- 3. 11:45 a.m. Recess for lunch

- 4. 1:30 p.m. Reconvene from Lunch

- 5. 1:31 p.m. Adriana Dungan - concerns with Mr. Matney on open line

- 6. 1:50 p.m. Stan Binkley - Road conditions (Gravel)

- 7. Tabled Items

- 8. 2:00 p.m. Public Hearing on the Budget

- 9. 2:15 p.m. Tax Request Hearing

- 10. 2:30 p.m. Miscellaneous Agenda Items

\* Interlocal Agreement for South Sioux City to Administer Dakota County's need for Economic Development and their fee would be the County's portion of the company's first year taxes.

\* Curfew

\* Award Food Service Bid

\* Adopt the Budget

- \* Approve additional 1% restricted funds
- \* Pass tax request resolution
- \* Officials Reports - Co. Clerk, Reg. of Deeds and Clk. Dist. Ct.

11. Committee Reports  
\* Jail Transition Report

12. Public Comment

13. Mail and/or Emergency Business

14. 2:45 p.m. Adjournment

Adriana Dungan appeared before the Board concerning the County Attorney's comments on open line radio. She said as concerned citizens of this county we ask that you, as an elected board, make a public statement that the County Commissioners will not tolerate any public official making remarks that target one specific nationality. We ask that you make it clear to Mr. Matney that he needs to be careful of the words that he uses when he makes public comments as a public official.

Sonia Villalando also appeared and said she did not hear the interview on the radio, but that her customers have told her about it.

Commissioner Miller arrived at 1:38 p.m.

Norma DeLaO appeared and said that the chairman was offensive last week when they came before the board because he said "you people". She said that the constitution mandates equality to all people.

Celelie Olvarez Huerta read letter a prepared by Frank Lemere.

She said Mr. Matney spoke of a task force rounding up illegals. Not all problems can be blamed on illegals. She talked about the clear act and added that illegal emigration is a Federal issue.

Chair Engel opened the Budget Hearing at 2:00 p.m.

Nanci Walsh, Board's Assistant, explained the proposed budget.

Chair asked for comments from the floor.

Scot Mohnson addressed the importance of improving Fiddler Creek Road.

Commissioner Miller said that she would like to see serious consideration given to upgrading this road.

Chair opened the Property Tax Request Hearing at 2:20 p.m.

Nanci Walsh, Board's Assistant, explained the property tax request.

No one had any questions.

Chair Engel closed the Budget Hearing at 2:22 p.m.

Chair Engel closed the Property Tax Request hearing at 2:23 p.m.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the 2006-2007 budget as proposed.

Dakota County  
RESOLUTION OF ADOPTION AND  
APPROPRIATIONS

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2006, to June 30, 2007, prepared by the Budget Making Authority, was transmitted to the County Board on the 31st day of July, 2006.

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, 2006, to June 30, 2007, 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, 2006, and ending June 30, 2007.

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 18th DAY OF September, 2006.

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 an additional 1% increase in restricted funds for the 2006-2007 budget year.

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

Commissioner Bousquet moved, seconded by Commissioner O'Neill to adopt a Property Tax Resolution as follows:

**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 2006-2007 property tax request be set at \$5,008,678.82.
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2006.

Adopted this 18th day of September, 2006.

Attest:

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

\_\_\_\_\_  
Chair

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

Commissioner Bousquet moved, seconded by Commissioner Miller to adopt a curfew resolution consistent with the curfew adopted by other Siouxland entities as follows:

**RESOLUTION \_\_\_\_\_**

WHEREAS, the County Board of Commissioners have discussed a curfew for persons under the age of 18,

BE IT THEREFORE RESOLVED curfew hours be set as follows: 10:00 p.m. for minors under the age of 14; 11:00 p.m. for minors ages 14 and 15 and Midnight for minors ages 16 and 17. It shall be unlawful for said minors to loiter, idle, wander, stroll, play or be in or upon the public street, roads or avenues, public places and public buildings, places of amusement and entertainment, vacant buildings or vacant land or operate any bicycle or other vehicle, in, upon, over or through the streets, roads, avenues or other public places of the County between the hours stated above per minor's age of any day until 6:00 a.m. of the following day, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

BE IT FURTHER RESOLVED that nothing herein contained shall prohibit said minor persons from attending special school functions or adult-supervised entertainment conducted by any school, church or fraternal organization which continues beyond the curfew hours as set out in above paragraph. In all such cases the hours herein prohibited shall be extended for those minors attending said special functions or entertainment one and one-half hours after the closing of said special function.

BE IT FURTHER RESOLVED that it shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 18 years to allow or permit said minor person to do any of the acts or things prohibited in above paragraphs regarding curfew hours and curfew hours extended of this resolution.

BE IT FURTHER RESOLVED that every member of the Sheriff Department, while on duty, shall be authorized to detain any such minor willfully violating the provisions of this resolution, and upon apprehension of said minor shall forthwith notify by telephone or other appropriate means the parents or legal guardians or person in custody of said minor child.

AND FINALLY, BE IT further resolved that a penalty as prescribed in Nebraska Statues be assessed for any violation of the foregoing provisions of this resolution.

ATTEST:

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

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

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

Commissioner Bousquet moved, seconded by Commissioner Miller to accept CBM's bid to provide meals for the jail upon the opening of the new jail.

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

Commissioner Miller moved, seconded by Commissioner Bousquet to adopt and approve the Interlocal Agreement between South Sioux City and Dakota County for South Sioux City to Administer Dakota County's need for Economic Development and their fee would be the County's portion of the improvement's first year taxes as follows:

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT made and entered into this 18th day of September, 2006 by and between THE CITY OF SOUTH SIOUX CITY, NEBRASKA, a municipal corporation (hereinafter referred to as "City"), and the COUNTY OF DAKOTA COUNTY, , NEBRASKA, a governmental subdivision (hereinafter referred to as "County"), WITNESSETH:

WHEREAS, the Interlocal Cooperation Act (Neb. Rev. Stat., Section 13-801 to 13-827, inclusive) authorizes local government units to cooperate with each other on a basis of mutual advantage and provides services and facilities that will accord the best geographic, economic, population and other factors influencing the needs and development of local communities; and,

WHEREAS, the parties recognize that economic and community development will have positive impacts on all residents of, Nebraska; and,

WHEREAS, the City has committed resources for the staffing and professional development of an Economic and Community Development Director who is an employee of the City; and,

WHEREAS, all parties hereto benefit through the effort of the City's Economic and Community Development Director with direct and indirect benefits; and,

WHEREAS, the parties acknowledge that if a business locates within their corporate limits, it will receive additional and increased real estate and personal property taxes.

NOW THEREFORE, pursuant to the authority of said Interlocal Cooperation Act of the Legislature of the State of Nebraska and pursuant to the authority and direction of the ordinances and resolutions as adopted by each of the governmental subdivisions who are a party hereto, and in consideration of the mutual covenants and undertakings herein contained, IT IS HEREBY AGREED by and between each of the aforesaid governmental subdivisions, and each of them, and each of their successors, as follows:

1. Duration. The term of this agreement shall be perpetual with either party having the ability to give sixty (60) days notice to cancel the agreement. It is agreed and understood that neither party may cancel the agreement to avoid payment of the compensation set forth in paragraph 4 in the event that there is a new business located within the boundaries of Dakota County.

2. Administration. Due to the nature of the contract and responsibilities of each governmental subdivision, it is determined that it is not necessary to create any separate legal or administrative entity for administration of the agreement. In the alternative, administration of the agreement shall be the responsibility of the City Administrator of the City of South Sioux City, Nebraska.

3. Purpose. The purpose of this agreement shall be for economic and community development of all parties hereto including, but not limited to the following:

- a) The City shall jointly promote economic and community development of all parties hereto;
- b) The County shall provide information on all buildings and available real estate for economic and community development;
- c) The Economic and Community Development Director of the City shall coordinate all economic development meetings among the parties hereto.
- d) The Economic and Community Development Director of the City shall meet regularly with the Dakota County Economic Development Committee.

4. Funding. In the event that there is a new business located within the boundaries of Dakota County as a result of the joint efforts of all parties hereto, the governmental unit where the new business is located shall provide to the City the first full year of real estate and personal property taxes generated by the new business. Any new business that locates in the county independent of assistance from the City are exempt from this agreement. This shall be calculated by multiplying the valuation of the new business times the tax rate of the governmental unit. All taxes collected beyond the first year shall remain with the governmental unit where the business is located.

5. Books and Accounts. The City Administrator shall keep and maintain such books and accounts as the parties may deem advisable and as may be required by their respective auditors, which books and accounts shall be audited annually by certified public accountants selected by the City. Certified reports of the audits shall be prepared at the end of each fiscal year, copies of which shall be furnished to the clerks of each governmental unit. The books and accounts shall be available for inspection by authorized representatives of the parties hereto.

6. Records and Reports. The City Administrator shall maintain and keep such other records and make such reports to the constituent governmental units as each may deem necessary or advisable for their proper conduct of the duties and obligations pursuant to this agreement.

7. Budgets. It is not necessary to create a separate budget for this agreement.

8. Severability. If any provision of this agreement is determined to be invalid, the entire agreement shall be void and of no further force and effect.

WHEREAS, the governmental subdivisions who are a party hereto have, on the day and year first above written, caused this agreement to be executed by the respective officers duly authorized and have caused their respective seals to be affixed hereto.

THE CITY OF SOUTH SIOUX CITY,  
DAKOTA COUNTY, NEBRASKA, a  
Municipal corporation,

BY: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK  
(SEAL)

COUNTY OF DAKOTA, STATE OF  
NEBRASKA, a governmental subdivision,

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
COUNTY CLERK  
(SEAL)

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

Jim Wagner, County Sheriff, gave a Jail transition report and said that the training policy has been delivered to Commissioners Miller and Hartnett.

Commissioner Miller 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 August, 2006.

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

Commissioner Bousquet moved, seconded by Commissioner Miller to adopt medium brown lettering for the new jail.

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 draft a Letter of Support to USDA, Rural Development supporting L.P. Gill's Application for the methane gas collection system as follows: September 18, 2006

Mr. Dale Wemhoff  
USDA, Rural Development  
1909 Vick Lane, Suite 103  
Norfolk, NE 68701

Dear Mr. Wemhoff:

The Board of Commissioners of Dakota County is behind the application by LP Gill Incorporated for the USDA Renewable Energy/Energy Efficiency Program. This is a very positive project from every angle. It helps the environment, reduces reliance on a fossil fuel, and helps expand our economic base.

This methane gas collection system will reduce the reliance on a natural gas for the operation of the ethanol plant. The methane will come from a renewable supply of garbage that is placed in this regional landfill that serves over 150,000 persons.

The State of Nebraska Governor Heineman and legislature did their part when they approved the introduction of grass in the municipal waste to enhance the production of methane. It was a bill that was supported by many environmental groups and our county. This project will serve as a key example of what other cities can do to "mine the gas that currently escapes into the atmosphere.

We encourage your approval of this application by LP Gill Incorporated.

Sincerely,  
William F. Engel  
Chairman

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

Commissioner O'Neill moved, seconded by Commissioner Miller to approve the minutes of September 11, 2006 as typed.

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

Commissioner O'Neill moved, seconded by Commissioner Engel to approve the claims submitted by the county clerk as follows:

GENERAL FUND: Dakota County Star, publishing- 596.93; Perkins, supplies- 36.96; Nanci Walsh, mileage/parking/meals- 183.74; Western Cartographers, map- 20.00; Dakota County Star, notices- 59.63; Des Moines Stamp, stamp- 40.00; Perkins, supplies- 188.93; Theodore Piepho, phone- 20.00; Staples, supplies- 39.48; Robert Giese, mileage- 89.00; Charlotte Doenhoefer, prior yrs- 10.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; DAS Imsservices, service- 3.50; Des Moines Stamp, supplies- 71.10; Microfilm Imaging Systems, lease- 240.00; Cover One, covers- 145.58; Des Moines Stamp, stamp- 23.90; Todds Storeall, storage- 80.00; Carol Sue Dunham, mileage- 106.80; Creighton Law Review, subscription- 25.00; DAS Material, supplies- 506.05; Des Moines Stamp, stamps- 122.30; Frank Gonzalez, interpret- 120.00; Midwest Office Automations, contract- 462.30; Office Systems Company, contract- 571.80; West Payment Center, service- 128.50; William Binkard, supplies- 17.95; Frank Gonzalez, interpret- 400.00; Perkins, supplies- 171.61; Erica Gonzalez, interpret- 80.00; Jesus Almoraz, witness fee- 27.12; Dakota County Court, court costs- 1958.20; Jason Heft, witness fee- 122.35; Randy Hisey, counsel- 858.00; Hurley Law Office, counsel- 1926.00; Sandra Inkster, counsel- 480.00; Stephanie Katen, witness fee- 344.85; Justin Laird, witness fee- 22.67; John Loos Jr, counsel- 858.00; Bryan Meister, witness fee- 20.00; Exodus Morano, witness fee- 20.00; Letha Ramirez, witness fee- 26.67; Douglas Roehrich, counsel- 246.00; Richard Thramer, counsel- 107.40; Patrick Tott, counsel- 168.00; Dakota County Sheriff, papers/warrants- 1478.95; Clerk of District Court, court- 544.00; Margaret Teager, witness fee- 20.00; Doug Pfeifer, witness fee- 37.80; Laura Tavares, witness fee- 24.45; Fabiola Hurtudo, witness fee- 24.45; Lutheran Social Services, interpret- 9.00; Lancaster County Sheriff, fees- 15.00; Coffee King, coffee- 47.70; Tott Law Office, counsel- 582.00; Richard Thramer, counsel- 349.80; Hurley Law Office, counsel- 828.00; Randy Hisey, counsel- 576.00; Lancaster County Sheriff, service- 15.00; Minnehaha Co Sheriff, service- 16.50; Ateam Heating & Cooling, service- 275.00; Bomgaars, supplies- 28.05; Dakota Food & Fuel, fuel- 65.00; Foulk Bros Plumbing, service- 80.49; Gill Hauling, service- 120.00; Grainger, supplies- 703.54; Hardware Hank, supplies- 181.41; Richard Jensen, mileage- 142.26; Menards, supplies- 295.53; Midamerican Energy, gas- 1630.00; NPPD, energy- 4764.07; Okeefe Elevator, service- 128.81; Robertson Implement, repair- 33.97; Sams Club, supplies- 527.14; Share Corp, supplies- 725.95; Trembly Pest Control, spray- 50.00; Verizon Wireless, phone- 54.36; Dakota County Extension, reimburse- 693.03; AJ Phillips, letterhead- 157.00; Advance Auto Parts, service- 185.00; City of SSC, phone/fuel- 4164.77; ConocoPhillips, fuel- 87.31; Dakota Food & Fuel, fuel- 104.22; Electronic Engineering, service- 75.83; Fremont Tire, service/repair- 294.94; Jacks Uniforms, supplies- 572.15; Jackson Glass, windshield- 198.94; Joes Dept Store, supplies- 25.00; Jeffery Lentz, training- 500.00; NCS Pearson, tests- 878.50; RACOM, t1- 687.40; Robertson Implement, food- 19.20; Sioux City Ford, service- 251.69; SFCU, meals/aol/fuel- 604.83; Swanson Food, meals- 65.79; Verizon, phone- 68.29; Dakota County Treasurer, copies- 73.80; Dept of MV, transcripts- 32.00; Edward Matney, reimburse- 67.54; H204U, supplies- 17.25; Iowa Office Solutions, repair- 394.58; Perkins, supplies- 57.62; Sprint, phone- 269.73; Boone Bros Roofing, lec roof- 2501.65; City of SSC, lec expense- 31393.39; Bob Barker, supplies- 296.13; Becky Broer, reimburse- 59.99; Butler County Detention, boarding- 7865.00; CBM Food, food- 13040.00; Cass County jail, boarding- 35700.00; City of SSC, fuel- 495.30; ConocoPhillips, fuel- 138.08; Dakota County Sheriff, remiburse- 59.90; Eric Davis, mileage- 15.00; Dakota Food & Fuel, fuel- 540.61; De Lage Landen, contract- 221.00; Sandy Dickens, mileage- 97.90; Dixon County Sheriff, boarding- 4550.00; Fremont Tire, service- 647.45; Jacks Uniforms, supplies- 405.65; Louderback Drug, medical- 60.21; Madison Co Sheriff, boarding- 13000.00; Mercy Bus Health, supplies- 717.00; MTS Safety Products, gloves- 581.29; NE Nebr Juvenile Serv, boarding- 25501.25; Joaquin Orduno, interpret- 20.00; JR Pantoja, interpret- 55.00; Krystal Ramirez, meal- 7.15; Redlers Pharmacy, meds- 1524.18; Ruffner Pharmacy, meds- 339.52; Sams Club, supplies- 94.46; SFCU, fuel/meal/supplies- 410.96; Staples, supplies- 288.88; Verizon, phone- 139.91; Walmart, supplies- 187.12; Woodbury Co Juv, boarding- 1500.00; American Bio Medical, supplies- 172.82; Amanda Barclay, mileage- 8.20; BI Inc, electric monitoring- 99.00; Stratavision, jail study- 3250.00; De Lage Landen, lease- 91.00; Midwest Office Automation, copier- 44.15; Verizon, phone- 40.50; Pam Devries, mileage- 211.37; Dunes Family Medicine, physician- 250.00; Pat Glover, mileage- 89.44; Midwest Office Automation, maintenance- 43.93; Seacoast Medical, vaccine- 5497.50; Alltel, phone- 192.00; American Radio Relay, manual- 198.52; Arrl Fulfillment Prog, supplies- 208.50; Deanna Beckman, hours/miles- 749.40; Richard Criss, hours- 700.00; Pam Devries, mileage- 163.79; Pat Glover, class- 65.00; HyVee, meeting- 140.00; Lamination Depot, supplies- 32.26; Perkins, supplies- 24.82; Alan Boyd, mileage- 199.36; Electronic Engineering, pager- 13.95; Office Systems Company, contract- 121.00; Aspen Publishers, books- 198.00; Bierschbach, lift- 150.00; Cableone, internet- 520.51; Axels and Gears, contract- 750.00; De Lage Landen, lease- 110.50; Claritus, tapes/ink- 176.90; FSH Comm, payphone- 58.30; Lazette Gifford, website- 40.00; IBM, server- 68.57; MIPS, support- 366.05; Net Sys Plus, work- 267.50; Qwest, phone- 1380.25; Region IV, svcs- 7313.00; Sioux Air, spray- 1160.00; Madelyn Thorsland, prior yrs- 10.00; Three Rivers, admin fees- 90.00; US Postal

Service, postage- 2500.00; WCS Telecom, phone- 377.83; Dakota County Road Fund, fund transfer- 20000.00;  
ROAD: AquaSoo Water, service- 62.75; Aramark, service- 170.17; Autosound, repair- 50.00; Axels and Gears, service- 1139.04; Barkley Asphalt, asphalt- 22.75; Bomgaars, parts- 32.28; Colonial Research, supplies- 52.47; Filter Care of Nebr, cleaning- 113.35; FIMCO, sprayer- 401.25; Flaugh's Pronto, fuel- 207.22; Fremont Tire, repair- 37.70; Gill Hauling, service- 52.00; Great Plains Int, parts- 20.60; Green Light Truck Wash, maint- 287.78; William Haafke, gravel- 495.72; Higman Sand and Gravel, rock- 13785.37; Hubbard Minimart, fuel- 6757.49; Inland Truck Parts, parts- 653.44; Jackson Glass, repair- 40.00; Joes Dept Store, parts/supplies/tools- 100.19; Kimball Midwest, supply- 164.29; Linweld, supplies- 36.50; Lux Bros Trucking, hauling- 250.00; Marlan Millard, prior yrs- 15.00; Midwest Svc, signs- 78.60; NPPD, service- 23.68; Northeast Equip, rental- 900.00; NE Nebr PPD, energy- 206.32; NE Nebr Telephone- 200.32; Pilger Sand and Gravel, gravel- 2430.18; Pumps, repair- 2223.00; Powerplan, rental- 827.19; Ricks Radiator, repair- 441.60; Rinker Material, rock- 1257.17; S & S Equip, parts- 71.21; New Sioux City Iron, supplies- 5.64; Siouxland NAPA, parts/supplies- 96.42; STALP Gravel, gravel- 155.93; Stan Houston Equip, service- 399.00; Stephan Welding, parts- 36.05; Thermo King, parts- 12.55; Torco Remfg, parts- 503.90; Verizon, phone- 53.34; Warren Oil, fuel- 7065.05; Ziegler's, service- 234.89;  
HARD SURFACE: Union Bank & Trust, interest- 3587.38;  
ROAD IMPROVEMENT: JEO, service- 5888.00; Arnold Mellick, inspections- 2118.00; MGM Ent, shipping- 1200.00; Nore Inc, sealing- 10407.01;  
INSTITUTIONS: Beatrice State Dev Center, qtrly pymnt- 1932.00; Norfolk Regional Center, qtrly pymnt- 87.00;  
VETERANS AID: Veterans Service Office, relief- 1300.00;  
LE EQUIPMENT GRANT: Access Data Corp, grant- 2232.50;  
JUVENILE ACCOUNTABILITY: Amanda Barclay, mileage- 12.30;  
PUBLIC SAFETY: City of SSC, sls tx- 3492.33; Jail Bond Fund 3300, sls tx- 25610.39;  
JAIL PROJECT FUND: B&S Masonry, jail- 87295.95; Chief Ind, jail- 54243.00; DGR, fees- 481.44; Haakinson & Beaty, bars- 149.80; Hander Inc, jail- 24302.70; Steve Harris Const, jail- 36834.75; HMN Architects, jail- 7330.84; Interstate Medical, jail- 35550.00; Jarco Builders, jail- 35343.90; K&P Services, dumpster- 1836.61; Lindblom Services, toilet- 241.86; McHan Construction, jail- 19800.00; Modern Glass, jail- 2448.00; Muth Electric, jail- 53695.89; Portastorage, office- 225.00; Tindall Corp, cells- 27110.84; Total Fire Protection, jail- 24172.87;  
WEED: Central Valley Ag, chemicals- 152.98; Dakota County Star, weed- 102.00; FIMCO, sprayer- 401.25; Flaugh's Pronto, gas- 45.33; Hampton Inn, lodging- 139.90; Heritage Express, fuel- 85.01; Hubbard Minimart, fuel- 261.25; Joes Dept Store, parts- 15.08; NutraFlo Equip, sprayer- 12.18; Leon Pies, reimburse- 252.35;  
E911: Dakota County General Fund, tx monies- 186.79;  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Absent, Engel- Yea, Miller- Yea, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED.

Chair Engel adjourned the meeting at 2:50 p.m.

Dakota County Board of Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
September 25, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:34 p.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, O'Neill, Hartnett and Ted Piepho, County Clerk and Board Secretary.  
ABSENT: Commissioner Miller and Bousquet.

The agenda for the meeting of August 28, 2006 was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, SEPTEMBER 25, 2006 AGENDA AMENDED  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair

Theodore A. Piepho, Secretary

1. 1:30 p.m. Call to Order with reciting the Pledge of Allegiance
  - \* Roll Call
  - \* Approve Minutes of September 18, 2006
2. 1:32 p.m. Randy Crombie to present the board with the 2005-2006 Annual Road Report and attaching the chair's signature.
3. Tabled Items - No business on the table.
4. 1:45 p.m. Miscellaneous Agenda Items
  - \* Computer and telephone wiring for new jail.
  - \* Telephone equipment update and phones for new jail.
  - \* Health Insurance Update
  - \* Agreement between SSC and DC to improve 9th Avenue
  - \* Carpet Cleaning
  - \* Appoint Fred Franklin Alpha Surveying County Surveyor remainder of this term.
5. Committee Reports
  - \* Jail Transition Report
6. Public Comment
7. Mail and/or Emergency Business
8. 2:15 p.m. Adjournment

Randy Crombie presented the 2005-2006 Annual Road Report and asked that the board approve it and asked the chair to sign it.

Commissioner Miller arrived at 1:37 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Annual Road Report as presented and to authorize the chair to sign same.

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 award the feeder cables, work and telephone equipment to BTS to install same in the new jail.

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

Jim Wagner updated the board with the transition plan for the new jail.

Don Faber appeared before the board and briefed them on the health insurance.

Bill and Susan Church appeared before the board and said that the roads out at Millis Beach really needed maintenance. They also said that trains block the road for as much as a half hour and there is only one way in and one way out. They were concerned about it because if there was a fire or rescue call, that time would be critical.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the minutes of September 18, 2006 as written.

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

The cleaning of the carpets was discussed and it was decided to have them cleaned.

The board reviewed the payroll. The board noted that Randy Walsh was transferred to the Jail from the Sheriff's Department. It is the board's opinion that this is a swap between Penny Epting and Randy Walsh switching departments and that no new positions have been created.

The payroll claims paid pursuant to the Employee Manual were as follows:

COUNTY GENERAL FUND: Gross salaries- \$93,033.64, General Fund Employees Net Pay- \$67,255.00, Employer deductions paid: Retirement- 5,880.31, Retirement Makeup- 34.44, Social Security Tax- 5,768.10, Medicare- 1,349.03, DC Health Plan-, DC Dental Plan-, Life Insurance-

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 407.79, Tracey Corkin- 807.50, Bobbi Jo Harsma- 965.78, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 1056.80, Robert Giese- 1493.55, Ruth Gillaspie- 1405.62, Jolene Heinemann- 1107.00, Kimberly Kuehl- 964.24, Phyllis Ridge- 1040.75, Lyn Beltz- 125.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1405.62, Daniel Christoffers- 404.00, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 2218.48, Debra Jensen- 920.00, John Loos, Jr.- 1664.00, Richard Jensen- 1642.33, Duane Kotalik- 1336.00, Tammy Dunn-Peterson- 1326.55, Jeremy Bermel- 1891.19, Anthony Bos- 1749.05, Brad Claypool- 1324.80, Sandy Dickens- 1318.48, Brian Ellinger- 1584.24, Penny Epting- 1460.00, Brent Gilster- 1927.12, Todd Hammer- 1360.80, Melvin Harrison III- 1996.40, Rodney Herron- 2082.46, Kimberly Johnson- 610.39, Jared Junge- 1782.30, Michael Kreegar- 1395.20, Gayle Richards- 997.60, Kevin Rohde- 1316.10, James Wagner- 1868.04, Mary Gamble- 742.00,

Amber Hegarty- 1924.51, Aimee Kennedy- 1160.00, Edward Matney III- 2416.41, Debra Schmiedt- 2456.93, Bobbi Strong- 1160.00, Kimberly Watson- 2076.90, Amanda Barclay- 1406.05, Nikki Stokes- 640.00, Rebecca Broer- 1280.43, Richard Criss- 1130.50, Eric Davis- 1206.58, Toni Duncan- 1098.50, John Gilles- 1172.50, Alma Gunderson- 1292.32, Lora Hanson- 1062.75, Paula Harrigfeld- 801.97, Brenda Harrison- 126.00, Cathy Harsma- 1192.13, Brett Johnson- 818.40, Joseph Ramirez- 224.00, Krystal Ramirez- 1100.25, Linda Schovanec- 1201.30, Randall Walsh- 1562.40, Daniel Wood- 1095.25, Randall Crombie- 546.66, Jolene Gubbels- 820.00, Leon Pies- 569.20, Pamela DeVries- 1861.76, Gloria Dwyer- 883.32, Patricia Glover- 1198.73, Alan Boyd- 1140.30.

GENERAL FUND: Employee withholding paid to: Federal- 9,831.63, State- 3,524.64, Social Security Tax- 5,768.10, Medicare- 1,349.03, Retirement- 3,997.87, Retirement Makeup- 24.44, DC Health Plan-, DC Dental Plan-, Colonial Health-, Sheriff Union Dues-, Deferred Comp- 660.78, Garnishments- 622.15.

COUNTY ROAD PAYROLL: Gross salaries- \$15,986.94, Road Employees Net Pay- \$11,939.74, Employer deductions paid: Retirement- 925.96, DC Health Plan-, DC Dental Plan-, Life Insurance-, Social Security Tax- 991.19, Medicare- 231.80.

Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1206.66, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 2692.32, James Swanson- 1245.16.

ROAD FUND: Employee withholding paid to: Federal- 1,556.48, State- 588.73, Social Security- 991.19, Medicare- 231.80, Retirement- 617.32, DC Health Plan-, DC Dental Plan-, Reassure America Life-, Deferred Comp.- 61.68.

Commissioner O'Neill moved, seconded by Commissioner Miller that the Board formally request that Mr. Matney schedule a public forum to discuss his statements, beliefs and office policies as they relate to our Hispanic Citizens.

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

Chair Engel adjourned the meeting at 3:17 p.m.

Dakota County Board of Commissioners

ATTEST:

William F. Engel, Chairman

Theodore A. Piepho, County Clerk

\* \* \* \* \*

Dakota County Board of Commissioners  
October 9, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, O'Neill, Hartnett, Miller, Bousquet and Ted Piepho, County Clerk and Board Secretary.

The agenda for this meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, OCTOBER 09, 2006 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 last meeting
- 2. 1:30 p.m. Linda Kastning with NEHI, Inc.
  - \* Affordable housing in non-metro areas of Dakota County
  - \* 2006 annual report
- 3. 1:40 p.m. Appointment of County Surveyor for remainder of Term
- 4. Tabled Items
- 5. Miscellaneous Agenda Items
  - \* Agreement between SSC and DC to improve 9th Avenue

- \* Jim Wagner - Jail Transition Report
- \* Board of Equalization - Adopt levies for 2006-2007 fiscal year for all political subdivisions.
- \* Randy Crombie to give progress report on Millis Beach area
- \* Bill Rohde to present Board with information on new grader specifications
- \* Chair to Sign Certification of Cost Allocation Plan prepared by Maximus
- \* Resumes for Assistant to Board - Interviews
- \* Purchase Computers for Jail - bid or use state bid
- \* Authorization for Alpha Surveying to re-establish the SW corner of Section 11, 29N, R6E in Dakota County. - Requested by Doug Mordhorst with MLS Surveying
- \* Payroll claims

6. Committee Reports
7. Public Comment
8. Mail and/or Emergency Business
9. Adjournment

Linda Kastning with (NEHI) Northeast House Initiative, Inc. appeared before the board and said that Dakota County was now in their district area. She explained what they do and presented their last year's annual report.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to appoint Fred Franklin, Alpha Land Surveying, as County Surveyor for the remainder of this term ending in January, 2007 and to approve him as the County Surveyor to re-establish the SW corner of Section 11, 29N, R6E in Dakota County. ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED.

The board considered the agreement with South Sioux City for the paving of 9th Avenue. Bill Rohde submitted a letter from the County Attorney with Nebraska Statute 18-1716.01. It read as follows:

Edward H. Matney  
County Attorney  
DAKOTA COUNTY NEBRASKA

PO. Box 117 Dakota City, Nebraska 68731

(402) 987-9151 FAX (402) 987-2186

October 9, 2006

Bill Rohde  
Director of Roads  
1863 N. Bluff Road  
Hubbard, NE 68741

Dear Bill:

Please find enclosed a copy of the statute (Section 18-1716.01) concerning city/village annexation of property bordering a county road. It appears that such an action by a city/village also results in the annexation of the bordering county road. If you have questions, please feel free to contact me. Thank you.

Sincerely,

Edward H. Matney  
County Attorney

EHM/bs

18-1716.01. Annexation; property contiguous to or abutting county road; effect.

Any city or village annexing property contiguous to or abutting upon any part of a county road shall be deemed to have annexed, without further action, all of the contiguous or abutting road at the time of such annexation, except that this section shall not apply to county roads separating Counties.

Source: Liws 1977, LB 173, 1; laws 1993, LB631, 1.  
18-17 18. Annexation; contest; limitation of action.

Any action or proceeding of any kind or nature, whether legal or equitable, which is brought to contest any annexation of property made after April 29, 1967, by any city or village, must be brought within one

year from the effective date of the annexation or the same shall be forever barred. The period of time prescribed by this section for bringing an action shall not be tolled or extended by nonresidence or disability.

Source: Laws 1967, c. 82, 2, p. 258.

The board took no action, but Mayor Bill McLarty came later in the meeting and said that he thought that there may be a grandfathers clause that would be pertinent in this case.

Sheriff Jim Wagner gave a Jail Transition Report and noted that the construction of the new jail was on schedule.

Commissioner O'Neill moved, seconded by Commissioner Miller to convene as Board of Equalization to set levies.

ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED 2:08 p.m.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to set the levies, as computed by the Board's Assistant for 2006 taxes, for the various political subdivisions as follows:

DAKOTA COUNTY LEVIES -2006-07  
10/9/2006  
"DAKOTA COUNTY VALUATION -\$1,026,775,059"  
draft  
POLITICAL SUBDIVISIONS TAX RATE PER ONE HUNDRED DOLLARS VALUATION

	2006-2007	2005-2006
County General Fund	0.454882	0.454423
County Relief Medical	0.000429	0.000173
Institutions Fund	0.000799	0.000955
Soldiers/Sailors (Veteran's)	0.001505	0.001315
Jail Property Bond	0.015583	0.016554
Road Hard Surface	0.014609	0.007760
Total County Tax Rate	0.487807	0.481180

All Dakota County Residents pay the Total County Tax Rate

\*\*\*\*\*

CITY/VILLAGE	General	Bond	Police Ret.	Fire	Library	2006-2007
						TOTAL
Dakota City	0.354434	0.181933			0.000000	0.536367
<b>*Emerson</b>						
Homer	0.201553	0.21158				0.413133
Hubbard	0.125844					0.125844
Jackson	0.182991					0.182991
South Sioux City	0.280351	0.005050	0.021209	0.029500	0.052675	0.388785

All residents living within the incorporated limits of a city or village pay the respective tax rate for said city or village.

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SCHOOL DISTRICT	GENERAL	BOND	SINKING	BUILDING	Quality CPU/haz mat	2006-2007
						TOTAL
<b>1 Ponca</b>		<b>#4 Formerly affiliated with SD #1</b>				
11 So. Sioux City	0.958386	#4 Formerly affiliated with SD #11		0.103908		1.062294
31R Homer	1.047549	0.015395	#4 formerly affiliated with #31r	0.01667		1.079614
#11 So. Sioux City	0.958386	0.220657		0.103908		1.282951
#31R Homer	1.047549	0.102634		0.01667	0.000000	1.166853
<b>*#561 Emerson Hubbard</b>						
<b>*#70 Allen</b>						
<b>*#1 Ponca</b>						

Residents pay the tax levy to the school district in which they reside or affiliate with.

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SUBDIVISION	GENERAL	LB 38	CAPITOL	CAPITOL	INTRNT	2006-2007
						TOTAL
Agricultural Society	0.006836		0.001948	0.001948		0.010732
Educational Service Unit #1	0.016801					0.016801
Historical Society	0.001958					0.001958
<b>*Lower Elkhorn NRD</b>	<b>0.0354323</b>					<b>0.0354323</b>

<b>*Papio Missouri NRD</b>	<b>0.038444</b>			<b>0.038444</b>
<b>*NE Tech. Comm College</b>	<b>0.075421</b>	<b>0.005</b>	<b>0.010000</b>	<b>0.090421</b>

"Each resident pays the respective rate to each of the political subdivision in this class except for the Lower Elkhorn and Papio Missouri NRD. Individuals living in the Village of Emerson pay the Lower Elkhorn Tax Rate and other taxpayers in Dakota County pay the Papio Missouri NRD Tax Rate.

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RURAL FIRE PROTECTION	GENERAL	BOND	SINKING	AMBULANCE	2006-2007
					TOTAL
Dakota Covington	0.021980		0.0075200		0.029500
Emerson	0.029500				0.029500
Homer	0.026244		0.003256		0.029500
<b>*Ponca Rural</b>					
<b>*Allen/Waterbury Rural</b>	<b>0.029500</b>				<b>0.029500</b>

\*Ponca Rural (Set by Dixon County)  
 \*Allen/Waterbury Rural (Set by Dixon County)  
 City and Village residents (except Hubbard and Jackson) do not pay the tax rates within this category. All rural residents pay the tax rate for the respective Rural Fire Protection District that they reside in.  
 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 reconvene as Board of Commissioners.  
 ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED 2:09 p.m.

Randy Crombie, Highway Supt., gave a written report on Millis Beach. That was as follows: Bill and I have both gone through Millis Beach and assessed the problems that were brought before the Board concerning this area.

Repairing the road thus far has consisted of grading and applying gravel in the problem areas.

At this point, Bill and I have only communicated with Mr. and Mrs. Church. On Monday, October 2, 2006, I talked with Mr. Church and we agreed to have a meeting with the rest of the Millis Beach residents.

1. suggested that an alternative to trying to meet with everyone might be that they could appoint one or two spokesman to represent the Millis Beach community. This option will be explored more after the initial meeting with all of the residents.

We've agreed to reconstruct the main section of road from the elevator to the first curve. In the existing areas that have drainage problems, we will be grading and hauling in fill, then covering with a layer of gravel.

We have agreed that due to winter approaching, that most of the improvements will be started and completed in our next construction season.

I have visited with both Cargill and the Burlington Railroad. As far as alternative routes for entering and exiting Millis Beach, I have found no simple solutions.

I believe at this point, after visiting with Mr. and Mrs. Church, that the residents of Millis Beach have been and will be agreeable and cooperative with our decisions. If changes need to be made from the above plans, we will be happy to listen to all suggestions.

Randy Crombie  
 Dakota County Highway Superintendent

Bill Rohde, Road Director, appeared before the Board requesting to advertise for a new motor grader. He said that he would like to bid the new grader as an outright purchase because he thought the county could benefit by selling the old Motor Grader.

Commissioner Bousquet moved, seconded by Commissioner Engel to advertise to purchase a new motor grader with the following specifications.

**GRADER BID SPECIFICATIONS ENGINE**

- A. "6 cylinder, 4 cycle diesel power with turbo charger"
- B. Horsepower variable minimum 165hp to 215hp
- C. Replaceable wet sleeves
- D. Sound suppressed muffler

- E. Engine compartment doors with winter and summer covers
- F. 2000 watt hot water engine heater
- G. Direct electric start
- H. Exhaust aspirated dry aid engine cleaner with pre-cleaner and service indicator
- I. Ether starting aid

**ELECTRICAL SYSTEM**

- A. 24 volt
- B. 100 amp alternator
- C. Batteries minimum 1400 cold cranking amps

**MOLDBOARD**

- A. 14 foot long standard moldboard
- B. Minimum of 24 inches high
- C. Moldboard will be minimum 1 inch thick
- D. Hydraulic moldboard tilt
- E. Hydraulic moldboard side shift and slide
- F. Moldboard float control
- G. Moldboard will come with 2 foot LEFT hand extension
- H. Blade lift accumulator to protect from vertical impacts
- I. Circle drive slip clutch to reduce horizontal moldboard impact damage
- J. Moldboard shall have a bank slope angle of at least 90 degrees
- K. "Moldboard shall be constructed of a wear resistant, high carbon steel, with replaceable" wear strips

**CAB**

- A. "Sound Suppressed R.O.P. cab, low profile"
- B. Cab shall be mounted on front frame section of machine
- C. Control console with steering wheel and implement controls shall adjust forward and back as one unit
- D. Tilttable steering wheel
- E. Sound level warning device EMS to monitor machine functions
- F. "Gauges shall include coolant temp, voltmeter, fuel level, articulation, and hour meter"
- G. Shall include speedometer and tachometer
- H. "Air ride seat shall be cloth covered, contour suspension with 2 fold up arm rests,"  
"cinch retractable seat belt, forward and backward adjustment seat height, operator "  
"weight, seat angle for back and lumbar support"

(continued)

- I. "40,000 BTU heater with 3 speed fan"
- J. "27,500 BTU air conditioner with R134 A refrigerant with adjustable vents"
- K. Cab doors shall have a hold-open clasp which can be released from cab or ground
- L. "Cab shall have intermittent wipers with washers on 2 lower front windows, main front "  
"windows, and rear window. Front and rear window shade"
- M. 1 inside and 2 outside heated mirrors
- N. 30 amp 12 volt converter with 2 power points in cab
- O. AM/FM radio with weather band
- P. Front window laminated to prevent shattering
- Q. All glass in cab tinted
- R. Accelerator and decelerator control
- S. Horn and cab mounted strobe light
- T. Front and rear window defroster fans

**TRANSMISSION**

- A. "Direct drive power shift, planetary type gear reduction. Auto shift on the go/no clutch "  
shifting
- B. Differential lock/unlock operator control
- C. Minimum of 8 forward gears and 6 reverse
- D. Transmission guard on bottom of machine

**HYDRAULIC SYSTEM**

- A. Hydraulic system shall be a closed system type center
- B. Lock valves shall be intergraded into all implement circuits to prevent drift.
- C. Blade lift and front mount hitch shall have independent float capacity activated by lift levers in cab.
- D. Hydraulic shall have separate tank not to be combined with power train oil system
- E. Hydraulic pump shall produce at least 53 gallons per minute oil flow rated engine speed
- F. Hydraulic lines shall be run to all outside attachments with control levers mounted in cab if not already included in console

**WHEELS AND BRAKES**

- A. "10 inch rims, all wheels interchangeable"
- B. 4 wheel sealed oil power disc brakes with separate circuits for left and right tandems
- C. "If machine is equipped with air brakes, an air dryer system must be included"
- D. Machine must have emergency brake control mounted in cab
- E. Machine must be delivered with six 1400-R24 Snoplus Michelin tires

**LIGHTS**

- A. "Turn, park, brake, and highway warning flashers"
- B. Halogen high and low beam lights mounted on elevated light bar at front of machine
- C. 2 halogen blade lights mounted at bottom of cab
- D. "4 front of cab at top, 2 low and 2 high beam halogen lights, dimmer switch controlled" from cab

(continued)

- E. 1 Right side of cab mounted halogen light for wing
- F. 2 Reverse halogen lights mounted at rear of machine

**MISCELLANEOUS**

- A. Permanent type anti-freeze with 35 degree protection
- B. Tool box
- C. Rear hitch with pin
- D. Parts book and operator manual service tech manual
- E. Rear mounted S.M.V sign
- F. Back-up warning device
- G. Dealer will remove Balderson snowplow hitch from machine traded and mount hitch on new machine at no additional cost
- H. This machine will be equipped with a Falls right side hydraulic wing (both side and rear "cylinders to raise and lower wing. The wing blade will be a minimum length of 11'6""." "The side and rear post will not extend higher than cab height. All necessary hoses," "valves, and controls for its operation will be supplied and mounted on machine"
- I. Machine will have a fuel tank that holds no less than 100 U.S. gallons.

**WARRANTY**

- A. "To be included in bid - No Prorate. One year full machine warranty, 5 year - 7500 hour" on Powertrain.

**MACHINE FOR TRADE IN ON A NEW 2006-2007 MACHINE**

- A. "1996 John Deere BH DW770BH554773 with Balderson wing. Approx. 12,600 hours"

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 authorize the Chair to sign the Certification of Cost Allocation Plan prepared by Maximus.

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

Commissioner O'Neill moved, seconded by Commissioner Hartnett to approve the minutes of September 25, 2006 as typed.

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

The board discussed the resumes for the assistant to the Board position. Pam and Betty are to review and narrow the slate down to five or so.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the payroll claims as submitted with the exception of Brenda Harrison Employee Number 7130 and that being to deny Full Time Employment status.

COUNTY GENERAL FUND: Gross salaries- \$91,006.35, General Fund Employees Net Pay- \$63,098.66, Employer deductions paid: Retirement- 5,729.40, Retirement Makeup- 34.44, Social Security Tax- 5,493.93, Medicare- 1,284.88, DC Health Plan- 25,209.84, DC Dental Plan- 652.05, Life Insurance- 146.69.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Nanci Walsh- 1230.77, Daniel Christoffers- 404.00, Tracey Corkin- 792.50, Bobbi Jo Harsma- 942.08, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 860.00, Robert Giese- 1493.55, Ruth Gillaspie- 1142.10, Jolene Heinemann- 920.00, Kimberly Kuehl- 817.00, Phyllis Ridge- 837.80, Mark J. Dorsey- 572.98, Margaret Rahn- 1142.10, Daniel Christoffers- 457.03, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe

Flynn- 1779.09, Debra Jensen- 828.00, John Loos, Jr.- 1664.00, Richard Jensen- 1334.41, Duane Kotalik- 1248.00, Nicholas Walsh- 60.51, Tammy Dunn-Peterson- 871.50, Jeremy Bermel- 1960.38, Anthony Bos- 1958.97, Brad Claypool- 1996.40, Sandy Dickens- 1071.28, Brian Ellinger- 2246.64, Penny Epting- 2232.00, Brent Gilster- 1643.72, Todd Hammer- 2177.64, Melvin Harrison III- 2079.20, Rodney Herron- 1691.98, Kimberly Johnson- 403.43, Jared Junge- 1476.00, Michael Kreegar- 1554.80, Gary Powell- 258.00, Gayle Richards- 805.60, Kevin Rohde- 1324.13, James Wagner- 1868.04, Mary Gamble- 1000.00, Amber Hegarty- 1576.80, Aimee Kennedy- 960.00, Edward Matney III- 2416.41, Debra Schmiedt- 2032.31, Bobbi Strong- 960.00, Kimberly Watson- 1615.38, Amanda Barclay- 1028.16, Nikki Stokes- 350.00, Rebecca Broer- 1993.35, Richard Criss- 1200.50, Eric Davis- 1106.88, Toni Duncan- 1111.50, John Gilles- 1162.00, Alma Gunderson- 1196.25, Lora Hanson- 965.25, Paula Harrigfeld- 745.61, Brenda Harrison- 646.75, Cathy Harsma- 1192.13, Brett Johnson- 917.60, Joseph Ramirez- 227.50, Krystal Ramirez- 1196.44, Linda Schovanec- 1252.58, Alana Smith- 520.00, Randall Walsh- 1669.35, Daniel Wood- 1092.00, Randall Crombie- 177.00, Jolene Gubbels- 820.00, Leon Pies- 569.20, Pamela DeVries- 1512.68, Gloria Dwyer- 741.12, Patricia Glover- 1029.11, Alan Boyd- 970.20.

GENERAL FUND: Employee withholding paid to: Federal- 9,370.90, State- 3,272.65, Social Security Tax- 5,493.93, Medicare- 1,284.88, Retirement- 3,905.87, Retirement Makeup- 24.44, DC Health Plan- 844.04, DC Dental Plan- 371.83, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,333.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,726.11, Road Employees Net Pay- \$10,552.60, Employer deductions paid: Retirement- 840.86, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.98, Social Security Tax- 889.09, Medicare- 207.94.

Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1538.46, James Swanson- 1202.45.

ROAD FUND: Employee withholding paid to: Federal- 1,319.03, State- 485.28, Social Security- 889.09, Medicare- 207.94, Retirement- 560.59, DC Health Plan-, DC Dental Plan- 97.85, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

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 deny the request of Duane Kotalik Employee Number 4104 for paid family leave when his wife delivers triplets, as the County Handbook for employees does not permit paid sick leave for family members illness.

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

Commissioner departed the meeting at 2:58 p.m.

The board requested Jim Wagner to appear to discuss the employment status of Brenda Harrison, Employee Number 7130. Mr. Wagner asked for an executive session.

Commissioner Bousquet moved, seconded by Commissioner Hartnett 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 3:00 p.m.

County Attorney, Ed Matney, appeared and informed the board that they could not hold a closed session because it was not on the agenda.

Chair Engel adjourned the meeting at 3:05 p.m.

Dakota County Board of Commissioners

ATTEST:

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

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

\* \* \* \* \*

Dakota County Board of Commissioners  
October 16, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, Hartnett, Miller and Ted Piepho, County Clerk and Board Secretary.

ABSENT: Commissioners O'Neill and Bousquet.  
Commissioner O'Neill and Commissioner Bousquet  
Commissioner O'Neill arrived at 10:08 a.m.  
Commissioner Bousquet arrived at 10:23 a.m.

The agenda for this meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, OCTOBER 16, 2006 AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair

Theodore A. Piepho, Secretary

1. 10:00 a.m. Call to Order with reciting the Pledge of Allegiance
  - \* Roll Call
  - \* Approve Minutes of last meeting
  - \* Review claims submitted by County Clerk for payment
  - \* Payroll claims and Employee Handbook
2. 11:45 a.m. Recess for Lunch
3. 1:30 p.m. Reconvene from lunch
4. Jail Transition Report - Jim Wagner
  - \* Discuss INS and Federal Marshall housing of prisoners
5. Tabled Items - No business on the table.
6. Miscellaneous Agenda Items
  - \* Storm Water Management Grant
  - \* 9th Avenue Agreement
  - \* Olsson & Associates requests County Board to sign agreement on Martineck Bridge.
  - \* Officials Reports
  - \* Chair to sign Grant Award for Juvenile Electronic Monitoring
  - \* Purchase Computer for new Jail. Bid from NetSys Plus was a State Bid.
  - \* Assistant to the Board Resumes/Position
7. Committee Reports
8. Public Comment
9. Mail and/or Emergency Business
10. 2:00 p.m. Adjournment

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

Jim Wagner, County Sheriff, reported on the Jail Transition.

Commissioner Miller moved, seconded by Commissioner Bousquet to accept the bid of NetSys Plus for computers to furnish the new jail and to authorize the Sheriff to sign documents and to order said hardware.

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 make application for the Storm Water Management Plan Program Grant and to authorize the chair to sign the grant.

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

Commissioner Miller moved, seconded by Commissioner Hartnett to approve the Engineering Agreement by Olsson Associates Project No. BRO-7022(15), which was executed by the consultant the 13th day of October, 2006 and to authorize the chair to sign same.

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

Commissioner Hartnett moved, seconded by Commissioner Miller to approve the Grant Award and authorize the Chair to sign same for Juvenile Electronic Monitoring Grant in the amount of \$6,863.00 with \$4,147.00 being awarded by the Crime Commission and requiring a local match of \$2,686.00.

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 minutes of October 9, 2006 as typed.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- 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 September, 2006 and the County Sheriff's Quarterly Report for the period July 1, through and including September 30, 2006.

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 as follows:

GENERAL FUND: Dakota County Star, publishing- 422.81; Sioux City Journal, ad- 267.67; Nanci Walsh, mileage- 8.19; Dakota County Star, publishing- 498.00; Perkins, supplies- 240.70; Theodore Piepho, cell phone reimbursement- 20.00; Rinder Printing, forms- 38.20; Secretary of State, notary fee- 30.00; Robert H. Giese, mileage- 97.90; Charlotte Doenhoefer, prior years service- 10.00; Ruth Jensen, prior years service- 12.00; Mardell Sorensen, prior years service- 26.00; Irene Van Lent, prior years service- 16.00; DAS Imservices, data service- 3.50; Microfilm Imaging Systems, lease- 240.00; Perkins, supplies- 142.94; Election Systems & Software, ballot sleeves- 251.36; Staples, supplies- 194.08; Todds Storeall, storage- 80.00; Tyler Graphics, ballots- 4965.24; Gene Cantrell, mileage, P&Z meeting- 21.23; Jim Cosgrove, mileage, P&Z meeting- 24.79; Jim Jepsen, mileage, P&Z meeting- 15.89; Dick McCabe, mileage, P&Z meeting- 25.68; Dick McNear, mileage, P&Z meeting- 21.68; Marlan Millard, mileage, P&Z meeting- 18.12; Donald Miller, mileage, P&Z meeting- 22.57; Joe O'Neill, mileage, P&Z meeting- 18.12; Dennis Reinert, mileage, phone- 171.44; Marty Rohde, mileage, P&Z meeting- 22.12; Carol Sue Dunham, mileage- 178.00; Norfolk Printing, trial docket sheets- 105.00; Staples, supplies- 10.36; DAS Material, supplies- 67.95; Thomson West, CD Rom service- 128.50; Thurston County Court, supplies- 15.50; William Binkard, reimbursement postage, subscription, supplies- 808.62; Frank Gonzalez- interpreter- 560.00; Perkins, supplies- 74.97; Joe Flynn, mileage, certified fees- 37.80; Record Printing, business cards- 54.00; Midwest Office Automations, copier contract- 125.64; NetSys+, computer repair- 27.50; Dakota County Sheriff, papers, warrants- 1588.62; Marc Abney, witness fee- 26.23; Dakota County Court, court costs- 1688.31; Thomas Fitch, court appointed counsel- 771.00; Randy Hisey, court appointed counsel- 1578.00; Hurley Law Office, court appointed counsel- 1266.00; Sandra Inkster-Ehrich, court appointed counsel- 360.00; Barbara Kueny, court appointed counsel- 1224.42; Stuart Mills, court appointed counsel- 195.00; Robert Rehan, court appointed counsel- 3205.30; Richard Thramer, court appointed counsel- 1257.00; Patrick Tott, court appointed counsel- 1332.00; Gaylen Towne, witness fee- 24.45; Coffee King, jury supplies- 37.70; Frank Gonzalez, interpreter- 160.00; K & M Reporting, Board of Equalization transcription- 149.50; Lutheran Social Services, interpreting- 197.42; Clerk of District Court, court costs- 802.50; Robert Decker, bailiff fee- 25.00; Thomas A. Fitch, court appointed counsel- 378.00; Kueny Law Office, court appointed counsel- 531.40; Hurley Law Offices, court appointed counsel- 500.00; [Jury Fee and mileage: Chandra L Kinzie- 41.23; Douglas J Ford- 39.45; Dennis L Habrock- 107.38; Andrew C Backman- 37.67; Julie Anne Vaul- 87.80; Kevin W. Ross- 84.24; Lynda R Krampfer- 78.90; Glenn E Roth- 37.67; Billie De Lao- 40.78; Justin L Stork- 43.90; Robert H McFee- 36.00; Janet M Tondreau- 78.90; Chad B Kratky- 36.00; Dustin Lee Pearce- 44.79; Nancy L Baker- 43.90; Carmen M Krusemark- 72.00; Richard K Hansen- 78.90; Christiane M Rush- 51.02; Guy G Sides- 72.00; Jamy L Medbourn- 38.56; Sharen J Kallhoff- 37.67; Pamela J Andersen- 36.00; George M Vraspir- 103.82; Theresa M Grove- 36.00; William H Schenk- 77.12; Pamela S Stolze- 39.89; Dale R Unkel- 78.90; Paula J Dryden- 38.56; Judith A Van Voorst- 37.67; Kevin D Niemeiere- 77.12; Boun Syhavong- 72.00; Frances R Biernbaum- 39.45; Leoncio R Mancilla- 39.45; Jo Ann Chernock- 39.45; Judy L Lockwood- 37.67; Madeleine C Newton- 37.67; Irene F Conlon- 37.67;] Robert Decker, bailiff- 150.00; Executive Copy Systems- fax repair- 427.50; Maximus Inc, indirect cost computation- 1712.00; Altell, cell phone- 29.25; ATeam, heat and air conditioner repair- 286.80; Benstar, janitorial supplies- 204.18; Bomgaars, supplies- 204.19; City of Dakota City, sewer and water- 1452.90; Gill Hauling, dumpster service- 120.00; Hardware Hank, supplies- 24.99; Rick Jensen, mileage- 126.02; Menards, supplies- 486.93; Mid-American Energy, gas- 1630.00; Nebraska Dept. of Labor, elevator inspection- 75.00; NPPD, electricity- 2813.87; OKeefe Elevator, install phone- 681.00; Roto Rooter, clean sewer- 197.80; Sams Club, supplies- 719.68; Siouxland Lock & Key, duplicate key- 7.00; Trembly, pest control- 50.00; Verizon Wireless, cell phone- 54.07; Chemdry of Siouxland, clean carpets- 483.00; Dakota County Extension, reimbursement: postage, mileage, conference, copier maintenance, supplies, storage, refrigerator, miscellaneous- 1229.93; Circle R Frame Aligners, vehicle maintenance- 434.95; City of South Sioux City, communications, fuel- 2997.47; ConocoPhillips, fuel- 98.98; Crystal Oil, fuses- 2.99; Dakota County Sheriff, reimburse petty cash- 168.00; Dakota County Treasurer, vehicle registration- 20.50; Fremont Tire, repair, maintenance- 2312.59; Jacks Uniforms, uniforms- 175.80; NLETC, training- 60.00; Racom, phone access line, charger- 687.40; Siouxland Fed Cr Un, credit card/training, fuel, mileage- 1235.94; Siouxland Humane Society, animal control- 46.00; Torco-Remfg, battery- 87.50; Verizon Wireless, cell phone- 66.48; Walmart, supplies- 32.44; Dakota County Treasurer, cash advance fund- 177.96; Department of Motor Vehicles, transcripts- 16.00; Edward H Matney, postage, parking, mileage- 195.18; H2O4U, water- 6.25; Amber Hegarty, trial prints- 5.51; Madison County Court, certified copies- 2.00; Platte County Court, certified copies- 2.00; Schuetts Reporting, depositions- 292.80; Sprint, cell phones- 25.00; AJ Phillips, letterhead, envelopes- 150.00; BI Inc, house arrest- 4145.65; Bob Barker, inmate supplies- 437.26; Butler County Detention Center, inmate boarding- 10,340.00; CBM Food Service, food service- 10227.72; Cass County Jail, inmate boarding, inmate medical- 35844.36; City of South Sioux City, transport fuel- 226.81; ConocoPhillips, transport fuel- 359.21; Dakota County Sheriff, reimbursement meals- 10.18; Dakota Food & Fuel, fuel- 282.90; De Lage Landen, copier contract- 221.00; Dept of Correctional Serv., safekeepers and inmate medical- 499.80; Sandy Dickens, mileage-

99.68; Dixon County Sheriff- inmate boarding- 4750.00; Fremont Tire, service- 23.45; ISECUREtrac Corp, house arrest- 178.25; Jacks Uniforms, uniforms- 294.80; Louderback Drug, inmate medical- 224.68; Madison County Sheriff, inmate boarding- 14,650.00; Mercy Bus Health/Urg Care- inmate house calls- 1176.00; Mercy Medical Center, inmate medical- 509.43; NACO, handbook- 81.00; David Noble DDS, inmate medical- 264.00; Northeast NE Juvenile, juvenile housing- 18,695.00; J.R. Pantoja, interpret- 40.00; Redlers Pharmacy, inmate medical- 1859.06; Siouxland Federal Cr Un, fuel, meals- 302.50; Stanard & Assoc, tests- 912.00; Staples, toner, staples- 194.33; Verizon Wireless, cell phones- 139.68; Walmart, supplies- 127.29; Allan Wilsey, MD, inmate medical- 464.00; Woodbury Co. Juvenile Detention, house juveniles- 14800.00; Dodge County, 3rd quarter probation expense reimbursement- 7537.65; NACO, convention- 120.00; Sams Club, supplies- 8.73; Staples, supplies- 13.72; Verizon Wireless, phone- 2.39; Alpha Land Surveying, surveying- 1950.00; Pam DeVries, mileage- 160.20; Dunes Family Medicine, consulting physician- 250.00; Gloria Dwyer, meals- 18.00; Pat Glover, mileage- 116.59; Perkins Office Solutions, supplies- 37.49; Sanofi Pasteur, pneumovax- 442.57; Stericycle, steri-safe- 620.52; Deanna Beckman, hours, postage, mileage- 751.35; Richard Criss, Sept hours- 756.00; Pam DeVries, mileage- 50.73; Hopkins Medical Products, medical supplies- 559.60; Perkins, supplies- 206.03; Alan Boyd, mileage- 198.47; Electronic Engineering, pager- 13.95; Perkins, supplies, printer- 808.05; Thompson West, law books- 1795.00; AT&T, phones- 10.18; Alpha Land Surveying, survey corners- 3500.00; C&H Heavy Duty Specialists, storage contract- 750.00; Cable One, internet- 271.06; City of South Sioux City, storm water analysis, engineering- 1543.61; Claritus, freight- 18.00; de Lage Landen, copier lease; 110.50; FSH communications, pay phone- 58.30; Lazette Gifford, website upkeep- 40.00; Jackie Hartnett, supplies- 19.22; MIPS, support- 366.05; NetSys+, network wiring- 185.00; Betty O'Neill, supplies- 46.10; Qwest D21, phone- 652.50, Qwest, phone- 652.43; Region 4, developmentally disabled quarterly payment- 5320.25; Madelyn Thorsland, prior years service- 10.00; Three Rivers, flex admin fee- 90.00; US Postal Service, postage- 2500.00; US Treasurer IRS, FICA sick pay- 72.94; WCS Telecom, phone- 481.00; Dakota Co. Road Fund 300, budgeted transfer- 207469.14; Road Improvement Fund 802, budget transfer- 118530.60; Weed Fund 5400, budgeted transfer- 22809.61.

ROAD FUND: Ace Engine & Parts, shop supplies- 33.68; Ace Industrial Supply, shop supplies- 142.50; Advanced Auto Parts, parts, supplies- 165.19; Aqua-Soo Water Treatment, water service- 25.00; Aramark, towels- 225.36; Bomgaars, parts, supplies- 39.92; Campbell Supply, shop supplies- 20.72; Filter Care of Nebraska, shop supplies- 43.60; Flaugh's Pronto, fuel- 94.27; GCR Tire Center, repair- 109.24; Gill Hauling, dumpster service- 52.00; Green Light Truck Wash, maintenance- 184.95; Guarantee Oil, oil- 441.62; Bill Haafke, gravel hauling- 162.72; Higman Sand and Gravel, gravel- 10228.77; Hubbard Mini Mart, fuel- 5277.83; Inland Truck Parks, parts- 549.13; Joes Department Store, supplies- 53.51; Linweld, oxy/acy- 35.50; Marlan Millard, prior years service- 15.00; NPPD, Homer service- 23.68; Newman Traffic Signs, signs- 171.48; Northeast Equipment, tractor rental- 900.00; Northeast Nebraska Telephone, phone- 176.11; Pilger Sand & Gravel, gravel- 3231.98; Pomps, tires- 234.00; Ponca Coop, oil- 234.00; Power Plan, parts, labor- 13294.97; Presco Sales, blades- 277.50; Rinker, gravel- 246.79; Sapp Bros, propane- 705.60; Sioux City Ford, parts- 1397.49; Siouxland Hydraulics, parts- 292.72; Stalp Grovel, gravel- 1218.53; T & A Truckwash, acid wash- 60.00; Titan Machinery, parts- 257.00; town & Country, parts- 56.80; Tri-State Communications, radio repair- 30.00; Ueco, pipe- 820.00; Verizon Wireless, phone- 5.54; Warren Oil, fuel- 5740.60.

ROAD IMPROVEMENT FUND: JEO, engineering Knox Blvd- 1155.00; Register of Deeds, Jim Gabel Resolution- 7.00.

VETERANS SERVICE OFFICE: Veterans Service, emergency aid- 4000.00; Luken Memorial, set marker- 145.00.

S.T.O.P. FUND: Dakota County Treasurer, cash advance fund- 3500.00; HSS International, officer training- 2300.00.

LE EQUIPMENT GRANT: Amber-Hupe-Monney, supplies- 25.68; Insight Public Sector, MDT Grant- 214.23.

TITLE II JJDP FORM GRANT FUND: Perkins, file folders- 17.98.

COMMUNITY JUSTICE GRANT-PRETRIAL: American Bio Medical, drug tests- 172.82; BI Inc, monitoring- 242.00.

LEC GRANT FUND: City of South Sioux City, grant dollars- 3782.00.

PUBLIC SAFETY SALES TAX: City of South Sioux City, 12% sales tax for LEC- 4797.43; Jail Bond Fund 3300, 88% sales tax jail- 35151.16.

INHERITANCE TAX: Estate of Ernest Albertsen, refund overpayment- 115.83.

JAIL PROJECT FUND: Com-tec Security, jail construction- 27594.00; Hander Inc Plumbing, jail construction- 22287.60; HMN Architects, jail construction- 7194.89; Interstate Mechanical, jail construction- 90090.00; Jarco Builders, jail construction- 10648.80; K&P Services, jail construction- 1635.09; Lindblom Services, jail construction- 246.00; McHan Construction, jail construction- 28800.00; Modern Glass, jail construction- 1902.30; Muth Electric, jail construction- 212877.00; Star Controls, jail construction- 20610.00; Total Fire Protection, jail construction- 37069.88; Wells Concrete, jail construction- 51473.55.

NOXIOUS WEED FUND: DeLage Landen, copier rental- 91.00; Flaugh's Pronto, fuel- 64.00; Hubbard Mini Mart, fuel- 272.50; Joes Department Store, sprayer parts- 76.32; Siouxland NAPA, oil- 24.82; Smithers, boat rental- 180.00; Washington County Weed Department, chemicals- 80.00.

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



Giese- 1493.55, Ruth Gillaspie- 1142.10, Jolene Heinemann- 920.00, Kimberly Kuehl- 860.00, Phyllis Ridge- 890.90, Mark J. Dorcey- 572.98, Margaret Rahn- 1142.10, Daniel Christoffers- 438.09, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1779.09, Debra Jensen- 952.00, John Loos, Jr.- 1664.00, Richard Jensen- 1334.41, Duane Kotalik- 1248.00, Nicholas Walsh- 20.60, Tammy Dunn-Peterson- 871.50, Jeremy Bermel- 1752.78, Anthony Bos- 1434.18, Brad Claypool- 1610.00, Sandy Dickens- 1071.28, Brian Ellinger- 1818.84, Penny Epting- 1280.00, Brent Gilster- 1473.68, Todd Hammer- 1399.20, Melvin Harrison III- 1508.80, Rodney Herron- 1691.98, Kimberly Johnson- 418.10, Jared Junge- 1514.74, Michael Kreegar- 1472.00, Gayle Richards- 805.60, Kevin Rohde- 1404.39, James Wagner- 1868.04, Mary Gamble- 1000.00, Amber Hegarty- 1598.70, Aimee Kennedy- 924.00, Edward Matney III- 2416.41, Debra Schmiedt- 2032.31, Bobbi Strong- 960.00, Kimberly Watson- 1615.38, Amanda Barclay- 1142.41, Rebecca Broer- 1316.78, Richard Criss- 1338.01, Eric Davis- 1155.00, Toni Duncan- 1233.38, John Gilles- 1291.50, Alma Gunderson- 1779.88, Lora Hanson- 614.25, Paula Harrigfeld- 643.55, Brenda Harrison- 1079.00, Cathy Harsma- 1266.19, Brett Johnson- 1091.20, Joseph Ramirez- 1372.78, Krystal Ramirez- 1110.38, Linda Schovanec- 1263.57, Alana Smith- 1046.50, Randall Walsh- 1660.05, Daniel Wood- 988.00, Randall Crombie- 177.00, Jolene Gubbels- 832.80, Leon Pies- 569.20, Pamela DeVries- 1512.68, Gloria Dwyer- 741.12, Patricia Glover- 1054.62, Alan Boyd- 970.20.

GENERAL FUND: Employee withholding paid to: Federal- 8,953.57, State- 3,194.29, Social Security Tax- 5,427.94, Medicare- 1,269.43, Retirement- 3,916.11, Retirement Makeup- 24.44, DC Health Plan- 844.07, DC Dental Plan- 372.02, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 660.78, Garnishments- 1,333.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 750.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,654.97, Road Employees Net Pay- \$10,500.65, Employer deductions paid: Retirement- 836.53, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 26.01, Social Security Tax- 884.68, Medicare- 206.89.

Brent Byroad- 1127.31, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoesing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1538.46, James Swanson- 1138.40.

ROAD FUND: Employee withholding paid to: Federal- 1,311.85, State- 481.56, Social Security- 884.68, Medicare- 206.89, Retirement- 557.71, DC Health Plan-, DC Dental Plan- 97.90, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- Lodging tax, \$15,040.82.

JURY PAYROLL: TOTAL-\$1,404.98

Beau Albertson- 39.45, Karen Bates- 40.34, Douglas Beach- 36.78, Nancy Cakebread- 39.45, Bruce Davis- 38.56, Paula Diveley- 39.45, Robert Finney- 39.45, Patrick Foust- 36.00, Roberta Gallup- 37.67, Susan Gill- 40.34, Julie Gray- 38.56, Sonia Guerrero- 41.23, Earl Haddock- 38.56, Gary Harris- 45.68, Dennis Hogan- 43.01, Randall Jessen- 46.12, Paultette Johnson- 46.57, Kathleen Keeler- 38.56, Georgette Kroc- 38.56, Donna Kuhl- 40.78, Harlan Lieber- 40.34, Linda Luft- 36.00, Abram Maly- 39.45, Susan McDonald- 38.56, Tim McNear- 44.79, Joseph O'Neill- 42.12, Arlen Sila- 36.00, Andy Seuthsy- 41.23, Nancy Speck- 36.00, Lorna Stamp- 39.45, Margaret Stingley- 42.12, Marilyn Tallman- 52.80, Nancy Watson- 36.00, Robert Decker/Bailiff- 75.00.

Chair Engel adjourned the meeting at 1:45 p.m.

Dakota County Board of Commissioners

ATTEST:

William F. Engel, Chairman

Theodore A. Piepho, County Clerk

\* \* \* \* \*

Dakota County Board of Commissioners
November 6, 2006 Proceedings
County Board Meeting Room
Dakota County Courthouse
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:33 p.m.
The pledge of allegiance was said.

Present: Commissioners Engel, Hartnett, Miller, Bousquet, O'Neill and Ted Piepho, County Clerk and Board Secretary.

ABSENT: All Present.

The agenda for this meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 6, 2006 AGENDA AMENDED
COUNTY BOARD ROOM

DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair Theodore A. Piepho, Secretary

1. 1:30 p.m. Call to Order with reciting the Pledge of Allegiance
- \* Roll Call
- \* Approve Minutes of last meeting

2. 1:35 p.m. Open Motor Grader Bids

3. 1:40 p.m. Pay order for Gill Construction on Knox Blvd. - Approval.

4. Tabled Items - No business on the table.

5. Miscellaneous Agenda Items

- \* Agreement with So. Sioux City to upgrade 9th Avenue
- \* Payroll Claims and Employee Handbook
- \* Employment status of Employee Payroll Number 7130
- \* Possible Executive Session Personnel
- \* Assistant to the Board position

1:50 p.m. Recess to Dakota City Council Chambers

6. 2:00 p.m. PUBLIC HEARING DAKOTA CITY'S CITY COUNCIL CHAMBERS  
Zoning Regulations - reduce setback to allow for cattle feed lot.

7. 3:00 p.m. Bob Peters, City of Dakota City, Coordination of assessment grant for Dakota City Landfill.

3:05 p.m. Return to Courthouse

8. Marlin Sejnoha CBM and Jerry Johnson from GA Johnson Construction

- \* Addendum to kitchen Food proposal
- \* Possible Closed Executive Session

9. Committee Reports
  - \* Jail Transition Report

10. Public Comment

11. Mail and/or Emergency Business

12. 4:00 p.m. Adjournment

Commissioner Bousquet moved, seconded by Commissioner Hartnett to authorize the pay order for Gill Construction on Knox Blvd. in the amount of \$161,768.76.

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

Randy Crombie, Highway Supt., opened the motor grader bids submitted by various vendor's responding to RFP's sent.

The bids for the County's purchase of a new motor grader were as follows:

Ziegler bid a 140H Cat, Total price \$217,460 and \$183,490 if the present John Deere grader is traded in.

Murphy John Deere bid a John Deere 77G, total price \$188,367.00 and \$143,367 if the present John Deere grader is traded in.

JD Evans bid a New Holland Model G200, total price \$204,331 and \$159,331 if the present John Deere grader is traded in.

Chair Engel referred the bids to the Road Committee for an evaluation of the bids and for them to make a recommendation to the board.

Commissioner O'Neill moved, seconded by Commissioner Hartnett to refer the resumes for the Assistant to the Board to the County Clerk and that he hire the Assistant to the Board.

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

Chair Engel recessed their meeting at 1:50 p.m. to reconvene at 2:00 p.m. at the Dakota City Council Chambers for the Public Hearing for the purpose of hearing testimony in favor of, in opposition to, or neutral testimony of changes to Section 600.6 of Dakota County's Zoning Regulations and to consider changes to accommodate Solid Waste Management Systems with Anaerobic Digestion within Section 600.6 of the Zoning Regulations.

Chair Engel Opened the Public Hearing at 2:00 p.m., which was advertised as follows:

**PUBLIC NOTICE**

The Dakota County Board of Commissioners will hold a Public Hearing in the Dakota City Council Chambers, Dakota City's City Hall located at 1511 Broadway Street, in Dakota City, at 2:00 p.m., November 6, 2006.

The purpose of the hearing is to hear testimony in favor of, in opposition to, or neutral testimony of changes to Section 600.6 of Dakota County's Zoning Regulations and to consider changes to accommodate Solid Waste Management Systems with Anaerobic Digestion within Section 600.6 of the Zoning Regulations. Section 600.6 of Dakota County's Zoning Regulations reads as follows: with the Language proposed to be added being underlined and the language proposed to be deleted is lined through.

**Section 600.6. PERFORMANCE STANDARDS**

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property. The following minimum sanitation and odor practices, and those imposed by the County Planning Commission and/or County Board of Commissioners in considering the health, safety, and general welfare of the public, including such items as property values, dust, lighting, disposal of waste and dead livestock. The Conditional Use Permit shall be approved after public notice has been given and a public hearing conducted, as required by law. All Conditional Use permits are subject to conditions as deemed necessary by the County Planning Commission.

1. Livestock Feeding Operation (LFO) will be classified by type as either open air containment (OPEN), or as environmentally controlled housing (ECH), or as a Solid Waste Management System with Anaerobic Digestion (SWMS-AD) and by size according to the total number of animal units (AU) in the operation at one time. For definition of an animal unit refer to section 202, definition number 10. LFOs which have more than one type of feeding operation at one location shall be classified according to the operation which constitutes the majority of the total operation. All existing LFOs that expand within their designated level as outlined below shall not require a Conditional Use Permit. All new LFOs and those expanding to the next level shall require a Conditional Use Permit and shall be located as set out on the following grid: below.

For Open Air Containment and Environmentally Controlled Housing:

Size of New or Expanded LFO in AU	Residence/LEO
10 to 1,000 (ECH)	1/4 mile
10 to 1,000 (OPEN)	1/4 mile
1,001 to 5,000 (ECH)	3/8 mile
1001 to 5,000 (OPEN)	3/8 mile
5,001 to 10,000 (ECH)	1/2 mile
5,001 to 10000 (OPEN)	1/2 mile
10,001 +(ECH)	3/4 mile
10,001+ (OPEN)	3/4 mile

For Solid Waste Management System with Anaerobic Digestion, the distance from residential housing units shall be a minimum of 500 feet.

a. The distance requirements may be decreased or waived by a waiver signed by all of the property owners of non-farm residences or other residences not on the owner's property within the distances specified. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Dakota County Clerk. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required setback distances as described in these regulations. Provided, however, waivers involving LFOs of 5,001 AU or more must also be approved by the County Planning Commission.

b. Open Air Containment and Environmentally Controlled Housing LFOs having up to 1,000 AUs shall locate 2,640 feet from a platted residential area and LFOs those having more than 1,000 AUs shall locate at least one (1) mile from a platted residential area.

c. Solid Waste Management System with Anaerobic Digestion LFOs shall locate at least 500 feet from a platted residential area.

2. Conditional Use Permits shall be approved by the County Planning Commission and County Board of Commissioners based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (DEQ) or any other applicable State Agency. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the DEQ with the County Zoning Administrator, and shall also file a copy of all approved DEQ plans and permits with the County Zoning Administrator within thirty (30) days after they are issued by the DEQ.

3. LFOs shall maintain drainage so as to avoid excessive concentrations of contaminated water and such drainage shall be so arranged that contaminated water does not drain into water courses in a manner which reaches neighboring properties at a concentration noticeable to normal senses.

4. All dead animals shall be removed within three (3) days or within a reasonable amount of time.

5. In no event shall any manure storage unit or system be constructed in a Flood Plain, as delineated on the Federal Emergency Management Agency's Flood Plain map as adopted by Dakota County or where the bottom of the unit or system is either in contact or below the existing water table where the unit or system is to be constructed. Application of manure in designated Floodways and flooded areas of standing water shall be prohibited.

6. LFOs shall not be permitted within one thousand (1,000) feet of a federal aid primary or secondary highway, unless provisions for screening the site from view have been made. The County Planning Commission or County Board of Commissioners shall determine what constitutes adequate screening.

7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.

The County Board, upon closing the Public Hearing, will act on the proposed changes.

Theodore A. Piepho  
County Clerk

Ed Matney, County Attorney, read the proposed changes as above.

The representatives from Prime Inc. show a power point of a facility that they were proposing to build in an area between Dakota City and Homer if the zoning changes were adopted.

Mr. Matney explained the process that it would have to go to Planning and Zoning for a Conditional Use Permit and come back to the County Board.

Chair Engel stated the rules for the hearing. He said that testimony would be taken from the proponents first, then the opponents and the any neutral comments.

Lance Hedquist, City Administrator for the City of South Sioux City said that he went to the Mead facility and there is a clear difference an open feed lot versus this facility.

Eric Bertness, CEO for Phillips Kiln spoke positively and said this is the technology of the future and people need to adapt to changes for the future.

Bryce Andersen, owner of the parcel, said that he offered the sale of this property to Prime because he felt an economic boost to the community should be made by the people in the community and agreed to the sale so the people would have the choice.

Chris McGowen, from Siouxland Initiatives, said that this operation is completely different than others of this nature and said that they were in support of this project.

Vincent Kramper, area resident living about two miles from the proposed site, said that it would be great for the Homer School District, Dakota County and the Siouxland Area.

Pam Miller, County Commissioner, offered her comments as an individual and not as a board member, said that she visited the Mead facility unannounced and that there were not any offensive odors.

Commissioner Hartnett reminded the audience that the comments made by Ms. Miller were made as an individual and not from the board.

Those speaking against the proposal were as follows:

Jim Kube, a Norfolk Attorney, said that he was counsel for people who are opposed to the zoning changes.

He stressed that these proposed changes would be in effect throughout the whole county.

He reminded the board that they are creating a new category and that this kind of operation could be located within 500' of any residence. That isn't very far he added. He said, "Potentially, you're opening a Pandora's box," he warned. "Platted residential areas deserve more protection."

Mr. Kube submitted an exhibit "Anaerobic Digestion of Animal Wastes: Factors to Consider" a Publication of ATTRA - National Sustainable Agriculture Information Service 1-800-346-9140 [www.attra.ncat.org](http://www.attra.ncat.org) By John Ballsam NCAT Energy Specialist Updated by Dave Ryan NCAT Energy Specialist 2006 NCAT.

Dave Kincaid, an optometrist who lives at 560 200th St., told the commissioners their first duty is to protect citizens of the county, complained the 25 families affected were not contacted and that it didn't make sense to allow "anything like this" near 25 residences.

Leon Jessen said that he lives a couple miles away from the site and is concerned about anything being 500' from their house. He felt that they were trying to slide this through and was also concerned about the increased traffic and dust.

Joy Johnson, who with her husband, Ruben, opened Turn Now Antiques at U.S. 77 and 200th Street, said easy access and an environment in which people wanted to get out of their cars was important to their start-up business. She said she feared the plant would jeopardize both.

She was concerned how the bacteria would be affecting swimming pools.

"The setback should be exponentially increased when we start tripling the number of cattle," she said.

Jim Bliven spoke against a zoning change, saying it could interfere with what he said are plans by the Army Corps of Engineers and others to restore the Omadi Bend oxbow lake. He said that this project would impact the fish and wild life. He suggested the matter be tabled until the two new commissioners up for election are seated in January.

Dakota City Mayor Charmaine Cantrell noted the plant would add to the tax base, but said she feared an odor problem and asked that other sites be considered. She submitted the following letter.

November 6, 2006

Mr. Bill Engel, Chair  
Dakota County Commissioners  
Dakota County Courthouse  
Dakota City, Nebraska 68731

Dear Bill:

The recent announcement of a cattle confinement and ethanol plant presents opportunities and challenges for Dakota County and Dakota City. The proposed facility would mean adding \$85,000,000 to the county tax base, the addition of more than seventy jobs, and probable further economic development opportunities for ag related industry. For Dakota City, the proposed plan may mean the addition of residents who will work at the facility and some increased demand for local good and services.

Our Planning and Zoning Commission has devoted literally hundreds of hours in creating a vision for Dakota City, including the zoning jurisdiction south of the existing Dakota City limits. That vision includes the development of river front and related residential property along the river, toward location of the proposed plant.

The understandable reaction to a confinement the size described is one of extreme concern regarding odor. Until our corporate partners at what is now Tyson Foods were able to address the odor issues from their plant, we experienced the many negative implications caused by odor. While we understand the design is such that odor is minimized, we would request other sites be considered.

We urge you to thoughtfully consider the vision of our planning commission and assure that the county planning coordinates and compliments the efforts of cities and villages within the county.

We thank you and your fellow members for your time and consideration.

Sincerely,  
\s\ Charmaine Cantrell  
Charmaine Cantrell, Mayor  
City of Dakota City

Kevin Chambers said that he was excited about their wanting to be here, but not in a populated area like that."

Commissioner Rick Bousquet said he farms and has 100 dairy cows 500 feet from the new Wal-mart Supercenter and knows what development nearby is like. He said changing the zoning "isn't something we want."

Zack McWilliams, 22, said the zoning laws set up by "our grandfathers" shouldn't be changed. "If this comes to pass, I will be leaving this town and I'm sure most the young people will."

Tom Barnes lives about six tenths of a mile from the site. He said that no one lives within nine tenths of a mile from the one in Mead.

Sheila Curiel who lives to the front door to the proposed site said that they have a lot of company on weekends etc and was opposed to the zoning change.

Scott Miller retired in Dakota City and he was opposed.

Phyllis Chambers said they went to the operation in Mead and no one lives around the operation there. She said that there are trees all around that plant.

Marty Castor said that his grandson has asthma and that this would hinder his breathing.

JoAnn McWilliams who lives about one-fourth of a mile from the site was opposed.

William Moes 505 200th Street is about one-half mile from the proposed facility and his wife has a respiratory illness and this would cause her problems.

Others had questions and concerns about the facility.

CEO David Hallberg of PRIME Biosolutions asked to speak and said "I want to be good neighbors. I'm rescinding this request."

With that announcement the crowd broke up and dispersed.

Chair Engel closed the hearing at 4:00 p.m.

Commissioner O'Neill moved, seconded by Commissioner Bousquet to leave the Planning and Zoning Regulations as they presently read.

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

Robert Peters, City Administrator for Dakota City, asked the county to be the lead agency to make an Assessment Grant Application for the Dakota City Landfill. He submitted the following memo.

November 6, 2006

To: Dakota County Commissioners

From: Robert Peters, Dakota City City Administrator

Re: Brownfield Grant Application Sponsorship

This is to request that Dakota County consider sponsorship of a grant application for the City of Dakota City for a comprehensive assessment of our current landfill area, to determine the feasibility of the property for residential development.

Current federal regulations do not allow the entity that operated the landfill to make the grant application. From our discussions with Nebraska DEQ, it is, however, common for another jurisdiction to make application on behalf of the city.

The Dakota City City Council has authorized Howard Green Engineering to prepare a grant request. Officially, the county would act as the pass through for payment and reports. The city would do all associated detail work.

Thank you for your consideration.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to apply for a Brownfield Grant on behalf of Dakota City for a comprehensive assessment of Dakota City's landfill area.

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

Chair Engel recessed their meeting at the Dakota City Council Chambers at 4:10 p.m. to reconvene back in the County Board's Meeting Room.

Chair Engel reconvened their meeting at 4:33 p.m.

Present: Commissioners Engel, Hartnett, Bousquet, O'Neill and Ted Piepho, County Clerk and Board Secretary.

ABSENT: Commissioner Miller.

Marlin Sejnoha with CBM Foods and Stan Wheellock from GA Johnson Construction appeared before the board and said that a lot of the necessities for setting up a kitchen were eliminated in a value engineering change and the cost to incorporate that back in the plans would cost about \$125,000, although they could not be sure of the final costs.

Mr. Sejnoha with CBM Foods proposed that they pay for the cost and charge the county back in a per meal cost over a period of time that was convenient for the county. He suggested extending the contract to eight (8) years from five (5) years.

Their presentation surrounded the following memo.

November 6, 2006

Project:

Dakota County I CBM Food Service Change Order

Project Overview:

CBM Food Service was awarded the bid for the Dakota County inmate food service contract on September 18th, 2006. This original proposal included the procurement and setting of all required food service equipment and smallwares. This proposal also required Dakota County to accommodate the "Infrastructure improvements" so that the equipment could be connected and the kitchen made operational prior to the "Jail Standards" inspection in early December. The proposal allowed for ownership of all equipment to be transferred to Dakota County at the end of the contract term.

Change Order Overview:

During the "Infrastructure improvements" process it was discovered that the value engineering process previously conducted to lessen the overall cost of the jail project excluded a large amount of normal infrastructure including HVAC units, gas lines, water lines, electrical components, floor surfacing, plumbing considerations, etcetera. Thus, these previous exclusions will have to be included in order to make the kitchen functional so that CBM can place the equipment and operate within the new kitchen area.

Proposed Change Option:

CBM Food Service proposes to include these "Infrastructure our original proposal based on the following changes:

Contract Term: Eight (8) years

Cost Per Meal Scale:

80-89	\$2.27
90-99	\$2.11
100-109	\$1.98
110-119	\$1.87
120-129	\$1.77
130-139	\$1.70
140- Above	\$1.63

\* All costs are guaranteed for one year with annual adjustments based on the CPI for food away from home Midwest index.

Note: The cost per meal scale includes all equipment and infrastructure requirements needed to meet "Jail Standards" while maintaining a cost that is still "Less" than all of the other vendors who's proposal included equipment only and no infrastructure.

There was discussion how that could be value engineered out when the county had intentions of a food service operating the kitchen, but a decision was needed so construction could proceed without delay.

Commissioner Bousquet moved, seconded by Commissioner Engel to accept the revised cost per meal and authorize the construction to proceed.

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

Payroll paid per the employee handbook was a follows:

COUNTY GENERAL FUND: Gross salaries- \$87,023.62, General Fund Employees Net Pay- \$60,499.34, Employer deductions paid: Retirement- 5,662.13, Retirement Makeup- 34.44, Social Security Tax- 5,250.04, Medicare- 1,227.83, DC Health Plan- 25,209.84, DC Dental Plan- 652.05, Life Insurance- 146.69.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Daniel Christoffers- 426.73, Tracey Corkin- 727.50, Bobbi Jo Harsma- 888.76, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 860.00, Robert Giese- 1493.55, Ruth Gillaspie- 1142.10, Jolene Heinemann- 920.00, Kimberly Kuehl- 860.00, Phyllis Ridge- 837.80, Mark J. Dorsey- 572.98, Margaret Rahn- 1142.10, Daniel Christoffers- 494.90, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1779.09, Debra Jensen- 952.00, John Loos, Jr.- 1664.00, Richard Jensen- 1334.41, Duane Kotalik- 1248.00, Tammy Dunn-Peterson- 829.50, Jeremy Bermel- 1545.19, Anthony Bos- 1434.18, Brad Claypool- 1554.80, Sandy Dickens- 1071.28, Brian Ellinger- 1731.44, Penny Epting- 1312.00, Brent Gilster- 1517.28, Todd Hammer- 1460.42, Melvin Harrison III- 1545.60, Rodney Herron- 1691.98, Kimberly Johnson- 376.53, Jared Junge- 1717.72, Michael Kreegar- 1472.00, Gary Powell- 36.00, Gayle Richards- 805.60, Kevin Rohde- 1316.10, James Wagner- 1868.04, Mary Gamble- 1000.00, Amber Hegarty- 1752.31, Aimee Kennedy- 960.00, Edward Matney III- 2416.41, Debra Schmiedt- 2032.31, Bobbi Strong- 960.00, Kimberly Watson- 1615.38, Amanda Barclay- 1142.41, Rebecca Broer- 1447.75, Richard Criss- 1399.43, Eric Davis- 1519.51, Toni Duncan- 1066.00, John Gilles- 1127.00, Alma Gunderson- 1214.38, Paula Harrigfeld- 567.00, Brenda Harrison- 1235.00, Cathy Harsma- 1219.22, Brett Johnson- 1167.55, Joseph Ramirez- 1202.96, Krystal Ramirez- 1196.44, Linda Schovanec- 1230.60, Alana Smith- 1040.00, Randall Walsh- 1836.75, Daniel Wood- 1254.50, Randall Crombie- 177.00, Jolene Gubbels- 852.00, Leon Pies- 569.20, Pamela DeVries- 1512.68, Gloria Dwyer- 741.12, Patricia Glover- 1062.27, Alan Boyd- 970.20.

GENERAL FUND: Employee withholding paid to: Federal- 8,613.33, State- 3,079.51, Social Security Tax- 5,250.04, Medicare- 1,227.83, Retirement- 3,848.11, Retirement Makeup- 24.44, DC Health Plan- 844.04, DC Dental Plan- 371.83, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 636.78, Garnishments- 1,333.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 700.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,662.07, Road Employees Net Pay- \$10,505.70, Employer deductions paid: Retirement- 836.53, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.19, Social Security Tax- 885.12, Medicare- 207.01.

Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1538.46, James Swanson- 1138.40.

ROAD FUND: Employee withholding paid to: Federal- 1,312.92, State- 482.03, Social Security- 885.12, Medicare- 207.01, Retirement- 557.71, DC Health Plan-, DC Dental Plan- 97.85, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

ROAD IMPROVEMENT: Gill Construction Co- \$161,768.76

Chair Engel adjourned the meeting at 5:10 p.m.

Dakota County Board of Commissioners

ATTEST:

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

Chairman

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

\* \* \* \* \*

Dakota County Board of Commissioners  
November 20, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 10:07 a.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, Hartnett, Miller, O'Neill and Ted Piepho, County Clerk and Board Secretary.

ABSENT: Commissioner Bousquet.

The agenda for this meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, NOVEMBER 20, 2006 PRELIMINARY AGENDA  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair                      Theodore A. Piepho, Secretary

1. 10:00 a.m. Call to Order with reciting the Pledge of Allegiance
  - \* Roll Call
  - \* Approve Minutes of last two meetings
  - \* Review Accounts claims submitted by County Clerk for payment
2. 11:45 a.m. Recess for Lunch
3. 1:30 p.m. Reconvene from lunch
4. 1:35 p.m. Monte Peters with Platinum Services Inc., Employee Benefits
5. 1:45 p.m. Valerie Danielson-Clerk of the District Court Elect Staffing
6. Tabled Items - No business on the table.
7. 1:55 p.m. Miscellaneous Agenda Item
  - \* Claims.
  - \* Employees Handbook - sick leave.
  - \* Legal newspaper for County 2007 calendar year.
  - \* Agreement with So. Sioux City to upgrade 9th Avenue
  - \* Sign Highway Supt Notification.
  - \* Award Motor Grader Bid.
  - \* Approve Pay application for Homer South Project No. BRO 7022(11).
  - \* Approve Change Order for BRO 7022(11) Recommendation of Acceptance and approval if desired.
  - \* Chair to sign draw downs for CDBG Grant
  - \* Officials Reports - Co. Clerk, Reg. of Deeds and Clk of Dist. Ct.
8. Committee Reports
  - \* Jail Transition Report
9. Mail and/or Emergency Business
10. 2:15 p.m. Adjournment

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

Pam Devries, Health Nurse, appeared before the board to inform them that Gloria Dwyer was retiring and that she hired Bonnie Kahl @ 9.45 an hour.

Commissioner Bousquet arrived at 10:12 a.m.

The board questioned Bobby Strong getting holiday pay when she was sick the day before. The handbook says that a person must work the last scheduled day before and the first scheduled day after a holiday in order to receive holiday pay.

She has an option to use a day's vacation in the place of sick leave and then would qualify.

Commissioner Miller moved, seconded by Commissioner O'Neill to approve the payroll claims subject to the employee handbook as follows:

COUNTY GENERAL FUND: Gross salaries- \$106,731.65, General Fund Employees Net Pay- \$75,490.52, Employer deductions paid: Retirement- 5,905.95, Retirement Makeup- 34.44, Social Security Tax- 6,471.95, Medicare- 1,513.52, DC Health Plan- 25,209.84, DC Dental Plan- 652.05, Life Insurance- 146.73.

Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Daniel Christoffers- 444.00, Tracey Corkin- 958.13, Bobbi Jo Harsma- 1125.80, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 860.00, Robert Giese- 1493.55, Ruth Gillaspie- 1142.10, Jolene Heinemann- 920.00, Kimberly Kuehl- 860.00, Phyllis Ridge- 855.50, Lyn Beltz- 455.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1142.10, Daniel Christoffers- 602.18, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1779.09, Debra Jensen- 952.00, John Loos, Jr.- 1664.00, Richard Jensen- 1334.41, Duane Kotalik- 1248.00, Nicholas Walsh- 15.45, Tammy Dunn-Peterson- 863.63, Franklin Morse- 55.00, Patricia Stingley- 35.00, Jeremy Bermel- 2181.82, Anthony Bos- 1735.05, Brad Claypool- 1858.40, Sandy Dickens- 1071.28, Brian Ellinger- 1933.84, Penny Epting- 1768.00, Brent Gilster- 1892.24, Todd Hammer- 1958.97, Melvin Harrison III- 1858.40, Rodney Herron- 1691.98, Kimberly Johnson- 408.32, Jared Junge- 1846.89, Michael Kreegar- 1692.80, Gayle Richards- 805.60, Kevin Rohde- 1556.90, James Wagner- 1868.04, Mary Gamble- 800.00, Amber Hegarty- 1752.31, Aimee Kennedy- 960.00, Edward Matney III- 2416.41, Debra Schmiedt- 2032.31, Bobbi Strong- 960.00, Kimberly Watson- 1615.38, Amanda Barclay- 1142.41, Joshua Blatchford- 1101.75, Rebecca Broer- 1504.14, Chad Clausen- 1041.60, Richard Criss- 1289.23, Anne Cutsinger- 1041.60, Toni Duncan- 1124.50, Lisa Ford- 1041.60, John Gilles- 1559.25, Alma Gunderson- 1372.07, Paula Harrigfeld- 748.44, Brenda Harrison- 1228.50, Cathy Harsma- 1307.73, Jason James- 1041.60, Brett Johnson- 1059.50, Nicholas Kellen- 1041.60, Matthew Mann- 1041.60, Colleen McMahon-Levine- 1041.60, Diana Moctezuma- 1041.60, Mark Nelson- 1092.00, Jeep Phommavong- 1041.60, Joseph Ramirez- 1361.94, Krystal Ramirez- 1041.66, Brian Reed- 1041.60, Stephanie Ryan- 1041.60, Linda Schovanec- 1215.95, Heather Skow- 1041.60, Alana Smith- 1082.25, Justin Smith- 1041.60, Randall Walsh- 1669.35, Daniel Wood- 1352.00, Randall Crombie- 177.00, Jolene Gubbels- 852.00, Leon Pies- 569.20, Pamela DeVries- 1512.68, Gloria Dwyer- 816.39, Patricia Glover- 1091.19, Alan Boyd- 970.20.

GENERAL FUND: Employee withholding paid to: Federal- 10,867.97, State- 3,859.97, Social Security Tax- 6,471.95, Medicare- 1,513.52, Retirement- 4,022.34, Retirement Makeup- 24.44, DC Health Plan- 844.07, DC Dental Plan- 372.02, Colonial Health- 23.20, Sheriff Union Dues- 90.00, Deferred Comp- 636.78, Garnishments- 1,333.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 700.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,811.41, Road Employees Net Pay- \$10,609.55, Employer deductions paid: Retirement- 840.87, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 24.54, Social Security Tax- 894.37, Medicare- 209.16.

Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1219.48, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1206.66, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1538.46, James Swanson- 1138.41.

ROAD FUND: Employee withholding paid to: Federal- 1,334.87, State- 491.23, Social Security- 894.37, Medicare- 209.16, Retirement- 560.60, DC Health Plan-, DC Dental Plan- 97.90, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

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

Commissioner Miller departed the meeting at 11:47 a.m.

The board continued to review the accounts payable claims.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the Accounts Payable Claims as submitted by the County Clerk, as follows:

GENERAL FUND: Perkins, supplies- 85.00; Dakota County Star, publishing- 199.31; Capital One Visa, media storage- 127.42; Des Moines Stamp, stamp- 25.75; Arthur Gallagher, notary bond- 50.00; Microfilm Imaging Systems, maintenance- 140.00; Perkins, supplies- 199.50; Das Imservices, service- 3.50; Charlotte Doenhoefer, prior yrs- 10.00; Executive Tech, supplies- 52.50; Robert Giese, mileage/supplies- 117.68; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, rent- 240.00; Baudville, certificate paper- 32.70; CitiMastercard, ink cartridges- 87.70; Dakota County Star, publishing- 188.63; Election Data Direct, voting booths- 445.96; BobbieJo Harsma, food- 26.96; Inclusion Solutions, election supplies- 223.10; Perkins, supplies- 173.93; Theodore Piepho, supplies- 124.73; Staples, supplies- 289.58; Todds Storeall, storage- 80.00; Betty O'Neill, food- 81.64; [Nellie May Anderson, Betty Bliven, Beverly Bliven, Robert Boals, Sallie Book, Alan Boyd, Dusty Boyd, Jannette Burns, Wilma Burns, Mary Cahill, Josephine Cain, Linda Carson, Linda Carter, Brad Claypool, Peggy Demke, Pharyce Eslick, Aloise Ferris, Shirley Frank, Myra Gentrup, Patricia Giese, Sharon Greenleaf, Melvin Harrison, Bertha Hines, Marjorie Jarvill, Charlene Jensen, Ruth Jensen, Jan Johansen, Carol Johnston, Mary Kelley, Joan Koch Dorothy Kramper, Laura Kruse, Mary Kurmel, Lois Larson, Marvel Lukens, Randy Lussier, Jean Lynch, Joanne Mast, Clara Maurice, Marilyn McGowen, Brandi McManigal, Frank Morse, Darlene Nielsen,

Rosemary Nieto, Fred Penner, Christ Piepho, Delores Porter, Van Phillips, Janice Roeber, Ellen Rohde, Alice Schrieber, Nancy Sivill, Patricia Stingley, Colleen Tighe, Geraldine Tramp, Irene Van Lent, Clara Woten, Sarah Reinert, Nanci Walsh, Randall Walsh, Karilyn Watkins, Dorothy Wilcox, Bonnie Wilke, Margaret Mari, Elaine Harris, Trudy Jepsen, Ginger Huggenberger, Constance Denker, Ruth Gillaspe, Betty Lou Jorgensen, Catherine Eriksen, Shirley Rager, Claudia Horner, Janet Merchant], election work- 6454.60; Dakota County Star, publishing- 7.57; De Lage Landen, copier lease- 91.00; Dennis Reinert, phone/maps- 69.29; Carol Sue Dunham, mileage- 97.90; Staples, supplies- 19.13; Dell marketing, toner- 279.84; Nebraska Co Ct Assoc, assoc. dues- 25.00; Kurt Rager, supplies- 192.42; Thompson West, service- 128.50; William Binkard, supplies- 135.20; Frank Gonzalez, interpret- 360.00; Perkins, supplies- 65.53; John Loos Jr, mileage- 121.93; Erica Gonzalez, interpret- 120.00; NCDAA, dues- 280.00; Debbie Jensen, supplies- 10.14; Thompson West, jury instructions- 120.00; [Laurie Alesch, Derek Anderson, Jean Anderson, Rosemary Andrews, Daryle Blackwell, Shirley Castillo, Rebecca Chamberlin, Scott Chase Jr, Herlinda Cisneros, Pamela Davies, Cherry Dennis, Merrie Ericksen, Connie Evans, Deborah Frank, Douglas Garvin, Leticia Vazquez-Gonzalez, Brian Hilton, Donald Hough, Linda Jepsen, Marilyn Kelly, Gary Kent, Wesley Lauer, Cheryl Linafelter, Beatriz Lopez, Jana Mogensen, Douglas Moninger, Georgia Navarrette, Rita Northrup, Pamela Peters, Donna Sees, Debra Singer, Kelley Snyder Julie Stinger, Judith Stoner, Vanessa Thongphet, Robert Decker] jury fees- 1494.78; Dakota County Sheriff, papers/warrants- 2278.59; [Sue Buggy, Jose Coronado, Giselle Cortes, Christ Dickerson, Billy Fletcher, Zach Jackson, Cynthia Jauregui, Barry Martinson, Dale Morrow, Adam Moser, Juan Preciado, Tyler Reed, Phyllis Stanley, Ryan Thompson, Connie Wendte, Michael Wendte, Dean Wittkay, Brent Ford, Brian Hassler, Dan Hiserote, Kelli Cooper Hyde, Trevor Mandernach, Linda Robeson], witness fees- 652.68; Dakota County Court, court cost- 1464.20; Shelley Horak, counsel- 900.00; Hurley Law Office, counsel- 2508.00; Sandra Inkster, counsel- 330.00; Barbara Kueny, counsel- 200.56; Stuart Mills, counsel- 300.00; Douglas Roehrich, counsel- 1182.00; Patrick Tott, counsel- 912.00; Clerk of District Court, claims- 546.34; Coffee King, coffee- 42.70; Copple Rockey & McKeever, service- 11.70; Robert Decker, bailiff- 25.00; Frank Gonzalez, interpret- 80.00; Hungrys North, jury lunches- 275.26; HyVee, supplies- 66.39; K&M Reporting, legal- 32.50; Lutheran Social Services, interpret- 588.40; Madison Co Sheriff, service- 5.00; MIPS, jury list- 709.50; Valorie Olson, counsel- 22.75; Richard Thramer, counsel- 841.80; Maximus, allocation- 713.18; Alltel, phone- 28.79; Amsan, mats- 1333.85; Benstar, supplies- 435.60; Central Valley Ag, diesel- 897.26; Gill Hauling, service- 120.00; Hardware Hank, supplies- 16.11; Richard Jensen, mileage- 162.60; Menards, supplies- 564.27; Midamerican, energy- 1939.55; NPPD, energy- 3088.39; Okeefe Elevator, inspection- 136.53; Roto Rooter, sewer- 98.90; Sams, supplies- 534.60; Share Corp, cleaner- 92.84; Stalinelect, repair- 81.54; Trembly Pest Ctrl, fee- 50.00; Verizon, phone- 54.07; Walmart, supplies- 119.06; Dakota Co Extension, reimburse- 530.87; Access Data Corp, support- 500.00; Circle R Frame, supplies- 110.40; City of SSC, phone/copies/fuel- 3125.30; Dakota County Star, publishing- 10.57; Dakota Food & Fuel, fuel- 123.21; Electronic Engineering, service- 357.92; Five Star Awards, plaque, 50.97; Fremont Tire, service- 1394.87; Fremont RV, repair- 468.00; HyVee, cake- 24.86; Jacks Uniforms, clothes- 162.75; Midwest Radar, class/certifications- 550.00; Poms Tire Service, tires- 446.76; Racom, t1- 687.40; Robertson Implement, food- 38.40; Sioux City Ford, repair- 1445.46; Sioux City Journal, publishing- 46.57; SFCU, ammo/postage/meal- 178.12; Stanard & Assoc, tests- 162.50; Swanson Corp, meals- 36.77; Tires Tires Tires, service- 19.99; Walmart, supplies/tire- 145.51; Verizon, phone- 129.10; Dakota County Star, publishing- 108.65; Dakota County Treasurer, supplies/lodging- 577.56; Debra Fergen, mileage/parking- 105.43; DMV, transcripts- 16.00; Des Moines Stamp, pad- 9.00; Doc. Depot, shredding- 40.00; Dodge Co Ct, copies- 2.25; Ed Matney, postage/meals/supplies/mileage- 265.80; H204U, supplies- 17.25; Kim Watson, mileage- 135.28; Lincoln Co Ct, copies- 3.75; Notary Underwriters, notary- 70.00; Siouxland Nat. Bank, copies- 24.75; Sprint, phones- 125.00; City of SSC, lec expense- 47737.00; Comm Just Grant, fund transfer- 399.32; BI Inc, electric monitoring- 345.95; Bob Barker, supplies- 204.70; BI Inc, house arrest- 2175.00; Butler Co Clinic, medical- 329.00; Butler Co Det Center, boarding- 14685.00; CBM Food, meals- 12800.15; Cass Co Jail, boarding- 35750.00; City of SSC, fuel- 268.04; ConocoPhillips, fuel- 283.62; Dakota Food & Fuel, fuel- 326.76; David City Pharmacy, medical- 386.91; De Lage Landen, contract- 221.00; Dept of Correctional, medical/safekeepers- 2254.43; Sandy Dickens, mileage- 135.28; Dixon Co Sheriff, boarding- 1800.00; Frontier Co Jail, boarding- 765.00; Frank Gonzalez, interpret- 500.00; Cathy Harsma, clothes- 30.98; Amber Haynes, training- 350.00; Amy Huser, interpret- 10.00; ISECUREtrac, house arrest- 1058.00; Jacks Uniforms, uniforms- 174.25; Louderback Drug, medical- 199.08; Thomas Luedtke, medical- 87.00; Madison Co Sheriff, boarding- 14250.00; Mercy Business, medical- 773.00; Mercy Medical, medical- 393.84; Northeast Comm College, training- 886.25; Northeast NE Juv Serv, boarding- 12372.50; NW Iowa Emerg, medical- 335.00; David Noble, medical- 168.00; PPCT Management, manuals/certificates- 321.00; Redlers Pharmacy, medical- 963.60; Ruffner Pharmacy, medical- 116.71; Sams Club, supplies- 182.12; SFCU, transport/fuel/meal- 536.73; Stanard & Assoc, test- 37.28; Staples, supplies- 600.69; Walmart, supplies- 160.66; Woodbury Co Juv Det, boarding- 8100.00; Verizon, phone- 279.22; General Business, furniture- 10000.00; Net Sys Plus, computers/servers- 26026.06; Perkins, supplies- 73.67; Verizon, phone- 41.74; Pam Devries, mileage- 97.01; Pat Glover, mileage- 140.62; Sanofi Pasteur, test- 89.18; Deanna Beckman, miles/hours/postage- 1208.95; Richard Criss, hours- 560.00; Pam Devries, mileage- 27.14; Elite office, supplies- 47.89; Pacific City Graphics, supplies- 121.00; PHAN, video- 84.00; Strykers Grill, luncheons- 269.55; Alan Boyd, mileage- 250.54; Electronic Engineering, pager- 13.95; AJ Phillips, printing- 105.00; James Publishing, law books- 66.94; Lexis Nexis, law books- 83.70; Thompson West, law books- 150.00; Amsterdam Printing, supplies- 97.70; AT&T, phone- 23.54; Benstar, paper- 1891.20; Claritus, maint. agreement- 858.00; De Lage Landen, lease- 110.50; FSH Comm, payphone- 58.30; Lazzette Gifford, website- 40.00; Hasler, rental- 150.00; IBM Corp, eserver- 205.71; MIPS, support- 366.05; Net Sys Plus, work- 158.75; Northeast Comm College, class- 5435.38; Qwest, phone- 1361.11; Madelyn Thorsland, prior yrs- 10.00; Three Rivers, admin fee- 85.00; US Postal Serv, postage- 2500.00; WCS Telecom, long dist- 407.41; ROAD: Ace Indust. Supp., supplies- 190.00; Aqua Soo Water, service- 8.50; Aramark, service- 186.92; Atco, supplies- 366.10; Barkley Asphalt, asphalt- 47.32; Bomgaars, supplies/parts- 166.78; Campbell Supply, supplies- 7.96; Carquest, parts- 229.66; Dakota Co Star, publishing- 24.31; Federal Licensing,

license- 124.00; Filter Care of NE, cleaning- 63.00; Flaugh's Pronto, fuel- 20.25; Fremont Tire, repair- 54.70; GCR Tire Center, tire- 35.00; Gill Hauling, service- 52.00; Green Light Truck Wash, maint- 280.95; Guarantee Oil, supplies- 785.07; Ron Harder, clothing- 50.00; Higman Sand, rock- 9779.59; Hubbard Minimart, gas/diesel- 4867.75; Joes Dept Store, parts/supplies- 299.72; Linweld, oxy- 36.50; Marx Distro, dust cont- 3438.93; Medical Ent, testing- 29.90; Midwest Svc, culvert- 1291.84; Marlan Millard, prior yrs- 15.00; NE Labor Law Posters, posters- 59.60; NPPD, service- 23.68; Northeast Nebr PPD, prepay- 134.30; Northeast Nebr Telephone, phone- 194.95; Nutra-Flo, supplies- 22.68; Pilger Sand & Gravel, gravel- 2922.80; Pumps, tires/repair- 6504.88; Ponca Coop, oil- 468.00; RC Customs, sign- 42.84; New Sioux City Iron, supplies- 123.25; Stalp Gravel, rock- 2324.60; Sams Club, supplies- 79.83; Superior Lamp, supplies- 188.18; T&A Truckwash, maint- 64.20; Town & Country, parts- 33.42; UECO, pipe- 830.00; Verizon, phone- 83.06; Warren Oil, diesel- 5919.34; Zieglers, parts/supplies- 525.92;

ROAD IMPROVEMENT: Brower Construction, asphalt- 8486.97; Certified Testing, tests- 570.00; Leonard Gill, reimb- 125.20; JEO, project- 3972.50; Nebr Dept of Road, project- 123.12;

VETERANS AID: Veterans Service Office, relief- 3800.00;

STOP FUND: MPH Ind, equip- 1185.00;

PUBLIC SAFETY: City of SSC, sls tax- 44125.76;

JAIL PROJECT: Chief Ind, jail- 90321.30; ComTec Security, security- 1350.00; Cummins Central Power, generator- 41852.00; Hander Inc, jail- 61421.40; HMN Architects, jail- 6977.46; Interstate Medical, jail- 32400.00; Jarco Builders, jail- 38201.00; K&P Services, dumpster- 552.06; Lindblom, toilet- 246.00; McHan Const, construction- 18720.00; Miller Painting, construction- 35865.00; Mobile Storage, office- 477.02; Modern Glass, construction- 3356.00; Muth Electric, construction- 124875.00; Total Fire Protection, jail- 3780.67; Zeigler, construction- 491.00;

WEED FUND: Advance Auto Parts, parts- 16.61; Flaugh's Pronto, fuel- 107.00; Hubbard Minimart, gas- 220.00; Leon Pies, workshop- 20.00;

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

Chair Engel recessed their meeting at 12:00 noon.

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

Present: Commissioners Engel, Hartnett, Miller, Bousquet, O'Neill and Ted Piepho, County Clerk and Board Secretary.

ABSENT: All Present.

Lamont Peters with Platinum Services, Inc appeared before the board to solicit permission to show the employees the company's cancer, heart and stroke insurance. He provided the board with a brief explanation of their coverage.

There was no motion made, but the consensus of the board was that is was ok with them if ok with the employees department head.

Valerie Danielson, Clerk of the District Court Elect, appeared before the board and wondered what her options were with the salaries.

She said that Carol Sue was going to stay employed, but Dustin Kinsey was demanding a dollar an hour increase.

She also asked about the excel spreadsheets that Dustin created.

It was felt that an agreement should be made to purchase the spreadsheets keeping in mind that the board felt that the county owned half of them now. According to Ms. Danielson, Ms. Beermann, the Clerk of the District Court, said that the spreadsheets were done on both, Dustin's and county time 50/50.

Ms. Danielson said that Dustin had the work copyrighted.

As far as salary, the board felt that she could give him a 75 cent an hour increase.

The County Clerk brought up the issue that the legal newspaper of the county is the Dakota County Star and this appointment is usually done in the re-organizational meeting in January, but the Department of Roads wants to know by December 31, 2006.

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint the Dakota County Star as the legal newspaper for the county for calendar year 2007.

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

Chairman Engel signed the Certification of County Highway Superintendent January 1 through December 31, 2006 for determining incentive payment.

Chair Engel signed the draw down reports for CDGB Grant Number 05-ED-015 in the amounts of \$75,000 and \$1,710 as requested by SIMPCO.

Bill Rohde and Randy Crombie recommended that the board accept the bid for a new John Deere Motor Grader at \$188,367 and to trade the county's present grader in for an allowance of \$45,000 for a net bid of \$143,367. He said that John Deere would finance it for 5.25%.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to accept the bid Murphy Tractor and Equipment for a new John Deere Motor Grader at \$188,367 and to trade the county's present grader in for an allowance of \$45,000 for a net bid of \$143,367. Be it further resolved to authorize the County Clerk or Highway Superintendent to line up financing through the lease purchase program with NACO or through John Deere, whichever is the best rate.

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 a change order to Project 7022(11) by \$4,335.65 which represents a deduct because of the adjustment for asphalt removal and the amount of new asphalt that was needed to complete the project.

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

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Pay Application for Payment No. 2 in the amount of \$61,305.96, which is the amount to complete the project after deduction of the previous change order to Project 7022(11).

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 Project Number 7022(11).

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

Bill Rohde, Road Director, read the letter that Wayne Boyd, City of South Sioux City's Attorney, wrote to Ed Matney, County Attorney, concerning the county's obligation to help pay for the upgrade of 9th Avenue between Golf Road and Dixon Path, the road that is the city limits dividing the County and the City.

Sheriff Wagner gave a Jail Transition Report. He reported that the new hires had completed their training at the Northeast Community College and they still had to go through their CPR training.

He said that the Central Command station would be in on the 27th and that it would take approximately two weeks to install that.

He reported that they probably would not be able to move prisoners to the new jail until the end of January. This caused great concern by the board and the County Clerk was directed to contact Jerry Johnson via telephone conference and that was done. Mr. Johnson thought that they could start moving furniture the middle of December. He said that about the only thing that would not be done is the Kitchen and the Food Service could continue serving like they have been.

Mr. Wagner did not agree with that and said that Jail Standards would not do the final inspection until is complete and ready to go.

The board asked Mr. Johnson to make some calls and get back to us with some dates.

The board spent a lot of time waiting for that call and county business was discussed.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of October 23, 2006 and November 6, 2006 as typed.

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

Commissioner Miller departed the meeting at 3:15 p.m.

Commissioner Bousquet departed the meeting at 3:40 p.m.

Mr. Johnson called back and the board was not able to determine the approximate date for opening the new jail and decided a Special Meeting would be in order for Monday , November 29, 2006, and ordered the County Clerk to post the proper notices.

Commissioner Hartnett moved, seconded by Commissioner O'Neill 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, 2006.

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

Chair Engel adjourned the meeting at 4:03 p.m.

Dakota County Board of Commissioners

ATTEST:

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

Chairman

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

Dakota County Board of Commissioners  
Special Meeting November 29, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:30 p.m.  
The pledge of allegiance was said.

Present: Commissioners Bousquet, Engel, Hartnett, Miller, O'Neill and Ted Piepho, County Clerk and Board Secretary.

ABSENT: All Present

The agenda for this meeting was as follows:

NOTICE OF SPECIAL MEETING  
DAKOTA COUNTY COMMISSIONERS  
MEETING ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

Notice is hereby given that the Dakota County Board of Commissioners will hold a special meeting beginning at 1:30 p.m. Wednesday, November 29, 2006, for the purpose of passing a resolution to authorize the Board Chairman to sign an application for Brownfield funding and to tour both the new and present jail.

The board, Rod Herron and Jerry Johnson will discuss the jail transition and try to determine the date when inmates can occupy the new jail.

I, THEODORE A. PIEPHO, COUNTY CLERK IN AND FOR THE COUNTY OF DAKOTA, DO HEREBY CERTIFY THAT THIS NOTICE WAS POSTED IN THE FOLLOWING THREE PUBLIC PLACES IN DAKOTA COUNTY, NEBRASKA THIS 22nd DAY OF November, 2006.

DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY POST OFFICE  
DAKOTA CITY HALL

This agenda was sent to all United States Post Offices within the county for posting and the news media was notified of such meeting.

IN WITNESS WHEREOF I set my hand and affix the seal of my office this 22nd day of November, 2006 at Dakota City, Nebraska.

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

SEAL

Bob Peters, Dakota City Administrator and Clerk, appeared before the board and asked them to approve a resolution for Brownfield funding.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve A RESOLUTION OF THE DAKOTA COUNTY BOARD OF COMMISSIONERS, NEBRASKA AUTHORIZING THE PREPARATION OF A BROWNFIELDS ASSESSMENT GRANT TO INVESTIGATE HAZARDOUS MATERIALS AND SUBMIT IT TO THE ENVIRONMENTAL PROTECTION AGENCY as follows:

RESOLUTION 06C- \_\_\_\_\_

A RESOLUTION OF THE DAKOTA COUNTY BOARD OF COMMISSIONERS, NEBRASKA AUTHORIZING THE PREPARATION OF A BROWNFIELDS ASSESSMENT GRANT TO INVESTIGATE HAZARDOUS MATERIALS AND SUBMIT IT TO THE ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, The U.S. Environmental Protection Agency, administers the Small Business Liability Relief and Brownfields Revitalization Act to provide innovative and creative ways to assess, cleanup and redevelop brownfield sites; and

WHEREAS, Dakota County, Nebraska wishes to apply for and receive an EPA Brownfields Assessment Grant to investigate the environmental condition of the former municipal landfill site in Dakota City, Nebraska; and

WHEREAS, Dakota County is interested in securing funds to help facilitate the future assessment and redevelopment of this target site with the expectation of removing and/or managing possible environmental contamination to protect human health and the environment; and

WHEREAS, Dakota County endorses a process to work with residents, affected stakeholders, and associated regulatory agencies to prepare an application for Brownfields Assessment Grant funding; and

NOW, THEREFORE BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS THAT:

A Brownfields Assessment Grant Application for hazardous materials be prepared to assist with environmental site assessment activities at the former municipal landfill site in Dakota City, Nebraska; and

Enable appropriate staff to engage county and city residents, economic development officials, relevant state departments, including the Nebraska Department of Environmental Quality in the preparation and filing of appropriate documents; and

Authorize the Chairperson of the Dakota County Board of Commissioners to sign documents necessary to submit and receive an award of Brownfield Assessment Grant funding provided by the U.S. Environmental Protection Agency.

Passed this 29th day of November, 2006 at Dakota City, Nebraska

ATTEST:

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

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

Motion was made by Commissioner HARTNETT, seconded by Commissioner MILLER and there were 5 yeas and 0 nays. Motion was declared adopted.

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

Jerry Johnson, Construction Manager, and Rod Herron, Jail Administrator, discussed what had to be done to the new jail before inmates could be housed in it. Except for the Control Panel, kitchen and inmate phones, it is looking good.

The Control Panel should be here on December 3rd and should be installed within two weeks. The kitchen does not have to be complete in order to move in Mr. Johnson reported.

Mr. Herron reported that Com-Tech would be here with the inmate phones on the 18th of December and that should take about a week to install he reported.

Outside that everything should be a go Mr. Johnson and Mr. Herron reported.

The subject of closing the old jail was discussed due to the cost of keeping it open. Ms. Hartnett speaking on behalf of the Budget Committee said that it cost approximately \$550,000 just in salaries and benefits to keep the old jail open. She reported that represents the income derived from holding 25 prisoners per year. She said that already one-half of the year has passed leaving a shortfall of half that already this year.

Most everyone else thought that the old jail should remain open for at least six to twelve months.

Commissioner Miller moved, seconded by Commissioner Engel that the old jail remain open for 12 months.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea No (corrected 12-04-06), Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Chair Engel adjourned the meeting at 3:05 p.m.

Dakota County Board of Commissioners

ATTEST:

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

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

Dakota County Board of Commissioners  
December 4, 2006 Proceedings  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City, Nebraska

Chairman Engel called the meeting to order at 1:34 p.m.  
The pledge of allegiance was said.

Present: Commissioners Engel, Hartnett, Miller, Bousquet, O'Neill and  
Ted Piepho, County Clerk and Board Secretary.

ABSENT: All Present.

The agenda for this meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS  
MONDAY, DECEMBER 4, 2006 AGENDA AMENDED  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA

William F. Engel, Chair                      Theodore A. Piepho, Secretary

1. 1:30 p.m. Call to Order with reciting the Pledge of Allegiance  
\* Roll Call  
\* Approve Minutes of last meeting
2. 1:32 p.m. Mary Gamble Tort Claim
3. 1:35 p.m. Madelyn Thorsland and Dick Erickson with the Assessor's Office.  
\* Discuss 2007 ag value method and preliminary stats
4. Tabled Items - No business on the table.
5. 1:55 p.m. Miscellaneous Agenda Items  
\* 9th Avenue - Sign Agreement with South Sioux City
6. 2:00 p.m. Bob Denton - District Probation Space Needs
7. 2:20 p.m. Bill Rohde - County Road Director, resignation  
\* Decision on replacement
8. Jail Transition Report
9. Committee Reports
10. Public Comment
11. Mail and/or Emergency Business
12. 2:45 p.m. Adjournment

Dick Erickson, State's Appraiser for Dakota County, reported where all Classes of property stood in relation to the percent of value in comparison to what properties in that class sold for.

Bob Denton, Probation Officer, appeared before the board requesting space in the new jail.  
Commissioner O'Neill moved, seconded by Commissioner Hartnett to table a decision on allocating space in the new jail for the Probation Officers.  
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 sign the 9th Avenue agreement with South Sioux City as follows:

AGREEMENT

This Agreement made this 4th day of December, 2006, by and between THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA. a municipal corporation (hereinafter referred as "City") and COUNTY OF DAKOTA, STATE OF NEBRASKA, a political subdivision (hereinafter referred to as "County"), WITNESSETH:

1. The City proposes to improve 9th Avenue from Golf Road to Dixon Path by resurfacing the roadway including any necessary adjustments to utilities, street lighting, fire hydrant locations and other appurtenant and collateral work.

2. The corporate limits of the City is the approximate centerline of 9th Avenue with one-half of the right-of-way being within the City limits of the City and the other one-half of the right-of-way being in the territory of the County.

3. The City shall prepare plans, specifications and cost estimates, contractor's proposal and contract documents for the improvement.

4. The City will contract for the improvements including engineering costs.

5. The City will enter into any contracts for construction of the improvements and will be responsible for inspection services.

6. The County will assume one-half of the cost of construction and engineering fees. Payment by the County to the City of the County's share of the costs for the improvements shall be in five (5) equal annual installments based on the final construction cost plus interest on the unpaid balance at the rate of 2 1/2% per annum. The first payment by the County to the City shall be due upon completion of the project. Thereafter, the County shall make four (4) equal payments plus interest on the anniversary date of completion of the project and final payment to the contractor and engineer.

7. Payment to the contractor and engineer by the City shall be made from City sales tax receipts for capital improvements.

8. The City shall hold the County harmless from any and all liability, claims, damages and expenses that may result from the construction by the City of this improvement.

9. The City shall be responsible for maintenance of the street after completion of construction. Construction.

10. This Agreement shall become effective at such time as the City shall incur and pay engineering costs for design of the roadway.

THE CITY OF SOUTH SIOUX CITY,  
DAKOTA COUNTY, NEBRASKA,  
a municipal corporation,  
BY: \s\ William McLarty

ATTEST:  
\s\ Sue Murray  
City Clerk

Mayor

COUNTY OF DAKOTA, STATE OF  
NEBRASKA. a political subdivision,  
by: \S\ William F. Engel  
CHAIRMAN, BOARD OF COUNTY  
COMMISSIONERS

ATTEST:  
\s\ Theodore A. Piepho  
COUNTY CLERK

Mr. Rohde, Road Director, didn't know if it was necessary to pave the road and felt that blacktop would be sufficient.

Commissioner Miller withdrew her second and Commissioner Hartnett withdrew her motion.

Bill Rohde, Dakota County Director of Roads, submitted his resignation effective January 3, 2007, as Road Director to assume the duties of Commissioner January 4, 2007.

Commissioner Bousquet moved, seconded by Commissioner Miller to accept Bill Rohde's resignation as Road Director effective January 4, 2007, simultaneously with assuming the duties of Commissioner  
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Engel moved, seconded by Commissioner Bousquet to include the duties of Road Director with the Highway Superintendent and that Randy Crombie assume those duties upon the resignation of Bill Rohde at the salary of \$40,000 and that the Highway Superintendent pay be above that.

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 approve the minutes of November 29 with the vote of the following motion "Commissioner Miller moved, seconded by Commissioner Engel that the old jail remain open for 12 months" showing Commissioner Hartnett voting Nay.

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

Commissioner Miller departed the meeting at 2:45

Chair Engel declared a break at 2:50 p.m. and Commissioner Bousquet departed the meeting at that time.

Chair Engel reconvened their meeting at 2:58 p.m.

Dennis Reinert appeared before the board and suggested that the board add three words to Section 600.6 of the Planning and Zoning Regulations and that will appear on the agenda for the 18th. The change was to add words "may be considered" after the dead livestock in line 5 of said section.

Commissioner Hartnett moved, seconded by Commissioner Engel to approve the payroll claims as submitted by the County Clerk.

COUNTY GENERAL FUND: Gross salaries- \$107,200.40, General Fund Employees Net Pay- \$75,500.61, Employer deductions paid: Retirement- 5,958.24, Retirement Makeup- 34.44, Social Security Tax- 6,496.20, Medicare- 1,519.25, DC Health Plan- 31,420.96, DC Dental Plan- 812.70, Life Insurance- 184.94. Richard Bousquet- 510.82, William Engel- 534.82, Jackie Hartnett- 510.82, Pamela Miller- 510.82, Betty O'Neill- 510.82, Daniel Christoffers- 452.33, Tracey Corkin- 843.94, Bobbi Jo Harsma- 983.56, Theodore Piepho- 1493.55, Joan Spencer- 1135.00, Darlene Davis- 860.00, Robert Giese- 1493.55, Ruth Gillaspie- 1142.10, Jolene Heinemann- 920.00, Kimberly Kuehl- 774.01, Phyllis Ridge- 855.50, Lyn Beltz- 240.00, Mark J. Dorcey- 572.98, Margaret Rahn- 1142.10, Daniel Christoffers- 460.65, Dennis Reinert- 192.31, Lynette Beermann- 1493.55, Carol Dunham- 1094.15, Dustin Kinsey- 920.00, Joe Flynn- 1779.09, Debra Jensen- 952.00, John Loos, Jr.- 1664.00, Richard Jensen- 1334.41, Duane Kotalik- 1248.00, Tammy Dunn-Peterson- 798.00, Jeremy Bermel- 2167.98, Anthony Bos- 1437.66, Brad Claypool- 2093.00, Sandy Dickens- 1071.28, Brian Ellinger- 2244.80, Penny Epting- 1832.00, Brent Gilster- 1988.16, Todd Hammer- 1924.00, Melvin Harrison III- 2051.60, Rodney Herron- 1691.98, Kimberly Johnson- 383.87, Jared Junge- 2068.34, Michael Kreegar- 1527.20, Gayle Richards- 805.60, Kevin Rohde- 1942.17, James Wagner- 1868.04, Mary Gamble- 1,000.00, Amber Hegarty- 1752.31, Aimee Kennedy- 960.00, Edward Matney III- 2416.41, Debra Schmiedt- 2032.31, Bobbi Strong- 960.00, Kimberly Watson- 1615.38, Amanda Barclay- 1142.41, Joshua Blatchford- 845.00, Dusty Boyd- 496.00, Rebecca Broer- 1556.92, Chad Clausen- 868.00, Richard Criss- 1620.30, Anne Cutsinger- 858.70, Toni Duncan- 1144.00, Lisa Ford- 1012.15, John Gilles- 1760.50, Alma Gunderson- 1622.19, Paula Harrigfeld- 748.44, Brenda Harrison- 1137.50, Cathy Harsma- 1473.95, Jason James- 1007.50, Brett Johnson- 1433.25, Nicholas Kellen- 1179.55, Matthew Mann- 1097.40, Colleen McMahon-Levine- 1012.15, Diana Moctezuma- 967.20, Mark Nelson- 890.50, Jeep Phommavong- 840.10, Joseph Ramirez- 1475.76, Brian Reed- 1021.45, Stephanie Ryan- 1091.20, Linda Schovanec- 1186.65, Heather Skow- 1021.45, Alana Smith- 1186.25, Justin Smith- 868.00, Francis Tope- 561.10, Randall Walsh- 1627.50, Daniel Wood- 1160.25, Randall Crombie- 177.00, Jolene Gubbels- 852.00, Leon Pies- 569.20, Pamela DeVries- 1512.68, Gloria Dwyer- 891.66, Patricia Glover- 995.94, Bonnie Kahler- 61.43, Alan Boyd- 970.20.

GENERAL FUND: Employee withholding paid to: Federal- 11,136.40, State- 3,908.82, Social Security Tax- 6,496.20, Medicare- 1,519.25, Retirement- 4,060.38, Retirement Makeup- 24.44, DC Health Plan- 844.04, DC Dental Plan- 450.11, Colonial Health- 23.20, Sheriff Union Dues- 85.00, Deferred Comp- 636.78, Garnishments- 1,333.65, Aflac Health- 405.82, Aflac Life/Dsbl- 75.70, Flex Plan- 700.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,662.06, Road Employees Net Pay- \$10,505.69, Employer deductions paid: Retirement- 836.53, DC Health Plan- 4,749.68, DC Dental Plan- 122.85, Life Insurance- 25.42, Social Security Tax- 885.12, Medicare- 207.01. Brent Byroad- 1134.40, Randall Crombie- 1146.40, Ronald Harder- 1138.40, Walter Heinemann- 1146.40, Richard Hoelsing- 1142.40, Hans Houfek- 1134.40, Robert Jacobsen- 1146.40, Fred Kellogg- 1138.40, Kimon Litras- 1142.40, Arnold Mellick- 1146.40, Leon Pies- 569.20, William Rohde- 1538.46, James Swanson- 1138.41.

ROAD FUND: Employee withholding paid to: Federal- 1,312.92, State- 482.03, Social Security- 885.12, Medicare- 207.01, Retirement- 557.71, DC Health Plan-, DC Dental Plan- 97.85, Reassure America Life- 7.32, Deferred Comp.- 61.68, Aflac Health- 125.35, Aflac Life/Dsbl- 56.38, Flex Plan- 163.00, Union Dues- 200.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- Lodging tax- \$14,339.27

Discussion was had concerning Mary Gamble Employee ID 2509 claiming both weeks sick leave and initially claiming sick leave since the 16th of November.

Ms. O'Neill asked if the county could ask her to see the County's Doctor. Discussion was had concerning that.

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

Under Public Comment, Commissioner O'Neill brought up that Commissioner Bousquet had made the statement that County Attorney had encouraged Mary Gamble to sue the county for her termination from the Public Defenders Office and that he recommended the attorney for her to use.

Marlin Millard was in the audience and verified that was true.

Commissioner O'Neill wanted to ask the County Attorney to come down to ask him. The board verbally directed the County Clerk to call and ask that he come down and he was unable to. His deputy came down and Ms. O'Neill wanted to talk about it under the tort claim item and the Deputy County Attorney said that it should be on the next agenda and an executive session.

The Deputy County Attorney left and Ms. O'Neill asked that her (Ms O'Neills) comments be entered into the record.

Planning and Zoning Member, Marlan Millard, said that he has not been getting information that he has requested of the County Attorney and added that he has been calling other attorney's for information.



3. The City shall prepare plans, specifications and cost estimates, contractor's proposal and contract documents for the improvement.

4. The City will contract for the improvements including engineering costs.

5. The City will enter into any contracts for construction of the improvements and will be responsible for inspection services.

6. The County will assume one- half of the cost of construction and engineering fees. Payment by the County to the City of the County's share of the costs for the improvements shall be in five (5) equal annual installments based on the final construction cost plus interest on the unpaid balance at the rate of 2 1/2% per annum. The First payment by the County to the City shall be due upon completion of the project. Thereafter, the County shall make four (4) equal payments plus interest on the anniversary date of completion of the project and final payment to the contractor and engineer.

7. Payment to the contractor and engineer by the City shall be made from City sales tax receipts for capital improvements.

8. The City shall hold the County harmless from any and all liability, claims, damages and expenses that may result from the construction by the City of this improvement.

9. The City shall be responsible for maintenance of the street after completion of construction.

10. This Agreement shall become effective at such time as the City shall incur and pay engineering costs for design of the roadway.

THE CITY OF SOUTH SIOUX CITY,  
DAKOTA COUNTY, NEBRASKA,  
A municipal corporation,  
BY: \s\ William McLarty

Mayor

ATTEST:  
\s\ Sue Murray  
City Clerk

COUNTY OF DAKOTA, STATE OF  
NEBRASKA. A political subdivision,  
By: \S\ William F. Engel  
CHAIRMAN, BOARD OF COUNTY  
COMMISSIONERS

ATTEST:  
\s\ Theodore A. Piepho  
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 adopt the words "may be considered" following dead livestock in line five of Section 600.6 of Dakota County's Planning and Zoning Regulations.

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

Bill Rohde appeared before the board to ask that a second in command be named in the road department.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to post a position for a second in command and that person would receive an additional 50 cents per hour.

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

Jane Gilbert appeared before the board for the public hearing to close CDBG 05-ED-015.

Chair Engel opened the Public Hearing for Grant CDBG 05-ED-015 at 2:00 p.m.  
Ms. Gilbert explained that this Public Hearing was necessary when closing a grant of this nature to give the public an opportunity to ask questions. The purpose of the grant was for the construction of Knox Blvd, which the county received \$77,000 for the construction for Knox Blvd.  
No one was in the audience that was interested in the grant.  
Chair Engel closed the hearing at 2:03 p.m.

Ralph Pulls and Neil Stockfleth from Papio-Missouri NRD, appeared before the board and informed the board that Papio-Missouri NRD would fund 85% up to \$150,000 for bridges in the Hubbard Watershed Project.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to approve the concept of Papio-Missouri NRD approving 85% to a maximum of \$150,000 for road structures in the Hubbard Watershed.  
ROLL CALL VOTE: Engel- Yea, Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea,  
UNANIMOUS MOTION CARRIED.

Randy Crombie appeared before the board with a Resolution to upgrade 260th Street. The board felt that a cost estimate should be provided before approving this project.

Commissioner Bousquet moved to table the tort claim of Robert Meins. Robert and Jane Meins were present and discussion was had if the county and the Meins could come to an agreement to resolve their situation.

The motion died for a lack of second.

Rod Herron gave a Jail Transition Report. Pam DeVries, County Health Nurse was present and a nurse for the jail was discussed and Ms. DeVries said that she did not have the staffing to take care of the jail.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of December 2, 2006 as presented.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to authorize and approve a loan from the Inheritance Tax Fund to the Major Road and Bridge Fund 0802 in the amount of \$75,000. Be it further resolved that the Major Road and Bridge Fund 0802 repay the Inheritance Tax Fund in the amount of \$75,000 as soon as there are monies to do so.

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

Commissioner Bousquet moved, seconded by Commissioner Hartnett to authorize and approve a loan from the Inheritance Tax Fund to the Soldiers and Sailors Relief Fund 1900 in the amount of \$1,500.

Be it further resolved that the Soldiers and Sailors Relief Fund 1900 repay the Inheritance Tax Fund in the amount of \$1,500 as soon there are monies to do so.

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

Commissioner Bousquet moved, seconded by Commissioner Hartnett to approve the claims submitted by the County Clerk as follows:

GENERAL FUND: Benstar, table covers- 62.44; Dakota County Star, publishing- 521.38; Register of Deeds, surveying- 12.50; CitiMastercard, paperport- 59.94; Perkins, supplies- 448.37; Theodore Piepho, phone- 20.00; Sams Club, membership fee- 35.00; 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; Des Moines Stamp, supplies- 167.40; Phillips Printing, supplies- 532.00; Staples, supplies- 167.60; Das Imservices, service- 3.50; TerraScan, service- 3710.00; Microfilm, equipment- 480.00; Ron Dahlman, election work- 170.04; Stacy Dahlman, election work- 55.00; Dakota County Star, publishing- 2835.00; Theodore Piepho, mileage- 111.25; Election Systems & Software, election- 51.34; Todds Storeall, storage- 80.00; Emerson Firehall, polling place- 40.00; First Lutheran, polling place- 60.00; Knights of Columbus, polling place- 40.00; Salem Lutheran, polling place- 40.00; SSC Legion Hall, polling place- 60.00; Steve Charleston, convention- 140.00; Dakota County Star, publishing- 9.47; Dennis Reinert, phone- 30.00; Lynette Beermann, mileage- 142.40; Fountaine Microfilming, microfilming- 2566.33; Staples, supplies- 8.77; Das Material, supplies- 230.08; Des Moines Stamp, stamp- 34.25; Pharyce Eslick, jury cases- 50.00; Paula Jensen, supplies- 44.97; Midwest Office Automations, contract/toner- 323.82; Office Systems Company, contract- 129.00; Perkins, supplies- 379.98; Kurt Rager, supplies- 134.48; Thomson West, service- 128.50; Thurston County Court, transcribe- 8.70; William Binkard, supplies- 29.56; Frank Gonzalez, interpret- 280.00; Perkins, supplies- 75.79; Matthew Bender, law books- 72.70; Nebr State Bar Assoc, dues- 560.00; Dakota County Sheriff, papers/warrants- 1125.89; Juan Alvarez, witness fee- 23.56; Dakota County Court, 1541.95; Juan Deanda, witness fee- 28.90; Dixon County Sheriff, service- 31.15; Jason Heft, witness fee- 144.60; Randy Hisey, counsel- 4698.00; Sandra Inkster, counsel- 375.00; Rosaura Lopez, witness fee- 20.00; Stuart Mills, counsel- 540.00; Judy Peterson, witness fee- 24.45; Plymouth County Sheriff, service- 101.70; Douglas Roehrich, counsel- 1026.00; Dena Seuthoy, witness fee- 20.00; Richard Thramer, counsel- 562.20; Bobby Vangkham, witness fee- 20.00; Clerk of District Court, claims- 753.00; Coffee King, supplies- 42.70; Thomas Fitch, counsel- 1106.79; HyVee, supplies- 39.64; K&M Reporting, transcript- 43.20; Valorie Olson, case- 169.00; Richard Thramer, counsel- 952.20; Bekins Fire & Safety, fire ext- 410.96; Benstar, supplies- 322.70; Dakota Food & Fuel, gas- 25.00; State Firemarshall, inspection- 120.00; Foulk Bros Plumbing, pump- 2960.20; Gill Hauling, service- 120.00; Grainger, supplies- 737.94; Hardware Hank, supplies- 69.40; Richard Jensen, mileage- 150.23; Menards, supplies- 240.21; Midamerican, energy- 3466.07; NPPD, energy- 2397.70; Sams Club, supplies- 436.31; Trembly Pest Control, fee- 50.00; Verizon, phone- 54.07; Dakota County Extension, reimburse- 687.22; BioKey Int, contract- 3811.50; City of SSC, phone, fuel- 3004.94; Dakota County Sheriff, notary bond- 80.00; Dakota County Star, publishing- 23.63; Dakota Food & Fuel, fuel- 151.05; Economy Transmission, supplies- 1385.50; Fremont Tire, service/repair- 210.54; Harolds, developing- 58.84; HyVee, flowers- 35.31; Jacks Uniforms, clothing- 1242.15; Matthew Bender, law books- 91.90; Racom, t1- 1465.40; Robertson Imp, food- 19.20; Sioux City Journal, publishing- 705.19; SFCU, postage/training/aol- 79.85; Siouxland Humane Soc, service- 92.00; SSC Police Dept, overage- 150.00; TorcoRemfg, service- 98.95; Verizon, phone- 66.48; Dakota County Star, publishing- 44.68; Dakota County Treasurer, records- 11.00; David Frances, service- 116.25; DMV, transcripts- 4.00; Ed Matney, reimburse- 229.50; MidAmerica First Call, coroner- 136.90; Nebr State Bar Assoc, dues- 1280.00; Quill, supplies- 593.94; Sprint, phone- 129.96; Valorie Olson, service- 52.00; City of SSC, lec expense- 23868.50; BI Inc, house arrest- 1796.75; Bob Barker, supplies- 300.35; Dusty Boyd, meal/mileage- 191.24; Butler County Detention, boarding- 8580.00; CBM Food Service, meals- 10259.98; Cass County Jail, boarding- 31300.00; City of SSC, fuel- 114.91; Dakota County Sheriff, reimburse- 193.68; Dakota Food & Fuel, fuel- 337.91; David City Discount, medical- 217.34; Dept of Corr Services, safekeepers/medical- 3063.02; Sandy Dickens, mileage- 117.48; Family Practice Center, training- 100.00; Fremont Tire, service- 46.90; Jacks Uniforms, clothing- 745.50; Scott Lanagan, training- 110.00; Madison County Sheriff, boarding- 9800.00; Mercy Business Health, medical- 1521.00; NE Nebr Juvenile Serv, boarding- 13140.00; David Noble, medical- 155.00; NCS Pearson, tests- 603.75; NMG,

medical- 116.00; Redlers Pharmacy, medical- 1995.29; Ruffner Pharmacy, medical- 138.73; Sams Club, supplies- 319.92; SFCU, fuel/meal- 329.41; Siouxland Lock & Key, keys- 77.20; Staples, supplies- 108.75; Swanson Food, meals- 279.51; Frank Tope, mileage- 165.54; Verizon, phone- 135.63; Walmart, supplies- 131.34; Woodbury County Juv Det, boarding- 7500.00; Net Sys Plus, computer work- 55.00; Randy Crombie, mileage- 84.55; De Lage Landen, contract- 91.00; Perkins, supplies- 88.16; Quality Inn, lodging- 143.98; Verizon, phone- 34.51; Pam Devries, mileage- 142.39; Dunes Family Med, medical- 500.00; Gloria Dwyer, decoration- 56.60; Pat Glover, mileage- 157.31; Sioux City Journal, publishing- 139.37; Net Sys Plus, computer work- 440.00; Sanofi Pasteur, medical- 182.43; Carex Health, medical- 53.67; GlaxoSmithKline Pharm, medical- 380.25; Deanna Beckman, hours/mileage- 1371.70; Channing Bete Co, supplies- 406.08; Dell, screen/printer/toner- 667.62; HyVee, plates- 130.00; Midwest Office Auto, maint- 53.30; Perkins, supplies- 22.80; Todd Storeall, storage- 360.00; Alan Boyd, mileage- 368.91; Electronic Engineering, pager- 13.95; Office Systems Co, contract- 121.00; Perkins, supplies- 82.01; Matthew Bender, law books- 512.90; Thomson West, legal- 1872.65; AT&T, phone- 47.08; Cable One, internet- 270.95; De Lage Landen, lease- 110.69; FSH Comm, payphone- 58.30; Lazette Gifford, website- 40.00; MIPS, support/forms- 488.16; Net Sys Plus, antivirus renew- 779.00; Qwest, phone- 1349.13; Region IV, qtrly svc- 7313.00; Three Rivers, admin fee- 85.00; Madelyn Thorsland, prior yrs- 10.00; US Postal Service, postage- 2500.00; WCS Telecom, long distance- 340.36;

ROAD: Advance Auto, parts/supplies- 115.62; Aqua Soo Water, service- 25.00; Aramark, service- 223.27; Bs Enterprises, material- 385.00; Bekins Fire, fire ext- 425.10; Bomgaars, supplies/parts- 65.11; Brent Byroad, clothing- 50.00; Campbell Supply, supplies- 23.88; City of SSC, salt- 440.64; Randy Crombie, clothing- 50.00; Filter Care, service- 10.90; First State Bank, tractor- 12502.86; Flaugh's Pronto, fuel- 103.26; GCR Tire, tires- 200.42; Gill Hauling, service- 52.00; Green Light Truck Wash, maint- 247.95; Guarantee Oil, oil- 411.00; Walt Heinemann, clothing- 42.77; Rich Hoelsing, clothing- 50.00; Hans Houfek, clothing- 50.00; Higman Sand, rock- 9625.24; Hubbard Minimart, fuel- 4218.06; Bob Jacobsen, clothing- 639.00; Joes Dept Store, supplies- 151.96; Linweld, oxy- 35.50; Kimon Litras, clothing- 50.00; Marlan Millard, prior yrs- 15.00; Midwest Lubricant, supplies- 505.10; NACO, convention- 135.00; Siouxland NAPA, supplies- 3688.95; Nebr Labor Law Poster, posters- 7.65; NPPD, energy- 23.87; NE Nebr Telephone, phone- 172.77; Leon Pies, clothing- 50.00; Pilger Sand & Gravel, gravel- 648.35; Poms, repair- 35.50; Powerplan, parts/labor- 4970.48; Quality Inn, lodging- 143.98; Bill Rohde, mileage- 75.65; Sioux City Bolt, supplies- 99.00; Siouxland Hydraulics, parts- 32.52; New Sioux City Iron, supplies- 4.00; Stalp Gravel, rock- 1982.76; Town & Country Pwr, parts- 52.21; Verizon, phone- 48.62; Warren Oil, fuel- 1173.75; Hardware Hank, supplies- 50.96; Zieglers, parts/supplies- 6135.84;

ROAD IMPROVEMENT: JEO, paving- 5088.50; MLS Landscape, seeding- 2000.00; SIMPCO, admin fee- 1710.00.

POOR RELIEF: Nebr Dept of Health, assistance- 4.75; BeckerHunt Funeral Home, burial- 1350.00.

INSTITUTIONS: Beatrice State Dev Center, qtrly pymnt- 1896.00; Norfolk Regional Center, qtrly pymnt- 6.00.

VETERANS AID: Veterans Service Office, relief- 2355.00.

STOP FUND: Dakota County Sheriffs Dept, equipment- 2990.00.

LE EQUIP GRANT: BioKey Int, software- 3522.30.

PUBLIC SAFETY: City of SSC, sls tax- 5124.29; Jail Bond Fund, sls tax- 37578.16;

JAIL BOND FUND: Fremont National Bank, interest/service/- 131300.00.

JAIL PROJECT: Brower Construction, parking lot- 1620.00; Chief Industries, jail- 118140.30; Complete Floors, flooring- 14382.91; ComTec Security, security- 1350.00; HMN Architects, jail- 28.01; Hander Inc, plumbing- 18337.50; Interstate Medical, jail- 14517.00; Jarco Builders, jail- 4279.90; K&P Services, dumpster- 1418.87; Lindblom, toilet- 30600; McHan Construction, jail- 36360.00; Mobile Storage, office/waiver- 252.00; Modern Glass, construction- 8925.70; Muth Electric, construction- 106336.10; Overhead Door, jail- 9238.40; RJ Kool Company, jail- 11929.50; Star Controls, construction- 22750.20; Steve Harris Const, jail- 13096.35; Total Fire Protection, jail- 420.08.

WEED: Dakota County Star, subscription- 60.00; David Dyke, pickup pymnt- 2995.05; Heritage Express, fuel- 49.00; Hubbard Minimart, fuel- 201.00; NACO, convention- 135.00; Siouxland NAPA, filter- 121.48; Nebr Weed Control Assoc, dues- 106.00; Leon Pies, meals- 20.71; Quality Inn, lodging- 134.98.

Chair Engel adjourned their meeting at 3:40 p.m.

Board of Commissioners

ATTEST:

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

Chairman

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