

Dakota County Board of Commissioners  
 Monday, January 12, 2009 Re-Organizational Meeting  
 Dakota County Courthouse  
 County Board Basement Meeting Room  
 Dakota City, NE 68731

County Clerk Ted Piepho called the Board's Re-Organizational Meeting to order at 1:48 p.m.  
 Present were: Commissioners McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney were also present.  
 Absent: None.

The Agenda for the meeting was as follows:  
 Reorganization Meeting Called to Order at 1:45 p.m.

- Reorganization Agenda Items
  - Nominations for Chairperson -
  - Motion for nominations to cease and Roll Call Vote.
  - Vote by secret ballot if more than one was nominated.
  - Nominations for Vice-Chair
  - Motion for nominations to cease and Roll Call Vote.
  - Vote by secret ballot if more than one was nominated.
  - Approve Minutes of previous meeting
  - Roll Call

1:45 p.m. signatures Robert Giese, County Treasurer; Semi-Annual report – Board to approve and needs

**RESOLUTIONS:**

- Employee's Association Agreement
- Depositories and Securities – Designate holder of Dakota County Monies during 2009.
- Commissioner Meetings – Designate when the Board will hold meetings throughout 2009.
- Courthouse Hours – Designate the hours of the courthouse for Calendar Year 2009.
- Designate the Legal Newspaper of County.
- Declare the Holidays and Early Closings M-F Schedule.
- Approve policy for Opening and Closing of Graves.
- Designate County Government Day as 1<sup>st</sup> Wednesday in October.
- Department Heads Appointments/Reappointments
- Veteran Service Officer – Alan Boyd
- Highway Superintendent – Chad Kehrt with Olsson & Associates.
- Planning and Zoning Administrator – Arnie Mellick is currently the appointed official.
- Weed Superintendent – Leon Pies is currently the appointed official.
- Emergency Management Director – Pat Foust is currently the appointed official.

Appoint members to Various Advisory Boards	2008 Member/s
Area Agency for Aged Advisory Board	Clara Woten
SIMPCO	Bill McLarty
Region IV Mental Health Board	Jackie Hartnett
County Health Board	Jackie Hartnett
Region IV Developmental Disabilities	Bill McLarty
R C & D	Bill Rohde
Planning & Zoning	Jackie Hartnett
Golden Rod Hills	Bill Engel
Area Agency on Aging Governing Board	Bill Engel
NE Nebraska Joint Housing Authority	Dennis Reinert

Appoint members to serve on Working Committees

Name of working committee	Present Member
Economic Development	Bill McLarty
Dakota County Economic Development	Bill McLarty
Civil Defense/ (LEPC, PEP)	Bill Rohde
Finance/Budget	O'Neill/Rohde
Legislative	Bill McLarty
Personnel/Policies	Hartnett/O'Neill
Property/Space Utilization	Engel/Rohde
Road Committee	Rohde/Engel
Safety	Hartnett/Engel
LEC	Engel/McLarty
ADA	Hartnett/Rick Jensen
Recycling	Jackie Hartnett
Transportation	Bill Engel
Emergency Closings	Wagner/O'Neill/Engel
DCIT	was tabled
DCIT Public Safety	was tabled
Highway 35 Committee	Engel/McLarty
Press Committee	Hartnett/O'Neill
Storm Water Advisory Board	Bill McLarty
Storm Water Planning (working)	Bill McLarty

CJAC  
Jail Construction Coordinator  
Merit Commission

Hartnett/Lyle Todd  
Bill Rohde  
Bill Engel

Review and Approve Accounts Payable and payroll claims, Employee Handbook  
Ralph Puls, P-MRNRD – Approval of 5-year lease agreement between Dakota County and Papio-Missouri River NRD for UN-L Extension Office to move to the Natural Resources and USDA Service Center Building located at 1505 Broadway, Dakota City, Nebraska.

Motion to approve lease agreement between the two entities for UN-L Extension Office Rent in the amount of \$10,000 per year for 5 years beginning January 2009.

Dan Nice, 518 Tompkins Drive, South Sioux City - Requesting the County to consider drafting a Resolution to ban burn barrels in residential areas of Dakota County, such as Tompkins Addition.

Present the Haven House request for Commissioner's signatures to support VAWA Grant Application.

Randy Walsh – Sheriff's Office is requesting authorization to purchase three Patrol Cars.

Authorize funds to purchase vehicles by paying cash or lease purchase.

Pat Foust - Concerning an LEC building expansion project.

#### Miscellaneous Agenda Items

Authorize NACO Lease Purchase for Motor Grader in the amount of \$150,082.00  
Discussion and possible adoption of a Resolution by the Dakota County Board of Commissioners to Adopt Reasonable Rules for Presentations and Public Comment Periods during Board of Commissioners Meetings.

Tabled items – No items on the table

Official's Reports - County Clerk, Clerk of the District Court, Register of Deeds, Veteran's Service Officer and County Sheriff

Board Committee Reports  
Board Member Reports  
Public Comment  
Mail and/or Emergency Business  
Adjournment.

County Clerk Ted Piepho Chair pro tem called for the agenda item "nominations for chair".  
Commissioner Bousquet moved, seconded by Commissioner Rohde to nominate Commissioner William (Bill) McLarty to serve as chair and BE IT FURTHER RESOLVED that nominations cease and the secretary cast a unanimous ballot for Commissioner McLarty to be chair for the calendar year 2009.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

County Clerk Ted Piepho relinquished the chair reserved for the chair and Commissioner McLarty occupied that seat.

Chair McLarty called for the agenda item "nominations for vice chair".  
Commissioner Bousquet moved, seconded by Commissioner Gomez to nominate Commissioner Bill Rohde for vice chair and BE IT FURTHER RESOLVED that nominations cease and the secretary cast a unanimous ballot for Commissioner Rohde to be Vice Chair for 2009.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Bob Giese, County Treasurer, presented his Semi-Annual Report for July 1, 2008 through and including December 31, 2008 Fund activity and balances that is advertised in the Legal Newspaper of the County.  
Commissioner Bousquet moved, seconded by Commissioner McNear to acknowledge receipt of and approve the Semi-Annual Report as presented by Robert Giese, County Treasurer.  
ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Bob Giese, County Treasurer, briefly explained the Employee Association Agreement. After discussion, it was felt that the maximum amount payable for flowers should be increased from \$30 to \$50.  
Commissioner Rohde moved, seconded by Commissioner Gomez to raise the amount in Item (a) under Section III of the Pop Machine Agreement from \$30 without prior approval of the County Board and the Dakota County Employees Association to \$50 for funeral flowers or memorials.  
ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda items "Depositories and Securities".  
Commissioner Bousquet moved, seconded by Commissioner McNear, to designate the following banks as depositories for Dakota County with the maximum deposit being governed by securities pledged by

each institution: First National Bank in Homer and Dakota County State Bank, Iowa-Nebraska State Bank and the Siouxland National Bank in South Sioux City.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Commissioner Meetings – Designate when the Board will hold meetings throughout 2009."

There was discussion to have meeting every other week and Vendor Claims would be paid as often. The County Clerk said that this would be very cumbersome for his office because Accounts Payable has to be done before Payroll and that would be an every other week occurrence where as the way it is now, it only happens a couple times a year. Also it would make vendor inquiries as to if they were paid a lot more difficult because his office would not be able just to look at the months claims but every time vendors were paid within that month.

It was also discussed to move the meeting time from 1:30 p.m. to 4:00 p.m. and possibly have town hall meeting in the different town in the County. It was decided not to change the days that the Commissioners met but to change the meeting time from 1:30 to 4:00 p.m. starting in February.

Commissioner Rohde moved, seconded by Commissioner Bousquet, to hold Commissioner's meetings every other Monday from today (the following Tuesday if Monday falls on a holiday) at 4:00 p.m. and BE IT FURTHER RESOLVED that the Board shall meet the third Monday of the month when that does not fall on the schedule of every other Monday. And FINALLY BE IT RESOLVED that at least one Board Member review the claims prior to the board meeting in which vendor claims are approved.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear seconded by Commissioner Rohde to retain the present courthouse hours opening at 8:00 a.m. and closing at 4:30 p.m. Monday through Friday except for Holidays, as provided in the Employee Handbook or contracts governing other employees.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Gomez, to appoint the Dakota County Star as the legal newspaper of the county for the calendar year 2009.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

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

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

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

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

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

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Rohde moved, seconded by Commissioner McNear to reappoint Alan Boyd as Veteran's Service Officer for calendar year 2009, or until his duties be terminated in that position.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Gomez to reappoint Chad Kehrt with Olsson & Associates as Highway Superintendent until a successor is appointed.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Rohde to reappoint Arnold Mellick as the Planning & Zoning Administrator for the calendar year 2009, or until his duties be terminated in that position.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Bousquet to appoint Leon Pies as Weed Superintendent, or until his duties be terminated in that position.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Rohde to reappoint Pat Foust as LEC Emergency Management Director, or until his duties be terminated in that position.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Appointments to the various boards".

Chair McLarty made appointments to the various boards' and working committee's as follows:

Appointments of Advisors to Various Boards	2009 Member/s
Area Agency for Aged Advisory Board	Clara Woten
SIMPCO	Bill McLarty
Region IV Mental Health Board	Bill McLarty
County Health Board	Richard McNear
Region IV Developmental Disabilities	Bill McLarty
R C & D	Tony Gomez
Planning & Zoning	Rick Bousquet
Golden Rod Hills	Bill Engel
Area Agency on Aging Governing Board	Bill McLarty
NE Nebraska Joint Housing Authority	Tony Gomez

Appointment Members to serve on Working Committees

Name of working committee	Present Member
Economic Development	Rick Bousquet
Dakota County Economic Development	Rick Bousquet
Civil Defense/ (LEPC, PEP)	Bill Rohde
Finance/Budget	Bill Rohde / Bill McLarty
Legislative	Bill McLarty
Personnel/Policies	Rick Bousquet / Bill McLarty
Property/Space Utilization	Bill Rohde / Tony Gomez
Road Committee	Bill Rohde / Dick McNear
Safety	Bill Rohde / Dick McNear
LEC	Tony Gomez / Rick Bousquet
ADA	Rick Jensen / Dick McNear
Recycling	Richard McNear
Transportation	Bill Rohde
Emergency Closings	Wagner/McLarty/ Rohde
Highway 35 Committee	Dick McNear / Tony Gomez
Press Committee	Bill McLarty / Joan Spencer
Storm Water Advisory Board	Rick Bousquet
Storm Water Planning (working)	Rick Bousquet
CJAC	Bill McLarty / Tony Gomez

Commissioner McLarty moved, seconded by Commissioner Rohde to appoint Commissioner Bousquet as the Board Member to serve on the Merit Commission.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize NACO Lease Purchase for Motor Grader in the amount of \$150,082.00."

Fred Kellogg appeared before the board and asked them to approve the NACO Lease-Purchase agreement for the purchase of a new Caterpillar Motor Grader. He said that originally the county was going to sell the old grader outright, but that the Village of Emerson decided not to purchase it and so the county decided to trade the old motor grader in on the new one making the difference \$150,082 and to finance that through NACO at 3.2%.

Commissioner Bousquet moved, seconded by Commissioner McNear to authorize the funding for a new Caterpillar Motor Grader bearing the Serial Number **0B9D00301** and to trade the old Caterpillar Grader with the serial number **9TN00609** in for a difference of \$150,082. BE IT FURTHER RESOLVED to finance the grader purchase under the NACO Lease-Purchase Plan at 3.2% and to adopt Resolution 09C-001 as follows:

IN THE COUNTY OF DAKOTA  
IN THE STATE OF NEBRASKA  
RESOLUTION NO. 09C-001

A RESOLUTION APPROVING, ADOPTING, RATIFYING AND AFFIRMING THE EXECUTION AND PERFORMANCE OF A LEASE-PURCHASE AGREEMENT WITH NACO LEASING CORPORATION FOR ACQUISITION OF PROPERTY.

BE IT RESOLVED by the Board of Commissioners of The County of Dakota, in the State of Nebraska, that this Board hereby approves and authorizes the acquisition of a motor grader by the County of Dakota through a Lease-Purchase Agreement with NACO Leasing Corporation. The Lease-Purchase Agreement shall include the following terms, with such changes as are deemed reasonable or necessary by the Chair of the Board of Commissioners.

1. Principal Amount: \$150,082.00
2. Interest Rate: 3.20%
3. Payment Amount: \$16,351.77
4. Term: January 29, 2009 through January 15, 2014
5. Payment Frequency: semiannual, beginning July 15, 2009

Settlement and closing of the Lease-Purchase Agreement shall be on or about January 29, 2009. NACO Leasing Corporation shall send payment to the equipment vendor or owner for acquisition of the property on the date on which NACO Leasing Corporation receives the signed Lease-Purchase Agreement and accompanying documents from the County.

BE IT FURTHER RESOLVED, that the Chair or Vice Chair of the Board of Commissioners and the County Clerk are hereby authorized and directed to sign the Lease-Purchase Agreement and related certificates and documents.

This Resolution shall be in full force and effect from and after its passage and all resolutions or orders, or parts thereof, in conflict with the provisions of this Resolution, are to the extent of such conflict, hereby repealed.

Passed and adopted this 12<sup>th</sup> day of January, 2009.

THE COUNTY OF DAKOTA, NEBRASKA  
William I. McLarty  
Chair

/s/ Rick Bousquet  
/s/ Richard McNear  
/s/ Antonio A. Gomez

/s/ William B. Rohde

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Kelly Fravel appeared on behalf of Ralph Puls for the Middle Missouri Natural Resources District. She appeared to ask that the Chair sign the following First Addendum to the Interlocal Cooperation Agreement between The County of Dakota, Nebraska and the Papio-Missouri River Natural Resources District for the Pigeon/Jones Site 15 Project Roads and for the County Board to enter into the following UNL Extension Office Lease Agreement.

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

**THIS FIRST ADDENDUM** (hereinafter referred to as "this **ADDENDUM**") 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 (§§13-801, R.R.S., 1997, et seq.).

**RECITALS:**

**WHEREAS**, in a document executed by the **COUNTY** on March 27, 2006 and by the **DISTRICT** on April 14, 2006, the **PARTIES** entered into Interlocal Cooperation Act Agreement (hereinafter referred to as "the **AGREEMENT**") providing, among other things, for construction, operation and maintenance of the Pigeon/Jones Site 15 Project (hereinafter referred to as "the **PROJECT**") immediately southeast of the Village of Hubbard, Nebraska, and roads and bridges associated therewith; and,

**WHEREAS**, in consideration of the **COUNTY'S** agreement to lease office space for five (5) years, for the use and occupancy of the University of Nebraska Extension in Dakota County, in the **DISTRICT'S** Dakota County Service Center, in return for payment of rents to the **DISTRICT** in the amount of \$50,000, the **PARTIES** desire to amend paragraph 11 of the **AGREEMENT** in order to reduce the **COUNTY'S** maximum obligation there under from \$350,000 to \$300,000.

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

A. that paragraph 11 of the **AGREEMENT** should be amended as follows;

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 grants received, for design and for demolition and construction work performed by or for the **DISTRICT** for **NEW 200<sup>th</sup> STREET, AND NEW LUTTON AVENUE**; and (2) the **DISTRICT'S** expenditures for land rights for **NEW 200<sup>th</sup> 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 \$300,000)**; 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 200<sup>th</sup> 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,

B. That, except as so amended as aforesaid, such paragraph 11 and the AGREEMENT itself are ratified and confirmed in all respects.

**IN WITNESS WHEREOF**, the parties have executed this ADDENDUM 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 12th day of January, 2009.

**THE COUNTY OF DAKOTA, NEBRASKA**

By \_\_\_\_\_

**CHAIRPERSON**

**ATTEST**

**BOARD OF COMMISSIONERS**

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

Executed by the **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**, as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**

By \_\_\_\_\_

**GENERAL MANAGER**

**UNL EXTENSION OFFICE LEASE AGREEMENT**

This agreement is entered into this 12<sup>th</sup> day of January, 2009, by and between the Papiro-Missouri River Natural Resource District ("the NRD"), whose address, for the purpose of this lease, is USDA Service Center, 1505 Broadway Street, Dakota City, Nebraska, 68731, and the Dakota County Board of Commissioners ("the Board"), whose address, for the purpose of this lease, is 1601 Broadway Street, P.O. Box 338, Dakota City, Nebraska, 68731.

The parties agree as follows:

1. **PREMISES.** The NRD leases to the Board the following real estate, situated in Dakota County, Nebraska, located at 1505 Broadway Street, South 1/2 Lot 1, East 30' of Lot 17, and all of Lot 18, Block 140, Dakota City, Nebraska, 68731, together with all improvements thereon, and all rights, easements, and appurtenances thereto belonging, upon the conditions that the Board performs as provided in this lease.

The floor plan and square footage for the premises is as shown in the diagram attached hereto as Exhibit "A" and incorporated herein by reference.

2. **TERM.** The term of this agreement shall be for five (5) years beginning on the 12<sup>th</sup> day of January, 2009, and ending on the 12<sup>th</sup> day of January, 2014.

3. **RENT.** The Board agrees to pay the NRD as rent \$833.33 per month in arrears commencing on the 5th day of February, 2009, and on the 5th day of each month thereafter, during the term of this lease. Rent for any partial month shall be prorated as additional rent. This amount is based on 1,336 square feet of office space for approximately \$7.48 per square foot for a total of \$10,000 per year, with utilities included. All of the facility's occupants share the use of 1,484 square feet of space free of charge, including the conference room, break room, and storage space.

All sums shall be paid at the address of the NRD, or at such other place as the NRD may designate in writing.

4. **POSSESSION.** The Board shall be entitled to possession on the first day of the lease term, and shall yield possession to the NRD at the termination of this lease. Should the NRD be unable to give possession on said date, the Board's only damages shall be a pro rata abatement of rent.

5. **USE.** The Board shall use the premises only for operation of the University of Nebraska Lincoln Extension Office in Dakota County or for such other purpose as may be later approved in writing by the NRD.

6. **CARE AND MAINTENANCE.**

(a) The Board takes the premises as is, except as herein provided.

(b) The NRD shall keep the following in good repair: roof, exterior walls, foundation, sewer, plumbing, heating, wiring, air conditioning, plate glass, windows and window glass, sidewalks, exterior decorating, except when the same are occasioned by the misuse or negligence of the Board or its agents, employees, or invitees. The NRD shall not be liable for the failure to make any repairs or replacements unless the NRD fails to do so within a reasonable time after written notice from the Board. The NRD agrees to remove all snow and ice and other obstructions from the sidewalk on or abutting the premises.

(c) The Board shall maintain the premises in a reasonably safe, serviceable, clean, and presentable condition. The Board shall make no structural changes or alterations without the prior written consent of the NRD.

7. **UTILITIES AND SERVICES.** The NRD shall pay for all utilities and services that may be used on the premises, including, but not limited to, gas, water, electricity, janitorial services, internet services, and installation of a hookup for an electric stove. The Board agrees to furnish the following utilities: telephone lines for the University of Nebraska Lincoln Extension Office in Dakota County. The NRD shall not be liable for damages for any stoppage for needed repairs or for improvements arising from causes beyond the NRD's control, provided the NRD uses reasonable diligence to resume such services.

8. **SURRENDER.** Upon termination of this lease, the Board will surrender the premises to

the NRD in good and clean condition, except for ordinary wear and tear or damage without fault or liability of the Board. Continued possession beyond the term of this lease and the acceptance of rent by the NRD shall constitute a month-to-month extension of this lease.

9. **ASSIGNMENT AND SUBLETTING.** No assignment or subletting, either voluntary or by operation of the law, shall be effective without the NRD's prior written consent, which consent shall not unreasonably be withheld.

10. **PROPERTY INSURANCE.**

(a) The NRD and the Board agree to insure their respective real and personal property for the full insurable value. To the extent permitted by their policies, the NRD and the Board waive all rights of recovery against each other.

(b) The Board will not do or omit the doing of any act that would invalidate any insurance or increase the insurance rates in force on the premises.

11. **INDEMNITY AND LIABILITY INSURANCE.** The NRD shall not be responsible for any liabilities resulting from negligent acts or omissions of the Board. The Board will hold the NRD harmless from any damages or injuries caused by the Board or any of its agents, employees, or invitees.

12. **DAMAGE.** In the event of damage to the premises, so that the Board is unable to conduct business on the premises, this lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within twenty (20) days after such notice, in writing, and both parties shall thereafter be released from all future obligations hereunder.

13. **MECHANICS' LIENS.** Neither the Board, nor anyone claiming by, through, or under the Board, shall have the right to file any mechanic's lien against the premises. The Board shall give notice in advance to all contractors and subcontractors who may furnish or agree to furnish any material, service, or labor for any improvement on the premises.

14. **TERMINATION.** This lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within one hundred and twenty (120) days after such notice, in writing, and both parties shall thereafter be released from all future obligations hereunder.

15. **DEFAULT, NOTICE OF DEFAULT, AND REMEDIES**

A. **EVENTS OF DEFAULT.** Each of the following shall constitute an event of default by the Board: (1) Failure to pay rent when due; (2) failure to observe or perform any duties, obligations, agreements, or conditions imposed on the Board pursuant to the terms of the lease; or (3) abandonment of the premises. "Abandonment" means the Board has failed to engage in its usual and customary business activities on the premises for more than fifteen (15) consecutive business days.

B. **NOTICE OF DEFAULT.** The NRD shall give the Board a written notice specifying the default and giving the Board ten (10) days in which to correct the default. If there is a default (other than for nonpayment of a monetary obligation of the Board, including rent) that cannot be remedied in ten (10) days by diligent efforts of the Board, the Board shall propose an additional period of time in which to remedy the default. Consent to additional time shall not be unreasonably withheld by the NRD. The NRD shall not be required to give the Board any more than three (3) notices for the same default within any 365 day period.

C. **REMEDIES.** In the event that the Board has not remedied a default in a timely manner following a Notice of Default, the NRD may proceed with any available remedies at law or in equity, including but not limited to the following:

(1) Termination. The NRD may declare this lease to be terminated and shall give the Board a written notice of such termination. In the event of termination of this lease, the NRD shall be entitled to prove claim for and obtain judgment against the Board for the balance of the rent agreed to be paid for the term herein provided.

(2) Forfeiture. If a default is not remedied in a timely manner, the NRD may then declare this lease to be forfeited and shall give the Board a written notice of such forfeiture.

16. **NOTICES AND DEMANDS.** All notices shall be given to the parties hereto in writing at the addresses designated unless either party notifies the other in writing of a different address. Without prejudice to any other method of notifying a party or making a demand or other communication, such notice shall be considered given under the terms of this lease when it is deposited in the U.S. Mail, registered or certified, properly addressed, return receipt requested, and postage prepaid.

17. **PROVISIONS BINDING.** Each and every covenant and agreement herein shall extend to and be binding on the respective successors, heirs, administrators, executors, and assigns of the parties hereto.

18. **SIGNAGE.** The Board may install signage on the building, at the Board's expense, subject to the NRD's approval.

19. **OPTION TO RENEW.** The NRD grants to the Board the option of extending this lease for an additional five (5) years. The lease price for the extended period is to be negotiated between the parties. Notice of intention to extend the lease shall be delivered to the NRD in writing at least ninety (90) days prior to the end of this lease.

20. **SEVERABILITY.** Should a court of competent jurisdiction render any part of this lease invalid or unenforceable, that part of the lease shall be severed and the remainder of the lease will continue in full force and effect.

21. **CONSENT TO JURISDICTION.** Should any dispute arise relating to this agreement, the parties agree that any court action shall be under the jurisdiction of courts of Dakota County, Nebraska.

General Manager, Board Chair,  
 Papio-Missouri River Natural Resource District Dakota County Board of Commissioners

Date

Date

ATTEST \_\_\_\_\_

THEODORE A. PIEPHO  
COUNTY CLERK

There was an attachment outlining the floor plan for the area described above.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the UNL Extension Office Agreement to lease from the Papio-Missouri River Natural Resources District 1336 Square Feet of the NRD building located at 1505 Broadway Street, Dakota City, Nebraska and to share an additional 1,484 Square feet as specified in the exhibit attached to the agreement worded as follows:

**UNL EXTENSION OFFICE LEASE AGREEMENT**

This agreement is entered into this 12<sup>th</sup> day of January, 2009, by and between the Papio-Missouri River Natural Resource District (“the NRD”), whose address, for the purpose of this lease, is USDA Service Center, 1505 Broadway Street, Dakota City, Nebraska, 68731, and the Dakota County Board of Commissioners (“the Board”), whose address, for the purpose of this lease, is 1601 Broadway Street, P.O. Box 338, Dakota City, Nebraska, 68731.

The parties agree as follows:

1. **PREMISES.** The NRD leases to the Board the following real estate, situated in Dakota County, Nebraska, located at 1505 Broadway Street, South ½ Lot 1, East 30’ of Lot 17, and all of Lot 18, Block 140, Dakota City, Nebraska, 68731, together with all improvements thereon, and all rights, easements, and appurtenances thereto belonging, upon the conditions that the Board performs as provided in this lease.

The floor plan and square footage for the premises is as shown in the diagram attached hereto as Exhibit “A” and incorporated herein by reference.

2. **TERM.** The term of this agreement shall be for five (5) years beginning on the 12<sup>th</sup> day of January, 2009, and ending on the 12<sup>th</sup> day of January, 2014.

3. **RENT.** The Board agrees to pay the NRD as rent \$833.33 per month in arrears commencing on the 5th day of February, 2009, and on the 5th day of each month thereafter, during the term of this lease. Rent for any partial month shall be prorated as additional rent. This amount is based on 1,336 square feet of office space for approximately \$7.48 per square foot for a total of \$10,000 per year, with utilities included. All of the facility’s occupants share the use of 1,484 square feet of space free of charge, including the conference room, break room, and storage space.

All sums shall be paid at the address of the NRD, or at such other place as the NRD may designate in writing.

4. **POSSESSION.** The Board shall be entitled to possession on the first day of the lease term, and shall yield possession to the NRD at the termination of this lease. Should the NRD be unable to give possession on said date, the Board’s only damages shall be a pro rata abatement of rent.

5. **USE.** The Board shall use the premises only for operation of the University of Nebraska Lincoln Extension Office in Dakota County or for such other purpose as may be later approved in writing by the NRD.

6. **CARE AND MAINTENANCE.**

(a) The Board takes the premises as is, except as herein provided.

(b) The NRD shall keep the following in good repair: roof, exterior walls, foundation, sewer, plumbing, heating, wiring, air conditioning, plate glass, windows and window glass, sidewalks, exterior decorating, except when the same are occasioned by the misuse or negligence of the Board or its agents, employees, or invitees. The NRD shall not be liable for the failure to make any repairs or replacements unless the NRD fails to do so within a reasonable time after written notice from the Board. The NRD agrees to remove all snow and ice and other obstructions from the sidewalk on or abutting the premises.

(c) The Board shall maintain the premises in a reasonably safe, serviceable, clean, and presentable condition. The Board shall make no structural changes or alterations without the prior written consent of the NRD.

7. **UTILITIES AND SERVICES.** The NRD shall pay for all utilities and services that may be used on the premises, including, but not limited to, gas, water, electricity, janitorial services, internet services, and installation of a hookup for an electric stove. The Board agrees to furnish the following utilities: telephone lines for the University of Nebraska Lincoln Extension Office in Dakota County. The NRD shall not be liable for damages for any stoppage for needed repairs or for improvements arising from causes beyond the NRD’s control, provided the NRD uses reasonable diligence to resume such services.

8. **SURRENDER.** Upon termination of this lease, the Board will surrender the premises to the NRD in good and clean condition, except for ordinary wear and tear or damage without fault or liability of the Board. Continued possession beyond the term of this lease and the acceptance of rent by the NRD shall constitute a month-to-month extension of this lease.

9. **ASSIGNMENT AND SUBLETTING.** No assignment or subletting, either voluntary or by operation of the law, shall be effective without the NRD’s prior written consent, which consent shall not unreasonably be withheld.

10. **PROPERTY INSURANCE.**

(a) The NRD and the Board agree to insure their respective real and personal property for the full insurable value. To the extent permitted by their policies, the NRD and the Board waive all rights of recovery against each other.

(b) The Board will not do or omit the doing of any act that would invalidate any insurance or increase the insurance rates in force on the premises.

11. **INDEMNITY AND LIABILITY INSURANCE.** The NRD shall not be responsible for any liabilities resulting from negligent acts or omissions of the Board. The Board will hold the NRD harmless from any damages or injuries caused by the Board or any of its agents, employees, or invitees.



12. **DAMAGE.** In the event of damage to the premises, so that the Board is unable to conduct business on the premises, this lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within twenty (20) days after such notice, in writing, and both parties shall thereafter be released from all future obligations hereunder.

13. **MECHANICS' LIENS.** Neither the Board, nor anyone claiming by, through, or under the Board, shall have the right to file any mechanic's lien against the premises. The Board shall give notice in advance to all contractors and subcontractors who may furnish or agree to furnish any material, service, or labor for any improvement on the premises.

14. **TERMINATION.** This lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within one hundred and twenty (120) days after such notice, in writing, and both parties shall thereafter be released from all future obligations hereunder.

15. **DEFAULT, NOTICE OF DEFAULT, AND REMEDIES**

A. **EVENTS OF DEFAULT.** Each of the following shall constitute an event of default by the Board: (1) Failure to pay rent when due; (2) failure to observe or perform any duties, obligations, agreements, or conditions imposed on the Board pursuant to the terms of the lease; or (3) abandonment of the premises. "Abandonment" means the Board has failed to engage in its usual and customary business activities on the premises for more than fifteen (15) consecutive business days.

B. **NOTICE OF DEFAULT.** The NRD shall give the Board a written notice specifying the default and giving the Board ten (10) days in which to correct the default. If there is a default (other than for nonpayment of a monetary obligation of the Board, including rent) that cannot be remedied in ten (10) days by diligent efforts of the Board, the Board shall propose an additional period of time in which to remedy the default. Consent to additional time shall not be unreasonably withheld by the NRD. The NRD shall not be required to give the Board any more than three (3) notices for the same default within any 365 day period.

C. **REMEDIES.** In the event that the Board has not remedied a default in a timely manner following a Notice of Default, the NRD may proceed with any available remedies at law or in equity, including but not limited to the following:

(1) Termination. The NRD may declare this lease to be terminated and shall give the Board a written notice of such termination. In the event of termination of this lease, the NRD shall be entitled to prove claim for and obtain judgment against the Board for the balance of the rent agreed to be paid for the term herein provided.

(2) Forfeiture. If a default is not remedied in a timely manner, the NRD may then declare this lease to be forfeited and shall give the Board a written notice of such forfeiture.

16. **NOTICES AND DEMANDS.** All notices shall be given to the parties hereto in writing at the addresses designated unless either party notifies the other in writing of a different address. Without prejudice to any other method of notifying a party or making a demand or other communication, such notice shall be considered given under the terms of this lease when it is deposited in the U.S. Mail, registered or certified, properly addressed, return receipt requested, and postage prepaid.

17. **PROVISIONS BINDING.** Each and every covenant and agreement herein shall extend to and be binding on the respective successors, heirs, administrators, executors, and assigns of the parties hereto.

18. **SIGNAGE.** The Board may install signage on the building, at the Board's expense, subject to the NRD's approval.

19. **OPTION TO RENEW.** The NRD grants to the Board the option of extending this lease for an additional five (5) years. The lease price for the extended period is to be negotiated between the parties. Notice of intention to extend the lease shall be delivered to the NRD in writing at least ninety (90) days prior to the end of this lease.

20. **SEVERABILITY.** Should a court of competent jurisdiction render any part of this lease invalid or unenforceable, that part of the lease shall be severed and the remainder of the lease will continue in full force and effect.

21. **CONSENT TO JURISDICTION.** Should any dispute arise relating to this agreement, the parties agree that any court action shall be under the jurisdiction of courts of Dakota County, Nebraska.

General Manager,  
Papio-Missouri River Natural Resource District

Board Chair,  
Dakota County Board of Commissioners

\_\_\_\_\_  
John Winkler

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTEST \_\_\_\_\_

THEODORE A. PIEPHO  
COUNTY CLERK

There was an attachment outlining the floor plan for the area described above.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Dan Nice, 518 Tompkins Drive, South Sioux City - Requesting the County to consider drafting a Resolution to ban burn barrels in residential areas of Dakota County, such as Tompkins Addition.

Mr. Nice appeared before the Board and discussed his neighbor burning in a burn barrel and the smoke from the fires filtrates his house and with his breathing problem is a hardship on him. He asked the board to ban burning in burn barrels in residential areas such as Tompkins. He said that there are 5 garbage companies that pick up out there so it's not like people must burn.

He said what is especially bad is that he has the burn barrel on public right-of-way and now he has put in a post to protect it. Mr. Nice felt that the resident could move the burn barrel to where it would be about 200' from his house instead of having it located approximately 50 to 75 feet, which would help a lot.

Mr. Bousquet knew the gentlemen who owns the property with the burn barrel and will talk to him about moving the burn barrel.

Mr. McLarty said that if Mr. Levine is not willing to move the burn barrel, the County Board would invite the Fire Chief to attend a meeting to discuss what the law is and whose responsibility it is to burn or not to burn.

Jeanette McFee appeared before the Board and asked that they approve a resolution of support for the Haven House to continue getting their grant and presented the following resolution for the board to adopt.

### **RESOLUTION**

BE IT RESOLVED BY THE BOARD OF DAKOTA COUNTY COMMISSIONERS THAT on this 12th day of January 2009 that we the undersigned duly elected Commissioners of Dakota County hereby find as follows:

1. Haven House Family Services Center, a non-profit corporation incorporated under the laws of Nebraska in 1979, has provided services in the area of domestic violence and sexual assault in Northeastern Nebraska including Dakota County.
2. In 1997, Haven House entered into collaborative efforts and grant requests to provide increased levels of services to Dakota County residents.
3. That in October 1998 these collaborative efforts resulted in the receipt of a grant to form the Dakota County Community Coordinated Response Team.
4. That in order to continue the services and programs created by these efforts Haven House has prepared for submission, a grant request to the Nebraska Crime Commission for funds available under the Violence Against Women Act.

THEREFORE, BE IT RESOLVED THAT THE UNDERSIGNED COMMISSIONERS HEREBY EXPRESS SUPPORT OF THIS GRANT REQUEST AND COMMEND AND SUPPORT THE EFFORTS PUT FORTH IN THE REDUCTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN OUR COUNTY. DATED this 12<sup>th</sup> day of January 2009.

Commissioner Gomez moved, seconded by Commissioner McNear to SUPPORT THE GRANT REQUEST AND COMMEND AND SUPPORT THE EFFORTS PUT FORTH IN THE REDUCTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN DAKOTA COUNTY and to adopt Resolution 09C-002 as follows:

### **RESOLUTION 09C-002**

BE IT RESOLVED BY THE BOARD OF DAKOTA COUNTY COMMISSIONERS THAT on this 12th day of January 2009 that we the undersigned duly elected Commissioners of Dakota County hereby find as follows:

1. Haven House Family Services Center, a non-profit corporation incorporated under the laws of Nebraska in 1979, has provided services in the area of domestic violence and sexual assault in Northeastern Nebraska including Dakota County.
2. In 1997, Haven House entered into collaborative efforts and grant requests to provide increased levels of services to Dakota County residents.
3. That in October 1998 these collaborative efforts resulted in the receipt of a grant to form the Dakota County Community Coordinated Response Team.
4. That in order to continue the services and programs created by these efforts Haven House has prepared for submission, a grant request to the Nebraska Crime Commission for funds available under the Violence Against Women Act.

THEREFORE, BE IT RESOLVED THAT THE UNDERSIGNED COMMISSIONERS HEREBY EXPRESS SUPPORT OF THIS GRANT REQUEST AND COMMEND AND SUPPORT THE EFFORTS PUT FORTH IN THE REDUCTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN OUR COUNTY. DATED this 12<sup>th</sup> day of January 2009.

/s/ Richard McNear

/s/ Antonio A. Gomez

/s/ Rick Bousquet

/s/ William B. Rohde

ATTEST:

/s/ Theodore A. Piepho

/s/ William I. McLarty

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

The Board discussed the payroll claims submitted by the County Clerk for payment. There was discussion concerning one employee pay as she was being paid straight time for working on a holiday and she works so few hours that she is not covered under the Sheriff's and Jail's employee Union Contract.

It was the opinion of the County Attorney that she is not covered under the employee contract and therefore not entitled to overtime.

Discussion was had whether to pay her overtime and it was decided that it would be setting a precedent and therefore decided to pay the claims as submitted.

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

COUNTY GENERAL FUND: Gross salaries- \$128,966.85, General Fund Employees Net Pay- \$91,473.61, Employer deductions paid: Retirement- 8,976.08, FICA- 7,856.64, Medicare- 1,837.45, DC Health Plan- 30,037.50, DC Dental Plan- 934.50 and Life Insurance- 194.31.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 468.00, Tracey Corkin- 918.45, Marisol Curiel- 921.60, Bobbi Jo Harsma- 1052.28, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 970.70, Kim Kuehl-912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 468.00, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 724.75, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 894.40, Jeremy Bermel- 1962.00, Anthony Bos- 1951.19, Sandy Dickens- 454.61, Brian Ellinger- 2068.62, Penny Epting- 1715.88, Brent Gilster- 1932.58, Todd Hammer- 2128.32, Melvin Harrison III- 1937.48, Rodney Herron- 1963.32, Jason James- 1719.36, Kimberly Johnson- 565.17, Jared Junge- 2095.90, Michael Kreegar- 1917.90, Gayle Richards- 817.02, Kevin Rohde- 2050.03, James Wagner- 1647.87, Randall Walsh- 1991.88, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1411.81, Ermelinda Ballesteros- 1429.47, Joshua Blatchford- 1390.37, Dusty Boyd- 1496.28, Rebecca Broer- 1334.70, Sandy Dickens- 681.91, Michael Estes- 1557.74, Lisa Ford- 1363.24, Robert Foster- 1075.01, Joseph Gee- 1304.92, John Gilles- 1459.18, Alma Gunderson- 1492.90, Paula Harrigfeld- 685.71, Cathy Harsma- 1451.49, Deanna Haukap- 1345.27, Jackie Heaton- 1751.00, Jeffrey Heitzman- 650.93, Adam Hough- 1194.60, Matthew James- 1177.00, Sarah Jensen- 1169.46, Brett Johnson- 1323.14, Nicholas Kellen- 1191.92, Brenda Kelly- 1405.22, Terry Kern- 1807.69, Keith Klein- 1279.07, Mark Nelson- 1249.40, Travis Olander- 1352.44, Kimberly Peterson- 1284.23, Doyle Pilgrim- 960.00, Cara Reinders- 1334.52, Janice Rickord- 235.00, Daniel Rodasky- 1338.11, Jutharatana Ruenprom- 1338.10, Linda Schovanec- 1242.40, Justin Smith- 1335.53, Francis Tope- 1345.01, Charvette Williams- 1343.47, Jewel Williams- 1452.77, Matthew Wise- 1298.02, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 828.00, Pamela DeVries- 1604.80, Patricia Glover- 1993.45, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 12,671.78, State- 4,399.56, FICA- 7,856.64, Medicare- 1,837.45, Retirement- 6,074.34, DC Health Plan- 237.50, DC Dental Plan- 472.50, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,333.65, Aflac Health- 449.32, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,070.82.

COUNTY ROAD PAYROLL: Gross salaries- \$14,630.32, Road Employees Net Pay- \$10,331.29, Employer deductions paid: Retirement- 987.57, DC Health Plan- 4,050.00, DC Dental Plan- 126.00, Life Insurance- 24.30, FICA- 887.89 and Medicare- 270.65.

Brent Byroad- 1268.40, Robert Hacker- 1228.40, Ronald Harder- 1338.60, Richard Hoelsing- 324.46, Hans Houfek- 856.64, Robert Jacobsen- 1244.40, Fred Kellogg- 1584.62, Robert Lillard- 1228.40, Kimon Litras- 1240.40, Arnold Mellick- 1244.40, Leon Pies- 610.80, Kip Reinbold- 1228.40, James Swanson- 1232.40.

ROAD FUND: Employee withholding paid to: Federal- 1,269.47, State- 438.28, FICA- 887.89, Medicare- 207.65, Retirement- 658.39, DC Health Plan-, DC Dental Plan- 84.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Deputy Walsh, with the Sheriff's Office, appeared before the Board to ask approval for ordering 3 new vehicles for the Sheriff's Office. They specifically asked for two new Ford F150 pickups and one new Dodge Charger. The pickups had a price tag of approximately \$21,095 and the Charger cost approximately \$21,000.

There was discussion if it would not be better to order all pickups and the board agreed that it would be.

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize the Sheriff's Office to order three new Ford F-150 pickups under the State Bid and to fund the purchase of the pickups through the NACO Lease-Purchase Program and to authorize the Chair and the County Clerk to sign all documents necessary for consummating purchase of said vehicles, except that final adoption of all documents required by NACO Lease-Purchase Program be brought before the this Board.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Pat Foust - Concerning an LEC building expansion project." Pat Foust, LEC Director appeared before the Board and asked for authority to authorize an expansion of the LEC Center to the North and West of the present building. He verbally explained what he had in mind, but there were no plans or diagrams illustrating his proposal. The Board requested that a drawing be brought before them.

Chair McLarty called for the agenda item "Discussion and possible adoption of a Resolution by the Dakota County Board of Commissioners to Adopt Reasonable Rules for Presentations and Public Comment Periods during Board of Commissioners Meetings."

Commissioner Bousquet moved, seconded by Commissioner Gomez to adopt A RESOLUTION BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS TO ADOPT REASONABLE

**RULES FOR PRESENTATIONS AND PUBLIC COMMENT PERIODS DURING BOARD OF COMMISSIONERS MEETINGS as follows:**

**RESOLUTION 09C-003**

**A RESOLUTION BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS TO ADOPT REASONABLE RULES FOR PRESENTATIONS AND PUBLIC COMMENT PERIODS DURING BOARD OF COMMISSIONERS MEETINGS**

WHEREAS the Dakota County Board of Commissioners (“the Board”) wishes to adopt reasonable rules for presentations and public comments for all Board of Commissioners Meetings.

WHEREAS, adoption of reasonable rules for presentations and public comment periods would assist the Board in running the meetings in an organized manner and in accordance with the Open Meetings Act and Robert’s Rules of Order.

WHEREAS, adoption of reasonable rules for presentations and public comment periods would assist the public in knowing what information is expected from them, how much time they will be allotted to make their presentation or public comment, and the process they must follow in making their presentation or public comment.

NOW, THEREFORE, BE IT RESOLVED by the Dakota County Board of Commissioners that the following reasonable rules apply to presentations and public comment periods during Board of Commissioners Meetings:

1. The individual wishing to make a presentation or public comment to the Board must first be recognized by the Board Chairperson.
2. When a group or organization wishes to make a presentation or public comment, the group or organization will designate one (1) member as its representative to make the presentation or public comment to the Board.
3. Once recognized by the Chairperson, the individual will step to the podium or other location designated by the Chairperson if a podium is not available.
4. The individual will sign himself or herself in on the notepad provided by printing his or her first and last name and complete address.
5. The individual will then direct his or her presentation or public comment to the Board Chairperson.
6. The individual will begin by stating on the record his or her name, the spelling of his or her last name, and his or her address.
7. The time allotted for a presentation or public comment to the Board is three (3) minutes for an individual and five (5) minutes for a group representative.
8. When the presentation or public comment is complete, the individual will ask, “Are there any questions?”
9. Questions that the Board asks the individual and any answers the individual gives the Board in response will not count against the individual’s allotted time for presentation or public comment.
10. Any Commissioner will gain the floor for questions from the Chairperson.
11. The Commissioner who has the floor will then ask the presenter all relative questions he or she has and when finished, will say, “Thank you.”
12. The Chairperson will then recognize the next commissioner, if any, who wishes to ask the presenter questions relevant to the presentation or public comment.
13. The individual’s answers will be directed to the commissioner who is asking the question.
14. The individual will return to his or her seat once the question and answer period is completed.

DATED this 12<sup>th</sup> day of January, 2009.

/s/ Richard Bousquet  
Commissioner

/s/ William I. McLarty  
Chair

/s/Bill B. Rohde  
Commissioner

APPROVED AS TO FORM:

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.

UNANIMOUS MOTION CARRIED.

/s/ Antonio Gomez  
Commissioner

/s/ Richard McNear  
Commissioner

ATTEST

/s/ Theodore A. Piepho, County Clerk

/s/ Kim Watson, County Attorney

Chair McLarty called for the agenda item “Tabled Items” and there were none.

Chair McLarty called for the agenda item “Officials Reports.”

Commissioner Gomez moved, seconded by McNear to acknowledge receipt of and approve the Officials Reports filed with the County Clerk by the County Clerk, Register of Deeds and the Clerk of the District Court for the months of November and December, 2008 and the County Sheriff’s and Jail Administrator’s Quarterly Report for the months of October 1 through December 31, 2008.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Committee Reports”. Chair McLarty asked the Space Utilization Committee to look at utilizing the space created by the vacation of the Extension Employees.



Dakota County Board of Commissioners  
Tuesday, January 20, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Basement Meeting Room  
Dakota City NE 68731

This meeting did not start until 1:30 p.m. because there was not a quorum at 10:00 a.m.

Chair McLarty called the meeting to order at 1:30 p.m. with reciting the Pledge of Allegiance.  
Present: Commissioners McLarty, Rohde, Gomez, McNear, Bousquet and Daniel Christoffers as Acting Secretary with Kim Watson, County Attorney, also in attendance.  
Absent: None.  
Call Meeting to Order

The agenda for the meeting was as follows:

- 10:00 a.m. Call Meeting to Order
  - Roll Call
  - Presiding Chair person’s statement concerning Nebraska Open Meetings Act.
    - A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.
  - Approve Minutes of previous meeting.
  - Approve payroll and accounts payable claims
- 11:30 a.m. Tour Jail (Section 47-109 –County Board must tour jail in January)
- 11:45 a.m. Recess from morning session to 1:30 p.m.
- 1:30 p.m. Leon Pies, Weed Superintendent.
  - Authorize Annual Weed Reports for the Department of Agriculture.
  - Weed Reports consist of Noxious Weed Control Plan, Activity Report and Weed Control Authority Board Roster.

Miscellaneous Agenda Items

- Pat Foust – Diagram (with a ruler) concerning an LEC building expansion project.

Tabled Items – No tabled items to consider

Commissioner’s Committee Reports

Rick Bousquet – Burning in burn barrels.

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

1:45 p.m. Adjournment.

Chair McLarty called for the agenda item “approve minutes of previous meeting”.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the minutes of January 12, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear- Yea, Gomez- Yea, UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the Accounts Payable Claims filed with the County Clerk by the various offices and submitted by him as follows:

GENERAL FUND: Dakota County Star, publishing- 340.17; Gretchen Hirschbach, prior yrs serv- 69.24; William McLarty, reimbursement conference- 233.46; Daniel Rohde, prior yrs serv- 23.08; Joan Spencer, reimbursement- 97.56; Suburban Extended Stay, McLarty lodging- 130.00; Oscar Stone, prior yrs serv- 23.08; Five Star Awards, name plaques- 27.60; Ben Star packaging, office paper- 1392.00; CitiMastercard, LCD monitor- 188.98; Dakota County Star, audit notice- 6.17; Des Moines Stamp, 1 perma stamp- 37.70; Eloise Gormally, prior yrs serv- 103.86; MIPS, shipping fee- 43.58; Perkins Office Solutions, office supplies/ink- 492.06; Theodore A. Piepho, cell phone reimbursement- 20.00; Platte County Register of Deeds, dues- 10.00; Robert Giese, mileage- 154.52; Charlotte Doenhofer, prior yrs serv- 10.00; Ruth Jensen, prior yrs serv- 12.00; Mardell Sorensen, prior yrs serv- 26.00; Irene Vanlent, prior yrs serv- 16.00; Office Supply Inc, office supplies- 539.98; As Imservices, data storage- 3.50; Ne Assoc of Co Treas, dues- 75.00; Des Moines Stamp Co, office supplies- 176.95; Executive Tech Inc, fax repair- 210.00; Mark J Dorcey, prior yrs serv- 46.16; Perkins Office Solutions, office supplies- 86.19; Microfilm Imaging Systems, lease equipment rent- 240.00; Security Shredding Serv, shredding of documents- 30.00; Todds Storeall, January rent- 80.00; Gene Cantrell, meeting/mileage- 46.38; Jim Crosgrove, meeting/mileage- 27.87; Dakota Business Systems, copier rental- 102.00; Jolene Gubbels, meeting- 15.00; Jim Jepsen, meeting/mileage- 32.34; Dick McCabe, meeting/mileage- 29.04; Dick McNear, meeting/mileage- 47.56; Marlan Millard, meeting/mileage- 38.20; Neil Miller, meeting/mileage-

49.89; NPZA, convention- 140.00; Joe O'Neill, meeting/mileage- 19.10; Martin Rohde, meeting/mileage- 24.36; Maximus, cost allocation- 859.77; Dakota Business System, Ricoh equip payment- 99.00; Dell Marketing LP, toner-printer- 89.99; Des Moines Stamp Mfg, perma stamp- 65.30; Matthew Bender & Co, law books- 91.85; Microfilm Imaging Svcs, scanning- 88.50; Perkins Office Solutions, office solutions- 24.14; Thomson West, cd rom service- 185.00; Stephanie Alcaraz, witness fee- 31.00; Emerald R. Alquist, witness fee- 31.70; Bryer Anderson, witness fee- 20.00; Dakota County Court, court costs- 1001.00; Josh Deweerd, witness fee- 21.65; Doug Garwood, witness fee- 23.51; Barbara J Glass, witness fee- 113.60; Randy Hisey, court appointed counsel- 402.00; Stuart Mills, court appointed counsel- 915.00; Bryan Padilla, witness fee- 24.40; Douglas Roehrich, 1152.00; Richard Thramer, court appointed counsel- 690.52; Patrick Tott, court appointed counsel- 1320.00; Alex Vasquez, witness fee- 22.20; Alvaro Vite, witness fee- 24.40; William L Binkard, reimbursement- 100.33; Frank Gonzalez, interpreter fees- 450.00; Matthew Bender, 2008 crim & traffic law- 91.85; Midwest Office Automations, copier contract- 72.91; Perkins Office Solutions, office supplies- 26.70; Thompson West, westlaw & Neb court rules- 541.27; Coffee King, jury coffee- 38.00; MIPS, jury pool for county & district 09- 700.80; Richard Thramer, court appointed counsel- 855.52; Klemmett Dean, prior yrs serv- 84.00; Cummins Central Power, service old generator- 1236.69; AmSan, vacuum bags- 54.72; ATeam Heating, heat repair- 85.00; Benstar packaging, janitorial- 439.62; Bunker Feed & Supply, softener salt- 62.27; City of Dakota City, sewer & water- 1258.01; Gill Hauling, dumpster- 120.00; Grainger, supplies- 328.03; Rick Jensen, mileage- 70.82; Joes Dept Store, snow removal- 91.62; Menards, supplies- 332.86; MidAmerican Energy, gas bill- 1217.00; NPPD, electric bill- 1691.23; Okeefe Elevator, maintenance- 153.40; Share, salt- 1073.86; Trembly, pest control- 50.00; Verizon Wireless, cell phone- 58.10; Wilmes Hardware Hank, surge strip- 13.99; Dakota County Extension, reimbursement- 971.46; PMRNRD, prorated Jan 09 rent- 510.75; City of South Sioux City, LEC communications/fuel- 2994.38; Dakota County Sheriff, reimbursement/notary- 350.00; Dakota Food & Fuel, fuel- 209.80; Fremont Tire, tires/repairs- 955.54; Harold's, film developing- 130.59; Jack's Uniforms, uniforms- 618.77; Joe's Dept Store, sand tubes/fuel additive- 49.74; Lexis Nexis Matthew Bender, law books- 97.36; Nebraska Sheriff's Association, 2007 dues- 990.00; Netsys+, computer issues- 120.00; Racom Corp, phone line/install equip- 703.80; Fred Roskens, PPCT recertification- 130.00; Siouxland FCU, vehicle supplies- 19.96; Stanard & Associates, deputy tests- 195.00; Torco-Remfg, vehicle maint- 168.95; Verizon Wireless, cell phones- 117.05; Walmart, dvd/vcr/tv- 548.79; Western Iowa Tech, CPR training supplies- 80.00; Willis Animal Clinic, dog food/checkup- 92.75; Dakota County Sheriff, papers/warrants- 700.95; Dakota County Star, legal ad- 90.90; Department of Motor Vehicles, driving records- 12.00; Des Moines Stamp, stamp- 40.35; H2O4U, misc operating expenses- 17.25; Iowa Office Supply, copier contract- 58.68; Lincoln Journal Star, legal ad- 136.04; Quill, office supplies- 146.15; Sarpy County Court, certified copies- 2.50; Thurston County Sheriff's Dept- 15.50; Verizon Wireless, cell phones- 141.24; City of South Sioux, county share of LEC cost- 29049.42; BI, electronic monitoring- 344.30; Redwood Toxicology, drug test- 87.88; VigilNet, scram bracelet- 422.00; Verizon Wireless, cell phone- 54.95; Ace/refrigeration Eng, steam table service call- 109.75; AmSan, janitor supply- 1754.16; Bob Barker Company, uniforms- 1563.61; Barone Security, fire alarm inspection- 970.00; Jeremy Bermel, pepperball/oc training jailers- 264.87; CBM Food Service, food service meals- 19464.74; Cash-Wa Distributing-food service-72.41; City of Dakota City, water & sewer- 572.23; Crescent Electric Supply Co, lights- 57.75; Dakota Business Systems, copier contract- 281.00; Dakota Family Dentistry, inmate medical- 172.00; Dakota Food & Fuel, fuel- 240.85; Delta Gloves, gloves- 583.80; Sandy Dickens, mileage- 124.12; Fairmont Fire Systems, fire suppression system inspect- 162.00; Fremont Tire, vehicle maint- 220.42; Gill Hauling, dumpster service- 120.00; Jackie Heaton, mileage- 148.84; Jack's Uniforms, uniforms- 135.60; Janitor depot, can liners- 262.08; Joe's Dept Store, keys- 17.28; Karl's, belt for washer- 21.96; Kleen Solutions, kitchen supplies- 29.95; Kreisers, medical room supplies- 508.88; Mercy Bus. Health/Urg Care, inmate house calls- 1350.00; MidAmerican Energy, gas bill- 3662.30; Midwest Office Automations, copier contract- 248.96; Neva Neal, prior yrs serv- 103.86; N.E. NE Juvenile Services, juveniles- 1397.50; Netsys+, computer issues- 140.00; NW IA Yes Center, juveniles- 1050.00; Oral Surgery Associates, inmate medical- 1850.00; Radiology Associates, inmate medical- 52.00; Siouxland FCU, reimbursement- 99.80; Trembly Termite, pest control- 70.00; Verizon Wireless, cell phones- 205.06; Walmart, supplies/meds/prescriptions- 1288.59; Wigman Company, water diaphragm kits- 410.38; NPPD, electric bill- 2093.09; Dodge County Clerk, expense reimb- 8309.22; Perkins Office Solutions, office supplies- 10.78; Verizon Wireless, cell phone- 32.87; Maureen Biggar, mileage- 18.13; Briggs, gloves- 69.08; Jan Brown, prior yrs serv- 23.08; Pam DeVries, mileage- 266.76; Gloria Dwyer, prior yrs serv- 11.54; Pat Glover, reimbursement- 168.59; Moore Medical, medical supplies- 115.39; Sanofi Pasteur Inc., supplies- 27.02; Dr. Thomas Wendte, contract- 250.00; Alltel, cell phone- 250.00; Deanna Beckman, hrs wrkd/mlg- 1204.38; Alan Boyd, mileage- 491.26; Electronic Engineer, pager- 13.95; HyVee, fruit baskets- 649.50; Perkins Office Solutions, supplies- 13.26; Warren Johnston, prior yrs serv- 11.54; Thomson West, law books- 239.25; Ahlers & Cooney PC, road union- 90.00; Shirley Bentz, prior yrs serv- 92.32; C & H Heavy Duty, contract- 750.00; CableOne, internet service- 205.95; City of South Sioux City, storm water- 4400.00; Claritus, ink/solution- 231.41; Dakota City Postmaster, first class mail- 180.00; Executive Technologies, maint on copier- 123.00; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Hy-Vee, food for commissioners- 95.25; IBM Corp, AS400 maint- 218.58; NACO, 2<sup>nd</sup> half membership fees- 1360.59; Nebr Dept of HHS, space rental- 6800.00; Betty O'Neill, prior yrs serv- 46.16; Qwest, phone services- 1350.41; Region IV Inc, 3<sup>rd</sup> qrtly payment- 5320.25; Joan Spencer, reimbursement- 9.00; Three Rivers Benefit, flex plan admin- 85.00; Madelyn Thorsland, prior yrs serv- 10.00; US Postal Service-, postage- 2500.00; WCS Telecom, telephone- 301.69; Road Fund, budget transfer- 5000.00; ROAD: Advanced Auto Parts, parts- 11.98; Aramark, fire extinguisher inspection- 281.51; Bomgaars, shop supply- 86.02; City of South Sioux, salt- 1826.72; Dakota County Clerk, title fee- 10.00; Dakota County Star, bid notice- 15.92; Erlandson Trans Co, gravel- 1023.46; Filter Care of Nebraska, filter cleaning- 46.25; Gill Hauling, dumpster- 55.00; Guarantee Oil, shop supplies- 1301.85; Walter Heinemann, prior yrs serv- 29.00; Holiday Inn Downtown, lodging- 192.00; Higman Sand Gravel, sand- 201.52; Hubbard Mini Mart, fuel- 516.96; Hydraulic Sales & Svc, parts- 212.81; H2O4U, shop supply- 25.75; Inland Truck Parts, parts- 152.26; Industrial Tools & Mach, shop supplies- 39.03; Jackson Glass,

parts/labor- 104.06; J and J's Pronto, fuel- 229.58; Fred Kellogg, reimbursement- 177.20; Joe's Dept Store, shop supply- 581.37; Linweld, shop supply- 43.67; Marx Truck/Trailer, parts- 122.80; Richard McNear, prior yrs serv- 57.70; Marlan Millard, prior yrs serv- 15.00; NAPA, parts/supplies- 1400.08; NPPD, Homer service- 72.54; NE Nebr PPD, Hubbard electricity- 290.93; NNTC, phone service- 167.68; Poms, tires- 3682.50; Power Plan Murphy, parts- 652.26; RC Customs, parts/labor- 73.30; Willis Roeber, prior yrs serv- 69.24; Sapp Bros Petroleum, propane- 1183.88; Siouxland Hydraulics, parts- 353.12; Stephan Welding Inc, parts- 43.00; Torco Remfg, parts- 244.50; Verizon Wireless, cell phone- 54.02; Warren Oil, fuel- 8989.50;  
ROAD IMPROVEMENT: RC Customs, northshore drainage- 39.00  
VETERANS 1900: Veterans aid- 1200.00  
PUBLIC SAFETY: Jail Bond Fund, 88% sales tax- 24891.93; City of South Sioux City, 12% sales tax- 3394.35;  
WEED FUND: Advanced Auto Parts, parts- 33.28; Holiday Inn Downtown, lodging- 192.00; Hubbard Mini Mart, fuel- 190.00; NAPA, parts- 48.99; Neb Weed Control Assoc, convention- 85.00; Leon Pies, reimbursement- 34.5  
E911 FUND: City of South Sioux City, 911 monies Oct-Dec 08- 22440.09  
ROLL CALL VOTE: Bousquet- Yea, Rohde- Yea, McNear- Yea, Gomez- Yea, McLarty- Yea,  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for agenda item "Jail Tour".

The Commissioners agreed to move this item to the next agenda and to meet at 3:30 before the next meeting for the Jail Tour.

Leon Pies, Weed Superintendent appeared before the board for authorizing the annual Weed Reports.

He discussed some of the issues that are covered in his report.

The board discussed with Leon a new Noxious Weed that comes in a bad and neutral variety. Leon said it was difficult to tell the difference.

Commissioner McNear moved, seconded by Commissioner Rohde to accept and authorize the Weed Reports, as listed on the agenda and prepared by Leon Pies to be submitted to the Department of Agriculture.

ROLL CALL VOTE: Rohde- Yea, McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: "Pat Foust – Diagram (with a ruler) concerning an LEC building expansion project."

Commissioner Bousquet said they had learned the City Council had approved the expansion project.

Commissioner Gomez said he felt that after viewing the facility it was a needed expansion.

Commissioner Gomez moved, seconded by Commissioner Bousquet to support the LEC expansion project.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- Yea,  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Tabled Claims" there were none.

Chair McLarty called for the agenda item "Burning in burn barrels."

Commissioner Bousquet said he had talked with Al Levine and Dan Nice regarding the barrel. He said he was able to instruct Al to move it from the County right of way, however the County cannot instruct where it can be moved to other than out of the County right of way. He said that Dan Nice would like to see an ordinance that would regulate the placement of the barrel however it was determined that is in the jurisdiction of the City of South Sioux City.

Al Levine appeared before the board and said he moved the barrel out of the County right of way.

Kim Watson, County Attorney, said that from her understanding of the statues is that as long as it is out of the County right of way that he could place it wherever he wanted.

There was discussion about a pole that indicated where the road line was but that it was to be removed.

Commissioner Rohde said that he would talk to the road director about how to help get it removed.

Arnie Andree addressed the board and said that at the corner of Tompkins drive and Lake Avenue there was one bottom plow being used as a mail stand that he believed should be removed.

Discussion was had on who was liable if it was hit and who had the authority to regulate it.

Chair McLarty called for the agenda item "Commissioner Member Reports".

Commissioner Bousquet said he had a Planning and Zoning meeting that night and that he would like to see meetings moved to the County Courthouse but will be addressed at the meeting.

Commissioner Rohde asked for more time on providing information on who should be placed in the former Extension office. He said the offices Probation, Rick Jensen (looking for storage, County Attorney's office, and Veterans Office were interested in that location.

Commissioner McLarty said the Jail Advisory Committee will meet at 7:30 on Monday.

Chair McLarty called for the agenda item "Public Comment".

There was none.

Chair McLarty called for the agenda item "Mail/Emergency Business".

Commissioner McLarty mentioned some legislative bills that might be of interest to the board.





Dakota County Board of Commissioners  
Monday, January 26, 2009 Regular Meeting  
County Board Basement Meeting Room  
Dakota County Courthouse  
Dakota City, NE 68731

Chair McLarty called their regular Scheduled Meeting to order at 1:30 p.m.

Present were: Commissioners McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for this meeting was as follows:

Call meeting to order with Pledge of Allegiance.

A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

Roll Call

Approve Minutes of January 20, 2009

Review and approve Payroll claims submitted by County Clerk for payment.

Space utilization of vacated space by the move of the Extension Office.

Tour Jail (Section 47-109 —County Board must tour jail in January)

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Recess to 6:30 p.m. for the City, County, School Joint Meeting.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of January 20, 2009, as submitted by the County Clerk.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the payroll claims pursuant to the employee handbook as follows:

There was discussion as to what the employees should get paid for the Monday that the Courthouse was closed due to inclement weather. It was determined that since the employees worked at least four hours, then they would be paid for time actually worked and they should be allowed to use personal or vacation time to make up the extra hour.

COUNTY GENERAL FUND: Gross salaries- \$130,680.60, General Fund Employees Net Pay-

\$94813.07, Employer deductions paid: Retirement- 9,086.19, FICA- 8,102.22, Medicare- 1,894.87.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 924.30, Marisol Curiel- 921.60, Bobbi Jo Harsma- 1048.95, Theodore Piepho- 1647.87, Darlene Davis- 900.60, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 873.02, Kim Kuehl-900.60, Phyllis Ridge- 894.47, Margaret Rahn- 1229.82, Daniel Christoffers- 519.87, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lan Jessip- 774.93, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Laos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 899.99, Jeremy Bermel- 1687.32, Anthony Bos-1984.49, Sandy Dickens- 454.61, Brian Ellinger- 2029.47, Penny Epting- 1935.56, Brent Gilster-2108.74, Todd Hammer- 2035.34, Melvin Harrison 111-2211.50, Rodney Herron- 1795.02, Jason James- 1691.50, Kimberly Johnson- 471.84, Jared Junge- 1716.75, Michael Kreegar- 1849.41, Gayle Richards- 843.72, Kevin Rohde- 2005.98, James Wagner- 1647.87, Randall Walsh- 182381, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero-2284.23, Ermelinda Ballesteros- 1467.08, Joshua Blatchford- 2056.91, Dusty Boyd- 1882.64, Rebecca Broer- 1357.85, Sandy Dickens- 681.91, Michael Estes- 1443.04, Lisa Ford- 1361.41, Robert Foster- 1535.95, Joseph Gee- 1370.43, John Gilles- 1439.96, Alma Gunderson- 1502.54, Paula Harrigfeld- 724.81, Cathy Harsma- 1534.16, Deanna Haukap- 1356.02, Jackie Heaton- 1639.76, Jeffrey Heitzman-1668.54, Adam Hough- 1402.80, Matthew James- 1648.81, Brett Johnson- 1638.43, Nicholas Kellen-1488.98, Brenda Kelly- 1386.65, Terry Kern- 1807.69, Keith Klein- 1370.43, Mark Nelson- 1230.23, Travis Olander- 1502.93, Kimberly Peterson- 1210.09, Doyle Pilgrim- 963.00, Cara Reinders- 1751.97, Janice Rickord- 687.50, Daniel Rodasky- 1694.63, Jutharatana Ruenprom- 1479.63, Stephanie Ryan-

123.93, Linda Schovanec- 1242.40, Francis Tape- 1341.36, Charvette Williams- 1520.85, Jewel

Williams- 1520.85, Matthew Wise- 1103.20, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen

Biggar- 1224.00, Pamela DeVries- 1604.80, Bonnie Kahler- 711.89, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 13,747.89, State- 4,747.55, FICA- 8,102.22, Medicare- 1,894.87, Retirement- 6,145.85, Deferred Comp- 607.00, Garnishments- 622.15.

COUNTY ROAD PAYROLL: Gross salaries- \$15,329.80, Road Employees Net Pay- \$11,175.76, Employer deductions paid: Retirement- 1034.79, FICA- 950.45 and Medicare- 222.29.

Brent Byroad- 1471.12, Robert Hacker- 1239.20, Ronald Harder- 141093, Hans Houfek- 1239.20, Robert Jacobsen- 1337.59, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 143674, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1439.12, State- 509.14, FICA- 950.45, Medicare- 222.29, Retirement- 689.81, Deferred Comp.- 61.68, Garnishments- 28155.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Space Utilization" and the Committee was not ready to suggest anything on that so Chair McLarty said that would be carried over until next meeting.

Chair McLarty called for the agenda item "Committee Reports". Road Committee Member Rohde reported that they received the bid back from Keith and Company and it would cost \$39,000 to repair the Kenny Baker Bridge. Originally the board discussed patching that bridge to make it a 3 to 4 ton rated bridge and no one is willing to do that. It was his and Commissioner McNear's recommendation not to spend that much money repairing that old bridge.

Mr. Rohde suggested that he be authorized to contact Dixon and Thurston Counties to inquire whether the County could contract with one of those counties to fix the bridge because they both have bridge crews. If that can be arranged then the Road Committee recommended that Dakota County look at repairing the bridge and replacing the bridge with a new bridge sometime in the future.

Chair McLarty called for the agenda item "Board Member Reports".

Commissioner Bousquet reported that the Planning and Zoning Board is going to advertise for new P & Z Board Members and he thought that the resumes should be sent directly to the County Board of Commissioners for their review because they are the ones that appoint the members and he also felt that Planning and Zoning Meetings should be held at the Courthouse.

Commissioner Gomez reported that he attended a NE Nebraska Housing Meeting and that he was elected chair.

Chair McLarty reported that he attended the NACO Workshop on Legislation. He mentioned that he has concerns with LB ~~245~~. 218 Corrected February 9, 2009.

Chair McLarty called for the agenda item "Public Comment". Ron Rapp and Don Faber appeared before the Board and discussed the County's Health Insurance. They presented statistics of the experience of what our health insurance did last year and wanted permission to lock in premiums from third party carriers for the next contract year with a letter of Intent.

The consensus of the Board was to authorize a letter of intent and that they would take formal action next meeting.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none. Chair McLarty recessed their meeting at 2:11 p.m. until after the Board of Equalization adjourns.

Chair McLarty reconvened their meeting at 2:36 p.m. with everyone present that was present at the beginning of the meeting.

The Board Members departed the room to take a tour of the jail. Board Members Bousquet and McLarty did not participate in the tour of the old jail, which ended at 2:56 p.m. Commissioner Bousquet discussed Planning and Zoning issues with Joan Spencer and Commissioner McLarty signed the payroll Claims during that time.

Dusty Boyd, Jailer, gave a tour of the old facility and identified the Southeast side to be the roof, which has been leaking water and causing the most of the roof leak problems. He also advised the commissioner's present that, on the previous Monday when we had some thawing, that there was a major leak out side of the cell block from the food slot to about the first cell. He reported that the water was approximately one half inch deep and it looked & felt like it was raining inside from the leaking.

The Board commenced with the tour of the new jail at 3:00 p.m. and Commissioners Bousquet, McNear and Gomez participated in that part of the tour. Commissioners McLarty and Rohde met to discuss information that they wanted to include in their evaluation of Terry Kern, Jail Administrator.

Chair McLarty recessed their meeting from the Conference Room in the new jail at 3:38 p.m. until 6:37 p.m. when they reconvene to the 32nd Annual Joint City / School / County Meeting Monday, January 26, 2009 Marina Inn Orion Room.

Chair McLarty reconvened their Meeting Monday, January 26, 2009 at the Marina Inn Orion Room at 6:37 p.m.

Present were: Commissioner McLarty, Bousquet, Gomez and Ted Piepho, County Clerk as Secretary. Also in attendance were Joan Spencer, Assistant to the Board, Kim Watson, County Attorney and Terry Kern, Jail Administrator.

Absent were: Commissioners McNear and Rohde.

The agenda for the Joint Meeting was as follows:

6:00 p.m. Social

6:30 p.m. 1) Welcome South Sioux City School Board President Jane Rapp

Call to Order

Roll Call

Flag Ceremony Pledge of Allegiance

Invocation County Commissioner Bill McLarty

Dinner

2) Addresses

State of Dakota County Board Chair Bill McLarty

State of Dakota City Mayor James Roberts

State of South Sioux City Mayor Sandy Ehrich

State of South Sioux City Schools School Board President Jane Rapp

Comments by other public entities

3) Presentation of Volunteer Service Award Jane Rapp

4) Presentations/Discussions

Joint Resolution recognizing former Senator Pat Engel
Siouxland Y Update Kevin Engle-Cartie
South Sioux City College Center Update Dr. Bill Path, Dr. Rick Collings
Dakota County Star Mike Boots
Qomo Demonstration Roger Hames, Scott Bobier
Federal Stimulus Package Zachary Nelson, Louis Pofahl
New Neighborhood Initiative Funds Lance Hedquist
5) Adjourn. The City of Dakota City will host the 2010 Annual Joint Meeting.

Chair McLarty said the invocation.

The presentation of colors was done by a Boy Scout Troup and everyone recited the Pledge of Allegiance.

Commissioner Bousquet moved, seconded by Gomez to adopt Resolution 09C-004 that the mayor and city councils of the cities of South Sioux City and Dakota City, the Dakota County Commissioners, and South Sioux City Community School District that this resolution of appreciation as passed by each governing board this 26th Day of January 2009 be placed as part of the permanent records of our governing bodies and a signed copy be given to Senator Leo "Pat" Engel in recognition of his dedicated and effective public service, as follows:

RESOLUTION 09C-004
RESOLUTION OF APPRECIATION
TO
SENATOR LEO "PAT" ENGEL

Whereas: Leo "Pat" Engel has served in the Nebraska Legislature from September of 1993 to December 2008.

Whereas: Senator Engel has served admirably on the State of Nebraska Appropriations Committee, Performance Audit Committee, the Reference Committee and the Chairman of the Executive Committee.

Whereas: Senator Engel has garnered excellent knowledge of local government needs by serving on the South Sioux City Community School District board and the Dakota County Commissioners.

Whereas: Senator Engel served the citizens of the United States of America as an intelligence officer in the Air Force.

Whereas: Our cities, school district, county, and state have benefited from his public service activities.

Whereas: The citizens of our city, county, and state have benefited from his concern to provide efficient services and to insure the proper expenditures of scarce local and state tax resources.

NOW THEREFORE be it hereby resolved by the mayor and city councils of the cities of South Sioux City and Dakota City, the Dakota County Commissioners, and South Sioux City Community School District that this resolution of appreciation as passed by each governing board this 26th Day of January 2009 be placed as part of the permanent records of our governing bodies and a signed copy be given to Senator Leo "Pat" Engel in recognition of his dedicated and effective public service.

Sandra K. Ehrich - Mayor
South Sioux City

James Roberts - Mayor
Dakota City

William I. McLarty - Chairman
Dakota County Commissioners

Jane Rapp - President
South Sioux City Community
School District

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Absent, Gomez- Yea, and McLarty- Yea. MOTION CARRIED.

With no further business Chair McLarty called for a motion to adjourn. Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn. 8:55 p.m.



County Board of Commissioners

William I McLarty, Date signed
Chair

Dakota County Board of Commissioners  
Monday, February 9, 2009 Regular Meeting  
County Board Basement Meeting Room  
Dakota County Courthouse  
Dakota City, NE 68731

Chair McLarty called their regular Scheduled Meeting to order at 4:00 p.m.

Present were: Commissioners McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for this meeting was as follows:

4:00 p.m. Call meeting to order with Pledge of Allegiance.

- A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.
- Roll Call
- Approve Minutes of January 26, 2009
- Review and approve Payroll claims submitted by County Clerk for payment.

4:05 p.m. Recess to Board of Corrections

4:15 p.m. Reconvene as Board of Commissioners

4:15 p.m. Space utilization of the space vacated by the move of the Extension Office.

4:35 p.m. Les Albrecht – Reclassify R Avenue from Minimum Maintenance to Regular County Road.

4:40 p.m. Miscellaneous Agenda Items

- Kyle Krumwiede – Approve Liquor License for Ag Society to have a Beer Stand at the Dakota – Thurston County Fair
- Discuss whether the county would apply for a Grant in Goodwill Camp's name for a Storm Shelter. There may be some cost share.
- Authorization to lock in rates for the County's Health Insurance.
- Dakota County's Member to NE Nebraska Housing Authority. Resolution 88-6 passed and adopted March 21, 1988 designates the Planning and Zoning Administrator to be the Dakota County Representative to that authority.
- Discuss advertising for P & Z Board Members. The Board may advertise to solicit applications for people to become a Planning and Zoning Board member.
- 2008 P & Z Board members have not been re-appointed – The County Board may re-appoint those members to fill out the remainder of their term.

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

5:30 p.m. Adjournment

Commissioner Bousquet moved, seconded by Commissioner Gomez to correct the minutes the minutes of January 26, 2009, as it is written in the permanent record that Commissioner McLarty was concerned with LB 215 and that should be changed to reflect that he had concerns about LB 218 rather than LB 215.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Review and approve Payroll claims submitted by County Clerk for payment."

There were no irregularities with the Employee Handbook concerning Payroll.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the Payroll Claims submitted by County Clerk for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$122,400.07, General Fund Employees Net Pay- \$86,994.65, Employer deductions paid: Retirement- 8,535.92, FICA- 7,449.12, Medicare- 1,742.13, DC Health Plan- 27,900.00, DC Dental Plan- 976.50 and Life Insurance- 202.83.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 854.10, Marisol Curiel- 904.32, Bobbi Jo Harsma- 1028.97, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 964.59, Kim Kuehl-894.90, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 780.50, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 936.33, Jeremy Bermel- 1667.70, Anthony Bos- 2009.90, Sandy Dickens- 454.61, Brian Ellinger- 1608.70, Penny Epting- 1822.25, Brent Gilster- 1947.26, Todd Hammer- 1800.46, Melvin Harrison III- 2118.48, Rodney Herron- 1795.02, Jason James- 1428.82, Kimberly Johnson- 611.83, Jared Junge- 1608.84, Michael Kreegar- 1683.02, Gayle Richards- 854.40, Kevin Rohde- 1888.54, James Wagner- 1647.87, Randall Walsh- 1670.57, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2463.47, Mary Spurlock- 906.40, Aimee Uhl- 967.68, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1220.43, Ermelinda Ballesteros- 1153.57, Joshua Blatchford- 1236.26, Dusty Boyd- 1202.85, Rebecca Broer- 1373.29, Meagan Chase- 230.00, Sandy Dickens- 681.91, Michael Estes- 1328.33, Lisa Ford- 1191.92, Robert Foster- 1137.68, Joseph Gee- 1137.68, John Gilles- 1261.16, Alma Gunderson-

1303.84, Richard Hansen- 1370.46, Paula Harrigfeld- 595.49, Cathy Harsma- 1238.09, Deanna Haukap- 1157.15, Jackie Heaton- 1683.02, Jeffrey Heitzman- 1058.58, Adam Hough- 1182.23, Matthew James- 1177.33, Brett Johnson- 1235.66, Nicholas Kellen- 1202.85, Brenda Kelly- 1258.54, Terry Kern- 1807.69, Keith Klein- 1134.23, Mark Nelson- 1230.23, Travis Olander- 1175.06, Kimberly Peterson- 1137.68, Doyle Pilgrim- 969.00, Cara Reinders- 1196.56, Janice Rickord- 735.00, Daniel Rodasky- 1357.80, Jutharatana Ruenprom- 1182.23, Stephanie Ryan- 1202.85, Linda Schovanec- 1242.40, Francis Tope- 1173.69, Charvette Williams- 1210.14, Jewel Williams- 1259.27, Matthew Wise- 1137.68, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1215.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 11,731.30, State- 4,051.34, FICA- 7,449.12, Medicare- 1,742.13, Retirement- 5,782.00, DC Health Plan- 200.00, DC Dental Plan- 451.50, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,333.65, Aflac Health- 518.45, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,776.09, Road Employees Net Pay- \$10,378.53, Employer deductions paid: Retirement- 997.42, DC Health Plan- 3,600.00, DC Dental Plan- 126.00, Life Insurance- 24.30, FICA- 895.63 and Medicare- 209.45.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1329.07, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,312.38, State- 456.86, FICA- 895.63, Medicare- 209.45, Retirement- 664.89, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting to convene as Board of Corrections at 4:02 p.m.

Chair McLarty reconvened their meeting from Board of Corrections at 4:15 p.m.

Chair McLarty called for the agenda item "Space Utilization."

Commissioner Rohde said that last Monday he, Commissioner Gomez, the Probation Office, County Attorney, Joan Spencer, and Ted Piepho met to discuss space utilization. He said that we looked at different options, and the Probation Office has outgrown everything that they've had, and they have outgrown these two rooms. Mr. Rohde said that he thought we're at the point that we should look outside the courthouse. He said he and Commissioner Gomez had contacted outside sources for places to rent and the Probation Office needs about 5000 sq. ft. Mr. Rohde said that they would like to look at the situation for the next two weeks and maybe have something for the meeting February 23rd.

Commissioner Gomez said that he had talked to Bob Denton, with probation, and he had looked at 3220 Plaza Drive and he was very excited about that location. They also looked at 1025 West 21st, which is along the bypass and he was also interested in that facility. They also looked at a location next to the old Wal-Mart store, but there are a lot of rules and regulations concerning that, so he was not all that excited about that location.

Commissioner Bousquet said that a property had been called to his attention and that was the old Lodge building across the street from the courthouse. He said that they wanted about \$95,000 for that building and there is approximately 2200 square feet on the upper level and 2200 square feet on the lower level.

Chairman McLarty mentioned that he had passed out three items at each of the Commissioner desks. The first was a letter that he drafted to Senator Cornett of the Finance Committee concerning LB 218. He briefly explained what LB 218 was and he said with what is being proposed our county would lose approximately \$81,000 annually.

The next item that Commissioner McLarty made reference to was the handout listing various bills in the Legislature with the number of the bill, who introduced it, what committee was hearing it and a description of the bill and its status.

The last item he made reference to was a Final Report of the 2009 Legislative Committees and the members of the Legislature serving on said committees.

Commissioner McLarty said that they are going to have a hearing on Wednesday on LB 121, which is a legislative bill that turns the Assessor's Office back over to the counties and he said that he was going to be in Kearney. He said that if they did that, it would cost the county over \$300,000 in property tax and we opposed that last year. He asked if there were any members of the board that wish to go down and testify on that bill. No members of the board were able to attend that hearing. So he volunteered to draft a letter, like he did on LB 218 and send it to Senator Giese and his office will take it over to the hearing and make it part of their file.

Chair McLarty called for the agenda item "Les Albrecht - to reclassify R Avenue from a minimum maintenance road to a regular county road".

Mr. Albright stepped up to the podium and listed his address as 1645 Highway 20 Jackson, Nebraska. Mr. Albrecht said he was here on behalf of his neighbors to see if they can get another mile or so of R Avenue upgraded to a standard County road. They would like to see that portion of the road graded up and graveled because most of them use it as a road to enter Highway 20. He said that approximately

one half mile on each end of R Avenue already has gravel on it. He made reference to one of his neighbors, who was not present, that it takes him seven minutes less time if he can use the minimum maintenance Road. We use it quite frequently for machinery and equipment and testified that the road was dangerous when meeting traffic.

Rick Rush living at 1103 R Ave, Jackson, Nebraska stepped forward to offer testimony. He said he thought it was about a mile and a half from Highway 12 to Highway 20 and that most of the road was already worked up. He felt that all it would take was some larger rock put on the road and then some gravel added.

Dan Bloomfield living at 1137 Q Avenue said that they have 80 acres along that road and he agreed with Mr. Albrecht that the road is terribly dangerous with the machinery out there. You cannot get in and out of the field and you wind up having to park along the road. He said that the site was very poor cresting the top of the hills. He said that a half a mile of the road had been reworked to their 80 acres, but there is no gravel. It is not a huge project, but it would save a lot of people time and distance.

Benny Schamp living at 1819 120th St. stepped up to the podium. He said that he could testify that when it is dry there is a lot of traffic to use that road.

Evan Uthof stepped up to the podium and said the road was very narrow and dangerous. The bus tried to take it. It is very narrow and it needs to be widened and graveled.

Commissioner Bousquet asked Fred Kellogg, how much it would cost to upgrade R Avenue for that stretch and Mr. Kellogg said that he had not been up the road as it is impassable because of the snow on the road. He added that road would have to be upgraded to a class 2 road according to state standards. He said that they would have to maintain a 66 foot right-of-way and that may involve some fences to be pulled.

Chair McLarty asked Mr. Kellogg to come back in two weeks with a cost estimate of what it would cost to upgrade that road to a Class 2 Road.

Chair McLarty called for the agenda item for Kyle Krumwiede to approve a special designated liquor license for the Ag Society to have a beer stand at the Dakota Thurston County Fair.

Kyle Krumwiede living at 411 N. 2nd St, in Homer step up to the podium and said he was here on behalf of the Dakota County Ag Society and the Dakota Thurston County Fair. Mr. Krumwiede said that they would like to have a beer garden for the nights of July 23rd through July 26th. He said there will be entertainment on the 23rd and there will be a rodeo on Friday and Saturday nights. Then on Sunday there is a tractor pull etc. He said that in order for them to get a liquor license they need approval from the County Board and he had to get a letter from the County Board and the Sheriff's Office and send those along with a map to the state. Mr. Krumwiede said that they normally have at least one deputy there when they are operating the beer garden, and they have private security as well.

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize and approve the Issuance of a Special Designated Liquor License to the Ag. Society for the County Fair: July 23, 24, 25 and 26, 2009.

BE IT FURTHER RESOLVED that a letter be written to the Liquor Control Commissioner that the County Board approves said Special Designated License and state in the letter that the County Board recommends that the State Liquor Control Commission approve the same.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item to discuss whether the County would apply for a grant in the goodwill camp's name for a storm shelter. There was no one from the goodwill camp present to discuss the agenda item.

Chair McLarty called for the agenda item authorization to lock in rates for the County's health insurance. Ron Rapp and Don Faber appeared before the board to accept the new renewal contract with Perico Life for the County's new health care plan year from March 1, 2009 to February 28, 2010.

Commissioner Bousquet moved, seconded by Commissioner McNear to accept the renewal contract with PERICO Life for the County's new healthcare plan year from March 1, 2009 to February 28, 2010. ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Dakota County's Member to NE Nebraska Housing Authority. Resolution 88-6 passed and adopted March 21, 1988 designates the Planning and Zoning Administrator to be the Dakota County Representative to that authority.

Chair McLarty said that the Board would honor Resolution 88-6 and that Commissioner Gomez be relieved from serving on that authority and that the Planning and Zoning Administrator serve on said authority to be in compliance with Resolution 88-6 passed in 1988.

Chair McLarty called for the agenda item to discuss advertising for the P&Z Board members. Commissioner Bousquet said that it had been brought to his attention that some appointments had not been made and there are other appointments due coming March, which would be six members of the Planning and Zoning Board due to be appointed. He said that he thought they should advertise for

those positions. Mr. Bousquet said that Dick was one of the positions, and Jim Cosgrove has since resigned and there are some others on there that need to be filled. He thought that the board should advertise for all those positions and if there are no applications than reappoint the members now serving on the board.

Commissioner McLarty clarified that the people presently serving could be reappointed and Mr. Bousquet said yes, if there are no other applicants. Mr. Bousquet thought they had to advertise to see if anyone would be interested in serving on the P&Z Board. Mr. Bousquet said that he thought that people presently serving on the board should reapply.

Commissioner Rohde asked if there was a certain time of year that these appointments are made.

Commissioner Bousquet said there are three positions up in 2009, and then there are three positions that were not reappointed in 2008 so they are sitting there in limbo. It was determined that the P & Z Board Members are usually appointed in March of each year.

Commissioner McNear said that you cannot penalize the ones that were supposed to be appointed in 2008 when it was this board who failed to appoint them.

Mr. Bousquet said to be fair to everybody, he thought that everyone should have to send in an application to the Board of Commissioners and if there are no other applications that come forward then the present member would be reappointed. Mr. Bousquet said that he would like to ask the County attorney how she feels about those who were supposed to be appointed in 2008, who have served almost a year. Is that something that we can do is to just appoint them for two years and they fill the remainder of the term.

Kim Watson, County attorney, said that would be the board's call.

Mr. Bousquet asked the County attorney, how do you feel about that legally?

Ms. Watson said that it does say in the bylaws all members shall hold office until its successors have been appointed.

Chair McLarty said that it appears to him that they would stay in that position until somebody replaces them. Those people that were not replaced in 2008 would continue on, because we didn't replace them. He added that we know of two vacancies for sure that we have to fill.

Mr. Bousquet asked the County attorney, if you have someone serving on the board and they have missed six meetings because they live in a different state or go to a different area, how does that affect their serving on a board? He felt that it is important to have a full board all the time.

Commissioner Rohde said that he thought there should be something in the bylaws address that and Mr. Bousquet said, I think there is in the state, but he wasn't sure if there was anything in the County's.

Commissioner McLarty said that they would have to be a resident of the County.

Mr. Bousquet said, they are a resident of the County but they winter in a different state and are gone for the whole winter. I just think that with a situation like that and you have a nine-member board, I think it would be advantageous to have all members present. I can see someone missing a meeting. But when they are representing a geographic area, they need to be represented and if that person is gone for six months, or five months, the people are not being represented well, so I feel that opens that position.

Commissioner McLarty said that is not how it is stated now, so we would have to change the bylaws. I don't disagree with what you're saying, but I don't think it's legally in the bylaws.

Commissioner Bousquet said that he would go back to what he said and that he would like to see a full board and I think it says in the bylaws that commissioners can appoint at will and I feel in this instance, it needs to be done.

Commissioner McLarty said that he sees what Mr. Bousquet is saying, but you could take that the people, that are somewhere elsewhere, are still residents of the County.

Commissioner Bousquet said that he goes back to those people representing a geographic area and when they are not here, they are not representing those people and if not, they need to be removed and replaced with someone that can be here at all those meetings or 99.5% of them.

Commissioner Gomez asked why the people that were up in 2008 were not reappointed.

Chair McLarty said that apparently it was not brought to this board.

Bousquet moved that the County advertise for 4 Planning and Zoning Positions to be filled to the geographic locations of the County complying with the Planning and Zoning By-Laws.

There was discussion as to whether the number of positions to advertise for had to be determined and placed in the ad at this time.

Commissioner Bousquet felt that it was important because you have to appoint people according to geographic areas of the County. Commissioner Bousquet clarified his motion for the four positions to



be the three positions to be appointed in 2009 and replacing the person that missed all the meetings.

Commissioner Rohde said that he thought the board was getting the cart before the horse because the bylaws don't support replacing an individual that has missed so many meetings.

Commissioner McNear said that he has already resigned from the Planning & Zoning Board.

Commissioner Bousquet said that the rest of the commissioners need to make a decision if they want that geographic area left in limbo. I have no problem with making the appointments for the rest of those members in the 2008 category, but if people are supposed to be represented, I would like to see them represented.

Chair McLarty said that we have a motion on the floor that just has to do with the advertising and in that you included the person that is not attending meetings and that is not in the bylaws or the regulations. That is something that would have to be added later to make that effective.

The County Clerk said that he thought that there were four positions open on the board, the three to be appointed in 2009 and to replace Dick McNear, who resigned.

Commissioner McNear confirmed that there are actually four positions open now the three to be appointed in 2009 and the position that he resigned. Commissioner McNear pointed out that Dick McCabe, from Emerson, is an at-large member on the board and that he is also on the Board of Adjustments.

Chair McLarty asked, so the motion on the floor is to advertise for those four positions right?

Commissioner Bousquet said, no, I guess not. You say that there are four positions open with Dick added, so that would leave him with five positions. Commissioner Bousquet asked if he could rescind and redo his motion.

Chair McLarty said that he could.

Commissioner Bousquet withdrew his motion because it was determined that to do what Mr. Bousquet wanted to do there would be five positions appointed.

Commissioner Bousquet said that he would like to make a motion that there be five positions filled and that they be appointed to the correct a geographic area of the County. Commissioner Gomez seconded the motion.

Commissioner Bousquet moved, seconded by Commissioner Gomez that the County advertise for 5 Planning and Zoning Positions to be filled to the geographic locations of the county consistent with the Planning and Zoning By-Laws and to authorize the Assistant to the Board to write the ad and for her to publish the ad as soon as possible. (Roll Call was taken below)

Chair McLarty said, now we go to the discussion. First question is who's going to write this up and put it in the paper? Now with that are we going to legally give somebody permission to write and publish it before it comes back this board?

Commissioner Bousquet said that I think we can get Joan to write the ad, publish it and have applications cease in two weeks. If there are no applications, we will just appoint the ones that are presently on the board.

Chair McLarty opened the discussion up to the public.

Sally Reinert, Living at 729 200th St. Dakota City, Nebraska, stepped up to the podium.

She said that there were a couple things that she would like to have board to consider here in this decision. First of all, the planning and zoning board serves at the pleasure of this commission, its membership is appointed by you, and it only answers to the voters through you. It is your obligation to appoint the best people to serve on the board.

She asked if any of the board members had seen the article in the Sioux City Journal and the headline of the article was "Bill would require gender balance on local boards". She explained the purpose of the bill and then addressed the gender imbalance of the Planning and Zoning Board. She then read part of the bylaws that state consideration should be given the geographic and population areas. She said that four members of the 2008 planning and zoning board have Hubbard addresses, which is not largely a populated area. There are no members with Homer addresses, which is a much larger populated area and then there are four members from the unincorporated area of South Sioux City, a much more populated area.

Since you are going to be taking applications for the planning and zoning members why don't you wait to see if you can address the gender imbalance, geographic and population imbalances of the Planning and Zoning Board.

Marlin Millard stepped up to the podium. Mr. Millard said that he has been on the Planning and Zoning Board and his addresses 2174 Pigeon Ave, Hubbard Nebraska. Mr. Millard said he's been on the board

for several years and the person that they wanted to appoint to fill Dick McNear's position was supposed to come from Homer. He said that they had four from the middle of the County and then they had four from the corners of the County. He added that they were trying to keep things under control so they know what is going on.

Mr. Millard said, going back to that person that is supposed to have missed all the meetings, we do not have a meeting in December, and he goes to Arizona for the winner, but we keep him updated with what's going on in the County. Mr. Millard said that he personally calls him to let him know what is going on.

Commissioner Gomez said that he has a problem with a person missing six times a year (barring hospital admittances) and he felt a person had to be responsible for the position that they are appointed to.

Commissioner Bousquet said he wanted to follow the bylaws and to give equal opportunity for everybody, and you guys have done a great job, and I don't have a problem with the job that you guys are doing, but I think we need to give opportunity to other people too.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- No and McNear- No. MOTION CARRIED.

Chair McLarty asked if we had covered the last item on the agenda to appoint 2008 Planning & Zoning Board Members.

Commissioner Bousquet said that he thought the board needed to reappoint Jim Jepsen and Martin Rohde and clarified that they were members in 2008 that were not reappointed and I will make a motion to reappoint those people for the remainder of their term.

Commissioner Bousquet moved, seconded by Commissioner McNear to reappoint Jim Jepsen and Marty Rohde to complete the remainder of their term on the Planning and Zoning Board expiring in 2011.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- No, McNear- Yea and Gomez- Yea. MOTION CARRIED.

Chair McLarty called for the agenda item "Committee Reports".

Commissioner Rohde said that he thought that the Kenny Baker Bridge would be on the agenda. He said that they had a bid of \$39,000 and it was the consensus that the Board did not want to spend that kind of money on that old bridge. He found out that the \$39,000 included some taking off the high rails and making lower rails allowing modern day machinery to pass on in and that it also included some under structure and therefore was recommending that the County repair that bridge. He also added that Dixon County was not interested in fixing it for us because they have their hands full and Thurston County no longer has a bridge crew.

Mr. McLarty said that he attended the Regional Health Meeting, but did not elaborate on it.

Chair McLarty called for the agenda item Board Member Reports".

Commissioner Bousquet mentioned that there may be an opportunity to let CBM Foods use our kitchen and a chance for the County to make some money.

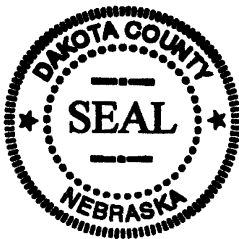
Commissioner McLarty reported that he received a call from the Governor and the Governor is appointing him to the State Jail Standards Board.

Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Rohde moved, seconded by Commissioner McNear to adjourn. 5:35 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I McLarty,  
Chair

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk Date entered in book

Dakota County Board of Commissioners  
Tuesday, February 17, 2009 Regular Meeting  
County Board Basement Meeting Room  
Dakota County Courthouse  
Dakota City, NE 68731

Chair McLarty called their regular Scheduled Meeting to order at 4:00 p.m.

Present were: Commissioners McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for this meeting was as follows:

4:00 p.m. Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

Roll Call

Approve Minutes of previous meeting.

Review and approve Accounts Payable Claims submitted by Co. Clerk.

4:05 p.m. Jared Junge – FOP Lodge 49 Start Negotiations for next Labor Contract.

4:15 p.m. Miscellaneous Agenda Items

Letter from State DMV moving Drivers License Pictures from Treasurer's Office to Drivers License.

Renewal of Terry Kern Employment Agreement. This will also be on the next Board of Corrections Meeting in March.

Authorization for Chair to sign Intergovernmental Agreement between the DEQ and Dakota County regarding the Implementation of the Storm Water Management Plan Program.

Planning and Zoning Membership and by-laws.

Kenny Baker Bridge – It has been suggested that this be included in the One Year Road Plan and the Public Hearing is on the 23<sup>rd</sup> agenda. If it is not necessary for it to be on the One and Six Year Road Plan, then the Board may take action in this meeting to repair the bridge.

Tabled Items – No tabled items to consider

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

4:45 p.m. Adjournment.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the minutes of February 9, 2009, as typed and prepared for the permanent record.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Review and approve Accounts Payable Claims submitted by County Clerk for payment."

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

**GENERAL FUND:** Dakota County Star, publication- 347.15; NACO, board workshop-170.00; Northeast NACO, spring workshop- 40.00; Citi MasterCard, standard plan host- 51.65; Perkins Office Solutions, office supplies- 7.44; Theodore A. Piepho, cell phone reimbursement- 20.00; Robert Giese, mileage- 125.40; Charlotte Doenhoefer, Prior Years Service- 10.00; Ruth Jensen, Prior Years Service- 12.00; Mardell Sorensen, Prior Years Service- 26.00; Irene VanLent, Prior Years Service- 16.00; As Im services-3.50; Staples, office supplies- 97.27; Dakota County Star, semiannual- 67.12; Net Sys+, data repair- 120.00; Automated Systems, system support- 600.00; Daniel Christoffers, mileage- 8.95; Todd's Storeall, February rent- 80.00; Dakota County Star, publishing- 14.47; N.E. Neb. Assn of County Officials, spring workshop- 20.00; Executive Technologies, service- 254.99; AS Central Finance, office supplies- 126.08; Century Business Products, toner-fax machine- 92.95; Dakota Business System, Ricoh equip payment- 99.00; Paula J. Jensen, reimbursement- 51.31; Microfilm Office Automations, quarterly contract- 305.09; Microfilm Imaging Services, scanning- 88.50; New Perspectives, shredding- 67.50; Thomson West, CD rom service- 185.00; Phillip Castillo, witness fee- 20.55; Dakota County Court, court cost- 1244.52; Jennifer Frazier, witness fee- 31.00; Hurley Law Office, court appointed counsel- 3024.00; Andrew Jenkins, witness fee- 23.30; Kueny law Office, court appointed counsel- 459.40; Jaime Rodriguez, witness fee- 25.50; Douglas Roehrich, court appointed counsel- 294.00; Richard Thramer, court appointed counsel- 1634.55; Patrick Tott, court appointed counsel- 900.00; William Binkard, reimbursement- 38.84; Perkins Office Solutions, office supplies- 125.17; District Court, civil and criminal claim- 1242.00; Michael Schmiedt, court appointed counsel- 63.00; Dennis Hurley, court appointed counsel- 4208.25; Hy-Vee, jury supplies- 43.96; Maximus, cost allocation plan- 1750.00; Bekins Fire Services, extinguisher service- 209.64; Bunkers Feed, softener salt- 58.42; Gill Hauling Ins, dumpster- 120.00; Janitor Depot, janitorial supplies- 416.99; Rick Jensen, mileage- 77.82; Joe's Dept Store, supplies- 73.71; Menards, supplies- 257.75; MidAmerican Energy, gas bill- 1217.00; NPPD, electric bill- 1558.50; O'Keefe Elevator, service- 144.72; Robertson Implement, mow battery- 91.28; Share, supplies- 1271.56; Sam Club, membership- 35.00; Trembly, pest control- 50.00; Verizon Wireless, cell phone- 58.10; Wilmes Hardware Hank, supplies- 39.94; Dakota County Extension, reimbursement- 1319.05; PMRNRD, February rent- 833.33; Abramos Animal Services, animal control- 100.00; City of South Sioux, phone/fuel/copies- 3370.82; Crystal Oil, fuel- 45.14; Dakota County Sheriff, reimbursement-19.12; Dakota Food & Fuel, fuel- 246.49; Electronic Engineering, battery for radio- 145.00; First State Bank, lease payment- 5799.34; Fremont Tires, vehicle maintenance- 856.82; Galls, pepper spray- 214.89; Harold's, film developing- 48.54; JP Cooke Company, notary stamps- 177.79;

Jack's Uniforms, uniforms-1359.15; Joe's Dept Store, vehicle supplies- 112.27; MPH industries, repair radar- 54.86; JR Pantoja, interpreter- 40.00; pepper ball Technologies, pepper balls- 142.50; Racom, phone access line-703.80; Siouxland FCU, software/phone tracer- 69.85; Slueth Software, Slueth software support-832.50; Sorensen Forensics, DNA training-Kreegar- 150.00; Staples, supplies-153.45; Torco-Remfg, vehicle maintenance- 64.50; Verizon Wireless, cell phones- 124.20; Wal-Mart, vehicle supplies- 103.61; Watchguard Video, dvd's-114.00; Willis Animal Clinic, k-9 appointment/dog food- 19.40; Wilmes Hardware, data master supplies- 10.89; Siouxland Lock & Key, duplicate keys-195.00; Dakota County Sheriff, papers/warrants- 1166.70; H2O4U, misc operating expenses- 17.25; Iowa Office Supply, copier contract- 129.83; New Perspectives, document destruction- 84.75; Quill, office supplies- 86.57; St Luke's Regional Medical Center, medical records- 22.00; Verizon Wireless, cell phones- 98.77; City of South Sioux, county share of LEC cost share- 29049.42; A.J Phillips Publishing, bus card- 45.00; Caterina Chapman, mileage- 30.80; Electronic Engineering, pager for a year- 89.50; Vigilnet, scram- 96.00; Verizon Wireless, cell phone- 54.95; A-Team Heating, burner repair- 628.00; AmSan, kitchen supplies- 1715.87; BI Incorporated, house arrest- 789.80; Bob Barker, gloves/supplies- 1326.91; Jeremy Bermel, pepper spray training- 220.73; CBM Food Service- food service- 20687.25; Cardiovascular Associates, inmate medical- 30.00; Cash-Wa Distributing, food service- 55.83; Dakota Business Systems, copier contract- 281.00; Dakota County Sheriff, reimbursement- 94.83; Dakota Family Dentistry, inmate medical- 62.00; Dakota Food & Fuel, fuel-198.60; Sandy Dickens, mileage- 118.80; Fremont Tire, vehicle maintenance- 263.06; Gill Hauling, dumpster service- 120.00; Jackie Heaton, mileage- 128.87; Hough Distribution, gloves- 37.49; Jack's Uniforms, uniforms- 233.20; Janitor Depot, utility cart- 227.50; J Conrad Johansen, tabe tests- 20.00; Mercy Bus Health, inmate house calls- 2250.00; MidAmerican Energy Company, gas bill- 3194.16; Midwest Office Automations, copier contract- 242.67; Moore Medical LLC, inmate medical- 563.04; Nebraska Public Power District- 1864.42; Net Sys+, computer issues- 280.00; N.E. NE Juvenile Services- juvenile holding- 87.50; Pepper ball Technologies, pepper balls- 142.50; Sam's Club, supplies- 152.74; Siouxland FCU, transport meals- 58.74; Siouxland Gastroentero, inmate medical- 700.00; Siouxland Radiology Partners, inmate medical- 38.00; Staples, supplies- 341.29; Trembly Termite & Pest Control- pest control- 35.00; Verizon Wireless, cell phones- 205.47; Walmart, supplies/inmate meds- 2561.01; Woodbury Co Juvenile Detention, Juvenile Holding- 11000.00; Dakota Business Systems, copier rental- 102.00; Verizon Wireless, cell phone- 134.49; Maureen Biggar, mileage- 178.75; Pam DeVries, mileage- 197.45; Pat Glover, hrs worked- 160.00; Dr. Wentz, consulting physician- 250.00; Midwest Office, copier charges- 215.22; Claritus, printer- 324.50; Deanna Beckman, mileage/hrs worked- 1188.80; Alan Boyd, mileage- 563.20; Electronic Engineer, pager- 13.95; Perkins Office Solutions, supplies- 363.23; Thomson West, law books- 1142.47; Business Telecomm System, fax line- 288.00; Cableone, internet service- 210.45; CableOne, internet service- 210.45; Dakota County Star, liquor license/board hearing- 57.08; Dakota County State Bank, safe deposit box- 35.00; Des Moines Stamp, stamp/Mclarty- 47.95; FSH Communications, pay phone- 63.60; Lazette Gifford, website upkeep- 40.00; Halser Inc, postage- 249.00; MIPS, support/digital signature- 690.79; Net Sys+, websmart switch/anti virus- 347.99; Qwest , phone service- 1337.61; Reynolds Portrait Studio, repair/replace damage photos- 235.00; Service Master, roof water damage claim- 535.50; So Sioux City Comm. Schools, joint annual meeting expenses- 355.57; Three Rivers Benefit, flex plan admin- 100.00; Madelyn Thorsland, Prior Years Service- 10.00; US Postal Service, postage- 2500.00; WCS Telecom, telephone- 347.56; Road Fund, budget transfer- 30000.00; Weed Fund, budget transfer- 2000.00

**ROAD:** Aramark, towel service- 360.80; Bank of Dixon County, grader payment- 16386.42; Bomgaars, shop supplies- 320.04; City of County LEC, address sign- 10.00; City of South Sioux, salt- 1326.64; Echo Group Inc, shop supplies- 98.58; Electronic Engineering, radios- 312.00; Filter Care of Nebraska, filter cleaning- 22.35; First State Bank, grader payment- 15559.03; Gill Hauling, dumpster service- 55.00; Great Plains International, parts- 32.70; Guarantee Oil, oil- 922.51; Walter Heinemann, Prior Years Service- 29.00; Heritage Express, fuel- 109.02; Higman Sand & Gravel- 104.72; Hubbard Mini Mart, fuel-724.19; Hydraulic Sales & Svc, parts- 109.16; H2O4U, shop supplies- 8.50; Inland Truck parts, parts- 328.94; J and J's Pronto, fuel- 110.76; Joe's Dept Store, shop supply- 252.72; Linweld, shop supply- 150.37; Menards, shop supplies- 38.76; Marlan Millard, Prior Years Service- 15.00; NAPA, parts/supplies- 671.89; NPPD, Homer service- 84.45; NMC, parts- 1177.76; Ne Nebr PPD, Hubbard electric bill- 341.38; NNTC, phone service- 171.98; Poms, tires- 1825.00; Power Plan Murphy, parts- 1936.08; Sapp Bros Petroleum, propane- 931.41; Sioux City Bolt, shop supply- 35.75; South Side Cmart, fuel- 672.28; Stephan Welding Inc, blades- 914.00; Torco Remfg, parts- 155.00; Tri-State Comm, radio repair- 117.00; Verizon Wireless, cell phone- 52.90; Warren Oil, fuel- 4268.15; Ziegler, parts/blades- 3931.27;

**VETERANS 1900:** Veterans Office, aid- 700.00;

**INHERITANCE TAX:** Wilma Doty Estate, refund overpayment- 190.47

**PUBLIC SAFETY:** Jail Bond Fund, 88% sales tax- 19240.11; City of South Sioux, 12% sales tax- 2623.65;

**WEED FUND:** Hubbard Mini Mart, fuel- 248.50; NE Nebr Assoc. of County Off, workshop- 20.00; Leon Pies, reimbursement- 10.00; Sioux City Ford, parts/labor- 1763.47;

**ROLL CALL VOTE:** Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
**UNANIMOUS MOTION CARRIED.**

Jared Junge, President of FOP Lodge 49 appeared before the Board and presented them with a letter that the FOP Lodge 49 is willing to start negotiations for the next contract.

He said that Terry Kern wanted separate contracts for the jailers, but they could be under the same lodge. He proposed that the Sheriff's contract would be up one year and the Jailers Contract be up the next year.

The Board felt that this would be an additional expense, therefore, they preferred that the contracts be up the same year. That way the County's Attorney could meet with one group and follow that up with meeting the other group, which would save travel expenses and lodging for an attorney if the County decided to hire a Labor Attorney.

Mr. Junge said that Penny Epting is the Vice President for the Sheriff's Employees, which consists of 14 employees under the Lodge and Linda Schovanec is the Vice President for the Jail Employees, and that consists of approximately 17 employees within the Lodge. He noted that the present contract expires June 30, 2009.

Terry Kern, Jail Administrator said that the reason he wants a separate contract is because the jailers are completely different than the deputies, the Sheriff's Office has powers of arrest and the jailers don't. He said the Sheriff's employee base answer to the Sheriff and the jailers do not and that is a different chain of command.

He reminded the Board about a grievance filed, not too long ago, and said that with a split contract, the contract is particular to them outlining who they answer to etc. He said that Jim Wagner no longer has anything to do with the jail.

Commissioner Bousquet moved, seconded by Commissioner Rohde to bargain with the Jail Employees under a separate contract from the Sheriff's Employees Contract, but both would be under the same Lodge with the two year Contract coinciding as to starting and ending dates.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Letter from State DMV moving Drivers License Pictures from Treasurer's Office to Drivers License."

Commissioner Bousquet asked how the Treasurer's Office felt about doing that and asked if they were going to put an employee down there, or whether DMV will do that themselves.

Commissioner McLarty thought that this has to do with real id and briefly explained that.

The County Clerk said that he thought that they were just looking for a Contact Person at this time.

Commissioner McLarty said that he would like DMV here to explain how that process is going to work.

Commissioner Bousquet moved, seconded by Commissioner Gomez to table the agenda item "Letter from State DMV moving Drivers License Pictures from Treasurer's Office to Drivers License" and for the Assistant to the Board to write Beverly Neff, with the Department of Motor Vehicles and request that someone from her department appear before them to explain the letter that the board received from her concerning LB 911.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Renewal of Terry Kern Employment Agreement. "

Commissioner McLarty said that the Evaluation Committee had reached an agreement with Terry Kern following his evaluation and suggested that this be tabled until after the next Board of Corrections Meeting because he thought that it should be approved by the Board of Corrections first.

Commissioner McLarty moved, seconded by Commissioner Bouquet to table the renewal of Terry Kern's Employment Agreement because it should be approved by the Board of Corrections first.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorization for Chair to sign the Intergovernmental Agreement between the DEQ and Dakota County regarding the Implementation of the Storm Water Management Plan Program".

Paul Nolan with the City of South Sioux City appeared before the board and explained the partnership between Dakota County, Dakota City and South Sioux City on the Storm Water Grant Funding. He said if the third Grant Application was successful, and the County will receive approximately \$15,562 with a \$3,112 match and South Sioux City will receive approximately \$28,500 with a 20% match.

He explained that all the funds funnel through the City's Treasurer, Nanci Walsh, and they are expended with the approval of the Storm Water Committee and he identified a few members of that Committee being himself, Joan Spencer and Rick Bousquet. He said that they allocate the funds according to the Storm Water Management Plan with South Sioux City taking care of the local match, so there is no out of pocket expense on the part of Dakota County.

He said that his purpose for being here was to clarify that arrangement and if that is acceptable, you (the County Board) should vote to approve the agreement and to authorize the Chairman to execute the Intergovernmental Agreement that they can proceed with the program.

Mr. Nolan said that they will approve their Intergovernmental Agreement at next Monday's City Council Meeting. He added that they are having a meeting of the Storm Water Committee on the 26<sup>th</sup> of February at 10:00 a.m.

Commissioner Bousquet said that he would not be able to make that meeting so Commissioner McNear volunteered to attend the Storm Water Committee for Commissioner Bousquet.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Intergovernmental Agreement between the Nebraska Department of Environmental Quality and the Dakota County

regarding the implementation of the Storm Water Management Plan Program, as follows and to authorize the Chair to sign the agreement.

**INTERGOVERNMENTAL AGREEMENT**  
**Between the**  
**Nebraska Department of Environmental Quality**  
**and the**  
**Dakota County**  
**Regarding the Implementation of the**  
**Storm Water Management Plan Program**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into by and between the Nebraska Department of Environmental Quality (NDEQ) and the Dakota County (Sponsor)

WHEREAS, the Sponsor agrees to utilize funds which have been made available to NDEQ pursuant to Nebraska State Statute 46-2,139; and

WHEREAS, grant monies are being awarded to cities *and/or* counties with an NDEQ-approved storm water management plan to fund the duties required under the federal Clean Water Act, 33 U.S.C. 1251 et seq., as such act existed on January 1, 2006, regarding storm water runoff under the National Pollutant Discharge Elimination System requirements; and

WHEREAS, grant funds in an amount up to \$15,562 and a nonfederal match of at least \$3,112 are to be used to implement the entitled "Storm Water Management Plan Program".

NOW, THEREFORE, the parties do hereby agree to the terms and conditions of this Agreement as follows:

**1. TERM OF AGREEMENT**

This Agreement will go into effect December 1, 2008 and will remain in effect until all identified tasks are completed for the project "Storm Water Management Plan Program"; unless terminated under §P of this Intergovernmental Agreement, but will not remain in effect past June 30, 2010 unless extended by amendment.

**2. CONDITIONS OF AGREEMENT**

**A. General Conditions**

1. The Sponsor agrees to submit annual progress reports to the NDEQ by July 31<sup>st</sup>. These reports shall address project activity for the previous state fiscal year, which runs July 1<sup>st</sup> – June 30<sup>th</sup>, and contain the following components:
  - a. Progress to date;
  - b. Financial report of money spent for each approved activity element;
  - c. Certification that equipment purchased from grant funds was used only for grant purposes;
  - d. Significant findings or events;
  - e. Corrective actions taken to resolve any problems that are encountered.
2. The Sponsor agrees that if indirect costs are authorized, as specified in the approved plan, they will be charged at the approved indirect rate.
3. The Sponsor agrees that a copy of any contract, interagency agreement, subagreement and/or procurement of equipment under this grant for a value of \$5,000 or more, must receive NDEQ approval prior to expenditure of funds associated with those transactions. Copies of all contracts, procurements, subagreements, and interagency agreements will be provided to the NDEQ with the annual report.
4. All equipment purchased with grant funds must be approved, in advance, by the NDEQ. Any such purchased equipment shall be retained by the NDEQ upon Agreement end date unless otherwise authorized in writing by the NDEQ.
5. A Quality Assurance/Quality Control plan must be approved by NDEQ prior to expending any funds for environmental monitoring. Any environmental data collected must be provided to NDEQ.
6. The Sponsor agrees to recognize the contributions and/or involvement of the Nebraska Department of Environmental Quality in project publicity, reports, newsletters, and other materials. The Sponsor shall work with the NDEQ to ensure that all necessary peer review requirements are met. A minimum of 6 copies of outreach material (printed or other media) produced under this grant shall be provided to the NDEQ unless otherwise specified.
7. A final project report must be submitted to NDEQ within 30 days after completion of the project or the termination date, whichever is earlier.

**B. Statement of Costs**

The Sponsor will submit with their annual report a cost documentation of project

expenses. For purposes of this agreement, expenditures and match claims shall be related to budget items as described in the approved work plan, included as Attachment A. The Sponsor must contribute and report a 20% cash match by completion of the project.

**C. Disbursements**

1. The Sponsor shall receive full payment of the award amount within thirty (30) working days after receipt of this Intergovernmental Agreement signed by the Sponsor's authorized representative. The NDEQ shall not be held responsible for delays in payment, due to causes beyond its control.
2. The Sponsor must make expenditures for activities only in the attached work plan. Amendments to the work plan can only be made with approval from the Department.
3. The total amount of payments under this Agreement shall not exceed \$15,562.

**D. Work Description and Schedule**

This Agreement encompasses the project commonly known as "Storm Water Management Plan Program". The project shall complete objectives and work items as described in the work plan (Attachment A). Activities in the work plan are taken from the Storm Water Management Plan of the Sponsor's Municipal Separate Storm Sewer System permit. Amendments to the work plan must be approved by the Department and reflect activities within the permit's Storm Water Management Plan. The work plan is hereby incorporated into this document in its' entirety.

**E. Amendments**

This agreement may be amended in writing at any time by mutual agreement of the parties, except insofar as any proposed amendments are in any way contrary to applicable law or requirements of the NDEQ.

**F. Forfeiture, Repayment and Delays in Disbursement of Funds**

Violation of any of the conditions of this Agreement by the Sponsor or failure of the Sponsor to complete and maintain the project in the manner described in the work plan (Attachment A), including any amendments thereto which have been properly approved by the NDEQ, may result in the recovery of any or all funds disbursed by the NDEQ. Any funding expended for an unapproved activity shall be forfeited.

**G. Remedies Not Exclusive**

The use by either the Sponsor or the NDEQ of any remedy specified herein for the enforcement of this Agreement is not exclusive and shall not deprive the party from using such remedy, or limit the application of any other remedy provided by law.

**H. Assignment**

No assignment or transfer of this agreement or any part hereof, rights hereunder, or interest herein by the Sponsor shall be valid unless and until it is approved by the NDEQ and made subject to such reasonable terms and conditions as the NDEQ may impose.

**I. Waiver of Rights**

The Sponsor or NDEQ may from time to time waive any of their rights under this Agreement. However, any waiver of rights with respect to a default of any condition of this Agreement shall not be deemed to be a waiver with respect to any other default.

**J. Applicable Rules and Regulations**

Both parties shall abide by all applicable rules and regulations of the NDEQ including any that may be adopted subsequent to the effective date of this Agreement, except those that would invalidate or be inconsistent with the provisions of this Agreement.

**K. Inspection of Books, Records and Reports**

The duly authorized representative of either party shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this Agreement or related matters during regular office hours. Each party shall maintain and make available for such inspection accurate records of all its costs, disbursements and receipts with respect to its activities under this Agreement.

**L. Independent Contractor**

The Sponsor is and shall perform this Agreement as an independent contractor and as such shall have and maintain exclusive control over all of its employees, agents and operations. Neither the Sponsor nor any person employed by the Sponsor shall act, propose to act or be deemed the NDEQ's agent, representative or employee. The

Sponsor assumes full and exclusive responsibility for the payment of all premiums, contributions, payroll taxes and other taxes now or hereafter required by any law or regulation and agrees to comply with all applicable laws, regulations and orders relating to social security, unemployment compensation, OSHA, affirmative action, equal employment opportunity and other laws, regulations and orders of like nature. For any work hereunder subject to the Veterans Readjustment Assistance Act of 1974, or the Rehabilitation Act of 1973, the parties hereto shall comply with all provisions thereof, together with all applicable rules, regulations and orders of the Department of Labor, and the notices required pursuant to 41 CFR 60-1.4, 60-250.4 and 60-741 .4 which are hereby incorporated by reference into this Agreement.

**M. Nondiscrimination**

The Nebraska Fair Employment Practice Act prohibits contractors to the State of Nebraska and their subcontractors from discriminating against any employee, or applicant for employment in the performance of such contracts, with respect to hire, tenure, terms, conditions or privileges of employment because of race, color, religion, sex, disability or national origin. The Sponsor's signature is a guarantee of compliance with the Nebraska Fair Employment Practice Act, and breach of this provision shall be regarded as a material breach of this Agreement. The Sponsor shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this Agreement.

**N. Drug Free Workplace**

The Sponsor by executing this Agreement, certifies and assures that it operates a drug free Workplace, as addressed in the State of Nebraska Drug Free Workplace Policy of July 7, 1989.

**O. Publication Rights**

All parties shall have publication and reproduction rights for all reports and materials which are produced as a result of this Agreement.

**P. Termination**

This agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

1. Not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and
2. An opportunity for consultation with the terminating party prior to termination.

**Q. Project Managers**

The Project Manager for each party to this agreement shall be as follows. The Project Manager may be changed by any agency upon written notification.

NDEQ

Mary Schroer  
Source Water Coordinator/  
Watershed Planning Specialist  
Planning Unit  
402-471-6988

Sponsor

Ms. Joan Spencer  
Administrative Assistant  
Dakota County  
(402) 987-2130

**III. SIGNATORIES TO THE INTERGOVERNMENTAL AGREEMENT**

**NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY**

BY: Thomas R. Lamberson

TITLE: Deputy Director

\_\_\_\_\_

DATE: \_\_\_\_\_

**Dakota County**

BY: Commissioner William McLarty

TITLE: Commissioner

\_\_\_\_\_

DATE: \_\_\_\_\_



FEDERAL TAX ID NUMBER: \_\_\_\_\_

**ATTACHMENT A**

<p><b>STORM WATER MANAGEMENT PLAN PROGRAM</b></p> <p><b>2008 WORKPLAN</b>  <b>for Dakota County (Sponsor)</b>  <b>Regarding Implementation of the</b>  <b>Storm Water Management Plan for Permit NE0134007</b></p>
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<b>CONTACT INFORMATION</b>	
<b>PROJECT MANAGER NAME</b> Joan Spencer	<b>TITLE</b> Administrative Assistant
<b>STREET ADDRESS</b> 1601 Broadway	<b>E-MAIL ADDRESS</b> jspencer@dakotacountyne.org
<b>CITY / STATE / ZIP CODE</b> Dakota City, NE 68731	<b>PHONE NUMBER</b> 402-987-2130
<b>AWARD AMOUNT MATCH AMOUNT</b> \$15,562 / \$3,112	<b>PROJECT END DATE</b> June 30, 2010

<b>ACTIVITY ELEMENTS &amp; TIMELINE</b>				
Minimum Control Measure	Section/Subsection and Activity Element Description from Approved SWMP	Cost (percentage of grant)	Expected Completion Date	
1	Wet Weather Monitoring	1 Sampling	14%	6/30/2010
2	Pollution Prevention	Inspection of Inlets and Outfalls	54%	6/30/2010
3	Construction Site Runoff Control	Contractor Training	20%	6/30/2010
4	Public Participation	Publications, website, upgrades, reports, etc.	12%	6/30/2010

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Planning and Zoning Membership and By-Laws." Chair McLarty asked the County Attorney whether the Board needed to do anything different. The County Attorney, Kim Watson, said that she thought that the Board had already advertised for open positions and said that she didn't see any problem with that. Chair McLarty asked what the status was for the people who were not reappointed last year.

Ms. Watson said that according to the by-laws the people who were not reappointed and their term expired, they will continue to serve until someone is appointed in their place. Chair McLarty said, so we have three people who are up this year and that was confirmed by other members of the Board. Now we have three people that were suppose to be reappointed and were not. Now do these people fall into the category of reappointment this time for the remainder of their term of two years? Commissioner Bousquet reminded Commissioner McLarty that two of the three members were reappointed in the last meeting and Ms. Watson added for the remainder of the term, which is two years.

Commissioner McNear asked if it said in the by-laws how many meetings a member is allowed to miss before a person is automatically off the board and it was confirmed that the by-laws do not address that. Commissioner McNear said that he is concerned about Neil Miller. If it is not addressed in the by-laws how many meetings a member can miss and that is what we are kicking him off for is because he missed meetings. He said that he had missed three meetings last year when he was on the P & Z Board and noted that Mr. Miller had missed only two meetings.

Mr. McLarty said to put that in the by-laws, we would need a motion here to put that in the by-laws. He

said until this group votes on that and puts it in the by-laws there is nothing that addresses how many meetings a person can or can't miss.

Commissioner Bousquet wanted to clarify the reason that he wants that appointment is because he thinks any geographical area should be represented at all times and if they are out of the state and there is no way for them to get to a meeting to represent that area, if there is an issue in that area, that is why I want that reappointment. It's not because he is not representing that area, but he's not here to represent that area and I think that County Tax Payers should be represented at all times.

Chair McLarty said that he did not disagree with Commissioner Bousquet, but added that if they are going to enforce something, he thinks that it needs to be in the by-laws. If we want to change that, I think we need a motion here to change the by-laws.

The County Clerk advised the Chair what they could do is to recommend to the P & Z that they hold a Public Hearing and then recommend back to the Board.

Chair McLarty said that under the circumstances he would just as soon keep it at this place here and not at P & Z because right here is where we will make the change. They can be here and give us their view as well as the public, but I would rather have it here when changing by-laws.

Lue Franco appeared before the board. She asked what they were doing and Chair McLarty said that they are leaving it as is. If we change it, then the County Board would have to have a public hearing and then a motion to change the by-laws and then a vote. Right now there is nothing that we can do, but to put it on the agenda and schedule it for a public hearing and so far the board has not decided to do that.

Ms. Franco asked if Neil was in the same category as Rohde and Jepsen and she clarified category as to the same term being up in 2008.

Commissioner Bousquet confirmed that Rohde, Jepsen and Miller's terms were up in 2008.

Ms. Franco asked if all three, Mr. Miller, Mr. Jepsen and Marty Rohde's terms were all up in 2008, why is one being treated different when the by-laws don't address absenteeism. Why is one being treated different than the other two?

Chair McLarty said: "Good question, I don't have an answer."

Ms. Franco said that if Mr. Miller is being treated different than the other two and I think that needs to be resolved before it can go any further. If there are no by-laws saying how many meetings he can miss, so then that's not an issue then, correct?

Chair McLarty, said it would appear to be, yes.

Ms. Franco said that if it is not in the by-laws then it should not even be an issue and shouldn't even be talked about and repeated that if all three terms were up in 2008 why is one being treated differently than the other two and asked Commissioners Gomez, McNear and Bousquet if they understood what she was saying.

Commissioner McNear said that that is where he was coming from and Mr. Bousquet that he understood where she was coming from and asked, so you want all three to be up for appointment.

Ms. Franco said, or they stay the same, one or the other. You can not exclude one from the other two for something that does not apply in the by-laws.

Commissioner Bousquet said that he thinks that it states in the by laws that the County Board can reappoint at any time.

Ms. Franco said only by public hearing and notice.

Chair McLarty clarified that they are not removing anyone, but that the board was simply not reappointing someone.

Commissioner Bousquet said that we want representation for everybody and if a person is not within the county, they can not be here to represent those people in that area. Let's say that Neil is taking care of your area, and you have an issue with someone coming in and building a building, how is he going to represent you on P & Z if he is not here.

Ms. Franco asked if there are not 5 other members to where I could call and call one of those other members and have them represent me.

Mr. Bousquet said why have a nine member board then? Let's go to a five member board.

Chair McLarty said that what it comes down to is that this board has the authority to reappoint and the time to reappoint was a year ago and he thought it was within the scope of this board to make a decision of whether they are going to reappoint any one of them. This person was elected not to be reappointed for the reasons that he doesn't attend meetings to represent his people, so he was not reappointed. He can apply for the position with the rest of them when it is advertised and go through

the process to be reappointed. That's possible, but the fact of reappointment lies within the authority of this board for reappointment. They elected to reappoint two, but not the one and it has to do with attendance at meetings. He needs to be there to represent the people in his district and he isn't there. That was the decision of this board.

Ms. Franco asked how many meetings the other two have missed in comparison to Mr. Miller.

Mr. Bousquet said as far as he knows Jepsen and Rohde have never missed, but he would have to look back in the minutes. He said in Mr. Miller's case he goes south every year.

Commissioner Gomez said that he agreed with what Commissioner McLarty is saying and that this board has the authority to appoint and if he wants to continue he can apply.

Commissioner Bousquet said that he did not have a problem with what Neil has done or any other board members. I just think that gap needs to be filled and all the people that live in Dakota County should have an equal opportunity to apply for those positions.

Chair McLarty said this has gone on and on and what the point is that this board has done what it is legally able to do according to our attorney and when the issue came up that he was going south and missing meetings, this board took action not to reappoint him. He can reapply and that will be taken into consideration. He may say he wasn't there and in the future that he will be. If that's it maybe he can be reappointed.

Ms. O'Neill asked to address the board and was given permission to do so.

Miss O'Neill, started by what she thought she heard and Chair McLarty informed her of the situation. She asked if there was something in the by-laws that says there has to be a reason and Chair McLarty answered that with a No, it is strictly up to the board if they want to reappoint or not. There does not have to be a reason. It is strictly a power of the board.

Ms. O'Neill said that in an open meeting, does that person not have to be present or to be notified that he is not going to be?

Chair McLarty said not that he knew of and Ms. O'Neill said that she was going by the Open Meetings Law.

She said that she was not referring to the by-laws but to the Open Meetings Law.

Chair McLarty said that he heard what she was saying and said that is your opinion, but we go by the attorney's opinion and she says no, he does not have to be here. I admit that you have a point, but according to law it's not there. Ok? Maybe it should be something that we should consider in the future, but this time it didn't happen and we did it within the law.

Chair McLarty called for the Agenda Item "Kenny Baker Bridge."

Fred Kellogg, Road Director, appeared before the board and said that he had talked to Tyson Construction, which is the Construction Company that bid the repairs of the Kenny Baker Bridge. He said that he wants to cut the trusses off the bridge and put down beams so we are changing the design of the bridge and that has to go through the state. Mr. Kellogg said that he talked to the state, but they have not gotten back to him. He is thinking that the County will have to get an engineer to draw up a redesign of the bridge and have the state approve it. He mentioned that they have discussed the higher price fix and that would be removing the trusses and putting the beams down. The beams will lower the bottom side of the bridge and that will restrict the water flow. He said that this puts a snag in the project and wanted to know if he should continue to pursue this. Mr. Kellogg felt that it should be pursued.

Commissioner Rohde said that he thought that this bridge is critical and should be opened just as soon as possible.

Commissioner Bousquet asked what the tonnage rating would be if we did this and Mr. Kellogg said that would be up to the engineer to rate it.

Commissioner Rohde recommended that the County needed to get going on this bridge and to give Mr. Kellogg the ok to go forward with what needs to be done. He thought that if the County spends \$50,000 on the bridge, it would be a bridge that would last 30 to 50 years and without the trusses it will be a bridge that machinery can cross and it will be a good fix.

Commissioner McNear asked how much lower the bridge would be and Mr. Kellogg said 12 to 14 inches and then a brief discussion was had on the water flow. It was felt that the Pigeon – Jones Project would alleviate some water flow under the bridge.

Chair McLarty called for the agenda item Tabled Items and there were none.

Chair McLarty called for the agenda item "Committee Reports".

Commissioner Gomez reported that he went to the LEC meeting on the 10<sup>th</sup>. He said there wasn't much business but they expressed that they wanted the Commissioners to support their expansion.

Chair McLarty called the board's attention to the handouts that he passed out.

Chair McLarty said that he attended a NIRMA meeting at Kearney and mentioned the issues discussed there.

Chair McLarty called for the agenda item "Commissioner Member Reports."  
Commissioner Gomez said that he attended NACO Training session and he learned a lot. He reported that there are 422 Commissioners in the State of Nebraska from 93 Counties and Mr. Gomez is the only Hispanic Commissioner.

Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business".  
The Assistant to the Board said that they had received an invite to attend the Jackson Village Board Meeting at Jackson.  
Discussion was had that they will recess from their meeting February 23<sup>rd</sup> to 7:30 March 2 and meet with the Jackson Village Board.

With no further business Chair McLarty called for a motion to adjourn.  
Commissioner Gomez moved, seconded by Commissioner McNear to adjourn.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED at 5:02 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I McLarty,  
Chair

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk Date entered in book

Dakota County Board of Commissioners  
Monday, February 23, 2009 Regular Meeting  
County Board Basement Meeting Room  
Dakota County Courthouse  
Dakota City, NE 68731

Chair McLarty called their regular Scheduled Meeting to order at 4:00 p.m.  
Present were: Commissioners McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for this meeting was as follows:

- 4:00 p.m. Call Meeting to Order
  - Roll Call
  - Presiding Chair person's statement concerning Nebraska Open Meetings Act.
    - A current copy of the Open Meetings Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.
  - Approve Minutes of previous meeting.
  - Approve payroll and accounts payable claims
- 4:05 p.m. Recess to Board of Equalization for a Public Hearing on Tax Exempt Application, Boys and Girls Home of Nebr. Applicant.
- 4:15 p.m. Reconvene from Board of Equalization.
  - Public Hearing on the One and Six Year Road Plan
    - Doug Goddard and others want to address the Board and testify adding a project to the One and Six, which is replacing bridge with a culvert on Inwood Road.
    - Les Albrecht and others want to address the Board and testify adding a project to the One and Six, which is upgrading R Avenue to be a Class 2 Road and meeting those specifications.
    - Fred Kellogg to advise the Board on the approximate cost of upgrading R Avenue to a Class 2 Road
    - The Highway Supt. will explain the One and Six Year Road Plan.
    - Chair will open comments from the public supporting the Plan
    - Chair will open comments from the public opposing any projects on the plan.
    - Chair will open comments from the public with a neutral position on the plan.
- 4:45 p.m. Public Hearing to change Planning and Zoning Meetings from the Hubbard Shop to the Courthouse.
  - Chair will open comments from the public supporting the issue.
  - Chair will open comments from the public opposing any projects on the issue.
  - Chair will open comments from the public with a neutral position on the issue.
  -
- 5:00 p.m. Open Sealed Bids for Loader.
  - Miscellaneous Agenda Items
    - Officials Reports
    - NACO Lease Purchase for three (3) Sheriff's Pickups
    - Letter from DMV appointing a contact person.
  - Tabled Items:
    - Renewal of Terry Kern Employment Agreement.
  - Commissioner's Committee Reports
  - Commissioner Member Reports
  - Public Comment
  - Mail and/or Emergency Business
- 5:30 p.m. Recess to Jackson Village Hall and Reconvene on March 2, 2009 @ 7:30 p.m.
- 8:00 p.m. Adjourn

Commissioner McNear moved, seconded by Commissioner Gomez to approve the minutes of February 17, 2009, as typed and prepared for the permanent record.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Payroll Claims submitted by County Clerk for payment."  
Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Payroll Claims submitted by County Clerk for payment as follows:  
COUNTY GENERAL FUND: Gross salaries- \$126,150.50, General Fund Employees Net Pay- \$89,423.49, Employer deductions paid: Retirement- 8,794.24, FICA- 7,681.70, Medicare- 1,796.49, DC Health Plan- 27,900.00, DC Dental Plan- 976.50 and Life Insurance- 202.86.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 593.20, Tracey Corkin- 1010.59, Marisol Curriel- 982.08, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-900.60, Phyllis Ridge- 925.75, Margaret Rahn- 1229.82, Daniel Christoffers- 538.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 780.50, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 894.40, Jeremy Bermel- 1760.90, Anthony Bos- 2215.42, Sandy Dickens- 454.61, Brian Ellinger- 1672.27, Penny Epting- 1554.00, Brent Gilster- 1947.27, Todd Hammer- 1898.30, Melvin Harrison III- 1888.55, Rodney Herron- 1795.02, Jason James- 1588.02, Kimberly Johnson- 521.09, Jared Junge- 1808.96, Michael Kreegar- 1643.88, Gayle Richards- 854.40, Kevin Rohde- 1883.65, James Wagner- 1647.87, Randall Walsh- 1729.88, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 994.56, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1363.19, Ermelinda Ballesteros- 1538.19, Joshua Blatchford- 1412.65, Dusty Boyd- 1386.93, Rebecca Broer- 1353.99, Meagan Chase- 722.50, Sandy Dickens- 681.91, Michael Estes- 1443.04, Lisa Ford- 1310.38, Robert Foster- 1304.92, Joseph Gee- 1304.92, John Gilles- 1447.65, Alma Gunderson- 1494.83, Richard Hansen- 1430.70, Paula Harrigfeld- 198.50, Cathy Harsma- 1363.06, Deanna Haukap- 1366.77, Jackie Heaton- 1590.32, Jeffrey Heitzman- 979.68, Adam Hough- 1356.02, Matthew James- 1296.30, Brett Johnson- 1375.99, Nicholas Kellen- 1379.64, Brenda Kelly- 1202.85, Terry Kern- 1846.15, Keith Klein- 1304.92, Mark Nelson- 1188.08, Travis Olander- 1341.68, Kimberly Peterson- 1079.07, Doyle Pilgrim- 972.00, Cara Reinders- 1356.02, Daniel Rodasky- 1336.30, Jutharatana Ruenprom- 1356.02, Stephanie Ryan- 1379.64, Linda Schovanec- 1242.40, Francis Tope- 1319.49, Charvette Williams- 1390.57, Jewel Williams- 1363.19, Matthew Wise- 1298.02, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 12,355.21, State- 4,288.26, FICA- 7,681.70, Medicare- 1,796.49, Retirement- 5,955.81, DC Health Plan- 200.00, DC Dental Plan- 451.50, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,333.65, Aflac Health- 518.46, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,694.22, Road Employees Net Pay- \$10,323.48, Employer deductions paid: Retirement- 991.90, DC Health Plan- 3,600.00, DC Dental Plan- 126.00, Life Insurance- 24.30, FICA- 890.55 and Medicare- 208.27.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,300.66, State- 451.71, FICA- 890.55, Medicare- 208.27, Retirement- 661.20, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- lodging tax: 8,774.19.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
**UNANIMOUS MOTION CARRIED.**

Chair McLarty recessed their meeting at 4:03 p.m. to convene as Board of Equalization.

Chair McLarty reconvened their meeting at 4:15 p.m.

Chair McLarty opened the Public Hearing for the One and Six Year Road Plan at 4:15 p.m.

Doug Goddard was invited to step up to the podium and did. He said that he was speaking for a number of farmers in the Homer area and mentioned they were there for the bridge on Inwood Road. He said that modern day machinery could not pass over the bridge and that there is not that much water that passes under the bridge. He handed out pictures showing the bridge and the depth under the bridge. He said that he felt that a tube would handle the situation and would also provide farmers to access that area with their machinery.

Mr. Goddard described the other way into this area and it is a minimum maintenance road and said that combines and wind rowers hit the sides of the bank and can not get down that road very easily. Semis are not suppose to cross this bridge and he mentioned that the bridge is not rated for that kind of weight, but they have to get the crops out. He said that there are five land owners that need access to the other side of the bridge. Mr. Goddard mentioned that Mr. Rasmussen built a house down there and he has many other reasons for getting heavy equipment to his house. Years ago the bridge was fine, but with bigger equipment and as you can see the condition of the bridge, something needs to be done and they would all be happy with a culvert. He said that he talked to Mr. Rohde last week. We are not asking for a brand new culvert, but a good used culvert would be ok.

Mr. Rohde said that he was waiting for the Soil Conversation Service to get back with the County so the County knows what size tube would be needed. They have surveyed it and given us the number of acres it drains.

David Rasmussen stepped up to the podium and said that he farms in that area for his brother. The bridge is too narrow for the newer equipment. A lot of combines cannot cross the bridge with the head off and it will not support carting the head across. Then you have grain carts that are too wide and if you fill them up, the bridge only has a 10 ton limit.

The minimum maintenance road that is the alternate route to this bridge, I know of three different fellows that have damaged their corn heads and wind rowers going down that road because it is not wide enough to get them through it. It is strictly a fair weather road because it is not passable if there is any moisture. He said that would be our request is to remove the bridge and put a tube in there.

Eldon Vavra, from Homer, said that he owned a farm on this road that the bridge separates him from

where he lives and he got tired of going around 4 miles to get a quarter of a mile and has since rented the land to Nelson Brothers. He said that it is the truth that you have to go around 4 miles to by-pass that bridge. He concurred with Mr. Rasmussen that it is a fair weather road and has to be dry. The men that rent from me use a grain cart to get their grain out to the road and I am sure that they are over loaded with cart. Mr. Vavra said that if the county puts a tube in there that is an adequate tube and he thought that to be at least a 10' tube because there is still a lot of water that comes down that ditch from time to time.

Kent Rasmussen built a new house on Inwood Road and he has to cross this bridge to get home. He called attention to the pictures which showed the shoring and planking on the west side of the bridge. There is an 8 inch gap there and a couple weeks ago when we had the big melt, the water was up to that level. He said that if the water would have stayed up there, he thought the school bus would have sunk in that hole. He confirmed that the water gets right up to the bridge when we experience large melts or big rains. He said that garbage trucks can not get across there so they have to do something else with their garbage. He said that he can not even get a load of gravel on his drive.

Scot Nelson said that he was renting Eldon Vavra's ground. The bridge is not wide enough. We have to take the heads off the combine and with doing that there is only 3" of clearance on each side to get through and they are carting grain carts across the bridge because their truck drivers will not cross the bridge at all. He cited all the problems they were having with getting into that area with farm equipment via both ways. He said that he would like to have something that they could get across and feel safe. Going through the back way is not the greatest.

That concluded testimony taken on the bridge issue on Inwood Road and then those that wished to speak on upgrading R Avenue to a Class 2 Road were asked to come forward.

Les Albrecht appeared before the board and stepped up to the podium requesting that the County upgrade R Avenue to a Class 2 Road. Mr. Albright said that they all said how they felt in the last meeting. The biggest issue for him was a safety factor. He said that R Avenue is heavily traveled when it is open. He said that he thought that everybody said what they needed to say in the last meeting, but wanted to hear what Fred had to say.

Fred Kellogg, Highway Superintendent stepped up to the podium. Mr. Kellogg said it was approximately 1 mile from the very South place on R Avenue to the furthest North place on R Avenue. He said he traveled the road and estimated to bring all of R Avenue up to the class 2 road would cost approximately \$30-\$40,000. He compared that to a mile of road on M Avenue that they upgraded.

He said he had been to the SSC office on the bridge on Inwood Avenue and that has drainage of about 2,000 acres. They have to figure in the 100-year flood, and he has not received an estimate of what pipe size he would need to drain that 2,000 acres. He said that they are not exaggerating about the bridge and it comes down to whether the County wants to spend the money, or if it is feasible to put pipe there.

Commissioner Rohde asked if there would be any cost share with replacing the bridge and Mr. Kellogg said there might be.

Someone asked the question in the audience if the pipe size had to be any different than the one that is about a quarter-mile away?

Commissioner Bousquet said that there had to be a hydraulic study to know how much water goes under that bridge. He also said that they will do a hydraulic study and they will tell us what size tube has to be placed there.

Commissioner Rohde mentioned that if they tell us to put an 8' tube in there, it might be possible that the county could put two four-inch tubes side-by-side.

Chad Kurt, with Olsson Associates stepped up to the podium to explain the projects on the One and Six Year Plan. He said that no projects have been completed on the One and Six Year Road Plan for the last year. The One and Six Year Road Improvement Plan follows:

ONE & SIX YEAR  
ROAD IMPROVEMENT PLAN  
DAKOTA COUNTY, NEBRASKA

FEBRUARY 2009

PRIORI TY NO.	PROJECT NO.	FISCAL YEAR	IMPROVEMENTS	ESTIMATED COST
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1	C22-188	2009- 2010	Remove and replace Bridge No. 21715P RP 15T Suff.	\$ 450,000.00
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			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 Federal Aid 80% \$360,000.00 State Aid 5% \$22,500.00	
			<hr/> County 15% \$67,500.00	
			(Soft Match Credit) \$450,000.00	
2	C22-187	2009-2010	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 Federal Aid 80% \$280,000.00 State Aid 5% \$17,500.00	\$ 350,000.00 Applying Soft Match Credit
			<hr/> County 15% \$52,500.00	
			(Soft Match Credit) \$350,000.00	
3	C22-184	2009-2010	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
4	C22-193	2009-2010	Reconstruct M Avenue between 220th and 230th Streets. Grade and gravel, tubes are sized. Start between Section 26 & 27, end between Section 34 & 35 , T-28-N, R-7-E South of Hubbard	\$ 30,000.00
5	C22-221	2009-2010	Reconstruct Atokad Drive from Stable Drive to Gateway Drive and reconstruct Gateway Drive from Atokad Drive West to Stable Drive	\$ 586,000.00
6	C22-223	2009-2010	Upgrade 212th Street Bridge known as the Kenny Baker Bridge, North of Homer. Section 34T-28N, R-8E	\$ 50,000.00
7	C22-222	2010-2011	Reconstruct Northshore Drive from Old Sawmill Road to Lake Avenue	\$ 603,000.00
8	C22-217	2010-2011	This project is a road structure on 215th Street located between Jewel Avenue and Lutton Avenue. It is a cost share project between the N.R.D. and Dakota County. The N.R.D. will pay 85% of the construction cost with Dakota County paying 15% of the construction costs, all engineering, signing, graveling, and purchase of Right-of-Way. Dakota County will also be responsible for the 404 and Storm Water permits. Legal description being East 1/2 Section 36, T-29-N, R-7-E	\$ 158,000.00
9	C22-218	2010-2011	This is a cost share project with the N.R.D. The N.R.D will pay 85% of the construction. Dakota County will be responsible for 15% of the construction costs, all of the engineering, signing, graveling, and all permits The project is located on Lutton Ave between 200th and 215th Streets with a legal description of N1/2 Section 36 T-28-N, R-7-E	\$ 211,000.00



10	C22-220	2010-2011	Extension of Fiddler Creek Road for 1 mile from existing pavement west of Homer.	\$ 375,000.00
11	C22-190	2010-2011	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
12	C22-194	2010-2011	Reconstruct 170th Street from Hamlin Avenue West 0.5 miles towards K Avenue. Grade and gravel No Hydraulics between Section 4 & 9 , T-28-N, R-8-E Beermann Dehy West	\$ 10,000.00
13	C22-214	2010-2011	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
14	C22-183	2011-2012	Reconstruct G Avenue from Hwy# 35, 1 mile to 185th Street. Grade and gravel Salem Lutheran Church Road between Section 11 & 12, T-28-N, R-8-E	\$ 20,000.00
15	C22-215	2011-2012	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
16	C22-185	2011-2012	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
17	C22-186	2012-2013	Remove and replace existing CMP culvert located 1.6 miles West of Hwy# 35 on 200th Street by Howard Rasmussen Section 29, T-28-N, R-7-E	\$ 7,000.00
18	C22-119	2012-2013	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'Neil Bridge	\$ 35,000.00
19	C22-212	2012-2013	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 NE 1/4, Section 26, T-27-N, R-9-E	\$ 30,000.00
20	C22-199	2012-2013	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
21	C22-179	2012-2013	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
22	C22-124	2014-2015	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, Simpco began environmental	\$ 800,000.00

study of interchange in 1998, waiting for results of the Highway# 35 study from South Sioux City to Norfolk

23	C22-224	2014- 2015	Reclassify R Avenue between Hwy 12 and Hwy 20 from a minimum maintenance road to RL2. Grade & Gravel	\$ 40,000.00
24	C22-225	2014- 2015	Replace Bridge #C002203405P over Wigle Creek on Inwood Road.	\$ 163,000.00

The board discussed putting the two projects just discussed on the One and Six Year Road Plan. He felt that the bridge project had more priority than the upgrading of R Avenue.

Chair McLarty asked all those in favor of the plan to please step forward.

Heather Wiebesiek stepped up to the podium and said she had a couple things that she would like to say. Ms. Wiebesiek asked how long ago was a One and Six Year Road Plan made up?

Commissioner Rohde said that they are made up every year and Ms. Wiebesiek asked if they were listed according to priority. She said last year, she rode all the County roads and had taken pictures, and she had a big open meeting with everybody, they haven't changed much. She said for those of us that have to drive the County roads each and every day, the roads have not changed much. She said some roads have holes big enough you can park a car in.

Commissioner Rohde asked her which road in the One and Six Year Road Plan that she was talking about and Ms. Wiebesiek replied Elma.

Commissioner Rohde said that it was on this year and it will be done.

Chairman McLarty explained that the One and Six Year Plan is just a plan. It does not mean that they are going to get it done, but it is plans of projects to do when the money is available.

Ms. Wiebesiek said that you do a budget every year. When you do a budget do you look at projects on the One and Six Year Plan? Ms. Wiebesiek mentioned the Kenny Baker Bridge and she had misunderstood something that Mr. Rohde had said in a meeting. That was when the Board was talking about the Kenny Baker Bridge, she understood Mr. Rohde to say that there was no necessary need to replace it at this point, because there are other ways in and out of that area when Mr. Rohde felt that it should be repaired to maintain a three ton bridge instead of replacing it at the time.

Ms Wiebesiek said that nobody uses that bridge and it seems like A) there is not enough money in the budget and maybe more money needed to be allocated to the road department that you can work on road problems or B) look at the road problems a little more closely, prioritize a little better, driving the roads and talking to the people.

Chairman McLarty asked if there was anyone else that would like to speak in favor of the One and Six Year Road Plan and there was none.

Chairman McLarty asked if there was anyone that would like to speak in opposition to the One and Six Year Road Plan and there was none.

Chairman McLarty asked if there was anyone in the audience that would like to make neutral comments to the One and Six Year Road Plan.

Bill Wiseman living on Kenesaw Road stepped up to the podium. He said that about a half block South of him there is a one lane bridge that they have had to fill in themselves, because it's falling in at the edges of it. He said three blocks north of him he has a one lane road because the culvert is gone. The dirt has caved away from the culvert. He said it is one big culvert and needs to be extended and some dirt out there. Mr. Wiseman said that he had Mr. McNear to come out and take a look at it and it is dangerous.

Chairman McLarty asked if there was anyone else that has neutral comments to the plan.

Les Albrecht stepped up to the podium and said that he was not familiar with the One and Six Year Plan and asked if this is something that's going to get done.

Chairman McLarty explained that this is a plan that had to be submitted to the state and this is a plan that you work on when you get the funds available.

Chair McLarty closed the Public Hearing for the One and Six Year Road Improvement Plan at 4:50 p.m.

Commissioner McNear moved, seconded by Commissioner Gomez to add the upgrade of approximately one mile of R Avenue to a Class 2 Road from a Minimum Maintenance Road and to add the replacement of a bridge on Inwood Road with a tube to the Six Year Plan.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Rohde moved, seconded by Commissioner Bousquet to adopt the One and Six Year Road Plan as explained by Chad Kehrt and amended by the motion above to include R Avenue and the bridge on Inwood Road to the Six Year Road Plan and to adopt Resolution 09C-006 as follows:

Resolution 09C-006

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

BOARD OF COMMISSIONERS  
FOR DAKOTA COUNTY, NEBRASKA  
\\ William I. McLarty

ATTEST: Chairman  
\\ Theodore A. Piepho  
County Clerk

Passed and approved this 25th day of FEBRUARY 2008.

Motion by Commissioner Rohde

Second by Commissioner Bousquet

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

Commissioners voting Yea: Rohde, McNear, Gomez, McLarty and Bousquet.

Commissioners voting Nay: None

The result of the vote being 5 Yeas and 0 Nays, the Chairman declared the motion carried.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Commissioner McLarty called for the Agenda Item "Public Hearing to move the Planning and Zoning Meetings to the Courthouse from the Hubbard Shop and asked for the County Attorney's comments before opening the Public Hearing.

County Attorney Kim Watson said that she interpreted the by-laws for planning and zoning require that six members of the Planning and Zoning Board had to vote in favor of changing the P & Z by-laws before advancing it to the County Board for their consideration.

Chairman McLarty informed the public that there was a request to move the Planning and Zoning Meetings from the Hubbard shop to the courthouse and said according to the bylaws it needs to have six votes of the planning and zoning board to bring it to the County Commissioners. He said that there has not been those six votes cast by the P and Z Board, which means we cannot act on it. So until they bring it forward, the meetings will continue to be at Hubbard. Therefore the hearing scheduled on the agenda is not needed. Chairman McLarty said that if there were anyone out in the audience that would like to speak on the issue, the board would listen to it.

Betty O'Neill stepped up to the podium. Ms. O'Neill stated that she would like to take a position of opposing this change of bylaws and keep it at Hubbard, because it is centrally located.

Arnold Mellick, Planning and Zoning Administrator, stepped up to the podium. He said that the Planning and Zoning Board voted unanimously to keep it out at Hubbard. He said the reason they moved it to the Hubbard Shop is because it is centrally located. He also noted that when they have large crowds they move the meeting out into the shop area which has plenty of room.

Dennis Reinert stepped up to the podium. Mr. Reinert said that he was ready to testify in support of moving the meeting. He said yes, there was a public hearing at the planning and zoning meeting the other night and yes he did testify. He said he felt that he was totally ignored because he offered reasons for moving it. Number one is the rest room comes to mind. Two, the room is so small that you cannot position the tables from people looking at the backs of board members. He offered the noise factor as being the third reason and with that said he thought these were viable reasons to move this meeting, and it was totally disregarded.

Mr. Bousquet agreed that Hubbard was a good area, but he asked if maybe the Hubbard Community Center would not be a better location and offered possible reasons why.

Chair McLarty recessed their meeting at 5:00 p.m.  
Chair McLarty reconvened their meeting at 5:07 p.m.

The County Clerk opened the bids from Titan Machinery, Murphy Tractor & Equipment Company and Ziegler to sell the County a front end loader as advertised.

The bids to lease a Wheel Loader to the county for three years were as follows; Murphy's 3 year lease-\$4,604.00, with a buy out at the end of the lease of Zero Dollars for a John Deere 644K Wheel Loader, Titan's 3 year lease - \$3,894 with a buy out of \$1.00 at the end of the lease for a Case Wheel Loader and Ziegler's 3 year lease was \$2,711.35 with a \$130,000 buy out at the end of the lease for a Cat 950H Wheel Loader.

The bids to lease a Wheel Loader to the county for four years were as follows; Murphy's 4 year lease-\$3,529, with a buy out at the end of the lease of Zero Dollars, Titan's 4 year lease - \$2,996 with a buy out of \$1.00 at the end of the lease and Ziegler's 4 year lease was \$2,525.18 with a \$115,000 buy out at the end of the lease.

The bids to lease a Wheel Loader to the county for five years were as follows; Murphy's 5 year lease-

\$2,885 with a buy out at the end of the lease of Zero Dollars, Titan's 4 year lease - \$2,458 with a buy out of \$1.00 at the end of the lease and Ziegler's 4 year lease was \$2,400 with a \$100,000 buy out at the end of the lease.

The trade in allowance for a 1994 821B Case Loader to be traded in by the county was as follows; Murphy - \$32,150, Titan - \$42,525 and Zeigler's was \$24,000.

Commissioner Bousquet moved, seconded by Commissioner Gomez to defer the bids to the Road Committee for them to come back for a proposal to accept one of the bids or to rebid to purchase a wheel loader and finance it through NACO Lease Purchase.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Purchase of three pickups for the Sheriff's Office for \$76,744.90 and to finance them through the NACO Lease Purchase Program. BE IT FURTHER RESOLVED to authorize the Chairman and the County Clerk to sign all documents to finalize the purchase and financing of same and to adopt Resolution 09C-005 as follows:

IN THE COUNTY OF DAKOTA  
IN THE STATE OF NEBRASKA  
RESOLUTION NO. 09C-005

A RESOLUTION APPROVING, ADOPTING, RATIFYING AND AFFIRMING THE EXECUTION AND PERFORMANCE OF A LEASE-PURCHASE AGREEMENT WITH NACO LEASING CORPORATION FOR ACQUISITION OF PROPERTY.

BE IT RESOLVED by the Board of Commissioners of The County of Dakota, in the State of Nebraska that this Board hereby approves and authorizes the acquisition of three police cars by the County of Dakota through a Lease-Purchase Agreement with NACO Leasing Corporation. The Lease-Purchase Agreement shall include the following terms, with such changes as are deemed reasonable or necessary by the Chair of the Board of Commissioners.

1. Principal Amount: \$76,744.90
2. Interest Rate: 2.50%
3. Payment Amount: \$11,527.24
4. Term: March 4, 2009 through September 15, 2012
5. Payment Frequency: semiannual, beginning September 15, 2009

Settlement and closing of the Lease-Purchase Agreement shall be on or about March 4, 2009. NACO Leasing Corporation shall send payment to the equipment vendor or owner for acquisition of the property on the date on which NACO Leasing Corporation receives the signed Lease-Purchase Agreement and accompanying documents from the County.

BE IT FURTHER RESOLVED, that the Chair or Vice Chair of the Board of Commissioners and the County Clerk are hereby authorized and directed to sign the Lease-Purchase Agreement and related certificates and documents.

This Resolution shall be in full force and effect from and after its passage and all resolutions or orders, or parts thereof, in conflict with the provisions of this Resolution, are to the extent of such conflict, hereby repealed.

Passed and adopted this 23<sup>rd</sup> day of February, 2009.

THE COUNTY OF DAKOTA, NEBRASKA

/s/ William I. McLarty  
Chair

/s/ Rick Bousquet  
/s/ William B. Rohde  
/s/ Richard McNear

/s/ Antonio Gomez  
/s/ William I McLarty

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. Unanimous Motion Carried.

Chair McLarty called for the agenda item "Letter from DMV appointing a contact person." There was discussion about who that contact person should be. The County Clerk commented that it said in the DMV Letter that the contact person should be someone who has final decision making authority relating to room changes, after-hours and weekend access, inventory control and other issues that may need resolution." He thought that it should be a board member or the Property Committee although no board member has that authority outside a board meeting.

Commissioner Bousquet volunteered to be the contact person; therefore, Chair McLarty appointed Commissioner Bousquet as the contact person.

Chair McLarty called for the Agenda Item "Tabled Item" Renewal of Terry Kern's Contract Agreement and he left that on the table and deferred that to the next meeting when the Board of Corrections can also take up that issue.

Chair McLarty called for the agenda item "Commissioners Committee Reports. Commissioner McLarty reported that the legislative bill that gave the counties authority to decide whether they would allow smoking or not was killed. He also said that the Assessor's Office is still in committee, as well as the jail reimbursement and the bill where the state would give the Counties all outdated computers is still in committee.

Chairman McLarty called for the agenda item "Commissioner Member Reports and there were none.

Chairman McLarty called for the agenda item "public comment"

Bill Weisman stepped up to the podium and said that after the last snowstorm that we had, he called the Road Department and the Road Director said that the blades had been out since 2 a.m. He asked why he had to stay home until noon and the only way he was able to get out is because three neighbors with tractors opened the road to Fiddler Creek Road. He noted that it was 10 hours before they got to his Road and he was referring to Kenesaw Road. He said that Kenesaw Road is approximately a mile and one half long and there are 13 wage earners, who have to get out for work. He said that he thought Kenesaw Road was the most populated road for wage earners in the County. He said that Fiddler Creek Road was one of the main roads and questioned why the grader operators couldn't get to Kenesaw Road early when they are doing Fiddler Creek Road. He made issue with the fact that it would have only took the graders about 10 or 15 minutes to open his road and thought they could have done that while passing it when they were grading Fiddler or Wigle Creek Road.

Commissioner Rohde told him that they had the Homer School Superintendent and a couple of Homer School Board Members appear before them about a year ago and they were unhappy because we were doing things like you are saying. They wanted the roads for School Bus Routes opened first, so we agreed to that and they informed us which roads they wanted opened for their bus routes first.

Mr. Wiseman asked the question, what is 10 or 15 minutes for 13 people and said he was a little put out because they were left out there hanging because there was one or two drifts that they can't punch through with the tractors. He gave credit to Eric and Boyd Jorgensen and Brian McFarland, who opened the road.

Chairman McLarty said the road committee will look into it and they will get back to Mr. Wiseman.

Chairman McLarty called for the agenda item "mail and/or emergency business" and there was none.

Chair McLarty recessed their meeting to Monday, March 2, 2009 and to convene with the Jackson Village Board meeting at 7:30 p.m. in the Jackson Village Hall.

Dakota County Board of Commissioners  
Monday, February 23, 2009 Regular Meeting  
Village Meeting Room  
Jackson Village Hall  
Jackson, NE 68743

Chair McLarty reconvened their meeting at 7:30 p.m. during the Jackson Village Board of Trustees Meeting in Jackson Village Hall, Jackson, Nebraska.

Present were: Commissioners McLarty, Rohde, McNear, Gomez and Ted Piepho, County Clerk.  
Absent was Commissioner Bousquet.

Chair McLarty asked for a motion to excuse Commissioner Bousquet. Commissioner Gomez moved, seconded by Commissioner Rohde to excuse Commissioner Bousquet for his absence.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chairman McLarty thanked the Jackson Village Board for the opportunity to appear with them.

Margaret Rahn said that she had not heard a lot from taxpayers, but she was not able to attend the One and Six Year Road Hearing and she was wondering what the County had in mind for resurfacing Monona Boulevard from the village limits out to the end of the hard surface. In other words, that part of Monona Blvd. that lies in the County's Jurisdiction. She informed the Jackson Village Board that the part within the village limits is in very bad shape and told the commissioners that the county's part is not very good either.

Brian O'Neill mentioned that the county could also consider helping the village with their part because the most wear and tear on the road comes from farm to market vehicles.

Commissioner McLarty mentioned to the Jackson Village Board that they might consider projects for the stimulus package. He said that the Road Director Fred Kellogg is working on that.

Donna Hirsch, Jackson Village Clerk, asked if there are any projects, which the village could piggy back with the County to get in the stimulus package.

Commissioner Rohde said that someone had a question on an overlay and he said that the County does quite a bit of that. He said that a 3 inch overlay on an existing hard surface road is a very good fix, but it is also expensive.

Commissioner McLarty advised the people how the jail was doing. That led into some discussion concerning the sales tax issue.

Terry Kern addressed the public concerning the population of the jail. He informed the public how many federal prisoners we house and the population of the local inmates. He said that the old jail is still needed, however it is very outdated.

There were some questions concerning prisoners as to how much the county recouped from prisoners on work release. The answer to that was about half of what it cost to house them.

With no further business Chair McLarty called for a motion to adjourn.  
Commissioner Gomez moved, seconded by Commissioner Rohde to adjourn.  
ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED at 7:41 p.m. from the Jackson Village Hall.



County Board of Commissioners

\_\_\_\_\_  
William I McLarty,  
Chair

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk    Date entered in book

Dakota County Board of Commissioners  
Monday, March 9, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Rohde, Gomez and McNear. Joan Spencer, Administrative Assistant to the Board acted as secretary.

Absent: Commissioner Bousquet.

The agenda for the meeting was as follows:

1. 4:00 p.m. Call to Order with reciting the Pledge of Allegiance
  - Roll Call
  - Approve Minutes of previous meeting.
  - Approve Payroll claims submitted by County Clerk for payment.
  - Review and approve Accounts Payable Claims submitted by Co. Clerk.
2. 4:10 p.m. Reconvene from Board of Corrections  
Robert Giese and others to discuss possible installation of ATM machine in the Courthouse. Brent from Dakota County Bank is also expected to appear.  
Board may take action on ATM Agreement
3. 4:15 p.m. Miscellaneous Agenda Items
  - Space Utilization Committee's recommendation for Space Utilization Study. Board action may follow.
  - Official's Reports - approve
  - Award bid to lease front end wheel loader or to rebid to purchase one and finance it through the NACO Lease Purchase Program.
  - Planning and Zoning Membership (possible action)
  - Discuss Planning and Zoning Applications – Appointment of Committee may follow.
  - Amend Storm Water by-laws (possible action)
4. Tabled Items:
  - Renewal of Terry Kern Employment Agreement.
    - Needs a motion to take item from table and then a motion to approve it.
5. Commissioner's Committee Reports
6. Commissioner Member Reports
7. Public Comment
8. Mail and/or Emergency Business
9. 4:45 p.m. Adjournment.

Commissioner Gomez moved, seconded by Commissioner Rohde to excuse the absence of Commissioner Bousquet.

Roll Call: McNear- yea, Rohde- yea, Bousquet- absent, McLarty- yea, Gomez- yea.

Commissioner Gomez moved, seconded by Commissioner McNear, to approve the minutes of February 23, 2009, as typed and prepared for the Official Record.

Roll Call: Rohde- yea, Bousquet- absent, McLarty- yea, Gomez- yea, McNear- yea.

Commissioner McNear moved, seconded by Commissioner Gomez, to approve the payroll claims as submitted by Department Heads to the County Clerk for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$120,774.83, General Fund Employees Net Pay- \$87,994.51, Employer deductions paid: Retirement- 8,419.53, FICA- 7,347.78, Medicare- 1,718.44, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.28.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 917.51, Marisol Curiel- 912.96, Bobbi Jo Harsma- 1055.61, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl- 912.00, Phyllis Ridge- 944.51, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 780.50, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 927.94, Jeremy Bermel- 1662.80, Anthony Bos- 1995.22, Sandy Dickens- 454.61, Brian Ellinger- 1667.37, Penny Epting- 1889.31, Brent Gilster- 1741.74, Todd Hammer- 1658.56, Melvin Harrison III- 1820.04, Rodney Herron- 1795.02, Jason James- 1345.24, Kimberly Johnson- 518.50, Jared Junge- 1701.05, Michael Kreegar- 1619.42, Gayle Richards- 838.38, Kevin Rohde- 1864.08, James Wagner- 1647.87, Randall Walsh- 1804.03, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1320.18, Ermelinda Ballesteros- 1184.63, Joshua Blatchford- 1236.26, Dusty Boyd- 1206.50, Rebecca Broer- 1299.98, Meagan Chase- 790.00, Sandy Dickens- 681.91, Michael Estes- 1246.14, Lisa Ford- 1210.14, Robert Foster- 1137.68, Joseph Gee- 1130.78, John Gilles- 1249.63, Alma Gunderson- 1292.26, Richard Hansen- 1268.81, Paula Harrigfeld- 297.74, Cathy Harsma- 1268.85, Deanna Haukap- 1167.90, Jackie Heaton- 1409.04, Jeffrey Heitzman- 1071.73, Adam Hough- 1164.31, Matthew James- 1120.44, Brett Johnson- 1195.56, Nicholas Kellen- 1199.21, Brenda Kelly- 1247.40, Terry Kern- 1846.15, Keith Klein- 1144.57, Mark Nelson- 1226.40, Travis Olander- 1175.06, Kimberly Peterson- 1144.57, Doyle Pilgrim- 882.00, Cara Reinders- 1182.23, Daniel Rodasky- 1167.90, Jutharatana Ruenprom- 1182.23, Stephanie Ryan- 1365.06, Linda Schovanec- 1242.40, Francis Tope- 1180.98, Charvette Williams- 1184.63, Jewel Williams- 1185.81, Matthew Wise- 1120.44, Jolene Gubbels-

988.80, Leon Pies- 621.60, Maureen Biggar- 1161.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,372.88, State- 3,979.04, FICA- 7,347.78, Medicare- 1,718.44, Retirement- 5,702.15, DC Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,333.65, Aflac Health- 518.45, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$15,108.80, Road Employees Net Pay- \$10,883.45, Employer deductions paid: Retirement- 1,019.87, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 916.25 and Medicare- 214.28.

Brent Byroad- 1459.13, Robert Hacker- 1239.20, Ronald Harder- 1364.15, Hans Houfek- 1239.20, Robert Jacobsen- 1372.90, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,080.57, State- 476.03, FICA- 916.25, Medicare- 214.28, Retirement- 679.87, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

Roll Call: Bousquet- absent, McLarty- yea, Gomez – yea, McNear- yea, Rohde- yea.

Chair McLarty recessed the Board of Commissioners to convene as the Board of Corrections at 4:03 p.m.

Chair McLarty reconvened the Board of Commissioners at 4:25 p.m.

Bob Giese, County Treasurer, explained to the Board the need for an ATM machine. Dakota County does not accept credit card payments for fees due to charge backs associated with providing this service. An ATM would allow for withdrawal of money by the customer's credit card and minimize the inconvenience to them.

Brent Ruch, representative from Dakota County State Bank, informed the Board that the bank would carry the insurance coverage for the ATM. The company, Bank Source, would install the machine and noted that it would need to be bolted to the floor. He made note that the \$2 surcharge would not effect anyone who is a Networks Member.

Commissioner Gomez moved, seconded by Commissioner McNear, to approve the ATM Agreement with Dakota County State Bank to install an ATM Machine in the Courthouse as soon as possible:

ATM AGREEMENT

THIS AGREEMENT entered into this 9<sup>th</sup> day of March 2009, by and between Dakota County State Bank ("Bank") of South Sioux City, NE, and Dakota County, Nebraska ("Courthouse") WITNESSETH:

WHEREAS, Bank desires to operate an Automated Teller Machine ("ATM") on the premises of the Courthouse, located at 1601 Broadway in the city of Dakota City, Nebraska for the purpose of enabling its patrons and other persons to withdraw cash; and

WHEREAS, Dakota County, Nebraska will permit the Bank to place and maintain its ATM on the Courthouse premises upon the terms and conditions hereinafter set forth:

NOW THEREFORE, the Bank and Dakota County, Nebraska agree as follows:

1. ESTABLISHMENT OF ATM. As soon as may be practicable, Bank will establish an ATM on the Courthouse premises. This ATM will be connected to one or more national or regional networks, as the Bank may select.
2. BANK'S RESPONSIBILITY. Bank will be responsible for the processing of transactions generated by persons using plastic access cards at the ATM in accordance with the rules of the network or networks to which it is connected.
3. TERMINAL INSTALLATION AND MAINTENANCE.
  - a. Installation. Bank will provide for the installation of the ATM on the Courthouse premises and will provide for its maintenance. Bank will provide the intersupport data line and modem equipment. Dakota County, Nebraska agrees that the ATM will be affixed to the floor by bolts to be installed by the Bank's contractor and/or affixed to an interior wall, as the parties may agree.
  - b. Dakota County, Nebraska. Dakota County, Nebraska will provide space for the ATM, and access for servicing it. Dakota County, Nebraska is responsible for cleanliness of the ATM area and agrees that the ATM will not be used for display or storing of material, nor will the ATM be obstructed from view.
  - c. Electrical Service. The parties understand and agree that the ATM may require a separate, dedicated electric power line and circuit with its own circuit breaker, at the cost of Dakota County, Nebraska. Dakota County, Nebraska will thereafter provide and pay for electrical power to the ATM.



- d. Telephone Service. The parties understand and agree that the ATM will require a separate, dedicated telephone line to enable it to communicate with the participating networks. Bank shall be responsible for installation and maintenance of a new telephone line and related equipment as may be required, at its own expense, and will pay for all telephone service in connection therewith.
- e. Alarm Security. Bank shall be responsible for determining and establishing appropriate alarm security for the ATM. Any equipment, circuits, maintenance, or service charges required or incurred due to connection to the ATM to an alarm system shall be the responsibility of the Bank. Electricity used to power any such alarm service will be the cost of Dakota County, Nebraska.
4. TERMINAL SUPPORT. Dakota County, Nebraska will have no responsibility for maintaining the machine or monitoring its performance. However, operational problems of which the Courthouse becomes aware, or which are reported to the Courthouse by customers, will be reported to the Bank or its designee for resolution.
5. RISK OF LOSS.
6. Dakota County, Nebraska shall have no liability with regard to any transactions accomplished by plastic access cards. Bank shall hold Dakota County, Nebraska harmless from any such liability.
- a. Bank will insure the machine against physical damage or loss. The Courthouse premises (to the extent related to ATM activity) shall be added to the Bank's blanket bond providing coverage against loss by robbery or theft. All risk of loss by such means shall be upon the Bank.
7. PROPRIETARY INTERESTS. All documentation, procedures, specifications, and processing programs utilized or developed by the Bank or any participating network, and used in connection with the ATM are and shall remain the sole property of Bank or such network as the case may be.
8. SURCHARGE FEE. The Bank will impose a surcharge fee for the use of the ATM at its sole discretion.
9. COMPLIANCE WITH LAWS AND REGULATIONS; INDEMNIFICATION. The Bank agrees to comply with all laws and regulations governing the establishment and operation of ATMs and shall hold harmless and indemnify Dakota County, Nebraska from and against all claims, demands, liabilities, or expenses resulting from any failure on the part of the Bank to exercise reasonable care or to comply with the provisions of law or governmental regulations.
10. TERMINATION. Either party may terminate this Agreement at any time by giving ninety (90) days advance written notice to the other party.
11. ENTIRE AGREEMENT. This Agreement contains the entire Agreement of the parties hereto. No other agreement, statement, or promise made by any party hereto or by any employee, officer, or agent of any party hereto concerning the same matters that is not in writing and not signed by the parties to this Agreement shall have any binding effect.

WHEREFORE, the parties have executed this agreement on the date first-above written.

Dakota County State Bank

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Dakota County, Nebraska

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Roll Call: Gomez- yea, McNear- yea, Rohde- yea, Bousquet- absent, McLarty- yea.

Chair McLarty asked the Space Utilization committee for their recommendations. Commissioner Rohde asked Bob Giese to speak regarding the changes LB 49 would require. Mr. Giese stated that LB 49 is an unpaid state mandate requiring the County Treasurer to title motor vehicles, boats and trailers, which is currently being done by the County Clerk. He stated there is no room in his office to store and scan title documents and suggested a doorway be put in the wall joining the Treasurer and Clerk's offices. Training for the Treasurer's employees to learn titling will begin in August. Commissioner Gomez, also a member of the Space Utilization committee, concurred that a doorway joining the offices seemed feasible. All changes need to be done by October, 2009.

Commissioner Rohde said he and Commissioner Gomez also met with Mike Carlson and Bob Denton, State Probation Office, regarding the space they need. They have narrowed their choices down to two facilities that are for lease in South Sioux City and will know more in two weeks regarding cost.

Commissioner Rohde moved, seconded by Commissioner McNear, to approve the Official's Reports of the County Clerk and the Clerk of District Court for January and February, 2009, and the Quarterly Interest Report submitted by the County Clerk for Quarter ending December 31, 2009.

Roll Call: McNear- yea, Rohde- yea, Bousquet- absent, McLarty- yea, Gomez- yea.

Chair McLarty asked Fred Kellogg, Road Director, to present the recommendation on the purchase of the front end wheel loader. Mr. Kellogg stated that the NACO lease rate was 3.75% with a \$3,000 handling fee and if re-bid, the rate could increase in the time it would take to re-bid to 4% or 5%. Commissioner Rohde presented the cost for the three bids for total lease payments plus buy-out at the end of 5 years: (1) Case 821E - \$147,481.00; (2) John Deere 644K - \$173,100.00 and (3) Caterpillar 950H - \$244,001.20.

Commissioner Rohde moved, seconded by Commissioner McNear, to recommend that the County accept the bid submitted by Titan Machinery in the amount of \$147,481 to lease a Case 821E front end wheel loader for five (5) years and to authorize the Chair to sign all documents to consummate the lease of said front end wheel loader.

Roll Call: Rohde- yea, Bousquet- absent, McLarty- yea, Gomez- yea, McNear- yea.

Don Newton approached the Board. He represents Titan Machinery who submitted the Case front end wheel loader bid. He wanted to confirm that the Board Chair could sign the lease paperwork.

Chair McLarty introduced the agenda item Planning and Zoning membership by referring to the Planning and Zoning attendance chart each Board member was given. Commissioner McNear noted that he missed more meetings than Neil Miller, who was not reappointed with one of the reasons given as his poor attendance. Commissioner Gomez confirmed with the County Attorney that the P&Z by-laws do not address attendance.

Commissioner McNear moved, seconded by Commissioner Rohde, to reappoint Donald 'Neil' Miller the same as Jim Jepsen and Martin Rohde to complete the remaining two years of his term.

Comment from the public: Sally Reinert, Dakota City, stated that the Planning and Zoning Board only answers to the voters through you, the Board. She thought it would be the Board's responsibility when a term is up to appoint from among people who are interested in serving the best people you can appoint. An ad was put in the paper with the deadline the 11<sup>th</sup> of this month and she could not imagine why the Board would make any appointments or reappointment today until they see who has offered to serve.

Commissioner McLarty stated the issue was trying to treat each member fairly—should Miller be treated differently from Jepsen and Rohde who were allowed to continue their term.

Lou Franco gave public comment in support of reappointing Neil Miller.

Roll Call: McLarty- yea, Gomez- yea, McNear- yea, Rohde- yea, Bousquet- absent.

Chair McLarty asked which Board members would like to be on a committee to review the Planning and Zoning applications along with Joan Spencer. Commissioners Gomez and McNear consented to serve.

Commissioner McNear addressed the Board regarding the Storm Water by-laws. He attended the Storm Water meeting last week and there was some confusion on who were voting members as a quorum was not present. The Storm Water Interlocal Cooperation Act Agreement will be reviewed and possible changes made and will come back before this governing body to be approved.

Commissioner Rohde moved, seconded by Commissioner Gomez, to renew the employment agreement with Terry Kern that effective at his one-year anniversary date of February 5, 2009, his annual salary will be \$48,000 paid bi-weekly and that his annual salary be increased by \$1,000 on July 1, 2009; and after a successful evaluation of his work, his annual salary will be increased by an additional \$1,000 on January 1, 2010. BE IT FURTHER RESOLVED that Mr. Kern received benefits as outlined in the County Employee Handbook, as follows:

Mr. Terry Kern  
Director of Corrections  
PO Box 305  
Dakota City NE 68731

Dear Terry:

This will memorialize our understanding regarding your employment as Dakota County's Director of Corrections as agreed at your one-year performance evaluation. Effective at your one-year anniversary date of February 5, 2009, your annual salary will be \$48,000 and will be paid bi-weekly. To coincide with the County's budget year, your annual salary will be increased by \$1,000 on July 1, 2009; and after a successful evaluation of your work, your annual salary will be increased by an additional \$1,000 on January 1, 2010.

You will continue to receive the standard insurance, sick leave, and retirement benefits in accordance with current county policies. The County Employee Handbook will continue to govern our relationship.

You will earn two weeks vacation at your February 5, 2009, one-year anniversary, three weeks after ten years of service, and four weeks after fifteen years of service. Dakota County will continue to supply you with a mobile phone for your work needs. You have successfully completed the Nebraska jailer certification course during your first year and you must complete the Nebraska jail supervisor/manager certification course before the end of your second year of service.

As provided in the Employee Handbook, you will be an at-will employee of Dakota County, which means that either you or Dakota County can terminate the employment relationship at any time. If any of the foregoing is inaccurate, please advise. Otherwise, please sign below indicating your understanding. Thank you.

Sincerely,

William I. McLarty, Chairman  
Dakota County Board of Corrections

\_\_\_\_\_  
Terry L. Kern, Director of Corrections

\_\_\_\_\_  
William I. McLarty, Chairman  
Dakota County Board of Commissioners

Roll Call: Gomez- yea, McNear- yea, Rohde- yea, Bousquet- absent, McLarty- yea.

Commissioner Gomez reported that he attended the LEC committee meeting. There were no Commissioner Member reports.

Chair McLarty asked for Public Comment. Martin Rohde requested two members of Planning and Zoning also be appointed to review the Planning and Zoning applications. Mr. Rohde will also serve on that committee.

Marlan Millard thanked the Board for allowing him to attend the Planning and Zoning meeting in Grand Island each year. He shared with the Board that he was surprised with an award this year at the meeting acknowledging his many years of faithful attendance.

Commissioner Rohde moved, seconded by Commissioner McNear, to adjourn their meeting at 5:10 p.m.

Roll Call: McLarty- yea, Gomez- yea, McNear- yea, Rohde- yea, Bousquet- absent.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

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

\_\_\_\_\_  
Date entered in book

Dakota County Board of Commissioners  
Monday, March 16, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Rohde, Gomez, Bousquet, McNear and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney was also present.

Absent: None

The agenda for the meeting was as follows:

4:00 p.m. Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting. (03-09-09)
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

4:02 p.m. Miscellaneous Agenda Items

- 'Appointment of Planning and Zoning Members'

Tabled Items – No tabled items to consider

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

4:15 p.m. Adjournment.

Commissioner Gomez moved, seconded by Commissioner McNear, to approve the minutes of March 9, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde- yea, Bousquet- yea, McLarty- yea, Gomez- yea, McNear- yea.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Accounts Payable Claims submitted by the various offices and filed with the County Clerk as follows:

GENERAL FUND: Dakota County Star, publication- 342.53; Tony Gomez, mileage- 313.79; William McLarty, mileage/lodging- 465.47; Perkins Office Solutions, supplies- 19.26; Wingate Inn, lodging/Gomez- 71.00; Bear Graphics Inc., security paper- 178.10; CitiMaster Card, checks- 50.37; Perkins Office Solutions, office supplies- 29.02; Staples, tapes/calculator- 106.96; Theodore Piepho, cell phone/mileage- 78.30; Robert Giese, mileage- 115.14; Charlotte Doenhoefer, prior yrs serv- 10.00; Ruth Jensen, prior yrs serv- 12.00; Mardel Sorensen, prior yrs serv- 26.00; Irene VanLent, prior yrs serv- 16.00; As ImServices, data storage- 3.50; Dakota County Star, tax sale list- 2079.91; Computer SOS, Lexmark printer service- 40.00; Dakota City Postmaster, stamps- 56.00; Secretary of State, confirmation cards- 12.00; Staples, office supplies- 520.95; Todds Storeall, March rent- 80.00; Chris Knudsen, election cleanup- 35.00; Dakota County Star, meeting notice- 23.15; Holiday Inn-Grand Island, lodging- 194.85; Marlan Millard, mileage- 200.20; AJ Phillips, window envelopes- 75.00; Des Moines Stamp, 2009 stamps- 231.60; Staples, office supplies- 113.48; AS Central Finance, office supplies- 607.66; Dakota Business System, Ricoh equip payment- 99.00; Microfilm Imaging Services, scanning- 88.50; Midwest Office Automations, qrtly contract- 299.64; New Perspectives, shredding- 21.75; Thomson West, Cd rom service- 185.00; Dakota County Court, court costs- 1243.75; Randy Hisey, court appointed counsel- 1596.00; Kueny Law Office, court appointed counsel- 483.40; Stuart Mills, court appointed counsel- 915.00; Douglas Roehrich, court appointed counsel- 594.00; Richard Thramer, court appointed counsel- 322.76; Patrick Tott, court appointed counsel- 1182.00; William Binkard, reimbursement- 192.79; Frank Gonzalez, interpreter- 700.00; Perkins Office Solutions, office supplies- 41.16; Dakota County District Court- claim lists- 426.00; Susan Hunke, transcripts- 110.50; HyVee, jury supplies- 47.11; Mips, scanner and package- 1126.65; Nebraska State Bar, bar directory- 70.00; Patrick Tott, legal services- 1120.50; A-Team Heating, heater repair- 85.00; Barone Security, sprinkler inspection- 270.00; Bunkers Feed & Supply, softener salt- 187.68; Dakota Food & Fuel, gas- 40.00; Foulk Bros Plumbing, service- 429.94; Gill Hauling Inc, dumpster- 120.00; G & R Controls, service system- 673.00; Grainger, supplies- 355.80; Janitor Depot, supplies- 30.95; Rick Jensen, mileage- 168.57; Joe's Dept Store, supplies- 51.54; Menards, supplies- 819.30; MidAmerican Energy, gas bill- 1531.00; NPPD, electric bill- 1453.63; Stateline Electric, dmv electric- 458.00; Trembly, pest control- 50.00; Verizon Wireless, cell phone- 58.10; Wilmes Hardware Hank, supplies- 35.11; Dakota County Extension, reimbursement- 979.53; PMRNRD, monthly rent- 833.33; Abramos, animal control- 250.00; City of South Sioux, long distance/fuel/copies- 2851.14; Crystal Oil, fuel- 46.83; Dakota Food & Fuel, fuel- 318.19; Electronic Engineering, lowband antenna- 61.00; Fremont Tire, vehicle maint- 2380.46; Jack's Uniforms, uniforms/flex cuff- 339.35; MPH Industries, new radars for units- 575.00; Jerry Moreno, interpreter- 20.00; Racom, phone access line- 703.80; Ron's Transmission, transmission- 1338.00; Siouxland FCU, adapter/ntoa/k-9 tugs-180.68; Staples, supplies- 69.25; Star Printing & Publishing, business cards- 72.50; Verizon Wireless, cell phone- 123.25; Willis Animal Clinic, dog food/k-9 medical- 19.40; Dakota County Sheriff, reimbursement/papers/warrants- 1115.35; Cartridge World, office supplies- 60.97; Dept of Motor Vehicles, driving records- 19.00; H2O4U, misc operating expenses- 5.75; Susan Hunke, transcripts- 110.50; Iowa Office Supply, copier contract- 203.38; Verizon Wireless, cell phones- 135.86; City of South Sioux, county share of LEC- 29049.42; Caterina Chapman, mileage- 18.70; Verizon Wireless, cell phone- 54.95; Ace/Refrigeration Eng, check kitchen slicer- 81.75;

AmSan, supplies- 1632.50; Bob Barker, inmate supplies- 1039.67; BI Inc, house arrest- 430.10; CBM Food Service, food service- 26041.60; Cash-Wa Distributing, food service supplies- 2.15; Crescent Electric Company, balasts- 236.49; Dakota Business Systems, copier contract- 281.00; Dakota Family Dentistry, inmate medical- 330.00; Dakota City Fire Dept, transport agreement- 2000.00; Dakota Food & Fuel, fuel- 291.63; Delta Gloves, gloves- 583.80; Sandy Dickens, mileage- 116.60; Fremont Tires, vehicle maintenance- 58.51; Gill Hauling, dumpster Service- 120.00; Jackie Heaton, mileage- 113.91; Hough Distributing, gloves- 112.47; Kleen Solutions, food service supplies- 129.85; Mercy Bus Health Urg Care, inmate house calls- 1978.00; Mercy Medical Center, inmate medical- 5210.92; MidAmerican Energy, gas bill- 2412.35; Midwest Office Automations, copier contract copies- 165.64; Moore Medical, inmate medical- 178.82; N.E. NE Juvenile Services, juvenile holding- 7342.50; Nebraska Public Power District, electric bill- 1743.58; Net Sys+, computer issues- 692.50; NLETC, tabe tests- 20.00; NW Iowa Emergency phys, inmate medical- 448.00; Doyle Pilgrim, mileage- 27.50; Racom, batteries- 549.00; Sam's Club, supplies- 316.90; Siouxland Radiology Partners, inmate medical- 196.00; Siouxland FCU, reimbursement- 815.88; Staples, supplies- 459.14; Trembly Termite & Pest Control, pest control- 35.00; Verizon Wireless, cell phones- 213.67; Wal-Mart, prescriptions/supplies- 2336.15; Wilmes Hardware, misc supplies- 2.00; Woodbury Co Juvenile Detention, out of county boarding- 10700.00; Holiday Inn Express, lodging- 210.00; Fred Kellogg, mileage/meals- 65.73; Olsson Associates, road plan- 678.05; Verizon Wireless, cell phone- 32.87; Alpha Land Surveying, establish corners- 500.00; Mureen Biggar, mileage- 157.30; Pam DeVries, mileage- 102.30; Pat Glover, hrs wrkd- 140.00; Dr Thomas Wenthe, consulting physician- 250.00; Deanna Beckman, mileage/hrs wrkd- 1157.55; Pam DeVries, mileage/meals- 195.97; AJ Phillips Publishing, business cards- 55.00; Perkins Office Supplies- 211.41; Alan Boyd, mileage- 567.05; Electronic Engineering, pager- 13.95; Thomson West, law books- 611.11; Business Telecomm System, 4 phones- 924.00; CableOne, internet service- 205.95; C & H Heavy Duty Specialists, contract payment- 750.00; Dakota County Star, publication- 113.00; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Mips, support- 390.79; Net Sys+, computer work- 1547.99; Qwest, phone services- 1345.16; Region 4 Behavioral Health, 4<sup>th</sup> quarter payment- 7615.75; Three Rivers Benefit, flex plan admin- 1090.00; Madelyn Thorsland, prior yrs serv- 10.00; US Postal Service, postage- 2500.00; WCS Telecom, telephone- 326.18; Road Improvement, budget transfer- 1000.00; Weed Fund, budget transfer- 1000.00; ROAD: Aramark, towel service- 328.18; Bomgaars, shop supply- 144.87; Dakota County Star, loader bid- 36.65; Fastenal, shop supply- 81.48; GCR Tire Center, shop supply- 108.00; Gill Hauling, dumpster- 55.00; Grainger, shop supply- 27.24; Walter Heinemann, prior yrs serv- 29.00; Hubbard Mini Mart, fuel- 593.90; Hydraulic Sales & Serv, shop supplies- 196.79; H2O4U, shop supply- 8.50; Inland Truck Parts, parts- 80.25; J and J's Pronto, fuel- 209.04; Joe's Dept Store, supplies- 173.80; L.G. Everist, gravel- 2222.20; Linweld, shop supply- 40.31; Kimon Litras, clothing allowance- 50.96; Medical Enterprises, drug testing- 64.80; Midwest Serv & Sales, traffic signs- 2390.22; Marlan Millard, prior yrs serv- 15.00; NAPA, supplies- 1220.36; NPPD, Homer electric service- 73.55; NMC, parts/labor- 3525.77; NE NPPD, Hubbard electric bill- 318.81; NNCTC, phone service- 162.49; Rees Mack, shop supply- 63.83; RMS, parts- 108.71; South Side C-Mart, fuel- 622.86; St Luke's OC Health, drug tests- 70.00; Titan Machinery, parts- 192.50; Verizon Wireless, cell phone- 56.78; Warren Oil, fuel- 2275.40; Wilmes, supplies- 68.28; Ziegler, parts- 1275.56; ROAD IMPROVEMENT: Knife River, asphalt- 1524.51; POOR RELIEF 1500: Ne. Dept of HHS, space rental- 33.25; INSTITUTIONS 1700: Beatrice State Dev Center, qrtly payment- 345.00; VETERANS 1900: Veterans Office, aid- 700.00; PUBLIC SAFETY: Jail bond Fund, 88% sales tax- 23911.82; City of South Sioux, 12% sales tax- 3260.70; WEED FUND: Central Community College, spring training- 100.00; Dakota Business Systems, copier rental- 102.00; Hubbard Mini Mart, fuel- 95.00; J & J's Pronto, fuel- 93.01; NAPA, parts- 67.92; Leon Pies, meals/mileage- 398.56; Quality Inn & Suites, lodging- 180.00; ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Appointment of Planning and Zoning Members". He reported that he must appoint different members to the Committee to review the P & Z Applications to serve as board members because some of the members that he previously appointed can not serve.

Chair McLarty called for the agenda item "Tabled Items" and there were none.

Chair McLarty called for the agenda item "Committee Reports". Mr. McLarty called the other board members attention to the fact that he left a Legislative Report before them prior to the meeting. He called special attention to LB121, which turns the Assessor's Office back over to the county. He said that it passed the first round and it is in general file before the House and will be voted on Thursday and then will be moved to select file. He thought that the bill would pass and the Assessor's Office would be turned back over to the county. He said that one change is being proposed and that is that the County would take it over in four years rather than three.

Commissioner McNear asked what Highway 35 was. Mr. McLarty explained that about twenty (20) years ago the Legislature set up the projects that they wanted to do in the next ten (10) or twenty (20) years. Well 10 years have passed and they have only completed about half of them and they will not take on any more highway improvements (making 2 lanes into 4 lanes) on. Senator Giese is trying to get that on their list of projects to do.

Mr. McLarty touched on LB 680 which has to do with appropriate funds to carry out the federal American Recovery and Reinvestment Act of 2009 so they can spend the stimulus money.

He reported on LB 385 and 386, which changes the sales tax. One of them will take the sales tax off all the exemptions like food and things. The other one take the Sales Tax Authority away from cities and counties.

Chair McLarty called for the agenda item "Public Comment".

Dennis Reinert asked if anybody was promoting Phase II of the jail, since it was being made a shovel project, or is it a dead issue.

Chair McLarty explained that it was trying to be determined which agency within the state government will govern it. He said the Citizen's Committee is working on getting that ready.

Mr. McLarty said that he thought that there was a very slim chance that the jail would fit into the stimulus package. Most of that money is going to make buildings energy efficient and major road projects.

Chair McLarty asked if there was anything else and there was not, so he asked for a motion to adjourn.

Commissioner McNear moved, seconded by Commissioner Gomez to adjourn.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.

UNANIMOUS MOTION CARRIED at 4:13 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
 Monday, March 23, 2009, Regular Meeting  
 Dakota County Courthouse  
 County Board Lower Level Meeting Room  
 Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Rohde, Gomez, Bousquet, McNear and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board was also present.

Absent: None

The agenda for the meeting was as follows:

- 4:00 p.m. Call Meeting to Order with Pledge of Allegiance
  - Roll Call
  - Presiding Chair person's statement concerning Nebraska Open Meetings Act.
    - A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.
  - Approve Minutes of previous meeting.
  - Approve payroll and accounts payable claims
- 4:03 p.m. Open Gravel Bids submitted by Companies that bid to supply the County with Gravel.
- 4:10 p.m. Beverly Neff – Department of Motor Vehicles to explain changes associated with LB 911 in Driver's License.  
 Miscellaneous Agenda Items
  - Officials Reports
  - Space Utilization – Space Utilization Committee Report
  - CBM Food Contract – Amendment to present contract to adjust for modification of meals.
  - Chair to appoint members of a committee to review the Planning & Zoning Applications for appointment to the Planning and Zoning Board.
- Tabled Items – No tabled items to consider
- Commissioner's Committee Reports
- Commissioner Member Reports
- Public Comment
- Mail and/or Emergency Business
- 4:30 p.m. Recess to Board of Corrections
- 4:40 p.m. Reconvene from Board of Corrections  
 Mel Obbink with the Sidwell Company – presentation on digital mapping in Dakota County. Proposal for Dakota County to participate in aerial mapping. 712-212-5286
- 4:50 p.m. Adjournment.

Commissioner Bousquet moved, seconded by Commissioner McNear, to approve the minutes of March 16, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde- yea, Bousquet- yea, McLarty- yea, Gomez- yea, McNear- yea. UNANIMOUS MOTION CARRIED.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Payroll claims submitted by the various offices and filed with the County Clerk subject to the Employee Agreement or Labor Contract governing the employees as follows:

COUNTY GENERAL FUND: Gross salaries- \$118,572.71, General Fund Employees Net Pay- \$86,193.99, Employer deductions paid: Retirement- 8,266.18, FICA- 7,211.18, Medicare- 1,686.47, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.06.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 538.20, Tracey Corkin- 927.23, Marisol Curiel- 918.72, Bobbi Jo Harsma- 1038.96, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-900.60, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 568.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 894.40, Jeremy Bermel- 1643.18, Anthony Bos- 1804.38, Sandy Dickens- 454.61, Brian Ellinger- 1691.84, Penny Epting- 1653.44, Brent Gilster- 1717.28, Todd Hammer- 1702.60, Melvin Harrison III- 1663.45, Rodney Herron- 1795.02, Jason James- 1361.16, Kimberly Johnson- 383.69, Jared Junge- 1970.83, Michael Kreegar- 1614.53, Gayle Richards- 854.40, Kevin Rohde- 1683.03, James Wagner- 1647.87, Randall Walsh- 1769.43, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1253.88, Ermelinda Ballesteros- 1339.54, Joshua Blatchford- 1225.13, Dusty Boyd- 1213.79, Rebecca Broer- 1340.48, Meagan Chase- 720.00, Sandy Dickens- 681.91, Michael Estes- 1261.43, Lisa Ford- 1199.21, Robert Foster- 1137.68, Joseph Gee- 1023.91, John Gilles- 1268.85, Alma Gunderson- 1292.26, Richard Hansen- 1272.57, Paula Harrigfeld- 876.69, Cathy Harsma- 1268.85, Deanna Haukap- 1060.42, Jackie Heaton- 1310.16, Jeffrey Heitzman- 1084.88, Adam Hough- 1182.23, Matthew James- 1144.57, Brett Johnson- 1217.43, Nicholas Kellen- 1202.85, Brenda Kelly- 1243.69, Terry Kern- 1846.15, Keith Klein- 1137.68, Mark Nelson- 1230.23, Travis Olander- 1182.23, Kimberly Peterson- 1096.31, Doyle Pilgrim- 798.00, Cara Reinders- 1175.06, Daniel Rodasky- 1182.23, Jutharatana Ruenprom- 1175.06, Stephanie Ryan- 601.43, Linda Schovanec- 1242.40, Francis Tope- 1166.40,

Charvette Williams- 1195.56, Jewel Williams- 1196.56, Matthew Wise- 0.00, Jolene Gubbels- 988.80, Leon Pies- 627.43, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,166.83, State- 3,890.90, FICA- 7,211.18, Medicare- 1,686.47, Retirement- 5,598.30, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 290.00, Deferred Comp- 607.00, Garnishments- 1,508.65, Aflac Health- 518.46, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,515.75, Road Employees Net Pay- \$10,464.49, Employer deductions paid: Retirement- 979.84, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 879.48 and Medicare- 205.68.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1317.37, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 994.56.

ROAD FUND: Employee withholding paid to: Federal- 1,007.59, State- 446.98, FICA- 879.48, Medicare- 205.68, Retirement- 653.18, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Open Gravel Bids submitted by Companies that bid to supply the County with Gravel.”

The County Clerk opened the Gravel Bids submitted by Erlandson Transportation, Inc., Higman Sand and Gravel, L.G. Everist, Inc., Peterson Sand and Gravel, Pilger Sand and Gravel and Stalp Gravel Co. The bids were as follows:

- 1) Erlandson Sand and Gravel, bid Schedule IV at \$5.60 FOB Pit.
- 2) Higman Sand & Gravel bid Schedule I at \$7.00 FOB Pit and \$15.50/ton delivered, Schedule II at \$8.00 FOB Pit and \$16.50/ton delivered, Schedule III at \$10.00 FOB Pit and & 18.50/ton delivered, And did not bid Schedule IV.
- 3) L.G. Everist, Inc. bid Schedule I at \$13.20 FOB Pit, \*3/4” Down Crushed Quartzite, Schedule II at \$13.20 FOB Pit, \*3/4” Down Crushed Quartzite, Schedule III at \$16.90 FOB Pit,\*1” X 4 Down Crushed Quartzite and Schedule IV at \$13.20 FOB Pit, \*3/4” Down Crushed Quartzite.
- 4) Peterson Sand & Gravel bid Schedule I at \$7.25 FOB Pit and \$12.00 delivered, Schedule II at \$6.75 FOB Pit and \$11.50 delivered, Schedule II I at \$9.50 FOB Pit and \$14.25/ton delivered, Schedule IV at \$6.75 FOB Pit and & 11.50/ton delivered,
- 5) S & S Willers, Inc. dba Pilger Sand and Gravel, bid Schedule IV at \$6.25 FOB Pit and \$13.35 delivered.
- 6) Stalp Sand & Gravel bid Schedule IV at \$6.50 FOB Pit and \$12.50 delivered.

Commissioner Bousquet made a motion to refer the bids to the Road Committee for their review and recommendation. Mr. Kellogg said that they usually use all the bids depending which location works best for their Job site.

Commissioner Bousquet withdrew his first motion and then moved, seconded by Commissioner Rohde to accept all the Gravel bids, which were submitted by Erlandson Transportation, Inc., Higman Sand and Gravel, L.G. Everist, Inc., Peterson Sand and Gravel, Pilger Sand and Gravel and Stalp Gravel Co.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty noted that Beverly Neff could not make it today for the agenda item “Beverly Neff, with the Department of Motor Vehicles to explain changes associated with LB 911in Driver’s License” and advise the County Clerk to reschedule her at a time convenient for her.

Chair McLarty moved on to Misc. items and called for the agenda item “Official’s Reports.”

Commissioner Rohde moved, seconded by Commissioner Bousquet to acknowledge receipt of and approve the Officials reports filed with the County Clerk from the County Clerk for the month of February, 2009.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Mel Obbink with the Sidwell Company – presentation on digital mapping in Dakota County. Proposal for Dakota County to participate in aerial mapping.

Mel Obbink, with Sidwell Mapping Company appeared before the board and said that he had been talking to South Sioux City about aerial photography. That discussion led to servicing more than South Sioux City. Dakota City became part of the discussion and part of rural South Sioux City, as well. He said that he was here to see if there was an interest, on behalf of the board, to be part of the project in the rural county. He said that he has talked to South Sioux City and Dakota city and they are very interested in the project. But the exact amount each entity would have to pay has to be worked out. He said the difficult part about this is the timeframe in which they have to do it. Normally they do it after the snow has melted and all the standing water has disappeared and before the trees leaf out.

When asked about the cost, he said that it depends upon the area that is done. He estimated the cost to be somewhere between 15,000 dollars to 25,000 dollars. He added that this would all be high-resolution color aerial photography. They will produce a DTM, which is a Detailed Terrain Model and that would show you which way the water will flow. Mr. Obbink felt that this information is useful to engineers and surveyors in the planning stages of projects.



Commissioner Rohde asked what the advantage of their aerial photography was over satellite imaging, which is also available.

Mr. Obbink said that you have to think in terms of pixels. The maps that Sidwell did for us in 1985 and being used by the Assessor's Office each pixel is about 6 inches. He qualified that by saying this would be an urbanized areas in satellite imaging those can be anywhere from 2 meters to 10 meters, so each pixel might be up to 30 feet.

Mr. Obbink explained some of the uses that the aerials could be used.

Chair McLarty gave Betty O'Neill the floor. She said having been the assessor in 1985. She did the negotiations with Sidwell to have the maps done then. Ms. O'Neill said that she thought it would be wise to have Madelyn Thorsland, in the Assessor's Office involved. She said, as far as the maps, we did not get what we asked for in 1985 and we were involved in litigation. She said she had to hire Ruth Todd, who was an abstractor, to do a lot of work on the maps at that time and Ms. Thorsland could tell you what would benefit that office.

Chair McLarty called for the agenda item "Space Utilization – Space Utilization Committee Report." Commissioner Rohde said that he visited with Mr. Bob Denton, but that he does not have everything finalized and he would like to come back in two weeks.

Chair McLarty skipped over the Food Contract until after the Board of Corrections meet and approve it. He then called for the agenda item "Chair to appoint members of a committee to review the Planning & Zoning Applications for appointment to the Planning and Zoning Board."

Chair McLarty then read the names of the committee to review the applicants for Planning and Zoning Board as being Pam Miller from Homer, Marlin Stewart for Hubbard Area, Dorothy Lux from the Tompkins Area and Arnold Mellick, who is the Planning and Zoning Administrator. He added that Joan Spencer will be ex-officio member.

There were no questions by board members, therefore Chair McLarty opened comments from the audience. Lue Franco stepped up to the podium and she said she had a question about conflict of interest. She said there was a meeting on the 9<sup>th</sup> and the members were named that were appointed to serve on this very committee. Then she said that Mr. McLarty mentioned in March 16<sup>th</sup> meeting that there was a conflict or crisis.

Mr. McLarty said that some people chose not to be on it.

Ms. Franco said that she went to last weeks P & Z Meeting, which they did not meet because they did not have a quorum, but that she had talked to Arnie Mellick and he said that he was called to be on the committee and then he was called that he could not be on the committee because of a conflict and now he's on again. She said that you can go anywhere in the county and find a conflict and she suggested letting Planning and Zoning Board to choose their own since they been doing it for 30 years.

Chair McLarty said we are trying something new and we are going ahead with this committee.

Marlin Millard said that he is on Planning and Zoning Board and he had just attended a 3 day workshop in Grand Island and that he spent considerable time talking to different Planning and Zoning Administrators to see how their board members were appointed. His findings were that most of Planning and Zoning Boards chose the members and sent the recommendations to the Commissioners.

The members of the committee stood appointed as read.

Chair McLarty called for the agenda item "tabled items" and there were none.

Chair McLarty recessed the Board of Commissioners Meeting at 4:33 p.m. to convene as Board of Corrections.

Chair McLarty reconvened the Board of Commissioners meeting at 4:38 p.m. upon adjourning the Board of Corrections meeting.

Commissioner Rohde moved, seconded by Commissioner Gomez to amend the Food Service Contract between Dakota County Nebraska and CBM Food Service, by adding 7 cents to the cost of all meals, for an additional carton of milk that inmates are to receive every day. BE IT FURTHER RESOLVED THAT all population group classes illustrated in said agreement be increased by 7 cents a meal and FINALLY BE IT RESOLVED to approve the amendment of said agreement between the entities, as follows:

AMENDMENT TO  
FOOD SERVICE CONTRACT BETWEEN  
DAKOTA COUNTY NEBRASKA AND CBM FOODSERVICE

This amendment to the original contract is entered into this 21<sup>st</sup> day of February, 2008 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Foodservice business address 2219 East Benson Road, Sioux Falls, South Dakota 57104.

Pursuant to item 4.0 of the entire agreement, the parties agree to retain the following cost per meal for the contract year (March 5, 2009 through December 31, 2009). New prices will take effect on March 5, 2009.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.76	\$1.83	\$1.90	\$2.02	\$2.13	\$2.28	\$2.45
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Price Adjustment of .07 for Milk	\$1.83	\$1.90	\$1.97	\$2.09	\$2.20	\$2.35	\$2.52

Rates reflect .07 adjustment for extra milk per meal

This amendment shall be attached to the original contract as an addendum and all other original contract provisions shall remain in full force and effect.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2009. Dated this \_\_\_\_ day of \_\_\_\_\_ 2009.

DAKOTA COUNTY:

CBM FOODSERVICE:

\_\_\_\_\_  
Bill McLarty  
Dakota County, Nebraska

\_\_\_\_\_  
Shane V. Sejnoha  
President of Corrections

\_\_\_\_\_  
Terry Kerns  
Jail Administrator

\_\_\_\_\_  
Witness

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

\*\* The above amendment was an amendment to the September 8, 2008 Amendment, which set the meal rates at the current price above from \$1.68, \$1.75, \$1.82, \$1.93, \$2.04, \$2.18 and \$2.34 respectively. That reflected a 4.6% increase over the prior rate for Cost of living.

Chair McLarty called for the agenda item "Commissioner Reports"

Commissioner McNear reported that he went to a Keep Northeast Nebraska Beautiful Meeting. They are going to have a cleanup day May 9<sup>th</sup> at Yankton. Most everything will happen after our next meeting, he added. He also reported that he was checking to see if there is any grant money available for cleanup for road easements.

Chair McLarty called for the agenda item "Committee Member Reports."

Chairman McLarty made reference to the Legislative Report that he left at each Commissioners desk. He called special attention to LB 121, which returns the Assessor's Office to the County and he noted that would be done over the next four years instead of three. All the equipment will be turned over to the county in 2013. The state will buyback all sick leave and pay them 25% of what the employees had accumulated in sick leave. The county will have to appoint an Assessor in July, 2013 and that person must have a valid Assessor's Certificate. There would be an election in 2014 to elect a County Assessor to take office in 2015 and that person has to be certified before they are eligible to file. The county will be responsible for picking up 25% of the cost of operations for the Assessor's Office for each of the next four years meaning that the first year the county pays 25%, the second year 50%, the third year 75% and the forth year the county would assume 100%. That is equivalent to 7 tenths of a cent added to the levy for each of those years at the 2009 valuation.

He also addressed LB 218. He said that they are trying to amend the bill to remove Jail reimbursement from that bill and by doing that, it will allow jail reimbursement to continue to the counties, but added that is still up in the air.

He also said that a bill has passed that people could be arraigned by televideo conferencing rather than actually appearing before the Judge in person.

Chair McLarty called for the agenda item "Public Comment."

Donald N. Miller stepped up to the podium. He clarified that he is a rural citizen of Dakota County living 5 miles east of Jackson Nebraska. He commented on a comment by Commissioner Bousquet at a Planning and Zoning Meeting that Planning and Zoning By-Laws need to be followed to the letter. The reason for saying that is because the Commissioners had not reappointed him to the Planning and Zoning Board because of his attendance and the By-Laws do not address absenteeism of a P & Z member. He then read Section 2.4 of the P & Z By-Laws, which addresses the removal of a member on the Planning and Zoning Board. He said as far as him being gone in December, there is no P & Z Meeting scheduled in the month of December and the P & Z Board is suppose to meet every other month. He said that he represented his area and he has a cell phone. He provided information to the Commissioner that supports him to continue to be a qualified member of the Planning and Zoning Board.

Betty O'Neill stepped up to the podium. Ms. O'Neill addressed Commissioner Bousquet personally. She was unhappy about some comment that Mr. Bousquet made in the Sioux City Journal May 18, 2008 suggesting that Mr. Bousquet blamed her for causing Ms. Hartnett and Mr. Bill Engel to also be defeated in the election. She said that Bill himself made comments to the paper that he lost due to light voter turnout and rumored stories following his arrest. She said that she did not feel it was her that was

the reason for Mr. Engel not winning the election. She also stated that it wasn't her that caused Ms. Harnett to be defeated. It appeared that she read information from the same article and how the report from Spencer, Britt, Browne and Fane Law Firm was handled and comments that she prepared on the report on the handling of the report. She concluded by saying had the commissioners seen the report they may have been able to prevent other problems that occurred in the jail.

Chair McLarty asked if there was anything else that wished to address the board and there was not, so he asked for a motion to adjourn.

Commissioner Gomez moved, seconded by Commissioner McNear to adjourn at 4:57 p.m.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, April 6, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Rohde, Gomez, Bousquet, McNear and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board and Deb Fergen, Deputy County Attorney was also present.

Absent: None

The agenda for the meeting was as follows:

4:00 p.m. Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the east wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

4:03 p.m. Recess to Board of Corrections

4:10 p.m. Reconvene from Board of Corrections.

4:10 p.m. George Foster - Discussion on the collective bargaining agreement between Local 251 and Dakota County. Article IX, Tool/Clothing Allowance, (Requested 30 Minutes) Possible Closed Executive Session.

4:30 p.m. Fred Franklin - County Surveyor's Budget.

4:40 p.m. Open Public Hearing - Ho-Chunk Inc. Heritage Express Liquor License Application.

- Class D Beer, Wine & Distilled Spirits, Off Sale Only
- Close Hearing
- Action on the issue

4:55 p.m. Open Public Hearing - Lisa Parks DBA Gateway Bar & Grill Liquor License Application.

- Class C Beer, Wine & Distilled Spirits, On & Off Sale
- Close Hearing
- Action on the issue

5:00 p.m. Bob Denton and Mike Carlson – Request for additional office space

- Will ask the Board to approve relocating the Probation Office.

5:15 p.m. Mel Obbink – Mel Obbink with the Sidwell Company – presentation on digital mapping in Dakota County. Proposal for Dakota County to participate in aerial mapping. 712-212-5286

5:25 p.m. Pat Foust - Concerning City/County emergency management needs, personnel and upcoming requirements.

Miscellaneous Agenda Items

- i. Planning and Zoning Applicant Review Committee has recommended four applicants to serve on the P&Z Board. Three individuals to serve three year terms and one individual to a one year term.
- ii. Discuss construction of ingress and egress Road to serve the Millis Beach area. Possible action could follow. The board will discuss whether this will qualify from stimulus monies and discuss the safety issue of this.
- iii. Roads in two areas of Tompkins Addition need attention. From the 4 way stop north and from the 4 way stop east.

Tabled Items: (No items on the table)

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

5:45 p.m. Adjournment.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Chair reserves the right to modify the order of the agenda.

Commissioner Gomez moved, seconded by Commissioner Bousquet, to approve the minutes of March 23, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde- yea, Bousquet- yea, McLarty- yea, Gomez- yea, McNear- yea. UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Payroll claims submitted by the various offices and filed with the County Clerk subject to the Employee Agreement or Labor Contract governing the employees as follows:

COUNTY GENERAL FUND: Gross salaries- \$125,840.58, General Fund Employees Net Pay- \$91,153.97, Employer deductions paid: Retirement- 8,802.45, FICA- 7,673.66, Medicare- 1,794.67, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.93.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 940.39, Marisol Curiel- 921.60, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Darlene Davis- 912.00,

Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-866.40, Phyllis Ridge- 944.51, Margaret Rahn- 1229.82, Daniel Christoffers- 538.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.25, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 995.02, Jeremy Bermel- 1922.76, Anthony Bos- 1804.38, Sandy Dickens- 454.61, Brian Ellinger- 2156.70, Penny Epting- 1581.75, Brent Gilster- 2284.90, Todd Hammer- 1947.26, Melvin Harrison III- 2255.54, Rodney Herron- 1795.02, Jason James- 1613.89, Kimberly Johnson- 536.65, Jared Junge- 2208.72, Michael Kreegar- 2057.36, Gayle Richards- 854.40, Kevin Rohde- 2578.50, James Wagner- 1647.87, Randall Walsh- 2026.48, Kerry Johnson- 906.40, Sara Meadows- 1653.85, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 211.68, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1203.72, Ermelinda Ballesteros- 1417.91, Joshua Blatchford- 1254.83, Dusty Boyd- 1221.08, Rebecca Broer- 1315.41, Meagan Chase- 785.00, Sandy Dickens- 681.91, Michael Estes- 1504.17, Lisa Ford- 1199.21, Robert Foster- 1017.01, Joseph Gee- 1384.23, John Gilles- 1272.70, Alma Gunderson- 1307.69, Richard Hansen- 1436.35, Paula Harrigfeld- 803.01, Cathy Harsma- 1249.63, Deanna Haukap- 1067.59, Jackie Heaton- 1483.20, Jeffrey Heitzman- 1058.58, Adam Hough- 1189.39, Matthew James- 1323.88, Brett Johnson- 1210.14, Nicholas Kellen- 1202.85, Brenda Kelly- 1267.82, Terry Kern- 1846.15, Keith Klein- 1141.12, Mark Nelson- 1260.89, Travis Olander- 1182.23, Kimberly Peterson- 1137.68, Doyle Pilgrim- 960.00, Cara Reinders- 1126.71, Daniel Rodasky- 1329.14, Jutharatana Ruenprom- 1182.23, Stephanie Ryan- 1880.83, Linda Schovanec- 1242.40, Francis Tope- 1217.43, Charvette Williams- 1202.85, Jewel Williams- 1178.64, Matthew Wise- 992.88, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 10,322.38, State- 4,290.95, FICA- 7,673.66, Medicare- 1,794.67, Retirement- 5,971.07, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,508.65, Aflac Health- 496.80, Aflac Life/Dsbl- 136.98 and Flex Plan- 917.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,766.19, Road Employees Net Pay- \$10,651.35, Employer deductions paid: Retirement- 996.75, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 895.01, and Medicare- 209.32.

Brent Byroad- 1351.17, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,031.48, State- 456.24, FICA- 895.01, Medicare- 209.32, Retirement- 664.44, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting to convene as Board of Corrections at 4:03 p.m.  
Chair McLarty reconvened their meeting from the Board of Corrections at 4:08 p.m.

Chair McLarty called for the Agenda Item “George Foster - Discussion on the collective bargaining agreement between Local 251 and Dakota County. Article IX, Tool/Clothing Allowance. Possible Closed Executive Session.”

The Board did not convene in Closed Executive Session. Mr. Foster said that he thought that there was an error in the printing of the final Labor Agreement with Local 251 on the Tool/Clothing Allowance. He thought that the individuals who negotiated the contract should get together and compare notes to see if there was an error.

Chair McLarty said that the County’s Labor Attorney would have to be involved and Mr. Foster said that he had contacted Mr. Hanks, the County’s Labor Attorney, but that he won’t return his calls or emails. Mr. McLarty told Mr. Foster to notify the County in writing and then the County would get a hold of Mr. Hanks and agreed that a meeting of the negotiating team on both sides should get together to see if there was an error in the final printing of the Labor Agreement.

Chair McLarty called for the Agenda Item “Fred Franklin - County Surveyor’s Budget.”

Fred Franklin, County Surveyor, appeared before the board to discuss his budget. His budget is spent for the year and he explained that he never knows when he is going to get a request to locate corners. It is the County’s obligation to set the corners that fall in the County’s Right-Of-Way. He advise the Board that he is aware of one more possible request that he estimated to cost about \$750. He mentioned a couple more projects, but didn’t know if they would be done in this year’s budget or not. He does not know until he gets the requests to do a job. He said that Olsson and Associates has inquired about a large project and he assumed that it has to do with the recreation area being put in at Hubbard.

Chair McLarty told him to figure out how much he estimates that he will need to carry out this fiscal year and to return to the board with that figure.

Chair McLarty called for the agenda item “Mel Obbink – Mel Obbink with the Sidwell Company – presentation on digital mapping in Dakota County. Proposal for Dakota County to participate in aerial mapping.

Mel Obbink appeared before the board. He said to do the mapping for the 32 square miles that was previously talked about would cost about \$22,150 and that would be split in thirds between South Sioux City and Dakota County each paying one-third and Dakota City and Nebraska Public Power together paying one-third.

Chair McLarty said that there was another option and he described that. That would be a project that Sidwell would do the whole county and produce maps that would replace the maps in the Assessor's Office. That was estimated to cost between \$140,000 and \$150,000.

Several Commissioners was concerned about spending that much money right now.

Chair McLarty said to soften that it would have to be paid over 3 budget years and the participation of the other three entities. He said that as far as he was concerned, South Sioux City had committed to one-third of the total project if that's what the county decided and favored doing it while the county had fiscal participation, whereas if the county chooses to do it later the other entities may not jump aboard and participate.

After discussion it was mentioned to look at it next year because they felt that there was too little time in which to think about the project because the time frame in which Sidwell does fly over to produce aerials is the month of April before the trees leaf out and all the standing water disappears.

Betty O'Neill was given permission to address the board. She said that all the soil types have been counted and that Madelyn Thorsland draws out all parcels on the present maps for every deed that comes through the Register of Deeds Office, so she felt it was not necessary to spend the money for the mapping.

Vincent Kramper was given permission to address the board. He said that the NRD has all counties digitized and urged the Commissioner to check with them to see if those maps would accomplish what the county wants.

Sue Church, from Millis Beach, said that the roads out there go through people's property.

Commissioner Bousquet moved, seconded by Commissioner McNear to set the matter of Sidwell providing aerials for the County aside and to reconsider next January.

ROLL CALL VOTE: Gomez- Yea, McLarty- No, Bousquet- Yea, Rohde-Yea and McNear- Yea. MOTION CARRIED.

Chair McLarty opened the Public Hearing for Ho-Chunk Inc. /Heritage Express Liquor License Application, which is a Class D Beer, Wine & Distilled Spirits, Off Sale Only. The Hearing was opened at 4:53 p.m.

Chair McLarty asked if there was anyone who would like to address the board, who is in favor of the County Board to approve the Liquor License to Ho-Chunk Inc./Heritage Express Liquor License Application, which is a Class D Beer, Wine & Distilled Spirits, Off Sale Only to step up to the podium and offer your comments.

Annette Hamilton, an Officer of Ho-Chunk stepped up to the podium and said that this is basically a renewal of an existing License and she asked that the County Board approve the Liquor License that they have applied for.

Chair McLarty asked if there was anyone else that wish to address the board in support of approving a Liquor License to Ho-Chunk and no one stepped forward.

Chair McLarty asked if there was anyone who would like to address the board, who opposes the County Board to approve the Liquor License to Ho-Chunk Inc./Heritage Express Liquor License Application to step up to the podium and offer your comments.

No one stepped up to the podium.

Chair McLarty asked if there was anyone who would like to address the board, who takes a neutral position to the County Board approving the Liquor License to Ho-Chunk Inc./Heritage Express Liquor License Application to step up to the podium and offer your comments.

No one stepped up to the podium.

Chair McLarty closed the Public Hearing at 4:55 p.m.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the Liquor License Application of Ho-Chunk Inc. Heritage Express Liquor License Application, which is a Class D Beer, Wine & Distilled Spirits, Off Sale Only and to recommend to the State Liquor License Commission that they likewise approve said Liquor License.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty opened the Public Hearing for Lisa Parks DBA Gateway Bar & Grill, 1558 Gateway Drive, South Sioux City NE 68776 Liquor License Application, which is a Class C Beer, Wine & Distilled Spirits, On & Off Sale. The Hearing was opened at 4:55 p.m.

Chair McLarty asked if there was anyone who would like to address the board, who is in favor of the County Board to approve the Liquor License to Lisa Parks DBA Gateway Bar & Grill Liquor License Application, which is a Class C Beer, Wine & Distilled Spirits, On & Off Sale, to step up to the podium and offer their comments.

Lisa Parks stepped up to the podium and said that this is basically a renewal of an existing License and she asked that the County Board approve the Liquor License that she has applied for.

Chair McLarty asked if there was anyone else that wish to address the board in support of approving a Liquor License to Lisa Parks DBA Gateway Bar & Grill and no one stepped forward.

Chair McLarty asked if there was anyone who would like to address the board, who opposes the County Board to approve the Liquor License to Lisa Parks DBA Gateway Bar and Grill Liquor License Application to step up to the podium and offer their comments.  
No one stepped up to the podium.

Chair McLarty asked if there was anyone who would like to address the board, who takes a neutral position to the County Board approving the Liquor License to Lisa Parks DBA Gateway Bar & Grill Liquor License Application to step up to the podium and offer their comments.  
No one stepped up to the podium.

Chair McLarty closed the Public Hearing at 4:58 p.m.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the Liquor License Application of Lisa Parks DBA Gateway Bar & Grill Liquor License Application, which is a Class C Beer, Wine & Distilled Spirits, On & Off Sale Only and to recommend to the State Liquor License Commission that they likewise approve said Liquor License.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Bob Denton and Mike Carlson – Request for additional office space.”

Bob Denton, Chief Probation Officer, stepped up to the podium and presented the board with written information. Page 1 consisted of District Sixteen Demographics showing the percent of work load, Population and Reimbursement Percentage for each county within the district. Page two was a list of Probation Personnel and total salary and benefits paid by the State of Nebraska equaling \$824,519.59. Page three was a list of service provided, page four illustrated probation cost vs. jail cost and pages five and six were cost numbers for the four locations that Probation was considering and new office expenses, as follows:

COUNTY	<u>District Sixteen Demographics</u>		DISTRICT 16		REIMBURSEMENT PERCENTAGE
	DISTRICT 16 WORK LOAD		DISTRICT 16 POPULATION		
DODGE	525	(34%)	36,160	(34%)	34%
DAKOTA	451	(29%)	20,253	(19%)	24%
WASHINGTON	270	(17%)	18,780	(18%)	17.5%
CEDAR	79	(5%)	9,615	(9%)	7%
BURT	88	(6%)	7,791	(7%)	6.5%
THURSTON	71	(4%)	7,171	(7%)	5.5%
DIXON	76	(5%~	6,339	(6%~	5.5%
TOTAL	1,560	(100%)	106,109	(100%)	(100%)

**PAGE 1**

**Probation Personnel**

- Chief Probation Officer — Bob Denton
- Reporting Center Coordinator — Mike Carlson
- Office Manager — Michelle Stieren
- Specialized Substance Abuse Supervision Officer — Sophia LeMoine
- Specialized Substance Abuse Supervision Officer — Glenn Irwin
- Community-Based Intervention Officer — Alyssa Nelson
- Community-Based Resource Officer — Pat Korth
- Community-Based Resource Officer — Quin Rohan
- Community-Based Resource Officer — Scott Lord
- Community-Based Resource Officer — Debie Lahr
- Assistant Probation Officer — Brenda Hinz
- Assistant Probation Officer — Sarah Bartels
- Case Manager — Ranae Rogers
- R.I.S.E. (Rural Improvement for Schooling & Employment Specialist) -Rebecca Miranda
- Drug Technician — Doug Adams
- Drug Technician — Katie Tucker
- Senior Secretary — Janice Cain
- Secretary — Shelly Roeber
- Secretary — Rosalie Schweers

Probation Personnel Salary & Benefits paid for by State of Nebraska Total = \$824519.59

**Page 2**

**SERVICES PROVIDED**

- Sentencing Reports and Assessments of Adults & Juvenile Offenders
- Supervise 451 Adult/Juvenile Probationers
- Intensive Supervised Probation — High Risk Offenders
- Electronic Monitoring of High Risk Offenders
- Work Ethic Camp
- Specialized Substance Abuse Services (SSAS) - High Risk Drug Offenders
- Day/Evening Reporting Center — One Stop Shop (all services located at one convenient location for probationers)
- Alcohol and Drug Testing for all Probationers — Funded by State

- Screen all Juvenile Offenders for Detention Placement
- Pay for Offender Substance Abuse Evaluations
- Free Gang Prevention Program for Juveniles identified as Gang Members
- Free GED classes for Dakota County Probationers
- Free MRT groups for Probationers (intended to change criminal thinking in high risk repeat offenders)
- NA meetings
- Batterer's Education Program (intended to rehabilitate domestic violence offenders)
- Free Substance Abuse Relapse Prevention
  - Free Mental Health Counseling
  - Free Employment and Educational Development Groups for All Adult and Juvenile Probationers
- Free Mediation (provided by Nebraska Justice Center)

**PAGE 3**

**PROBATION COST vs. JAIL COSTS**

**Probation Cost** approximately 20 cents per day, per offender. Average of 451 offenders on probation in Dakota County per year.

**Total = \$33,236.88 per year**

**Jail Costs** approximately **\$50** per day, per offender.

Average of **88** prisoners in jail per month in Dakota County.

**Total = \$2,706,535.00 per year**

**PAGE 4**

**New Office Locations**

Location	Square Footage	Price per Sq. Ft.	Total Mo. Cost
South Ridge Plaza *Good Parking, basement for data/file storage	4717	13.50	\$5,306.25
3220 Plaza Drive *Parking a concern, concern with floor plan	5400	12.50	\$5,625.00
Cardinal Pointe	5000	13.00	\$5,785.00
Cornhusker Plaza	5,000	20.00	\$9,641.00

**PAGE 5**

Probation  
Dakota County's New Contribution

**New Office Expenses-Dakota County**

<u>Dodge County</u>	<u>Dakota County</u>	<u>Difference</u>	
Rent	\$42,000.00	\$63,675.00	\$21,675.00
Telephone	\$2,700.00	\$2,700.00	(0)
Janitorial	\$4,320.00	\$4,320.00	(0)
Utilities	\$4,200.00	\$3,900.00	-\$300.00
<b>Total</b>	<b>\$53,220.00</b>	<b>\$74,595.00</b>	<b>\$21,375.00</b>
	<u>Current Budget</u>	<u>Added Expenses</u>	<u>Total</u>
<u>Probation</u>	\$138,487.00 +	\$73,695.00	\$212,182.00
<u>Dakota County's Existing Contribution</u>		=24%	\$33,236.88
<u>Dakota County's New Contribution</u>		=24%	\$50,923.68
<u>Difference</u>		=	\$17,686.80

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve leasing South Ridge Plaza Location for the probation office and that Commissioner Rohde, Commissioner Gomez and Mr. Denton negotiate a lease agreement and bring it back to this Board for final approval.  
 ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Planning and Zoning Applicant Review Committee has recommended four applicants to serve on the P&Z Board. Three individuals to serve three year terms and one individual to a one year term."

He said that the review committee met and selected Andy Olson from Emerson, Tom Lynch from Jackson and Marlin Millard from Hubbard for the three appointments to a three year term. The selected Harold Moes from Homer for the one year term.



Marlin Millard stepped up to the podium and said that he felt that they needed someone further Northwest of Jackson rather than two right in the Village of Jackson. With Tom Lynch living in Jackson appointed to the P & Z Board and Joe O'Neill living in Jackson already serving on the board, you have Joe O'Neill and Tom Lynch living two blocks apart serving on the board.

Chair McLarty said that the Review Committee discussed that, but Tom Lynch owns a lot of property north of Jackson along the river and he would be able to cover that area.

Mr. Millard said that he thought that was in conflict of the by-laws.

Commissioner Rohde moved, seconded by Commissioner McNear to appoint Andy Olson from Emerson, Tom Lynch from Jackson and Marlin Millard from Hubbard to serve three terms on the Planning and Zoning Board and to appoint Harold Moes from Homer for one year to complete the unexpired term of Richard McNear on said Planning and Zoning Board, as recommended by the Review Committee.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Abstained.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Discuss construction of ingress and egress Road to serve the Millis Beach area. Possible action could follow. The board will discuss whether this will qualify from stimulus monies and discuss the safety issue of this.

Chair McLarty said that he asked that this be on the Agenda and said that if the Government is giving away money through the stimulus program, he could not see anything more important than the safety of our citizens than the Millis Beach Road. Therefore, he put it on the agenda to discuss it and if you would like to move forward with trying to get some of the stimulus money for that, we can do that.

Commissioner Rohde said that he would like nothing more than to have a road out there for those folks. We tried last year and came to a dead end. We have an alternative road, but that is probably not a solution you want to see. Mr. Rohde understood that stimulus money was for shovel ready projects. There would need to be some land rights acquired for this.

Chair McLarty said that shovel ready was the terminology that was used in the beginning. Then they had another section and now they have yet another section. He said that he did not feel there was a lot of chance here but it is kind of like buying a lottery ticket, if you don't play, you can't win and if we don't apply for the stimulus money we will never get it.

Commissioner McNear said that he thought it was a good deal, that he had to sit over there the other day waiting 20 minutes to get to the north with a load of corn.

Chair McLarty asked the Deputy County Attorney if they needed a motion to go forward. After discussion it was decided that if the Board was going to authorize Fred to apply on behalf of the county, then there needs to be a motion.

Commissioner Bousquet moved, seconded by McNear to direct Fred Kellogg to complete the paperwork to get stimulus money for another road in and out of Milles Beach.

The vote taken later. (see below)

Upon being asked if the public had any comment Susan Church stepped up to the podium. She said that she felt that any attorney looking at the situation would recognize that there is a safety issue.

Twice recently the rescue has had to come out. Walt Heinemann and one for Lois Hohenstein. She said that had there been a train they would have had to unlock the two gates to the west to get in and back out. She said that she came home about a month ago and she had to wait 15 minutes for a train then. Mean while her daughter was sitting on Highway 77 by-pass and about 5 cars come behind her. Her daughter asked her how long Susan had been setting there and when Susan looked at her watch it had been 12 minutes. Ms. Church's daughter said to Susan that she had been waiting out there on that highway about one-half hour and now I am sitting here waiting.

Susan said that this happens all the time. A person should not have to wait that long that often for a train. She recognized that was a railroad issue, but it is a safety issue. She says she sees land north of them that does not appear to be used for anything and is just brush. Ms. Church doesn't know who owns it but she feels that a road could be made there for them to have another way in and out.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty, called for the agenda item "Roads in two areas of Tompkins Addition need attention. From the 4 way stop north and from the 4 way stop east."

He said that is on the agenda to see if we can get a CDBG Grant to repair the surface out there.

Commissioner Rohde said it was on the One and Six Year Road Plan. That turned into being a different project, but the County Clerk said that he had requests to put that on the agenda by residents in the Tompkins Area and he said that those pictures were being passed around now.

Commissioner Bousquet said that he had quite a few phone calls on the streets in the Tompkins Addition and Old Saw Mill Road and that area out there. He said that he went out there and there are Frost Boils and they do need attention.

Commissioner Rohde shared with the board that there are four garbage companies that are servicing that area and that traffic just tears those roads up this time of year.

Mr. Kellogg, Road Foreman, said that he has a construction company out of Norfolk that can patch them, that it would not be good for the Road Dept. to try and cold patch them. He has requested a bid from a construction company to patch that, but that the construction company has not gotten back to him. He said that they got a bid on Lake Avenue, but they did not have enough funds to repair it.

Commissioner Rohde said that he thinks the Board needs to authorize Fred to repair some of these. Commissioner Rohde moved, seconded by Commissioner Bousquet to authorize Fred to make the repairs needed in the Tompkins Area.

Chair McLarty asked how the Board wished to proceed, to let Mr. Kellogg do what his budget will allow or authorize him more money if he needs it.

Mr. Kellogg said that he would look at the cost and he could get with the Road Committee and do what he can within his budget and if the Road Committee would like to continue the repairs, we can ask the Board for more money.

Chair McLarty asked if it was fair for the Road Committee to look at it and to come back with a recommendation.

It was the consensus of the Board to do that, so Commissioner Bousquet withdrew his second and Commissioner Rohde withdrew his motion.

Chair McLarty called for the agenda item "Tabled item" and there were none on the table.

Chair McLarty called for the agenda item "Commissioner Committee Reports."

Chair McLarty said that he had handed out the Legislative Report Update and mentioned that the back of the page is what is important.

Mr. McLarty reported that he received a letter from the US Dept. of Energy and they informed us that we have received \$87,300 for energy conservation. He said that this money has already been granted if we have projects so he stressed the importance of coming up with energy conservation within the courthouse and he mentioned ideas that would qualify for that.

Chair McLarty called for the agenda item "Public Comment."

Vincent Kramper stepped up to the podium and gave a review on the Papio Middle Missouri River NRD Pigeon/Jones Creek Site 15 Master Plan. He noted that the Nebraska Environmental Trust Fund has agreed to put \$977,000 into that project. This is money that the NRD was not expecting to be available for the project.

Betty O'Neill stepped up to the podium. Ms. O'Neill asked if the county could get any stimulus for C Avenue.

Jesus Alvarado stepped up to the podium and said he just wanted to thank the Board for the job they are doing and he wanted to observe a meeting.

Chair McLarty called for the agenda item "Pat Foust - Concerning City/County emergency management needs, personnel and upcoming requirements."

Pat Foust stepped up to the podium and said that over the years we have asked where with Emergency Management in Dakota County and he said that the fair answer to that is not where we should be. He said it is very difficult with one person and several projects going. He said that he is satisfied with the LEC itself and also satisfied with the communications issue, but that we need to pay more attention to Emergency Management. Over the years we have talked about bringing someone else on board and to catch up with plan writing. Mr. Foust learned from attending a meeting in Grand Island that the Counties will be asked to draft a County wide Hazard analysis plan. He looked at the guidelines for the development of that plan and best described it as written in Federal Language and managed to use about 93 pages of instructions. Everything has to be looked at, and by everything there is housing, infrastructure, roads, bridges, care centers, populations with special needs, evacuation plans, mitigation plans, and a new federal mandate, which is to have a pet care plan.

After that everything has to be numerically scored on a Socially Numeric Impact Scale, a Cost Scale and other scales to numerous to mention individually.

He then introduced the thought of hiring a Deputy Emergency Manager and he recommended someone who is trained in emergency management and can hit the ground running, as he put it. He said whoever would be brought in would not have time to be trained, someone who is certified.

Mr. Foust said that the Federal Management Grant for this year is \$21,488. EMPG money is pretty much guaranteed through 2012, The money coming to the state to be distributed through out the state is increasing fairly significantly. Mr. Foust thought that it would be prudent to expect 10 to 20,000 increase to that \$21,000, but he can not tell the board that they will receive \$20,000 more or even \$10,000 more. Mr. Foust said that he just left the City Public and Safety Committee meeting and he said that he thought there would be 24 to \$30,000 that has what we need and are looking for. In addition to that, we would be looking at a cell phone and benefits and by doing that we would be getting South Sioux City and Dakota County to the standards where we need to be.

Mr. Foust said that this is something that we could postpone, but cautioned the board that if Homeland Security comes in and does an audit and we do not have all the plans and inventories in place that they want, then they have the right to ask us for all the money that they have given us back since Homeland Security was formed in 2002. He estimated approximately about half a million dollars plus jeopardize future grand funding.

There was discussion how much adding a Deputy Emergency Manager would cost the county and that was thought to be about half of \$45,000 less any increase in the grant money.

It was the consensus of the Board that they were not ready to act on it in this meeting.

Commissioner McNear moved, seconded by Commissioner Gomez to delay action on this for two weeks.

Chair McLarty called for the agenda item "mail and or Emergency Business" and there was none.

Chair McLarty asked if there was anything else that wished to address the board and there was not, so he asked for a motion to adjourn.

Commissioner McNear moved, seconded by Commissioner Bousquet to adjourn at 4:57 p.m.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, April 13, 2009 Special Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called their Special Meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted, as follows; A current copy of the Open Meetings Act is posted on the east wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

Present: Commissioners McLarty, Rohde, Gomez, Bousquet, McNear and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kristi Quinn, Siouxland Interstate Metropolitan Planning Council were also present.

Absent: None

The agenda for the meeting was as follows:

4:00 p.m. Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the east wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

4:00 p.m. Open Public Hearing concerning an application to the Department of Economic Development for a Community Development Block Grant.

Dakota County, Nebraska is requesting \$350,000 for street improvements from the City of South Sioux City corporate limits to Stable Drive and from US 77 to Gateway Drive. The street improvements will be along Atokad Drive from the US 77 entrance to Gateway Drive (east/west) and Gateway Drive (east/west) from Atokad Drive to Gateway Drive (north/south). There will be \$342,500 for (0230) Street Improvements and \$7,500 for (0181) Grant Administration. The County will contribute \$117,000 of Roadway funds towards the project. All of the CDBG funds will benefit low and moderate income people in the project area. No people will be displaced as a result of this project.

- Kristy Quinn - Explanation of Grant
- Comments from Proponents
- Comments from the opponents
- Comments from neutral parties.
- Close hearing.

Adoption of Resolution and authorization to authorize SIMPCO to file grant application and to be administrator of the Grant for the County.

- Authorize the Chair to sign all documents affiliated with the application and Administration of the Grant.
  - Those that will need to be signed in this meeting are:
    - Citizen Participation Plan
    - Residential Anti-displacement and Relocation Assistance Plan
    - Applicants Statement of Assurances and Certifications
    - Resolution approving Application for CDBG Program (Street Improvements).

Adjournment.

At 4:02 p.m. Chair McLarty declared the Public Hearing open concerning an application to the Department of Economic Development for a Community Development Block Grant, where Dakota County, Nebraska is requesting \$350,000 for street improvements from the City of South Sioux City corporate limits to Stable Drive and from US 77 to Gateway Drive. The county proposes to replace the existing surface which is 22 feet wide and expand the streets to 24 feet. The street improvements will be along Atokad Drive from the US 77 entrance to Gateway Drive (east/west) and Gateway Drive (east/west) from Atokad Drive to Gateway Drive (north/south). There will be \$342,500 for (0230) Street Improvements and \$7,500 for (0181) Grant Administration. The County will contribute \$117,000 of Roadway funds towards the project. All of the CDBG funds will benefit low and moderate income people in the project area. No people will be displaced as a result of this project.

Chair McLarty followed up by saying: " This meeting of the Board of Commissioners of Dakota County, Nebraska is held at the Dakota County Board of Commissioners Boardroom in the Dakota County Courthouse, 1601 Broadway, Dakota City, Nebraska on this 13<sup>th</sup> day of April, 2009.

Notice of this Special Meeting was given in advance thereof by advertising in the Dakota County Star and notice of this meeting was given to the Chair and all members of the County Board of Commissioners. Availability of the agenda was communicated in advance notice to the Dakota County Board of Commissioners of this meeting and that it is open to the attendance of the public.

Chair McLarty stated that a current copy of the Opening Meetings Act is posted in the Dakota County Commissioners Boardroom and is available for review by all citizens in attendance at the beginning of the meeting..

Kristi Quinn, Siouxland Interstate Metropolitan Planning Council, explained the use of the requested funds. She also had a copy of the Grant Application as it was being submitted provided the County Commissioner adopted it.

Chair McLarty called for comments from Proponents to the County's application and there were none.

Chair McLarty called for comments from anyone opposing the County’s application and there were none.

Chair McLarty called for comments from anyone who desired to offer neutral comments and there were none.

Chair McLarty closed the Public Hearing at 4:08 p.m.

Chair McLarty asked if any of the Board Members had any questions.

Commissioner Rohde asked Ms. Quinn when she thought the money would be available for this project if it is approved.

Ms. Quinn said that the County should know by July or soon thereafter and then they (SIMPCO) will have some follow up correspondence to do. After that is complete the County could expect a release of funds approximately three months after that if all goes well.

Commissioner Rohde moved, seconded by Commissioner Bousquet that the Chair of the Dakota County Board of Commissioners be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the County of Dakota County, Nebraska and the Nebraska Department of Economic Development so as to affect acceptance of the grant application, by adopting Resolution 09C-007, as follows:

Resolution 09C-007

Resolution Approving Application for

Community Development Block Grant Program (Street Improvements)

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 Development Block Grant Program; and,

WHEREAS, the County of Dakota County, Nebraska, has obtained its citizens’ comments on county development and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$350,000 for replacing the existing surface of Atokad Drive/Gateway Drive in Dakota County, Nebraska. The county proposes to replace the existing surface which is 22 feet wide and expand the streets to 24 feet.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DAKOTA COUNTY, NEBRASKA:

That the Chair of the Dakota County Board of Commissioners be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the County of Dakota County, Nebraska and the Nebraska Department of Economic Development so as to affect acceptance of the grant application.

Dated this 13<sup>th</sup> day of April, 2009

\_\_\_\_\_  
Chair of the Dakota County Board of Commissioners

ATTEST:

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

Commissioner Rohde moved for the adoption of the motion and passage of the resolution.

Commissioner Bousquet seconded the motion and passage of the resolution.

Voting Aye: McLarty, Rohde, McNear, Gomez, Bousquet,

Voting Nay: None.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

The Chair and the County Clerk then signed the following documents:

- Citizen Participation Plan
- Residential Anti-displacement and Relocation Assistance Plan
- Applicants Statement of Assurances and Certifications
- Resolution approving Application for CDBG Program (Street Improvements).

With no further business the Chair called for a motion to adjourn.

Commissioner McNear moved, seconded by Commissioner Gomez to adjourn at 4:12 p.m.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

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

\_\_\_\_\_  
Date entered in book

Dakota County Board of Commissioners  
 Monday, April 20, 2009, Regular Meeting  
 Dakota County Courthouse  
 County Board Meeting Room  
 Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Rohde, Gomez, Bousquet, McNear and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board and Deb Fergen, Deputy County Attorney was also present.

Absent: None

The agenda for the meeting was as follows:

- 4:00 p.m. Call to Order with reciting the Pledge of Allegiance
  - A current copy of the Open Meetings Act is posted on the east wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.
  - Roll Call
  - Approve Minutes of previous meeting.
  - Approve Payroll claims submitted by County Clerk for payment.
  - Review and approve Accounts Payable Claims submitted by Co. Clerk.
- 4:02 p.m. Beverly Neth with the Dept. of Motor Vehicles to explain changes associated with LB 911 modifying Driver's License Procedures.
- 4:25 p.m. Village of Hubbard Board of Trustee Members Jason Martineck and Rick Nelson to discuss the County helping with surfacing the main road north out of town.
  - Miscellaneous Agenda Items
    - Jail Tour
    - Hiring a Deputy Emergency Manager to serve under Pat Foust
    - Pat Foust – Adopt a resolution authorizing the County to use the Design-Build system. It will allow the LEC to use the design-build system in the construction of the building expansion.
    - Garbage collection in the Tompkins area. The Board will discuss and approving to contact the residents in Tompkins Area to inquire whether the County should take bids for collection services to relieve the roads of unnecessary garbage truck traffic caused by having 4 companies collecting garbage.
    - Approve and sign agreements with the various gravel suppliers for providing the county with gravel.
    - Commercial Lease Agreement with Siouxland National Bank to lease space for Probation Office.
    - Aerial Photos and mapping by Sidwell.
  - Tabled Items: No items to consider.
  - Commissioner's Committee Reports
  - Commissioner Member Reports
  - Public Comment
  - Mail and/or Emergency Business
- 4:45 p.m. Adjournment.

Commissioner Gomez moved, seconded by Commissioner Bousquet, to approve the minutes of April 6, 2009 and the minutes of April 13, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde- yea, Bousquet- yea, McLarty- yea, Gomez- yea, McNear- yea. UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Payroll Claims submitted by the various offices and filed with the County Clerk subject to the Employee Agreement or Labor Contract governing the employees as follows:

COUNTY GENERAL FUND: Gross salaries- \$120,056.59, General Fund Employees Net Pay-\$87,294.66, Employer deductions paid: Retirement- 8,366.71, FICA- 7,315.09, Medicare- 1,710.78, DC Health Plan- 27,600.00, DC Dental Plan- 999.12 and Life Insurance- 199.71.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 924.30, Marisol Curiel- 918.72, Bobbi Jo Harsma- 1038.96, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 847.40, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 953.10, Jeremy Bermel- 1667.70, Anthony Bos- 1657.59, Sandy Dickens- 454.61, Brian Ellinger- 1677.16, Penny Epting- 1910.13, Brent Gilster- 1663.45, Todd Hammer- 1829.82, Melvin Harrison III- 1663.45, Rodney Herron- 1795.02, Jason James- 1442.45, Kimberly Johnson- 274.81, Jared Junge- 1775.12, Michael Kreegar- 1565.60, Gayle Richards- 854.40, Kevin Rohde- 1643.88, James Wagner- 1647.87, Randall Walsh- 1687.87, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1372.13, Ermelinda Ballesteros- 1571.00, Joshua Blatchford- 1213.99, Dusty Boyd- 1228.37, Rebecca Broer- 1361.70, Meagan Chase- 720.00, Sandy Dickens- 681.91, Michael Estes- 1249.96, Lisa Ford- 1217.43, Robert Foster- 1227.33, Joseph Gee- 1144.57, John Gilles- 1249.63, Alma Gunderson- 1288.41, Richard

Hansen- 1419.41, Paula Harrigfeld- 800.00, Cathy Harsma- 1284.23, Deanna Haukap- 1199.21, Jackie Heaton- 1540.88, Jeffrey Heitzman- 1260.80, Adam Hough- 1330.93, Matthew James- 1325.61, Brett Johnson- 1232.55, Nicholas Kellen- 1173.69, Brenda Kelly- 1262.26, Terry Kern- 1846.15, Keith Klein- 1137.68, Mark Nelson- 1249.40, Travis Olander- 1189.39, Kimberly Peterson- 1141.12, Doyle Pilgrim- 964.50, Cara Reinders- 1210.14, Daniel Rodasky- 1203.72, Jutharatana Ruenprom- 1182.23, Stephanie Ryan- 1210.14, Linda Schovanec- 1242.40, Francis Tope- 1166.40, Charvette Williams- 1394.21, Jewel Williams- 1203.72, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,333.51, State- 4,002.93, FICA- 7,435.31, Medicare- 1,710.78, Retirement- 5,665.51, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health- 16.20, Sheriff Union Dues- 290.00, Deferred Comp- 607.00, Garnishments- 1,508.65, Aflac Health- 496.81, Aflac Life/Dsbl- 136.98 and Flex Plan- 917.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,694.23, Road Employees Net Pay- \$10,602.98, Employer deductions paid: Retirement- 991.90, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 890.55, and Medicare- 208.27.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.21, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,021.17, State- 451.71, FICA- 890.55, Medicare- 208.27, Retirement- 661.20, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Accounts Payable Claims as filed by the County Clerk and submitted for payment as follows:

**GENERAL FUND:** Dakota County Star, publication- 338.08; Dakota County Star, lic. hearing notice- 51.43; Staples, supplies- 102.49; Theodore Piepho, reimbursement/mileage- 121.95; Robert Giese, mileage- 151.50; Charlotte Doenhoefer, prior yrs serv- 10.00; Ruth Jensen, prior yrs serv- 10.00; Ruth Jensen, prior yrs serv- 12.00; Mardell Sorensen, prior yrs serv- 26.00; Irene Vanlent, prior yrs serv- 16.00; NetSys+, template- 700.00; As Imservices, data storage- 3.50; Microfilm Imaging System, lease equipment- 240.00; Bear Graphics, perma plat envelopes- 348.65; Todds Storeall, April rental- 80.00; Gene Cantrell, reimbursement- 45.40; Dakota Business Systems, copier rental- 102.00; Dakota County Star, publishing- 19.29; Jolene Gubbels, minutes- 30.00; Jim Jepsen, reimbursement- 48.30; Dick McCabe, reimbursement- 56.40; Marlan Millard, reimbursement- 56.55; Joe O'Neill, reimbursement- 37.70; Martin Rohde, reimbursement, 71.40; Dakota Business System, ricoh equip payment- 99.00; Iowa Office Supply, office supplies- 68.54; Microfilm Imaging Svcs, scanning- 88.50; New Perspectives, shredding- 20.25; Kurt Rager, reimbursement- 73.03; Thomason West, cd rom service- 185.00; Jeremy Bowman, witness fee- 22.20; Terry Comstock, witness fee- 22.75; Dakota County Court, court costs- 1804.50; Randy Hisey, court appointed counsel- 1890.00; Dennis Hurley, court appointed counsel- 2592.00; Kueny Law Office, court appointed counsel- 687.80; Stuart Mills, court appointed counsel- 798.00; Douglas Roehrich, court appointed counsel- 396.00; Richard Thramer, court appointed counsel- 108.88; Patrick Tott, court appointed counsel- 1140.00; William Binkard, reimbursement- 272.83; Frank Gonzalez, interpreter fee- 500.00; Perkins Office Solutions, office supplies- 67.86; Thompson West, books- 609.06; District Court, claim lists- 513.00; Randy Hisey, court appointed counsel- 1344.00; MIPS, microfilm- 110.00; Norfolk Printing, binders- 273.84; Michael Schmiedt, mental health board- 57.00; Dakota County Star, publication- 73.88; Michael Stark, witness fee- 163.00; Richard Thramer, court appointed counsel- 536.64; Jody Wax, witness fee- 57.60; Peggy Akins, jury fee- 41.60; LeAnne Andersen, jury fee- 48.20; Tyson Bodlak, jury fee- 36.10; Jack Bossow, jury fee- 43.80; Jean Broyhill, jury fee- 38.30; Linda Carter, jury fee- 78.80; James Chrisman, jury fee- 36.10; Judy Clayton, jury fee- 43.80; David Criss, jury fee- 96.40; Mary Crombie, jury fee- 46.00; Judy Curry, jury fee- 81.00; Lance Curry, jury fee- 44.90; Daniel Danielson, jury fee- 43.80; Jeff Davenport, jury fee- 41.60; Bridget Davis, jury fee- 41.60; Sandra DeHarty, jury fee- 76.60; Norma DeLao, jury fee- 41.60; Randy DeRoin, jury fee- 46.00; Deanna Engel, jury fee- 43.80; Ann Felix, jury fee- 43.80; Marie Geeting, jury fee- 76.60; Cynthia Goetz, jury fee- 39.40; Linda Greer, jury fee- 76.60; Brad Grier, jury fee- 43.80; Trudy Gries, jury fee- 41.60; Rhonda Hattig, jury fee- 47.10; Jason Hegge, jury fee- 57.00; Tim Heikes, jury fee- 40.50; Danny Huls- 127.20; Colleen Kampfe, jury fee- 43.80; Linda Kellen, jury fee- 43.80; Becky Knudsen, jury fee- 41.60; Harold LaMere, jury fee- 83.20; Linda Lindgren- 46.00; Timothy McNamara, jury fee- 36.10; Darrell Mellick, jury fee- 76.80; Brian Moore, jury fee- 41.60; Linda Munhofen, jury fee- 76.60; Tonia Nuno, jury fee- 71.10; Brent Porter, jury fee- 76.60; Robert Rapp, jury fee- 78.80; Denise Riibe, jury fee- 36.10; Patricia Rohde, jury fee- 74.60; Patricia Stingley, jury fee- 43.80; Letta Sherlock, jury fee- 36.10; Paula Stockton, jury fee- 76.60; Sherry Swan, jury fee- 41.60; Tina Torticill, jury fee- 41.60; Kristian Velazquez, jury fee- 39.40; Decker Robert, jury fee- 161.00; Maximus, cost allocation plan- 557.65; Cummins Central Power, generator repair- 4459.25; Benstar Packaging, supplies- 374.15; City of Dakota City, sewer/water- 387.51; Gill Hauling, dumpster- 120.00; Rick Jensen, mileage- 141.79; Joe's Dept Store, supplies- 335.94; Menards, supplies- 1361.39; MidAmerican Energy, gas bill- 1531.00; NPPD, electric bill- 1679.79; Roto Rooter, sewer service- 108.75; Share Corp, janitorial supplies- 1541.38; Sams Club, supplies- 148.32; Trembly, pest control- 50.00; VerizonWireless, cell phone- 58.24; A-Team, service- 885.49; Dakota County Extension, reimbursement- 2474.60; Abramos Animal Services, animal control- 200.00; City of South Sioux, fuel/phone- 3001.11; Crystal Oil, fuel/headlight- 61.62; Custom Cage, cages- 2400.00; Dakota County Sheriff, reimbursement- 592.16; Dakota County Clerk, titles- 30.00; Electronic Engineering, remove/install equipment- 328.46; Dakota Food & Fuel, fuel- 680.59; Fremont Tire, vehicle maint- 782.94; Amy Hueser, interpreter- 40.00; Jack's Uniforms, supplies- 5542.63; Joe's Department Store, install equipment- 290.62; McArthur Sheet Metal, antenna plates- 61.16; Moore Wallace, gun application forms- 51.24; Racom, phone access line- 703.80; Sign Masters, lettering new units- 870.00; Sioux City Ford, vehicle maint- 871.13; Siouxland FCU, reimbursement-

473.04; Treat America Food Services, training meals- 1111.53; Ultramax, ammunition- 348.00; VerizonWireless, cell phones- 186.03; Walmart, ammunition,- 51.94; Watchguard Video, antennas- 71.00; Dakota County Sheriff, papers/warrants- 1929.22; Dakota County Bar Association, bar dues- 100.00; VerizonWireless, cell phone- 140.86; Butler County Sheriff's Dept, witness fee- 16.00; H2O4U, misc operating expenses- 39.75; All World Translation Services, interpreter fee- 82.50; Nebraska Dept of Motor Vehicles, driving records- 4.00; Iowa Office Supply Inc, copier contract- 94.19; Kim Watson, reimbursement- 81.26; Debra Schmiedt, reimbursement- 37.96; City of South Sioux, LEC cost hare- 29049.42; BI Inc, electronic monitoring- 220.00; Redwood Toxicology, drug test- 88.06; VerizonWireless, cell phone- 550.05; AmSan, supplies- 2568.92; BI Inc, house arrest- 553.85; Bob Barker, supplies- 1033.76; CBM Food Service- meals- 26952.58; Cash-Wa Distributing, food service- 202.83; City of Dakota City, water/sewer- 818.25; Dakota Business Systems, copier contract- 281.00; Dakota County Sheriff, reimbursement- 906.95; Dakota Family Dentistry, inmate dental- 69.00; Dakota Food & Fuel, fuel- 273.71; Sandy Dickens, mileage- 127.60; Gill Hauling, dumpster- 120.00; Jackie Heaton, mileage- 152.79; Jack's Uniforms, uniforms- 224.15; Janitor Depot, carpet cleaner- 183.91; Joe's Department Store, building repair items- 53.76; Kleen Solutions Inc, supplies- 188.85; Kreislers Inc, med supplies- 17.03; Mercy Bus Health, inmate house calls- 2756.00; Mercy Medical Center, inmate med bill- 753.40; MidAmerican Energy Co, gas bill- 1551.92; Midwest Office, copier contract- 245.83; Moore Medical LLC, inmate med bill- 551.26; N.E. NE Juvenile Services, juvenile holding- 4797.50; NW Iowa Emergency Phys, inmate med bill- 701.00; NPPD, electric bill-1907.58; NetSys+, computer issues- 425.00;Roto-Rooter, service- 851.65; Signs by Tomorrow, jail parking signs- 76.00; Siouxland FCU, reimbursement- 1976.91; Staples, supplies- 155.94; Thompson Electric, check circuit- 60.00; Treat America Food, meals- 10.78; Trembly Termite, pest control- 35.00; VerizonWireless, cell phone- 190.16; Walmart, supplies/meds- 2788.36; Woodbury Co Juvenile Detention, juvenile holding- 10300.00; Dodge County Clerk, expense reimbursement- 8309.22; Olsson Associates, 1 & 6 road plan- 603.39; Staples, office supplies- 15.67; VerizonWireless, cell phone- 32.97; Maureen Biggar, mileage- 190.30; Pam DeVries, mileage- 122.65; Pat Glover, hrs wrkd- 160.00; Kreislers Inc, multistick 100's- 68.86; Pacific City Graphics, business envelopes- 128.50; Dr. Thomas Wenthe, consulting physician fee- 250.00; Deanna Beckman, hrs wrkd/mileage-1216.30; Pam DeVries, mileage- 120.45; Alan Boyd, mileage- 687.50; American Legion, markers- 494.95; Army Times, subscription- 55.00; Electronic Engineer, pager- 13.95; Navy Times, subscription- 55.00; Perkins Office Solutions, supplies- 64.98; CVSOAN, dues/school- 96.00; Vet Aid Fund, correction error- 712.00; Thomson West, law books- 88.75; BenStar Packaging, copy paper- 1974.00; CableOne, internet service- 210.45; Claritus, rate chip- 275.00; Dakota County Treasurer, 2008 taxes- 7800.00; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; IBM Corp, main serv for as400- 218.58; MIPS, support- 390.79; Qwest, phone service- 1337.84; Region 4 Inc, 4<sup>th</sup> qtr payment- 5320.25; Three Rivers Benefit, flex plan admin- 90.00; Madelyn Thorsland, prior yrs serv- 10.00; US Postal Service, postage- 2500.00; WCS Telecom, telephone- 356.58; City of South Sioux, storm water mgmnt plan- 15562.00; Road Improvement Fund, budget transfer- 31000.00; Weed Fund, budget transfer- 1000.00;

**ROAD:** Aramark, towel service- 335.15; Bernies Lawn & Garden, supplies- 375.89; Bomgarrs, supplies- 97.94; Tim Butler, tools- 186.18; Central Valley Ag, misc- 5.00; Circle R, parts- 22.65; City of South Sioux, salt- 491.68; Dakota County Star, gravel bid notice- 28.08; Gill Hauling, dumpster- 55.00;GCR Tire Center, parts- 53.00; Great Plains Intl, parts- 26.96; Walter Heinemann, prior yrs serv- 29.00; Heritage, fuel- 68.00; Hubbard Mini Mart, fuel- 1526.85; Hundertmak, supplies- 40.00; H2O4U, supplies- 25.75; Jackson Glass, parts- 161.70; J & J's Pronto, fuel- 98.73; Joe's Dept Store, parts- 353.29; Knife River, asphalt- 65.52; L.G. Everist, gravel- 15142.45; Linweld, supplies- 82.73; Marlan Millard, prior yrs serv- 15.00; NAPA, supplies- 432.97; NPPD, homer service- 96.22; NE Nebr PPD, Hubbard service- 286.69; NNTC, phone service- 159.48; Powerplan, supplies- 67.17; Rees Mack, parts- 311.99; Sam's Club, supplies- 121.19; Sapp Bros, propane- 624.00; South Side C-Mart, fuel- 329.40; Steffen, blades- 330.00; Titan Machinery, parts- 642.49; VerizonWireless, cell phone- 53.61; Warren Oil, fuel- 570.00; Ziegler, parts- 4777.41

**ROAD IMPROVEMENT:** City of South Sioux. 9<sup>th</sup> Ave installment- 30470.34;

**POOR RELIEF 1500:** Becker Hunt, burial expense- 1550.00; Neb. Dept of HHS, qrtly admin payment- 28.50;

**VETERANS 1900:** Veterans Office, aid- 1700.00;

**PUBLIC SAFETY:** Jail Bond Fund, 88% sales tax- 17989.14; City of South Sioux, 12% sales tax- 2453.06;

**WEED FUND:** Bomgaars, spraying equipment- 399.20; Heritage Express, fuel- 50.00; Hubbard Mini Mart, fuel- 91.00; J and J's Pronto, fuel- 137.00; Leon Pies, fuel- 10.01; Quality Inn & Conv Center, lodging/meals- 159.76;

**E911 FUND:** City of South Sioux, 911 monies Jan-Mar 2009- 18002.98;

Chair McLarty noted some discrepancies with the claims such as; Building and Grounds Supt. did not sign some claims and attorneys did not have attachments.

Commissioner Bousquet complained what he thought was excessive mileage by officials or department heads.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Beverly Neth with the Dept. of Motor Vehicles to explain changes associated with LB 911.

Ms. Neth stepped up to the podium and explained how the issuance of Driver's License would change June 22. Basically the Treasurer's Office will issue a 30 day receipt instead of the actual license and the Driver's License will be sent from Atlanta, George. The change came about due to LB 911, which required compliance with the Federal Law pertaining to Real I.D.

She informed the Board that the Dakota City License Exam will be closed June 22 through June 29.



Chair McLarty called for the agenda item "Village of Hubbard Board of Trustee Members Jason Martineck and Rick Nelson to discuss the County helping with surfacing the main road north out of town." First they noted a correction that it is the road south of town that they were present to talk about. Jason Martineck and Rick Nelson presented to the Board a diagramed written map showing the village limits in relationship to Poplar Street and M Avenue. The Village wants to apply crushed asphalt from Highway 35 to where the Village Limits end on the West side of M Avenue, which is approximately 600' from the first bridge south of town.

They requested the county to reimburse the village for what it cost to apply crushed asphalt from the existing concrete drainage dip south of Poplar Street on the east side of M Avenue to where the village limits ends on M Avenue, which would amount to \$5,030 for the County.

There was a short discussion whether it would come out of 0802 Fund, which is Hard Road Improvement Surface or the Road Fund, which is 0300.

Mr. Nelson agreed that the County could wait until the next fiscal year to reimburse the Village of Hubbard the \$5,030.

Commissioner Rohde moved, seconded by Commissioner Bousquet to reimburse the Village of Hubbard \$5,030 for the County's share to apply crushed asphalt on M Avenue from the existing Concrete Drainage Dip approximately 466' south on said avenue.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Commercial Lease Agreement with Siouxland National Bank to lease space for Probation Office."

Bob Denton stepped up to the podium to discuss a proposed agreement that read as follows and had been discussed before the meeting.

COMMERCIAL LEASE

THIS LEASE is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009 between Siouxland National Bank doing business as South Ridge Plaza ("Landlord") and Dakota County Probation and Dakota County Board of Commissioners ("Tenant").

PREMISES: Landlord hereby leases to Tenant the property located at South Ridge Plaza, Suites #116-118-120, (approximately 4,715 sq feet) 1000 West 29<sup>th</sup> Street, South Sioux City, Nebraska 68776 on the following terms and conditions:

1. TERM: This lease shall be for a term of ten (10) years projected to begin on August 1, 2009 and ending on July 31, 2019, unless extended or terminated as herein provided. The start date/move in date is dependent on final completion of the leasehold improvements.

2. RENT: Tenant agrees to pay Landlord as rent \$5,306.25 per month, to Landlord's address at P.O. Box 987, South Sioux City, Nebraska 68776, or at such other place as Landlord designates in writing for the first ten (10) years of the Lease. All rental payments shall be due on the first day of each month during the term of the Lease. In addition to fixed rent, the Tenant shall pay an additional rent. All monies required to be paid by the Tenant as set forth is the balance of the provision thereof. Specifically but not by way of limitation, the reasonable value of any action taken or materials used by Tenant to correct or mitigate any violation of this Lease by the Tenant shall be deemed additional rent and charged to Tenant, payable with the following month's fixed rent payment.

3. USE AND CARE OF PREMISES:

- A. Tenant shall continuously occupy the premises for an office facility and for no other purpose.
- B. Tenant shall promptly comply with all laws, ordinances and regulations promulgated by duly constituted governmental authority affecting the cleanliness, safety, use and occupation of the premises and pay all costs involved in such compliance.
- C. Tenant shall perform no acts nor carry on any practices that may injure the building or be a nuisance or menace to other tenants.
- D. Tenant shall keep the sidewalks adjacent thereto clean and free from ice, snow, and dirt.
- E. Tenant shall not conduct any activities on the premises that may cause an increase in the cost of fire and extended insurance coverage upon the building or premises.

4. ASSIGNMENT TO SUBLEASE: Tenant shall not assign this Lease or sublet any part of the premises without the previous written consent of Landlord, which consent shall not be unreasonably withheld, provided that any such assignment or sublease shall not materially increase the fire and extended coverage rates, and provided further than any assignee shall be, in the judgment of the Landlord, able to carry out this Lease and willing and able to keep the premises in repair. No assignment shall free Tenant from any of its obligations under this Lease or be construed or taken as a waiver of any of Landlord's rights or remedies hereunder. Consent by Landlord to one or more assignments or to one or more sublettings shall not operate as a waiver of its rights under this paragraph to any subsequent assignment or sublease.

5. REPAIRS AND ALTERATIONS:

- A. Landlord's Repairs: Landlord shall keep the foundations, structural columns and beams, exterior walls (except plate glass doors or windows), and the roof of the building on the premises and the sidewalks adjacent thereto in good repair and, if necessary or required by proper governmental authority, make modifications or replacements thereof, except that the Landlord shall not be required to make or pay for any such repairs, modifications, or replacements which become necessary or desirable by reason of the acts or omissions of Tenant, its officers, agents, or employees.
- B. Tenant's Repairs: Except as provided in Section A of this paragraph, Tenant agrees at Tenant's expense at all times to keep the premises and appurtenances thereto clean, sanitary and safe and in good order, condition and repair, including the repair or

replacement of equipment, fixtures, light bulbs, lavatory, plumbing fixtures, and any broken glass.

- C. Alterations: Tenant shall not make any alterations, improvements, or changes affecting the premises without in each instance obtaining the Landlord's prior written consent. If such consent is obtained, Tenant shall furnish indemnification against liens, cost, damages, and expenses as Landlord may require. All alterations, improvements or changes (other than trade fixtures), which may be made or installed on the premises, shall remain upon the premises and be surrendered with them at the termination of this Lease.

6. ACCESS: Landlord, or its authorized representatives, shall have the right to inspect the premises at all reasonable times. During the last six (6) months of the Lease term, Landlord may post in or about the premises "For Rent" signs and enter and exhibit the premises to the prospective tenants or purchasers.

7. UTILITIES: Tenant agrees to pay all fees for utilities serving the premises including gas, electricity, telephone, cable, internet and sewer use fees. Landlord will be responsible for water, trash removal and snow removal for the parking lot.

8. TAXES:

A. Taxes on Tenant's Property: Tenant shall pay or cause to be paid promptly when due all taxes assessed against Tenant's personal property located in or about the premises.

B. Real Property Taxes: Landlord shall pay all real estate taxes assessed against said property.

9. INSURANCE:

A. Tenant agrees to procure and maintain continuously during the term of this Lease and any extension thereof, public liability insurance with a company acceptable to Landlord, at Tenant's cost, insuring Landlord and Tenant against all claims, demands, or actions for injuries to, or death of, any one person in the amount of not the less than ONE MILLION DOLLARS (\$1,000,000.00); for injury to or death of more than one person in any one accident in an amount of not less than ONE MILLION DOLLARS (\$1,000,000.00) and for damage to property in an amount of not less than SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00); made by or on behalf of any person, firm, or corporation, arising from or connected with the conduct or operation of Tenant's business on the premises and in, over, and under the adjacent sidewalks, streets, entrances, and exit ways.

B. Fire and Extended Coverage on Building and Premises: Landlord shall pay the cost of fire and extended coverage insurance upon the building and premises.

C. Insurance upon Personal Property of Tenant: The Tenant shall bear the costs and risk of loss with respect to all personal property owned by the Tenant any fixtures installed by the Tenant, which will be retained by the Tenant, by this Commercial Lease.

10: WAIVER OF CLAIMS AND INDEMNITY: All personal property on the premises shall be at the Tenant's risk and Landlord shall not be liable for any damages to said personal property caused by water, steam, sewage, gas, or odors or by any negligence or act of other tenants, occupants, or any other person unless such loss is caused by Landlord's negligence or breach of this Lease.

Tenant agrees to indemnify and hold harmless the Landlord from all claims, demands, or actions for injury to, or death of, any person or loss, or damage to, property in or about the premises and adjacent ways and sidewalks, including the person and property of Tenant, its employees, agents, invitees, licensees, or others, caused or asserted by reason of the breach of any of the agreements or other provisions of this Lease by Tenant, such indemnity to include the cost, expense, and attorney's fees reasonably incurred by Landlord. Nothing in this paragraph shall inure to the benefit of a third party.

11. FIRE DAMAGE: If the premises shall be damaged or partially destroyed by fire or other casualty to the extent of less than fifty percent (50%) of the insurable value thereof during the term of this Lease or any extension thereof, Landlord shall rebuild, restore, and repair the premises with all reasonable diligence and in such event, if the damage or destruction be without fault or neglect of the Tenant, the rents stipulated in the Lease, or a fair and just proportion thereof, shall be abated during the period of reconstruction.

If, however, the premises shall be substantially destroyed by fire or other casualty to the extent of fifty percent (50%) or more of the insurable value thereof, Landlord may elect either to repair or rebuild the premises or terminate this Lease. Either of such elections shall be made by the Landlord giving written notice to Tenant within sixty (60) days after the date of the event causing damage. If Landlord does so elect to repair or rebuild, and if the damage or destruction be without fault or neglect of the Tenant, the rents stipulated in the Lease, or a fair and just proportion thereof, shall be abated during the period of reconstruction.

12. CONDEMNATION: If the whole or any part in excess of twenty-five (25%) percent of the premises shall be taken by any public authority under the power of eminent domain, at the election of either party given by notice in writing to the other party within thirty (30) days after it is finally determined what portion of the premises will be taken, the term of this Lease shall cease as of the date of possession of such public authority, and rent shall be paid up to that date, with a proportionate refund by the Landlord of such rent as shall have been paid in advance.

If twenty-five percent (25%) or less of the premises shall be so taken by such public authority, the Landlord shall refund such rent as may have been paid in advance, and, thereafter, a fair and just proportion of the rent shall be abated.

In the event this Lease is not terminated under this Article, Landlord agrees promptly to make all necessary alterations and repairs required because of such partial acquisition by eminent domain. The Tenant's rights hereunder shall in no way prejudice or interfere with any claim which the Tenant may have against the authority exercising the power of eminent domain for damages for destruction of or interference with the Tenant's business or the premises.

13. ANTI-SUBROGATION: Notwithstanding any inconsistent provisions in this Lease, Landlord shall not be liable to Tenant or to Tenant's insurance carriers, or anyone claiming through or

under the Tenant, for any loss covered by Tenant's insurance, and the Tenant shall not be liable to the Landlord, or any of the Landlord's insurance carriers or anyone claiming under or through the Landlord, for any loss covered by Landlord's insurance. Each party shall cause proper endorsements to be placed upon their respective insurance policies to give effect to these provisions.

14. DEFAULT AND REMEDIES: If Tenant shall fail to pay when due any installment of rent, or fail to perform or observe any of its agreements or obligations hereunder, Landlord may take possession of the premises, repossess the same, and move there from all goods and chattels of Tenant and dispossess Tenant or anyone claiming by or under it. However, that the monthly installment of rent shall not be deemed to be in default until ten (10) days after written notice of default has been given to Tenant and no default shall be declared for Tenant's failure to perform or observe any of the other agreements, or obligations until Tenant is given written notification of such breach and fails to perform the agreement called for or remove the default within thirty (30) days after such notice by the Landlord. Such notice shall be deemed to be given upon personal delivery or mailing to Tenant.

In the event of such default, Tenant agrees to deliver the premises without process of law, and this Lease, at Landlord's option, shall terminate, but the obligation of Tenant to pay the rent, taxes, insurance, etc., shall not terminate and Tenant shall be liable for any loss or damage to Landlord for Tenant's failure to comply with the terms of this Lease, and Tenant hereby gives Landlord a lien upon any and all property of Tenant kept in or in use upon said premises, to be enforced in like manner as a chattel mortgage or security interest, whether exempt from execution or not, for rent due or to become due by virtue of this Lease. Upon such default by Tenant, Landlord shall be entitled to accelerate the monthly payment of rent so that they become due and owing in full immediately. Tenant agrees to pay all reasonable costs, attorney fees, court costs, and expenses reasonably incurred by Landlord to enforce the terms and conditions of the Lease in the event of Tenant's default in performance, including, but not limited to, any situation in which the Tenant's default in whole or in part to make required payments necessitates the hiring of an attorney to enforce such payments.

15. SURRENDER – HOLDING OVER: Tenant, upon termination of this Lease, either by lapse of time or otherwise, agrees peaceably to surrender to Landlord the premises, broom clean and in good condition and repair except for ordinary wear and tear or damage by fire or other casualty commonly covered by extended coverage insurance. Tenant agrees at Landlord's request to remove Tenant's trade fixtures upon such termination and to repair all damage to the premises caused by such removal.

If Tenant remains in possession after the termination of this Lease, without a new Lease reduced to writing and duly executed, Tenant shall be deemed to be a trespasser. If Tenant shall have paid, and Landlord shall have accepted, rent in respect to such holding over, Tenant shall be deemed occupying the premises only as a Tenant from month to month subject to all the agreements, or obligations of this Lease.

16. NOTICE: All notices required to be made by the terms of this Lease on the Landlord shall be made by delivering the same to the Landlord at P.O. Box 987, 1001 West 29<sup>th</sup> Street, South Sioux City, Nebraska, 68776, and all notices required to be made on the Tenant shall be made on the Tenant at P.O. Box 39, 1601 Broadway Street, Dakota City, Nebraska, 68731-0039.

17. MISCELLANEOUS:

A. Binding on Assigns: All agreements and obligations in this Lease shall be binding upon and inure to the benefit of the parties' successors and assigns.

B. Amendment in Writing: This Lease contains the entire agreement between the parties and may be amended only by subsequent written agreement.

C. Strict Performance: The failure of Landlord to insist upon strict performance by Tenant of any of the agreements or obligations of this Lease shall not be deemed a waiver of any of Landlord's rights and remedies and shall not be deemed a waiver of any subsequent breach or default by Tenant of any of the agreements, or obligations of this Lease.

D. No Surrender: No surrender of the premises shall be affected by Landlord's acceptance of the keys or of the rent or any other means whatsoever without Landlord's written acknowledgement of such acceptance as surrender.

18. SECURITY DEPOSIT: A security deposit of \$5,300 will be paid to the Landlord at the time of signing the Lease. Deposit will be returned at the end of the Lease after deducting any expenses deemed appropriate in terminating the Lease.

19. LEASEHOLD IMPROVEMENTS: The Landlord has provided the Tenant with CAD drawings of the layout of the leased space. The Tenant has approved this CAD drawing. The Tenant understands and accepts that there may be final adjustments to the CAD drawing to adhere to any construction issues that may arise. The projected room sizes and restrooms will meet the Tenant's requirements and expectations. This approved CAD drawing is attached to this agreement. Tenant agrees not to allow any mechanic's liens on Landlord's premises. The Tenant will be responsible for all expenses and costs of installing data, computer, and phone cables and lines throughout the leased space versus incorporating them into the lease.

20. ESCAPE CLAUSE: Tenant will have the right to terminate the lease after five (5) years in the event of imposition of governmental regulations, whether local, state, or federal, that would cause the Tenant to choose to cease operations in the County of Dakota County after a 120 days' written notice. In the event of such imposition, the Tenant would have the right to assign the remaining term of this lease to the State of Nebraska. Tenant's intention to cancel this lease must be expressed 120 days prior to actual termination of this lease.

21. NEBRASKA LAW: This lease shall be construed and enforced in accordance with the laws of the STATE OF NEBRASKA.

22. SIGNAGE: The Tenant shall be permitted to place a dignified sign containing the Tenant's name on building and/or door to the premises, the size and design of which shall be subject to the Landlord's approval.

23. OTHER: The Landlord reserves the right to make any changes or revisions to the current driveway, traffic flow, and parking arrangements during this lease or extensions.

IN WITNESS WHEREOF, the parties hereto have caused the due execution hereof as of the day and year first written above.

LANDLORD: Siouxland National Bank
DBA South Ridge Plaza and/or its assigns
By \_\_\_\_\_
Bart Gotch
Title \_\_\_\_\_
President

STATE OF NEBRASKA )
) ss
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_.

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

TENANT: Dakota County Probation
By \_\_\_\_\_
Robert Denton
Title \_\_\_\_\_
Chief Probation Officer

STATE OF NEBRASKA )
) ss
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public
TENANT: Dakota County Board of Commissioners
By \_\_\_\_\_
William I. McLarty
Title \_\_\_\_\_
Chairman, Board of Commissioners

STATE OF NEBRASKA )
) ss
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_.

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

Mr. Denton said that he discussed the rent due on the first day of the month with Mr. Gotch and he agreed that it could be the 15<sup>th</sup> of the month.

Commissioner McLarty suggested that it read "or as soon thereafter" because the landlord may receive payments as late as the 20<sup>th</sup>. Commissioner McLarty continued by explaining when the claims are due because his concern was that he did not want to get into a situation where we were always late and get late rent fees tacked on to the rent payment.

The County Clerk said that the payments could be later than that and illustrated that it could be as late as May 26<sup>th</sup> for the month of May.

Mr. Gotch suggested to set it for the 20<sup>th</sup> and there could be a grace period, so that was agreed to.

Mr. Denton continued to Section 3 Item B and mentioned that Commissioner McLarty had indicated concerns about smoke alarms and McLarty felt that should be the landlord's responsibility.

Commissioner McLarty said that we were talking about safety and Commissioner McLarty's thought was that smoke alarms are attached to the building, therefore they become a fixture thereof and anything affixed to the building is the landlord's.

Mr. Gotch agreed that the smoke alarms could be the responsibility of the landlord. Mr. Denton said that the landlord will be responsible for the smoke alarms.

Mr. Denton then addressed page 2 Section 5, Item A where it says "except plate glass doors or windows." Mr. Denton said he spoke to Mr. Gotch and he agreed that we can remove that phrase and the landlord would be responsible for broken windows.

Mr. Denton identified Section 5, item B under Tenant Repairs and said that he (landlord) wanted to leave everything in there including the repair or replacement of equipment, fixtures, and Mr. Denton said that he feels that is something we should be responsible for.

Commissioner McLarty said that his real problem here is plumbing fixtures and any broken glass. He said that he felt that anything affixed to the building is part of the building. Mr. Denton said, "OK, we can remove that—lavatory, plumbing fixtures and any broken glass."

And then under Section 10 we talked about “any damage caused by water, steam, sewage, gas, or odors.

Mr. Gotch said that would be under the renter’s policy.

Commissioner McLarty illustrated that if we bring something to your attention and it didn’t get fixed, and then there is a water leak, and it would damage our equipment and we have already called it to your attention, then I think you ought to be responsible as landlord.

Mr. Gotch said that he thought that would fall under the landlord’s negligence.

Mr. Denton said that is mentioned under Section 10 “unless such loss is caused by Landlord’s negligence”.

Mr. Gotch said that if there is some issue, just send it to me in writing and that covers the county.

Commissioner McLarty mentioned running it by the County Attorney.

Mr. Denton asked if he needed to bring it (the agreement) back before the board.

Commissioner McLarty said, “It has to be approved by the board.”

Commissioner Bousquet asked, “what about if we make a motion to accept the lease with the necessary changes.”

Chair McLarty asked the Deputy County Attorney about that.

The Deputy County Attorney said if that is what the board wishes. Obviously you would be signing it after Kim has looked at it. You want to be sure the changes have been made.

Chair McLarty said that he would not sign it until your office (County Attorney’s Office) says it is ok.

Commissioner Bousquet said that’s my motion. Commissioner Rohde said, “Second.”

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Hiring a Deputy Emergency Manager to serve under Pat Foust.”

Pat Foust, Law Enforcement Director, stepped up to the podium. He said that he had sent everyone a job description so the Board Members knew what was before them when approving the position.

Commissioner Rohde asked if he felt that he would get that qualified of a person in the salary range that he is projecting.

Mr. Foust thought that they could and if they can’t then they will not fill the position. As he put it he is not looking for just a warm body.

Commissioner Bousquet asked Mr. Foust if he had office space for a person and he said that he would find something and there is a spare desk in the reception area that will suffice.

Chair McLarty asked Mr. Foust what South Sioux City’s feelings were about the added position.

Mr. Foust said that South Sioux City had given unanimous approval at the last council meeting.

Commissioner Bousquet moved, seconded by Commissioner Gomez that the LEC Emergency Manager Director, Pat Foust, look for an Emergency Manager Deputy and to authorize the position.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Pat Foust – Adopt a resolution authorizing the County to use the Design-Build system. It will allow the LEC to use the design-build system in the construction of the building expansion.

Mr. Pat Foust said that this item was authorized by a statute in 2008, which permitted Government entities other than school districts to use the Design-Build approach to a project, but that a resolution has to be on file. The city has adopted a resolution, the LEC Board has adopted a resolution and Mr. Foust said that he was here to ask the County to adopt a resolution today.

Commissioner Gomez moved, seconded by Commissioner Bousquet to adopt the following Resolution 09C-008 RELATING TO THE USE OF A CONSTRUCTION ALTERNATIVE FOR THE DESIGN-BUILD CONTRACT TO EXPAND THE SOUTH SIOUX CITY-DAKOTA COUNTY LAW ENFORCEMENT CENTER. BE IT THEREFORE RESOLVED that the County hereby determines, based on the recommendation of the Law Enforcement Center Board, that it is in the best interests of the County to utilize the design-build contract process whereby the Law Enforcement Center Board will enter into a contract with a design-build team selected in accordance with policies approved by the County for entering into a design-build contract and the provisions of the Political Subdivisions Construction Alternatives Act.

**RESOLUTION 09C-008**

**RESOLUTION RELATING TO THE USE OF A CONSTRUCTION ALTERNATIVE FOR THE DESIGN-BUILD CONTRACT TO EXPAND THE SOUTH SIOUX CITY-DAKOTA COUNTY LAW ENFORCEMENT CENTER**

WHEREAS, the South Sioux City/Dakota County Joint Law Enforcement Center is an entity created pursuant to the Interlocal Cooperation Act; and,

WHEREAS, expenditure of funds for capital additions requires the approval of the governing bodies of the City of South Sioux City, Dakota County, Nebraska, and Dakota County, Nebraska; and,

WHEREAS, the Law Enforcement Center Board has determined that the existing building does not have adequate facilities for existing and potential law enforcement functions; and,

WHEREAS, the Law Enforcement Center Board has explored options for the design, location, and potential costs of expansion and sufficiency of the existing building to meet the needs of the Law Enforcement Center; and,

WHEREAS, the County Board has accepted the advice of the Law Enforcement Board to use a design-build contract for expansion of the Law Enforcement Center and desires to establish in this resolution procedures to be used in procurement of that contract.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF DAKOTA COUNTY, NEBRASKA:

SECTION 1: The County hereby determines, based on the recommendation of the Law Enforcement Center Board, that it is in the best interests of the County to utilize the design-build contract process whereby the Law Enforcement Center Board will enter into a contract with a design-build team selected in accordance with policies approved by the County for entering into a design-build contract and the provisions of the Political Subdivisions Construction Alternatives Act.

SECTION 2: The Law Enforcement Center Board shall make a recommendation to this Council for the award of the design-build contract supported by information and findings necessary to meet the requirements of the policies of the County for entering into a design-build contract.

SECTION 3: Upon receipt of the recommendation of the Law Enforcement Center Board and the necessary supporting information and confirmation of the findings necessary to meet the policy requirements of the County and the County Board of Commissioner's will authorize the award of the design-build contract.

SECTION 4: The design-build team will be responsible for selection and payment of all subcontractors and suppliers required for completion of the expansion of the Law Enforcement Center in accordance with the design-build contract.

SECTION 5: That the use of the design-build contract process will contribute to cost savings of the expansion of the Law Enforcement Center by eliminating the expensive funding and construction contingencies, the cost of distribution of detailed plans and specifications, and the cost of inflation necessitated by the lengthy design, competitive bidding and traditional construction process.

PASSED AND APPROVED this 20<sup>th</sup> day of April, 2009.

\_\_\_\_\_  
William I. McLarty, Chair  
County Board of Commissioners

ATTEST:

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

( S E A L )

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Garbage collection in the Tompkins area. The Board will discuss and may approve to contact the residents in Tompkins Area and to inquire whether the County should take bids for collection services to relieve the roads of unnecessary garbage truck traffic caused by having 4 companies collecting garbage."

The County Clerk said that was put on the agenda as result of comments in a previous meeting stating that part of the reason that the roads are deteriorating so much in the Tompkins Area was because of four different garbage trucks traveling those streets and to discuss whether it is feasible to bid the garbage service in that area to eliminate some of that traffic.

Commissioner Bousquet said that he thought that they were governed by South Sioux City by what they can build and he was referring that they were subject to South Sioux City's Zoning.

It was not known if the County had the authority to bid that service for the residents.

Commissioner Bousquet said it may be a good idea to have a weight limit on those roads and asked Fred Kellogg, if that was possible.

Fred Kellogg, Road Director, said that there is presently a 9 ton weight limit on those roads.

Mr. Bousquet then questioned if the county could reduce the tonnage to less than 9 tons so that only single axle trucks would be permitted.

Mr. Kellogg said that the county could set any weight limit on the roads, but he didn't know if it would be appropriate to dictate who could not come in there if they didn't have equipment that met the requirements. He said that we could not deny services like that.

Mr. Bousquet thought it needed more consideration and wondered if the County Attorney's Office could render a legal opinion if we could put that out for bid.

Deb Fergen, Deputy County Attorney, said that if you are looking for Ms. Watson to do research, the sexual Assault Jury Trial is on April 30, 2009 and that will have her time until then and after that there is another one set for May 19<sup>th</sup>.

Chair McLarty suggested that the subject be put on the back burner for awhile and Commissioner Bousquet agreed and said that he didn't want to infringe on anybody's rights.

Commissioner Gomez asked Don Watson what the minimum tonnage he carried on the truck that he has.

Mr. Watson said that his trucks were 18000 and under and everybody else is 33 and above.

Commissioner Rohde didn't think the County needed to get involved.

Chair McLarty called for the agenda item "Approve and sign agreements with the various gravel suppliers for providing the county with gravel."

The County Clerk presented agreements to be approved for the Chair to sign with Erlandson Transportation, Inc., Higman Sand and Gravel, L.G. Everist, Inc., Peterson Sand and Gravel, Pilger Sand and Gravel and Stalp Gravel Co, who were all companies that the board accepted their gravel bid. Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Agreements with Erlandson Transportation, Inc., Higman Sand and Gravel, L.G. Everist, Inc., Peterson Sand and Gravel, Pilger Sand and Gravel and Stalp Gravel Co, as specified in their bid to furnish the County gravel and to authorize the chair to sign all agreements.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Aerial Photos and mapping by Sidwell."

Chair McLarty said that he had been informed that the state had agree to digitize our maps for Dakota County, and he called down there and someone said, "yes we are going to do that", but that when he got down to Lincoln for a meeting with them and we were going to do a flyover and they were going to digitize the maps, but after getting down there, the Gentlemen that he was talking to knows nothing about it. His basic comment, which was his opinion, was that they would delay it for four years.

Chair McLarty called for the agenda item "Tabled Items and there were no items to consider."

Chair McLarty called for the agenda item "Commissioner's Committee Reports."

Chair McLarty asked if anything had been discussed on the building and there hasn't been.

He then asked if anything has been done on the stimulus monies.

Commissioner Bousquet said that he thought there was something being done with heating and air conditioning.

Joan Spencer said that Fred Kellogg would like to insulate the Homer building.

Ted Piepho, County Clerk, said that he had gotten with Rick Jensen and for him to get with Terry Kern to see if something could be done to the old jail since it is basically a block wall with a little insulation. Terry Kern did not know anything about it. The County Clerk also reported that Rick Jensen, Building and Grounds Supt., was on sick leave for two to four weeks so he won't be around to do anything.

It was also reported that Tom Bousquet, with A Team, is looking at all the air conditioning and heating units on the roof and will be giving the county a report before the next meeting.

Chair McLarty said that there is also issues in the courthouse where it is hot in the summer and cold in the winter and thought some of this could be corrected.

Commissioner McLarty remarked that we need to stay on this because we have this energy efficiency money available and he would hate for us not to use it and someone else gets it. He was referring to the US Dept. of Energy's letter reviewed in April 6<sup>th</sup> Meeting where they informed us that we were authorized to spend \$87,300 for energy conservation.

Commissioner Gomez reported that he and Commissioner Bousquet attended an LEC meeting.

Commissioner Bousquet reported that there is a P & Z Meeting tomorrow night, Tuesday, April 21.

Commissioner McLarty announced that he handed out an LEC legislative update with information. He pointed out that LB 121 was passed and will be signed by the Governor. That bill returns the Assessor's Office to the County. He also noted that LB 218 is in General File.

Chair McLarty called for the agenda item "Commissioner Member Reports" and there were none.

Chair McLarty called for the agenda item "Public Comment."

Sally Reinert from Dakota City stepped up to the podium and was concerned about LB 5, which was passed by the Legislature on March 5, 2009. She said that this bill removes the ban of trapping on public right of way of county roads and leaves it up to each individual government body to adopt a resolution whether or not to continue the ban. This was brought to our attention by the organization "Keep Nebraska Beautiful" because the safety risks that traps would impose on to volunteers who help pick up the road side and especially our young people.

She requested that a Resolution to continue the ban of right of way trapping be placed on the May 4<sup>th</sup> agenda.

Chair McLarty said that he would like to redirect that to the County Attorney's Office to see what the board can do to protect the safety of people.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

Susan Church had raised her hand to talk under "Public Comment" so the floor was given to her under Public Comment.

Susan Church from Dakota City stepped up to the podium and inquired whose responsibility it is to pick up the road sides and ditches. She said that the residents out there have done it a couple times, but within another week the ditch is full of garbage again.

The County Board left the meeting room to tour the jail at 5:12. The recorder was paused because the room would be empty. Commissioners Rohde and McNear did not participate in the jail tour and therefore deemed to be absent.

Terry Kern, Jail Administrator, took the Board Members present through the new county jail and there were no discrepancies of any kind brought to the board's attention.

Mr. Kern told the board that he reduced the number of Federal Prisoners back to 40, because that seems to be a number of Federal Inmates that works the best.





Dakota County Board of Commissioners  
Monday, May 4, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Bousquet, McNear and Daniel Christoffers, Acting Secretary. Joan Spencer, Administrative Assistant to the Board and Deb Fergen, Deputy County Attorney was also present.

Absent: Rohde, Gomez.

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims and any Accounts Payable Claims submitted by County Clerk for payment.

Recess to Board of Corrections

Reconvene from Board of Corrections

Fred Stinger Application for Special Designated Liquor License for Omaha Exposition & Racing, Inc. d/b/a Atokad Downs- Sept 10, 11, 12, 13, 2009.

Presentations of Plaques of Recognition.

Miscellaneous Agenda Items

- Appoint a Planning and Zoning Member to the Board of Adjustments. The past practice has been for the Secretary to the Planning and Zoning Board to also serve as the Secretary to the Board of Adjustments.
  - A Resolution may be considered and adopted to make that a policy.
- LB 5, March 5, 2009 - Discuss whether to draft and pass a Resolution to continue a ban on trapping in Public Right of Way.
- Authorize the Chair to sign the Contract for Project RD-20-7(1013)
- Authorize the Chair to sign the Contract for Project RD-77-4(1021)
- Final Probation Lease with Siouxland National Bank – Presentation and/or adoption of Final Lease because lease was modified at the recommendation of the County Attorney.
- Employee Handbook – Approve updates concerning ADA and Harassment Articles.

Tabled Items: There are no issues on the tabled.

Commissioner's Committee Reports - These are reports by any board member serving on one of the Board's Working Committee's reporting information pertinent to that Committee.

Commissioner Member Reports - This is an informational report by any Board Member, who wishes to communicate new information to other board members relating to County issues.

Public Comment

Mail and/or Emergency Business

Closed session to discuss pending litigation in a 2008 Tax Equalization and Review Commission case BPI vs. Dakota County Board of Equalization.

Recess to USDA Service Center 1505 Broadway Street.

Luncheon Meeting at the USDA Service Center

Reconvene USDA Service Center

Dakota County Extension Board hosting the Dakota County Commissioners

\*Supper

\*During dessert - short program

\*Welcome by Mary Ann Lussier, Dakota County Extension Board President

\*UNL Extension in Dakota County - who we are and what we do - Angela Abts, Keith Jarvi,

Brenda Sale, Carol Larvick and Tammy Peterson

\*4-H: What it Means to Me - 4-H'er (1 or 2) and 4-H Leader

\*Comments by Mary Ann Lussier, Dakota County Extension Board President

\*DC Commissioners adjourn and are welcome to leave.

Adjournment.

This agenda is subject to change up until 24 hours before the start of the meeting.  
The Chair reserves the right to modify the order of the agenda during the meeting.

Commissioner McNear, seconded by Commissioner Bousquet to excuse Commissioner Rohde and Commissioner Gomez for their absence.

ROLL CALL VOTE: Rohde- absent, Bousquet- yea, McLarty- yea, Gomez- absent, McNear- yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet, seconded by Commissioner McNear to approve the minutes of April 20, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- yea, McLarty- yea, Gomez- absent, McNear- yea, Rohde- absent.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Bousquet, to approve the payroll claims as submitted by Department Heads and filed by the County Clerk for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$121,031.43, General Fund Employees Net Pay- \$87,893.53, Employer deductions paid: Retirement- 8,433.86, FICA- 7,375.56, Medicare- 1,724.90, DC Health Plan- 27,600.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.93.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 953.55, Marisol Curiel- 921.60, Bobbi Jo Harsma- 1058.94, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 888.22, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 894.40, Jeremy Berme- 1760.90, Anthony Bos- 1686.95, Sandy Dickens- 454.61, Brian Ellinger- 2127.34, Penny Epting- 1554.00, Brent Gilster- 1771.11, Todd Hammer- 1663.45, Melvin Harrison III- 1663.45, Rodney Herron- 1795.02, Jason James- 1523.07, Kimberly Johnson- 342.21, Jared Junge- 1782.97, Michael Kreegar- 1497.12, Gayle Richards- 854.40, Kevin Rohde- 1663.45, James Wagner- 1647.87, Randall Walsh- 1789.20, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1239.55, Ermelinda Ballesteros- 1224.72, Joshua Blatchford- 1225.13, Dusty Boyd- 1250.24, Rebecca Broer- 1326.98, Meagan Chase- 775.00, Sandy Dickens- 681.91, Michael Estes- 1257.60, Lisa Ford- 1180.98, Robert Foster- 1244.57, Joseph Gee- 1127.33, John Gilles- 1249.63, Alma Gunderson- 1272.98, Richard Hansen- 1242.45, Paula Harrigfeld- 793.98, Cathy Harsma- 1268.85, Deanna Haukap- 1188.27, Jackie Heaton- 1639.76, Jeffrey Heitzman- 1104.60, Adam Hough- 1182.23, Matthew James- 1320.43, Brett Johnson- 1366.21, Nicholas Kellen- 1386.93, Brenda Kelly- 1217.70, Terry Kern- 1846.15, Keith Klein- 1130.78, Mark Nelson- 1257.06, Travis Olander- 1182.23, Kimberly Peterson- 1148.02, Doyle Pilgrim- 978.00, Cara Reinders- 1244.77, Daniel Rodasky- 1199.21, Jutharatana Ruenprom- 1402.60, Stephanie Ryan- 1206.50, Linda Schovanec- 1242.40, Francis Tope- 1166.40, Charvette Williams- 1386.92, Jewel Williams- 1185.81, Matthew Wise- 906.69, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1224.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,486.92, State- 4,021.85, FICA- 7,375.56, Medicare- 1,724.90, Retirement- 5,710.64, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,692.80, Aflac Health- 496.80, Aflac Life/Dsbl- 136.98 and Flex Plan- 917.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,694.22, Road Employees Net Pay- \$10,602.97, Employer deductions paid: Retirement- 991.90, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 890.55, and Medicare- 208.27.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,021.17, State- 451.71, FICA- 890.55, Medicare- 208.27, Retirement- 661.20, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: McLarty- yea, Gomez- absent, McNear- yea, Rohde- absent, Bousquet- yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty recessed the Board of Commissioners to convene as the Board of Corrections at 4:03 p.m.

Chair McLarty reconvened the Board of Commissioners at 4:12 p.m.

Fred Stinger appeared before the board to discuss his Application for Special Designated Liquor License for Omaha Exposition & Racing, Inc. d/b/a Atokad Downs for September 10-13, 2009.

Chair McLarty asked if there were any questions from the board or audience regarding this issue.  
There was none.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve and to recommend that the Nebraska Liquor Control Commission approve the Omaha Exposition & Racing Inc. d/b/a Horsemen's Atokad Downs, 1524 Atokad Drive, South Sioux City, Dakota County, Nebraska application request for a Special Designated Liquor License during their live horse racing event September 10-13, 2009.

ROLL CALL VOTE: Gomez- absent, McNear- yea, Rohde- absent, Bousquet- yea, McLarty- yea. UNANIMOUS MOTION CARRIED.

Chair McLarty presented Plaques to Dick McCabe, Richard McNear, Dennis Reinert and Jim Crosgrove for their service on the Dakota County Joint Planning and Zoning Commission.

Commissioner Bousquet moved, seconded by Commissioner McNear to appoint Thomas Lynch to the Dakota County Board of Adjustments.

ROLL CALL VOTE: McNear- yea, Rohde- absent, Bousquet- yea, McLarty- yea, Gomez- absent. UNANIMOUS MOTION CARRIED.

Chair McLarty said he believed LB5 had passed which would allow trapping in the Public Right of Way. He said that LB5 allows the Counties to prevent trapping.

Sally Reinert appeared before the board to express support for a ban of trapping in the Public Right of Way.

Carol Larvick with the Extension Office also appeared before the board to express support for a ban of trapping.

Commissioner Bousquet moved, seconded by Commissioner McNear to direct the County Attorney to write up a resolution to prohibit trapping in the Public Right of Way and that be brought to the Board of Commissioners for consideration in a future meeting.

ROLL CALL VOTE: Rohde- absent, Bousquet- yea, McLarty- yea, Gomez- absent, McNear- yea, UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda items – Authorize Chair to sign the Contracts for Project RD-20-7 (1013) and Project RD-77-4 (1021).

Chair McLarty explained that these were a requirement by the state that the Surveyor check certain markers. The State would reimburse us for the cost.

Commissioner McNear moved, seconded by Commissioner Bousquet to authorize the chair to sign the contracts for Project [RD-20-7\(1013\)](#) and Project [RD-77-4\(1021\)](#).

ROLL CALL VOTE: Bousquet- yea, McLarty- yea, Gomez- absent, McNear- yea, Rohde- absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item - Final Probation Lease with Siouxland National Bank – Presentation and/or adoption of Final Lease because lease was modified at the recommendation of the County Attorney.

Commissioner Bousquet asked if all the corrections had been made. Deputy County Attorney, Deb Fergen, confirmed that they were.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the Final Probation Lease with Siouxland National Bank with changes recommended by the County Attorney as follows:

**COMMERCIAL LEASE**

**THIS LEASE** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, between Siouxland National Bank doing business as South Ridge Plaza (“Landlord”) and Dakota County Probation and Dakota County Board of Commissioners (“Tenant”).

**PREMISES:** Landlord hereby leases to Tenant the property located at South Ridge Plaza, Suites #116-118-120, (approximately 4,715 sq feet) 1000 West 29<sup>th</sup> Street, South Sioux City, Nebraska, 68776, on the following terms and conditions:

**1. TERM:** This lease shall be for a term of ten (10) years projected to begin on August 1, 2009, and ending on July 31, 2019, unless extended or terminated as herein provided. The start date/move in date is dependent on final completion of the leasehold improvements.

**2. RENT:** Tenant agrees to pay Landlord as rent \$5,306.25 per month to Landlord’s address at P.O. Box 987, South Sioux City, Nebraska, 68776, or at such other place as Landlord designates in writing for the first ten (10) years of the Lease. All rental payments shall be due on the 20<sup>th</sup> day of each month during the term of the Lease. In addition to fixed rent, the Tenant shall pay an additional rent. All monies required to be paid by the Tenant as set forth is the balance of the provision thereof. Specifically, but not by way of limitation, the reasonable value of any action taken or materials used by Tenant to correct or mitigate any violation of this Lease by the Tenant shall be deemed additional rent and charged to Tenant, payable with the following month’s fixed rent payment.

**3. USE AND CARE OF PREMISES:**

A. Tenant shall continuously occupy the premises for an office facility and for no other purpose.

- B. Tenant shall promptly comply with all laws, ordinances and regulations promulgated by duly constituted governmental authority affecting the cleanliness, safety, use and occupation of the premises and pay all costs involved in such compliance. Landlord shall be responsible for installation and maintenance of all smoke alarms and detectors.
- C. Tenant shall perform no acts nor carry on any practices that may injure the building or be a nuisance or menace to other tenants.
- D. Tenant shall keep the sidewalks adjacent thereto clean and free from ice, snow, and dirt.
- E. Tenant shall not conduct any activities on the premises that may cause an increase in the cost of fire and extended insurance coverage upon the building or premises.

4. **ASSIGNMENT TO SUBLEASE:** Tenant shall not assign this Lease or sublet any part of the premises without the Landlord's prior written consent, which shall not be unreasonably withheld, provided that any such assignment or sublease shall not materially increase the fire and extended coverage rates; further, any assignee shall be, in Landlord's judgment, able to carry out this Lease and willing and able to keep the premises in repair. No assignment shall free Tenant from any of its obligations under this Lease or be construed or taken as a waiver of any of Landlord's rights or remedies hereunder. Landlord's consent to one or more assignments or to one or more sublettings shall not operate as a waiver of its rights under this paragraph to any subsequent assignment or sublease.

5. **REPAIRS AND ALTERATIONS:**

- A. **Landlord's Repairs:** Landlord shall keep the foundations, structural columns and beams, exterior walls, and the roof of the building on the premises and the sidewalks adjacent thereto in good repair and, if necessary or required by proper governmental authority, make modifications or replacements thereof, except that the Landlord shall not be required to make or pay for any such repairs, modifications, or replacements which become necessary or desirable by reason of the acts or omissions of Tenant, its officers, agents, or employees.
- B. **Tenant's Repairs:** Except as provided in Section A of this paragraph, Tenant agrees at Tenant's expense to keep the premises and appurtenances thereto clean, sanitary, and safe and in good order, condition and repair, including the repair or replacement of equipment and light bulbs.
- C. **Alterations:** Tenant shall not make any alterations, improvements, or changes affecting the premises without in each instance obtaining the Landlord's prior written consent. If such consent is obtained, Tenant shall furnish indemnification against liens, cost, damages, and expenses as Landlord may require. All alterations, improvements or changes (other than trade fixtures), which may be made or installed on the premises, shall remain upon the premises and be surrendered with them at the termination of this Lease.

6. **ACCESS:** Landlord, or its authorized representatives, shall have the right to inspect the premises at all reasonable times. During the last six (6) months of the Lease term, Landlord may post in or about the premises "For Rent" signs and enter and exhibit the premises to the prospective tenants or purchasers.

7. **UTILITIES:** Tenant agrees to pay all fees for utilities serving the premises, including gas, electricity, telephone, cable, internet, and sewer use fees. Landlord will be responsible for water, trash removal, and snow removal for the parking lot.

8. **TAXES:**

- A. **Taxes on Tenant's Property:** Tenant shall pay or cause to be paid promptly when due all taxes assessed against Tenant's personal property located in or about the premises.

B. **Real Property Taxes:** Landlord shall pay all real estate taxes assessed against said property.

9. **INSURANCE:**

A. Tenant agrees to procure and maintain continuously during the term of this Lease and any extension thereof, public liability insurance with a company acceptable to Landlord, at Tenant's cost, insuring Landlord and Tenant against all claims, demands, or actions for injuries to, or death of, any one person in the amount of not the less than ONE MILLION DOLLARS (\$1,000,000.00); for injury to or death of more than one person in any one accident in an amount of not less than ONE MILLION DOLLARS (\$1,000,000.00) and for damage to property in an amount of not less than SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00); made by or on behalf of any person, firm, or corporation, arising from or connected with the conduct or operation of Tenant's business on the premises and in, over, and under the adjacent sidewalks, streets, entrances, and exit ways.

B. **Fire and Extended Coverage on Building and Premises:** Landlord shall pay the cost of fire and extended coverage insurance upon the building and premises.

C. **Insurance upon Personal Property of Tenant:** The Tenant shall bear the costs and risk of loss with respect to all of Tenant's personal property and any fixtures Tenant installs and will retain through this Commercial Lease.

10. **WAIVER OF CLAIMS AND INDEMNITY:** All personal property on the premises shall be at the Tenant's risk and Landlord shall not be liable for any damages to said personal property caused by water, steam, sewage, gas, or odors or by any negligence or act of other tenants, occupants, or any other person unless such loss is caused by Landlord's negligence or breach of this Lease.

Tenant agrees to indemnify and hold harmless the Landlord from all claims, demands, or actions for injury to, or death of, any person or loss, or damage to, property in or about the premises and adjacent ways and sidewalks, including the person and property of Tenant, its employees, agents, invitees, licensees, or others, caused or asserted by reason of the breach of any of the agreements or other provisions of this Lease by Tenant, such indemnity to include the cost, expense, and attorney's fees reasonably incurred by Landlord. Nothing in this paragraph shall inure to the benefit of a third party.

11. **FIRE DAMAGE:** If the premises shall be damaged or partially destroyed by fire or other casualty to the extent of less than fifty percent (50%) of the insurable value thereof during the term of this Lease or any extension thereof, Landlord shall rebuild, restore, and repair the premises with all reasonable diligence and in such event, if the damage or destruction be without fault or neglect of the Tenant, the rents stipulated in the Lease, or a fair and just proportion thereof, shall be abated during the period of reconstruction.

If, however, the premises shall be substantially destroyed by fire or other casualty to the extent of fifty percent (50%) or more of the insurable value thereof, Landlord may elect either to repair or rebuild the premises or terminate this Lease. Either of such elections shall be made by the Landlord giving written notice to Tenant within sixty (60) days after the date of the event causing damage. If Landlord does so elect to repair or rebuild, and if the damage or destruction be without fault or neglect of the Tenant, the rents stipulated in the Lease, or a fair and just proportion thereof, shall be abated during the period of reconstruction.

12. **CONDEMNATION:** If the whole or any part in excess of twenty-five (25%) percent of the premises shall be taken by any public authority under the power of eminent domain, at the election of either party given by notice in writing to the other party within thirty (30) days after it is finally determined what portion of the premises will be taken, the term of this Lease shall cease as of the date of possession of such public authority, and rent shall be paid up to that date, with a proportionate refund by the Landlord of such rent as shall have been paid in advance.

If twenty-five percent (25%) or less of the premises shall be so taken by such public authority, the Landlord shall refund such rent as may have been paid in advance, and, thereafter, a fair and just proportion of the rent shall be abated.

In the event this Lease is not terminated under this Article, Landlord agrees promptly to make all necessary alterations and repairs required because of such partial acquisition by eminent domain. The Tenant's rights hereunder shall in no way prejudice or interfere with any claim which the Tenant may have against the authority exercising the power of eminent domain for damages for destruction of or interference with the Tenant's business on the premises.

**13. ANTI-SUBROGATION:** Notwithstanding any inconsistent provisions in this Lease, Landlord shall not be liable to Tenant or to Tenant's insurance carriers, or anyone claiming through or under the Tenant, for any loss covered by Tenant's insurance, and the Tenant shall not be liable to the Landlord, or any of the Landlord's insurance carriers or anyone claiming under or through the Landlord, for any loss covered by Landlord's insurance. Each party shall cause proper endorsements to be placed upon their respective insurance policies to give effect to these provisions.

**14. DEFAULT AND REMEDIES:** If Tenant shall fail to pay when due any installment of rent, or fail to perform or observe any of its agreements or obligations hereunder, Landlord may take possession of the premises, repossess the same, and move therefrom all of Tenant's goods and chattels and dispossess Tenant or anyone claiming by or under it. However, that the monthly installment of rent shall not be deemed to be in default until ten (10) days after written notice of default has been given to Tenant and no default shall be declared for Tenant's failure to perform or observe any of the other agreements or obligations until Tenant is given written notification of such breach and fails to perform the agreement called for or remove the default within thirty (30) days after such notice by the Landlord. Such notice shall be deemed to be given upon personal delivery or mailing to Tenant.

In the event of such default, Landlord may declare this Lease to be terminated and shall give the Tenant written notice of such termination. Tenant agrees to deliver the premises without process of law, but Tenant's obligation to pay the rent, taxes, insurance, etc., shall not terminate.

**15. SURRENDER – HOLDING OVER:** Tenant, upon termination of this Lease, either by lapse of time or otherwise, agrees peaceably to surrender to Landlord the premises, broom clean and in good condition and repair except for ordinary wear and tear or damage by fire or other casualty commonly covered by extended coverage insurance. Tenant agrees at Landlord's request to remove Tenant's trade fixtures upon such termination and to repair all damage to the premises caused by such removal.

If Tenant remains in possession after the termination of this Lease, without a new Lease reduced to writing and duly executed, Tenant shall be deemed to be a trespasser. If Tenant shall have paid, and Landlord shall have accepted, rent in respect to such holding over, Tenant shall be deemed occupying the premises only as a Tenant from month to month subject to all the agreements or obligations of this Lease.

**16. NOTICE:** All notices required to be made by the terms of this Lease on the Landlord shall be made by delivering the same to the Landlord at P.O. Box 987, 1001 West 29<sup>th</sup> Street, South Sioux City, Nebraska, 68776, and all notices required to be made on the Tenant shall be made on the Tenant at P.O. Box 39, 1601 Broadway Street, Dakota City, Nebraska, 68731-0039.

**17. MISCELLANEOUS:**

- A. **Binding on Assigns:** All agreements and obligations in this Lease shall be binding upon and inure to the benefit of the parties' successors and assigns.
- B. **Amendment in Writing:** This Lease contains the entire agreement between the parties and may be amended only by subsequent written agreement.
- C. **Strict Performance:** The failure of Landlord to insist upon strict performance by Tenant of any of the agreements or obligations of this Lease shall not be deemed a waiver of any of Landlord's rights and remedies and shall not be



ROLL CALL VOTE: McLarty- yea, Gomez- absent, McNear- yea, Rohde- absent, Bousquet- yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item - [Employee Handbook](#) – Approve updates concerning ADA and Harassment Articles.

There was discussion about Harassment training for new and current employees.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the updates concerning ADA and Harassment Articles to the Employee Handbook.

ROLL CALL VOTE: Gomez- absent, McNear- yea, Rohde- absent, Bousquet- yea, McLarty- yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Tabled Items” and there were none.

Chair McLarty called for the agenda item “Committee Reports”.

Commissioner Bousquet discussed some developments with Planning and Zoning.

Commissioner McNear said he attended a meeting with the Health Department regarding the Swine Flu. He discussed the storage of the medical supplies.

Chair McLarty discussed bill LB121 that was passed and it requires the County to take over the Assessors office. He discussed some particulars regarding that process.

He also discussed bill LB218 which is being proposed that would affect Jail Reimbursement if passed as is. He explained there would be some loss of funds.

Chair McLarty called for the agenda item “Public Comment”.

Betty O’Neill appeared before the board and read a statement with questions regarding the Jail, ½ cent sales Tax, and claims.

Betty O’Neill asked why the interlocal agreement between Dakota County and South Sioux City stated the entire ½ cent sales tax was to go to pay off the bond, but didn’t believe this was happening because of a bill. She said that voters were not aware of this.

Chair McLarty described the disbursement of the money of the ½ cent sales tax revenue. He said that per the agreement, 12% goes to the City LLC and 88% goes to the County for the bond. Chair McLarty said that some of the money from the ½ cent sales tax was not paid to the county because the Nebraska Advantage Act allows the State to use sales tax money to be paid to business that have expanded or built in a subdivision. He said that a business had met that requirement. He said they did not have control of the unicameral and did not know this was going to happen.

Betty O’Neill asked if voters would vote on Phase 2 of the jail plan.

Chair McLarty said he did not know. He said they didn’t have a Phase 2 plan yet.

Betty O’Neill asked if there would be a public hearing on Phase 2.

Commissioner Bousquet said that his opinion was that when the information and figures are available the public would be informed.

Chair McLarty directed Betty O’Neill to talk to members of the Citizens Committee for the jail. He also confirmed that the public would be informed of the events.

Betty O’Neill had a question about a statement from the Journal that Chair McLarty had made concerning the tax rate dropping. She asked how much had the assessed rates increased.

Chair McLarty said that all he said was that the tax rate dropped.

Betty O’Neill asked how the County would pay for the paving of C Avenue.

Chair McLarty said that he did not have the answer yet, that it was something that the board would have to discuss.

Betty O’Neill asked for all this to be in the minutes.

Chair McLarty said that it would not be verbatim.

Betty O’Neill asked who authorizes the claims submitted by Commissioners.

Commissioner Bousquet said it is submitted with the rest of the claims and approved by the Commissioners.

Betty O’Neill asked about a claim she had submitted that was disallowed because it had not been authorized. She said she looked at other claims that were paid that had not been authorized as far as she could tell.

Chair McLarty explained a situation when he had something published in the paper. Afterwards he chastised for doing so by other board members because he had not been authorized by the rest of the board.

The process by which authorization of claims was discussed.

Chair McLarty asked if there was any other public comment or emergency business. There was none.

Commissioner Bousquet moved, seconded by Commissioner McNear to convene in closed executive session to discuss pending litigation in a 2008 Tax Equalization and Review at 4:46 p.m.

ROLL CALL VOTE: McNear- yea, Rohde- absent, Bousquet- yea, McLarty- yea. Gomez- absent.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner McNear to close the executive session and reconvene to open session.

ROLL CALL VOTE: Rohde- absent, Bousquet- yea, McLarty- yea. Gomez- absent, McNear- yea.  
UNANIMOUS MOTION CARRIED at 5:12 p.m.

There would be a lack of a quorum for the Luncheon Meeting at the USDA Service center. The Board decided not to recess but instead to adjourn.



Commissioner McNear moved, seconded by Commissioner Bousquet to adjourn at 5:13 p.m.  
ROLL CALL VOTE: Rohde- absent, Bousquet- yea, McLarty- yea. Gomez- absent, McNear- yea.  
UNANIMOUS MOTION CARRIED.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, May 18, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Bousquet, McNear, Rohde, Gomez and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board was also present.

Absent: None

The agenda for the meeting was as follows:

Meeting was advertised to begin at 4:00 p.m.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.

Dave Boschult Ag Dept, Noxious Weed. Yearly evaluation of Dakota County's Weed Program.

Miscellaneous Agenda Items

- Review and approve Accounts Payable Claims submitted by Co. Clerk. Approve Payroll claims submitted by County Clerk for payment.
- County Clerk approval for County Clerk to reinvest CD.
- Resolution to continue ban on trapping in public right-of-way.
- Allocation of Space – The State of Nebraska has shifted the responsibility of issuing motor vehicle titles from the County Clerk's Office to the County Treasurer's Office. This change is expected to be in place by August 15. The Board will consider relocating the County Clerk's Office to the basement of the Courthouse and the Treasurer would acquire the space now occupied by the Clerk. Action by the County Board is expected.
- Authorize County Clerk to solicit informal bids for carpeting and/or Linoleum for the vacated Extension Office/s.
- Licensed Plate Change. The County Board will consider whether to change the current County License Plates to be similar to Douglas and Lancaster County Plates. This consideration is result of the previous agenda item because it would drastically reduce the storage space needed for the Treasurer to store License plates.
- Employee Handbook – The County Board recently adopted an Employee Handbook approving updates concerning ADA and Harassment Articles. It has been suggested that the language "Wherever there is a conflict between the provisions of the Handbook and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail" be added to page three.
- Sale of Region IV and discussion of documents needing to be signed on behalf of Dakota County.
- Advertise for someone to serve on the Board of Adjustments.
- Hire M+ Architects' for Energy Grant Assistance
- Authorize Grant writer for Energy Grant

Commissioner's Committee Reports - These are reports by any board member serving on one of the Board's Working Committee's with information pertinent to that Committee.

Commissioner Member Reports - This is an informational report by any Board Member, who wishes to communicate new information to other board members relating to County issues.

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting.

Commissioner Bousquet moved, seconded by Commissioner McNear, to approve the minutes of May 4, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde- yea, Bousquet- yea, McLarty- yea, Gomez- yea, McNear- yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Dave Boschult Ag Dept, Noxious Weed. Yearly evaluation of Dakota County's Weed Program."

Mr. Boschult explained his evaluation report for Dakota County which showed Dakota County received 3398 points out of a possible 4000.

Chair McLarty called for the agenda item "Review and approve Accounts Payable Claims submitted by Co. Clerk."

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the Accounts Payable Claims as filed by the County Clerk and submitted for payment as follows:

GENERAL FUND: Dakota County Star, publication- 454.13; William McLarty, mileage- 166.62; CitiMaster Card, 2 lcd monitors- 199.98; Perkins Office Solutions, supplies- 190.17; Theodore A. Piepho, cell phone reimbursement-20.00; Staples, hp printer/wireless internet/envelopes- 610.94; Robert Giese, mileage- 132.00; Charlotte Doenhoefer, prior yrs serv- 10.00; Ruth Jensen, prior yrs serv- 12.00; Mardell Sorensen, prior yrs ser- 26.00; Irene VanLent, prior yrs serv- 16.00; Duggan Business, office supplies- 342.30; Staples, supplies- 199.22; AS ImServices, data storage- 3.50; Executive Tech, fax repair- 123.00; Siouxland Lock & Key, repair lock- 105.00; Microfilm Imaging Systems, April lease equipment- 240.00; Perkins Office Solutions, supplies- 96.32; Mobile Binders, covers for books- 309.00; Todd Storeall, May rent- 80.00; Dakota County Star, publishing- 21.22; Hubbard Post Office, postage- 100.00; Arnold Mellick, phone service- 21.00; Dakota County District Court, reimbursement of checks- 216.00; Executive Tech, copier contract- 189.00; Norfolk Printing, trial dockets- 546.54; Sec Treasurer, clerk of court dues- 25.00; Staples, supplies- 305.29; AS Central Finance, supplies- 132.66; Bengston's Cardinal Floor Store, carpet- 1836.86; Dakota Business System, ricoh equip payment- 99.00; Paula Jensen, reimbursement- 50.15; Lawsoft Inc, 09 child support cd rom- 250.00; Microfilm Imaging svcs, scanning- 88.50; Midwest Office Automations, contract- 358.59; Nebraska Crime Commission, CJ directory- 7.00; New Perspectives, shredding- 21.75; Kurt Rager, reimbursement- 166.78; Thomason West, cd rom service- 347.00; Josh Boggess, witness fee- 27.70; Penny Boggess, witness fee- 27.70; Deynty Cruz, witness fee- 25.50; Dakota County Court, court costs- 2294.41; Thomas A. Fitch, court appointed counsel- 1809.00; Randy Hisey, court appointed counsel- 378.00; Dennis Hurley, court appointed counsel- 768.00; Kueny & Begley Law Office, court appointed counsel- 1421.22; Troy Launsby, witness fee- 29.90; Alexis McFarlane, witness fee- 20.00; Rebecca McFarlane, witness fee- 30.45; Ann Nice, witness fee- 21.65; Douglas Roehrich, court appointed counsel- 546.00; Richard J. Thramer, court appointed counsel- 1196.64; Emmanuel Vazquez, witness fee- 56.30; James Weyhrich, witness fee- 23.30; William Binkard, reimbursement- 153.83; Dakota County Bar Assn, 09 bar dues- 50.00; Frank Gonzalez, interpreter- 600.00; Midwest Office Automations, semiannual copier contract- 274.65; Perkins Office Solutions, supplies- 139.25; Thompson West, 09 NE Ct rules state pamphlets- 138.30; Clerk Nebraska Supreme Court, informal appt- 122.00; District Court, criminal claim list- 248.00; Thomas Fitch, court appointed fees- 1752.00; Randy S Hisey, court appointed counsel- 252.00; Hungry's, jury meals- 391.70; Dennis Hurley, court appointed counsel- 336.00; Susan Hunke, transcribing- 60.00; HyVee, jury snacks/drinks- 106.07; MIPS, scanning packages- 85.00; Douglas Roehrich, court appointed counsel- 522.00; Shirley Sides, mental health hearing- 60.00; Patricia Slaughter, mental health hearing- 63.00; Patricia Tellez, witness fee- 43.30; A-Team Heating & Cooling, service- 260.00; Blade Runners Lawn Service, mowing service/power rake/haul away- 645.00; Bunkers Feed & Supply, softener salt- 47.29; Cummins Central Power, yearly contract- 971.50; G & R Controls, service- 617.00; Gill Hauling Inc, dumpster service- 120.00; Janitor Depot Inc, supplies- 158.05; Joes Dept Store, supplies-19.47; MidAmerican Energy, gas bill- 1531.00; NPPD, electric bill- 1773.52; Service Construction, door removal- 2540.00; Stateline Electric, atm repair supplies- 199.80; Trembly Pest Control, pest control service- 50.00; Verizon Wireless, cell phone- 58.24; NE Workforce Dept of Labor, inspection- 288.00; Curry Floor & Acoustics, carpet repair- 100.00; Dakota County Extension, reimbursement- 1462.13; PMRNRD, May rent- 833.33; A-1 Auto Service, vehicle maintenance- 341.29; Abramos, animal control- animal control- 250.00; Bekins Fire & Safety, recharge extinguisher- 21.50; City of South Sioux, long distance/fuel- 2776.84; Crystal Oil, tire repair- 18.00; Dakota County Sheriff, evidence collection supplies- 18.19; Dakota Food & Fuel, fuel- 351.83; Fremont Tire, vehicle maintenance- 1544.49; Harolds, film developing- 154.57; Joe's Dept Store, supplies- 187.70; MPH Industries, radar control repaired- 55.08; NLETC, material fee/firearms instructor- 255.00; Racom, phone access line- 703.80; Sioux Sales Company, ammunition- 70.00; Siouxland FCU, reimbursement- 1172.12; Sirchie Fingerprint Laboratories, sheriff line barrier tape- 109.21; Treat America Food Service, training meals- 53.14; Verizon Wireless, cell phones- 133.45; Dakota County Sheriff, papers/warrants- 3789.49; Nebraska Coalition for Victims of Crime, registration fees- 30.00; Cartridge World, office supplies- 83.56; Quill Corp, office supplies- 186.51; Verizon Wireless, cell phone- 141.24; Shelly Hodges, witness fee- 100.00; Kim Watson, reg fees/supplies- 157.09; Lucia Espinoza, witness fees- 303.00; Dakota County Treasurer, cash advance fund-11.00; Dixon County Sheriff, witness fees- 59.80; Sarah Meadows, mileage- 107.80; City of South Sioux, county share of LEC/equip set aside-51449.42; A.J. Phillips Publishing Co, business cards- 45.00; BI Inc, electronic Monitoring- 386.10; Caterina Chapman, mileage- 69.30; Redwood Toxicology, drug test- 372.07; Verizon Wireless, cell phone- 55.05; A-Team Heating & Cooling, service- 422.50; AmSan, supplies-2120.09; BI Inc, house arrest- 478.50; Bob Barker, supplies- 1917.19; CBM Foodservice, food service- 21079.26; Cash-Wa Distributing, supplies- 81.58; Com-Tec Security, camera & dvr service- 2677.88; Crescent Electric Supply Co, supplies- 230.41; Crittenton Center, inmate medical- 70.50; Dakota Business Systems, copier contract- 281.00; Dakota County Sheriff, reimbursement- 60.00; Dakota Family Dentistry, inmate medical- 175.00; Dakota Food & Fuel, fuel- 275.26; Sandy Dickens, mileage- 134.20; Fremont Tire, vehicle maintenance- 601.35; Gill Hauling, dumpster service- 120.00; Jackie Heaton, mileage- 135.25; HiTech Wireless, radio earpiece- 15.95; Hough Distributing, gloves- 487.37; Iowa-Nebraska State Bank, lease payment- 5351.34; Jack's Uniforms, uniforms- 66.70; Janitor Depot, supplies- 26.95; Joe's Dept Store, supplies- 89.80; Kreislers, supplies- 19.92; Mercy Bus Health, inmate medical- 2394.00; Mercy Medical Center, inmate medical- 5.00; MidAmerican Energy Co, gas bill- 932.22; Midwest Office Automations, copier contract- 167.35; NPPD, electric bill- 1937.79; NetSys+, computer issues- 80.00; NorthStar Services, floor buffer- 30.00; NW Iowa Emergency Phys, inmate medical- 160.00; NW Iowa Yes Center, juvenile holding- 1500.00; Doyle Pilgrim, mileage- 27.50; Siouxland Federal Cr UN, reimbursement- 2038.76; Siouxland Radiology Partners, inmate medical- 229.00; Spencer Fane Britt & Browne, legal services- 299.00; Staples, supplies- 138.14; TimeKeeping Systems Inc, touch buttons- 86.53; Trembly Termite & Pest Control, pest control services- 35.00; Verizon Wireless, cell phone- 194.15; Walmart,

supplies/inmate medical- 2223.36; Woodbury Co Juvenile Detention, juvenile holding- 10100.00; Dakota Business Systems, copier rental- 102.00; Days Inn, lodging- 47.66; Hubbard Post Office, postage- 100.00; Verizon Wireless, cell phone- 34.79; Maureen Biggar, mileage- 164.45; Pam DeVries, mileage- 168.43; Everett's Furniture, 2 chairs- 239.90; HyVee, supplies- 26.58; Dr. Wente, consulting phys- 250.00; Deanna Beckman, hrs wrkd/ mileage- 1291.50; Hopkins, digital scale- 81.95; Midwest Office, copier contract- 36.58; Alan Boyd, mileage- 516.45; Electronic Engineering, pager- 13.95; Thomson West, law books- 708.86; CableOne, internet service- 205.95; City of South Sioux, library contribution/lec grant- 44361.50; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Hasler Inc, postage meter rental- 249.00; JC Roofing & Insulating Inc, roofing of courthouse- 99650.00; MIPS, support- 390.79; Qwest, phone services- 1342.17; Three Rivers Benefit, flex plan admin fee- 90.00; Madelyn Thorsland, prior yrs serv- 10.00; US Postal Service, postage- 2500.00; WCS Telecom, telephone- 357.06; Weed Fund, budget transfer- 1000.00;

ROAD: Advanced Auto Parts, parts- 130.16; Aramark, towel service- 418.49; Barkley Asphalt, asphalt- 165.64; Bernies Lawn & Garden, parts- 141.68; Bierschbach, tools- 21.20; Bomgaars, parts- 207.07; Gill Hauling, dumpster services- 55.00; Guarantee Oil, oil- 1085.76; Walter Heinemann, prior yrs serv- 29.00; HME Inc, supplies- 309.40; Hubbard Mini Mart, fuel- 2654.17; Hydraulic Sales & Svc, parts- 5.50; H2O4U, supplies- 28.50; Jackson Glass, parts- 161.10; J & J's Pronto, fuel- 42.74; Joe's Dept Store, supplies- 422.98; Knife River, asphalt- 37.44; L.G. Everist, gravel- 33888.74; Linweld, supplies- 237.31; Marx Truck/Trailer, supplies- 166.53; Medical Enterprises, drug testing- 34.90; Midwest Svc & Sales, traffic sales- 468.75; Marlan Millard, prior yrs serv- 15.00; Napa, supplies- 384.20; NPPD, Homer service- 26.53; NE Nebr PPD, Hubbard service- 260.47; NNTC, phone service- 162.17; Powerplan, parts- 85.10; RC Customs, parts- 642.71; Rees Mac, parts- 126.84; St Lukes Oc Health, drug testing- 70.00; Side Dump Industries, asphalt tub- 1500.00; Sioux City Ford, parts- 56.66; South Side C Mart, fuel- 618.77; Steffen, parts- 217.00; Stephan Welding Inc, parts- 291.55; Tri State Comm, radio repair- 38.00; Verizon Wireless, cell phone- 50.45; Warren Oil, fuel- 7178.95; Ziegler, parts- 71.09

POOR RELIEF: Becker Hunt Funeral Home, burial expense/Burris- 1400.00;

VETRANS AID 1900: Veterans office, aid- 2975.00;

S.T.O.P FUND: Staples, trial aid- 160.49; Kim Watson, trail aid- 746.86;

LEC GRANT 2510: City of South Sioux, emergency mngt grant- 21488.00;

PUBLIC SAFETY 2960: Jail Bond Fund, 88% sales tax- 19075.10; City of South Sioux, 12% sales tax- 2601.15;

WEED FUND: Advanced Auto Parts, parts- 157.29; Dakota County Star, publishing- 150.00; FIMCO, parts- 97.76; Fremont Tire, parts- 265.00; Hubbard Mini Mart, fuel- 218.41; Hubbard Post Office, postage- 125.00; Motion Industries, sprayer equip- 19.62; NAPA, parts- 37.42; Torco Remfg, parts- 107.95;

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve Payroll claims submitted by County Clerk for payment."

Commissioner McNear moved, seconded by Commissioner Rohde to approve the Payroll Claims submitted by the various offices and filed with the County Clerk subject to the Employee Agreement or Labor Contract governing the employees as follows:

COUNTY GENERAL FUND: Gross salaries- \$120,410.26, General Fund Employees Net Pay- \$87,471.81, Employer deductions paid: Retirement- 8,398.18, FICA- 7,337.02, Medicare- 1,715.92, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.96.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 905.29, Marisol Curiel- 938.88, Bobbi Jo Harsma- 1038.96, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl- 912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 969.87, Jeremy Bermel- 1746.18, Anthony Bos- 1491.24, Sandy Dickens- 454.61, Brian Ellinger- 1882.68, Penny Epting- 2109.01, Brent Gilster- 1893.44, Todd Hammer- 2015.77, Melvin Harrison III- 1663.45, Rodney Herron- 1795.02, Jason James- 1559.15, Kimberly Johnson- 331.84, Jared Junge- 1622.57, Michael Kreegar- 1575.39, Gayle Richards- 854.40, Kevin Rohde- 1695.25, James Wagner- 1647.87, Randall Walsh- 1670.57, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1060.42, Ermelinda Ballesteros- 1224.72, Joshua Blatchford- 1254.83, Dusty Boyd- 1195.56, Rebecca Broer- 1332.77, Meagan Chase- 735.00, Sandy Dickens- 681.91, Michael Estes- 1253.78, Lisa Ford- 1202.85, Robert Foster- 1185.95, Joseph Gee- 1368.71, John Gilles- 1272.70, Alma Gunderson- 1303.84, Richard Hansen- 1430.70, Paula Harrigfeld- 589.47, Cathy Harsma- 1268.85, Deanna Haukap- 1202.85, Jackie Heaton- 1615.04, Jeffrey Heitzman- 1091.45, Adam Hough- 1121.32, Matthew James- 1294.57, Brett Johnson- 1228.84, Nicholas Kellen- 1292.15, Brenda Kelly- 1265.96, Terry Kern- 1846.15, Keith Klein- 1141.12, Mark Nelson- 1257.06, Travis Olander- 1175.06, Kimberly Peterson- 1137.68, Doyle Pilgrim- 997.50, Cara Reinders- 1202.85, Daniel Rodasky- 594.14, Jutharatana Ruenprom- 1160.73, Stephanie Ryan- 1202.85, Linda Schovanec- 1242.40, Francis Tope- 1281.22, Charvette Williams- 1199.21, Jewel Williams- 1200.14, Matthew Wise- 1134.23, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,405.09, State- 3,983.36, FICA- 7,337.02, Medicare- 1,715.92, Retirement- 5,689.02, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,692.80, Aflac Health- 496.81, Aflac Life/Dsbl- 136.98 and Flex Plan- 917.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,694.22, Road Employees Net Pay- \$10,602.97, Employer deductions paid: Retirement- 991.90, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 890.55, and Medicare- 208.27.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,021.17, State- 451.71, FICA- 890.55, Medicare- 208.27, Retirement- 661.20, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce, lodging tax- 11,157.83.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "County Clerk approval for County Clerk to reinvest CD. Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize and direct the County Clerk to reinvest the existing \$450,000 plus interest earned for 12 months and that the County Clerk reinvest that with a major bank in Dakota County, who will pay the highest rate of interest.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Resolution to continue ban on trapping in public right-of-way." Mr. McLarty explained that this is under consideration as a safety issue.

Sally Reinert commented that she has not talked to anyone who thinks LB5 was good for Dakota County and she made reference to the safety issues.

Jeff Smith echoed what Ms. Reinert said.

Commissioner Rohde moved, seconded by Commissioner Bousquet to adopt Resolution 09C-009, which prohibits trapping of any wildlife on Dakota County road right-of-ways and to send said resolution to the Nebraska Games and Parks.

RESOLUTION 09C-009

RESOLUTION REGARDING TRAPPING OF WILDLIFE ON COUNTY ROAD RIGHT-OF-WAYS

WHEREAS, the Unicameral of the State of Nebraska has passed and the Governor has signed a certain Legislative Bill 5, and

WHEREAS, Legislative Bill 5 would allow trapping of wildlife on county road right-of-ways unless prohibited by the County Board of Commissioners, and

WHEREAS, the Dakota County Board of Commissioners has deemed it necessary to prohibit trapping of any wildlife on Dakota County road right-of-ways due to liability issues; potential injury to County employees, residents, or any other individuals utilizing the county road right-of-way; and potential injury to pets or other domesticated animals.

THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby prohibits trapping of any wildlife on Dakota County road right-of-ways unless specifically authorized to be done by County employee or other government trappers who are hired to trap nuisance wildlife on Dakota County road right-of-ways that might endanger the infrastructure of the County roadway system or bridges, and

THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the State of Nebraska Game and Parks Commission so they may enforce any unlawful trapping within Dakota County road right-of-ways.

Resolved this 18<sup>th</sup> day of May, 2009.

/s/ William I. McLarty  
Chair  
/s/ Antonio Gomez  
Commissioner  
/s/ Bill B. Rohde  
Commissioner

/s/ Richard Bousquet  
Commissioner  
/s/ Richard McNear  
Commissioner  
ATTEST  
/s/ Theodore A. Piepho,  
County Clerk

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize County Clerk to solicit informal bids for carpeting and/or Linoleum for the vacated Extension Office/s."

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize the County Clerk to solicit bids for carpeting and/or linoleum for the replacement of flooring in the offices vacated by UNL Extension.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Licensed Plate Change. The County Board will consider whether to change the current County License Plates to be similar to Douglas and Lancaster County Plates. This consideration is result of the previous agenda item because it would drastically reduce the storage space needed for the Treasurer to store License plates."

The Board discussed authorizing the State to change Dakota County's License Plates to three alpha letters and three numbers. It was mentioned that it is nice to be able to look at a license plate and know what county a vehicle is from, which is the case with the present plates because the county number is the prefix of a License Plate Number. It was the consensus of the Board to place the item on the next meetings agenda.

Chair McLarty called for the agenda item "Employee Handbook – The County Board recently adopted an Employee Handbook approving updates concerning ADA and Harassment Articles. It has been suggested that the language "Wherever there is a conflict between the provisions of the Handbook and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail" be added to page three.

Commissioner Bousquet moved, seconded by Commissioner Gomez to add the following sentence; "Wherever there is a conflict between the provisions of the Handbook and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail" to the Disclaimer page of the Employee Handbook.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Sale of Region IV and discussion of documents needing to be signed on behalf of Dakota County." Chair McLarty said that Region IV North Star is selling their building and Dakota County has to sign off on several documents.

Lyle Todd appeared before the Board and said that the County had to sign several documents to clear the title for the sale of Region IV North Star. He itemized documents that Dakota County had to sign off as being a Termination of Lease-Purchase Agreement, Quitclaim Deed, Termination of a Site Lease and Special Warranty Deed.

Commissioner Gomez moved, seconded by Rohde to authorize the chair to sign all documents necessary for Region IV North Star to provide the purchaser of their building a clear title.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Advertise for someone to serve on the Board of Adjustments." Donna Krumwiede resigned from the Board of Adjustments and the Board proposed advertising for any citizen that would be interested in serving on that board.

Commissioner Bousquet moved, seconded by Commissioner McNear to accept the resignation of Donna Krumwiede on the Board of Adjustments and to place an ad soliciting interested citizens to serve on said Board as follows:

The Dakota County Board of Commissioners is seeking citizens interested in serving on the Dakota County Board of Zoning Adjustment. To be considered, please contact the Hubbard Road Shop at 402-632-5006 email [dakotacoroad@nntc.net](mailto:dakotacoroad@nntc.net) or Board Administrative Assistant at 402-987-2130 email [jspencer@dakotacountyne.org](mailto:jspencer@dakotacountyne.org) for an *Application for Membership*. Deadline to receive applications is Monday, June 22nd.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Hire M+ Architects' for Energy Grant Assistance."

Commissioner Rohde moved, seconded by Commissioner Gomez to hire M+ Architects to assist with the Energy Grant costing \$2,850 and will be paid out of the Grant if the Grant is received.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize Grant writer for Energy Grant."

It was reported that SIMPCO would write the Energy Grant and monitor the Grant for \$8,000. This will only be charged if Dakota County is awarded the grant and will be taken out of the grant itself.

Commissioner Rohde moved, seconded by Commissioner Bousquet to appoint SIMPCO to be the Grant Writer for the Energy Grant at a cost of \$8,000, which will be paid out of the grant received.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Committee Reports".

Commissioner Rohde reported that the Road Department has started working 10 hour days.

He also reported that they advertised for a Motor Grader operator as they never did fill Richard Hoelsing's position.

Commissioner Bousquet reported that the NE Community College has requested some help on tree removal and they would like to use the county's equipment and manpower to save them some cost. They would like for the county to dig out some stumps and haul off some limbs after a logger has cut what he wanted.

No one was opposed to the County helping the College and suggested that it be on the next meetings agenda.

Commissioner McNear asked if the County could hold off hiring another person. He said that he has had some calls suggesting not to. It was decided that the extra person would be used to break out vacations etc.

Commissioner McLarty called attention to the legislative hand out that he passed out and called special attention to LB 218, which he thought the county could expect to loose Jail reimbursement funds in the future.

Commissioner Bousquet said that we had a bid for Quartzite out of Sioux Falls for 5.30 per ton and encouraged the county to advertise and try to get people to back haul loads back.

Chair McLarty called for the agenda item "Public Comment".

Jeff Smith stepped up to the podium and complained about the way Leach Avenue is graded. He actually lives on 122<sup>nd</sup> and mentioned that there were soft spots. He felt that the furrows should be feathered out. He said that there is no way for the water to drain off the road with the furrow.

He also discussed access to the river. He said that there was always a large telephone pole there and blocks the road. He was talking about Road #37 that leads to the river. He said that next year he plans to get a wave runner and he wants to launch his wave runner there and wanted to know why they could not leave room for someone to drive near to the river's edge.

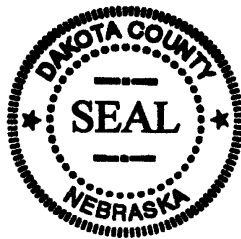
Susan Church from Dakota City stepped up to the podium and wanted to know how many grader operators the county has. She said that she contacted Fred Kellogg about a month ago and requested him to have someone to grade the roads at Millis Beach and they did. She complimented the operator for doing a good job, but complained how the county roads are over all.

She also spoke about a ditch that she felt should be maintained. Commissioner Bousquet knew what ditch she was talking about.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner McNear moved, seconded by Commissioner Bousquet to adjourn at 5:10 p.m.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, June 1, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners McLarty, Bousquet, Rohde, Gomez and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board was also present.

Absent: Commissioner McNear.

The agenda for the meeting was as follows:

Roll Call

Approve Minutes of previous meeting.

Recess to Board of Corrections – Meeting was advertised to begin at 4:03 p.m.

Reconvene from Board of Corrections.

Bill Wiseman and others – Maintenance of County Roads especially Kenesaw Road

Joe's Towing - Chuck Schram - Towing rotation for vehicles towed by the County

Kyle Krumwiede – Requesting permission to have the Beer Garden at an additional event at the Dakota-Thurston County Fair.

Miscellaneous Agenda Items:

- Approve Payroll claims submitted by County Clerk for payment.
- Allocation of Space – The State of Nebraska has shifted the responsibility of issuing motor vehicle titles from the County Clerk's Office to the County Treasurer's Office. This change is expected to be in place by August 15. The Board will consider relocating the County Clerk's Office to the basement of the Courthouse and the Treasurer would acquire the space now occupied by the Clerk. Action by the County Board is expected.
- Open informal sealed bids for removal and installation of linoleum and removal and installation of carpeting in the basement of the Dakota County Courthouse.
- Licensed Plate Change. The County Board will consider whether to change the current County License Plates to be similar to Douglas and Lancaster County Plates. This consideration is result of the previous agenda item because it would drastically reduce the storage space needed for the Treasurer to store License plates.
- Authorization to use County Equipment to remove tree branches and tree stumps for the Northeast Community College.
- Authorize SIMPCO to write and administer Bureau of Justice—Recovery Act Edward Byrne Memorial Justice Assistance Grant for Courthouse video cameras and card swipe for County Court office doors.
- Authorize Chair to sign a letter to the Nebraska Department of Roads requesting the State to fix county road approaches to Hwy 77 and Hwy 35 in Dakota County.

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Commissioner Gomez moved, seconded by Commissioner Bousquet to excuse Commissioner McNear for his Doctor's Appointment.

ROLL CALL VOTE: Rohde-Yea, McNear- Absent, Gomez- Yea, McLarty- Yea and Bousquet- Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the minutes of May 18, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their Board of Commissioners meeting to open the Board of Corrections Meeting at 4:02 p.m.

Chair McLarty reconvened their Board of Commissioner meeting from Board of Corrections at 4:10 p.m. Chair McLarty called for the agenda item "Bill Wiseman and others – Maintenance of County Roads especially Kenesaw Road."

Bill Wiseman appeared before the board and expressed concerns with the maintenance of Kenesaw Road and Fiddler Creek Road. He addressed culverts, bridges and the road in need of repair and too much crown in the roads.

Mr. Wiseman also felt that the grader operator did not need a pickup to drive around.



Fred Kellogg, Road Director, addressed the issues.

Chair McLarty called for the agenda item "Joe's Towing - Chuck Schram - Towing rotation for vehicles towed by the County."

The proprietor of Joe's Towing appeared before the Board and suggested that the rotation on County tows' have not been evenly distributed.

Pat Foust, LEC Director, said that the LEC does not have anything to do with the agreement. The agreement is between Scott Ford and the Towing agencies. Commissioner Rohde said that he received copies of the tow log and the tows appeared to be in rotation.

Randy Walsh, from the Sheriff's Office said that if someone requests a certain company, they call for that company. He added that sometime tows are refused and when they are then the towing company goes to the end of the line. He also said that they would be willing to participate in an agreement with South Sioux PD, the towing agencies and the County Sheriff's Office.

Chair McLarty called for the agenda item "Kyle Krumwiede – Requesting permission to have the Beer Garden at an additional event at the Dakota-Thurston County Fair."

Lonnie Wheeler appeared before the board and requested that the board authorize a beer garden at the Rock Band Concert Saturday night July 25, 2009 at the fair. A motion February 9, 2009 to authorize and approve the Issuance of a Special Designated Liquor License to the Ag. Society for the County Fair: July 23, 24, 25 and 26, 2009 had previously been approved, but they wanted to make sure that this event was covered as well.

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize a beer garden during the Rock Band Concert at the fair, which is Saturday night from 7:00 p.m., July 25, 2009 to 1:00 a.m. Sunday Morning, July 26, 2009.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Absent and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve Payroll claims submitted by County Clerk for payment."

There were no irregularities with the payroll

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the payroll filed with the County Clerk and submitted by him pursuant to the labor agreements as follows: COUNTY GENERAL FUND: Gross salaries- \$130,971.05, General Fund Employees Net Pay- \$94,282.75, Employer deductions paid: Retirement- 9,151.24, FICA- 7,991.81, Medicare- 1,869.01, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 204.18.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 933.08, Marisol Curiel- 910.08, Bobbi Jo Harsma- 1058.94, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 925.74, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 858.55, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 969.87, Jeremy Bermel- 1765.80, Anthony Bos- 2098.00, Sandy Dickens- 454.61, Brian Ellinger- 2132.24, Penny Epting- 2102.07, Brent Gilster- 1829.84, Todd Hammer- 2113.64, Melvin Harrison III- 2064.70, Rodney Herron- 2131.62, Jason James- 2125.63, Kimberly Johnson- 412.21, Jared Junge- 2062.56, Michael Kreegar- 1829.85, Gayle Richards- 854.40, Kevin Rohde- 2265.33, James Wagner- 1647.87, Randall Walsh- 1902.91, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Kimberly Watson- 2666.12, Caterina Chapman- 1213.20, Jacob Acero- 1725.08, Ermelinda Ballesteros- 1527.26, Joshua Blatchford- 1420.07, Dusty Boyd- 1397.86, Rebecca Broer- 1398.36, Meagan Chase- 655.00, Sandy Dickens- 681.91, Michael Estes- 1706.84, Lisa Ford- 1217.43, Robert Foster- 1387.68, Joseph Gee- 1540.54, John Gilles- 1455.34, Alma Gunderson- 1479.40, Richard Hansen- 1287.63, Paula Harrigfeld- 499.25, Cathy Harsma- 1455.34, Deanna Haukap- 1375.99, Jackie Heaton- 1868.42, Jeffrey Heitzman- 1048.76, Adam Hough- 1348.86, Matthew James- 1508.37, Brett Johnson- 1202.85, Nicholas Kellen- 1210.14, Brenda Kelly- 1228.84, Terry Kern- 1846.15, Keith Klein- 1363.19, Mark Nelson- 1234.07, Travis Olander- 1476.23, Kimberly Peterson- 1356.02, Doyle Pilgrim- 942.00, Cara Reinders- 1379.64, Daniel Rodasky- 2022.98, Jutharatana Ruenprom- 1338.10, Stephanie Ryan- 1561.89, Linda Schovanec- 1242.40, Francis Tope- 1341.36, Charvette Williams- 1538.19, Jewel Williams- 1399.02, Matthew Wise- 1108.83, Jolene Gubbels- 988.80, Leon Pies- 784.77, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 686.96, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 11,189.13, State- 4,615.98, FICA- 7,991.81, Medicare- 1,869.01, Retirement- 6,204.34, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,692.80, Aflac Health- 496.80, Aflac Life/Dsbl- 136.98 and Flex Plan- 917.25.

COUNTY ROAD PAYROLL: Gross salaries- \$15,414.45, Road Employees Net Pay- \$11,094.44, Employer deductions paid: Retirement- 1,040.49, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 935.20, and Medicare- 218.72.

Brent Byroad- 1423.14, Robert Hacker- 1254.77, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1471.60, Kimon Litras- 1345.04, Arnold Mellick- 1396.44, Leon Pies- 714.84, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,124.35, State- 489.76, FICA- 935.20, Medicare- 218.72, Retirement- 693.63, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Absent, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Allocation of Space – The State of Nebraska has shifted the responsibility of issuing motor vehicle titles from the County Clerk’s Office to the County Treasurer’s Office. This change is expected to be in place by August 15. The Board will consider relocating the County Clerk’s Office to the basement of the Courthouse and the Treasurer would acquire the space now occupied by the Clerk. Action by the County Board is expected."

Commissioner Rohde reported that Bart Gotch thought that the space the county was renting for the probation office would be done the first to the fifteenth of July. He requested that we delay this until the next meeting.

Chair McLarty called for the agenda item "Open informal sealed bids for removal and installation of linoleum and removal and installation of carpeting in the basement of the Dakota County Courthouse." There were two bids that were submitted and they were from Fashion Floor Carpet One, Sioux City Iowa and Curry Floor and Acoustics from South Sioux City, as follows:

Company information submitting Bid:

Fashion Floor, 305 W. 7<sup>th</sup> Street, Sioux City IA, signed by Gordon Quitt bid was

**Large Room Diagram number 1**

Remove existing linoleum and replace with medium grade Commercial Grade rolled no wax linoleum (not individual squares but rolled) in a room approximately 23’ 7” X 16’ room.

\$4,121.00 (A)

If it is not necessary to remove the linoleum from the floor, the County could deduct the following amount from the above price (A) \$540.00 (B)

If a better grade linoleum qualifying for a Good Classification were used the County should add the following amount to the original bid price (A) N/A (C)

**Three Room Diagram number 2**

Remove all existing carpeting and cove, and install a medium grade of Commercial Carpeting & color and design to be chosen by the County. Install new cove.

\$2,094.50 (D)

If the county was to choose a better grade of carpet rated of good classification, the county should add this amount to (D) \$211.00 (E)

Installing medium grade linoleum in these rooms instead of carpet   N/A   (F)

Installing good grade linoleum in these rooms instead of carpet   N/A   (G)

If the County accepts our bid, we will guarantee the project to be complete within 30 days of being the county deciding what material are to be installed.

Company warrants this bid is for 60 days

Curry Floor, 2510 Dakota Avenue, South Sioux City NE signed by the Company Representative was:

**Large Room Diagram number 1**

Remove existing linoleum and replace with medium grade Commercial Grade rolled no wax linoleum (not individual squares but rolled) in a room approximately 23’ 7” X 16’ room.

\$3,749.00 (A)

If it is not necessary to remove the linoleum from the floor, the County could deduct the following amount from the above price (A) \$387.00 (B)

If a better grade linoleum qualifying for a Good Classification were used the County should add the following amount to the original bid price (A) \$200.00 (C)

**Three Room Diagram number 2**

Remove all existing carpeting and cove, and install a medium grade of Commercial Carpeting & color and design to be chosen by the County. Install new cove.

\$1,919.00 (D)

If the county was to choose a better grade of carpet rated of good classification, the county should add this amount to (D) \$270.00 (E)

Installing medium grade linoleum in these rooms instead of carpet \$2,738.00 (F)

Installing good grade linoleum in these rooms instead of carpet \$3,010.00 (G)

If the County accepts our bid, we will guarantee the project to be complete within 90 days of being the county deciding what material are to be installed.

Company warrants this bid is for 60 days.

Commissioner Bousquet moved to authorize Building and Grounds Committee to make the decision who to go with for the flooring and to work out the final details on what needs to be done.

Upon a suggestion to go with Curry Floor since they are the low bid and they are a business located in the county, Commissioner Bousquet withdrew his motion to rephrase his motion.

Commissioner Bousquet moved to accept the bid of Curry Floor Acoustics and that the Building and Grounds Committee and the County Clerk work out the particulars as to how to precede with the flooring of the offices vacated by the Extension Office move. Gomez seconded the motion.

ROLL CALL VOTE: Rohde-Yea, McNear- Absent, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Licensed Plate Change. The County Board will consider whether to change the current County License Plates to be similar to Douglas and Lancaster County Plates. This consideration is result of the previous agenda item because it would drastically reduce the storage space needed for the Treasurer to store License plates."

There was discussion that is nice to know what county someone is from when they see a Nebraska plate in some other county or state. Several commissioners talked with people concerning this and the people they talked to had special feelings toward the 70- plate but when explained the space problem and it cost the state more money to make the present plate, the synopsis was to change.

Commissioner Rohde moved, seconded by Commissioner Bousquet to change the Dakota County Plate from the present plate with the county number 70 to the alpha numeric plate of three letters and three numbers due to the storage limitations of the County Treasurer's Office and to cut the cost of making plates. BE IT FURTHER RESOLVED that the plates include the name of the county to be stamped into the plate if that option is available.

Chair McLarty asked if there was anyone from the audience that would like to comment.

Everyone agreed with the concept to save space and to save money, but Bill Wiseman, Lue Franco and Betty O'Neill expressed that they would like to see the current plate numbers continued.

ROLL CALL VOTE: Rohde-Yea, McNear- Absent, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorization to use County Equipment to remove tree branches and tree stumps for the Northeast Community College."

Commissioner Gomez moved, seconded by Commissioner Bousquet to authorize the use of county equipment for the removal of trees and stumps for Northeast Community College.

Commissioner Bousquet said that Commissioner McNear has volunteered to run the excavator so this would be minimal cost for the county.

Chair McLarty asked if there were any comments from the public.

Betty O'Neill stepped up to the podium and was concerned what precedent the county would be setting for other entities requesting the use of county equipment.

Commissioner Bousquet cited several instances where the county participated in helping other entities with similar requests.

ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize SIMPCO to write and administer Bureau of Justice—Recovery Act Edward Byrne Memorial Justice Assistance Grant for Courthouse video cameras and card swipe for County Court office doors."

Mr. Randy Walsh said that the Justice of Bureau Affairs has several million dollars of grant monies and he asked the board to authorize SIMPCO to write this grant for cameras to be installed inside the courthouse as well as on the outside. He specifically mentioned cameras inside the courtrooms. SIMPCO will get back to us before they do anything if it involves costing the county any money.

The cost of the project was estimated at approximately \$119,000, which did not include administrative fees.

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize Randy Walsh to contact SIMPCO to be the grant writer to write a Grant Application to administer a Bureau of Justice Assistance Grant for Courthouse video cameras and card swipe for County Court Office doors and for SIMPCO to proceed with the application unless there will be a cost to the county, which in that case, will take additional Board action. BE IT FURTHER RESOLVED to authorize the Chair and the County Clerk to sign all documents for the submission of said grant application; provided there is no cost to the county.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize Chair to sign a letter to the Nebraska Department of Roads requesting the State to fix county road approaches to Hwy 77 and Hwy 35 in Dakota County."

Commissioner Rohde said that a number of County road approaches onto Highways 35 and 77, 200<sup>th</sup>, 225<sup>th</sup> and H Avenue to name a few, are in poor condition and he suggested that the County Board write a letter to the state and the Chair be authorized to sign said letter to prevent delay in mailing.

Commissioner Rohde moved, seconded by Commissioner Bousquet that a letter is written to the State Department of Roads citing that a number of County road approaches onto Highways 35 and 77 are in poor condition and to request that they be repaired. BE IT FURTHER RESOLVED TO authorize the Chair to sign said letter on behalf of the County Board.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Absent and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Board Committee Reports"

Chair McLarty called attention to the last Legislative Report that he had provided. He noted that both LB 218 and LB 121 had passed and that the county would have to start funding the Assessor's Budget and most likely would loose jail reimbursement monies from the state.

Chair McLarty called for the agenda item "Board Member Reports" and there were none.

Chair McLarty called for the agenda item "Public Comment". Bill Wiseman mentioned that on Kenesaw Road just off Fiddler Creek Road there are trees growing and

they need to be removed so it does not drift there. He said that he and his son did it some 23 years ago, but it has grown back.

Chair McLarty called for the agenda item "Mail and /or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Rohde moved, seconded by Commissioner Gomez to adjourn.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Absent and Gomez- Yea.  
UNANIMOUS MOTION CARRIED. 5:17 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair                      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk                      Date entered in book

Dakota County Board of Commissioners  
Monday, June 15, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Public Hearing for over expended Road Fund
  - Open Public Hearing
    - Open comments from the public supporting the issue.
    - Open comments from the public opposing any projects on the issue.
    - Open comments from the public with a neutral position on the issue.
    - Close Public Hearing
  - Resolution to amend budget

Ralph Puls - request County to pay \$4,000 for unexpected survey costs on Hubbard Project.

Pat Foust

- Recommendation from the City/County Law Enforcement Center Board regarding the Expansion Project.
- Approve Deanna K. Beckman as Alternate to Pat Foust to the NORTHEAST PET & INTEROPARABLE COMMUNICATIONS REGION.

Josephine McGinty – Property Values

Sam Thongphet d/b/a Laos Asian Market – Special Designated Liquor License 1709 F Avenue Dakota City for July 4, 2009, 12 noon to 10 p.m.

Miscellaneous Agenda Items

- Resolution for over expended Health Department Budget.
- Resolution for over expended Surveyor's Budget.
- Approve Payroll claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.
- Space Allocation & discuss using road personnel to help w/e 7-18 & 19.
- Taxes, Valuation and expenses

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the minutes of June 1, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Public Hearing for over expended Road Fund" and opened the Public Hearing at 4:01 p.m.

Joan Spencer, Administrative Assistant to the Board, explained that the Road Fund would go over budget by \$25,000 with the payment of the claims present to the Board for payment and therefore a Public Hearing was necessary in order to approve all the claims.

Chair McLarty asked if there was anyone in the audience that wish to speak in favor of the Road Budget being increased and there was not.

Chair McLarty asked if there was anyone in the audience that wish to speak in opposition to the Road Budget being increased and there was not.

Chair McLarty asked if there was anyone in the audience that wished to make any comments that has a neutral position of the Road Budget being increased.

Lue Franco stepped up to the podium and asked what the adopted budget of the Road Fund was and Ms. Spencer informed the audience that the Road Budget was \$1,458,464.43.

Chair McLarty closed the hearing at 4:04 p.m.

Chair McLarty asked if the Board wished to take action.

Commissioner Rohde moved, seconded by Commissioner Bousquet to amend the Road and Bridge budget by increasing it \$25,000.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty announced that the agenda item Ralph Puls - request County to pay \$4,000 for unexpected survey costs on Hubbard Project was withdrawn at the request of Mr. Puls.

Chair McLarty called for the agenda item Pat Foust - Recommendation from the City/County Law Enforcement Center Board regarding the Expansion Project.

Mr. Pat Foust, LEC Director, stepped up to the podium and asked for approval for the design build with Brown Construction doing the work.

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the design build approach for the LEC expansion project with Brown Construction being the Contractor.

Lue Franco asked what the 2008/2009 LEC Budget was and Mr. Foust said just over \$400,000.

Chair called for the vote.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the second agenda item under Pat Foust and that was to "Approve Deanna K. Beckman as Alternate to Pat Foust to the NORTHEAST PET & INTEROPARABLE COMMUNICATIONS REGION."

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the appointment of Deanna K. Beckman, as an alternated to Pat Foust to the NORTHEAST PET & INTEROPARABLE COMMUNICATIONS REGION, as follows:

DAKOTA COUNTY NEBRASKA  
COUNTY COMMISSION RECORD OF APPOINTMENT

Whereas the Nebraska Emergency Management Agency and the Nebraska Governors Homeland Security Policy Group act as the State Administrative Agency for Homeland Security within the State of Nebraska,

Whereas Dakota County has elected to participate in the Emergency Management and Homeland Security Programs set forth by Federal and State Agencies.

Whereas by participation in said Emergency Management and Homeland Security Programs Dakota County is assigned to be part of a 12 county member Northeast Planning, Exercise, Training (PET) and Interoperable Communications Region established by the State of Nebraska for purposes including but not limited to: Interoperable Communications Planning and System Implementation, Disaster Planning, and the Emergency Management/Homeland Security/Interoperable Communications Grant Program, and other programs as prescribed by State and Federal Authorities. Dakota County by participating in the Northeast PET & Interoperable Communications Region must appoint at minimum one person to serve as a member of and participate in the Northeast Regional governance board to the full extent as permitted and required by the needs of the program. Authority of said appointee shall not exceed authority granted by State Statute and/or the policy and procedures of Dakota County.

Whereas such appointment shall be at the pleasure of the governing authority of the County and be perpetual for the duration of the Northeast PET & Interoperable Communications Region unless the appointee is removed from the position for just cause. Such appointment shall be reviewed each year at the annual organizational meeting of the County Board.

BE IT RESOLVED that The Dakota County Board of Commissioners does hereby appoint Deanna K. Beckman to the group known as the NORTHEAST PET & INTEROPARABLE COMMUNICATIONS REGION alternate to fulfill all duties as required by the regional group.

This appointment is considered to be retroactive to the commencement of the region.

Approved and passed this 15th day of June, 2009.

DAKOTA COUNTY BOARD OF COMMISSIONERS  
William I. McLarty, Chairman

ATTEST:

Theodore A. Piepho  
County Clerk

(SEAL)

Three Copies; File, LEC and the NE PET & INTEROPARABLE COMMUNICATIONS REGION

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Josephine McGinty appeared before the board and presented Board Members with a hand out. One was not provided for the Board's Secretary.

She presented the board with information what her property values and taxes have done over the years. She was also upset that the Assessor's Office was treating her seven parcels separately and she said that they are in a life estate to her children so they all know how the inheritance is to be divided and that can't be changed until she passes, but yet the Assessor's Office says that houses can be put on them. She also referenced the frequency of the flooding and that most all of this is in the flood plain.

Chair McLarty called for the agenda item "Sam Thongphet d/b/a Laos Asian Market – Special Designated Liquor License 1709 F Avenue Dakota City for July 4, 2009, 12 noon to 10 p.m."

There was not anyone present to represent the licensee and the Board was not comfortable with approving a Special Designated Liquor License without someone present.

Commissioner Bousquet moved, seconded by Commissioner Rohde to deny Sam Thongphet d/b/a Laos Asian Market a Special Designated Liquor License at 1709 F Avenue Dakota City because there was no one present to represent the Licensee.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Resolution for over expended Health Department Budget."

Ms. Spencer explained that the Health Department would go over their 2008/2009 budget by \$400.00 Chair McLarty stated that they purchased some swine flu vaccine that was unexpected. Commissioner McNear moved, seconded by Commissioner Bousquet to adopt Resolution 09C-010 authorizing the un-appropriated moneys of the Miscellaneous Budget of the General Fund to be utilized for the payment of the over expended budget of County Health within the General Fund and that said budget be increased by \$400.00 to \$146,552.82 for fiscal year 2008-2009, as follows:

RESOLUTION 09C-010

WHEREAS, the County Health Department will exceed its budget with the payment of the submitted June, 2009, accounts payable claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the office of Miscellaneous of the General Fund has un-appropriated moneys left.

BE IT THEREFORE RESOLVED, that the Dakota County Board of Commissioners hereby authorize the un-appropriated moneys of the Miscellaneous Budget of the General Fund to be utilized for the payment of the over expended budget of County Health of the General Fund and that said budget be increased by \$400.00 to \$146,552.82 for fiscal year 2008-2009.

BE IT FURTHER RESOLVED, that the General Miscellaneous Budget be reduced by \$400.00 to \$959,782.50 for fiscal year 2008-2009.

Passed and adopted this 15th day of June, 2009.

/S/ William I. McLarty

Dakota County Board of Commissioners

ATTEST:

/S/ Theodore A. Piepho

County Clerk

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Resolution for over expended Surveyor's Budget."

Ms. Spencer explained that the County Surveyor would go over his 2008/2009 budget by \$1,500.00 because of a survey request he had to do.

Commissioner Rohde moved, seconded by Commissioner Bousquet to adopt Resolution 09C-011 authorizing the un-appropriated moneys of the Miscellaneous Budget of the General Fund to be utilized for the payment of the over expended budget of County Surveyor of the General Fund and that said budget be increased by \$1,500 to \$9,250 for fiscal year 2008-2009, as follows:

RESOLUTION 09C-011

WHEREAS, the office of County Surveyor will exceed its budget with the payment of the submitted June, 2009, accounts payable claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the office of Miscellaneous of the General Fund has un-appropriated moneys left.

BE IT THEREFORE RESOLVED, that the Dakota County Board of Commissioners hereby authorize the un-appropriated moneys of the Miscellaneous Budget of the General Fund to be utilized for the payment of the over expended budget of County Surveyor of the General Fund and that said budget be increased by \$1,500 to \$9,250 for fiscal year 2008-2009.

BE IT FURTHER RESOLVED, that the General Miscellaneous Budget be reduced by \$1,500.00 to \$958,282.50 for fiscal year 2008-2009.

Passed and adopted this 15th day of June, 2009.

/S/William I. McLarty

Dakota County Board of Commissioners

ATTEST:

/S/ Theodore A. Piepho

County Clerk

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve Payroll claims submitted by County Clerk for payment."

Commissioner Gomez moved, seconded by Commissioner McNear to approve the Payroll Claims submitted by the various offices and filed with the County Clerk subject to the Employee Agreement or Labor Contract governing the employees as follows:

COUNTY GENERAL FUND: Gross salaries- \$121,027.76, General Fund Employees Net Pay- \$87,519.30, Employer deductions paid: Retirement- 8,432.78, FICA- 7,375.28, Medicare- 1,724.85, DC Health Plan- 27,600.00, DC Dental Plan- 999.12 and Life Insurance- 199.71.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 526.54, Tracey Corkin- 1023.75, Marisol Curiel- 921.60, Bobbi Jo Harsma- 1052.28, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 944.71, Jeremy Bermel- 1800.14, Anthony Bos- 1804.38, Sandy Dickens- 454.61, Brian Ellinger- 1831.78, Penny Epting- 1563.25, Brent Gilster- 1653.67, Todd Hammer- 1917.90, Melvin Harrison III- 1839.61, Rodney Herron- 1795.02, Jason James- 1501.86, Kimberly Johnson- 445.91, Jared Junge- 1806.51, Michael Kreegar- 1565.60, Gary Powell- 84.00, Gayle Richards- 854.40, Kevin Rohde- 1878.76, James Wagner- 1647.87, Randall Walsh- 1789.20, Kerry Johnson- 906.41, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 2210.63, Ermelinda Ballesteros- 1456.18, Joshua Blatchford- 1312.38, Dusty Boyd- 1392.39, Rebecca Broer- 1269.12, Meagan Chase- 765.00, Sandy Dickens- 681.91, Michael Estes- 509.44, Lisa Ford- 1206.50, Robert Foster- 1610.09, Joseph Gee- 369.00, John Gilles- 1268.85, Alma Gunderson- 1303.84, Richard Hansen- 1430.70, Paula Harrigfeld- 652.63, Cathy Harsma- 1268.85, Deanna

Haukap- 1202.85, Jackie Heaton- 1584.14, Jeffrey Heitzman- 1147.35, Adam Hough- 1404.38, Matthew James- 1158.36, Brett Johnson- 1330.95, Nicholas Kellen- 1067.99, Brenda Kelly- 1225.13, Terry Kern- 1846.15, Keith Klein- 1182.23, Mark Nelson- 1122.92, Travis Olander- 1202.85, Kimberly Peterson- 1160.73, Doyle Pilgrim- 726.00, Cara Reinders- 1191.92, Daniel Rodasky- 1206.50, Jutharatana Ruenprom- 1347.05, Stephanie Ryan- 1899.05, Linda Schovanec- 1242.40, Francis Tope- 1166.40, Charvette Williams- 1199.21, Jewel Williams- 1171.48, Jolene Gubbels- 988.80, Leon Pies- 691.53, Maureen Biggar- 1215.90, Pamela DeVries- 1604.80, Bonnie Kahler- 648.18, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,809.33, State- 4,091.32, FICA- 7,375.28, Medicare- 1,724.85, Retirement- 5,709.64, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health- 16.20, Sheriff Union Dues- 290.00, Deferred Comp- 607.00, Garnishments- 1,692.80, Aflac Health- 496.81, Aflac Life/Dsbl- 136.98 and Flex Plan- 917.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,694.22, Road Employees Net Pay- \$10,602.97, Employer deductions paid: Retirement- 991.90, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 890.55, and Medicare- 208.27.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,021.17, State- 451.71, FICA- 890.55, Medicare- 208.27, Retirement- 661.20, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Review and approve Accounts Payable Claims submitted by Co. Clerk."

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Accounts Payable Claims as filed by the County Clerk and submitted for payment as follows:

GENERAL FUND: Dakota County Star, publication- 182.32; Perkins Office Solutions, supplies- 14.56; Joan Spencer, reimbursement- 25.94;CitiMaster Card, ink cartridge- 174.99; Des Moines Stamp, 1 perma stamp- 29.70;Midwest Office Automation, maintenance on copier- 755.16; NACO, membership dues- 1401.51; Theodore Piepho, cell phone reimbursement- 97.55; Staples, supplies- 83.98; Robert Giese, mileage- 132.00; Charlotte Doenhoefer, prior yrs serv- 12.00; Mardell Sorensen, prior yrs serv- 26.00; Irene VanLent, prior yrs serv- 16.00; Staples, supplies- 28.97; As Imservices, data storage- 3.50; Microfilm Imaging Systems, lease contract/scanning- 5720.00; Todd's Storeall, June rental- 80.00; Tyler Graphic Services, envelopes/labels- 989.46; Security Shredding, shredding of documents- 140.00; Dakota County Star, publishing- 36.65; Arnold Mellick, reimbursement- 30.00; Valerie Danielson, reimbursement- 377.55; MIPS, scanning/microfilming- 85.00; Cheryl Perkins, reimbursement- 64.08; AJ Phillips Publishing Co., office supplies- 190.00; AS Central Finance, office supplies- 99.74; Bengtson's Cardinal Floor Store, congoleum- 237.92; Dakota Business System, Ricoh equip- 99.00; General Business Interiors, file cabinets- 1129.40; Microfilm Imaging Svcs, scanning- 444.58; Midwest Office Automations, contract copier- 354.80; Thomson West, CD Rom Service- 222.00; Missy Beldin, witness fee- 28.80; Mark Cardwell, witness fee- 25.50; Dakota County Court, court costs- 1932.88; Zeena Fahrenholz, witness fee- 48.60; Thomas A. Fitch, court appointed counsel- 930.00; Ben Giffrow, witness fee- 47.50;Kueny & Begley, court appointed counsel- 516.00; Stuart Mills, court appointed counsel- 1745.00; Douglas Roehrich, court appointed counsel-1170.00; Bryan E. Smith, Jr., court appointed counsel- 1109.55; Joe A. Solis, witness fee- 25.50; Richard J. Thramer, court appointed counsel- 675.52;Patrick H. Tott, court appointed counsel- 1956.00; James Weyhrich, witness fee- 23.30; William L. Binkard, reimbursement- 2811.45; Raul Escobedo, interpreter- 90.00; Debbie Jensen, office supplies- 16.05; Midwest Office Automations, copier/fax/printer machines- 3618.00; Perkins Office Solution, office supplies- 66.09; Lloyd Clark, witness fee- 62.00; Michaela Clark, witness fee- 62.00; District Court, criminal & civil lists- 1106.00; Julie Gonzalez, witness fee- 62.00; Hungry's, jury meals- 560.16; New Perspectives Inc, security grinding- 25.50; Jim Petzoldt, witness fee- 33.20; Michael Schmiedt, 72.00; Sherrie Schweder, witness fee- 42.00; Richard Thramer, 968.28; Karin Ward, witness fee- 42.00; Michael Young, witness fee- 42.00;Theresa Anderson, jury fee- 236.80; Michelle Bacon, jury fee- 144.60; Timothy Bahr, jury fee- 142.20;

Ann Boltjes, jury fee- 38.30; John Brady, jury fee- 39.40; Michael Dailey, jury fee- 38.30; Loren Ferguson, jury fee- 159.80; Julie Ferris, jury fee- 47.10; Josaleen Gutzmann, jury fee- 57.00; Kimberly Hassler, jury fee- 43.80; Laverne Koebernick, jury fee- 35.55; Patty Keonig, jury fee- 153.20; Randall McDonald, jury fee- 39.95; Jaclyn Mahr, jury fee- 41.60;Cheryl Martinez, jury fee- 35.55; Celeste Merchant, jury fee- 41.60; Dennis Miller, jury fee- 40.50; Matthew Montgomery, jury fee- 144.40; Ubaldo Moreno, jury fee- 39.40; Carroll Muff, jury fee- 43.80; Rochelle Nelson, jury fee- 39.40; Daniel Nice, jury fee- 157.60; Michael O'Brien, jury fee- 39.95; George O'Gara, jury fee- 157.60; Vicky O'Neill, jury fee- 175.20; April Rahn, jury fee- 46.00; Jennifer Rider, jury fee- 40.50; Travis Scheer, jury fee- 184.00; Sherri Schoepf, jury fee- 39.40; Marcy Sellman, jury fee- 38.30; Thomas Servine, jury fee- 54.80; Rick Simons, jury fee- 155.40; Jennifer Swanson, jury fee- 47.10; Gary Swearingen, jury fee- 38.30; Denise Tierney, jury fee- 46.00; Estel Thomas, jury fee- 146.60; Paula Tranmer, jury fee- 39.40; Sandra Van Fossen, jury fee- 159.80; Bob Decker, jury fee- 322.00;A-Team, AC repair- 830.00; Benstar Packaging, janitorial supplies- 542.25; Bunkers Feed & Supply, softener salt- 57.78; Gill Hauling, dumpster- 120.00; Blade Runners, mow yard- 440.00; Grainger, supplies- 791.33; Janitor Depot, janitorial supplies- 359.74; MidAmerican Energy, gas bill- 1576.00; NPPD, electric bill- 1968.59; O'Keefe Elevator, elevator service- 206.80; Trembly, pest control- 50.00; M+Architects, root design- 5517.50; Verizon Wireless, cell phone- 58.24; Rick Jensen, mileage- 48.84; Dakota County Extension, reimbursement- 7161.93; PMRNRD, June rent- 833.33; Abramo Animal Services, animal control- 250.00; Circle R Frame Aligners, vehicle maintenance- 138.09;City of South Sioux, fuel/copies/long distance phone calls- 3520.10; Dakota Food & Fuel, fuel- 454.10; Electronic Engineering, radio repair- 38.00; Fremont Tire,



vehicle maintenance-114.60; Jacks Uniforms, metal detector/taser- 5146.61; RACOM, phone access line- 703.80; Sioux City Ford, vehicle maintenance- 865.37;Sioux Sales Company, ammo- 253.75; Siouxland Federal Cr Un, reimbursement- 180.64; Ultramax, ammo- 597.00;VerizonWireless, cell phones- 121.89; Wal-Mart, dog food- 18.98; Watchguard Video, UPS Assy- 88.00; Dakota County Sheriff, papers/warrants- 2206.32; Nebraska County Attorneys Associate, dues- 1696.00; Heartland Hospitality, lodging- 203.85; Cartridge World, office supplies- 22.99; Quill Corporation, office supplies- 351.41; A.J. Phillips Publishing Company Inc, printing & publishing- 48.00; NetSys+, office supplies- 167.00; Iowa Office Supply Inc, misc expenses- 130.45- Kim Watson, reimbursement- 1792.69; Debra Schmiedt, reimbursement- 118.59; Kathryn L. Mullin, reimbursement- 279.98; Verizon Wireless, cell phone- 141.24; H2O4U, misc expenses- 16.50; Staples Credit Plan, office supplies- 39.98; City of South Sioux, county share of LEC- 29049.41; BI Inc, electronic monitoring- 451.00; Redwood Toxicology, drug tests- 12.50; Verizon Wireless, cell phone- 55.05; A-Team, roof top unit repair- 170.00; Amsan, supplies- 1960.53; Bi Inc, house arrest- 619.85; Bob Barker, inmate supplies- 1184.29; CBM Food Service, food service- 16262.37; Cardiovascular Associates, inmate medical- 30.00; Cash-Wa Distributing, food service meals- 214.71; Crittenton Center, inmate medical- 282.00; Dakota Business Systems, copier contract- 281.00; Dakota County Sheriff, reimbursement- 14.94; Dakota Family Dentistry, inmate medical- 243.00; Dakota Food & Fuel, transport fuel- 275.19; Delta Gloves, gloves- 935.22; Dept of Corrections, safekeepers- 1288.96; Sandy Dickens, mileage- 107.80; Foulk Brothers Plumbing, replace shower valves- 569.97; Gill Hauling, dumpster service- 120.00;Jackie Heaton, mileage- 172.32; Jack's Uniforms, uniforms- 60.00; Janitor Depot, toilet paper- 34.95; Joe's Dept Store, building supplies- 82.86; Kleen Solutions, kitchen supplies- 29.95; Kreisers, medical supplies- 20.28; Menards, fencing- 687.71;Mercy Bus Health/Urg Care, inmate calls- 1800.00; Mercy Medical Center, inmate medical- 1833.15; MidAmerican Energy, gas bill- 382.09; Midwest Office Automations, copier contract- 206.31;NetSys+, computer issues- 1575.48; NPPD, electric bill- 2185.36; NW Iowa emergency Phys, inmate medical- 666.00; NW IA Yes Center, juvenile holding- 750.00; Doyle Pilgrim, mileage- 71.50; Sams Club, supplies- 159.28; Signs by Tomorrow, jail signs- 68.00; Siouxland Patholgoy, inmate medical- 160.00; Siouxland FCU, reimbursement- 129.24; Text & Data Technologies, Jamin jail software- 2100.00; Trembly Termite & Pest Control, pest control- 35.00; Verizon Wireless, cell phones- 191.24; Wal-Mart, reimbursement- 4832.77; Woodbury Co Juvenile Detention, juvenile holding- 300.00; Perkins Office Solutions, desk- 190.00; Verizon Wireless, cell phone- 33.24; Alpha Land Surveying, survey/bob Knudsen- 1500.00; Maureen Biggar, mileage- 168.86; Carex Health Brands, medi chest Irg cello wrap- 59.91; Pam DeVries, mileage- 157.30; Kids Loves Stickers, stickers for clinic- 124.80; Perkins Office Solutions, office supplies- 88.90; Sanofi Pasteur, TB tests- 29.20; Dr. Thomas Went, consulting physician- 250.00; Deanna Beckman, hrs worked- 900.00; Alan Boyd, mileage- 370.70; Electronic Engineer, pager- 13.95; Quality Hotel, lodging- 51.95; Thomson West, law books- 620.11; Ahlers & Cooney PC, handbooks- 45.00; CableOne, internet service- 210.45; Claritus, ink cartridge- 238.09; Dakota City Postmaster, box rentals- 880.00; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; JC Roofing & Insulating, reroofing courthouse- 7110.00; MIPS, support- 390.79; NIRMA, work comp/liability ins- 113347.70; Qwest, phone services- 1354.40; S Sioux City Area Chamber, governors day sponsorship- 482.00; Three Rivers Benefit, flex plan admin- 90.00; Madelyn Thorsland, prior yrs serv- 10.00; US Postal Service, postage- 2500.00; WCS Telecom, telephone- 351.12; Business Telecom System, maintenance on phones- 248.00; Road Fund 300, budget transfer- 83000.00; Weed Fund 5400, budget transfer- 8000.00;

ROAD: American Legion Post, American flags- 55.00; Aramark, towel service-329.49; Bank of Dixon County, grader payment- 16351.77; Bernie's Lawn & Garden, parts- 16.50; Bomgaars, shop supply- 17.99; Dakota County Star, job notice- 100.00; Dakota Land Auto Glass, labor- 33.15; Filter Care of Nebraska, shop supply- 43.50; Filter Care of Nebraska, shop supply-43.50; Fremont Tire, tire repair- 17.00; GCR Tire Center, tire repair- 37.00; Gill Hauling, dumpster service- 55.00; Great Plains , parts- 153.20; Walter Heinemann, prior yrs serv- 29.00;Hubbard Mini Mart, fuel- 3036.36; H2O4U, shop supply- 8.50; Jackson Glass, parts- 95.99; J and J's Pronto, fuel- 100.01; Joe's Dept Store, parts- 196.23; Kimball Midwest, shop supply -211.69; L.G. Everist, gravel- 46471.42;Rob Lillard, clothing allowance- 75.00; Linweld, shop supply- 475.65; Marx Truck & Trailer, parts- 193.16;Medical enterprises, drug testing- 29.90; Marlan Millard, prior yrs serv- 15.00; NAPA, parts- 1144.30;NPPD, Homer service- 24.74; NIRMA, gen lib/wrk comp- 48142.30; Northeast Equip, tractor rental- 450.00;NE NPPD, Hubbard electric bill- 177.95;Peterson Sand & Gravel, gravel- 5448.41; Powerplan, parts- 220.35; Rees Mack, parts- 27.89;Sams Club, membership renewal- 70.00; Siouxland Hydraulic, parts- 116.85;South Side Cmart, fuel- 551.27; Stephan Welding Inc, parts- 45.00; Titan Access, parts- 8.79; Tractor Supply, shop supply- 46.97; Verizon Wireless, cell phone- 59.31; Warren Oil, fuel- 2660.00; Ziegler, parts- 6401.79;

ROAD IMPROVEMENT 802: Barkley Asphalt, asphalt- 318.43;

POOR RELIEF: Becker Hunt Funeral Home, burial expense/M.Schincke- 1350.00;

INSTITUTIONS 1700: Beatrice State Dev Center, qrtr payment- 543.00; Lincoln Regional Center, payment for Julio Escamilla- 7573.63;

VETRANS AID 1900: Veterans Office, vet aide- 1713.00;

PUBLIC SAFETY 2960: Jail Bond Fund 3300, 88% sales tax- 18643.09; City of South Sioux, 12% sales tax- 2542.24;

JAIL BOND SALES TAX: Fremont National Bank, interest & principal- 763200.00;

WEED FUND: A-1 Auto Salvage, misc- 25.00; Bomgaars, supplies- 149.97; Central Valley Ag, chemicals- 1712.97; Dakota Business Systems, copier rental- 102.00; FIMCO, parts- 231.70; Grainger, safety supplies- 180.27; Heritage Express, fuel- 44.00; Hubbard Mini Mart, fuel- 322.12; Motion Industries, parts- 188.68; Leon Pies, reimbursement- 10.00; Tri-State Communication, radio repair- 68.67; Van Diest, chemicals- 4913.38;

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Space Allocation & discuss using road personnel to help w/e 7-18 & 19."

Commissioner Rohde addressed the extra space needed by the County Treasurer since his office will acquire the responsibility for issuing Certificates of Title.

He said that the County Clerk is willing to move downstairs to maintain the convenience to the public and to keep the process all in one area. He continued that the County Clerk is willing to have the long room vacated by the Extension Office and then when Probation moves out his office would occupy where the Probation Office is now located that being across the hall.

He brought up the fact that it has been contemplated to move the Board of Commissioner room to where the probation office is, but he did not think they would be gaining that much, because the room is about 3 feet less in width.

Commissioner Rohde moved, seconded by Commissioner McNear to designate the offices where the Probation Office is presently and the room across the hall for the Office of the County Clerk so that the County Treasurer can occupy the present office where the County Clerk is.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- No.  
MOTION CARRIED.

Chair McLarty called for the agenda item "Taxes, Valuation and expenses".

Commissioner Bousquet said that he had been getting a lot of calls concerning increase in valuation and taxes and thought that the board should freeze all values at last years values.

That triggered some discussion and will be addressed in a Board of Equalization Meeting on June 29, 2009.

Chair McLarty called for the agenda item "Commissioner's Committee Reports."

Commissioner Rohde reported that he just attended a Safety Meeting and they have ordered the metal detectors for the upstairs to make that area more secure. When they install the metal detectors the only entrance to the Courthouse is the north and south doors and all traffic will be funneled through the metal detectors.

He also reported that there is some concrete that heaves in the area of the new jail preventing some doors from being opened. He said that during the walk around it was brought up to the contractor and this has been an on going problem. Mr. Rohde suggested that a letter be sent to the contractor to see if he will correct this problem.

Chair McLarty called for the agenda item "Commissioner Member Reports."

Commissioner McLarty said that he would like to inform everybody that the closing of the Motor Vehicle Department the end of June for their transition has been delayed until July 21 and 22.

Chair McLarty called for the agenda item "Public Comment."

Betty O'Neill stepped up the podium and asked that the following be written verbatim into the official record.

"After hearing that the Dakota County Board of Commissioners, Dakota County Sheriff, Dakota County Board of Corrections and Rodney Herron were being sued I called the Clerk of District Court office to check to see if this was correct. Lori confirmed that was true. I asked her to make me copies of the complaint, which I have here.

In my opinion, whatever this lawsuit costs the taxpayers of Dakota County could have been avoided if the Spencer, Fane, Britt Browne report (that cost the County over \$36,000.00) to have an investigation done on the jail had that been opened and not sent off to the Attorney General by then County Attorney Edward Matney. Commissioner Jackie Hartnett said that if nothing criminal was found the taxpayers should see the report. The letter back from the Attorney General's office stated while there appears to be several allegations of inappropriate conduct committed by Dakota County Officials, it does not appear that any of the allegations would rise to the level of a criminal matter.

This report was never sealed but was kept from me even though I tried many times to get the report. It was sent to the Attorney General of Nebraska office by then County Attorney Edward Matney III without first getting the approval of the Commissioners. I tried many times to get the report from the Attorney General's office but was unsuccessful. I hired an attorney (at my own expense) but was denied that report. My attorney told me that Chair Jackie Hartnett was asked permission to let me see the report but she declined. Had she said yes some of this may have been elevated.

Rodney Herron resigned and was back to work the next day.

Lt. Randy Walsh was appointed jail administrator. He resigned in less than two weeks. I confronted Lt. Walsh in November 2009. I asked Lt. Walsh why he said I was to blame for him resigning. He said it wasn't me. He said he was told to do it. When asked who told him to resign he wouldn't say.

She said that she had copies of all this to show that it is true." She followed that by saying what she disliked the most and she quoted a Sioux City Journal opinion said that Dakota County deserves better and they were referring to her. She disliked that most and went on to say she thought that she was a good commissioner because she tried to do things right.

Today I want to prove to the board and to the people what happens when things aren't done right.

Chair McLarty asked the board if they have any questions and no one asked any.

Dennis Kochevar, living at 523 Highway 35 stepped up to the podium. He said that he didn't know and thought that no other trappers knew that the board was considering making it illegal to trap the right of ways. He spent considerable time talking about the time that the Trapper's Association spent in Lincoln



Dakota County Board of Commissioners  
Monday, June 29, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for the meeting was as follows:

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.

Recess to Board of Equalization

Reconvene from Board of Equalization

Fred Stinger - Omaha Exposition & Racing Inc/dba: Horseman's Atokad Downs – Liquor License # I-70178 has requested that the entire outdoor area between the grandstand and the track and to the side of the grandstand area in front of the paddocks and the entire grandstand (first and second floor) be added to the liquor license.

Lisa Parks Gateway Bar and Grill - requesting the board to approve expanding their liquor license to encompass a 25 X 40 outside area, which is enclosed by a privacy fence and attached to the building.

Approve or disapprove the Camp Goodwill applying for FEMA/NEMA funds through the State of Nebraska Mitigation Grant. Camp Goodwill is planning a new construction of the Camp Goodwill Achievement Center. As part of this project, Camp Goodwill would like to build a FEMA approved "Safe Room" for the camp children and staff. Camp Goodwill is asking for the County to participate in this grant.

Miscellaneous Agenda Items

- Approve Accounts Payable & Payroll claims submitted by County Clerk for payment.
- Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Deputy Sheriffs) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.
- Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.
- Authorize replacement of cast iron sewer line in office vacated by Ag. Extension.
- Authorize removal of walls in the office to be vacated by Probation.
- Authorize partial removal of the wall between the Clerk and Treasurer's Offices.

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of June 15, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting at 4:02 p.m. to meet as Board of Equalization.

Chair McLarty reconvened their meeting from Board of Equalization at 4:16 p.m.

Chair McLarty called for the agenda item "Fred Stinger - Omaha Exposition & Racing Inc/dba: Horseman's Atokad Downs – Liquor License # I-70178 has requested that the entire outdoor area between the grandstand and the track and to the side of the grandstand area in front of the paddocks and the entire grandstand (first and second floor) be added to the liquor license."

Fred Stinger appeared before the board and said that when ATOKAD had the license they had the grand stands included in the area in which the Liquor License was issued. When the property was purchased and Omaha Exposition & Racing Inc. acquired the property a mistake was made not to include that area when they made application for their Liquor License and therefore they would like to include it now.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the entire outdoor area between the grandstand and the track and to the side of the grandstand area in front of the paddocks

and the entire grandstand (first and second floor) be added to Omaha Exposition & Racing Inc/dba: Horseman's Atokad Downs – Liquor License # I-70178.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Paul Kennon and Bridget Solomon with Goodwill Industries appeared before the board and explained what they were planning to do at the Goodwill Camp. In applying for a grant they need the County's blessing on the project and to do that they need a commitment by the county to furnish 25% of a grant they want to apply for. They said that could be in kind match but there has to be an obligation there even if Goodwill would participate in that.

There was discussion about the County removing some trees for the in kind match, but the board members wanted to look at the situation between now and the next meeting and carry it as an agenda item on the next agenda.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the payroll as submitted by the County Clerk for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$123,306.47, General Fund Employees Net Pay- \$89,081.28, Employer deductions paid: Retirement- 8,562.61, FICA- 7,504.69, Medicare- 1,755.13, DC Health Plan- 27,600.00, DC Dental Plan- 999.12 and Life Insurance- 199.68.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 553.20, Tracey Corkin- 927.23, Marisol Curiel- 912.96, Bobbi Jo Harsma- 1052.28, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 1003.41, Jeremy Bermel- 1697.13, Anthony Bos- 1868.00, Sandy Dickens- 454.61, Brian Ellinger- 1877.78, Penny Epting- 1554.00, Brent Gilster- 1864.08, Todd Hammer- 1741.74, Melvin Harrison III- 1707.49, Rodney Herron- 1795.02, Jason James- 1501.34, Kimberly Johnson- 479.61, Jared Junge- 1694.19, Michael Kreegar- 1692.82, Gayle Richards- 854.40, Kevin Rohde- 1722.17, James Wagner- 1647.87, Randall Walsh- 1749.66, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1061.76, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1540.55, Ermelinda Ballesteros- 1213.79, Joshua Blatchford- 1247.40, Dusty Boyd- 1284.86, Rebecca Broer- 1276.83, Meagan Chase- 95.00, Sandy Dickens- 681.91, Michael Estes- 525.36, Lisa Ford- 1217.43, Robert Foster- 2396.31, Joseph Gee- 1164.31, John Gilles- 1257.32, Alma Gunderson- 1311.55, Richard Hansen- 1430.70, Paula Harrigfeld- 643.61, Cathy Harsma- 1445.73, Deanna Haukap- 1202.85, Jackie Heaton- 1549.12, Jeffrey Heitzman- 1216.41, Adam Hough- 1286.12, Matthew James- 1272.16, Sarah Jensen- 316.73, Brett Johnson- 1414.50, Nicholas Kellen- 1264.82, Brenda Kelly- 1221.41, Terry Kern- 1846.15, Keith Klein- 1189.39, Mark Nelson- 1237.90, Travis Olander- 1370.53, Kimberly Peterson- 1175.06, Doyle Pilgrim- 960.00, Cara Reinders- 1184.63, Daniel Rodasky- 1177.34, Jutharatana Ruenprom- 1673.13, Stephanie Ryan- 1419.73, Linda Schovanec- 1242.40, Francis Tope- 1472.58, Charvette Williams- 1543.66, Jewel Williams- 1146.40, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,978.91, State- 4,181.97, FICA- 7,504.69, Medicare- 1,755.13, Retirement- 5,795.31, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 290.00, Deferred Comp- 607.00, Garnishments- 1,692.80, Aflac Health- 518.45, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,376.69, Road Employees Net Pay- \$10,387.96, Employer deductions paid: Retirement- 970.46, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 870.86, and Medicare- 203.67.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 921.66, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinhold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 975.69, State- 433.25, FICA- 870.86, Medicare- 203.67, Retirement- 646.91, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITOR PROMOTION: South Sioux City Chamber of Commerce: Lodging tax- 9,384.42.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Deputy Sheriffs) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012."

Tony Bos with the Fraternal Order of Police Lodge #49 (Deputy Sheriffs) stepped up to the podium and said that the members had met and that they would accept the tentative agreement offered by the County.

Commissioner Bousquet moved, seconded by Commissioner Gomez to ratify the 2009 through 2012 agreement as negotiated between the Fraternal Order of Police Lodge #49 (Deputy Sheriffs) and the County

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012."

Linda Schovanec with the Fraternal Order of Police Lodge #49 (Correctional Officers) stepped up to the podium and announced that they rejected the proposal that the County presented to them.

Chair McLarty called for the agenda item "Authorize replacement of cast iron sewer line in office vacated by Ag. Extension."

The County Clerk explained that the cast iron pipe that runs the length of the west room vacated by the Extension Office should be replaced because it has a tendency to leak if it gets plugged and suggested that they replace it with PVC pipe.

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize the replacement of the cast iron sewer pipe that runs the length of the west room vacated by the Extension Office and assigned to the County Clerk. ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear-Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize removal of walls in the office to be vacated by Probation."

The County Clerk said that he would like for the two temporary walls erected in the area, which the Probation Office is vacating to be removed. This would open up that room and be more convenient for his office design.

Commissioner Rohde moved, seconded by Commissioner Gomez to authorize the Building & Grounds Supt. to remove the walls in the office to be vacated by the Probation Office.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Authorize partial removal of the wall between the Clerk and Treasurer's Offices."

Commissioner Rohde moved, seconded by Commissioner Bousquet to authorize the Building & Grounds Supt. to remove a portion of the wall between the existing Clerk and Treasurer's Office provided that is determined that it is not a load bearing wall, which shall be determined prior to the removal of said wall. Be it further resolved that the Road Department to furnish equipment and manpower to remove the debris on the weekend when the wall is removed.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Committee Reports".

Commissioner Rohde, on behalf of the Property Committee, informed the Board that Alan Boyd will relocate to the east offices that were vacated by the Extension Office.

Commissioner Rohde moved, seconded by Commissioner Bousquet to relocate the Veteran's Service Officer from the office he now locates to the east offices where the Extension Office was prior to their move to the USDA Service Center

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Lisa Parks Gateway Bar and Grill - requesting the board to approve expanding their liquor license to encompass a 25 X 40 outside area, which is enclosed by a privacy fence and attached to the building."

Dave Parks, Lisa's husband, appeared on her behalf and explained that they added an outdoor area on to the building serving as a beer garden. This is mostly to accommodate the smokers during the good weather. There are two gates but entrance will be gained through the building itself and he asked for approval to expand their liquor license to include that area. He said that they also had this area surveyed.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve including that beer garden in Gateway Bar and Grill's liquor license, which is located at 1554 Gateway Drive, South Sioux City.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Member Reports".

Commissioner McLarty said that he would like to report that he passed out to the other Board Members a budget update. He said that the county only spent 84% of the 2008/09 budget expenditures and pointed out that the Elected Officials and appointed officer's did a good job in controlling their budget.

Commissioner McLarty said that he would leave a Unicameral Report that shows the action of all the bills through out the year in Joan's Office if anyone wanted to look at them.

Chair McLarty called for the agenda item "Public Comment".

Better O'Neill stepped up to the podium and requested that all of this be entered in the minutes verbatim Chairman McLarty,

On June 19, 2009 I mailed to you with copies to the other four Commissioners; Rick Bousquet, William Rohde; Antonio Gomez and Richard McNear a request for me to be able to obtain the Spencer, Fane, Britt, Browne report that was done for Dakota County at a cost of \$36,000 plus. As of this date I have not received the report nor have I received a reply from any of the Commissioners. Again I am requesting that I receive the Spencer, Fane, Britt, Browne report.

I hired an attorney to get the report for me. I received a reply from him. He was told that Chair Jackie Hartnett would have to give her approval. She did not direct Spencer, Fane, Britt Browne to give me the report. She did this without the approval of the Board of Commissioners. It was never brought up at a meeting. In my opinion she did not have the authority without the Boards approval to deny me getting the report. When I turned in a claim for the attorney fee and mileage the claim was denied by Chair Jackie Hartnett, Bill McLarty and Bill Engel that was held on a meeting December 15, 2008 before I got here. She felt that it was irregular for them to hurry and get this done before I got here. If you would listen to the tape I think you would understand what I am saying. I have the tape for anyone that wants to hear it. I am ok with paying for the attorney and mileage but I believe I should have been able to get the Spencer, Fane, Britt, Browne report.

Now that we have new board members I am requesting that you Commissioners approve my request to receive the Spencer, Fane, Britt Browne report and put it on the next agenda and get it done.

As I said at the last meeting, perhaps we would not have a claim filed against the County if we had received the report. The report is not sealed as some think it is. There is no reason why we can't see that report.

Please let me receive the Spencer, Fane, Britt, Browne report.

Betty O'Neill asked for an additional three minute on another subject and the chair approved. Betty O'Neill explained an issue where she requested a CD of a meeting and it has been costing her a dollar. She was upset that she received an email from Joan itemizing fees to where it was going to cost her about seven dollars.

Dennis Reinert stepped up to the podium and asked if the four millions dollars that wasn't spent in last year's budget was going toward next years budget. It was explained that what ever wasn't spent is applied to the following years budget, but that doesn't mean that we have four million dollars toward next years budget because we may not received anticipated revenue.

Julie Westly stepped up to the podium. She explained that she is new to the community and that she feels at home in South Sioux City and complimented the Police Department as reason for that feeling. She felt that the police department was outstanding and felt safe. She then referred to what was being handed out at the last meeting about the police department was destructive because she felt that it degraded the police department as a whole. The allegations need to stop.

Randy Walsh, a Deputy Sheriff, stepped up to the podium. He said that he was going to speak as a officer and citizen. First he said that he was thrilled to have a family oriented function in the community, such as the Rodeo at Old Crystal Lake. He said that there are not many problems there. The calls that they get on it deal with the loud music. He suggests at least one of those calls was bogus. He suggested that someone that was presently in the room encouraged some of those calls.

Mr. Walsh then address the Spencer, Fane, Britt, Browne report to where he is sick of hearing about it. He said that he felt a business would have second thoughts about bringing their business to Dakota County because of all the publicity about that report. Mr. Walsh said that he was one of the individuals interviewed so he was aware of the investigation, but that's all he could say because he signed a privacy statement. He strongly encouraged the County Board, by what ever options are available, to put it to rest. It hurts the community and attacks everybody in law enforcement because it will not be dropped and it hurts this board because they (citizens) say why do they (the Board) let this keep going.

Susan Church, Dakota City Millis Beach area, said that she was one that called because she sat in the living room with the air conditioner, TV, dryer, all being used with the windows shut, she listened to this boom boom boom for an hour. She questioned her husband where the music was coming from, because she thought that it might be coming from across the street. She said after an hour of this going on around nine o'clock she called because she can't go to sleep with a boom boom boom. She said it was so loud that she thought it was coming from a house two doors down from them. She said that when she called they said, "yeah we have had a lot of complaints." She said that I don't like to complain, but that night it was really bad.

Mr. Gomez said that they do as much as they can to satisfy the people around it.

Commissioner McNear said that he was with the Fair Board for 25 years and they have never had complaints about the loud music and that this year there were going to be several groups that they have hired out of Minneapolis and they probably will be very loud.

Commissioner Bousquet said that he lives next to an organization that rents their hall out every Friday and Saturday night and he has to deal with the loud noise. He called the cops and they wrote him a letter and every board member wrote him (Mr. Bousquet) a letter and said that they were not going to do anything. That's every night, every weekend.

Commissioner McLarty said they had the same problem in South Sioux City, but it came over from across the river. It seems like it skips over places and explained some situations there.

Walter Builenby from Clear Lake Iowa said that noises carry over water. He lives three miles from the park in Clear Lake Iowa and he hears the bands when they have bands in the park. He said that grandstands and trees will keep the sound within, but over water it travels.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none to consider

With no further business Chair McLarty called for a motion to adjourn.  
Commissioner Bousquet moved, seconded by Commissioner McNear to adjourn.  
ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED. 5:16 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair                      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk                      Date entered in book



Dakota County Board of Commissioners  
Monday, July 13, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: Commissioner Rohde.

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance.

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

Roll Call

Approve Minutes of previous meeting

Recess to Board of Corrections

Reconvene from Board of Corrections

Bill Path, Pat Engel and Pam Miller - discuss a request for funding for the College Center capital campaign out of the inheritance fund.

4:20 p.m. Open Public Hearing Towing or Wrecker Service Regulations

Arnie Mellick - Explanation of Regulation change

Public comments in favor of the proposed changes

Public comments in opposition to proposed changes

Public comments with neutral comments

Discussion of alternate regulations if desired

Close Public Hearing

Board's Pleasure

Miscellaneous Agenda Items

Jeff Ahlers – Music during rodeo's held at the old Crystal Lake area

Dale Masters – Condition of county roads north of Hubbard

Kinetic Leasing – Approve and sign documents for 2009 Case Wheel Loader

Camp Goodwill's request for tree removal and consider approving Camp Goodwill to apply for FEMA/NEMA funds through the State of Nebraska Mitigation Grant

Approve Payroll claims submitted by County Clerk for payment

Resolution to seal the report created by Spencer, Fane, Britt & Browne

Todd Hammer & Randy Walsh – Courthouse security

Jail Tour

Commissioner's Committee Reports - Reports by any board member serving on one of the Board's Working Committee's with information pertinent to that Committee.

Commissioner Member Reports - Informational report by any Board Member who

wishes to communicate new information to other board members relating to County issues.

Public Comment

Mail and/or Emergency Business

Letter from Olsson Associates concerning relaxation of Design Standards

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of June 29, 2009 as typed and prepared for the Official Record.

Chair McLarty questioned the last sentence of the first paragraph where Paul and Briget from Goodwill Industries appeared. The Clerk said that's what he understood but if the board wanted to strike that they could. Mr. McLarty also noted that Ms. O'Neill's first name had a typo and read Better O'Neill rather than Betty O'Neill when she stepped up to the podium to present her first comment under Public Comment.

Commissioner McNear agreed to amend his second to include that change and Commissioner Bousquet agreed to amend his motion to correct Better to Betty.

ROLL CALL VOTE: Rohde- Absent, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting at 4:03 p.m. to meet as Board of Corrections.

Chair McLarty reconvened their meeting from Board of Equalization at 4:19 p.m.

Dr. Bill Path, Pam Miller and Leo Pat Engel appeared before the board advising the board that they were naming rooms within the new community college for donations of \$50,000 or more. This could be paid over a course of five years. They were soliciting a \$50,000 donation from Dakota County and proposed it be taken out of the Inheritance Tax Fund.

Chair McLarty opened the Public Hearing concerning adding Towing or Wrecker Service Regulations to the existing County's Planning and Zoning Regulations at 4:30 p.m.

Arnold Mellick stepped up to the podium and passed out the Towing Regulations as recommended by the Joint Planning and Zoning Board.

He said that the County Attorney drafted the regulations, which was unanimously recommended by Joint Planning and Zoning.

Chair McLarty identified that this would be an addition to Section 600 of the Ag. Zone and asked Mr. Mellick to read the regulations for the benefit of the public and Mr. Mellick read or described them as follows:

Towing or Wrecker Service

- A. **Definitions.**  
 The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:  
*Towing or Wrecker Service* means a person engaged in the business or offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose or by a truck, automobile, or other vehicle so adapted to that purpose, or in the business of storing disabled motor vehicles.
  
- B. **Conditional Use Permit Requirement.**  
 No towing or wrecker shall engage in business within the County limits or offer such service within the County without first obtaining a conditional use permit from the Joint Planning Commission.
  
- C. **Application for Conditional Use Permit.**  
 Applications for conditional use permits issued under this section shall be made upon blank forms prepared and made available by the Joint Planning Commission and shall state:
  - (1) The applicant's name, home address, and proposed business address.
  - (2) The location, description, and hourly availability of the tow trucks that the applicant owns or operates.
  - (3) That the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled and that such space is not in violation of the zoning ordinance or other applicable ordinance of the County.
  - (4) That the area on the premises where motor vehicles are stored is enclosed except for entrances and exits with a vertical wall or fence with a minimum height of six (6) feet measured from ground level, and the fences on the side not facing a public roadway or adjacent residential property are chain link fences.
  - (5) That the portion of the business that faces and abuts any public roadway is screened from public view.
    - (a) That the materials for use in screening the permitted business are at least six (6) feet in height and consist of plant material, fence, or a combination of plant material and fence.
    - (b) That plant material for use in screening consists of trees and shrubs of a size and quantity to conceal, as much as possible, the motor vehicles contained on the permitted business from public view within a reasonable time. Plant material shall be primarily of coniferous varieties that provide year-round screening.
    - (c) That screening is placed within the licensed premises and is so located as to give adequate sight distance from all driveways, streets, and roads, and as not to encroach into the County right-of-way when fully grown.
  - (6) That the motor vehicles are arranged so as to permit easy access to all motor vehicles for fire fighting or other emergency purposes.
  - (7) That no towed motor vehicles are parked outside of any security fencing.
  - (8) That no materials will be burned on the premises in the open except in accordance with applicable federal, state, and local laws.
  - (9) Such other information as the Joint Planning Commission shall find reasonably necessary to effectuate the purpose of this section and to arrive at a fair determination of whether the terms of this article have been complied with.
  
- D. **Application Fee.**  
 An application for a conditional use permit under this section shall be accompanied by an application fee of such amount as established by the Joint Planning Commission by resolution.
  
- E. **Insurance Policies.**  
 The applicant must comply with the insurance laws and regulations of the State of Nebraska
  
- F. **Investigation by Planning & Zoning Commission.**  
 Within ten (10) days after receipt of an application as provided for herein, the Joint Planning Commission shall cause an investigation to be made of the applicant and of his/her proposed operation.
  
- G. **Standards for Issuance.**  
 The Joint Planning Commission shall issue a conditional use permit under this section when they find that:
  - (1) The public convenience and necessity require the proposed towing or wrecker service for which application has been submitted.
  - (2) Insurance policies as required by this section have been produced.
  - (3) The applicant and all employees are fit and proper persons (as defined by the Federal Motor Carrier Regulations Handbook) to conduct or work in the proposed business.
  - (4) The requirements of this section and all other governing laws and ordinances have been met.
  
- H. **Conditional Use Permit Fee.**

An annual conditional use permit shall be issued to a successful applicant under this section after payment to the Joint Planning Commission of a conditional use permit fee of such amount as established by the Joint Planning Commission by resolution.

I. Duties of Conditional Use Permit Holders.

A towing or wrecker service conditional use permit shall be issued subject to the following conditions:

- (1) *Exhibition of permit number.* The Joint Planning Commission shall issue to a towing or wrecker service conditional use permit holder a permit number, which the towing or wrecker service shall at all times prominently display on each wrecker or other vehicle used for towing purposes.
- (2) *Maintenance of equipment.* Towing or wrecker services shall keep and maintain towing equipment adequate to perform such towing or wrecker service in a reasonably workmanlike manner.
- (3) *Compliance with rate schedule.* Towing or wrecker services shall charge for their services such rates as may be fixed by ordinance.
- (4) *Rotation of County towing.* Towing or wrecker services shall perform towing or wrecking service for the County on a rotating basis.
- (5) *Interception of police calls.* No towing or wrecker service shall intercept police calls by shortwave radio.

J. Charges for Towing, Wrecking, and Storage Services.

Each conditional use permit holder under this article may make the charges for towing, wrecking, and storage services performed at the request of the County in accordance with a towing agreement with the County.

K. Revocation of Conditional Use Permit.

The Joint Planning Commission shall revoke a conditional use permit issued under this section when the Joint Planning Commission finds any of the following grounds:

- (1) The permit was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his/her making application, and such fact would have constituted just cause for refusal to issue the permit.
- (2) The permit holder illegally employed a shortwave radio to obtain information as to the location of the scene of an accident or disabled vehicle.
- (3) The permit holder paid in the form of a gratuity any third person not involved in the accident for information as to the location of the accident.
- (4) The permit holder has violated the fee schedule by overcharge.
- (5) The permit holder has violated any of the requirements of this article or any of the rules and regulations as established by the Joint Planning Commission or the Board of Commissioners.

L. Hearing on Granting, Denying, Renewing, or Revoking of Conditional Use Permit.

(a) Any person aggrieved by an order of the Joint Planning Commission granting, denying, renewing, or revoking a conditional use permit for a proposed or existing business or activity subject to the provisions of this section may file a written request for a hearing before the Board of Commissioners within ten (10) days after issuance of such order. The Board of Commissioners shall give notice of a public hearing upon this request to be held in not less than fifteen (15) days after service of the notice on the person requesting the hearing. The Board of Commissioners shall also give notice of the hearing to other persons directly interested in the order in question. At such hearing, the Board of Commissioners shall determine whether granting, denying, renewing, or revoking of the conditional use permit was in accordance with the provisions of this article and shall issue written findings of fact, conclusions of law, and an order to carry out its findings and conclusions. These findings of fact, conclusions of law, and order shall be filed with the County Clerk and served by the County Clerk upon all parties appearing or represented at the hearing.

(b) The County Attorney shall furnish such assistance and advice to the Board of Commissioners as the Board of Commissioners shall request.

M. Penalties.

Any person who violates any provision of this section shall upon conviction be punished by the fine of not less than \$10.00 nor more than \$100.00, or by imprisonment of not more than thirty (30) days; and each day's failure of compliance with any such provision shall constitute a separate violation.

Chair McLarty asked if there was anyone from the public that wished to speak in favor of adding the Regulations to the Dakota County Zoning Regulations and no one stepped forward.

Chair McLarty asked if there was anyone from the public that wished to speak in opposition to adding the Regulations to the Dakota County Zoning Regulations and no one stepped forward.

Chair McLarty asked if there was anyone from the public that had any neutral comments adding the Regulations to the Dakota County Zoning Regulations and no one stepped forward.

Chair McLarty asked who was going to initiate the meeting to set up the uniform charges and schedule that rotation of calls. Mr. Mellick thought that would be up to the Commissioners.

Commissioner Bousquet asked Mr. Walsh if the rotation of calls was already set up through the LEC. Randy Walsh, Deputy Sheriff, said that the owner has a choice and if they don't have a preference, the Sheriff's Office calls the LEC and the person on top of the list gets the call and then they drop to the bottom. Mr. Walsh met with C & H, Joe's and South Sioux Towing earlier today and that he would have a draft agreement for the Board and the County Attorney to review as result of that meeting.

Chair McLarty closed the Public Hearing at 4:45 p.m.

Commissioner Bousquet moved, seconded by Commissioner Gomez to add the Towing or Wrecker Service Regulations as presented to the Board into Section 600 of the Dakota County Zoning Regulations and to also note the rotation and fee schedule as follows:

ROLL CALL VOTE: Rohde- Absent, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Jeff Ahlers – Music during rodeo's held at the old Crystal Lake area."

Commissioner Bousquet said that Mr. Ehlers was not going to appear and that it had been settled.

Chair McLarty called for the agenda item "Dale Masters – Condition of county roads north of Hubbard." Dale Masters stepped up to the podium and said he was concerned about what it took to get his road graded and the snow removed more than twice a year. He said that the last three big snow storms that we had he spent at home for three days. There was some differences between how often Mr. Masters said that the county graded his road and received snow removal and what the frequency that the Road Department said they graded his road. Mr. Kellogg said that he has never been snowed in for three days before the grader opened his road. He said that there may be a case where the county opened the road and it blew in again, but not three days before the County got to it.

Chair McLarty told Mr. Masters to get with the Road Director and get it resolved.

Commissioner McLarty called for the agenda item "Kinetic Leasing – Approve and sign documents for 2009 Case Wheel Loader."

The County Clerk explained that the Board authorized the purchase some time ago and that the Board needed to authorize the Chair to sign the documents for the Lease-Purchase Agreement.

Commissioner Bousquet moved, seconded by Commissioner McNear to authorize the chair to sign the Lease-Purchase Documents for the purchase of the Case Wheel Loader.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Absent.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Camp Goodwill's request for tree removal and consider approving Camp Goodwill to apply for FEMA/NEMA funds through the State of Nebraska Mitigation Grant.

Commissioner McNear said that the Road Committee met with representatives from the Goodwill camp and have another meeting this week, so were not prepared for a recommendation, but would like it carried on the next board agenda.

Chair McLarty called for the agenda item "Approve Payroll claims submitted by County Clerk for payment."

Chair McLarty said that the payroll claims were fine except one employee did not sign their claim.

Commissioner McNear moved, seconded by Commissioner Bousquet to withhold payment from the employee that did not sign his claim, but to approve all other payroll claims submitted by the County Clerk, as follows:

COUNTY GENERAL FUND: Gross salaries- \$129,169.11, General Fund Employees Net Pay- \$93,184.24, Employer deductions paid: Retirement- 8,873.79, FICA- 7,869.49, Medicare- 1,840.47, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.29.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 936.00, Marisol Curiel- 921.60, Bobbi Jo Harsma- 1075.59, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 944.51, Margaret Rahn- 1229.82, Daniel Christoffers- 553.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1557.27, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 1028.56, Jeremy Bermel- 1957.60, Anthony Bos- 1636.79, Sandy Dickens- 454.61, Brian Ellinger- 2098.77, Penny Epting- 2010.16, Michael Estes- 1396.03, Brent Gilster- 1928.53, Todd Hammer- 1803.00, Richard Hansen- 1453.50, Melvin Harrison III- 1919.79, Rodney Herron- 1795.02, Jason James- 1719.16, Kimberly Johnson- 443.32, Jared Junge- 1650.38, Michael Kreegar- 1908.30, Gayle Richards- 854.40, Kevin Rohde- 1803.87, James Wagner- 1647.87, Randall Walsh- 1854.30, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1680.32, Ermelinda Ballesteros- 1565.53, Joshua Blatchford- 1410.79, Dusty Boyd- 1379.63, Rebecca Broer- 1434.99, Sandy Dickens- 681.91, Lisa Ford- 1184.63, Robert Foster- 1523.89, Joseph Gee- 1001.36, John Gilles- 1253.47, Alma Gunderson- 1479.40, Paula Harrigfeld- 703.76, Cathy Harsma- 1451.49, Deanna Haukap- 1375.99, Jackie Heaton- 1577.96, Jeffrey Heitzman- 1449.74, Adam Hough- 1528.02, Matthew James- 1477.33, Sarah Jensen- 458.35, Brett Johnson- 1663.29, Nicholas Kellen- 1299.45, Brenda Kelly- 1264.11, Terry Kern- 1884.62, Keith Klein- 1356.02, Mark Nelson- 1241.73, Travis Olander- 1827.97, Kimberly Peterson- 1352.44, Doyle Pilgrim- 960.00, Daniel Rodasky- 1499.92, Jutharatana Ruenprom- 1171.48, Stephanie Ryan- 1379.64, Linda Schovanec- 1265.70, Francis Tope- 1363.23, Charvette Williams- 1375.99, Jewel

Williams- 1296.87, Matthew Wise- 1001.36, Cara Wood- 1445.24, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1161.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 10,693.91, State- 4,463.17, FICA- 7,869.49, Medicare- 1,840.47, Retirement- 6,077.83, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,735.26, Aflac Health- 496.81, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$14,686.20, Road Employees Net Pay- \$10,745.97, Employer deductions paid: Retirement- 991.35, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 892.69, and Medicare- 208.78.

Brent Byroad- 1351.17, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.21, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 945.38, State- 436.84, FICA- 892.69, Medicare- 208.78, Retirement- 660.84, DC Health Plan-, DC Dental Plan- 84.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 143.86, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 120.00.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda "Resolution to seal the report created by Spencer, Fane, Britt & Browne."

Chair McLarty read the report drafted by the County Attorney as follows:

RESOLUTION 09C-012

RESOLUTION TO SEAL THE SPENCER, FANE, BRITT, & BROWNE REPORT

WHEREAS, the Dakota County Board of Commissioners hired the law firm of Spencer, Fane, Britt & Browne, L.L.P., to conduct an investigation into possible litigation concerning Dakota County in 2007, and

WHEREAS, the report and all materials related to the report are, and will remain, in the possession of Mark McQueen of Spencer, Fane, Britt & Browne, L.L.P., and

WHEREAS, the Board of Commissioners, in an effort to preserve confidentiality, desires to seal the report, and

NOW, THEREFORE, BE IT RESOLVED, by the Dakota County Board of Commissioners that the report created by Spencer, Fane, Britt & Browne in 2007 be, and hereby is, sealed.

Resolved this 13<sup>th</sup> day of July, 2009.

/s/ William I. McLarty /s/ Richard Bousquet

Chair

/s/ Antonio Gomez /s/ Richard McNear

Bill B. Rohde- Absent

ATTEST

/s/ Theodore A. Piepho,

County Clerk

APPROVED AS TO FORM:

/s/ Kim Watson

County Attorney

Commissioner Bousquet moved, seconded by Commissioner McNear to accept the Resolution and to seal the information.

Commissioner McLarty asked if there were any comments from the floor.

Julie Wesley stepped up to the podium. She stressed how important it was for the county to stay positive. From what she read this was done two years ago and the County spent thirty-six thousand plus and it still goes on without the County Board or the County Attorney finding any fault with the Deputy Sheriff.

She mentioned that the Chief Deputy was mentioned in every article and hopes that he has a chance to clear his name.

Chair McLarty stated then you are in favor of the resolution and Ms. Wesley said she was.

She thought that the County owed Rod Herron an apology.

Mr. McLarty made it clear that this Board did not do any accusing and this board owes no apology.

Ms. Wesley corrected that and said that she did not mean the board but "we".

She said that she would like to make it a public record that his name should be cleared.

Randy Walsh said that he felt what the board is doing is a start to clearing up this mess. He said that since this has been going on it has been used as a form of legal harassment toward Rod and other member of the Sheriff's Department. There might be legal action taken again other individuals, but appreciated the board doing this.

Commissioner Bousquet commented that the position that the deputies are in, people are going to pick them out and use them as targets or tarnish their creditability and thought that this is a case where that is happening.

Sally Reinert said that it was the findings of the State's Attorney's Office that there was nothing in the report sufficient for pressing charges against anyone. She said that there is great potential to cause a lot of damage in the county by opening this report and she couldn't imagine how it could do any good to open it. She said she applauded the board for taking this action.

Chair McLarty asked if there was anyone else and no one came forward.

Chair McLarty said that it was the intention of this board to protect the people that came forward and spoke to the law firm and to protect their names. That is the reason for all this action is to protect the

people that gave statements and they were told that their testimony would be held in confidence and that is what the board is trying to do is to keep that promise to those people.

Chair McLarty called for the vote.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Absent, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Todd Hammer & Randy Walsh – Courthouse security."

Todd Hammer and Randy Walsh stepped up to the podium. Mr. Hammer said that he thought the board was aware with what they were doing with the metal detectors at the doors. He said that they were at the point where they were ready to proceed with that and passed out a rough drawing of what they were proposing. He said that the plan was to keep the north and south access doors open to the public served by the Assessor's, Treasurer's, Clerk's and Register of Deeds Offices. All the other doors to the courthouse would be locked and all public access would be through the north and south doors. The metal detector would be basically at the base of the stairs. It would be manned with an employee eight hours a day, forty hours a week. We are trying to bring it to another level before someone else brings it to another level.

Chair McLarty confirmed that the east door and the smaller north door would be locked every day. He asked if all the employees would have to go through the public doors.

Mr. Hammer confirmed that unless they are given keys.

Mr. McLarty asked about the possibility of implementing card swipes that employees could enter these doors.

Mr. Hammer said that would be possible. You would have to put up those monitors, wiring them in and the cost of that. Discussion was had that the employees could be identified by that means.

Chair McLarty asked Randy for his thoughts and he pointed out that attached to the handout is something that came from Nirma. It came from them as what needs to be done. As far as the keys that is a possibility. Quite a few of your violent tendencies are disgruntled employees.

Mr. Hammer said that they would like to start this August 3<sup>rd</sup>.

It was discussed that the board already took action and approved it, but there was further discussion whether to implement a card system but they thought that would have to be carried on a future agenda.

Chair McLarty called for the agenda item "Commissioner Reports".

Commissioner Bousquet reported that there is an LEC Meeting tomorrow and the Planning and Zoning Board will have a meeting next week.

Commissioner McNear reported that Jeannie Hohenstein's term was up on the Health Board and that the Board appointed Jackie Hartnett to replace her.

Chair McLarty reported that Joan has a rough draft of the budget and will be presenting that in July.

He also reported that they have negotiations with the jail employee's union and that will be the second one.

Mr. McLarty reported that NPPD was having a meeting July 21<sup>st</sup> and that he could not go, but they would like to have a representative from the board there. Commissioner McNear said that he would like to go that.

Commissioner Bousquet said that he would like to get a report on how the half cent sales tax is doing and what percentage the real estate taxes are being paid, to help decide what to do on the Community College.

Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none to consider.

Approximately 5:15 Chair McLarty said that they were going to recess and meet at the new jail to take a jail tour and they will adjourn from the jail. He said that there would be no business conducted from this point on.

Chair McLarty and Commissioners McNear and Bousquet met in the lobby of the new jail approximately 5:20 p.m.

Commissioners McNear and Bousquet went on a jail tour along with several citizens. There was not a quorum that went on the tour.

The jail tour ended at 5:35 p.m. by the people meeting the chair and the secretary in the lobby of the new jail.

With a quorum present and no further business, Chair McLarty called for a motion to adjourn.

Commissioner Bousquet moved, seconded by Commissioner McNear to adjourn.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Absent, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED. 5:36 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

Dakota County Board of Commissioners  
 Monday, July 20, 2009, Regular Meeting  
 Dakota County Courthouse  
 County Board Meeting Room  
 Dakota City NE 68731

Chair McLarty called their meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, Gomez, McLarty, and Ted Piepho, Secretary. Kim Watson, County Attorney, was also present.

Absent: Commissioner McNear.

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.

Robert Giese – County Treasurer’s Semi Annual Report.

Nanci Walsh - Sales Tax Collections.

Pat Anderson – Present Convention and Visitor’s Bureau Budget  
 Appoint new committee member.

Camp Goodwill’s request for tree removal and consider approving Camp Goodwill to apply for FEMA/NEMA funds through the State of Nebraska Mitigation Grant.

Letter of Endorsement

Scott Munson – Fiddler Creek Road maintenance

Fred Kellogg and Chad Kehrt – They will ask the County Board to relax the design standards for County Roads 200th Street and Luton Avenue. The Board may approve said relaxation.

Miscellaneous Agenda Items

- Discuss and approve soliciting bids for Magnetic Card entry for North and East Doors.
- Funding for the Northeast Community College Center Capital Campaign out of the inheritance fund.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

Commissioner’s Committee Reports - Reports by any board member serving on one of the Board’s Working Committee’s with information pertinent to that Committee.

Commissioner Member Reports - Informational report by any Board Member who wishes to communicate new information to other board members relating to County issues.

Mail and/or Emergency Business

Public Comment

Adjournment.

Chair McLarty called for the agenda item “Approve Minutes of previous meeting.”

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the minutes of July 13, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Absent, Gomez- Yea, and McLarty- Yea.  
 UNANIMOUS MOTION CARRIED.

Robert Giese, County Treasurer, presented his Office Semi-Annual Report for period ending June 30, 2009.

Commissioner Gomez moved, seconded by Bousquet to approve the Treasurer’s Semi-Annual Report for period ending June 30, 2009, as presented.

ROLL CALL VOTE: Rohde-Yea, McNear- Absent, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
 UNANIMOUS MOTION CARRIED.

**Nanci Walsh, Treasurer for South Sioux City, presented the Board with a report showing how much the half-cent Sales Tax has generated. The report was as follows:**

LEC	2005	2006	2007	2008	2009
January	7,876.62	11,060.20	8,474.50	13,210.80	6,584.59
February	7,871.70	9,002.83	10,586.86	12,664.38	11,846.45
March	7,901.89	11,975.07	13,437.12	3,033.63	12,091.54
April	9,872.04	4,636.35	7,856.62	3,052.20	11,964.52
May	9,539.60	5,858.72	13,799.55	9,606.28	9,667.95
June	10,499.47	12,422.29	13,583.36	9,111.38	-
July	9,826.41	12,619.98	12,900.89	13,006.55	-
August	9,542.52	13,643.17	12,378.82	13,094.14	-

September	9,855.38	13,614.55	12,869.05	13,104.10	-	
October	12,700.58	8,521.61	11,853.73	11,715.36	-	
November	12,216.66	11,124.30	11,523.82	10,974.04	-	
December	15,326.74	13,468.88	14,412.11	12,294.57	-	
	123,029.62	127,947.96	143,676.42	124,867.44		519,521.44
Jail	2005	2006	2007	2008	2009	
January	57,761.88	81,108.15	62,146.35	96,879.22	48,287.03	
February	57,725.79	66,020.78	77,636.99	92,872.15	86,873.98	
March	57,947.20	87,817.22	98,538.91	22,246.64	88,671.33	
April	72,392.50	33,999.86	57,615.18	22,382.77	87,739.79	
May	69,957.09	42,963.94	101,196.69	70,446.07		
June	76,996.06	91,096.67	99,611.28	66,816.76	-	
July	72,060.38	92,546.43	94,606.50	95,381.39	-	
August	69,978.50	100,049.93	90,778.00	96,023.71	-	
September	72,272.83	99,840.09	94,373.00	96,096.75	-	
October	93,137.59	62,491.81	86,927.38	85,912.65	-	
November	89,588.86	81,578.22	84,507.98	80,476.29	-	
December	112,396.07	98,771.79	105,688.83	90,160.18	-	
	902,214.75	938,284.88	1,053,627.10	915,694.58	311,572.14	4,121,393.45

Pat Anderson, with the South Sioux City Chamber, reported that they are without a CVB Director and that they will be searching for a Director in the near future. She invited someone from the Board to be on the search committee and to call her if anyone cared to sit in on that committee.

Chair McLarty suggested that the Director live in Dakota County or that they move to Dakota County, if not already a resident.

Pat Anderson, with the South Sioux City Chamber, and Bart Gotch, with the Convention and Visitor's Bureau, presented the Convention and Visitor's Bureau 2009-2010 budget. Their anticipated income was \$151,950.00 with expenses of \$151,691.00 and a Necessary Cash Reserve of \$259.00. Last year (2008-2009) they spent \$181,823.75 and the year prior to that (2007-2008) they spent \$188,054.75.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the CVB Budget showing an anticipated income of \$151,950.00 with expenses of \$151,691.00 and a Necessary Cash Reserve of \$259.00.

ROLL CALL VOTE: Rohde-Yea, McNear- Absent, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Ms. Anderson also reported that they will hold off recommending replacing a vacant member on the Convention and Visitor's Bureau Board until the Director has been named.

Paul Kellen, with Goodwill Industries, Inc. appeared before the Board and asked them to sign a Letter of Endorsement to provide tree removal and grading as an in-kind match for the Hazard Mitigation Grant Program Funding in support of the Goodwill Camp Achievement Center and Safe Room project.

Commissioner Rohde spoke on behalf of the Road Committee and said that the Road Committee met with representatives from Goodwill Industries at the site to discuss what needed to be done. He felt the County could do that work in the off season.

**\*See July 27<sup>th</sup> 2009 minutes striking all language pertaining to grading.**

Commissioner Rohde moved, seconded by Commissioner Gomez to provide Goodwill Industries, Inc. with a Letter of Endorsement to provide tree removal and grading as an in-kind match for the Hazard Mitigation Grant Program Funding in support of the Goodwill Camp Achievement Center and Safe Room project.



The Letter of Endorsement that was sent follows:

RE: Letter of Endorsement

Dear Mr. Kellen:

The Dakota County Board of Commissioners resolved at their Board meeting on July 20<sup>th</sup> to provide tree removal and grading as an in-kind match for the Hazard Mitigation Grant Program Funding in support of the Goodwill Camp Achievement Center and Safe Room project.

Dakota County endorses this project to help keep kids and adults safe from devastating storms and tornados. The Camp serves 500 youth each summer as well as providing adult day care; respite programs, services to church groups, scouts, and businesses for meetings and other camping needs.

Dakota County Board of Commissioners:

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
William B. Rohde

\_\_\_\_\_  
Richard Bousquet

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Antonio Gomez

\_\_\_\_\_  
Richard McNear

ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Scott Mohnson appeared before the Board concerning the maintenance of Fiddler Creek Road and asked that Brent Byroad be put back in their area from the area that he is presently maintaining.

Chair McLarty suggested that the Road Committee and Fred Kellogg work it out.

Fred Kellogg, Dakota County Road Director, and Chad Kehrt Highway Supt. appeared before the board and asked the County Board to relax the design standards for County Roads 200th Street and Lutton Avenue. They are currently classified as RO2 Roads which have a design speed of 50 mph. It is being requested that the Commissioners reduce the Relaxation Design Standard to 35 mph. This is due to the fact that traffic will be driving over the top of the dam and that it would be costly to maintain a design speed of 50 mph. Mr. Kehrt said that if the Commissioners approve this, then he would write to the Department of Roads requesting the same.

Commissioner Rohde said with the various types of trails, he thought that the lower speed limit would be a good thing.

Commissioner Rohde moved, seconded by Commissioner Bouquet to relax the design standards for County Roads 200th Street and Lutton Avenue reducing the design speed from 50 mph to 35 mph.

ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Discuss and approve soliciting bids for Magnetic Card entry for North and East Doors".

Commissioner McLarty said that there is some concern with the Clerk's Office that is going to be at the bottom of the stairs and the east door is shut off, people will have to go all the way around to the entrance doors, go through the machine and go all the way back through to get to the Clerk's Office. The other thought is to put another medal detector at the bottom of the stairs. The question is "how much security can we provide with a building built in the depression"?

Commissioner Bousquet said then you would have to put another officer on and add employees.

Chair McLarty asked how far are we going to go on security. Are we securing the court rooms? Is that what we are securing?

Mr. Bousquet said that he thought they were securing whole courthouse and asked Randy Walsh if that was right.

Mr. Walsh said the whole courthouse. There would be an officer at the bottom of the steps and he will be right there and able to see all the other offices. Anybody going to the other offices or the court rooms has to go through the medal detectors. You could get the card swipes for the two doors and employees could exit the doors with no problem. That's the best way to secure it. The officer is going to be able to see the Assessor's Office, Treasurer's Office and everybody like that.

Commissioner McLarty said that he is just trying to clear something up, if you are going to do that, then the public coming into the Clerk's Office is going to have to come up here, go all the way through the building to get to the clerk's office to take care of business and then exit the building. He said that he was all for security but be prepared for the public complaining about inconvenience.

Commissioner Rohde said that he didn't think there would be that much traffic.

The County Clerk said that election year and protest time would be his busiest times. Outside that Marriage Licenses would be traffic as well. I don't know that there is a good solution. I wish I could go back two months and I would not have consented to go to the basement. I have been giving some

consideration to putting up a lock point by the elevator. That would leave the east door open, but I don't know if that is a good solution either.

I have some concern, that if you post an officer at the bottom of the steps, and someone comes in and does what we are afraid might happen, I know how I would feel if I were an employees relative of a victim working in the Treasurer's Office or Register of Deeds Office. I would feel that if you were going to provide security, you should have provided security for those offices as well (referring to walking through the medal detector). Doing that would cause the hiring of another person. I think the Sheriff's Office or whoever has looked at this, has done a marvelous job of sealing off the area that they have with one person. I think they have done an outstanding job as far as that goes. How much security do you want? How much do you want to pay? That's the issues here.

Chair McLarty said that we are interested in security, but you also want to think about public convenience, so where do you go from here?

Commissioner Bousquet said, "who is to say that someone won't hold one of those doors open for others to come in" and suggested that it be turned back over to the Sheriff's Department and let them look at it again. Chair McLarty referred it to the Property Committee to meet with the Sheriff's Office.

Chair McLarty called for the agenda item "Funding for the Northeast Community College Center Capital Campaign out of the Inheritance Tax Fund".

Chair McLarty said that it was suggested that the County give them \$50,000 minus the \$21,000, which we already donated in kind and the difference would be paid over a five year period.

Commissioner Bousquet said that he thought that they were looking for the 70 range. \$21,000 and \$54,000 would get us up to \$75,000. \$75,000 would get our name on a science lab or Business Ag Room. \$50,000 will get our name on a computer room or a large class room.

Commissioner Rohde asked if we hadn't given them \$5,000 a couple months ago. It was determined that we had and that was for their nursing program.

Commissioner Gomez said that Education is the most important thing in his life and generations to come and if it does not jeopardize our budget, he didn't have anything against giving them the \$75,000 but wants to make sure that we (the County) are in a position to make that kind of donation.

The comment by Commissioners McLarty and Bousquet were that it would come out of Inheritance Fund and not out of property tax.

Commissioner Bousquet said that Inheritance Tax generated \$150,000 on its own last year.

Commissioner Gomez said that the college will give a boost to Dakota County and South Sioux City for many years. When asked what level he would suggest, he said he would go with the \$75,000.

Commissioner Gomez moved, seconded by Bousquet to give the Northeast Community College \$75,000 and that takes in account the \$21,000 that the County has donated in kind making a cash donation of \$54,000 to them over five years.

Chair McLarty asked for comments from the public.

Julie Wesley asked, why are you donating \$50,000 for a name plaque above a door when you could give a scholarship to some kid that can't afford to go? Why doesn't that go every year to a child?

Chair McLarty said that this is a one time shot and it shows that Dakota County is in support of bringing the school in here for the good of our community and our citizens for our youth.

Ms. Wesley asked if that would not be so by giving a scholarship.

There was more discussion concerning a name plaque versus a scholarship.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Review and approve Accounts Payable Claims submitted by Co. Clerk".

There were a couple comments that Chair McLarty had after reviewing the claims. One was paying Siouxland National Bank for July's rent because they moved into their Plaza Office a month before their contract started and it wasn't invoiced.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the claims submitted by the County Clerk and to include Probation's July rent provided an invoice is submitted prior to the processing of the checks. The claims submitted for payment were as follows:

GENERAL FUND: Rick Bousquet, meal- 12.19; Dakota County Star, publishing- 364.12; Perkins, supplies- 232.32; Joan Spencer, meal/miles- 165.59; AJ Phillips, shipping- 12.80; CitiMastercard, power supply- 581.18; Curry Floor, flooring- 3749.00; Dakota County State Bank, deposit box- 100.00; Dakota County Star, subscription- 62.00; Midwest Office Automations, contract- 465.00; Mobile Binders, sheet punching- 31.07; Perkins, supplies- 195.37; Theodore Piepho, phone- 20.00; Sioux City Journal, subscription- 250.00; Robert Giese, mileage- 151.80; Charlotte Doenhofer, 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- 79.98; AS Central Service, data- 3.50; OSDI Midwest, contract- 910.00; Microfilm Imaging, lease- 240.00; Perkins Office, toner- 143.71; Wilmes Hardware Hank, supplies- 23.46; Todd's Storeall, storage- 80.00; Dakota City Postmaster, stamps- 67.20; Gene Cantrell, mileage/meeting- 68.10; Dakota Business Systems, copier rental- 102.00; Dakota County Star, publishing- 19.29; Jolene Gubbels, minutes- 45.00; Jim Jepsen, mileage/meeting- 32.20; Tom Lynch, mileage/meeting- 58.20; Arnie Mellick, phone- 30.00; Marlan Millard, mileage/meeting- 56.55; Donald Miller, mileage/meeting- 73.05; Harold Moes, mileage/meeting- 68.10; Andy Olson, mileage/meeting- 87.90; Joe O'Neill, mileage/meeting- 37.70; Martin Rohde, mileage/meeting- 23.80; Holiday Inn, lodging- 299.80; Hy-Vee,

supplies- 110.03; Staples, supplies- 511.99; AS Central Finance, supplies- 63.24; Dakota Business Systems, lease- 99.00; Dakota County Star, subscription- 36.00; Microfilm Imaging Systems, scanning- 88.50; Nebraska Law Review, subscription- 66.00; New Perspectives, shredding- 27.00; Office Elements, supplies- 34.47; Kurt Rager, reimburse- 18.84; Thomson West, service- 222.00; Dakota County Court, court costs- 2909.31; Kueny & Begley, attorney fee- 636.00; Yuri Lara, witness fee- 23.30; Sarah McDonald, witness fee- 43.10; Stuart Mills, attorney fee- 210.00; Dolores Morales, witness fee- 23.30; Peter Parry, attorney fee- 453.36; Jennifer Sell, witness fee- 22.75; Cindy Weber-Blair, attorney fee- 480.00; William Binkard, reimburse- 277.31; Raul Escobedo, interpret- 62.00; Frank Gonzalez, interpret- 100.00; Midwest Office Automations, toner- 74.50; Perkins, supplies- 44.83; Dakota County Sheriff, papers/warrants- 2115.88; Randy Hisey, attorney fee- 1374.00; Susan Hunke, transcript- 141.25; Dennis Hurley, attorney fee- 476.00; MIPS, service- 1070.91; Michael Schmiedt, attorney fee- 135.00; Shirley Sides, board- 60.00; Patricia Slaughter, board- 65.50; Cindy Weber-Blair, attorney fee- 90.00; Robertson Implement, repair- 70.32; Ateam Heating, repair- 2170.00; Barone Security, inspection- 370.00; Benstar Packaging, supplies- 36.69; Bomgaars, supplies- 162.80; City of Dakota City, water- 1147.76; Dakota Food & Fuel, supplies- 27.00; Blade runners, mowing- 220.00; Display Sales, supplies- 193.00; Gill Hauling, service- 120.00; Richard Jensen, mileage- 138.60; Joes Dept Store, repair/supplies- 44.67; Menards, supplies- 934.23; MidAmerican, energy- 1576.00; Nebr. Public Power Dist, energy- 4300.98; O'Keefe Elevator, maintenance- 253.40; Trembly Pest Control, service- 50.00; Verizon, phone- 58.36; Wilmes Hardware Hank, supplies- 123.72; United Rentals, maintenance- 91.49; PMRNRD, rent- 833.33; UNL Extension, reimburse- 781.85; Ahlers & Cooney, services- 371.25; City of South Sioux City, phone/fuel/services- 3972.55; Dakota Food & Fuel, fuel- 646.80; Electronic Engineering, radio- 465.00; Fremont Tire, service/repair- 237.71; Amy Hueser, interpret- 95.00; Jacks Uniforms, clothing- 59.95; Joes Dept Store, supplies- 20.78; NLETC, certificate- 50.00; Net Sys Plus, service- 656.25; RACOM, t1- 703.80; Sioux City Ford, service- 1373.46; Siouxland Federal Credit Union, reimburse- 235.53; Verizon, phones- 431.00; Wal-Mart, supplies- 70.66; Willis Animal Clinic, supplies/test- 307.83; AJ Phillips, cards- 53.00; Cartridge World, ink- 31.58; Dakota County Star, subscription- 36.00; Dakota County Treasurer, reimburse- 79.00; Dept of Motor Vehicles, transcripts- 8.00; Des Moines Stamp, stamp- 32.05; H2O4U, water- 17.00; Iowa Office Supply, contract- 128.79; Nebraska Medical Center, testing- 3265.00; Parkview Industries, witness fees- 305.00; Staples, supplies- 79.97; Susan Hunke, transcript- 81.25; Thurston County Court, copies- 4.25; Verizon, phone- 1.99; City of South Sioux City, LEC share- 29049.41; BI Inc, monitoring- 623.52; Caterina Chapman, mileage- 30.80; Verizon, phone- 55.15; Ateam Heating, service- 1447.81; Ace Refrigeration, disposal- 81.75; Ahlers & Cooney, services- 371.25; Amsan, supplies- 2221.59; BI Inc, house arrest- 520.30; Bob Barker, supplies- 517.07; CBM Food Service, meals- 26873.82; CashWa Distro, supplies- 53.28; City of Dakota City, water/sewer- 878.75; Crescent Electric Company, supplies- 51.24; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, mileage/meal- 641.35; Dakota County Star, publishing- 150.00; Dakota Family Dentistry, medical- 175.00; Dakota Food & Fuel, fuel- 516.99; Sandy Dickens, mileage- 110.00; Fairmont Fire Systems, inspection- 166.00; Foulk Brothers, service- 700.29; Fremont Tire, service- 41.51; Gill Hauling, service- 120.00; Jackie Heaton, mileage- 142.73; Hough Distributing, gloves- 262.43; Jacks Uniforms, radios/earphones- 150.00; Joes Dept Store, supplies- 102.38; Kleen Solutions, supplies- 49.95; Mercy Business Health, house calls- 1874.00; Mercy Medical Center, medical- 49.75; MidAmerican, utilities- 400.03; Midwest Office Automations, copies- 209.79; Moore Medical, medical- 776.75; NE Nebr. Juvenile, services- 1793.75; NW Iowa Emergency, medical- 160.00; Nebraska Public Power, utilities- 4142.74; Net Sys Plus, service- 240.00; Pepperball Tech, pepperballs- 450.00; Doyle Pilgrim, mileage- 35.75; Simplex Grinnell, service- 278.50; Sioux City Journal, publishing- 435.90; Siouxland Federal Credit Union, fuel/meal/reimburse- 1471.30; Speedy Rooter, repair- 198.24; Staples, supplies- 303.90; Trembly Pest Control, service- 35.00; Verizon, phones- 195.05; Wal-Mart, supplies- 103.67; Woodbury Co Juv, services- 4000.00; Dodge County Clerk, expenses- 8309.22; Verizon, phone- 33.07; Maureen Biggar, mileage- 170.50; Pam Devries, mileage- 187.55; Perkins, supplies- 82.47; Sanofi Pasteur, tests- 222.43; Dr. Thomas Wentz, consulting physician- 250.00; Deanna Beckman, hours- 885.00; Pam Devries, mileage- 2.20; Hy-Vee, meals- 276.19; Mercy Medical Center, symposium- 178.00; South Sioux Senior Center, facility use- 175.00; Public Health Licensure, list- 46.00; Alan Boyd, mileage- 628.65; Electronic Engineering, pager- 13.95; Thomson West, services- 829.36; Bort Auto Body, deductible- 250.00; Business Telecomm System, voicemail- 248.00; CableOne, internet- 205.95; Dakota County State Bank, stop payment- 25.00; FSH Communications, payphone- 63.60; Lazette Gifford, website- 40.00; IBM Corp, maintenance agreement- 218.58; MIPS, support- 407.84; NE Nebr. Area Agency, county match- 5559.00; Qwest, phone- 1363.67; Racom, repeater maintenance- 198.00; Region 4 Behavioral, qtrly fees- 7476.50; Region 4 Inc, qtrly fees- 5320.25; Romans Wiemer, audit- 12500.00; Sioux Air, spraying- 1360.00; Madelyn Thorsland, prior yrs- 10.00; Three River, admin fee- 90.00; US Postal Service, postage- 2500.00; WCS Telecom, long distance- 333.16; XPEDX, paper- 2365.49; Road Fund, budget transfer- 65000.00; Road Improvement, budget transfer- 11000.00; Weed Fund, budget transfer- 500.00; ROAD: Advance Auto, supplies- 39.98; Aramark, service- 407.00; Bomgaars, tools- 195.95; Circle R, repair- 1729.91; Colonial Research, supplies- 99.13; Dakota county Clerk of Court, citation- 269.00; Dakota County Star, publishing- 28.76; Filter Care of NE, filter- 37.00; GCR Tire Center, repair- 33.00; Gill Hauling, service- 55.00; Guarantee Oil, oil- 1015.20; Walter Heinemann, prior yrs- 29.00; Heritage Express, fuel- 50.00; Hubbard Minimart, fuel- 2712.65; H2O4U, service- 29.00; New Sioux City Iron, supplies- 82.78; Joes Dept Store, parts/supplies- 284.38; Kinetic Leasing, loader- 5066.00; LG Everist, rock- 38389.14; Linweld, service- 42.55; Medical Enterprises, testing- 29.90; Arnie Mellick, clothing- 69.99; Midwest Service, signs- 3179.04; Marlan Millard, prior yrs- 15.00; NAPA, supplies- 895.04; Nebr. Public Power, service- 24.74; Northeast Equipment, rental- 1013.14; NE Nebraska Public Power, service- 167.07; NE Nebraska Telephone, phone- 172.43; Overhead Door Company, repair- 92.50; Petersons Sand & Gravel, gravel- 31900.00; PowerPlan, parts/supplies- 751.88; Rees Mack Sales, parts- 437.22; St Luke's Center, testing- 20.00; South Side C Mart, fuel- 1602.22; Titan Access, parts- 1816.07; TriState Comm., equipment- 150.00; UECO, pipe- 825.60; Verizon, phone- 58.26; Warren Oil, fuel- 8016.30; Ziegler, parts/supplies- 11394.19; ROAD IMPROVEMENT 802: Barkley Asphalt, asphalt- 11064.64;

VETRANS AID 1900: Veterans Office, vet aide- 3000.00;  
 LAW ENFORCEMENT GRANT: City of South Sioux City, grant- 23066.08;  
 POOR RELIEF: Becker Hunt Funeral Home, burial- 1325.00;  
 PUBLIC SAFETY: Jail Bond Fund, Sales Tax- 21968.13;  
 WEED FUND: Advance Auto Parts, parts/sprayer- 47.21; Bomgaars, parts- 102.78; FIMCO, parts- 146.42; Heritage Express, fuel- 107.00; Hubbard Minimart, fuel- 127.00; J & J Pronto, fuel- 60.01; Joe's Dept Store, supplies- 22.88;  
 E911: City of South Sioux City, 911 monies- 21784.11;  
 ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Absent and Gomez- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Committee Reports".

Commissioner Gomez, reporting on behalf of the LEC Committee, reported that they met Deanna Beckman and she updated us with her plans.

Commissioner Bousquet reported that since she started she has gone through files of past grants and found that there was \$200,000 in grant money that had not been used. Ms. Beckman has resubmitted to get those funds.

Chair McLarty called for the agenda item "Commissioner Member Reports".  
 Chair McLarty mentioned that they started to conduct Town Hall Meetings and asked the other board members if they wanted to continue that. It was the consensus of the board to continue Town Hall Meetings.

Chair McLarty called for the agenda item Emergency Business and there was none to consider.

Chair McLarty called for the agenda item "Public Comment" and there was one.  
 Julie Wesley said that she had the honor of going on the jail tour last meeting and wanted to let the Board know how impressed she is with the system. She said that she would like to see the second phase go forward.

With no further business, Chair McLarty called for a motion to adjourn.  
 Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn.  
 ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear- Absent and Gomez- Yea.  
 UNANIMOUS MOTION CARRIED. 4:58 p.m.



County Board of Commissioners

\_\_\_\_\_  
 William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
 Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, July 27, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Danny Christoffers, Acting Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

- Roll Call
- Approve Minutes of previous meeting

Vi Newhard, Sales Consultant FiberComm – Presenting a plan for the County to switch its Telephone Communications Services.

Mel Obbink – Sidwell & Company Plat Maps

Miscellaneous Agenda Items

- Approve Payroll claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.
- Appointment of an individual to the Board of Adjustments. The County advertised for citizens interested in serving on said board and Dick McCabe was the lone applicant.
- Courthouse Security
- Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Rohde asked that we correct the minutes to reflect that the agreement with the Goodwill Camp is for tree removal only and not grading.

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the minutes of July 20, 2009 as corrected, by striking all language pertaining the grading.

ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde-Yea. Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Vie Newhard, a Sales Consultant for FiberComm, appeared before the board to present a proposal for the County telephone service. This proposal was brought to show that they believed the County could save about \$3,200 if they switched to FiberComm.

There was discussion regarding whether the current phone service was still in contract. Vie stated that the contract ended in April 2007. There would be no contract requirements if the County switched to FiberComm.

Mel Obbink with Sidwell & Company to discuss Plat Maps. Mel asked the board to consider using funds from Inheritance Tax Fund for aerial photography and GIS mapping and wanted to schedule a thirty-minute presentation.

Chair McLarty asked if he had discussed this with Madelyn Thorsland, County Assessor. Mel had said that he had talked with her about this in the past.

Commissioner Rohde asked when the last times the Plat Maps were updated. Mel said that it was about 1985 or 1986.

Commissioner Bousquet asked if this was made into a book form where it could be sold to advertisers. Mel said that the software would be given to the County where they could produce the books on an annual basis.

Commissioner McNear asked what the total price would be for the whole project. Mel said it would be \$120,000 to \$140,000.

Commissioner Gomez said it would be worth hearing the presentation.

It was discussed that the board would hear his presentation on August 24<sup>th</sup> and be placed early on the agenda.

Chair McLarty called for the agenda item: Approve Payroll claims submitted by County Clerk for payment.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the payroll as submitted by the County Clerk for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$126,707.27, General Fund Employees Net Pay- \$94,587.14, Employer deductions paid: Retirement- 8,810.81, FICA- 7,855.81, Medicare- 1,837.21, DC Health Plan-, DC Dental Plan- and Life Insurance-.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 553.20, Tracey Corkin- 897.98, Marisol Curiel- 949.42, Bobbi Jo Harsma- 1058.94, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 538.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.25, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 2123.51, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 1330.42, Jeremy Bermel- 1726.35, Anthony Bos- 1799.92, Sandy Dickens- 454.61, Brian Ellinger- 1822.96, Penny Epting- 1674.11, Michael Estes- 1307.32, Brent Gilster- 1670.84, Todd Hammer- 1800.91, Richard Hansen- 1459.20, Melvin Harrison III- 1700.85, Rodney Herron- 1795.02, Jason James- 1631.50, Jared Junge- 1664.42, Michael Kreegar- 1620.82, Gary Powell- 288.00, Gayle Richards- 854.40, Kevin Rohde- 2093.62, James Wagner- 1647.87, Randall Walsh- 1939.00, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1041.60, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1250.99, Ermelinda Ballesteros- 1618.99, Joshua Blatchford- 1410.82, Dusty Boyd- 1253.11, Rebecca Broer- 1421.79, Sandy Dickens- 756.53, Lisa Ford- 1383.52, Robert Foster- 1225.09, Linda Frost- 635.00, Joseph Gee- 1099.79, John Gilles- 1340.75, Alma Gunderson- 1367.01, Paula Harrigfeld- 595.49, Cathy Harsma- 1306.92, Deanna Haukap- 1239.57, Jackie Heaton- 1627.40, Jeffrey Heitzman- 1181.05, Adam Hough- 1228.71, Matthew James- 1180.12, Sarah Jensen- 229.18, Brett Johnson- 1279.77, Nicholas Kellen- 1402.27, Brenda Kelly- 1422.01, Terry Kern- 1884.62, Keith Klein- 1234.90, Mark Nelson- 1226.40, Travis Olander- 1242.67, Kimberly Peterson- 1222.81, Doyle Pilgrim- 960.00, Daniel Rodasky- 1289.06, Jutharatana Ruenprom- 1329.39, Stephanie Ryan- 1403.22, Linda Schovanec- 1345.71, Francis Tope- 1225.59, Charvette Williams- 1574.13, Jewel Williams- 1421.48, Matthew Wise- 1222.81, Cara Wood- 1406.45, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 10,576.15, State- 4,430.14, FICA- 7,855.81, Medicare- 1,837.21, Retirement- 5,965.06, Health Plan-, DC Dental Plan-, Colonial Health-, Sheriff Union Dues-, Deferred Comp- 607.00, Garnishments- 848.76, Aflac Health-, Aflac Life/Dsbl- and Flex Plan-.

COUNTY ROAD PAYROLL: Gross salaries- \$16,794.41, Road Employees Net Pay- \$12,619.49, Employer deductions paid: Retirement- 1133.65, DC Health Plan-, DC Dental Plan-, Life Insurance-, FICA- 1041.25, and Medicare- 243.53.

Brent Byroad- 1531.10, Robert Hacker- 1506.46, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1332.16, Kimon Litras- 1251.20, Arnold Mellick- 1514.14, Willie Peters II- 11559.20, Leon Pies- 691.53, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,239.72, State- 551.46, FICA- 1,041.25, Medicare- 243.53, Retirement- 755.73, DC Health Plan-, DC Dental Plan-, Reassure America Life-, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health-, Aflac Life/Dsbl-, Flex Plan- and Union Dues-.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- lodging tax, 10,444.56.

ROLL CALL VOTE: McNear- Yea, Rohde-Yea. Bousquet- Yea, McLarty- Yea, Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: Appointment of an individual to the Board of Adjustments. The County advertised for citizens interested in serving on said board and Dick McCabe was the lone applicant. Secretary's notes: LaDonna Krumwiede resigned from the Board of Adjustments leaving a vacancy on the Board of Adjustments the appointment of Mr. McCabe would be for Ms. Krumwiede's unexpired term.

Commissioner Rohde moved, seconded by Commissioner McNear to appoint Dick McCabe to the Board of Adjustments.

ROLL CALL VOTE: Rohde-Yea, Bousquet- Yea, McLarty- Yea, Gomez- Yea, McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: Courthouse Security

Deputy Rod Herron appeared before the board. He stated that Electronic Innovations said that it would cost \$1,500 for each door alarm system and \$2,500 for each card check swiper for each door. Total \$4,000 a piece per door. He stated that there is a grant available from NIRMA that would reimburse the County for the costs associated with the purchasing of the equipment. Nothing would be purchased until it was certain that the grant was secured.

Rod discussed the potential problem associated with doors being propped open. He said that cameras are currently recording those doors. At minimum an alarm system could be replaced on each door and if it is done with a card swipe it can be set for a specified minimum/maximum number of seconds before an alarm goes off.

Chair McLarty asked what the additional charge would be for magnetic alarms to be placed at each door. Rod said it would be 4,300 for the metal detector.

Chair McLarty asked if one person could monitor both doors. Rod said no, that it would be difficult to do that. Chair McLarty asked how bag searches would be done. Rod said that would be done manually. Commissioner McNear asked if this would be done with Deputies that the County already has. Rod Herron said that would be the case.

Chair McLarty called for the agenda item: Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.

Linda Schovanec appeared before the board to speak for Lodge #49, she stated that the Lodge voted and unanimously accepted the agreement.

Commissioners Bousquet moved, seconded by Commissioner Gomez to accept the Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.  
ROLL CALL VOTE: Bousquet- Yea, McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Commissioner's Committee Reports & Member Reports  
Commissioner Bousquet stated that he attended a Planning & Zoning Commission Meeting discussing some zoning issues and there was further discussion on the Saunders issue that he wanted to confer with Kim Watson on.

Commissioner Gomez thanked individuals from Mundo Latino, the Hispanic Newspaper in South Sioux City for placing information regarding legislation and commissioners meetings.

Commissioner McNear wanted to thank the Road Department for the job they did on the Thompson addition.

Commissioner McNear asked Chair McLarty how the boarding of prisoners off-sets property taxes.  
Chair McLarty explained how this process works.

Lou Franco appeared before the board and asked about cost and expenses of the jail and how this would off-set costs.

The board had further discussion regarding the expenses of the jail and the income associated with housing prisoners associated with the Federal Marshals Office and other services.

Chair McLarty called for the agenda item: Public Comment

There was discussion if there could be public comment on an agenda item and it was decided that there could be.

Ted Piepho, County Clerk, appeared before the board and had concerns with access points into the courthouse related to courthouse security changes. He suggested having vestibules to scan/check individuals before they enter the building and had some suggestions regarding walls/steel gates to seal off entries. He wanted to avoid the public being inconvenienced in coming to his office.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Gomez moved, seconded by Commissioner Bousquet to adjourn the meeting.

ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde-Yea. Bousquet- Yea.  
UNANIMOUS MOTION CARRIED. 4:17 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, August 10, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Deb Fergen, Deputy County Attorney were also present.

Absent: None.

The agenda for the meeting was as follows: This meeting was advertised to begin at 4:00 p.m.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting

Recess to Board of Corrections

Reconvene from Board of Corrections

Amber Hupe-Monney - Dakota County Victim Assistance Program providing services to crime victims in Dakota County.

Vi Newhard, Sales Consultant FiberComm - Present a proposal to the Board for local and long distance phone service. Will request the Board to vote on switching from current providers

(Qwest local service and WCS Telecomm long distance) to FiberComm's local and long distance service.

Tony Gomez – Approve celebration of Mexico Independence Sept. 13 from 1 to 8 pm.

Traci McDonald – Maintenance of North Winnifred Drive. This is the road through High Addition behind the Road Maintenance Shop at Hubbard.

Miscellaneous Agenda Items

- Letter of Support for U.S. Cellular's application for federal stimulus funds to bring improved broadband service to Dakota County.
- Approve Payroll claims submitted by County Clerk for payment.

Commissioner's Committee Reports - Reports by any board member serving on one of the Board's Working Committee's to present the other Board Members with information pertinent to that Committee.

Commissioner Member Reports - Informational report by any Board Member who wishes to communicate new information, such as phone calls or concerns by tax payers, to other board members relating to County issues.

Public Comment

Mail and/or Emergency Business

Adjournment

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Gomez moved, seconded by Commissioner McNear to approve the minutes of July 20, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde-Yea. Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty recessed the Board of Commissioner's Meeting at 4:03 p.m. to convene in Board of Corrections.

Chair McLarty reconvened Board of Commissioner's Meeting at 4:08 p.m. upon adjourning the Board of Corrections Meeting.

Chair McLarty called for the agenda item "Amber Hupe-Monney - Dakota County Victim Assistance Program providing services to crime victims in Dakota County."

Amber Hupe-Monney presented the board with information about the program and said that the Grant Funds would be enough to operate the program for the year, whereas, South Sioux City and Dakota County had to cost share part of the program last year.

Ms. Hupe-Monney presented the following handout.

Dakota County Victim Assistance Program

Established in Dakota County in 1989 to serve county wide residents.

Providing advocacy and assistance to violent and property crime victims. Violent crimes include child abuse, burglary, robbery, survivors of homicide victims, domestic violence, assault, sexual assault, and



elderly victims. Property crimes include harassment, theft, criminal mischief, vandalism, graffiti, motor vehicle theft, etc. Throughout the last 19 years the program has maintained support from the community including, law enforcement, probation, county attorney's office, schools, and social service agencies.

Program provides on annual basis about 1,700 services to crime victim's which include(s): Protection Order Assistance, Crisis Intervention, Personal Advocacy, Criminal/Justice Advocacy, Information! Referral, Follow-Up Contact, Compensation Assistance, and Transportation.

In the last 5 years crime victims served has steadily risen. Types of crime victims served the most during this time are domestic violence, assault, burglary, and other (harassment, criminal mischief, vandalism, motor vehicle theft, disturbing the peace, trespass, etc...)

2004 -366

2005 -316

2006 -409

2007-668

2008-300 from January-July 2008

For 19 years program funded by Victim's of Crime Act (VOCA) with matching funds from South Sioux City and Dakota County. 80% of funds provided by VOCA with 20% provided by SSC and Dakota County. Over the last 19 years the program has requested an amount of \$8,939.00 from 1989 -2008 this breaks down to a yearly average of \$471.00.

In 2008, federal funding to the State of Nebraska for VOCA funds decreased 19%. Statewide programs asked for a total of \$2,892,770.50 and only \$2,143,709.00 funds were available. This is a decrease of \$749,061.50. Two programs were given \$0 dollars while other victim assistance programs decreased between 8-40%. This program funds were decreased by 12% for 2008.

In 2007, the program funding was decreased and the program absorbed that decreased amount. This is the first time the program is requesting help from the City and County. The request for \$8,723.00 would be split in half between the City and County. This request would be a 9% increase each between the City and County. This would restore the program level of funding applied for to provide services to crime victims.

Vie Newhard, a Sales Consultant for FiberComm, appeared before the board to present a proposal for the County telephone service. This proposal was brought to show that they believed the County could save about \$3,200 if they switched to FiberComm.

FiberComm agreed to waive the installation fee of \$2,620 and the first month of charges amounting to \$956.50 if the proposal was signed before August 28, 2009.

Chair McLarty called for the Agenda Item "Tony Gomez – Approve celebration of Mexico Independence Sept. 13, from 1 to 8 pm."

Commissioner Tony Gomez vacated his seat to address the board concerning his agenda item to celebrate Mexico Independence on September 13<sup>th</sup>, which is a Sunday and that would take place from 1 p.m. to 8 p.m. He said that there would be a parade on Friday night in South Sioux City.

It is an important day for Mexico because they are celebrating 200 years of independence. He asked the board to approve the celebration at the Rodeo Arena, which starts at 12:00 noon. There will be a Horse parade and the Mexican Consulate will be there and he will have a ceremony at 2:30 p.m. That will last about 45 minutes.

About 3:30 there will be horse riding for the kids, food, and other entertainment for kids and fun for the family and asked the board for permission to celebrate Mexican Independence that day.

Commissioner Bousquet asked if he was going to have law enforcement there and Mr. Gomez said that it is nice to have them there, but they haven't had any incidents, however he was going to have fewer officers there this time.

Commissioner Rohde moved, seconded by Commissioner Bousquet to authorize Tony Gomez to celebrate Mexican Independence on September 13, 2009 at Mr. Gomez's rodeo grounds at Old Crystal Lake from 1:00 p.m. to 8:00 p.m.

Roll Call Vote below.

Chair McLarty asked if there were any comments from the public.

Betty O'Neill stepped up to the podium and asked Mr. Gomez if they were going to be selling alcoholic beverages there and asked if the Buzz Saw would be selling alcoholic beverages and he said that they would not.

Mr. Gomez said that they will not be selling it, but imagined that people would bring their own.

Ms. O'Neill asked whether South Sioux City or Dakota County has jurisdiction of letting Tony do it or no. She complained about the County Attorney not getting back to her on a question of whose jurisdiction and Ms. Fergen answered that after asked by the board to do so.

Ms. Fergen said that they had been contacted by an attorney claiming to represent Ms. O'Neill and that is against the code of ethics for attorneys to communicate with individuals once they are represented by an attorney on a particular issue.

Ms. O'Neill read a letter sent to the Buzz Saw by Joan Spencer mentioning the Board approving a Special Designated Liquor License in their meeting of December 15, 2008 and suggested that letter was not correct because the board adjourned prior to hearing Tony.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Abstained, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Traci McDonald – Maintenance of North Winnifred Drive. This is the road through High Addition behind the Road Maintenance Shop at Hubbard."

Ms. Traci McDonald stepped up to the podium and said that she wanted to know if this is a county road. She said she talked to the courthouse and they say it is and the Road Department says that it's not a County Road. She said that she has a 911 address etc. and the road was suppose to go all the way through the subdivision and there was potential for other people to live there. Now I am in a situation where there is three hundred yards of road that nobody is maintaining and I do not have the ability to maintain it, she added. She would not have bought a lot there had she thought that she was going to have to maintain a road.

Commissioner Rohde said that he has one-half mile of road that he maintains and it has a 911 sign and it is a private road.

Ms. McDonald said that she felt it was misrepresented to her and it decreases the salability of her property.

There was continued discussion as to who owned the road.

The County Clerk was asked to try and determine who owns the road and report back next meeting.

Chair McLarty called for the agenda item "Letter of Support for U.S. Cellular's application for federal stimulus funds to bring improved broadband service to Dakota County, which was emailed to them, as part of their packet for the meeting.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Letter of Support that the Dakota County Board of Commissioners unanimously approve U.S. Cellular's grant application for federal stimulus funds to bring broadband access to rural and underserved areas in Nebraska, as follows; and to authorize the chair to sign same:

August 10, 2009

Broadband Initiatives Program  
Rural Utilities Service  
U.S. Department of Agriculture  
1400 Independence Avenue, SW, Stop 1599  
Washington, DC 20250

To Whom It May Concern:

The lack of high-speed Internet access is a serious drain on Dakota County. Local businesses are losing opportunities because of poor Internet connections. Students are placed at a competitive disadvantage as they struggle to access information online. And residents are unable to reliably use the Internet for basic tasks such as finding job postings, booking business and personal travel arrangements and managing bank accounts.

The fact of the matter is that in our information economy, access to a broadband Internet connection is an absolute necessity; without it, our area will continue to lag behind in job creation, wealth and economic development opportunities.

That's why the Dakota County Board of Commissioners voted unanimously to urge you to approve U.S. Cellular's grant application for federal stimulus funds to bring broadband access to rural and underserved areas in Nebraska. Mobile broadband will provide critical applications that improve the public health, safety and economic development opportunities that urban areas take for granted today.

U.S. Cellular has already made significant investments in Nebraska in terms of rural wireless infrastructure, bringing much needed economic and safety benefits to areas in need. A grant of stimulus funds will enable the company to bring the benefits of reliable technology to communities like mine, and the Board understands that by using its existing network and infrastructure, U.S. Cellular's project will be completed quickly and cost effectively. This will go a long way toward bridging the urban/rural digital divide.

Our community has struggled far too long without quality high-speed Internet access. The stimulus funding is an opportunity to remedy this and position our community for the future.

Sincerely,

William I. McLarty  
Board Chair  
Dakota County Board of Commissioners

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve Payroll claims submitted by County Clerk for payment."

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

COUNTY GENERAL FUND: Gross salaries- \$124,634.80, General Fund Employees Net Pay- \$90,201.83, Employer deductions paid: Retirement- 8,686.66, FICA- 7,585.70, Medicare- 1,774.06, DC Health Plan- 28,500.00, DC Dental Plan- 1,031.70 and Life Insurance- 206.09.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 933.08, Marisol Curiel- 934.44, Bobbi Jo Harsma- 1045.62, Theodore Piepho- 1647.87, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl- 912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 538.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.26, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.00, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 1010.39, Amy Lofland- 56.00, Jeremy Bermel- 1893.94, Anthony Bos- 1965.02, Sandy Dickens- 454.61, Brian Ellinger- 1843.16, Penny Epting- 1745.26, Michael Estes- 1205.82, Brent Gilster- 1845.95, Todd Hammer- 1921.00, Richard Hansen- 1459.20, Melvin Harrison III- 1680.84, Rodney Herron- 1795.02, Jason James- 1739.71, Kimberly Johnson- 536.65, Jared Junge- 1675.58, Michael Kreegar- 1630.82, Gayle Richards- 854.40, Kevin Rohde- 1900.43, James Wagner- 1647.87, Randall Walsh- 1809.54, Kerry Johnson- 906.40, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1209.81, Ermelinda Ballesteros- 1449.36, Joshua Blatchford- 1322.64, Dusty Boyd- 1234.21, Rebecca Broer- 1387.46, Sandy Dickens- 719.22, Lisa Ford- 1381.19, Robert Foster- 1206.15, Linda Frost- 800.00, Joseph Gee- 1191.53, John Gilles- 1306.42, Alma Gunderson- 1334.52, Paula Harrigfeld- 496.24, Cathy Harsma- 1294.62, Deanna Haukap- 1241.65, Jackie Heaton- 1495.56, Jeffrey Heitzman- 1153.74, Adam Hough- 1213.46, Matthew James- 1206.15, Brett Johnson- 1246.09, Nicholas Kellen- 1298.88, Brenda Kelly- 1388.77, Terry Kern- 1884.62, Keith Klein- 1235.39, Mark Nelson- 1226.40, Travis Olander- 1211.91, Kimberly Peterson- 1206.15, Doyle Pilgrim- 960.00, Daniel Rodasky- 1234.21, Jutharatana Ruenprom- 1206.15, Stephanie Ryan- 1367.42, Linda Schovanec- 1299.20, Francis Tope- 1189.60, Charvette Williams- 1310.36, Jewel Williams- 1228.08, Matthew Wise- 1224.43, Cara Wood- 1306.42, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,918.25, State- 4,178.02, FICA- 7,585.70, Medicare- 1,774.06, Retirement- 5,883.65, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,735.26, Aflac Health- 540.10, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25.

COUNTY ROAD PAYROLL: Gross salaries- \$15,778.02, Road Employees Net Pay- \$11,496.33, Employer deductions paid: Retirement- 1,065.06, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 957.74, and Medicare- 223.99.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1087.80.

ROAD FUND: Employee withholding paid to: Federal- 1,055.19, State- 476.45, FICA- 957.74, Medicare- 223.99, Retirement- 709.97, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Commissioner's Committee Reports - Reports by any board member serving on one of the Board's Working Committee's to present the other Board Members with information pertinent to that Committee" and there were none.

Chair McLarty called for the agenda item "Commissioner Member Reports - Informational report by any Board Member who wishes to communicate new information, such as phone calls or concerns by tax payers, to other board members relating to County issues."

Commissioner Bousquet said that they worked on the College Project using county equipment and praised Rod Herron for donating his time Saturday and Sunday for removing stumps.

D.A. Davis is suppose to furnish some side dumps to haul the stumps away and Leonard Gill is going to take the stumps in the Gill Landfill at no charge, so the cost to the county has been minimal.

Commissioner McLarty reported that he attended a hazardous materials meeting with the Emergency Management Institute in Norfolk last week and that they had to pretend they were mayor of a city and how to respond during an exercise.

Chair McLarty called for the agenda item "Public Comment."

Shirley Sides, Father Paul Albenesius and Susan Church all spoke against the County Board designating Dakota County's License Plates not displaying the prefix 70.

The chair directed Joan Spencer, Assistant to the Board, to contact the state officials to see if the Board's action can be reversed.

Chair McLarty called for the agenda "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Gomez moved, seconded by Commissioner Bousquet to adjourn the meeting.

ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde-Yea. Bousquet- Yea.

UNANIMOUS MOTION CARRIED. 4:58 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, August 17, 2009, Regular Meeting  
Dakota County Courthouse AUDIO: [Part 1](#) / [Part 2](#)  
County Court Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: None.

The agenda for the meeting was as follows: This meeting was advertised to begin at 4:00 p.m.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted in the hallway on the wall just north of the double entrance doors as you entered this Courtroom and is available for review by all citizens in attendance.

Roll Call

Approve Minutes of previous meeting.

Miscellaneous Agenda Items

Review and approve Accounts Payable Claims filed with the County Clerk

Maintenance of North Winnifred Drive. This is the road through High Addition behind the Road Maintenance Shop at Hubbard.

Consider posting the Agenda to the county website prior to County Commissioner Meetings

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Recess

Public Notice - The County Board of Commissioner will reserve time in their meeting of August 17, 2009 at 4:30 p.m. to hear comments from the public in favor of or in opposition to the County retaining the prefix 70 on its license plates, or to change the County Plates to Alpha-Numeric. This was advertised to be at 4:30 p.m. in the August 13, 2009 issue of the Dakota County Star.

Reconvene

Shirley Sides – Retain the 70 prefix on Dakota County Plates and requesting Board to rescind prior action.

Other public input

Adjournment.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the minutes of August 10, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item Review and approve Accounts Payable Claims filed with the County Clerk.”

Chair McLarty said that he reviewed the claims and several claims were not signed, but that the claimant had been contacted and they have been signed now.

The other issue was that an employee had charged a tip to an office credit card and that he should be asked to reimburse the county.

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

GENERAL FUND: Dakota County Star, publishing- 428.43; NACO, workshop- 15.00; Perkins, supplies- 106.16; Joan Spencer, workshop- 19.53; Dakota County Clerk, adjustment- 186.00; Dakota County Star, publishing- 17.49; General Business, moving- 240.00; Perkins, supplies- 143.16; MIPS, network- 167.10; Theodore Piepho, phone/mileage- 94.15; Sioux City Wintronic, supplies- 33.65; Staples, supplies- 19.97; Hardware Hank, supplies- 21.49; Robert Giese, mileage- 112.20; 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- 571.85; Des Moines Stamp, stamps- 234.85; DAS Imservices, data- 3.50; Dakota County Star, publishing- 74.06; Microfilm Imaging, lease- 240.00; Todd's Storeall, storage- 80.00; Dakota County Star, publishing- 17.36; Arnie Mellick, phone- 30.00; Executive Technologies, contract- 189.00; Perkins, supplies- 57.01; Staples, supplies- 550.62; Dakota Business Systems, lease- 99.00; Iowa Office Supplies, supplies- 53.52; Microfilm Imaging, scanning- 88.50; Midwest Office Automations, contract/staples- 338.10; Kurt Rager, supplies- 216.70; William Binkard, reimburse- 21.57; Raul Escobedo, interpret- 120.00; Frank Gonzalez, interpret- 150.00; NCDAA, dues- 125.00; Perkins, supplies- 45.12; Thomson West, services- 531.36; Mary Barr, witness fee- 26.00; Dakota County Court, costs- 1565.45; Frank Gonzalez, attorney fees- 300.00; Randy Hisey, attorney fees- 276.00; Dennis Hurley, attorney fees- 3033.00; Kueny & Begley, attorney fees- 120.00; Stuart Mills, attorney fees- 720.00; Erik Regaldo, witness fees- 25.50; Robert Rehan, attorney fees- 573.80; Douglas Roehrich, attorney fees- 978.00; Richard Thramer, attorney fees- 333.88; Patrick Tott, attorney fees- 960.00; AJ Phillips, envelopes- 230.00; Dakota County Sheriff, service- 39.30; Robert Deck, attorney fees- 4481.15; Dell marketing, computer- 1020.44; District Court, claim list- 1698.00; Hy-Vee, supplies- 41.56; Lee County Sheriff, service- 16.00; MIPS, scanning- 85.00; Patrick Tott, attorney fees- 156.00; Dakota County Sheriff, papers/warrants- 1454.36; Maximus, plan- 1388.04; Benstar Packaging,

supplies- 374.15; Bomgaars, supplies- 100.76; Bunkers Fee, salt- 58.70; Dakota Food & Fuel, supplies- 24.00; Foulk Brothers, plumbing- 1810.40; Gill Hauling, service- 120.00; Grainger, supplies- 102.98; Industrial Tools, supplies- 370.37; Richard Jensen, mileage- 152.29; Joes Dept Store, supplies- 27.22; Janitor Depot, supplies- 490.50; Menards, supplies- 1279.48; MidAmerican, utilities- 1576.00; Nebr Public Power, utilities- 3810.88; Robertson Implement, repair- 75.24; Share Corp, supplies- 194.32; Stateline Electric, supplies- 565.00; Trembly Pest Control, services- 50.00; Verizon, phone- 58.36; Wilmes Hardware Hank, supplies- 138.06; PMNRD, rent- 833.33; UNL Extension, reimburse- 1354.94; Ahlers & Cooney, services- 2498.72; Ameritas Investment Corp, lease- 11527.24; Kerry Bligh, animal control- 400.00; City of SSC, phone/fuel- 4028.50; Crystal Oil, oil- 4.55; D&R Service, service- 35.00; Dakota County Star, publishing- 106.46; Dakota Food & Fuel, fuel- 399.22; Five Star Awards, award- 61.00; Fremont Tire, service/repair- 2956.69; Harold's Photo Center, developing- 71.67; Jacks Uniforms, supplies- 78.95; Joe's Department Store, fuse- 2.88; Linda's Tailoring, service- 15.00; NLETC, service- 50.00; Net Sys Plus, software- 367.50; Office Systems Company, contracts- 189.00; RACOM, t1- 707.40; SFCU, meals/fuel- 52.94; South Sioux Towing, towing- 150.00; Treat America Food, meal- 6.57; Verizon, phone- 271.20; Wal-Mart, supplies- 28.31; H2O4U, water- 20.50; Iowa Office Supply, contract- 202.79; Deb Silverman, transcript- 367.25; Verizon, phone- 137.69; Wayne County Clerk, copies- 3.75; City of South Sioux City, lec- 50542.24; BI Inc, monitoring- 370.55; Best Western, lodging- 125.65; Caterina Chapman, mileage- 353.10; Redwood Toxicology, tests- 25.00; Ahlers & Cooney, services- 3748.07; Amsan, supplies- 2007.35; BI Inc, monitoring- 515.05; Bob Barker, supplies- 693.21; CBM Food, meals- 22462.44; Cash-Wa, meal products- 45.71; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, mileage- 253.00; Dakota Family Dentistry, service- 242.00; Dakota Food & Fuel, fuel- 356.61; Dept of Correction Serv, medical/services- 9271.10; Sandy Dickens, mileage- 112.20; Fremont Tire, service- 86.92; Gill Hauling, service- 120.00; Jackie Heaton, mileage- 144.32; Hough Distro, gloves- 507.45; Jacks Uniforms, service- 16.90; Joes Dept Store, supplies- 188.27; Mercy Business Health, medical- 1904.00; Mercy Medical, medical- 799.00; MidAmerican, utilities- 424.29; Midwest Office Automations, contract- 210.16; Moore Medical, supplies- 176.79; NE Nebr Juvenile, service- 6518.75; NW Iowa Emergency, medical- 302.00; NW IA Yes Center, service- 1650.00; Nebraska Public Power, utilities- 3757.79; Office Systems Company, contracts- 417.00; Doyle Pilgrim, mileage- 22.00; Sam's Club, supplies- 332.65; SFCU, fuel/meal/lodging- 343.94; Trembly Pest Control, pest control- 35.00; Verizon, phone- 198.66; Wal-Mart, supplies- 47.47; Wal-Mart, prescriptions- 1689.41; Woodbury Co Juvenile, boarding- 9700.00; Dakota Business Systems, copier rental- 102.00; Sam's Club, supplies- 50.13; Verizon, phone- 33.07; Alpha Land, surveying- 2250.00; Maureen Biggar, mileage- 173.25; Pam Devries, mileage- 242.55; Dr Thomas Wenthe, consulting physician- 250.00; ALLTEL, phone- 200.00; Deanna Beckman, hours- 990.00; Pam Devries, mileage- 19.25; Hy-Vee, food- 217.66; Alan Boyd, mileage- 660.00; Curry Floor, carpet- 1944.20; Electronic Engineering, pager- 13.95; Perkins, supplies- 134.77; CableOne, internet- 416.40; Dakota County State Bank, stop payment- 50.00; FSH Comm., payphone- 63.60; Claritus, tape- 32.00; Lazette Gifford, website- 40.00; Hasler, postage meter- 249.00; Helvig Ag, equalization referee- 1237.50; Midwest Office Automation, contract- 396.00; MIPS, support- 407.84; Qwest, phone- 1181.96; Sioux Air, spray- 1360.00; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fee- 90.00; Todd Realty, equalization referee- 1781.25; US Postal Service, postage- 2500.00; Road Fund, budget transfer- 105000.00; Road Improvement Fund, budget transfer- 5000.00; Weed Fund, budget transfer- 600.00; ROAD: A1 Auto Salvage, tires- 20.00; Advance Auto, supplies- 39.97; Aramark, service- 334.61; Circle S South, fuel- 596.88; Bank of Dixon, grader- 16386.42; Barclay Long Haul, hauling gravel- 103.68; Barkley Asphalt, asphalt- 335.12; Bernie's Laws & Garden, supplies- 32.55; Don Blackbird, tire cleanup- 88.00; Bomgaars, supplies- 95.45; Carquest, parts- 17.96; Champlin Tire, recycling- 9351.16; Dakota County Star, publishing- 124.50; First State Bank, grader- 15559.03; Frame Aligners, parts/labor- 2534.82; GCR Tire Center, tires- 472.40; Gill Hauling, service- 55.00; Great Plains International, parts- 7.14; Ron Harder, tire cleanup- 88.00; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 2756.43; H2O4U, service- 8.50; Inland Truck Parts, parts- 502.89; Jackson Glass, repair- 30.00; J & J Pronto, fuel- 430.01; Joes Dept Store, parts/supplies- 69.57; Kinetic Leasing, loader payment- 2458.00; LG Everist, rock- 33924.39; Linweld, oxy- 43.67; Medical Enterprises, testing- 64.80; Arnie Mellick, tire cleanup- 176.00; Midwest Service & Sales, signs- 297.80; Marlan Millard, prior yrs- 15.00; NAPA, supplies- 1091.40; Nebr Public Power, utilities- 24.74; Northeast Equip, rental/parts- 1077.88; NE Nebr Public Power, utilities- 391.28; NE Nebr Telephone, phone- 173.95; Willie Peters, tire cleanup- 88.00; Peterson Sand & Gravel, gravel- 10367.50; Leon Pies, tire cleanup- 176.00; Pomps, tires- 794.28; PowerPlan, parts/supply- 664.17; Rees Mack Sales, parts/labor- 1350.82; Kip Reinbold, tire cleanup- 88.00; St Luke's, test- 70.00; UECO, pipe- 752.40; Verizon, phone- 56.14; Warren Oil, fuel- 2981.55; Ziegler's, parts/labor- 5391.99; ROAD IMPROVEMENT: Village of Hubbard, asphalt- 5030.00; POOR RELIEF: Becker-Hunt Funeral, burial expense- 1500.00; Nebr Dept of HHS, admin cost- 33.25; VETERANS AID: Veterans Service Office, relief- 2000.00; INHERITANCE TAX: Wayne State Foundation, donation- 10000.00; PUBLIC SAFETY: Jail Bond Fund, sls tax- 17729.47; City of SSC, sls tax- 2417.65; WEED FUND: Hubbard Minimart, fuel- 527.10; NACO, workshop- 15.00; Leon Pies, workshop- 185.00; ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Maintenance of North Winnifred Drive. This is the road through High Addition behind the Road Maintenance Shop at Hubbard.

Commissioner Rohde said that there was an avenue that needed explored because there was some action taken in a zoning meeting when this subdivision was created. He wanted to research the zoning minutes to determine if the road was discussed.

Traci McDonald was unhappy that there was no action today and that she had hoped that she would get an answer today because she took off work to come to the meeting. She said that she needs to know if the road was going to be taken care of and right now nobody seems to own this road.

It was felt that the issue should go to planning and zoning and find out if there is anything in the minutes that determine the responsibility of the road because the County's Planning and Zoning approved the subdivision even though it is inside the extra territorial jurisdiction of Hubbard.

Ms. McDonald said there was not a conveyance when they purchased the lot.

Dick McNear said that Oban Construction built the road for Paul High.

The board said that some more research had to be done and that they will address it next meeting.

Joan Spencer will send her confirmation of what is decided after that meeting.

Chair McLarty called for the agenda item "Consider posting the Agenda to the county website prior to County Commissioner Meetings."

Sally Reinert stepped up to the podium and suggested that the County make better use of it's website by making sure that the agenda is posted every Friday. She said first the Webmaster needs to make sure that the website is going to work on most mainstream hardware and most mainstream search engines. She has an apple computer and made comments that the website sometimes works and doesn't other times. She said that she switched to Firefox Web Browser, which is mainstream and it worked. Then she got a new computer and upgraded Firefox and now it doesn't work. She then contacted the webmaster and the webmaster did get part of it fixed.

The County Clerk said that we do have a webmaster and that she posts what she can on Friday night except when she is not available and then she posts it on Saturday. He said he checked at 11:00 this last Saturday and it was posted. I would hate to get in a situation where the County guarantees the public that the website will be accessible to the public with all different hardware configurations. The County Clerk said that he didn't know if we can guarantee our website to be accessible by every home that has a computer. I will do everything that I can to cooperate to do that however.

The Clerk continued by saying Bill (referring to the Chair) and I have discussed having public hearing on important issues, such as the license plate issue, even though the law does not require the County Board to hold a public hearing on a particular issue.

Commissioner Bousquet mentioned that maybe we need to advertise in more than just the Star.

Chair McLarty called for the agenda item "Commissioner's Committee Reports."

Commissioner Rohde reported that the Metal detector is up and working and the Sheriff's Office has confiscated 44 illegal knives in the first 10 days.

Chair McLarty called for the agenda item "Commissioner Member Reports" and there were none.

Chair McLarty called for the agenda item "Public Comment" and Milt Peters stepped up to the Podium. He said that he would like to comment on the noise ordinance. He lives about a mile and one-half west on Kimon Drive. He said that he had not been to a rodeo that had loud music as they do at the Old Crystal Lake. The windows rattle in my house a mile and one-half away and he wanted to know if the County had jurisdiction or the City of South Sioux with their two mile perimeter. He said he wanted to know who had jurisdiction regarding noise.

Chair McLarty said that it was his understanding that the County does and Mr. Peters asked Mr. McLarty if the Board planned to take any action on the issue. Mr. McLarty said that he understood that it shuts down at 10:00 p.m.

Mr. Peters said but prior to that if you have company out there you can't hear each other talk and that he would like to see the Commissioners take some action on that.

Chair McLarty recessed their meeting at 4:23 p.m. until 4:30 p.m.

Chair McLarty reconvened their meeting at 4:30 p.m.

Chair McLarty called for the agenda item "Shirley Sides – Retain the 70 prefix on Dakota County Plates and requesting Board to rescind prior action."

Chair McLarty opened the informational meeting concerning rescinding an earlier motion to change Dakota County's License Plates from plate with the 70 prefix to Alpha-Numeric Plates and asked Ms. Sides to step up to the podium.

Ms. Sides stepped up to the podium and said; "My name is Shirley Sides. I am asking that the Dakota County Board of Commissioners rescind the motion made June 1, 2009 to adopt the alpha numerical plate and that this Board retain the prefix 70 on Dakota County license plates.

To give you some background to this request: I'm first showing you this license plate issued in Nebraska in 1951 to a Dakota County resident. How many of you remember this plate? In 1950, Governor Val Peterson decided to drop the practice of using numbers to identify the states 93 counties. Nebraskan revolted in 1951 when an alpha numeric system was used on license plates instead of the County designated number of 70. Headlines in the Omaha World Herald read "Nothing stirs up Nebraskans like messing with their license plates". This plate lasted just the year of 1951 and Nebraskans were much happier with the new issue in 1952 as their County number 70 returned.

Some of you may know how we got the prefix 70, but for those of you who don't, I will explain. I have the plate from 1922 that was our first issue using that #70. The license plate prefix sequence is derived from the number of vehicles registered in each County in 1922. So, Douglas County (Omaha) is #1, Lancaster (Lincoln) is #2, etc. In 1922 South Sioux City has a population of 2402, Homer 492, Dakota City 399, Jackson 274 and Hubbard 152. From the vehicles registered at that time Dakota County was 70<sup>th</sup> in 93 counties in the state for the number of vehicles and this first 70 County plate became our identity.

Many stories have been written about Chris Allen, a young man from Durham North Carolina who works for the government there and has a phenomenal interest in license plates from these United States. I quote him, "Many states have County names on their plates, but the most intriguing have numbers. Stickers on some states license plates are hard to see, but there is a state out there that uses County numbers as part of the plate number itself, making it much easier to see. Yahoo, you betcha, It's the State of Nebraska." Chris has traveled all of the State with his obsession documented.

In April of 1999 the Nebraska legislature looked at revising the numbering system. Only three counties were designated to make the change to the alpha numerical system. The prefix that identifies the County was eliminated in Douglas, Lancaster and Sarpy County. Counties below 100,000 population would be exempt. Senator Don Lynch of Omaha who sponsored the bill, said that he knew that the importance of county numbers had nothing to do with the number of registered vehicles anymore but that the number had taken on a life of its own, like the number of the uniform of a sports hero. It's part of that Counties identity. It's also an easy way for people to know where another motorist is from. Senator Lynch said that those three Counties were running out of numbers because of their populations. At that same time Senator Curt Bromm of Wahoo added a related bill that would extend the use of the plate from 3-5 years.

In 2003 Lancaster County added a strip to the bottom of that plate that identified the county – they were discontinued as none of them were intact within a month – therefore those three counties have no specific county designation. As of the end of June 2009 no other counties than Dakota County have sent in letters to use the system. The Commissioners in Dodge, Washington, Platte, and Scottsbluff Counties had already voted against the change.

Since our plates are used for five years – we purchase stickers for 4 years and only require the treasurer's office to look thru plates every 5 years.

I mentioned last week at the Commissioners meeting that hunters were concerned that they could not be identified as a Dakota Countian while hunting without the 70 County plates. The farmer or land owner OK" him to hunt on that land would not recognize the generic plate and probably call law officers. In a January 30, 2005 story in the Sioux City Journal I quote Treasurer Bob Giese when he said "They (referring to the licenses) are so easy to read that Law Enforcement officers like them also for that reason". Bob was pictured in that issue showing a new plate.

Thanks you for your time and myself along with many other Dakota County vehicle owners trust that you can see the importance of this issue and we hope you retain this 70 number as our identity."

William Garvey Sr. stepped up to the podium and spoke in favor of keeping 70 County Plates. He said that the County Clerk had told him that could not be a ballot issue and reminded the board that they were elected.

Milt Peters stepped up to the podium and spoke in favor of keeping the 70 County Plates.

Gordon Krogh stepped up to the podium and spoke in favor of keeping the 70 County Plates for two reasons. He said they show identity and individuality.

Paul Albenesius stepped up to the podium and spoke in favor of keeping the 70 County Plates.

Teresa Johnson stepped up to the podium and spoke in favor of keeping the 70 County Plates.

Larry Albenesius stepped up to the podium and spoke in favor of keeping the 70 County Plates.

Chair McLarty asked if there was anyone in the audience that supported the Alpha Numeric Plates.

Robert Giese, County Treasurer stepped up to the podium and informed the public why it was difficult to administer the 70 County Plates.

Senator Robert Giese stepped up to the podium and gave a little legislative background on the issue. He complimented Dakota County for being the first to do a lot of things. He suggested that maybe the County should consider participating in part of the first year's fees.

Chair McLarty asked if there was anyone in the audience that wished to speak taking a neutral position.

Larry Albenesius stepped up to the podium and asked what they do in the large counties.

Paul Albenesius stepped up to the podium and said that he did not care what the rest of his license number was, but he wanted to keep the 70 prefix.

Chair McLarty closed the hearing at 4:57 p.m.

Each Commissioner thanked the audience for coming.

Commissioner Bousquet moved, seconded by Commissioner McNear to rescind the motion to change the Dakota County Plate from the present plate with the county number 70 to the alpha numeric plate of three letters and three numbers in the June 1 meeting and to retain the 70 prefix on Dakota County Plates.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.





DAKOTA COUNTY BOARD OF COMMISSIONERS  
EMERGENCY MEETING AUGUST 21, 2009  
COUNTY BOARD ROOM  
DAKOTA COUNTY COURTHOUSE  
DAKOTA CITY, NEBRASKA  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:10 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, was also present.

Absent: Commissioner Rohde

The agenda for the meeting was as follows: This meeting was emailed out to the list of recipients and advertised to begin at 4:00 p.m.

PUBLIC NOTICE

An Emergency Meeting of the Dakota County Board of Commissioners has been called for today Friday, August 21, 2009, at 4:00 p.m. regarding the hiring of Mark McQueen of Spencer Fane Britt & Browne LLP to draft a response to a FOIA request that the County received via email this week from the Associated Press for the report created by Spencer Fane Britt & Browne. The Board will approve or disapprove the response draft and, if approved, the Board will authorize the Board Chair to sign and send the response via email as Nebraska Law requires the Board to respond before the end of the day today, August 21, 2009.

Theodore A. Piepho  
Dakota County Clerk

Chair McLarty called attention to the letter that was sent from the Associated Press in Omaha who are requesting through FOIA for the report of Spencer Fane Britt & Browne LLP that is sealed. Mr. McQueen of Spencer Fane Britte & Browne drafted a response letter that specifies this information is confidential information between Spencer Fane Britt & Browne LLP and the County Board along with statutes that support this position.

Commissioner McLarty called for Public Comment: there was none

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize the chair to sign the letter prepared by Mark McQueen and send the letter to Jean Ortiz of the Associated Press of Omaha as follows:

August 21, 2009

Transmitted via email to JOrtiz@ap.org

Dear Ms Ortiz,

I have in fact received your August 17, 2009, email and information request. Since your email does not contain your contact information, other than an email address, this reply is likewise being delivered by email.

The documents which comprise what you describe as the "Spencer Fane Report" consist of the following:

1. Correspondence between Dakota County's legal counsel and Dakota County enclosing a memorandum prepared by Dakota County's legal counsel. The memorandum contains summaries of counsel's investigation, counsel's witness interviews, and counsel's legal analysis prepared at the request of Dakota County in response to allegations of misconduct made by and against Dakota County employees that expose Dakota County to potential litigation.
2. A handwritten document obtained by Dakota County's legal counsel during the above referenced investigation describing work related activities and names of Dakota County employees who were, among others, the subject of the above referenced investigation.
3. Dakota County Payroll Time Sheets obtained by Dakota County's legal counsel during the above referenced investigation, with the names and hours of work of Dakota County employees who were, among others, the subject of the above referenced investigation.
4. Personnel records obtained by Dakota County's legal counsel during the above referenced investigation of a Dakota County employee who was, among others, the subject of the above referenced investigation.
5. Correspondence between Dakota County's legal counsel, and counsel representing a Dakota County employee, naming the employee who was, among others, the subject of the above referenced investigation.
6. An agreement between Dakota County's legal counsel, counsel representing a Dakota County employee, and the Dakota County employee who was, among others, the subject of the investigation. The agreement describes the subject matter of the above-referenced investigation, the conditions under which the employee would be questioned by Dakota County's legal counsel, and the employee's agreement to provide a signed written statement to Dakota County's legal counsel to facilitate the above referenced investigation.
7. The above referenced signed written statement of a Dakota County employee who, among others, was the subject of the above-referenced investigation, provided to Dakota County's legal counsel.
8. Email and other written communication obtained by Dakota County's legal counsel during the above referenced investigation referencing the identity and personal email information of

Dakota County employees who were, among others, the subject of the above-referenced investigation.

Item 1 contains client communication, legal analysis, and work product prepared solely by Dakota County’s legal counsel in connection with the above referenced investigation. All of the information described in Item 1 is protected from public disclosure under Nebraska’s Revised Statutes, 84-712.05 (4), as “the work product of an attorney.” In addition, this attorney work product includes “personal information ...regarding personnel of public bodies other than salary and routine directory information” which is protected from public disclosure under Nebraska’s Revised Statutes, 84-712.05 (7).

Items 2, 3, 4, 5, 6, 7 and 8 contain documents obtained or prepared by Dakota County’s legal counsel in connection with the above referenced investigation, all of which include “personal information ...regarding personnel of public bodies other than salary and routine directory information” protected from public disclosure under either or both of Nebraska’s Revised Statutes, 84-712.05 (4) and (7).

As required by the Nebraska’s Revised Statutes, 84-712.04 (1) (b), we are informing you that the entire Dakota County Board of Commissioners, each of whose names appear below, is responsible for denying your request.

Also as required by the Nebraska Revised Statutes, Section 84-712.04 (2), we are informing you of your right to appeal our denial by:

1. filing a writ of mandamus in the Dakota County District Court; or
2. petitioning the Nebraska Attorney General to review the legal justification for our denial.

Respectfully,  
William I. McLarty

On behalf of the entire Dakota County Board of Commissioners (Richard McNear, Antonio Gomez, William I. McLarty, William Rohde and Rick Bousquet).

ROLL CALL VOTE: McNear- Yea, Rohde- Absent, Bousquet- Yea, McLarty- Yea, Gomez- Yea.  
UNANIMOUS MOTION CARRIED

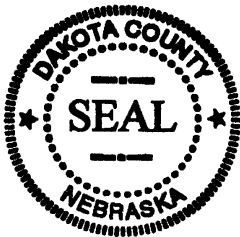
Commissioner Bousquet moved, seconded by Commissioner Gomez to approve and hire Mark McQueen of Spencer Fane Britt & Browne LLP to write the response letter to Jean Ortiz of the Associated Press of Omaha.

ROLL CALL VOTE: Gomez- Yea, McNear- Yea, Rohde-Absent. Bousquet- Yea, McLarty- Yea.  
UNANIMOUS MOTION CARRIED

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Gomez moved, seconded by Commissioner Bousquet to adjourn the meeting.

ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde- Absent, Bousquet- Yea.  
UNANIMOUS MOTION CARRIED. 4:16 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, August 24, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Danny Christoffers, Acting Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.

Absent: None.

The amended agenda e-mailed out on Friday August 21st for the meeting was as follows: Meeting was advertised to begin at 4:00 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting
- Approve Payroll claims submitted by County Clerk for payment
- Approve Accounts Payable Claims submitted by County Clerk for Payment

Mel Obbink with Sidwell - Presentation of program to digitize the County Maps

Fred Stinger - Omaha Exposition & Racing Inc. DBA Horseman's Atokad Downs

Adding the second floor of the two story building approx (159' X 77') to their liquor license.

Betty O'Neill – Requesting County Board to rescind motion by Tony Gomez to give the Northeast Community College \$75,000.

Miscellaneous Agenda Items

- Maintenance of North Winnifred Drive. This is the road through High Addition behind the Road Maintenance Shop at Hubbard. Possible accept it as a County Road.
- Officials Reports
- Smoking on Courthouse Grounds – The County Board will discuss whether or not to band smoking on Courthouse Grounds and action may follow discussion.
- Adopt Levy Resolution for the Agricultural Society Resolution 09C-013
- Adopt Levy Resolution for the Historical Society Resolution 09C-014
- Adopt Levy Resolution for Homer Fire Department Resolution 09C-015
- Adopt MFO Resolution 09C-016
- Randy Walsh - Approve and authorize Chair to a Grant Application Agreement and Letter of Support for Ne Colorado Cellular, Inc d/b/a Viaero Wireless to apply for Stimulus Funds Grant. In return for our support they will supply the county with wireless equipment at no charge if they are awarded grant monies.

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Recess to September 3<sup>rd</sup> at 5:30 p.m. - Dakota City Council Chambers to meet with the Dakota City Council for public input

Reconvene at 5:30 p.m. September 3, 2009 at the Dakota City Council Chambers

Adjournment.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the minutes of August 17, 2009 and August 21, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea. UNANIMOUS MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the accounts payable claims and the payroll claims pursuant to the employee handbook as follows:

COUNTY GENERAL FUND: Gross salaries- \$124,222.20, General Fund Employees Net Pay- \$89,993.09, Employer deductions paid: Retirement- 8,656.93, FICA- 7,561.47, Medicare- 1,768.39, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.88.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 936.00, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Marisol Curiel- 958.40, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl-912.00, Phyllis Ridge- 888.21, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.25, Cheryl Perkins- 1153.85, Zachary Gerth- 1384.61, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.01, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 894.40, Jeremy Bermel- 1716.20, Anthony Bos- 1799.91, Sandy Dickens- 454.61, Brian Ellinger- 2045.30, Penny Epting- 1758.39, Michael Estes- 1443.33, Brent Gilster- 1690.85, Todd Hammer- 1810.90, Richard Hansen- 1224.60, Melvin Harrison III- 1660.83, Rodney Herron- 1795.02, Jason James- 1787.32, Kimberly Johnson- 591.10, Jared Junge-

1798.99, Michael Kreegar- 1620.81, Gary Powell- 132.00, Gayle Richards- 854.40, Kevin Rohde- 1679.19, James Wagner- 1647.87, Randall Walsh- 1713.75, Kerry Johnson- 906.41, Sara Meadows- 1730.77, Kathryn Mullin- 1576.92, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1253.67, Ermelinda Ballesteros- 1302.84, Joshua Blatchford- 1318.68, Dusty Boyd- 1230.49, Rebecca Broer- 1409.52, Sandy Dickens- 767.19, Lisa Ford- 1294.62, Robert Foster- 1248.19, Linda Frost- 800.00, Joseph Gee- 1074.57, John Gilles- 1290.68, Alma Gunderson- 1330.56, Paula Harrigfeld- 595.49, Cathy Harsma- 1282.81, Deanna Haukap- 1219.34, Jackie Heaton- 1540.88, Jeffrey Heitzman- 1308.53, Adam Hough- 1206.15, Matthew James- 1195.19, Brett Johnson- 1223.36, Nicholas Kellen- 1302.84, Brenda Kelly- 1334.98, Terry Kern- 1884.62, Keith Klein- 1233.56, Mark Nelson- 1226.40, Travis Olander- 1226.78, Kimberly Peterson- 1206.15, Doyle Pilgrim- 960.00, Daniel Rodasky- 1223.06, Jutharatana Ruenprom- 1206.15, Stephanie Ryan- 1298.55, Linda Schovanec- 1299.20, Francis Tope- 1189.60, Charvette Williams- 1424.47, Jewel Williams- 1482.10, Matthew Wise- 1206.15, Cara Wood- 1310.36, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 731.28, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 9,825.36, State- 4,150.29, FICA- 7,561.47, Medicare- 1,768.39, Retirement- 5,861.95, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,735.26, Aflac Health- 518.46, Aflac Life/Dsbl- 156.48 and Flex Plan- 1,066.25,

GENERAL FUND Accounts Payable: Citi Mastercard, hosting- 41.70.

COUNTY ROAD PAYROLL: Gross salaries- \$15,090.96, Road Employees Net Pay- \$11,009.07, Employer deductions paid: Retirement- 1,018.68, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 915.14, and Medicare- 214.03.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1022.34, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 625.60, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 969.75, State- 445.56, FICA- 915.14, Medicare- 214.03, Retirement- 679.06, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- lodging tax, 13,171.10.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea, McLarty- Yea. UNANIMOUS MOTION CARRIED.

Mel Obbink with Sidwell appeared before the Board to give a visual presentation of a program to digitize the County Maps. He overviewed potential advantages for different offices that would be available if the county decided to get this program.

There was discussion among the board and public regarding some of the specifics of the program.

Betty O'Neill appeared before the board and expressed her concern about the 75,000 dollars that is to be given the Northeast Community College. She discussed her concern with potential lawsuit costs regarding County legal issues. She asked for the board to rescind the motion that would donate 75,000 to Northeast Community College.

No action was taken.

Sally Reinert appeared before the board and expressed her support for the donation.

Pam Miller appeared before the board and thanked the Commissioners for their support of the College and spoke in favor of the donation.

Leonard Gill appeared before the board and said that he supported the decision for the donation.

Chair McLarty asked if there was any further public comment.

There was none.

Fred Stinger appeared and asked that the Board recommend to the Nebraska Liquor Control Commission to amend his liquor license to add a second floor.

Chair McLarty asked for Public Comment: there was none

Commissioner Bousquet moved, seconded by Commissioner McNear to approve adding the SECOND FLOOR OF THE TWO STORY BLDG APPROX 159' x 77' to the liquor license of Omaha Exposition & Racing Inc. DBA Horseman's Atokad Downs and to recommend to the Nebraska Liquor Control Commission to likewise approve the addition.

ROLL CALL VOTE: Rohde- Yea, McNear, Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Maintenance of North Winnifred Drive.

Commissioner Rohde said he had visited with Kim Watson regarding the issue. Kim Watson said she is still reviewing the issue.

Commissioner Bousquet said that a letter should be sent to Tracey McDonald stating that fact.

It was determined that Joan Spencer, Administrative Assistant to the Board would take care of that.

Chair McLarty called for the agenda item Smoking on Courthouse Grounds.

Commissioner Bousquet mentioned that there was a smoking receptacle outside the North Door, but mentioned there were cigarette butts on the ground in various places around the courthouse.

Susan Church appeared before the Board and asked if people who are employed and work in the County Courthouse were aware that this was to be voted on. It was confirmed to her that this was on the agenda.

Commissioner Bousquet moved, seconded by Commissioner Gomez to extend the non-smoking area to include all courthouse grounds and that signs be placed to inform the public and to include penalties if any are applicable for violations.  
 ROLL CALL VOTE: McNear, Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: Adopt Levy Resolution for the Agricultural Society Resolution 09C-013.

Commissioner Rohde moved, seconded by Commissioner McNear to adopt Levy Resolution 09C-013 setting the Property Tax Request, Property Allocation and Levy (cents per one hundred dollars of value) for the Agricultural Society General Fund and two Capital Improvement Funds, as follows:

**RESOLUTION 09C-013  
 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 subdivision as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Ag Society			
General	\$ 71,500.00	\$ 71,500.00	.006114
Capital Improvement (Lid Exception)	20,000.00	20,000.00	.001710
Capital Improvement (Lid Exception)	<u>20,000.00</u>	<u>20,000.00</u>	<u>.001710</u>
Total	\$111,500.00	\$111,500.00	.009534

\*Levy Allocation is the rate per \$100 valuation.  
 Passed and adopted this 24th day of August, 2009.

\_\_\_\_\_  
 County Clerk Board Chair  
 ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear, Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: Adopt Levy Resolution for the Historical Society Resolution 09C-014.  
 Commissioner Gomez moved, seconded by Commissioner Bousquet to adopt Levy Resolution 09C-014 setting the levy (cents per one hundred dollars of value) for the Dakota County Historical Society General Fund, as follows:

**RESOLUTION 09C-014  
 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 subdivision as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Historical Society	21,400.00	21,400.00	.001830

\*Levy Allocation is the rate per \$100 valuation.  
 Passed and adopted this 24th day of August, 2009.

\_\_\_\_\_  
 County Clerk Board Chair  
 ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: Adopt Levy Resolution for Homer Fire Department Resolution 09C-015.

Commissioner Bousquet moved, seconded by Commissioner Gomez to adopt Levy Resolution 09C-015 setting the Property Tax Request, Property Tax Allocation and Levy (cents per one hundred dollars of value) for the Homer Fire Protection District #1 General and Sinking Funds, as follows:

**RESOLUTION 09C-015  
 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, Fire Protection District #1, Homer, is not a member of the Mutual Finance Organization and receiving funding; 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 subdivision as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Fire Protection Dist #1, Homer			
General Fund	\$30,060.47	\$30,060.47	.026202
Sinking Fund	<u>3,757.14</u>	<u>3,757.14</u>	<u>.003275</u>
TOTAL	\$33,817.61	\$33,817.61	.029477

\*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 24th day of August, 2009.

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

\_\_\_\_\_  
Board Chair

ROLL CALL VOTE: Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea, McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: Adopt MFO Resolution 09C-016.

Commissioner McNear moved, seconded by Commissioner Bousquet to adopt Levy Resolution 09C-016 setting the levy (cents per one hundred of value) for the MFO, which is a consolidation of Fire Districts, as follows:

**RESOLUTION 09C-016  
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*
Dakota Covington Rural Fire			
Total	86,287.59	86,000.00	.030923
Emerson Rural Fire			
Total	69,000.00	66,000.00	.030923

\*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 24th day of August, 2009.

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

\_\_\_\_\_  
Board Chair

ROLL CALL VOTE: Rohde- Yea, McNear, Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Commissioner's Committee Reports.

Commissioner Rohde mentioned the good job the Road Department did on Elma Road. He also stated the county was not awarded the grant money for Atokad Drive project and he stated that they will resubmit.

Commissioner Bousquet said that Planning and Zoning Commission met and there was discussion on a Conditional Use Permit and also a penalties section in the P&Z Book.

There was discussion about the amended agenda that was e-mailed out on Friday. The agenda's that were in possession of the Commissioners did not have the amended agenda that included the agenda item "Randy Walsh - Approve and authorize Chair to a Grant Application Agreement and Letter of Support for Ne Colorado Cellular, Inc d/b/a Viaero Wireless to apply for Stimulus Funds Grant. In return for our support they will supply the county with wireless equipment at no charge if they are awarded grant monies".

Chair McLarty said it could be put on the next agenda.

Chair McLarty called for the agenda item "Member Reports" and there were none.

Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

Chair McLarty recessed the meeting at 4:50 p.m. to reconvene September 3<sup>rd</sup> at 5:30 p.m. at the Dakota City Council Chambers to meet with the Dakota City Council for public input.

Commissioners McLarty and Rohde were the only members of the County Board present at the Dakota City Council Chambers; therefore, they did not have a quorum to reconvene their meeting.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book



Dakota County Board of Commissioners  
Tuesday, September 8, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.

Absent: None.

The agenda for the meeting was as follows:

Meeting was advertised to begin at 4:00 p.m.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting/s.
- Approve Payroll and Accounts Payable Claims submitted by County Clerk for payment.

Notice is hereby given that the Dakota County Board of Commissioners will hold a Public Hearing on Tuesday, September 8, 2009 at 4:00 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2009-10 proposed County Budget.

Open Public Hearing

Close Public Hearing

Board action to increase the base restricted funds by an additional 1% by \$45,682.68.

Adopt County Budget Resolution 09C-017.

Notice is hereby given that the Dakota County Board of Corrections will hold a regular scheduled meeting at 4:02 p.m. on the 8<sup>th</sup> day of September, 2009.

Recess to Board of Corrections.

Reconvene from Board of Corrections

Notice is hereby given that the Dakota County Board of Commissioners will hold a Public Hearing on Tuesday, September 8, 2009 at 4:10 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request.

Open Public Hearing

Close Public Hearing

Adopt Tax Request Resolution 09C-018

Notice is hereby given that the Dakota County Board of Commissioners will hold a Public Hearing on Tuesday, September 8, 2009, at 4:15 PM in the County Board Meeting Room at the Dakota County Courthouse, 1601 Broadway Street, Dakota City, NE 68731, regarding issuing a Conditional Use permit to Curtis Arndt for a towing business located in Section 23, T-29N, R-8E. Upon closing the hearing, the Board will approve or disapprove issuance of said permit.

Open Public Hearing

Close Public Hearing

Approve, Disapprove, or Table issuance of Conditional Use Permit.

Notice is hereby given that the Dakota County Board of Commissioners will hold a Public Hearing on Tuesday, September 8, 2009, at 4:30 PM in the County Board Meeting Room at the Dakota County Courthouse, 1601 Broadway Street, Dakota City, NE 68731, regarding the County approving the addition of railroad sight distance (per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division) to its Zoning By-Laws. Sight distance for new public highway-rail crossings shall be determined according to a table available upon request in the County Clerk's Office, (402)-987-2125. Upon closing the hearing, the County Board will approve or disapprove the addition of the proposed regulations.

Open Public Hearing

Close Public Hearing

Approve addition of proposed regulations

Randy Walsh - Approve and authorize Chair to a Grant Application Agreement and Letter of Support for NE Colorado Cellular, Inc d/b/a Viaero Wireless to apply for Stimulus Funds Grant. In return for our support they will supply the county with wireless equipment at no charge if they are awarded grant monies.

Rick Jensen – Present bids to purchase new lawn mower and requesting approval for the purchase.

Pat Foust & Deanna Beckman - Discuss findings of the August 13 Grant Monitoring Visit and corrective actions that need to be taken. Pat Foust and Deanna Beckman will talk about the findings and solutions.

Miscellaneous Agenda Items

- Officials Reports
- Authorize Chair to sign Amendment to Food Service Contract between Dakota County and CBM Food Service to reflect CPI Adjustment rate of 5% on inmate meal prices.
- Board approval for Chair to sign Notice of Intent to Issue Recovery Zone Bonds for eligible projects in Dakota County.
- 2009 Office Inventories filed by all department heads.

- ☐ Winnifred Drive – Determine ownership of Road. Accept the road as a County Road if it is determined that it is not a county road (subject to the Board’s choosing to do so).

Commissioner’s Committee Reports  
 Commissioner Member Reports  
 Public Comment  
 Mail and/or Emergency Business  
 Adjournment.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of August 24, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea.  
 UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the payroll claims pursuant to the employee handbook and submitted by the County Clerk, as follows:

COUNTY GENERAL FUND: Gross salaries- \$126,798.87, General Fund Employees Net Pay- \$91,198.11, Employer deductions paid: Retirement- 8,861.73, FICA- 7,725.87, Medicare- 1,806.82, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.59.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 543.20, Tracey Corkin- 936.00, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Marisol Curiel- 958.41, Darlene Davis- 912.00, Robert Giese- 1647.87, Ruth Gillaspie- 1211.65, Jolene Heinemann- 976.80, Kim Kuehl- 912.00, Phyllis Ridge- 944.51, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 836.25, Cheryl Perkins- 1153.85, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 972.01, Richard Jensen- 1415.67, Duane Kotalik- 1324.00, Tammy Dunn-Peterson- 894.40, Jeremy Bermel- 1665.42, Anthony Bos- 2273.24, Sandy Dickens- 454.61, Brian Ellinger- 2014.98, Penny Epting- 2561.42, Michael Estes- 1648.36, Brent Gilster- 1976.01, Todd Hammer- 1915.99, Richard Hansen- 1359.15, Melvin Harrison III- 1885.98, Rodney Herron- 1795.02, Jason James- 1904.18, Kimberly Johnson- 108.89, Jared Junge- 1720.28, Michael Kreegar- 2091.13, Gayle Richards- 854.40, Kevin Rohde- 1895.40, James Wagner- 1647.87, Randall Walsh- 1928.64, Kerry Johnson- 895.07, Sara Meadows- 1730.77, Kathryn Mullin- 1498.07, Debra Schmiedt- 2346.15, Mary Spurlock- 906.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1176.68, Jacob Acero- 1257.32, Ermelinda Ballesteros- 1306.80, Joshua Blatchford- 1330.56, Dusty Boyd- 1226.78, Rebecca Broer- 1415.53, Sandy Dickens- 800.94, Lisa Ford- 1357.58, Robert Foster- 1228.08, Linda Frost- 935.00, Joseph Gee- 1202.50, John Gilles- 1337.91, Alma Gunderson- 1326.60, Paula Harrigfeld- 502.25, Cathy Harsma- 1377.26, Deanna Haukap- 1211.91, Jackie Heaton- 1645.94, Jeffrey Heitzman- 1326.14, Adam Hough- 1335.91, Matthew James- 1195.19, Brett Johnson- 1246.09, Nicholas Kellen- 1310.76, Brenda Kelly- 1382.80, Terry Kern- 1884.62, Keith Klein- 1198.84, Mark Nelson- 1226.40, Travis Olander- 1249.08, Kimberly Peterson- 1195.19, Doyle Pilgrim- 96.00, Daniel Rodasky- 1263.95, Jutharatana Ruenprom- 1206.15, Stephanie Ryan- 1237.56, Linda Schovanec- 1299.20, Francis Tope- 1200.76, Charvette Williams- 1558.26, Jewel Williams- 1482.10, Matthew Wise- 1209.81, Cara Wood- 1322.16, Jolene Gubbels- 988.80, Leon Pies- 621.60, Maureen Biggar- 1152.00, Pamela DeVries- 1604.80, Bonnie Kahler- 720.20, Alan Boyd- 1029.29.

GENERAL FUND: Employee withholding paid to: Federal- 10,566.31, State- 4,372.92, FICA- 7,725.87, Medicare- 1,806.82, Retirement- 6,008.75, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 1,868.71, Aflac Health- 518.45, Aflac Life/Dsbl- 156.48 and Flex Plan- 991.25.

COUNTY ROAD PAYROLL: Gross salaries- \$15,307.82, Road Employees Net Pay- \$11,155.59, Employer deductions paid: Retirement- 1,033.32, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 928.59, and Medicare- 217.17.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1584.62, Robert Lillard- 1239.20, Kimon Litras- 625.60, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,000.81, State- 458.50, FICA- 928.59, Medicare- 217.17, Retirement- 688.81, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea, McLarty- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting at 4:02 p.m. to convene as Board of Corrections.  
 Chair McLarty reconvened their meeting at 4:12 p.m. from Board of Corrections.

Chair McLarty opened the Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2009-10 proposed County Budget at 4:13 p.m.

Chair McLarty addressed the public by saying the Budget Committee recommends that the Property Tax Asking for this fiscal year July 1, 2009 to June 30, 2010 be \$5,185,962.72 and that would make the levy of .443421. That is an increase of about one and one-half cents. This would increase your taxes about \$15.90 on a one-hundred thousand dollar home.

He sited the following reasons for the increase being loss of jail revenue, Legal Services Budget increased because of the murder trials we presently have in the system. There was a two percent salary increase, increase in jail expense and increase in the Road Maintenance Fund.

Chair McLarty asked for anyone in the public that wished to speak in favor of the proposed budget and no one came forward.

Chair McLarty asked for anyone in the public that wished to speak in opposition to the proposed budget and Leu Franco stepped forward and said that as a tax payer she has to oppose this because people are paying some high taxes for property and I just want to voice my opinion.

Chair McLarty asked if there was anyone in the public that wished to speak on the budget with neutral comments, neither for or against it.

Dennis Reinert asked what amount in dollars did the County Budget increase and Commissioner Rohde said about \$453,000. Joan Spencer said that was property tax increase.

The County Clerk read his letter to the board as follows and handed each Board Member a copy: September 8, 2009

Dakota County Commissioners  
PO Box 338  
Dakota City NE 68731-0338

RE: County Clerk's Budget

Dear Mr. McLarty and fellow Board Members:

I am writing in regard to the Board's 2009-2010 County Clerk's proposed budget. Earlier in this process, I submitted my budget proposal. As you are aware I transferred one staff member to the County Treasurer's Office due to the change in the administration of Motor Vehicle Certificates of Title. That person was paid out of the Clerk's for July and half of August.

Not knowing exactly what it will end up costing to move my office, I estimated that the remaining salary of that person transferred to the Treasurer's Office will be used for that purpose and it appears that it will be very close.

According to the budget received from your assistant, you are proposing to cut my proposed budget by approximately \$9,000 less than what was spent last year and about \$2,340 of that cut is in salaries. I respectfully ask that the Board increase their proposal by the \$2,340 that was cut out of salaries in the Clerk's Budget. Without that I believe that I will be forced to reduce one of my full time staff to part time status.

I appreciate the hard work of the budget committee. I know that they did not have an easy task this year. I also appreciate the Board's time today to consider my request.

Thank you.  
Sincerely,

Theodore A. Piepho  
Dakota County Clerk

Chair McLarty closed the Public Hearing at 4:20 p.m.

Chair McLarty called for the agenda item "Board action to increase the base restricted funds by an additional 1% - \$45,682.68."

Commissioner Rohde moved, seconded by Commissioner Bousquet to increase the base of restricted funds by an additional one (1) percent for the 2009-2010 Budget.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Adopt County Budget Resolution 09C-017."

Chair McLarty read Resolution 09C-017 that was being proposed, as follows:

Dakota County

09C-017 RESOLUTION OF ADOPTION AND APPROPRIATIONS

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2009, to June 30, 2010, prepared by the Budget Making Authority, was transmitted to the County Board on the 27th day of July, 2009.

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, 2009, to June 30, 2010, 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, 2009, and ending June 30, 2010.

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 tax levy requirements for each fund.

DATED AND PASSED THIS 8TH DAY OF SEPTEMBER, 2009.

County Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Commissioner McNear moved, seconded by Commissioner Gomez to adopt Resolution 09C-017 adopting the County's 2009/2010 Budget, as read by Chair McLarty.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "To hold a Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year's tax request."

Chair McLarty opened the Public Hearing at 4:25 p.m.

Chair McLarty asked for anyone in the public that wished to speak in favor of the County passing Resolution 09C-018 setting the tax request at a different amount than last year to step up to the podium and no one came forward.

Chair McLarty asked for anyone in the public that wished to speak in opposition to the County passing Resolution 09C-018 setting the tax request at a different amount than last year to step up to the podium and no one came forward.

Chair McLarty asked for anyone in the public that had neutral, neither for or against the County passing Resolution 09C-018 setting the tax request at a different amount than last year to step up to the podium and no one came forward.

Chair McLarty closed the Public Hearing at 4:30 p.m.

Chair McLarty asked the board if they wished to adopt Tax Request Resolution 09C-018.

Commissioner Gomez moved, seconded by Commissioner Bousquet to adopt Resolution 09C-018 setting the Property Tax Request at \$5,185,962.72, as follows:

**RESOLUTION 09C-018  
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 at 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 2009-2010 property tax request be set at \$5,185,962.72.
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 15, 2009.

Adopted this 8<sup>th</sup> day of September, 2009.

Attest:

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

\_\_\_\_\_  
Chair

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Conditional Use permit to Curtis Arndt for a towing business located in Section 23, T-29N, R-8E."

Arnold Mellick, Planning and Zoning administrator, stepped up to the podium.

Mr. Mellick said that the County hasn't had any regulations to include a towing business. At the last meeting of the Joint Planning and Zoning Commission Meeting Curtis Arndt put in an Application for a Conditional Use Permit and the Planning Commission approved the application, which in turn refers the Conditional Use Permit to the Board of Commissioners for approval.

Commissioner Bousquet asked Mr. Mellick if he (Curtis Arndt) would have to come back every year to renew his application and Mr. Mellick said that he would.

Chair McLarty opened the Public Hearing regarding issuing a Conditional Use permit to Curtis Arndt for a towing business located in Section 23, T-29N, R-8E at 4:29 p.m.

Chair McLarty asked if there was anyone in the public that wished to speak in favor of the County issuing a Conditional Use Permit for Curtis Arndt to operate a towing service to step up to the podium and no one came forward.

Chair McLarty asked if there was anyone in the public that wished to speak in opposition to the County issuing a Conditional Use Permit for Curtis Arndt to operate a towing service to step up to the podium and no one came forward.

Chair McLarty asked if there was anyone in the public that wished to speak or make neutral comments, neither in favor of or in opposition, to the County issuing a Conditional Use Permit for Curtis Arndt to operate a towing service to step up to the podium and no one came forward.

Chair McLarty closed the Public Hearing at 4:30 p.m.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Conditional Use Permit applied for by Curtis M. Arndt to establish a towing service at 1973 G Avenue on Parcel # 22070075042 in Section 23, Township 28N, Range 8 East of the 6<sup>th</sup> PM.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "regarding the County approving the addition of railroad sight distance (per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division) to its Zoning By-Laws".

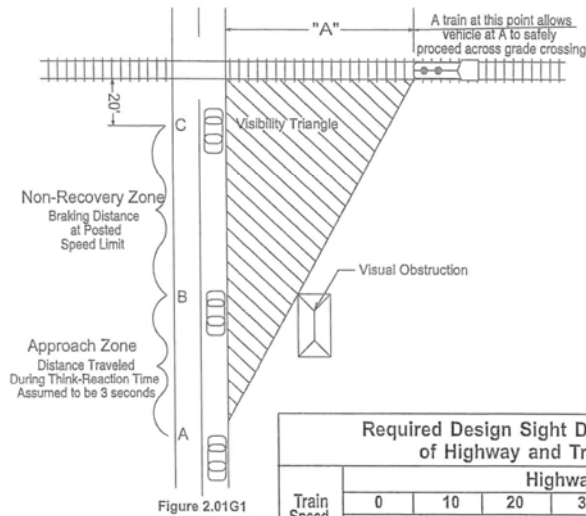
Mr. Arnold Mellick said that this regulation was brought to their attention by the County Attorney. He said that apparently there were cases of where people are building to close to the railroad right-of-way adjoining a County Road. He said that this is what the state regulation is, so this is what the planning commission agreed to adopt and put them into five (5) districts under space limitations. He said that applicants would have to meet the site distance being proposed in these five (5) districts before a Building Permit can be issued if they are going to be close to railroad right-of-way. He made reference to the State's Regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division 6, Section 002.01G Sight Distance, which is being proposed here. That Regulation is as follows:

AMENDMENT TO SPACE LIMITATIONS

Sight distance as per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division, Chapter 6, section 002.01G Sight Distance, will be recognized and followed by Dakota County.

Title 415 - NEBRASKA DEPARTMENT OF ROADS - RAIL AND PUBLIC TRANSPORTATION DIVISION  
 Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

002.01G SIGHT DISTANCE. Sight distance for new public highway-rail grade crossings shall be determined according to the following table. The sight triangle must be clear of all permanent obstructions such as buildings, structures or topography. The Diagnostic Team shall evaluate obstructions such as haystacks, crops or other vegetation, continual or seasonal.



Required Design Sight Distance for Combinations of Highway and Train Vehicle Speeds								
Train Speed	Highway Speed (mph)							
	0	10	20	30	40	50	60	70
	Distance Along Railroad From Crossing "A"							
10	162	126	94	94	99	107	118	129
20	323	252	188	188	197	214	235	258
30	484	378	281	281	295	321	352	387
40	645	504	376	376	394	428	470	516
50	807	630	470	470	492	534	586	644
60	967	756	562	562	590	642	704	774
70	1129	882	656	656	684	750	822	904
80	1290	1008	752	752	788	856	940	1032
90	1450	1134	844	844	884	964	1056	1160
	Distance Along Highway From Crossing B							
	20	65	125	215	330	470	640	840

Commissioner Rohde asked if there are buildings within the proposed site distance and Mr. Mellick said that he inspects railroad crossings every year to see what the site distance is. He could think of a couple that would be within the 500' and mentioned one by Waterbury. He said that this would be applicable to future buildings. It was determined that buildings that are presently within the sight distance would be grandfathered. Chair McLarty opened the Public Hearing regarding the County approving the addition of railroad sight distance (per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division) to its Zoning By-Laws at 4:33 p.m.

Chair McLarty asked if there was anyone in the public that wished to speak in favor of the County approving the addition of railroad sight distance (per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division) to its Zoning By-Laws to step up to the podium and no one came forward.

Chair McLarty asked if there was anyone in the public that wished to speak in opposition to the County approving the addition of railroad sight distance (per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division) to its Zoning By-Laws to step up to the podium and no one came forward.

Chair McLarty asked if there was anyone in the public that wished to speak and make neutral comments, neither in favor of or in opposition, to the County approving the addition of railroad sight distance (per state regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division) to its Zoning By-Laws.

Sally Reinert stepped up to the podium and said that if our primary concern is safety and the County's liability, maybe on some of these crossings where we don't meet the sight distance requirements could a sign be posted such as "Blind RR crossing – slow speed to \_\_\_\_" to make it safe?

Mr. Mellick said that Railroad crossing signage is presently within 500 feet of a railroad.

Chair McLarty closed the hearing at 4:35 p.m.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the site distance requirements as stated in Regulation Title 415 Nebraska Department of Roads – Rail and Public Transportation Division 6, Section 002.01G Sight Distance.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Randy Walsh - Approve and authorize Chair to sign a Grant Application Agreement and Letter of Support for NE Colorado Cellular, Inc d/b/a Viaero Wireless to apply for Stimulus Funds. In return for our support they will supply the county with wireless equipment at no charge if they are awarded grant monies."

Mr. Walsh explained that Colorado Cellular, Inc d/b/a Viaero Wireless has contacted the Sheriff's Office and said that they are applying for monies through the Stimulus Funds Grant and they would like a letter of support from the County Board and they are telling him by phone conversations that they have had, that if they get the stimulus funds, they would be inclined to provide the county some cellular equipment at no cost, but he also wanted to get the County Attorney's Opinion that by giving them a Letter of Support other companies are not prohibited from applying for the same or tied into solely Viaero. He mentioned that data cards might be an item that would be furnished by Colorado Cellular.

Mr. Walsh said that he would like to have the Board's approval today subject to the County Attorney approving it.

Commissioner McNear moved, seconded by Commissioner Rohde to ask the County Attorney to review the request of Viaero for a Letter of Support and if she is satisfied, then to authorize the Chair to sign the Letter of Support, to be given to Colorado Cellular d/b/a Viaero Wireless Agreement to receive Stimulus Funds.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Rick Jensen – Present bids to purchase new lawn mower and requesting approval for the purchase."

Rick Jensen, Building & Grounds Supt., stepped up to the podium and said that he solicited two bids to replace his lawn mower because it is twelve years old and it needs to be replaced. One was from Midwest Implement and the other was from Robertson Implement. He gave them a generic bid sheet of what he wanted on it as far as equipment. He bid a 27 hp diesel with attachments and Midwest Icon Ag Solutions was \$19,230 with a \$2,500 trade in making a net bid of \$16,730. Robertson Implement was about \$19,580 with about \$8,000 trade in allowance making a net bid of \$11,494. He said that the John Deere was the nicer one, but Robertson was the lower bid; therefore, he recommended Robertson Implement's bid.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the purchase of a Agco mower/snow blower from Robertson Implement.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Pat Foust & Deanna Beckman - Discuss findings of the August 13 Grant Monitoring Visit and corrective actions that need to be taken. Pat Foust and Deanna Beckman will talk about the findings and solutions."

Ms. Beckman stepped up to the podium and referenced the Letter that they received back from NEMA after a monitoring visit. She said that they would focus on the last two pages of the report that she just provided the Board. These are the required directive of action that Dakota County Emergency Management is required to do, which will include them as the Emergency Management Office, the County and the City.

She explained what A1 and A2 of the report were requiring.

She said that in A1 we (County EM) must add all equipment purchased with federal grant funds to the existing inventory listing. This includes equipment purchased with grants received prior to 2005.

She said that the Dakota County EM must reconcile GMS to the accounting records maintained by the County Clerk, the County Treasurer and the City's accounting office. This documentation must identify

who performed the reconciliation, when the reconciliation was completed and any corrections required. These reconciliations must occur in any month financial activity occurs in a federal grant account.

She asked that the County provide that NEMA sends money directly to the City, which would make it a lot easier for them. She and Pat Foust explained that process.

Chair McLarty called for the agenda item "Officials Reports."

The County Clerk had provided copies of the reports in the Board meeting Packets.

Commissioner Bousquet moved, seconded by Commissioner Gomez to acknowledge receipt of and to give blanket approval of the Official's Reports of the Register of Deeds, County Clerk, and the Clerk of the District Court filed with the County Clerk for the individual months March through and including August, 2009 and to approve the first and second 2009 quarterly reports of Corrections and the Sheriff's Office. Be IT Further Resolved to approve the four quarterly reports of the Veteran Service Officer.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Agreement with CBM Foods increasing the cost of the meals for inmates by 5.0% as follows:

**AMENDMENT TO  
FOOD SERVICE CONTRACT BETWEEN  
DAKOTA COUNTY NEBRASKA AND CBM FOODSERVICE**

This amendment to the original contract is entered into this 21<sup>st</sup> day of February, 2009 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Foodservice business address 2219 East Benson Road, Sioux Falls, South Dakota 57104.

Pursuant to item 4.0 of the entire agreement, the parties agree to retain the following cost per meal for the contract year (January 1, 2010 through December 31, 2010). New prices will take effect on January 1, 2010.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.83	\$1.90	\$1.97	\$2.09	\$2.20	\$2.35	\$2.52
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
CPI Adjustment 5.0%	\$1.92	\$2.00	\$2.07	\$2.19	\$2.31	\$2.47	\$2.65

**Rates reflect CPI Adjustment Rate of 5.0%**

These prices are calculated based on the 5.0% Consumer Price Index for the Midwest Region, Food Away from Home for the previous twelve months.

This amendment shall be attached to the original contract as an addendum and all other original contract provisions shall remain in full force and effect.

Dated this 8<sup>th</sup> day of Sept., 2009

Dated this 6<sup>th</sup> day of August, 2009

DAKOTA COUNTY, NEBRASKA:

CBM FOOD SERVICE:

Signature on original record

Signature on original record

Bill McLarty, Board of Commissioner Chair

Shane V. Sejnoha  
President of Corrections

Signature on original record

Signature on original record

Terry Kerns  
Jail Administrator

Witness

Signature on original record

William I. McLarty, Chair  
Board of Corrections

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Board approval for Chair to sign Notice of Intent to Issue Recovery Zone Bonds for eligible projects in Dakota County."

Commissioner Gomez moved, seconded by Commissioner McNear to authorize the Chair to sign the intent to issue Recovery Zone Bonds.

Commissioner Rohde asked if we had any companies in mind and Commissioner McLarty said that there was a company coming in.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "2009 Office Inventories filed by all department heads" and referred them to the Building Committee to review them.

Chair McLarty called for the agenda item "Winnifred Drive – Determine ownership of Road. Accept the road as a County Road if it is determined that it is not a county road (subject to the Board's choosing to do so).

Kim Watson, County Attorney, said that after looking through everything from the County Clerk and a couple other things from Arnold Mellick, Planning and Zoning Administrator, the County does not own that road, but it is owned by Paul High's Estate.

Chair McLarty confirmed that the County does not own the road and Commissioner Bousquet said that if Paul High's Estate owns the road then it is out there in limbo and someone could claim it by filing a Quit Claim Deed.

Ms. Watson said that she could not address that with out researching that.

Marlin Millard, with Planning and Zoning, who was on the Planning Commission when that went through the Village of Hubbard, said that he thought they discussed this at that time, but does not know if they took action on it. He said that when they approved a place in an area, the road had to meet our specs, which this one does, then the County was to take it over.

Commissioner McNear said that there was a couple of roads that the County took over after the individual brought the road up to the County's specs. They had to put in tubes, build the road and pay for the gravel and when it was all done, the county accepted responsibility for maintaining the road. Mr. Millard jumped in and said we would take it over. Mr. McNear said that they would have to go back to Mr. Mellick, who was the Road Foreman at the time, to find where these are all at.

Mr. Bousquet and Mr. Millard addressed the platting of the road and where it was suppose to end up and that the road was platted all the way through the subdivision.

Commissioner McNear remembered that Oban Construction built the road and it was to county specs.

Mr. Bousquet said that actually that road is platted all the way through and Mike Birkley is farming over top of it, so what are we going to do.

There was discussion that it is necessary to refer back to the Planning and Zoning Minutes when this subdivision was approved by Planning and Zoning and then it was mention that it should be in the County Board's Minutes if P & Z approved it.

Commissioner McNear made reference to Cosgrove's being that last one this was done for. It was determined that this was done on a Minimum Maintenance Road and Commissioner Rohde said that this was all together different.

Commissioner Bousquet pointed out that this road is not even on a section line, out in the middle of nowhere that was just plotted up through there.

Commissioner Rohde said that he asked Arnie if there was anything in his minutes and he told Mr. Rohde that there was nothing in the Planning and Zoning minutes that deal with this road.

Traci McDonald stepped up to the podium and said that when she bought the lot it was based on that survey. The road going through there had been approved by Planning and Zoning and was represented to me that the road would be taken care of. She was fine with the fact that it does not go all the way through and somebody is farming over where the road should be, but decreases her property value and it is not going to be very marketable if I tell somebody that they have to maintain this quarter mile road when that's not how it was presented to her. She said that she does not have the ability to maintain that road.

Chair McLarty said that he understood what Ms. McDonald wanted and what her needs are, but that the Board can not take on the responsibility of every road in the county.

Ms. McDonald argued that the Planning and Zoning approved that. Every time that she has had to get out the county maintained it and she just wanted to know that she could get out.

Commissioner McLarty said that whoever made you that promise that it would be maintained is responsible and I know that this Board did not.

Commissioner McNear said that he checked and she got a building permit to put the house there because he has checked on that already, but that it was not Planning and Zoning of Dakota County. Hubbard had Jurisdiction there and everything was done through them. If you go to Ms. Jensen, you can see the minutes because it is all there.

Ms. McDonald said that she comes to the conclusion that no one wants to be responsible for this road.

Commissioner McNear said that if the County would maintain everybody's road we would have so many roads that we will never keep up.

Ms. McDonald said that someone said in the first visit that if no one was paying taxes on it then it is the County's responsibility to maintain it.



Chair McLarty said that if the County has an obligation to take care of that road, the County will take care of that road. So far there is nothing that shows the County to have responsibility so until it is determined that the County has that responsibility, it will not assume that responsibility.

There was discussion about the minutes where the subdivision was approved. Commissioner McNear said that you have to go to the Hubbard Office to get them.

Commissioner Bousquet asked the County Clerk if there were any minutes of this subdivision in the County's Minutes. The County Clerk said that there are none. Then there was discussion that the Village of Hubbard gave her the building permit and they approved Paul High's subdivision.

From the copy of the recorded subdivision it was December 5, 2002 when the Hubbard Planning and Zoning approved the subdivision.

Commissioner Rohde said that he did not think that Paul High wanted the County to maintain this road and wanted to maintain it himself.

Chair McLarty asked Ms. McDonald who sold her the lot and she said Lyle Todd and Mr. Bousquet added as a representative for Paul High.

Ms. McDonald said that when she bought the property that she was told that the road would be maintained, but didn't ask who would maintain it.

Chair McLarty said that an option may be to go to Lyle Todd and maybe you can jog his memory on who was suppose to maintain the road.

Susan Church, (addressing the opening of the road as if it were blocked with snow) stepped up to the podium and asked if (the machine) doesn't just have to back out of the shed (where the County Road Shop is) and go up there a quarter mile to open her road? There was more discussion, but the jest of her discussion was that the county should open that road.

Commissioner Bousquet said that if we do it for her and other people see it then they are going to say you aren't plowing my road out and we are going to have a big problem. There was discussion about the precedent that the county would be setting.

Leu Franco stepped up to the podium and said that the County maintains Franco Drive and it is owned by Gene Martin and I have an easement on it. The County gravels it and maintains it. She then addressed a letter or two that she has received from Fred Kellogg. There was continued discussion as to when Franco Drive was built and what the minutes reflected. In closing she said that the county maintains a private road.

Chair McLarty called for the agenda item Commissioner "Member Reports". Commissioner Rohde explained that the State began inspecting Fracture Critical Bridged a few years ago and now turned that back over to County. He asked Arnie to see if he could open a couple of the closed bridges to maximum and Mr. Mellick is going to see if that is possible and Mr. Rohde thinks that it will be. He was specifically talking about the Kenny Baker Bridge. He also said that Arnie said that Baker Bridge has been like that for 20 years. Mr. Mellick is going to pursue that and include it with his inspections and see if the state will allow that for light traffic.

Mr. Rohde also reported that the Road Department will go back to 5 day work weeks next Monday.

Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner McNear moved, seconded by Commissioner Gomez to adjourn.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED at 4:33 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, September 21, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, Rohde, McNear, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.  
Absent: Commissioner Gomez.

The agenda for the meeting was as follows:

Meeting was advertised to begin at 4:00 p.m.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

Pat Foust - Request for a DCSO SUV patrol vehicle, which is to be taken off the road, and to transfer said vehicle to the LEC.

Pat Foust & Deanna Beckman - Discuss findings of the August 13 Grant Monitoring Visit and corrective actions that need to be taken. Pat Foust and Deanna Beckman will talk about the findings and solutions.

They will ask the board to authorize NEMA to send all grant funds directly to the City of South Sioux City without passing through the County.

Alan Boyd – Cancel County Government Day

Paul Nolan - Storm Water Grant Application – Authorization for Chair to sign said Grant Application.

Chad Kehrt will present the Road Annual Report to the Board for signing

Fred Kellogg will present a request to the Board to install a 4-way stop at the intersection of Hwy 77 and Atokad Drive.

Miscellaneous Agenda Items

Surplus Sale - The Board must declare unused equipment as surplus and to authorize a public auction for the surplus property to be held Sept. 29<sup>th</sup>.

Approval to continue County Liaison Officer Agreement and to recalculate cost affiliated with providing services outlined in agreement.

Approval to participate in the 2010 Census New Construction Program.

Commissioner's Committee Reports

Property Committee - update on inventories if there is one.

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the minutes of September 8, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Absent.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the payroll claims pursuant to the employee handbook and submitted by the County Clerk, as follows:

COUNTY GENERAL FUND: Gross salaries- \$132,331.48, General Fund Employees Net Pay- \$94,604.63, Employer deductions paid: Retirement- 9,227.35, FICA- 8,068.87, Medicare- 1,887.06, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 201.63.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 941.85, Bobbi Jo Harsma- 1062.27, Theodore Piepho- 1647.87, Marisol Curiel- 958.41, Darlene Davis- 1018.72, Robert Giese- 1647.87, Ruth Gillaspie- 1381.33, Jolene Heinemann- 1088.16, Kim Kuehl- 995.46, Phyllis Ridge- 1010.23, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.20, Richard Jensen- 1613.91, Duane Kotalik- 1477.12, Tammy Dunn-Peterson- 1009.98, Jeremy Bermel- 2025.98, Anthony Bos- 2295.24, Sandy Dickens- 506.85, Brian Ellinger- 2095.83, Penny Epting- 1951.02, Michael Estes-

1067.78, Brent Gilster- 2026.07, Todd Hammer- 1870.97, Richard Hansen- 1378.65, Melvin Harrison III- 1946.02, Rodney Herron- 2003.72, Jason James- 1471.35, Kimberly Johnson- 300.08, Jared Junge- 2197.64, Michael Kreegar- 1635.82, Gary Powell- 96.00, Gayle Richards- 951.84, Kevin Rohde- 1963.28, James Wagner- 1647.87, Randall Walsh- 1920.88, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1034.88, Kimberly Watson- 2666.12, Caterina Chapman- 1341.39, Jacob Acero- 1471.14, Ermelinda Ballesteros- 1516.68, Joshua Blatchford- 1318.68, Dusty Boyd- 1399.68, Rebecca Broer- 1463.65, Sandy Dickens- 918.33, Lisa Ford- 1469.72, Robert Foster- 1447.38, Linda Frost- 986.50, Joseph Gee- 968.58, John Gilles- 1473.66, Alma Gunderson- 2110.68, Paula Harrigfeld- 357.44, Cathy Harsma- 1330.03, Deanna Haukap- 1401.54, Jackie Heaton- 1976.92, Jeffrey Heitzman- 1663.89, Adam Hough- 1396.21, Matthew James- 1476.62, Brett Johnson- 1433.61, Nicholas Kellen- 1302.84, Brenda Kelly- 1319.04, Terry Kern- 1884.62, Keith Klein- 1319.46, Mark Nelson- 2035.28, Travis Olander- 1392.24, Kimberly Peterson- 1383.42, Doyle Pilgrim- 74.88, Daniel Rodasky- 1475.90, Jutharatana Ruenprom- 1387.07, Stephanie Ryan- 1359.54, Linda Schovanec- 1948.80, Francis Tope- 892.24, Charvette Williams- 1497.27, Jewel Williams- 1575.31, Matthew Wise- 1383.42, Cara Wood- 1546.46, Jolene Gubbels- 1160.48, Leon Pies- 621.60, Maureen Biggar- 1478.48, Pamela DeVries- 1829.50, Bonnie Kahler- 532.16, Alan Boyd- 1173.42.

GENERAL FUND: Employee withholding paid to: Federal- 11,541.07, State- 4,711.97, FICA- 8,068.87, Medicare- 1,887.06, Retirement- 6,249.87, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 2,016.62, Aflac Health- 518.46, Aflac Life/Dsbl- 156.48 and Flex Plan- 991.25.

COUNTY ROAD PAYROLL: Gross salaries- \$16,283.83, Road Employees Net Pay- \$11,843.17, Employer deductions paid: Retirement- 1,099.18, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 989.10, and Medicare- 231.32.

Brent Byroad- 1543.09, Robert Hacker- 1239.20, Ronald Harder- 1405.08, Hans Houfek- 619.60, Robert Jacobsen- 1255.20, Fred Kellogg- 2028.28, Robert Lillard- 1274.06, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Willie Peters II- 1308.92, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,120.24, State- 508.91, FICA- 989.10, Medicare- 231.32, Retirement- 732.74, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 281.55, Aflac Health- 165.51, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- lodging tax: 11,355.07.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Absent, McLarty- Yea. UNANIMOUS MOTION CARRIED.

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

GENERAL FUND: Dakota County Star, publishing- 417.66; Holiday Inn Kearney, lodging- 169.90; NACO, registration- 30.00; Dakota County Star, publishing- 7.20; Document Depot & Destruction, shredding- 40.00; General Business, labor/cabinets- 3687.36; Bobbi Jo Harsma, batteries- 10.67; Menards, shelving- 69.91; Microfilm Service Systems, scanner- 1785.00; Net Sys Plus, work- 2981.99; Perkins, supplies- 65.64; Theodore Piepho, cell- 20.00; Wilmes Hardware Hank, surge protector- 21.49; Des Moines Stamp, supplies- 130.50; Charlotte Doenhofer, prior yrs- 10.00; General Business, desks/tables- 6079.57; Robert Giese, mileage- 132.00; Ruth Jensen, prior yrs serv- 12.00; Net Sys Plus, work- 692.50; Mardell Sorenson, prior yrs serv- 26.00; Staples, supplies- 112.20; Irene Van Lent, prior yrs serv- 16.00; Microfilm Imaging Systems, lease- 240.00; Perkins, supplies- 45.95; Todds Storeall, storage- 80.00; Dakota County Star, publishing- 28.94; Arnie Mellick, phone- 30.00; Executive Technologies, toner/repair- 161.00; Net Sys Plus, work- 205.00; Shirley Sides, work temp- 25.00; AS Central Services, supplies- 186.59; Creighton Law Review, subscription- 25.00; Dakota Business Systems, lease- 99.00; Iowa Office Supply, supplies- 90.35; Paula Jensen, supplies- 22.91; Microfilm Imaging Systems, scanning- 100.50; Midwest Office Automations, contract- 366.28; Office Systems Co, contract- 557.00; Kurt Rager, reimburse- 54.29; West Payment Center, supplies- 233.00; William Binkard, reimburse- 140.96; Raul Escobedo, interpret- 100.00; Frank Gonzalez, interpret- 450.00; Midwest Office Automations, toner/contract- 561.60; Perkins, supplies- 76.98; Dakota County Sheriff, papers/warrants- 653.52; Crary Huff Inkster, attorney fees- 60.00; District Court, claim list- 781.00; Susan Hunke, bill of exceptions- 728.00; Linda Kastning, hearing- 87.50; MIPS, scanning- 85.00; Norfolk Printing, sheets- 108.70; Perkins, supplies- 365.11; Patricia Slaughter, health board- 65.50; Sarah Clift, witness fee- 58.50; Dakota County Court, costs- 1758.85; Dixon County Sheriff, services- 128.80; Arielle Espinoza, witness fee- 25.50; Randy Hisey, attorney fees- 1464.00; Kueny & Begley, attorney fees- 438.00; Jose Magnusen, witness fee- 25.50; Stuart Mills, attorney fees- 810.00; Josefina Moreno, witness fee- 34.30; Peter Parry, attorney fees- 930.42; Robert Rager, witness fee- 58.50; Douglas Roehrich, attorney fees- 528.00; Richard Thramer, 836.64; Thurston County Sheriff, services- 35.20; Patrick Tott, attorney fees- 2214.00; Ateam Heating & cooling, repair- 170.00; Bomgaars, repair- 113.79; Bunkers Feed & Supply, salt- 65.42; Gill Hauling, service- 120.00; Grainger, repair supplies 1061.90; Richard Jensen, mileage- 229.68; Joes Dept Store, supplies- 158.47; Menards, supplies- 721.64; MidAmerican Energy, utilities- 1305.00; Nebr Public Power Dist, utilities- 3454.13; O'Keefe Elevator, maintenance- 153.40; Share Corporation, supplies- 165.00; Siouxland Lock & Key, supplies- 183.35; Staline Electric, supplies- 654.61; Trembly Pest Control, service- 50.00; Verizon, phone- 58.36; Walmart, repair supplies- 77.85; Wilmes Hardware Hank, repair supplies- 69.99; PMNRD, rent- 833.33; UNL Extension, reimburse- 1242.38; Ahlers & Cooney, attorney fees- 68.57; Kerry Bligh, animal control- 150.00; City of SSC, fuel/phone- 3975.69; Dakota County Sheriff, supplies- 64.70; Dakota Food & fuel, fuel- 586.53; Fremont Tire, service/repair- 1399.42; Harolds, developing- 42.76; Jacks Uniforms, supplies- 605.70; Jackson Glass, repair- 221.48; Joes Department store, supplies- 42.10; NLETC, testing- 18.00; Net Sys Plus, work- 140.00; Pet Spa, grooming- 53.00; RACOM, t1- 707.40; SFCU, fuel- 54.00; Staples, supplies- 81.47; Torco-Remfg, battery- 190.95; Walmart, supplies- 121.74; Willis Animal Clinic, supplies- 133.33; Cartridge World, cartridges- 168.51; Dakota County Clerk of Dist. Court, case costs- 127.50; Dept of Motor Vehicles, transcripts/records- 14.00; Iowa Office Supply, contract- 102.67;

Quill, supplies- 366.39; Aimee Uhl, misc- 42.74; Verizon, phone- 135.72; City of SSC, lec cost share- 29049.41; AJ Phillips, cards- 45.00; BI Inc, monitoring- 911.50; Document Report & Destruction, shredding- 80.00; Staples, supplies- 131.62; Verizon, phone- 55.15; Amsan, supplies- 2659.38; Aramark, service- 52.88; BI Inc, monitoring- 393.70; Bob Barker, supplies- 1070.73; CBM Food Service, food- 31464.24; Cash-Wa, food- 301.78; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, supplies- 60.00; Dakota Family Dentistry, medical- 315.00; Dakota Food & Fuel, fuel- 273.26; Dept of Correctional Serv, medical/safekeepers- 4443.42; Sandy Dickens, mileage- 92.40; Fremont Tire, repair- 217.17; Gill Hauling, service- 120.00; Jackie Heaton, mileage/medical- 140.12; Jacks Uniforms, supplies- 454.80; Joes Dept Store, supplies- 29.11; Kleen Solutions, supplies- 109.85; Mercy Business Health, house calls- 1575.00; Mercy Medical Center, medical- 500.35; Midamerican, utilities- 419.17; Midwest Office Automation, copies- 253.22; NE Nebr Juvenile Serv, boarding- 1837.50; Nebr Public Power Dist, utilities- 3538.05; NW Iowa Emerg, medical- 910.00; Sioux Sales Company, certifications- 790.00; SFCU, fuel/meal/lodging- 657.28; Speedy Rooter, service- 462.50; Staples, supplies- 474.67; Trembly Pest Control, service- 35.00; Verizon, phone- 195.84; Walmart, supplies- 325.11; Walmart, prescriptions- 1418.94; Woodbury Co Juv Det, boarding- 5400.00; Holiday Inn Express, lodging- 210.00; Fred Kellogg, mileage/meals- 72.79; Verizon, phone- 33.34; Maureen Biggar, mileage- 133.65; Pam Devries, mileage- 207.35; Pat Glover, clinics- 200.00; Sanofi Pasteur, shots- 1441.63; Perkins, supplies- 192.49; AJ Phillips, cards- 70.00; Deanna Beckman, hours- 990.00; Claritus, id works- 564.00; Midwest Office Automations, copier charges- 689.83; Alan Boyd, mileage- 581.35; Electronic Engineering, pager- 13.95; Thomson West, charges- 620.11; Business Telecom Systems, programming- 40.00; Cableone, internet- 210.45; FSH Comm, payphone- 63.60; Lazette Gifford, website- 40.00; Metalcraft, inventory tags- 355.22; MIPS, support- 407.84; Qwest, phone- 1727.60; Region IV, services- 7476.50; SIMPCO, dues- 3565.00; Spencer Fane Britt & Browne, attorney fees- 2732.00; Madelyn Thorsland, prior yrs serv- 10.00; Three Rivers Benefit, admin fees- 90.00; US Postal Service, postage- 2500.00; WCS Telecom, phone- 622.65; XPEDX, paper- 1173.70; Weed Fund, budget transfer- 500.00; Road Improvement Fund, budget transfer- 24000.00; Road Fund, budget transfer- 40000.00;

ROAD: Advance Auto, parts- 141.90; Ahlers & Cooney, attorney fees- 70.33; Aramark, service- 346.43; Bs Enterprises, supplies- 645.00; Barclay Long Haul, gravel- 315.20; Bomgaars, supplies- 29.99; City of SSC, gravel- 2000.00; Federal Publishing, compliance- 278.50; Filter Care of NE, filter- 23.25; Gill Hauling, service- 55.00; Guarantee Oil, oil- 993.38; Walter Heinemann, prior yrs serv- 29.00; HME, maintenance- 204.95; Hubbard Minimart, fuel- 3259.90; Hydraulic Sales & Service, parts- 36.85; H204U, water- 29.00; Inland Truck Parts, parts/labor- 1085.98; J&J Pronto, fuel- 504.63; Jim Hawk Truck Trailers, supplies- 76.74; Joes Dept Store, supplies- 84.85; Kinetic Leasing, loader payment- 2458.00; LG Everist, rock- 20926.33; Linweld, oxy- 120.65; Martin Marietta Materials, gravel- 803.76; Marland Millard, prior yrs serv- 15.00; Neb Public Power Dist, service- 24.74; Northeast Equip, rental tractor- 900.00; NE Nebr Public Power, utilities- 238.32; NE Nebr Telephone, phone- 168.94; Peterson Sand & Gravel, gravel- 1188.00; Pumps, tires- 691.00; RA Transport, gravel- 176.33; RC Customs, parts/labor- 14.00; Rees Mack Sales, parts- 1188.78; Ricks Radiator, part- 125.00; Siouxland Hydraulics, parts- 25.02; Straight-line Stripping, markings- 8923.20; Verizon, phone- 54.98; Warren Oil, oil/diesel- 9187.91; Zieglers, parts/supplies- 7416.53;

ROAD IMPROVEMENT: Barkley Asphalt, asphalt- 9026.47; LG Everist, gravel- 15081.26;

INSTITUTIONS: Beatrice State Dev Center, qtrly payment- 546.00;

VETERANS: Luken Memorial, marker- 89.00; Veterans Office, emergency relief- 3500.00;

STOP FUND: GPS Store, equipment- 724.75; Ray Manufacturing, equipment- 523.90;

INHERITANCE TAX: Lux Bros, donation- 1190.0;

PUBLIC SAFETY: City of SSC, sls tax- 3287.59; Jail Bond Fund, sls tax- 24109.03;

WEED FUND: Dakota Business Systems, copier- 102.00; FIMCO, parts- 67.36; Heritage Express, fuel- 194.00; Hubbard Minimart, fuel- 129.00; HyVee, pop- 36.00; Leon Pies, workshop- 10.00;

ROLL CALL VOTE: Gomez- Absent, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Pat Foust - Request for a DCSO SUV patrol vehicle, which is to be taken off the road, and to transfer said vehicle to the LEC."

Pat Foust, Emergency Manager Director, appeared before the board and said that the Sheriff's Office has a Blazer that they will be taking off the road in about a month and if that comes to fruition, he asked the County Board to transfer it to the LEC.

Commissioner Bousquet thought that the county should look at having a vehicle for courthouse use because to date the county had spent in excess of \$7,000 in mileage. He then asked if South Sioux was going to help fund this vehicle.

Mr. Foust said that was something that had to be worked out. His interest was to make sure that it didn't go to the auction and he wanted to get the first bid on it and the rest they will have to work out.

Commissioner Rohde thought that the Sheriff's Office was going to replace three vehicles and wanted to wait and see where the County was with that.

Mr. Foust said that was fine, but if the blazer became available, he would like for the county to transfer to the LEC before putting it on public auction.

Chair McLarty called for the agenda item "Pat Foust & Deanna Beckman - Discuss findings of the August 13 Grant Monitoring Visit and corrective actions that need to be taken. Pat Foust and Deanna Beckman will talk about the findings and solutions. They will ask the board to authorize NEMA to send all grant funds directly to the City of South Sioux City without passing through the County."

He made reference to his visit the last meeting concerning the GRANT RE-IMBURSEMENT FUNDS and EMPG Funds being deposited directly into the City of South Sioux's Account and said that he sent the motion that they are proposing earlier this morning. It is one of the recommendations that they received out of their monitoring visit, which some people call an audit. He noted that the City Treasurer is ok with doing it that way.

Mr. Foust said that he thought that it will smooth out the system and take some accounting complications away from the county because right now the County is a pass through to show on the County's Claims. In the past you (the County) have had to do a couple of budget hearing because of it. This recommended change will alleviate these things. He said that there is a statement that the Commissioners will be kept apprised of what is going on with the grants so we will have all the information that you might need or want.

He asked the board to approve the motion that he sent earlier this morning and Ms. Spencer handed the chair the motion.

Chair McLarty read the motion as follows: "Motion to allow the Nebraska Emergency Management Agency to transfer grant and reimbursement funds for the City/County Law Enforcement Center – Emergency Management Agency directly to the City of South Sioux City to streamline the transfer process and to simplify the grant accounting process. Motion is made with the understanding that the County Board of Commissioners will be kept current on City/County Law Enforcement Center – Emergency Management grant activities and will be advised of all monies received.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the motion as read.

Chair McLarty asked if there were any other questions from the Board and the public and there weren't any.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Alan Boyd – Cancel County Government Day."

Mr. Alan Boyd, the Veteran Service Officer, said that due to the murder trial starting that day, the Legion is requesting that the County cancel County Government Day because there are only seven offices available that day. He said that since there would be a murder trial going on at the same time and it is gang related, he talked with the Homer Principle, who was going to bring seventy five participants, but he agrees that they should not be here at the courthouse during this time.

Chair McLarty asked if it was going to be rescheduled or just cancelled and Mr. Boyd said that it would be cancelled.

Mr. Boyd noted that Homer was the only school that was attending because South Sioux City was not going to participate.

Chair McLarty expressed his disappointment because he thought that was a very valuable learning tool, but said he understands the situation.

Chair McLarty called for the agenda item "Paul Nolan - Storm Water Grant Application – Authorization for Chair to sign said Grant Application."

Mr. Paul Nolan stepped up to the podium and said that he was here for the board to approve the application for a Storm Water Grant between Dakota County, the City of South Sioux City and Dakota City. He said that this year's grant application totals \$48,580, \$15,600 to Dakota County, \$28,600 for the City of South Sioux City and \$4,360 for Dakota City. He asked that the Board sign the Grant Application.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the Storm Water Grant Application requesting grant funding from the Storm Water Management Plan Program and to authorize the Chair to sign it.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Absent, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Chad Kehrt will present the Road Annual Report to the Board for signing"

Chad Kehrt stepped up to the podium and said that he would like to get approval for the Annual Road Report. He said that last year's revenue's was \$1,636,333.15 and there was \$1,572,662.02 in expenditures and a cash balance of \$63,671.13.

This year's total revenue's are \$2,081,617.01 with an estimated total expenditure's of \$1,981,667.01 and a cash balance of \$100,000.00.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the 2008 – 2009 Annual Road Report presented by Chad Kehrt, County Highway Supt.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Absent, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Fred Kellogg will present a request to the Board to install a 4-way stop at the intersection of Hwy 77 and Atokad Drive."

Mr. Kellogg said that he needed to get the Board's approval to send a request into the State of Nebraska Road Department for a four way stop.

It was discussed and determined that the four way stop would be at the intersection of Old Saw Mill Road being on the west side U.S. Highway 77 and Atokad Drive on the east side of said highway. Mr. Kellogg said that the county has had residents wondering what the county can do on this issue and we said we would send a request into the State of Nebraska Road Department.

Commissioner Bousquet moved, seconded by Commissioner McNear to authorize Fred Kellogg to send in a request for a four-way stop at Atokad Drive and 77.

Chair McLarty asked for comments from the Board and there were none. He then asked if there were any from the public.

Susan Church stepped up to the podium and said that they need something there. Not stop signs, but it would have to be lights. She added that they should have one at 164<sup>th</sup> also.

ROLL CALL VOTE: McNear- Yea, Gomez- Absent, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Commissioner Bousquet asked Mr. Kellogg if the County could put an ad in the paper to the effect "if you have old tires that you want to throw away, bring them to the County Shed and stock pile them for Tire Recycle Day. A short discussion followed.

Mr. Kellogg thought that would be ok except that if we don't get a grant, then the County is stuck with all the tires.

Commissioner McNear moved, seconded by Commissioner Rohde to declare the attached list as surplus property and to authorize Joan Spencer to sell the items on the Public Silent Auction Tuesday, September 29, 2009 at the County Road Shop.

	OFFICE	ITEM	SERIAL #	ID TAG
1	Voice Mail	Gateway 2000 Vivitron monitor	46241183	
2	Voice Mail	Cannon printer		
3		2' x 8' Wooden Table		
4	Commissioner	Monroe Calculator		6010223
5	Clerk	several 3-ring binders		
6	Extension	old desk chair with rollers		
7	Extension	Metal desk shelving		
8	Treasurer	IBM Correcting Selectric III typewriter		6030150
9	Treasurer	IBM Correcting Selectric III typewriter		
10	Treasurer	IBM Correcting Selectric II typewriter		
11	Bldg & Grnds	maroon office chair		
12	Bldg & Grnds	high back office chair (brown)	471BY	
13	Treasurer	IBM Personal Computer 300PL		
14	Treasurer	Samtron Monitor		
15	Probation	CocaCola wall clock		
16	Probation	Wooden Desk		
17	Extension	old desk chair with rollers		
18	Clerk	Lasko 8-10" fan w/ mounting clip		
19	Bldg & Grnds	36" Counter w/ 3 shelves		
20	Bldg & Grnds	room dividers (trq)		
21	Sheriff	2000 Ford Explorer	1FMZU73X4YZA51758	
22	Sheriff	2003 Ford Crown Victoria	2FAFP71W83X199845	
23	Treasurer	Lexmark printer Toner TRI96A for HP laserJet		6030170
24	Commissioner	2100, 2200		
25	Extension	Toner Samsung ML-2010D3		
26	Extension	IBM Keyboard		
27	Extension	Dell Keyboard		
28	Extension	5-tray stack (grey metal)		
29	Clerk	IBM AS400 computer	100018447	6020239
30	Clerk	IBM AS400e computer	530021728	
31	Clerk	IBM computer	10-11KSV	
32	Road	1985 Mack Truck w/ plow & sanding unit	1M2S141C1GA0011065	
33	Road	1995 Ford F350 pickup	1FTJX35G2SKA64264	
34	Road	keyboard and mouse		
35	Extension	reel to reel film projector		
36	Extension	A.B. Dick mimeoscope illuminated drawing board		
37	Extension	large wooden easel		
38	Extension	36"x24" Cork Bulletin Board		
39	Extension	small metal cabinet		
40	Civil Service	large corner metal desk		

41	Extension	zip drive and disk		
42	Extension	A.B. Dick paper folder		
	Register	of		
43	Deeds	Konica copier		
44	Extension	48"x36" chalk board		
45	Extension	Free Connect 500 - desktop switch		
46	Jail	Medical screening table		
47	Extension	used spray bottle of "Hot Pepper WAX insect repellent		
48	Extension	used spray bottle of "CloudCover" plant protection		
49	Extension	narrow bottle brush		
50	Bldg & Grnds	Chair mat		
51	Bldg & Grnds	Chair mat		
52	CDC Judge	Gateway 2000 VX900 monitor	G8B017785	
53	CDC Judge	Gateway tower	9966562	6240049
54	CDC Judge	Gateway flat screen	LIC152B8832	
55	CDC Judge	Gateway keyboard and mouse		
56	Clk of Dist Ct	jury room fainting couch (orange)		6210215
57	CDC Judge	typewriter		
58	Clerk	Lexmark forms printer 4227	11-01132	
59	clerk	Chair mat		
60	clerk	Chair mat		
		Visual 2-Yr Organizer - Wipe-off		
61	Commissioner	Calendar		
		120 & 90 Day Planner - Wipe-off		
62	Commissioner	Calendar		

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approval to continue County Liaison Officer Agreement providing services outlined in the agreement."

It was noted that in this agreement the South Sioux City Schools will utilize the Liaison Officer 2 and one-half days in this agreement, whereas the previous agreement they used the Liaison Officer three days. The Board was provided a copy of it as follows:

**COUNTY LIAISON OFFICER AGREEMENT**

THIS AGREEMENT made and entered into the 21st day of September, 2009, by and between THE DAKOTA COUNTY SHERIFF'S DEPARTMENT, DAKOTA COUNTY, NEBRASKA ("County"), a political subdivision, and SCHOOL DISTRICT NO. 11 OF DAKOTA COUNTY, NEBRASKA ("School"), a political subdivision, WITNESSETH:

WHEREAS, one certified officer of the Dakota County Sheriff's Department employed by the County has been designated as a Liaison Officer with his/her primary duties in the various schools of the School district; and

WHEREAS, the duties of the Liaison Officer are to provide law enforcement assistance at the schools, law enforcement education for students, and generally act as a liaison between the students and the School and various law enforcement agencies; and,

WHEREAS, the County will provide the School with one Liaison Officer on a shared basis from the commencement of the 2009/2010 school year.

NOW THEREFORE, it is agreed by and between the parties that:

1. One officer of the Dakota County Sheriff's Department will be designated as Liaison Officer to provide services to the high school, middle school, and elementary schools.
2. The duties of the Liaison Officer shall be conducted primarily within the school system, but they may assume regular law enforcement duties in the event of an emergency or other request by the County.
3. That the expense of the Liaison Officer to be paid by the School is as follows:  
 \$213.63 per day for 2 1/2 days per week for 9 months to be paid by the School to the County, based upon actual hours the officer spends working within the Schools or on School sponsored programs.

Liaison Officer Deputy Penny Epting  
 \$213.63 x 178 school days x 50% = \$19,013.07

The School shall remit its share of said Liaison Officer Expenses to the County on a monthly basis or at such time as it receives a statement from the County.

4. If there are any changes in salary or benefits during the term of this agreement, the County shall notify the School of the adjustments.
5. That this agreement shall commence on August 17, 2009, and terminate on May 25, 2010.
6. That this agreement has been approved by the governing bodies of the County and School.

DATED on the day and year first above written.

THE DAKOTA COUNTY SHERIFF'S DEPARTMENT,  
 DAKOTA COUNTY, NEBRASKA,

BY: \_\_\_\_\_  
 BOARD OF COMMISSIONERS CHAIR

BY: \_\_\_\_\_  
 DAKOTA COUNTY SHERIFF

ATTEST:

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

SCHOOL DISTRICT NO. 11 OF  
DAKOTA COUNTY, NEBRASKA,  
A political subdivision,

BY: \_\_\_\_\_  
CHAIRPERSON OF THE  
BOARD OF EDUCATION

ATTEST:

\_\_\_\_\_  
SECRETARY

Commissioner Rohde moved, seconded by Commissioner McNear to approve the COUNTY LIAISON OFFICER AGREEMENT between the Dakota County Sheriff's Department and School District No. 11 of Dakota County, Nebraska as provided to the Board.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Absent, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approval to participate in the 2010 Census New Construction Program."

Ms. Spencer said that the Census Bureau had received all of the data that they need except as of March, 2009 they have not come out and recorded new housing and wanted to know if we would participate and give them the information on any new housing. This will be just the new housing in the county as the cities and villages will get requests for what has been built within their city limits.

Commissioner Bousquet moved, seconded by McNear to participate in the 2010 Census New Construction Program.

ROLL CALL VOTE: McNear- Yea, Gomez- Absent, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Committee Reports" and there were none.

Chair McLarty called for the agenda item Commissioner "Member Reports".

Commissioner Rohde said that he just met in a Safety Meeting and it has been brought to their attention that the Driver's License exam office has activity after 4:30 p.m. when the courthouse is closed. The Safety Committee is going to recommend, to the Driver's License Office, that they try and get people out by 4:30 p.m.

Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Bousquet moved, seconded by Commissioner McNear to adjourn.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Absent, and McLarty- Yea. UNANIMOUS MOTION CARRIED at 4:28 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book



Dakota County Board of Commissioners  
Monday, October 5, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Gomez, Bousquet, Rohde, McNear, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Deb Fergen, Deputy County Attorney, were also present.

Absent: None

The agenda for the meeting was as follows:

Meeting was advertised to begin at 4:00 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll and Accounts Payable Claims submitted by County Clerk for payment.

Recess to Board of Corrections

Reconvene from Board of Equalization

Pam Miller, Dan McNamara and Lance Hedquist - 5-10 minute presentation on economic development for Dakota County and the collaboration with the rest of Siouxland in these efforts as part of the coalition for a Greater Siouxland.

Betty O'Neill – Discussion of who has jurisdiction on the school land where Tony Gomez has his rodeo.

Lue Franco – Ask Lance Hedquist about tax relief on Jail.

Lt. Randy Walsh - Advise the board in regards to the outcome and return of the 2008 Distress Warrants Board needs to accept.

Miscellaneous Agenda Items

Approval by Board for Chair to sign Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012.

Smoking Policy – Clarification & possible change to better define no smoking areas. Motion to accept the updated No Smoking policy.

Handbook – adoption with smoking policy.

Approve and sign for an additional 5-years on the Inter-Local Cooperation Agreement

Enhanced (E911) Emergency Telephone Service.

Cable One Internet Service is offering a reduced rate if we sign a 3-yr agreement. The Board will discuss this option and expected to make a motion to accept, or reject Cable One's offer.

Surplus Audit Report.

Approve the report and sale of surplus.

Board approval to donate unsold surplus items to Goodwill.

MAXIMUS Fiscal Year 2008 Report – Chair to sign Certification of Cost Allocation Plan\

Election of NACO Officers – Approve and authorize the Voter Confirmation Form to cast vote for Dakota County.

Jail Tour required in October – County Board may opt to tour the jail this meeting or next meeting.

Commissioner's Committee Reports

Property Committee – Report on Office inventories filed for last fiscal year. – Motion to approve Inventories.

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of September 21, 2009 as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear, Yea, Gomez- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the payroll as submitted by the County Clerk, as follows:

COUNTY GENERAL FUND: Gross salaries- \$120,884.72, General Fund Employees Net Pay- \$87,038.10, Employer deductions paid: Retirement- 8,417.92, FICA- 7,360.21, Medicare- 1,721.30, DC Health Plan- 27,300.00, DC Dental Plan- 988.26 and Life Insurance- 197.09.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 912.60, Bobbi Jo Harsma- 1052.28, Theodore Piepho- 1647.87, Marisol Curriel- 958.40, Darlene Davis- 930.40, Robert Giese- 1647.87, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 963.38, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1538.46, Debra

Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1873.63, Anthony Bos- 1815.93, Sandy Dickens- 463.70, Brian Ellinger- 1959.40, Penny Epting- 1825.93, Michael Estes- 1368.22, Brent Gilster- 1690.85, Todd Hammer- 2046.08, Richard Hansen- 1386.45, Rodney Herron- 1830.92, Jason James- 1497.32, Kimberly Johnson- 304.18, Jared Junge- 1670.50, Michael Kreegar- 1645.82, Gayle Richards- 871.20, Kevin Rohde- 1862.72, James Wagner- 1647.87, Randall Walsh- 1698.22, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1200.21, Jacob Acero- 723.69, Ermelinda Ballesteros- 1330.56, Joshua Blatchford- 1322.64, Dusty Boyd- 1200.75, Rebecca Broer- 1395.48, Sandy Dickens- 809.69, Lisa Ford- 1294.62, Robert Foster- 1209.81, Linda Frost- 1068.45, Joseph Gee- 964.92, John Gilles- 1294.62, Alma Gunderson- 1310.76, Paula Harrigfeld- 303.68, Cathy Harsma- 1278.88, Deanna Haukap- 1219.34, Jackie Heaton- 1773.54, Jeffrey Heitzman- 1111.53, Adam Hough- 1209.81, Matthew James- 1235.39, Brett Johnson- 1371.08, Nicholas Kellen- 1275.12, Brenda Kelly- 1315.05, Terry Kern- 1884.62, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1226.78, Kimberly Peterson- 1213.46, Daniel Rodasky- 1219.34, Jutharatana Ruenprom- 1368.80, Stephanie Ryan- 1302.49, Linda Schovanec- 1299.20, Francis Tope- 1672.88, Charvette Williams- 1286.75, Jewel Williams- 1719.68, Matthew Wise- 1202.50, Cara Wood- 1332.00, Jolene Gubbels- 1018.40, Leon Pies- 621.60, Maureen Biggar- 1193.40, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 9,765.92, State- 4,078.85, FICA- 7,360.21, Medicare- 1,721.30, Retirement- 5,697.99, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 290.00, Deferred Comp- 607.00, Garnishments- 2,016.62, Aflac Health- 502.30, Aflac Life/Dsbl- 136.98 and Flex Plan- 991.25

COUNTY ROAD PAYROLL: Gross salaries- \$14,757.60, Road Employees Net Pay- \$10,795.41, Employer deductions paid: Retirement- 996.18, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 897.12, and Medicare- 209.81.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1648.00, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 955.61, State- 439.90, FICA- 897.12, Medicare- 209.81, Retirement- 664.05, DC Health Plan-, DC Dental Plan- 84.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 281.55, Aflac Health- 143.86, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 120.00.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting at 4:02 p.m.  
Chair McLarty reconvened their meeting at 4:14 p.m.

Chair McLarty called for the agenda item "Pam Miller, Dan McNamara and Lance Hedquist - 5-10 minute presentation on economic development for Dakota County and the collaboration with the rest of Siouxland in these efforts as part of the coalition for a Greater Siouxland."

Ms. Miller, Mr. McNamara and Mr. Hedquist presented a power point presentation and the presentation ended at 4:29 p.m.

Chair McLarty called for the agenda item "Betty O'Neill – Discussion of who has jurisdiction on the school land where Tony Gomez has his rodeo."

Ms. O'Neill stepped up to the podium and made issue with who has zoning jurisdiction on the School Land that Tony Gomez rents from Educational Lands and Funds. She was also concerned about Mr. Gomez having a rodeo and that it is non compliant with the County Zoning. She complained that he did not have the authority for a Special Designated Liquor License because the approval of that was done outside the board meeting of December 15, 2008, as the board supposedly approved his Designated Liquor Licenses after adjourning the morning session and before the time that was stated on the agenda.

Along with that she read a letter from Kent Zimmerman and one from Lance Hedquist stating the jurisdiction of the parcel of ground where Mr. Gomez has a rodeo and makes application for a Designated Liquor License.

Mr. Gomez said that he had talked to her before he appeared before the Board and said that she told him that she was one hundred percent behind Tony being there and wondered what had changed

Ms. O'Neill said asked him for copies of the Designated Liquor License that the Liquor Control Commission had issued him.

Mr. Hedquist explained that the City's Zoning Jurisdiction ended two miles outside the City Limits and that the zoning jurisdiction actually splits the property. He referenced that it is zoned recreational and rodeos meet that zoning and no Conditional Use Permits are needed.

Ms. O'Neill then read a letter that she received from the Attorney General's Office concerning the Board Meeting of December 15, 2008.

Ms. O'Neill pursued discussion of the legality of the Liquor Licenses.

Chair McLarty said that the Board made a mistake and that it would not happen in the future and stopped the discussion to move the meeting along.

Chair McLarty called for the agenda item "Lue Franco – Ask Lance Hedquist about tax relief on Jail."

Ms. Franco asked Mr. Lance Hedquist where the tax relief was from the new Jail.

Mr. Hedquist explained that 12 percent of the sales tax monies go to the LEC and some of that money is used so that it lessens the Property Tax burden.

Chair McLarty called for the agenda item "Lt. Randy Walsh - Advise the board in regards to the outcome and return of the 2008 Distress Warrants".

Mr. Walsh presented a written Distress Warrant Report to the Board as follows:  
August 1, 2009

Dakota County Commissioners  
Dakota County Courthouse  
Dakota City, Nebraska

The Dakota County Sheriff's Department returned the 2008 Distress Warrants to the Dakota County Treasurer on August 1, 2009.

There were 203 Distress Warrants issued November 1<sup>st</sup>, 2008 totaling \$49,874.70.  
Of the 203 Distress Warrants:

182	are satisfied totaling	\$ 47,953.41
	additional interest collected	\$ 2,011.98
	Paid to County Treasurer	\$ 0.00
13	were sold at sheriff's sale ( For \$1.00 apiece)	
8	are to be stricken	
	Total Amount Uncollected	\$ 1,921.29
	(this amount includes ones sold by sheriff, ones to be stricken, and any removed by correction)	
	Total Collected:	\$ 49,965.39

Attached are a list of the parcels that the sheriff is recommending to strike and also a list of the ones that were sold at sheriff's sale.

Properties Sold at Sheriff's Sale:

<u>DW#</u>	<u>Property ID#</u>	<u>Name</u>
2013	220133913	L.H. or D.E. Bird
2014	220126038	Marilyn Blackhawk
2019	220130477	Joshua Callender
2045	220281226	Don or Tressa Fischer
2054	220130566	Consuelo Godina
2056	220179328	Terry & Celina Gomez
2059	2201482789	Shanna Gotschall
2092	220175667	Marco A. Lopez
2143	220217289	Solomon or Tina Quezada
2151	220109745	Rogelio or Patricia Rodriguez
2168	220138540	James or Teresa Santee
2169	220169470	Rusten Satterwhite
2177	220164460	Guillermo or Rosemary Solis
<b>Total Amount of Taxes due on properties sold at Sheriff's Sale=</b>		<b>\$ 1,255.08</b>

<b>Personal Property Taxes to be Stricken</b>				
<u>DW#</u>	<u>Property Id</u>	<u>Property Description</u>	<u>Reason</u>	<u>Amount</u>
2023	220109699	1972 Stlyecraft Mobile Home	Empty Lot	\$ 64.32
2044	220130590	1985 Friendship Mobile Home	Empty Lot	\$192.93
2104	220113068	1963 Hilton Mobile Home	Empty Lot	\$ 51.29
2116	220109427	1981 Liberty Mobile Home	Empty Lot	\$120.65
2125	220109818	1972 Ritzcraft Mobile Home	Empty Lot	\$ 60.61
2140	220218889	1958 Safeway Mobile Home	Empty Lot	\$ 36.47
2176	220109303	1974 New Style Mobile Home	Empty Lot	\$ 72.61
2194	220219179	Business Equipment	Bankruptcy	\$ 67.33
<b>Total # of Properties to be Stricken = 8</b>				
<b>Total Amount of Personal Property Taxes to be Stricken =</b>				<b>\$ 666.21</b>

Commissioner Bousquet moved, seconded by Commissioner McNear to accept the Distress Warrant List and the action taken by the Sheriff's Office.  
ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty moved the agenda item "Approval by Board for Chair to sign Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012."

Chair McLarty asked that this item be carried on the next agenda because the final document had not been received by the county to date.

Chair McLarty called for the agenda item "Smoking Policy – Clarification & possible change to better define no smoking areas. Motion to accept the updated No Smoking policy".

The board had received the following smoking policy in their packet for the meeting, which read as follows:

ARTICLE XXVII

**Smoking Policy**

Section 1. Smoking Policy

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

1. Effective May 1, 1995, all County buildings are designated as "Smoke Free Facilities."
  - (a) On the exterior doors of such buildings will be a sign indicating that smoking or carrying a lighted tobacco product inside the building is prohibited.
2. Effective September 1, 2009, the smoke-free area was amended to include all courthouse grounds.
  - (a) Signs will be posted.

Specific areas in which smoking or carrying a lighted tobacco product is prohibited include, but are not limited to:

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

Section 2. Violation of Smoking Policy

- First-time offenders shall be given a verbal warning.
- Second-time offenders shall be given a written warning to be placed in his/her personnel file.
- Third-time offenders shall be handled in accordance with the Nebraska Clean Air Act per Neb. Rev. Stat. Sec. 71-5733.

Commissioner Bousquet moved, seconded by Commissioner Gomez to adopt the No Smoking policy above and to add it to the Employee Handbook.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

The next agenda item "Handbook – adoption with smoking policy" was handled in the prior motion.

Chair McLarty called for the agenda item "Approve and sign for an additional 5-years on the Inter-Local Cooperation Agreement Enhanced (E911) Emergency Telephone Service".

The following Inter-Local Cooperation Agreement Enhanced (E911) Emergency Telephone Service was provided to the Board and was considered for approval.

INTER LOCAL COOPERATION AGREEMENT  
ENHANCED E911 EMERGENCY TELEPHONE SERVICE

Pursuant to Neb. Rev. Stat., Chap. 13, Art. 8, this Inter-local Cooperation Agreement is entered into by, between, and among the County of Dakota, the City of South Sioux City, the City of Dakota City, the Village of Emerson, the Village of Homer, the Village of Hubbard, the Village of Jackson, the Emerson Rural Fire District, the Homer Rural Fire District, Dakota-Covington Rural Fire District, and all applicable subdivisions of the State of Nebraska this 5<sup>th</sup> day of October, 2009.

1. Duration: This agreement shall continue for a period of five (5) years expiring September 30, 2014.
2. Separate Legal or Administrative Entity; Delegation. The administration of this agreement is delegated to the Dakota County Board of Commissioners or their appropriate designee or such individual or entity as they may properly designate.
3. Purpose. The purpose of this agreement is to provide for a 911 emergency telephone communications system for the territory consisting of the telephone exchange boundaries of South Sioux City, Dakota City, Homer, Emerson, Jackson, and Hubbard, all of which are located within the jurisdictional boundaries of the parties hereto.
4. Manner of financing and maintaining a Budget. Each party shall continue to impose a one dollar (\$1.00) per line per month surcharge upon all telephone lines within each party's jurisdiction, pursuant to Neb. Rev. Statue. 86-1003 and 86-1006. The Dakota County Board of Commissioners or their

appropriate designee shall administer said 911 emergency telephone communications Systems; shall establish and maintain a budget therefore; shall establish and maintain rules and regulation for the operation thereof; and shall acquire, hold, and dispose of real and personal property used in this undertaking solely in its name.

5. Termination. This agreement shall remain in effect and be in force until September 30, 2014. Termination prior to that time shall require the mutual consent of all parties.

6. Administrator. The Dakota County Board of Commissioners or their appropriate designee is hereby appointed administrator for this cooperative undertaking.

7. A Manner of Disposing of Property. It is understood and agreed that all property will be acquired in the name of the Dakota County Board of Commissioners or their appropriate designee. Property shall be disposed of in accordance with the laws and rules applicable to said Department Proceeds of any such disposal shall be and remain the property of said Department.

Dated this 5<sup>th</sup> day of October, 2009.

ATTEST:

County Clerk

County of Dakota,  
Chair

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the INTER LOCAL COOPERATION AGREEMENT ENHANCED E911 EMERGENCY TELEPHONE SERVICE as provided and to authorize the County Board to sign said Agreement  
ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Cable One Internet Service is offering a reduced rate if we sign a 3-yr agreement. The Board will discuss this option and expected to make a motion to accept, or reject Cable One's offer".

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve and authorize the chair to sign the CableOne Internet Service agreement, agreeing to enter into a three year agreement reducing the County's Internet Rate from \$199.95 to \$169.96 per month, and increasing the download speed from 8 Mbps to 15 Mbps.  
ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Surplus Audit Report".  
Commissioner Gomez moved, seconded by Commissioner McNear to approve the Surplus Audit Report as items sold on the September 28, 2009 auction sale.

Dakota County Surplus Sale - Board Report		28-Sep-09	
Item Sold	Name/Address	Amt. Pd.	Fund
chair mat	Leon Pies, 2271 L Avenue, Hubbard NE 68741	\$ 0.50	General
chair mat	Leon Pies, 2271 L Avenue, Hubbard NE 68741	\$ 0.50	General
chair mat	Leon Pies, 2271 L Avenue, Hubbard NE 68741	\$ 0.50	General
chair mat	Leon Pies, 2271 L Avenue, Hubbard NE 68741	\$ 0.50	General
chair mat	Leon Pies, 2271 L Avenue, Hubbard NE 68741	\$ 0.50	General
Visual 2-yr Organizer	Leon Pies, 2271 L Avenue, Hubbard NE 68741	\$ 0.50	General
Large wooden easel	Maureen Biggar, 2931 Park Ave,#16B, Sioux City IA 51104	\$ 2.00	General
WAX insect repellent	Joan Spencer, PO Box 129, Hubbard NE 68741	\$ 0.50	General
Cloud Cover plant protection	Joan Spencer, PO Box 129, Hubbard NE 68741	\$ 0.50	General
Free Connect 500 switch	Joan Spencer, PO Box 129, Hubbard NE 68741	\$ 1.00	General
bottle brush	L.Pat Engel, 401 E 31st St, S Sioux City NE 68776	\$ 0.20	General
(2) Cambridge speakers	L.Pat Engel, 401 E 31st St, S Sioux City NE 68776	\$ 0.80	Road
Computer Monitor	Fred Kellogg, PO Box 121, Emerson NE 68733	\$ 5.00	Road
2000 Ford Explorer	Garvins Salvage, 559 Old Hwy 20, S Sioux City NE 68776	\$ 175.00	General
2003 Ford Cr Vic	Garvins Salvage, 559 Old Hwy 20, S Sioux City NE 68776	\$ 50.00	General
1986 Mack Truck w/plow	Garvins Salvage, 559 Old Hwy 20, S Sioux City NE 68776	\$700.00	Road
1995 Ford F350 pickup	Garvins Salvage, 559 Old Hwy 20, S Sioux City NE 68776	\$ 150.00	Road
	TOTAL	\$ 1,088.00	
	GENERAL FUND \$ 232.20		
	ROAD FUND \$ 855.80		
	Total \$1,088.00		

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
 UNANIMOUS MOTION CARRIED.

**The final sale was as follows:**

Voice Mail	Gateway 2000 Vivitron monitor	46241183	
Voice Mail	Cannon printer		
	2' x 8' Wooden Table		
Commissioner	Monroe Calculator		6010223
Clerk	several 3-ring binders		
Extension	old desk chair with rollers		
Extension	Metal desk shelving		
Treasurer	IBM Correcting Selectric III typewriter		6030150
Treasurer	IBM Correcting Selectric III typewriter		
Treasurer	IBM Correcting Selectric II typewriter		
Bldg & Grnds	maroon office chair		
Bldg & Grnds	high back office chair (brown)	471BY	
Treasurer	IBM Personal Computer 300PL		
Treasurer	Samtron Monitor		
Probation	CocaCola wall clock		
Probation	Wooden Desk		
Extension	old desk chair with rollers		
Clerk	Lasko 8-10" fan w/ mounting clip		
Bldg & Grnds	36" Counter w/ 3 shelves		
Bldg & Grnds	room dividers (trq)		
Sheriff	2000 Ford Explorer	1FMZU73X4YZA51758	
Sheriff	2003 Ford Crown Victoria	2FAFP71W83X199845	
Treasurer	Lexmark printer		6030170
Commissioner	Toner TRI96A for HP laserJet 2100, 2200		
Extension	Toner Samsung ML-2010D3		
Extension	IBM Keyboard		
Extension	Dell Keyboard		
Extension	5-tray stack (grey metal)		
Clerk	IBM AS400 computer	100018447	6020239
Clerk	IBM AS400e computer	530021728	
Clerk	IBM computer	10-11KSV	
Road	1985 Mack Truck w/ plow & sanding unit	1M2S141C1GA0011065	
Road	1995 Ford F350 pickup	1FTJX35G2SKA64264	
Road	keyboard and mouse		
Extension	reel to reel film projector		
Extension	A.B. Dick mimeoscope illuminated drawing board		
Extension	large wooden easel		
Extension	36"x24" Cork Bulletin Board		
Extension	small metal cabinet		
Civil Service	large corner metal desk		
Extension	zip drive and disk		
Extension	A.B. Dick paper folder		
Register of Deeds	Konica copier		
Extension	48"x36" chalk board		
Extension	Free Connect 500 - desktop switch		
Jail	Medical screening table		
Extension	used spray bottle of "Hot Pepper WAX inspect repellent		
Extension	used spray bottle of "CloudCover" plant protection		
Extension	narrow bottle brush		
Bldg & Grnds	Chair mat		
Bldg & Grnds	Chair mat		
CDC Judge	Gateway 2000 VX900 monitor	G8B017785	
CDC Judge	Gateway tower	9966562	6240049
CDC Judge	Gateway flat screen	LIC152B8832	
CDC Judge	Gateway keyboard and mouse		
Clk of Dist Ct	jury room fainting couch (orange)		6210215
CDC Judge	typewriter		
Clerk	Lexmark forms printer 4227	11-01132	
clerk	Chair mat		
clerk	Chair mat		
Commissioner	Visual 2-Yr Organizer - Wipe-off Calendar		
Commissioner	120 & 90 Day Planner - Wipe-off Calendar		
	Miscellaneous		

Commissioner Rohde moved, seconded by Commissioner Bousquet to donate the unsold items from the sale of surplus property September 29, 2009, to the Goodwill.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "MAXIMUS Fiscal Year 2008 Report – Chair to sign Certification of Cost Allocation Plan."

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the Cost Allocation Plan prepared by MAXIMUS for the fiscal year 2008 to be used for 2010 and to authorize the Chair to sign same.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Election of NACO Officers – Approve and authorize the Voter Confirmation Form to cast vote for Dakota County."

Commissioner Gomez moved, seconded by Commissioner Bousquet to appoint Chair William McLarty to be the individual authorized to cast Dakota County's vote in the Election of NACO Officers and to designate Commissioner Rick Bousquet as the alternate.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Commissioner's Committee Reports."

Commissioner Rohde, member of the Property Committee, said that he and Commissioner Gomez reviewed the Office Head's Inventories filed with the County Clerk for fiscal year 2008-2009 and they looked like they were in order and moved to acknowledge receipt of and to approve the Inventory reports. Commissioner Gomez seconded the motion.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet reported that he attended a Storm Water Meeting and they reviewed the figures on the grants and got them allocated where they need to go and looks like the County will get some funds out of that this year.

He also reported that they had an LEC Meeting and there is going to be a Emergency Management Course and they would like the Chair, Co Chair, County Clerk, the Treasurer and anyone who handles money to take this course and he thought it starts the 28<sup>th</sup> or 29<sup>th</sup> of October, which is all evening classes. He didn't think there was going to be any charge for it and that it would be put on by the LEC.

Chair McLarty called for the agenda item Commissioner "Member Reports" and Chair McLarty pointed out that they sent a letter to the Nebraska Department of Roads and asked them to do a traffic study at the intersection of Atokad Drive and US Highway 77 and they have responded that they will do a traffic study at that intersection.

Mr. McLarty also mentioned the Quarterly Loss Report from NIRMA, and noted that they all got a copy of it.

Chair McLarty called for the agenda item "Public Comment". Lt. Randy Walsh identified the hours of the Emergency Management Course to be held at the LEC. He said that it was from the 26<sup>th</sup> to 29<sup>th</sup> in the evenings and all day Saturday.

Chair McLarty called for the agenda item "Jail Tour required in October – County Board may opt to tour the jail this meeting or next meeting."

Commissioner Bousquet moved, seconded by Commissioner Rohde to table the Jail tour until the next meeting.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner McNear to adjourn.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Absent, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED at 5:09 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, October 19, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Gomez, Rohde, McNear, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.

Absent: Commissioner Bousquet

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

Recess to Board of Equalization

Reconvene from Board of Equalization

Jane Gilbert with SIMPCO - Update of SIMPCO activities

Angie Coan with St John’s River Association – Requesting the County to put up a stop sign at the intersection of Sivill Way and Nodaway road.

Informational Meeting to close Ridge Road between Shawn Overfelt’s to the Dakota-Thurston County Line.

Proponents, opponents, neutral comments. If someone else says something that you want to say, please do not reiterate what they said because it has been acknowledged by the board. You are welcome to state the fact that you echo what another person has said in part or whole.

Neil Krumwiede & others – Maintenance of Elma Road South of the Bridge, 230<sup>th</sup>, 210<sup>th</sup> and Clay Bluff Roads

Miscellaneous Agenda Items

- [Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. \(Sheriff Deputies\)](#) Approve and authorize Chair to sign.
- [Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. \(Correctional Employees\)](#) Approve and authorize Chair to sign.
- [Interlocal Cooperation Act Agreement – Dakota County Urban Area Water Management Association.](#) Approve and authorize chair to sign.
- [Officials Reports.](#) Approve and authorize chair to sign.
- All Board Members - Sign all inventories that were approved last week

Commissioner’s Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Tabled Items:

- Quarterly Jail Tour
  - Motion to take from the table before going on jail tour.

Adjournment.

Chair McLarty called for the Agenda Item “Approve Minutes of previous meeting”.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the minute of October 5, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item “Approve Payroll claims submitted by County Clerk for payment”.

Commissioner Rohde moved, seconded by Commissioner Gomez to approve the payroll claims filed with the County Clerk and submitted by said Official for payment, as follows:

COUNTY GENERAL FUND: Gross salaries- \$130,742.70, General Fund Employees Net Pay- \$93,471.26, Employer deductions paid: Retirement- 9,132.04, FICA- 7,969.38, Medicare- 1,863.77, DC Health Plan- 28,500.00, DC Dental Plan- 1,031.70 and Life Insurance- 206.13.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 936.00, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Marisol Curiel- 958.41, Darlene Davis- 930.40, Robert Giese- 1647.87, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.01, Kim Kuehl- 930.40, Phyllis Ridge- 905.96, Margaret Rahn- 1229.82, Daniel Christoffers- 516.54, Arnold Mellick- 216.26, Valerie



Danielson- 1647.87, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1538.46, Debra Jensen- 1071.20, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Patricia Stingley- 80.00, Jeremy Bermel- 2630.29, Anthony Bos- 1754.89, Sandy Dickens- 463.70, Brian Ellinger- 1711.79, Penny Epting- 2133.65, Michael Estes- 1412.88, Brent Gilster- 1800.92, Todd Hammer- 2006.05, Richard Hansen- 1318.20, Melvin Harrison III- 3451.73, Rodney Herron- 1830.92, Jason James- 1471.35, Kimberly Johnson- 322.69, Jared Junge- 1679.66, Michael Kreegar- 1735.88, Gayle Richards- 871.20, Kevin Rohde- 2706.51, James Wagner- 1647.87, Randall Walsh- 1936.41, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1200.21, Jacob Acero- 2010.26, Ermelinda Ballesteros- 1283.04, Joshua Blatchford- 1370.16, Dusty Boyd- 1204.47, Rebecca Broer- 1808.51, Sandy Dickens- 853.17, Lisa Ford- 1290.68, Robert Foster- 1206.15, Linda Frost- 734.40, Joseph Gee- 1081.88, John Gilles- 1341.84, Alma Gunderson- 1318.68, Amber Hamman- 957.00, Paula Harrigfeld- 607.37, Cathy Harsma- 1298.55, Deanna Haukap- 1223.06, Jackie Heaton- 1647.44, Jeffrey Heitzman- 1433.44, Adam Hough- 1292.05, Matthew James- 1569.82, Brett Johnson- 1285.86, Nicholas Kellen- 1302.84, Brenda Kelly- 1647.80, Terry Kern- 1884.62, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1230.49, Kimberly Peterson- 1198.84, Doyle Pilgrim- 293.76, Daniel Rodasky- 1743.62, Jutharatana Ruenprom- 1368.80, Stephanie Ryan- 1359.54, Linda Schovanec- 1299.20, Francis Tope- 1431.24, Charvette Williams- 1298.55, Jewel Williams- 1379.76, Matthew Wise- 1202.50, Cara Wood- 1473.66, Jolene Gubbels- 1018.40, Leon Pies- 621.60, Maureen Biggar- 1358.64, Pamela DeVries- 1636.90, Bonnie Kahler- 771.79, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,337.33, State- 4,595.26, FICA- 7,969.38, Medicare- 1,863.77, Retirement- 6,192.04, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 2,016.62, Aflac Health- 534.61, Aflac Life/Dsbl- 175.98 and Flex Plan- 991.25

COUNTY ROAD PAYROLL: Gross salaries- \$15,996.80, Road Employees Net Pay- \$11,442.67, Employer deductions paid: Retirement- 1,079.83, DC Health Plan- 4,200.00, DC Dental Plan- 152.04, Life Insurance- 28.80, FICA- 967.12, and Medicare- 226.18.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1648.00, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,068.98, State- 482.14, FICA- 967.12, Medicare- 226.18, Retirement- 719.81, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 425.55, Aflac Health- 212.06, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 160.00.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Absent and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Review and approve Accounts Payable Claims submitted by Co. Clerk".

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Accounts Payable Claims as filed with the County Clerk and submitted by said Official except the claim of Robert Jacobsen for articles of clothing not covered in the Union Contract, as follows:

GENERAL FUND: Dakota County Star, publishing- 576.05; Holiday Inn of Kearney, lodging- 71.00; William McLarty, mileage- 302.50; Spencer Fane Britt, webinar- 36.00; Des Moines Stamp, stamp- 39.70; Menards, shelving- 19.48; Perkins, supplies- 49.46; Theodore Piepho, reimburse- 75.14; Staples, supplies- 311.99; Wilmes Hardware Hank, supplies- 262.61; Sioux City Wintronics, wraps/cables- 23.66; Robert Giese, mileage- 158.40; Charlotte Doenhoefer, prior yrs service- 10.00; Ruth Jensen, prior yrs service- 12.00; Mardell Sorensen, prior yrs service- 26.00; Irene Van Lent, prior yrs service- 16.00; Net Sys Plus, data- 120.00; RL Polk, manuals- 300.00; Staples, supplies- 73.98; Microfilm Imaging, rent- 240.00; Perkins, supplies- 28.25; General Business Interiors, equipment- 1781.00; Nebraska Secretary of State, registration fees- 50.00; Siouxlend Lock & Key, locks/keys- 514.80; Todd's Storeall, storage- 80.00; Gene Cantrell, mileage/meeting- 45.40; Dakota Business Systems, lease- 102.00; Dakota County Star, publishing- 21.22; Jolene Gubbels, minutes- 30.00; Jim Jepsen, mileage/meeting- 32.20; Tom Lynch, mileage/meeting- 38.80; Arnie Mellick, phone- 30.00; Marlan Millard, mileage/meeting- 37.70; Donald Miller, mileage/meeting- 48.70; Harold Moes, mileage/meeting- 45.40; NACO, convention- 120.00; Joe O'Neill, mileage/meeting- 18.85; Perkins, supplies- 84.46; Wal-Mart, DVD player- 158.00; AS Central, supplies- 40.20; Century Business, toner- 106.63; Dakota Business Systems, lease- 99.00; Dakota County Court, check order- 94.00; Microfilm Imaging, scanning- 100.50; New Perspectives, shredding- 30.75; Office Systems Company, contract- 335.75; Kurt Rager, reimburse- 101.37; William Binkard, reimburse- 667.60; Raul Escobedo, interpret- 156.25; Frank Gonzalez, interpret- 350.00; Shelly Hodges, interpret- 140.00; Perkins, supplies- 200.57; Dakota County Court, costs- 1721.90; Randall Groetken, witness fee- 20.55; Randy Hisey, attorney fees- 324.00; Dennis Hurley, attorney fees- 2466.00; Kueny & Begley, attorney fees- 210.00; Lancaster, subpoena- 9.48; Stuart Mills, attorney fees- 405.00; Peter Parry, attorney fees- 84.44; Douglas Roehrich, attorney fees- 822.00; Josh Sterling, witness fee- 28.80; Richard Thramer, attorney fees- 596.64; Thurston County Sheriff, service- 55.12; Patrick Tott, attorney fees- 252.00; Accurate Reporting, reporting- 60.00; AJ Phillips, service- 50.00; District Court, claim list- 1132.00; Randy Hisey, attorney fees- 1584.00; Susan Hunke, transcripts- 1521.00; Dennis Hurley, attorney fees- 750.00; Hy-Vee, juror supplies- 255.57; Linda Kastning, hearing- 87.50; MIPS, scanning- 85.00; Norfolk Printing, binders- 541.72; Pat Slaughter, hearing- 65.50; Patrick Tott, attorney fees- 312.00; Dakota County Sheriff, papers/warrants- 2172.28; Maximus, allocation plan- 1750.00; Ateam Heating & Cooling, ac repair- 191.20; Cimmarina, repair- 29.99; Sign Masters, repair- 78.00; Benstar, supplies- 201.60; Bunkers Feed & Supply, salt- 63.10; City of Dakota City, utilities- 828.01; Dakota Food & Fuel, supplies- 26.00; Gill Hauling, service- 120.00; Janitor Depot, supplies- 347.85; Richard Jensen, mileage/fuel- 190.05; Joes Dept Store, repair/supplies- 61.97; Menards, supplies- 876.56; MidAmerican, utilities- 1305.00; New Ideas

Fabrication, repair- 120.00; Nebr Public Power District, utilities- 3009.45; O'Keefe Elevator, maintenance- 153.40; Robertson Implement, equipment/mower tractor- 15769.00; Stateline Electric, supplies- 1328.18; Trembly Pest Control, service- 50.00; Verizon, phone- 58.29; Wilmes Hardware Hank, repair- 48.55; PMNRD, rent- 833.33; Dakota County Extension, reimburse- 1161.89; Kerry Bligh, animal control- 100.00; City of South Sioux City, fuel- 3750.44; Crystal Oil, fuel- 27.73; Dakota County Treasurer, registration- 20.50; Dakota Food & Fuel, fuel- 532.65; Frame Aligners, service- 75.61; Fremont Tire, repair/service- 2129.71; Jacks Uniforms Equipment, repair- 251.85; Joes Dept Store, supplies- 152.27; Net Sys Plus, repair/service- 315.00; RACOM, t1- 707.40; Ron's Transmission, sensor- 182.00; Sioux City Journal, publishing- 469.26; Sioux Sales Company, ammo- 49.95; Troy's Auto World, deductible- 250.00; Verizon, phone- 281.08; Wal-Mart, food- 19.50; Willis Animal Clinic, supplies- 183.58; Burt County Judge, certified copies- 2.75; Cartridge World, toner- 173.93; Dakota County Treasurer, misc- 125.00; Cindy Foley, deposition- 244.50; H204U, water- 17.00; Iowa Office Supply, contract- 115.17; MidAmerica Firstcall, coroner costs- 290.00; MM Court Reporting, deposition- 77.50; Aimee Uhl, reimburse- 40.38; Verizon, phone- 118.77; Kim Watson, autopsy costs- 111.46; City of South Sioux City, LEC cost share- 30617.96; BI Inc, electric monitoring- 1083.39; Caterina Chapman, mileage- 70.95; Verizon, phone- 55.10; AmeriTech Ind, repairs- 302.93; Amsan, supplies- 2004.30; Aramark, service- 52.88; Arthur Gallagher Risk Mgmt, bonds- 100.00; Ateam Heating, kit- 243.62; Bob Barker, supplies- 1361.27; CBM Food Service, food- 15460.86; City of Dakota City, utilities- 869.93; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, mileage- 40.70; Dakota County Star, publishing- 90.00; Dakota Family Dentistry, medical- 132.00; Dakota Food & Fuel, fuel- 287.34; Dept of Correctional Serv, medical/safekeepers- 4852.36; Sandy Dickens, mileage- 127.60; Foulk Brothers Plumbing, repair- 221.83; Gill Hauling, service- 120.00; Jackie Heaton, mileage- 151.64; Hough Distributing, supplies- 720.00; Jacks Uniforms, pants- 28.95; Kleen Solutions, supplies- 123.90; Mercy Business Health, medical- 3044.00; MidAmerican, utilities- 392.24; Midwest Office, copier contract- 1719.43; Moore Medical, supplies- 501.62; NW IA Yes Center, service- 600.00; Nebr Public Power Dist, utilities- 3268.74; Nebraska Secretary of State, notary- 60.00; Net Sys Plus, work- 957.50; Safeguard Business Systems, receipt- 637.18; Sioux City Journal, publishing- 654.19; SFCU, fuel/meds/meals- 77.70; Speedy Rooter, service- 612.57; Staples, supplies- 305.55; Stericycle, biohazard removal- 432.00; Trembly Pest Control, service- 35.00; Verizon, phone- 192.58; Wal-Mart, supplies/medical- 1831.39; Woodbury Co Juvenile Dept, boarding- 2600.00; Dodge County Clerk, qtrly payment- 12667.80; Fred Kellogg, meals- 6.20; NACO, convention- 120.00; Staples, supplies- 31.49; Verizon, phone- 34.75; Maureen Biggar, mileage- 155.65; Pam Devries, mileage- 248.32; Pat Glover, clinic hours- 175.00; Sanofi Pasteur, supplies- 1266.47; Staples, monitor- 129.99; Stericycle, disposal- 432.00; St Luke's Regional, lab work- 119.95; Deanna Beckman, hours- 1215.00; Pam Devries, mileage- 2.20; Hy-Vee, food- 274.42; Kreislers, filter- 50.51; Sanofi Pasteur, medical- 193.79; SSC Senior Center, medical- 122.50; Staples, monitor- 129.99; Alan Boyd, mileage- 468.05; Electronic Engineering, pager- 13.95; Luken Memorial, marker- 185.00; Thomson West, service- 531.36; Ahlers & Cooney, legal work- 340.35; Business Telecomm, work- 1056.00; CableOne, internet- 210.45; Dakota County Star, publishing- 51.43; FiberComm, phone- 2264.95; FSH Communications, payphone- 63.60; Lazette Gifford, website- 40.00; IBM Corp, maintenance agreement- 218.58; MIPS, support- 407.84; NIRMA, deductible- 10000.00; Region IV, services- 5320.25; Spencer Fane Britt & Browne, attorney fees- 827.00; Madelyn Thorsland, prior yrs serv- 10.00; Three Rivers Benefit, admin fees- 85.00; US Postal Service, postage- 2500.00; Your Safety Co, guide- 107.86; Road Improvement Fund, transfer- 3000.00; Weed Fund, transfer- 2500.00;

ROAD FUND: Advance Auto, parts- 43.71; Aramark, service- 420.96; AZ Inc, fuel- 276.02; Barkley Asphalt, asphalt- 288.41; Bierschbach, supplies- 201.30; Bomgaars, supplies- 41.94; Brent Byroad, clothing- 150.00; Frame Aligners, parts- 60.00; Gill Hauling, service- 55.00; Green Light Truck Wash, parts/maintenance- 118.87; Guarantee Oil, supplies- 327.25; Robert Hacker, clothing allowance- 150.00; Walter Heinemann, prior yrs serv- 29.00; Hubbard Minimart, fuel- 3770.76; Hydraulic Sales & Service, parts- 3.58; J & J Pronto, fuel- 185.38; Jim Hawk Truck Trailers, parts- 1305.87; Joes Dept Store, parts/supplies- 152.75; Kinetic Leasing, loader payment- 2458.00; LG Everist, rock- 45752.78; Linweld, oxy- 118.83; Midwest Service & Sales, signs/blades/planks- 4466.74; Marlan Millard, prior yrs serv- 15.00; NAPA, parts/supplies- 3253.39; Nebr Public Power Dist, utilities- 24.74; Nelson Construction, supplies/labor- 7505.00; Northeast Equip, tractor rental- 900.00; NE Nebr Public Power Dist, utilities- 570.18; NE Nebr Telephone, phone- 161.70; Northeaster Auto Parts, parts- 33.78; Peterson Sand & Gravel, gravel- 12870.00; Leon Pies, clothing- 75.00; Pumps, tires- 213.00; Powerplan, supplies- 90.99; PROBuild, delineators- 147.89; RMS, parts- 126.31; Sam's Club, supplies- 18.48; Siouxland Hydraulics, parts- 176.10; Verizon, phone- 54.19; Warren Oil, fuel- 3292.66; Ziegler's, supplies- 463.48;

ROAD IMPROVEMENT: Bierschbach, rental- 443.95; Siouxland Concrete, concrete- 2508.00;

POOR RELIEF: Becker Hunt Funeral Home, burial expense- 900.00;

VETERANS AID: Veterans Service Office, relief- 3000.00;

INHERITANCE TAX: NECC Foundation, contribution- 5000.00;

PUBLIC SAFETY: Jail Bond Fund, sls tax- 21702.74; City of SSC, sls tax- 2959.46;

WEED DEPT: Central Valley Ag, chemicals- 220.44; Dakota County Star, publishing- 150.00; Fremont Tire, repair- 947.79; Heritage Express, fuel- 48.00; Holiday Inn, lodging- 219.72; Hubbard Minimart, fuel- 250.03; Joes Dept Store, supplies- 84.76; NACO, conference- 120.00; NAPA, supplies- 56.60; Leon Pies, mileage- 280.50; Staples, supplies- 45.97;

E911: City of SSC, 911 monies- 22935.54;

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Absent and Rohde-Yea.

UNANIMOUS MOTION CARRIED.

Chair McLarty recessed the Board of Commissioners meeting to meet as the Board of Equalization at 4:06 p.m.

Chair McLarty reconvene from Board of Equalization at 4:11 p.m.

Chair McLarty called for the Agenda Item "Jane Gilbert with SIMPCO - Update of SIMPCO activities."

Ms. Gilbert informed the Board of the activities of SIMPCO. Commissioner Rohde asked about the possibility of submitting a CDBG Grant for paving around Atokad. Ms. Gilbert said that she would have Kristi Quinn research how long an entity has to wait before they can reapply when the project has been previously disapproved.

Chair McLarty called for the Agenda Item "Angie Coan with St John's River Association – Requesting the County to put up a stop sign at the intersection of Sivill Way and Nodaway Road".

Ms. Coan passed out pictures of the growth of corn blocking the intersection's view and asked the County Board to erect a stop sign at the intersection of Sivill Way and Nodaway Road.

Ms. Coan also mentioned a dip in the road by where Sullivan's live and said that has caused a few people to loose slight control of their vehicle. She thought that the road might be shaved down to correct the situation.

They discussed the location of Sivill Way and it was said that there are two entrances to Sivill Way and she was talking about the first.

Chair McLarty referred both matters to the Road Committee.

Chair McLarty called for the Agenda Item "Informational Meeting to close Ridge Road between Shawn Overfelt's to the Dakota-Thurston County Line".

Proponents, opponents, neutral comments. If someone else says something that you want to say, please do not reiterate what they said because it has been acknowledged by the board. You are welcome to state the fact that you echo what another person has said in part or whole.

Mike Lutt stepped up to the podium and said that a couple of land owners in the area asked him what he thought about getting the road closed and he replied that he might be in favor of doing something like that. He said that they have a lot of trespassing, trash thrown out; there is actually a dump site up there that is being used as a public dump. He added that it is not as bad as it was a year ago and it is right by the county line and there was a person that got lost up there and died about a year and one-half ago.

Mr. Lutt said that if he would stand in the ruts along side of the road the road would be above his head. We have an issue here if someone slides off the road. He addressed Don Albertson having sporting clay shoots up there and he has had quite a bit of trouble (vandalism) up there. If it rains Mr. Albertson has a problem getting guys up there that want to shoot. He said that Mr. Albertson has asked him if he would help pay for gravel when it rained and he was having a shoot, so the shooters could get up there. Mr. Lutt said he was reluctant because everybody goes up there and tears up the road and a lot of time people that are doing that are there for that purpose and go have fun. He reported that twice this year someone has shot deer up there and cut his fence to retrieve the deer.

He said that he called the Sheriff's Office this spring because someone was trespassing while turkey hunting. We have a lot of things going on up there that he preferred was not going on and didn't know if closing the road would help or not. He knew that there were issues and maybe it is something that could be done on a temporary or trial basis.

Commissioner McLarty asked if the road crosses into Thurston County and thought it would be difficult to close the road without them likewise closing the road on the other side.

It was agreed that the landowners needed it to get up there and Don Albertson has the sporting clays there and needs access to get in and out of the sporting clays. Mr. Lutt said he likewise needs access.

Commissioner McNear said that he has had a lot of people call him that they do not want the road closed because it is the only road that goes south into Thurston County without going all the way to the river. He sited another reason was that it is a scenic route to drive.

Fred Kellogg confirmed that it is a minimum maintenance road. It is very hilly and does not get a lot of attention because basically there are just land owners, hunters and shooters for the sporting clays that go back there. It is because of the hilly terrain that it washes very badly. Mr. Kellogg estimated the distance was about two miles to the Dakota-Thurston County Line.

Kerry Longwell stepped up to the podium and said that he lives on Blyburg Road and he does not want the road closed because he uses that road to travel to Thurston County every weekend to hunt. He sited one time there was a fire up there and they spent three days fighting the fire. He asked, what's going to happen if they close the road and there is a fire up there? He suggested that the county blade that road a couple of times a year and blade that so that the ditch is not eight foot deep. He said that the County use to go over (referring to going over it with a grader) the road once in awhile but haven't for a long time. When asked if he was in favor or opposed to the road being closed he answered, opposed.

Don Albertson, owner of Sumac Sporting Clays, said that he would be land locked so he would be opposed to closing the road.

Brian Cooke, landowner, said that he farms land up by Mike. He said that he would like to see it either maintained better or temporarily shut down during certain times of the year. He said that if you are concerned about a fire up there, you would get fire equipment up there anyway. He thought that the county should look into it more and suggest that they maintain it more often or up to a certain point possibly at the county line.

Vernon Dean, living at the Thomas Ashford Boy Scout's Camp said the Thomas Ashford Boy Scouts Camp property adjoins Mike Lutts property. As far as hunters, we have a lot of problem with hunters all over in the area. He would like to see that road remain open.

Lance Olerich said that he liked to use that road to hunt and it is nice to take kids up there because you see a lot of wild life and was opposed to closing that road.

Chair McLarty referred the matter to the Road Department to evaluate the situation and asked the legal issue be made as to whether the County could close the road without Thurston County closing the road.

Chair McLarty called for the Agenda Item "Neil Krumwiede & others – Maintenance of Elma Road South of the Bridge, 230<sup>th</sup>, 210<sup>th</sup> and Clay Bluff Roads". 36:27 on tape.

Neill Krumwiede stepped up to the podium and handed out pictures of Elma Road, 230<sup>th</sup> Street, F Avenue and 240<sup>th</sup> Street. He said that he did not see a blade more than a couple times this summer except North of the bridge on Elma Road. He also said that the roads were needing rock. He remarked that all he ever gets is higher property value and less roads.

He pointed out in one of the pictures there was a flag flagging that spot needed repairs and said that the flag has been there all summer.

He complained that when they put rock on the roads, the Road Department puts one load down and then rocks in another spot, or in other terms, they do spot graveling. There were two loads of rock brought out after he complained to a couple commissioners and the dumped a load, skipped a spot and dumped another load. He remarked that there was a large hole in the road and they rocked right through it. He attributed it to poor workmanship. He commented that it should have been graded and then rocked.

Commissioner Rohde said that the County has a good crew and good equipment and Fred is a good manager. I am not going to sit here and make excuses, I know what situation he is in, I have been there. We have increased the gravel budget 40% over the last three years. As far as spot graveling was probably during that rainy season and you weren't the only call. I think he spot graveled with intentions of coming back. We like to do full roads being graveled at a time.

Mr. Krumwiede asked if there was possibility of getting Bob (referring to Bob Jacobsen) back? Brent is a good operator, but he just doesn't get there often enough.

Mr. Rohde told him part of the problem is that he does not have extra equipment operators. A lot of those guys have been there long enough that they get three or four weeks vacation. They have a right to a vacation and try not to schedule so that two are not gone in one week. We had one operator that had seven weeks of military leave this summer and we have no control over that. At that time, with another guy on vacation, we would have two grader operators gone at one time. We have 25 miles of blacktop that this same crew of operators has to attend to. Bridges, tubes, etc. are not excuses, but it is just what the Road Department has to live with every day. He said that when he was there, he didn't think that they have a full crew for a full week. That's just the way it is. I wish we had more men because I hate to see a hundred and fifty thousand dollar motor grader sitting idle for a week at a time. In Brent's defense, Brent is a good operator and because of that he is called on other roads and called on to build roads all summer; therefore his roads suffer some because of that.

Kerry Longwell said that he lives on Blyburg Road and that he has lived with holes in the road all summer. He said the problem is that there is a lip down the side of the road on both sides of the road and the water lays in there and can't run off. If they would just come by and wipe that edge off so the water can drain off the road. That would make that road a whole lot better. He said that Blyburg Road is bad too.

Deb Green stepped up to the podium, and she lives on Blyburg Road. She said that she has lived in this County for 22 years and that the roads are like they were back in the 50's and that she has lived on gravel roads all of her life. She said she was familiar with road maintenance as her father worked for the County and drove a road grader for 40 years. She said that when her husband came to visit her (referring to when they were courting), he raved about how good the county roads were. She said in the winter time, when there was snow on the road, he (her father) removed the snow from the road. When they graveled the road, he was there to spread it and when it rained the rain would run off the road. Ms. Green said it is time that we look at how we can make these roads better, but had praise Mr. Kellogg for his prompt attention to the roads and call backs when he has been called. She added that a couple of years ago, Mr. Bousquet came out to look at the situation and they were going to fix it so the water drained off the road. But the problem is still there. She said that she thought the commissioners should be out on the gravel roads every week in the rain and in the snow and they should take their wife's car, and when you get back, tell her to wash it. She said that she would like to have a two wheel car, but that she cannot travel these roads in the winter and in the spring and so she has a four wheel drive.

Mr. Kellogg said that some of the complaints that they have, like water along the road, is just maintenance and the Road Department has been trying to do as much as they can. He made reference to Elma Road, and he said this year they have 300 man-hours and \$18,000 worth of gravel and rock on the north part of Elma. It is not a real fast process where we can do 400 miles of road. I know that everybody thinks that their road should be first and were trying, but whether we satisfy everybody is another thing. We tried to get as much done as we could this year. I have to admit, when people live on an end road like you Neil, we don't get to those roads as much as we do the main roads. Not saying that's right, but the main roads get more attention.

As far as graveling, we are going to put the gravel in bad spots, if we can't gravel the whole road.

Mr. Krumwiede said, take 210th St. You put two loads of gravel on it and the rest of it is so muddy. Show me where you put the two loads of the gravel on that road.

Mr. Kellogg defended his position and said that they were not able to properly maintain the roads because of all the rain.

Susan Church stepped up to the podium. She said that her sister and her had been out north of Jackson about two and one-half months ago and it was worse than she has ever seen it.

Chair McLarty called for the Agenda Item "Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. (Sheriff Deputies) Approve and authorize Chair to sign".

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the [Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. \(Sheriff Deputies\)](#) and authorize the Chair to sign said agreement.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Absent and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. (Correctional Employees) Approve and authorize Chair to sign".

The County Clerk advised the Board that the County has not received a signed copy from the Correctional Officers; therefore the County did not take this item up.

Chair McLarty called for the Agenda Item "Interlocal Cooperation Act Agreement – Dakota County Urban Area Water Management Association. Approve and authorize chair to sign".

Commissioner McNear moved, seconded by Commissioner Gomez to approve the [Interlocal Cooperation Act Agreement – Dakota County Urban Area Water Management Association](#) and to authorize the chair to sign same.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Absent, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED. The chair signed three copies.

Chair McLarty called for the Agenda Item "Officials Reports. Approve and authorize chair to sign".

Commissioner Rohde moved, seconded by McNear to acknowledge receipt of and approve the Officials Reports filed with the County Clerk by the County Clerk, Register of Deeds and the Clerk of the District Court for the month of September, 2009 and the County Sheriff's and Director of Correction's Quarterly Report for the months of July 1 through September 30, 2009.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Absent, Rohde-Yea, McNear- Yea and Gomez- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports."

Commissioner Gomez said that he had attended an LEC Meeting.

Commissioner McNear reported that he had attended a Health Board Meeting and reported that the health director said that she was out of flu vaccines.

He also reported that the Health Director may need to hire more nurses when H1N1 vaccines come in.

Commissioner McLarty reported that he passed out salary studies from NACO and that before the first of the year, the Board needs to set salaries, for the elected officials next term.

Chair McLarty called for the Agenda Item "Commissioner Member Reports."

Commissioner McLarty pointed out that there was a District 3 Department of Roads Program Meeting in Norfolk, October 21st at 7 p.m. if anybody wants to attend or can attend.

Commissioner McLarty reminded everybody that there is a public hearing in the City Hall Chambers at five o'clock, which would be starting about now, and it is about their redevelopment plan.

Commissioner McLarty also reported that Phillips Kiln sent him a letter inviting the Board to attend a steak holders meeting on economic development workforce, and economic opportunities at Stony Creek, October 29<sup>th</sup> at 9 a.m.

Chair McLarty called for the Agenda Item "Public Comment."

Susan Church, who lives in Millis Beach, stepped up to the podium. She said she was out by Homer about two months ago with her brother and sister from Arizona. She described the road that they were traveling on. That was a gravel road from Hubbard and Homer and she thought there was a lot of gravel out there. She said she would like to talk about hers in Millis Beach, because we are, as she described it, one way in and one way out circle. She said that from the first five houses into the residential district to the end and in that area you are not going to be able to miss a pot hole.

Deb Green addressed the roads again and her comments were that the board should drive those roads and some discussion continued.

Kerry Longwell stepped up to the podium and said he was coming back from Lincoln yesterday. North of Oakland there was a motor grader grading roads on Sunday and asked if it rains all week, whether the road department could take off a weekday and work the weekend.

Chair McLarty said that the contract doesn't allow for that, but said he was sure that it would be a subject of discussion at the next contract.

Mr. Kellogg said that a lot of counties have townships, and that he has been involved in townships where he graded on Sunday before.

Chair McLarty called for the Agenda Item "Mail and/or Emergency Business" and there was none.

Chair McLarty called for the Agenda Item "Quarterly Jail Tour". (Motion to take from the table before going on jail tour).

Commissioner Rohde moved, seconded by McNear to take touring the Quarter Jail Tour from the table.  
ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting to meet at the jail for the Quarterly Jail tour at 5:17 p.m.  
Commissioners McNear, Gomez and McLarty met at the new jail. Commissioner McLarty reconvened their meeting at 5:19 p.m. The Director of Corrections was not in and there was no one to give a tour. Therefore, Commissioner McNear moved, seconded by Commissioner Gomez to adjourn at 5:20 p.m.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Absent.  
UNANIMOUS MOTION CARRIED.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

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

\_\_\_\_\_  
Date entered in book

Dakota County Board of Commissioners  
Monday, November 2, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Rohde, McNear, McLarty, Bousquet and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.  
Absent: Commissioner Gomez.

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims and Accounts Payable Claims submitted by County Clerk for payment.

Recess to Board of Corrections – 1<sup>st</sup> meeting of the month only.

Reconvene from Board of Corrections.

Craig Holthe and Mark Becker – Share information on South Sioux City 115,000 Volt Transmission Line Project and answer any questions.

Pat Foust, LEC Director –

- Motion to replace the voice logger that was destroyed by lightning pending insurance settlement and the approval by So. Sioux City's governing body.
- Discussion of the LEC Expansion Project and presentation of cost estimates. Motion for approval to proceed with the project.

Robert Peters – Dakota City Administrator

- Asking that C Avenue be designated a Collector Road to enhance funding opportunity for Federal STP Funds.
- Nebraska Department of Roads joint request between the City and the County to designate C Avenue a Collector Road.
- Approval to take the necessary action for designating and/or applying to designate C Avenue as a Collector Road and to authorize someone to be signature for the County.

Miscellaneous Agenda Items

- Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. (Correctional Employees) Approve and authorize Chair to sign if the Correctional Employees have submitted a signed copy to the Board.

Commissioner's Committee Reports

Road Committee – The Committee may have a report on Ridge Road  
The Committee may have a report on the Stop Sign  
at the intersection of Sivill Way and Nodaway Road.

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Commissioner McNear moved, seconded by Bousquet to excuse Commissioner Gomez from this meeting.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Absent, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Approve Minutes of previous meeting".

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the minutes of October 19, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Absent, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Approve Payroll claims submitted by County Clerk for payment".

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the payroll claims filed with the County Clerk and submitted by said Official for payment, as follows:

COUNTY GENERAL FUND: Gross salaries- \$124,627.57, General Fund Employees Net Pay- \$89,796.66, Employer deductions paid: Retirement- 8,689.68, FICA- 7,591.26, Medicare- 1,775.35, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.84.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 819.00, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1647.87, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.01, Kim Kuehl- 930.40, Phyllis Ridge- 925.10, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1650.33, Debra Jensen- 1254.25, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1746.67, Anthony Bos- 1634.82, Sandy Dickens- 463.70, Brian Ellinger- 1721.89, Penny Epting- 1855.96, Michael Estes- 1433.18, Brent Gilster- 1725.87, Todd Hammer- 1675.85, Richard Hansen- 1339.65, Melvin Harrison III- 1700.85, Rodney Herron- 1830.92, Jason James- 1553.59, Kimberly Johnson- 309.47, Jared Junge- 1837.08, Michael Kreegar- 1610.81, Gayle Richards- 871.20, Kevin Rohde- 1789.80, James Wagner- 1647.87, Randall Walsh- 2625.14, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1200.21, Jacob Acero- 1202.50, Ermelinda Ballesteros- 1534.50, Joshua Blatchford- 1306.80, Dusty Boyd- 1245.36, Rebecca Broer- 1375.43, Sandy Dickens- 695.55, Lisa Ford- 1294.62, Robert Foster- 1202.50, Linda Frost- 816.00, John Gilles- 1294.62, Alma Gunderson- 1568.16, Amber Hamman- 1159.13, Paula Harrigfeld- 708.59, Cathy Harsma- 1298.55, Deanna Haukap- 1241.65, Jackie Heaton- 1798.76, Jeffrey Heitzman- 1308.54, Adam Hough- 1220.77, Matthew James- 1341.39, Brett Johnson- 1249.88, Nicholas Kellen- 1306.80, Brenda Kelly- 1323.02, Terry Kern- 1884.62, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1226.78, Kimberly Peterson- 1206.15, Doyle Pilgrim- 452.88, Daniel Rodasky- 1237.93, Jutharatana Ruenprom- 1209.81, Stephanie Ryan- 1644.84, Linda Schovanec- 1299.20, Francis Tope- 1345.76, Charvette Williams- 790.94, Jewel Williams- 1220.77, Matthew Wise- 720.04, Cara Wood- 1396.93, Jolene Gubbels- 1018.40, Leon Pies- 621.60, Maureen Biggar- 1202.58, Pamela DeVries- 1636.90, Bonnie Kahler- 840.72, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 10,078.06, State- 4,232.73, FICA- 7,591.26, Medicare- 1,775.35, Retirement- 5,885.51, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 300.00, Deferred Comp- 607.00, Garnishments- 2,016.62, Aflac Health- 518.45, Aflac Life/Dsbl- 156.48 and Flex Plan- 991.25

COUNTY ROAD PAYROLL: Gross salaries- \$15,996.80 Road Employees Net Pay- \$11,469.04, Employer deductions paid: Retirement- 1,079.83, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 969.76, and Medicare- 226.80.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1648.00, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,070.88, State- 483.27, FICA- 969.76, Medicare- 226.80, Retirement- 719.81, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 91.68, Garnishments- 425.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITOR PROMOTION: South Sioux City Chamber of Commerce- lodging tax: 13,229.34.

GENERAL FUND: Hungry's: Juror meals- 1,183.00

J. Ahlers- 44.18, R. Akins- 39.59, R. Albenesius- 36.53, M. Alvarez- 41.12, G. Baker- 40.10, M. Baker- 42.14, D. Benton- 39.08, D. Bormann- 56.42, M. Bottorff- 40.10, T. Bowder- 353.44, R. Boyd- 43.16, C. Bracht- 38.06, A. Brand- 42.14, V. Buehler- 345.28, M. Cain- 40.10, S. Calvert- 39.59, L. Camarillo- 38.57, T. Caskey- 39.08, M. Castro- 42.65, J. Choyce- 40.10, M. Christiansen- 42.65, L. Chytka- 36.53, H. Cisneros- 39.08, R. Clausen- 37.04, C. Clay- 39.08, S. Clayton- 37.55, J. Cleveland- 44.18, S. Collins- 38.06, J. Comeau- 38.06, S. Comstock- 35.51, P. Conely- 41.12, J. Conway- 40.10, J. Copple- 38.06, T. Cox- 35.51, M. Curiel- 39.08, K. Dahlin- 45.20, C. Doenhoefer- 35.51, P. Dorcey- 43.16, S. Ford- 43.16, S. Hegge- 46.22, R. Herrera- 35.51, S. Hinds- 39.08, M. Hoch- 39.08, S. Jensen- 426.88, S. Kneiff-Ramirez- 45.20, K. LaFleur- 37.55, K. Langseth- 38.57, A. Lantz- 40.10, J. Leigh- 41.12, R. LeMaster- 38.06, D. Lenge- 42.14, M. Levine- 45.20, R. Linares- 36.53, D. Lindgren- 40.10, G. Lockhart- 39.08, R. Loker- 320.80, J. Love- 39.08, P. Loy- 353.44, D. McCarthy- 43.16, D. Mercial- 361.60, B. Messerlie- 40.10, T. Murphy- 43.16, H. Naberhaus- 38.06, N. Nelson- 402.40, R. Norris- 44.18, L. Olerich- 320.80, J. O'Neill- 51.32, C. Polly- 341.20, J. Profera- 35.51, D. Roberts- 308.56, K. Sailors- 284.08, S. Smith- 41.12, J. Stewart- 35.51, B. Stingley- 345.28, J. Swick- 320.80, T. Swoboda- 42.14, L. Teager- 39.08, S. Thesenga- 308.56, A. Tranmer- 44.18, L. VanCleave- 46.22, K. Wendte- 38.57, K. Wenger- 36.02, J. Fett-Wictor- 37.55, S. Ysquierdo- 45.20, O. Zermeno- 37.04, B. Decker, Bailiff- 640.80.

TOTAL JUROR FEES: \$8,306.01

ROLL CALL VOTE: McNear- Yea, Gomez- Absent, McLarty- Yea, Bousquet- Yea and Rohde-Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting to convene as Board of Corrections at 4:02 p.m.

Chair McLarty reconvene their meeting from Board of Corrections at 4:06 p.m.

Chair McLarty called for the agenda item "Craig Holthe and Mark Becker – Share information on South Sioux City 115,000 Volt Transmission Line Project and answer any questions."

Tom Pillen appeared instead of Craig Holthe and stepped up to the podium. He introduced Mark Becker and Wayne Boyd who also represent the Nebraska Public Power District.

Mr. Pillen handed out a pamphlet named South Sioux City 115kV Transmission System Expansion Project and briefly explained the project and it's timeline.

Chair McLarty called for the agenda items "Pat Foust, LEC Director – Motion to replace the voice logger that was destroyed by lightning pending insurance settlement and the approval by So. Sioux City's



governing body” and “Discussion of the LEC Expansion Project and presentation of cost estimates. Motion for approval to proceed with the project.”

Pat Foust, LEC Director and Emergency Manager, stepped up to the podium and said that the Voice Logger Recorder, that backs up the 911 lines and some administrative line communications and all of the radio traffic, sustained some damage due to lightning and estimated that it will cost about \$8,700 to repair it. They are waiting for the final insurance settlement, but said he preferred to use the insurance settlement toward the purchase of a new voice logger rather than repairing the present one, as it is about 6 or 7 years old. The new voice logger would cost just over \$17,000 and suggested using the set aside fund. He went on to say that the one they have now has a 24 channel capacity whereas getting a new one would have 32 channel capability.

Commissioner Bousquet moved, seconded by Commissioner Rohde to authorize Mr. Pat Foust to replace the LEC's Voice Logger that sustained damage by lightning.

Chair McLarty clarified that the insurance be applied to the purchase and that the balance would be shared by the County and the City.

ROLL CALL VOTE: Gomez- Absent, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Pat Foust then asked for permission to proceed with the Expansion Project. He said that they would be meeting with the architect on November 9<sup>th</sup>, for final changes. He said that they have an estimate and once they send out bids they will have a guarantee maximum price for the project. The project will start in the spring of 2010.

Commissioner Bousquet moved, seconded by Commissioner McNear to approve and proceed with the expansion project for the LEC.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Absent. UNANIMOUS MOTION CARRIED.

Pat Foust thanked Commissioners McNear and McLarty for attending the NIMS Class and briefly explained what it was about.

Chair McLarty called for the agenda item “Robert Peters – Dakota City Administrator Asking that C Avenue be designated a Collector Road to enhance funding opportunity for Federal STP Funds and “Nebraska Department of Roads joint request between the City and the County to designate C Avenue a Collector Road and approval to take the necessary action for designating and/or applying to designate C Avenue as a Collector Road and to authorize someone to be signature for the County.”

Bob Peters had prepared a letter on behalf of the City of Dakota City and the County to designate C Avenue from Interstate 129 to Pine Avenue, Pine Avenue, from "C" Avenue to "D" Avenue and "D" Avenue, from Pine Street to Broadway. He specifically asked for C Avenue because C Avenue is in the County. The letter he prepared was as follows:

November 2, 2009

Dave Brokaw  
Classification's and Needs Unit Leader  
Nebraska Department of Roads  
1500 Nebraska Highway 2  
Lincoln, NE 68509

Dear Mr. Brokaw

Please consider this our formal request for the following to be designated as collector route:

"C" Avenue, from Interstate 129 to Pine Avenue

Pine Avenue, from "C" Avenue to "D" Avenue

"D" Avenue, from Pine Street to Broadway

For your reference, a map reflecting the streets is attached.

This request is being made in anticipation of a substantial increase in industrial development and traffic in what is known as the Tyson Industrial Park and in the land directly east of that area. That combined area is also reflected on the attached.

In a joint partnership with South Sioux City, the industrial sites are the topic of interest by companies varying in size for 15 to 200,

The designation of collector route provides the opportunity for consideration of enhanced funding for improvements to streets that are currently graveled and in limited repair. If granted and if additional monies become available, we would be able to improve access to the sites for otn industrial clients and their employees.

Thank you for your attention and consideration'

Respectfully,

James Roberts, Mayor  
City of Dakota City

William McLarty, Chair  
Dakota County Commissioners

Commissioner Rohde moved, seconded by Commissioner Bousquet to designate C Avenue as a Collector Road.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Absent, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Comprehensive Master Agreement between the County of Dakota County, Nebraska, and Fraternal Order of Police, Dakota County Lodge #49, July 1, 2009 - June 30, 2012. (Correctional Employees) Approve and authorize Chair to sign.

The County Clerk advised the chair that the Officer's of the Corrections Employees has not returned a signed copy, therefore no action was taken.

Chair McLarty called for the agenda item "Commissioner's Committee Reports."

Commissioner Rohde reported on behalf of the Road Committee that he has talked to several people and no one wants to close Ridge Road permanently, therefore he recommended that the Board leave it as is and take no action.

Commissioner Rohde reported on behalf of the Road Committee that Fred Kellogg is working on the issue of placing a Stop Sign at the intersection of Sivill Way and Nodaway Road.

Mr. Kellogg said that he was trying to meet with the land owner to try and get him not to plant crops in the easement.

Chair McLarty called for the agenda item "Commissioner Member Reports."

Commissioner McLarty pointed out that he and Commissioner McNear attended the Emergency Management Seminar.

Chair McLarty handed out a handout with an update showing where everyone is on the budget.

Chair McLarty passed out a supplement to the manual on salaries that he handed out last meeting.

Chair McLarty called for the agenda item "Public Comment."

Betty O'Neill asked about getting information as to what it cost for the Murder trial that was tried in the County.

Jared Raymer a resident living in the North Shore Area said that they have a severe pot hole and rutting problem with the roads.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn

Commissioner McNear moved, seconded by Commissioner Bousquet to adjourn the meeting at 4:35 p.m.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Absent. UNANIMOUS MOTION CARRIED at 4:35 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, November 16, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Bousquet, McNear, Gomez, McLarty, and Daniel Christoffers, Acting Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: Commissioner Rohde

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Review and approve Payroll Claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

Public Hearing concerning Nelson Engineering's Application for a Conditional Use permit, to construct a meteorological tower. The proposed location is in the NE Quarter of Section 32, T-29-N, R-7-E in Dakota County, Nebraska. The Public Hearing was advertised to begin at 4:02 p.m.

Jared Raymer – Road condition of North Shore Drive.

Miscellaneous Agenda Items:

- Official's pay periods in 2010 – approve officials to be paid their annual salary in 27 pay periods.

Tabled Items: No Tabled Items.

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of November 2, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Review and approve Payroll Claims submitted by County Clerk for payment."

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the Payroll Claims filed with the County Clerk by the various offices and submitted by him as follows:

COUNTY GENERAL FUND: Gross salaries- \$134,234.04, General Fund Employees Net Pay- \$96,536.64, Employer deductions paid: Retirement- 9,354.12, FICA- 8,186.85, Medicare- 1,914.60, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.88.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 933.08, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Marisol Curiel- 931.45, Darlene Davis- 930.40, Robert Giese- 1647.87, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 925.10, Margaret Rahn- 1229.82, Daniel Christoffers- 538.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 1020.30, Jeremy Bermel- 1977.73, Anthony Bos- 1594.80, Sandy Dickens- 463.70, Brian Ellinger- 2045.31, Penny Epting- 2448.85, Michael Estes- 1347.92, Brent Gilster- 2066.08, Todd Hammer- 1705.86, Richard Hansen- 1501.50, Melvin Harrison III- 1936.01, Rodney Herron- 1830.92, Jason James- 1748.36, Kimberly Johnson- 312.11, Jared Junge- 1925.96, Michael Kreegar- 1750.89, Gayle Richards- 871.20, Kevin Rohde- 1978.37, James Wagner- 1647.87, Randall Walsh- 1827.67, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1075.20, Kimberly Watson- 2666.12, Caterina Chapman- 1200.21, Jacob Acero- 1315.81, Ermelinda Ballesteros- 1530.54, Joshua Blatchford- 1306.80, Dusty Boyd- 1414.51, Rebecca Broer- 1459.64, Sandy Dickens- 793.38, Lisa Ford- 1536.62, Robert Foster- 1401.70, Linda Frost- 816.00, Joseph Gee- 1148.55, John Gilles- 1518.91, Alma Gunderson- 1542.42, Amber Hamman- 1188.00, Paula Harrigfeld- 613.50, Cathy Harsma- 1520.88, Deanna Haukap- 1477.77, Jackie Heaton- 1823.98, Jeffrey Heitzman- 1516.12, Adam Hough- 1407.18, Matthew James- 1409.00, Brett Johnson- 1,482.86, Nicholas Kellen- 1494.90, Brenda Kelly- 1327.01, Terry Kern- 1884.62, Keith Klein- 1383.42, Mark Nelson- 1365.38, Travis Olander- 1395.97, Kimberly Peterson- 1409.00, Doyle Pilgrim- 685.44, Daniel Rodasky- 1474.05, Jutharatana Ruenprom- 1580.01, Stephanie Ryan- 2008.82, Linda Schovanec- 1347.92, Francis Tope- 1546.55, Charvette Williams- 1607.45, Jewel Williams- 1756.23, Matthew Wise- 1421.80, Cara Wood- 1540.56, Jolene Gubbels- 1018.40, Leon Pies- 621.60, Maureen Biggar- 1315.49, Pamela DeVries- 1636.90, Bonnie Kahler- 1018.41, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,401.25, State- 4,720.71, FICA- 8,186.85, Medicare- 1,914.60, Retirement- 6,333.89, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 320.00, Deferred Comp- 607.00, Garnishments- 1,868.71, Aflac Health- 518.46, Aflac Life/Dsbl- 156.48 and Flex Plan- 991.25

COUNTY ROAD PAYROLL: Gross salaries- \$15,996.80, Road Employees Net Pay- \$11,469.03, Employer deductions paid: Retirement- 1,079.83, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 969.76, and Medicare- 226.80.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1648.00, Robert Lillard- 1239.20, Kimon Litras- 1251.20, Arnold Mellick- 1255.20, Willie Peters II- 1239.20, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,070.88, State- 483.27, FICA- 969.76, Medicare- 226.80, Retirement- 719.81, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 91.68, Garnishments- 425.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, McLarty- Yea, UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Review and approve Accounts Payable Claims submitted by County Clerk for payment."

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the Accounts Payable Claims filed with the County Clerk by the various offices and submitted by him as follows with the addendum of holding checks for claims submitted without statements and to provide the check to the vendor after the statement is given:

**GENERAL FUND:** Dakota County Star, publishing- 546.79; NACO, conference- 120.00; Perkins, supplies- 106.16; Bear Graphics, security paper- 102.75; Des Moines Stamp, seals- 86.00; MIPS, tape backups- 127.24; Perkins, supplies- 76.50; Theodore Piepho, phone & Mileage- 20.00; Staples, supplies- 45.25; Wilmes Hardware Hank, paint- 68.56; AJ Phillips, envelopes- 295.00; AS Central, service- 15.00; Des Moines Stamp, supplies- 64.75; Charlotte Doenhoffer, prior yrs- 10.00; Dugan Business Forms, supplies- 552.09; Robert Giese, mileage- 132.00; Ruth Jensen, prior yrs- 12.00; Monroe Systems, supplies- 49.53; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, scanning- 240.00; Perkins, supplies- 7.38; Holiday Inn Grand Island, lodging- 156.86; Theodore Piepho, mileage- 265.10; Todds Storeall, storage- 80.00; Dakota County Star, notice- 30.87; Arnie Mellick, phone- 30.00; Valerie Danielson, reimburse- 26.96; Des Moines Stamp, stampers- 217.00; Executive Technologies, contract- 189.00; Lupe Kennedy, coffee- 7.95; Perkins, supplies- 395.08; AS Central Services, supplies- 315.07; Dakota Business Systems, lease- 99.00; Des Moines Stamp, stamps- 425.50; Microfilm Imaging, scanning- 100.50; Midwest Office Automations, contract- 321.50; New Perspectives Inc, shredding- 15.75; Kurt Rager, supplies- 37.44; Star Printing, envelopes- 600.00; William Binkard, supplies/postage- 472.85; Raul Escobedo, interpret- 125.00; Frank Gonzalez, interpret- 700.00; Midwest Office Automations, supplies- 74.50; Perkins, supplies- 87.93; Janice Bobier, witness fee/mileage- 30.10; Jerry Bobier, witness fee/mileage- 30.10; Craig Campbell, witness fee/mileage- 411.29; Dr Tom Carroll, witness fee/mileage- 40.40; District Court, claim list- 420.00; Frank Gonzalez, interpret- 50.00; Yvette Hernandez, witness fee/mileage- 36.16; Susan Hunke, services- 383.50; HyVee, food- 149.57; Rob Long, witness fee/mileage- 30.10; MIPS, microfilm- 85.00; Carla Nunez, witness fee/mileage- 378.60; Patrick Parry, attorney fee- 959.80; Amy Prevail, witness fee/mileage- 70.30; Ray Torres, witness fee/mileage- 108.28; Alana Tikluk, witness fee/mileage- 75.15; Antonia Zamora, witness fee/mileage- 176.50; Joaquin Acero, witness fee/mileage- 31.00; Dorene Chamberlain, witness fee/mileage- 28.80; Sara Chamberlain, witness fee/mileage- 27.15; Dakota County Court, court costs- 1687.75; Abdulehi Hassen, witness fee/mileage- 25.50; Randy Hisey, attorney fee- 738.00; Kueny & Begley, attorney fee- 336.00; Trudi Launsby, witness fee/mileage- 25.50; Stuart Mills, attorney fee- 615.00; Peter Parry, attorney fee- 960.22; Theresa Prine, witness fee/mileage- 28.80; Douglas Roehrich, attorney fee- 126.00; Herb Thornton, witness fee/mileage- 27.70; Jamie Thornton, witness fee/mileage- 20.00; Richard Thramer, attorney fee- 247.76; Patrick Tott, attorney fee- 216.00; Dakota County Sheriff, papers/warrants- 658.50; Ateam Heating & Cooling, repair- 127.50; Benstar, supplies- 374.15; Bomgaars, repair- 355.84; Bunkers Feed & Supply, salt- 65.42; Circle S South, supplies- 29.00; Gill Hauling, service- 120.00; Grainger, repair- 975.97; Fresh Start Janitorial, cleaning- 155.40; Janitor Depot, supplies- 35.57; Richard Jensen, mileage- 90.97; Menards, supplies- 1073.09; Midamerican Energy, utilities- 1305.00; Nebr Dept of Labor, inspection- 100.00; Nebr Public Power Dist, utilities- 1529.31; New Fabrication Inc, snow plow blade- 241.39; Sams Club, repair supplies- 217.66; Share Corp, supplies- 339.04; Trembly Pest Control, service- 50.00; Dakota Food & Fuel, supplies- 57.00; Verizon, phone- 58.29; PMNRD, rent- 833.33; Dakota County Extension, reimburse- 663.37; Kerry Bligh, animal control- 100.00; City of SSC, fuel- 4200.30; Crystal Oil, repair- 18.00; Dakota County Sheriff, fuel/meals- 74.50; Dakota County Treasurer, title/registration- 19.75; Dakota Food & Fuel, fuel- 314.68; Fremont Tire, service- 877.30; Harolds, film- 7.68; Jacks Uniforms, supplies- 592.75; Joes Department Store, supplies- 303.00; Midwest Radar, certifications- 330.00; RACOM, t1- 707.40; SFCU, meals/fuel/supplies- 77.16; Stanard & Associates, tests- 165.00; Star Printing, cards- 50.00; Verizon, phone- 282.10; Dakota County Treasurer, expenses- 50.00; Dept of Motor Vehicles, transcripts- 4.00; Douglas County Sheriff, subpoena- 8.32; Debra Fergen, expenses- 261.31; Cindy Foley, deposition- 254.40; H2O4U, water- 22.50; Iowa Office Supply, contract- 141.94; Marina Inn, lodging- 330.00; Sarah Meadows, meals/mileage- 227.01; Thurston County Court, certified copies- 3.50; Aimee Uhl, expenses- 57.74; Verizon, phone- 137.51; City of SSC, lec cost share- 30617.96; BI Inc, electric monitoring- 919.58; Caterina Chapman, mileage- 97.35; Verizon, phone- 55.10; Amsan, supplies- 1655.62; Aramark, service- 52.88; Bob Barker, supplies- 1182.38; Bunkers Feed & Supply, salt- 190.24; CBM Food, food- 26230.59; CashWa Distribution, food products- 147.18;

Dakota Business Systems, contract- 281.00; Dakota City Fire, AED Batteries- 321.00; Dakota County Star, publishing- 90.00; Dakota Family Dentistry, service- 336.00; Dakota Food & Fuel, fuel- 156.90; Dept of Correctional Services, safekeepers/medical- 2718.84; Sandy Dickens, mileage- 103.40; Fremont Tire, service- 23.51; Gill Hauling, service- 120.00; Jackie Heaton, mileage- 165.33; IA-NE State Bank, lease payment- 5351.34; JP Cooke Company, stamps- 60.06; Jacks Uniforms, clothing- 212.95; Joes Dept Store, supplies- 115.19; MHC Anesthesia Services, medical- 900.00; Mercy Business Health, medical- 3349.50; Mercy Medical Center, medical- 3315.30; MidAmerican Energy, utilities- 823.76; Midwest Office Automation, copies- 225.60; Moore Medical, medical- 396.79; Nebraska Public Power Dist, utilities- 1799.68; Net Sys Plus, service- 286.25; Oral Surgery Associates, medical- 3490.00; Doyle Pilgrim, mileage- 33.00; Dr James Roat, medical- 1670.00; Safeguard, journals- 427.76; Sams Club, supplies- 209.52; SFCU, fuel- 127.50; Staples, supplies- 15.70; Trembly Pest Control, pest control- 35.00; Verizon, phone- 199.44; Walmart, supplies/prescriptions- 1885.10; Woodbury County Juvenile, boarding- 4500.00; Dakota Business Sys, copier rental- 102.00; Staples, supplies- 19.99; Verizon, phone- 33.33; Pat Glover, clinics- 305.00; Pam Devries, mileage- 250.25; Maureen Biggar, mileage- 158.95; Dr Thomas Wentz, physician fee- 500.00; AJ Phillips, cards- 60.00; Deanna Beckman, hours- 1290.00; HyVee, food- 115.00; Midwest Office Automations, copier- 207.24; Judi Neswick, clinic- 130.00; Perkins, supplies- 800.68; Sears, refrigerator- 544.99; SSC High School, sign- 40.00; Wisconsin Physicians Service, service- 30.85; Alan Boyd, mileage- 569.00; Electronic Engineering, pager- 13.95; Thomson West, service- 620.11; Cable One, internet- 205.95; Claritus, maintenance agreement- 1190.00; Dakota County State Bank, stop payment- 25.00; FiberComm, phone- 48.55; FSH Comm, payphone- 63.60; Lazette Gifford, website- 40.00; Hasler Inc, postage- 249.00; Justice Benefits, fee- 10352.98; MIPS, support- 407.84; NIRMA, deductible- 20000.00; Madelyn Thorland, prior yrs- 10.00; Three Rivers Benefit, admin fee- 85.00; US Postal Service, postage- 5000.00; Road Fund, budget transfer- 65000.00; Road Improvement Fund, budget transfer- 3500.00; Weed Fund, budget transfer- 200.00;

**ROAD FUND:** Aramark, service- 571.64; Ateam heating & cooling, repair- 85.00; AZ Inc, fuel- 81.82; Bernies Lawn & Garden, chainsaw- 57.50; Bierschbach, supplies- 160.80; Bomgaars, supplies- 115.52; Carquest, supplies- 64.48; Dixon County Clerk, fuel ticket- 48.00; Echo Group, supplies- 109.68; Frame Aligners, parts/labor- 233.65; Gill Hauling, service- 55.00; Guarantee Oil, oil- 934.58; Hamann Trucking, gravel- 712.45; Walter Heinemann, prior yrs- 29.00; Heritage Express, fuel- 60.00; HME Inc, maintenance- 201.28; Hubbard Minimart, fuel- 3668.63; Hundertmark, supplies- 289.26; H2O4U, water- 25.50; Industrial Tools & Machinery, tools/supplies- 383.60; Jackson Glass, supplies- 20.00; J&J Pronto, fuel- 642.30; Joes Dept Store, supplies- 296.16; Kinetic Leasing, loader payment- 2458.00; LG Everist, road rock- 32314.27; Linweld, oxy- 2335.07; Midwest Sales & service, culvert/signs- 1520.24; Marlan Millard, prior yrs- 15.00; NAPA, supplies- 1021.15; Nebr Public Power Dist, utilities- 24.74; Northeast Equip, tractor- 900.00; NE Nebr Public Power, utilities- 310.65; NE Nebr Telephone, phone- 164.52; Peterson Sand & Gravel, gravel- 31185.00; Poms, tires- 4563.00; Powerplan, blades/supplies- 599.77; Sams Club, supplies- 244.51; Sapp Bros Petroleum, propane- 714.47; Sioux City Tarp, supplies- 287.90; Stephan Welding, parts- 417.50; Titan Access, parts/supplies- 569.48; Verizon, phone- 52.72; Warren Oil, fuel- 3452.40; Zieglers, parts/supplies- 245.99;

**ROAD IMPROVEMENT:** LG Everist, gravel- 3202.19;

**POOR RELIEF:** Nebr Dept of HHS, admin cost- 19.00;

**VETERANS AID:** Veterans Service Office, relief- 900.00;

**PUBLIC SAFETY:** City of SSC, sls tax- 2704.09; Jail Bond Fund, sls tax- 19829.98;

**WEED FUND:** Hubbard Minimart, fuel- 185.00;

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- Absent, McNear- Yea, UNANIMOUS MOTION CARRIED.

Chair McLarty opened the Public Hearing concerning Nelson Engineering's Application for a Conditional Use permit, to construct a meteorological tower at 4:03 p.m. The proposed location is in the NE Quarter of Section 32, T-29-N, R-7-E in Dakota County, Nebraska. The Public Hearing was advertised to begin at 4:02 p.m.

Chair McLarty read the following statement:

The purpose of this hearing is to review and act on an application for a Conditional Use permit for Nelson Engineering's proposed construction of a meteorological tower. The proposed location is in the NE Quarter of Section 32, T-29-N, R-7-E in Dakota County, Nebraska. The owner of the Property is Leonard Gill.

Upon the presentation by Nelsen Engineering Construction, the County Board will take Oral and/or written testimony in favor of, or in opposition to the County Board's approval or disapproval of this Conditional Use Permit Application for the construction of said meteorological tower.

Testimony will be taken in the following order: all proponents, all opponents and then any neutral comments.

Chair McLarty asked for those speaking in favor to step up to the podium.

Arnie Mellick, Planning & Zoning Administrator appeared before the board and said this was brought before the Planning & Zoning Commission where it was approved and forwarded to the commissioners with the a recommended status.

James Lindgren, with Nelson Engineering appeared before the board.

Commissioner Bousquet asked if the tower was already built.

Mr. Lindgren confirmed that it was on Leonard Gill's property for wind turbine development to collect meteorological data. He stated that they got a deal for a tower very cheap but had to move on it quickly and put it up because of time constraints.

Commissioner Bousquet asked if it was a permanent tower.

Mr. Lindgren said that it was not, and it would be up a minimum of 1 year and a maximum of 3-4 years.

Chair McLarty asked to confirm that the tower was already put up without a permit.

Mr. Lindgren confirmed that it was.

Chair McLarty asked if there were any others in favor: there were none.

Chair McLarty asked if there were any opposing: there were none.

Chair McLarty asked if there were any neutral: there were none.

Chair McLarty closed the public hearing at 4:07 p.m.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Conditional Use permit, to construct a meteorological tower at the proposed location, NE Quarter of Section 32, T-29-N, R-7-E in Dakota County, Nebraska.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, UNANIMOUS MOTION CARRIED.

Jared Raymer appeared before the Board on the condition of North Shore Drive. He asked what can be done to fast-track a permanent solution.

Chair McLarty said he was not sure there would be the funds available.

Fred Kellogg, Road Foreman, said they were in the process of applying for a grant for this road and that North Shore residents would be receiving a letter and that it is important that the residents show up.

Chair McLarty called for the agenda item: "Official's pay periods in 2010 – approve officials to be paid their annual salary in 27 pay periods."

There was discussion on what would be easiest. Chair McLarty said the recommendation from the County Clerk was to approve 27 pay periods for 2010.

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve officials to be paid their annual salary in 27 pay periods.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, McLarty- Yea, UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item: "Tabled Items", there were none.

Chair McLarty asked for Commissioner Reports.

Commissioner Gomez said he met with the Law Enforcement Center, and that there was some discussion on the expansion to the LEC.

Commissioner Bousquet asked if the LEC expansion was approved by the City Council.

Commissioner Gomez confirmed that this was the case.

Chair McLarty said that Treasurer, Bob Giese was in receipt of an \$87,300.00 for improving energy conservation in the courthouse and that it has to be used in two years.

Chair McLarty called for the agenda item: "Public Comment"

Susan Church appeared before the board regarding North Shore Drive. She said that they were at a board meeting 18 years ago regarding the nature of the road and asked if the property needed to be deeded to the County.

Commissioner Bousquet said that if the Commission from years ago said they were going to take it over, then they would have needed to deed it.

Chair McLarty said he would suggest the Road committee and Fred Kellogg research it.

There was discussion regarding the platting of the road, the cost to the County, and whether they were permanent roads.

Commissioner McNear asked when this was originally discussed.

Susan Church said this was in July of 1991.

Chair McLarty called for the agenda item: "Mail and/or Emergency Business", there was none.

Chair McLarty asked for a motion to excuse Commissioner Rohde.

Commissioner McNear moved, seconded by Commissioner Bousquet to excuse Commissioner Rohde for his absence.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Absent, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn.  
ROLL CALL VOTE: Rohde-Absent, McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED at 4:27 P.M.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, November 30, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Rohde, Bousquet, McNear, Gomez, McLarty, and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney were also present.

Absent: None

The agenda for the meeting was as follows:

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims and Accounts Payable Claims associated with payroll submitted by County Clerk for payment.

Recess to Board of Equalization, which was advertised to begin at 4:02 p.m.

Reconvene as Board of Commissioners

Chad Kehrt, Rod Hanson and Fred Kellogg – Approve Engineering of C Street. County to approve and sign the Engineering Form.

Road Committee – Discuss and/or approve requesting the State to increase the turn lane on US 77 for northbound truck traffic to turn west (to the grain elevator) on 164<sup>th</sup> Street.

Board to designate Dakota County Recovery Zone areas:

1. Resolution 09C-019 - for the area "NW 1/4 of Section 29, East 1/2 of Section 30, East 1/2 of West 1/2 of Section 30, SE 1/4 of Section 19, SW 1/4 of Section 20, Township 29 N, Range 9 E" (SSC data sites)
2. Resolution 09C-020 - for the area "East 1/2 of Section 5, NE 1/4 of Section 8, All of Section 4, Township 28 N, Range 9 E" (Roth legal)

Authorize chair to sign Department of Economic Development applications for allocation of uncommitted Recovery Zone Bond volume cap authority.

1. Recovery Zone Facility Private Activity Bond Volume Cap Allocation application
2. Recovery Zone Economic Development Public Infrastructure Bond Volume Cap Allocation application

Executive session with Vince Valentino to discuss pending litigation/claims. Mr. Valentino has requested the Executive Session to take place at approximately 4:30 p.m.

Reconvene in Open session.

Motion for Board Chairman to execute waiver for former County Attorney Ed Matney to discuss his knowledge of the discrimination cases filed with US District Court with Vincent Valentino as Dakota County's legal representative in such cases.

Miscellaneous Agenda Items

Authorize the U.S. Census Bureau to use Commissioners Room on Wednesdays & Thursdays from February 16, 2009 to May 1, 2009 for helping citizens to complete their census information. (The dates above were corrected to read 2010 in the December 14, 2009 meeting)

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "Approve Minutes of previous meeting."

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of November 16, 2009, as typed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Yea, McNear- Yea, Gomez- Yea, UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Review and approve Payroll Claims submitted by County Clerk for payment."

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the Payroll Claims filed with the County Clerk by the various offices and submitted by him as follows:



COUNTY GENERAL FUND: Gross salaries- \$136,173.44, General Fund Employees Net Pay- \$97,521.59, Employer deductions paid: Retirement- 9,497.02, FICA- 8,307.13, Medicare- 1,942.76, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.84.

Richard Bousquet- 563.61, Antonio Gomez- 563.61, William McLarty- 586.69, Richard McNear- 563.61, William Rohde- 563.61, Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 930.15, Bobbi Jo Harsma- 1065.60, Theodore Piepho- 1647.87, Marisol Curiel- 958.41, Darlene Davis- 930.40, Robert Giese- 1647.87, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 905.96, Margaret Rahn- 1106.84, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1765.43, Debra Jensen- 1092.00, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.21, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1944.73, Anthony Bos- 1644.82, Sandy Dickens- 463.70, Brian Ellinger- 2171.65, Penny Epting- 1680.84, Michael Estes- 1402.73, Brent Gilster- 2321.25, Todd Hammer- 1620.81, Richard Hansen- 1708.20, Melvin Harrison III- 2261.21, Rodney Herron- 1830.92, Jason James- 1865.24, Kimberly Johnson- 240.70, Jared Junge- 2241.31, Michael Kreegar- 2061.10, Gayle Richards- 871.20, Kevin Rohde- 2408.29, James Wagner- 1647.87, Randall Walsh- 1718.93, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2666.12, Caterina Chapman- 1200.21, Jacob Acero- 1538.77, Ermelinda Ballesteros- 1637.46, Joshua Blatchford- 1395.90, Dusty Boyd- 1200.75, Rebecca Broer- 1471.67, Sandy Dickens- 695.55, Lisa Ford- 1707.80, Robert Foster- 1557.04, Linda Frost- 816.00, John Gilles- 1670.41, Alma Gunderson- 1683.00, Amber Hamman- 1117.88, Paula Harrigfeld- 576.69, Cathy Harsma- 1662.54, Deanna Haukap- 1567.00, Jackie Heaton- 1823.98, Jeffrey Heitzman- 1505.58, Adam Hough- 1560.69, Matthew James- 1767.20, Brett Johnson- 1,564.33, Nicholas Kellen- 1690.92, Brenda Kelly- 1307.08, Terry Kern- 1884.62, Keith Klein- 1544.24, Mark Nelson- 1365.38, Travis Olander- 1578.16, Kimberly Peterson- 1544.24, Doyle Pilgrim- 1015.92, Daniel Rodasky- 1593.03, Jutharatana Ruenprom- 1565.14, Stephanie Ryan- 1684.19, Linda Schovanec- 1299.20, Francis Tope- 1524.24, Charvette Williams- 1608.25, Jewel Williams- 1575.31, Matthew Wise- 1560.69, Cara Wood- 1603.51, Jolene Gubbels- 1018.40, Leon Pies- 621.60, Maureen Biggar- 1125.47, Pamela DeVries- 1636.90, Bonnie Kahler- 943.55, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,983.11, State- 4,898.13, FICA- 8,307.13, Medicare- 1,942.76, Retirement- 6,433.08, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 518.45, Aflac Life/Dsbl- 156.48 and Flex Plan- 991.25

COUNTY ROAD PAYROLL: Gross salaries- \$16,079.05, Road Employees Net Pay- \$11,525.58, Employer deductions paid: Retirement- 1,085.37, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 974.86, and Medicare- 227.99.

Brent Byroad- 1279.20, Robert Hacker- 1239.20, Ronald Harder- 1247.20, Hans Houfek- 1239.20, Robert Jacobsen- 1255.20, Fred Kellogg- 1648.00, Robert Lillard- 1239.21, Kimon Litras- 1251.20, Arnold Mellick- 1325.82, Willie Peters II- 1250.82, Leon Pies- 621.60, Kip Reinbold- 1239.20, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,082.66, State- 487.20, FICA- 974.86, Medicare- 227.99, Retirement- 723.52, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp.- 91.68, Garnishments- 425.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce, lodging tax- \$12,701.00.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting to meet as Board of Equalization at 4:02 p.m.

Chair McLarty reconvened their meeting at 4:04 p.m.

Chair McLarty called for the agenda item "Chad Kehrt, Rod Hanson and Fred Kellogg – Approve Engineering of C Street. County to approve and sign the Engineering Form."

Chad Kehrt, with Olsson & Associates, appeared before the Board and said that he had met with Fred Kellogg, Director of Roads, a couple weeks ago and discussed "Phase 1 paving of C Avenue", which is from 39<sup>th</sup> Street in South Sioux to 48<sup>th</sup> Street. The paving would consist of approximately 3300 feet. They estimated it at 28 feet wide with earth shoulders. They would have to reshape the ditch and they figured in four different field entrances that would require pipe under them. The total cost of the project, including engineering is \$753,120. The engineering and surveying that he presented before the board was \$55,100.

The project does not include curb and gutters.

Chad said that he thought the bid letting would be in early spring and the construction would start in late spring and be done in 2010 which meets the agreement with So. Sioux City.

There was discussion whether it was necessary to have a 28 foot wide road.

He added that the ditches are basically non-existent and probably have to drain to the north.

Chad Kehrt had presented an agreement for the Board's Action, but it was the consensus of the Board to wait until the next meeting to make a decision.

Chair McLarty called for the agenda item "Board to designate Dakota County Recovery Zone areas: Resolution 09C-019 - for the area "NW 1/4 of Section 29, East 1/2 of Section 30, East 1/2 of West 1/2 of Section 30, SE 1/4 of Section 19, SW 1/4 of Section 20, Township 29 N, Range 9 E" (SSC data sites)

Chair McLarty read the proposed Resolution 09C-019.

Commissioner Gomez moved, seconded by Commissioner Rohde to adopt Resolution 09C-019 as presented to the board, as follows:

RESOLUTION 09C-019  
RESOLUTION DESIGNATING DAKOTA COUNTY  
RECOVERY ZONE AREA

WHEREAS, the Nebraska Department of Economic Development has invited all counties and local governments within the State of Nebraska to apply for an allocation of volume cap authority to issue Recovery Zone Bonds authorized pursuant to the American Recovery and Reinvestment Act of 2009 (the "Act"), and

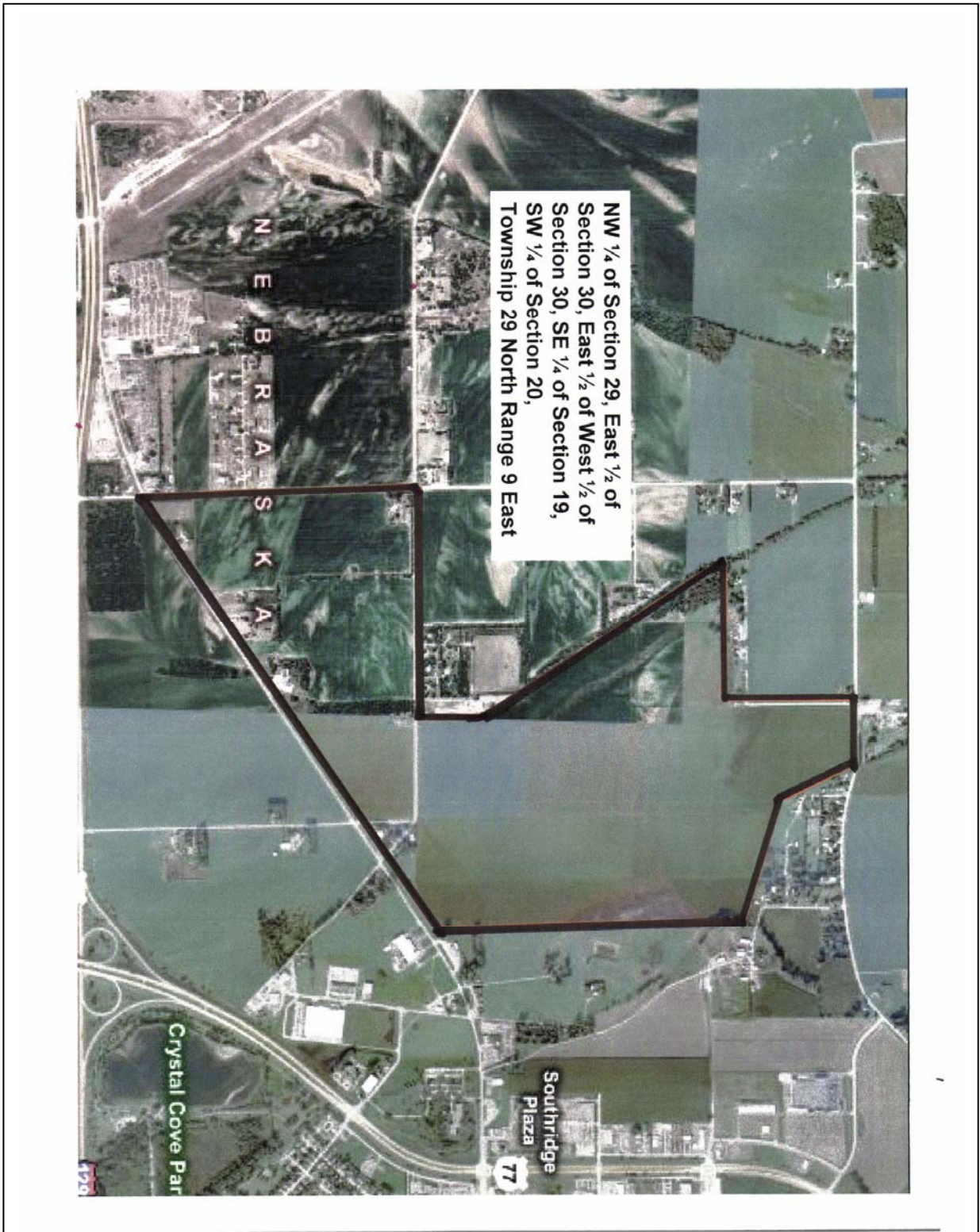
WHEREAS, the Act encourages economic development within designated "Recovery Zones" for public infrastructure and facilities.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY to designate the following area as a Recovery Zone:

NW ¼ of Section 29, East ½ of Section 30, East ½ of West ½ of Section 30,  
SE ¼ of Section 19, SW ¼ of Section 20, Township 29 North, Range 9 East  
PASSED AND APPROVED this 30<sup>th</sup> day of November, 2009.

/s/William I McLarty  
WILLIAM I. MCLARTY  
CHAIR, BOARD OF COMMISSIONERS

ATTEST:  
/s/ Theodore A. Piepho  
THEODORE A. PIEPHO  
COUNTY CLERK  
( S E A L )  
(Map)



Leu Franco asked if this was money that So. Sioux City needs for certain projects and it was explained to her that these projects would be in this zone and other discussion was had.

Commissioner Bousquet had concerns that the resolution should include a clause in it that this area could not ever become a Tax Increment Finance (TIF) District. Discussion was had concerning that. ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea with reservations. UNANIMOUS MOTION CARRIED.

Map of the above resolution.

Chair McLarty called for the agenda item "2. Resolution 09C-020 - for the area "East 1/2 of Section 5, NE 1/4 of Section 8, All of Section 4, Township 28 N, Range 9 E" (Roth legal)"  
Chair McLarty read the proposed Resolution 09C-020.

Commissioner Rohde moved, seconded by Commissioner McNear to adopt Resolution 09C-020 as presented to the board, as follows:

RESOLUTION 09C-020  
RESOLUTION DESIGNATING DAKOTA COUNTY  
RECOVERY ZONE AREA

WHEREAS, the Nebraska Department of Economic Development has invited all counties and local governments within the State of Nebraska to apply for an allocation of volume cap authority to issue Recovery Zone Bonds authorized pursuant to the American Recovery and Reinvestment Act of 2009 (the "Act"), and

WHEREAS, the Act encourages economic development within designated "Recovery Zones" for private business activity.

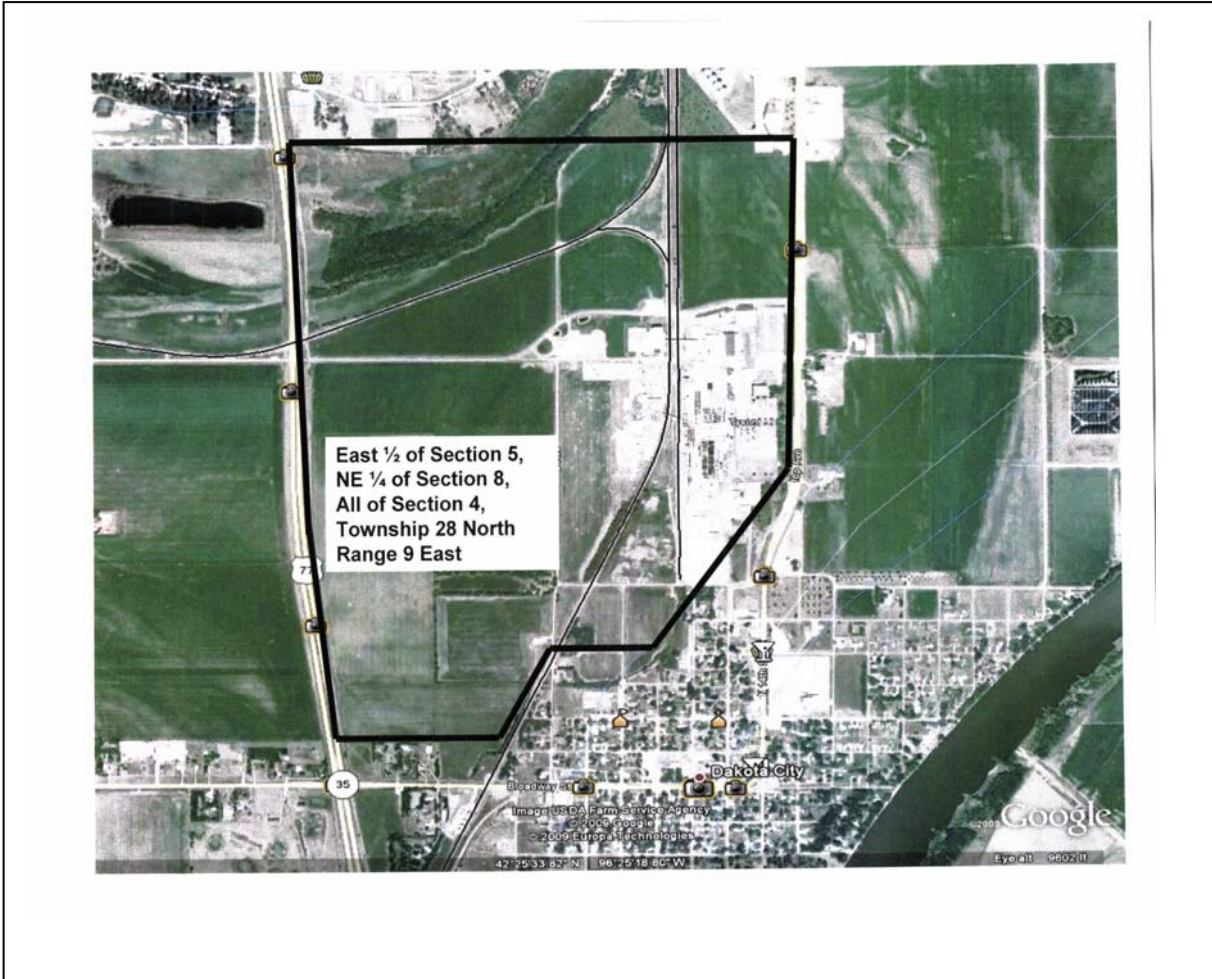
NOW THEREFORE, BE IT RESOLVED BY THE COUNTY to designate the following area as a Recovery Zone:

East 1/2 of Section 5, NE 1/4 of Section 8, All of Section 4,  
Township 28 North, Range 9 East

PASSED AND APPROVED this 30<sup>th</sup> day of November, 2009.

/s/William I McLarty  
WILLIAM I. MCLARTY  
CHAIR, BOARD OF COMMISSIONERS

ATTEST:  
/s/ Theodore A. Piepho  
THEODORE A. PIEPHO  
COUNTY CLERK  
( S E A L )  
(MAP)



ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "chair to sign the Recovery Zone Facility Private Activity Bond Volume Cap Allocation Application and the Recovery Zone Economic Development Public Infrastructure Bond Volume Cap Allocation Application."

Commissioner Gomez moved, seconded by Commissioner McNear to authorize the chair to sign the Recovery Zone Facility Private Activity Bond Volume Cap Allocation Application and the Recovery Zone Economic Development Public Infrastructure Bond Volume Cap Allocation Application.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Executive session with Vince Valentino to discuss pending litigation/claims. Mr. Valentino has requested the Executive Session to take place at approximately 4:30 p.m.

Vince Valentino called into the Commissioners Room by telephone.

Commissioner Bousquet moved, seconded by Commissioner Rohde to convene into Closed Executive Session to discuss pending litigation/claims.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED at 4:30 p.m.

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

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED 4:46 p.m.

Commissioner Gomez moved, seconded by Commissioner Bousquet to authorize the chair to sign the necessary documentation for Mr. Valentino.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Road Committee – Discuss and/or approve requesting the State to increase the turn lane on US 77 for northbound truck traffic to turn west (to the grain elevator) on 164<sup>th</sup> Street."

Commissioner Rohde thought that the north bound turn lane should be increased on US 77 for northbound truck traffic to turn west (to the grain elevator) on 164<sup>th</sup> Street for safety reasons. He also felt that there should be a south bound turn lane at the same intersection. There are many times that trucks are lined up two or three deep and felt this is a safety issue.

He thought that the county needs to request the Nebraska Department of Transportation to address those problems.

Commissioner McNear moved, seconded by Commissioner Rohde that a letter be drafted to the state stating that the north bound turn lane should be increased on US 77 for northbound truck traffic to turn west (to the grain elevator) on 164<sup>th</sup> Street for safety reasons and that there should be a south bound turn lane at the same intersection. Be it further resolved to authorize the chair to sign the letter

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Board Committee Reports" and there were none.

Chair McLarty called for the agenda item "Commissioner Member Reports"

Commissioner McLarty reported that he met with M+ Associates and they will visit with all the offices and write the specs for the Energy Grant and have that ready for the board to look at in January.

Chair McLarty called for the agenda item "Public Comment" and Dennis Reinert said that the Census Bureau issue on the agenda has not been addressed.

Chair McLarty called for the agenda item "Authorize the U.S. Census Bureau to use Commissioners Room on Wednesdays & Thursdays from February 16, 2009 to May 1, 2009 for helping citizens to complete their census information." (The dates above were corrected to read 2010 in the December 14, 2009 meeting).

The County Clerk explained that the Census Bureau would like to use the Board Room on Wednesdays and Thursdays from February 15 to May 1.

Commissioner McNear moved, seconded by Commissioner Gomez that the Census Bureau be permitted to use the Board Room on Wednesdays and Thursdays from February 15 to May 1, 2009. (This date was corrected to read 2010 in the December 14, 2009 meeting)

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty asked for public comment again and there was none.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

Chair McLarty called for the agenda item "Adjournment".

Commissioner Gomez moved, seconded by Commissioner McNear to adjourn.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED at 4:55 p.m.



County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Commissioners  
Monday, December 14, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Gomez, Rohde, McNear, McLarty, Bousquet and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.

Absent: None.

Meeting was advertised to begin at 4:00 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims submitted by County Clerk for payment.
- 4:02 p.m. Recess to Board of Corrections.
- Reconvene as Board of Commissioners from Board of Corrections.

Miscellaneous Agenda Items

- Adopt Salary Resolutions for Election Official's term beginning 2011.
  - County Commissioners, County Clerk, Clerk of the District Court, County Treasurer, County Attorney, County Sheriff, Public Defender, County Surveyor
- Board approval and authorization for Chair to sign Intergovernmental Agreement between the Nebraska Dept. of Environmental Quality and Dakota County regarding implementation of the Storm Water Management Plan Program.
- Chad Kehrt, Rod Hanson and Fred Kellogg – Approve Engineering of C Street. County to approve and sign the Engineering Form

Tabled Items:

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the Agenda Item "Approve Minutes of previous meeting".

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the minutes of November 30, 2009, correcting the year from 2009 to 2010 where ever it refers to the Bureau of Census using the Board Room and to correct the year stated in the motion "Commissioner McNear moved, seconded by Commissioner Gomez that the Census Bureau be permitted to use the Board Room on Wednesdays and Thursdays from February 15 to May 1, 2009" to read February 15 to May 1, 2010.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Approve Payroll claims submitted by County Clerk for payment".

Commissioner McNear moved, seconded by Commissioner Gomez to approve the payroll claims filed with the County Clerk and submitted by said Official for payment, as follows:

Claims

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty recessed their meeting to convene as Board of Corrections at 4:03 p.m.

Chair McLarty reconvene their meeting from Board of Corrections at 4:22 p.m.

Chair McLarty called for the agenda item "Adopt Salary Resolutions for Election Official's term beginning 2011.

County Commissioners, County Clerk, Clerk of the District Court, County Treasurer, County Attorney, County Sheriff, Public Defender, County Surveyor.

It was decided that Commissioner McLarty would visit with the officials to get their input and that this item be carried on the next agenda.

Chair McLarty called for the agenda items " Board approval and authorization for Chair to sign Intergovernmental Agreement between the Nebraska Dept. of Environmental Quality and Dakota County regarding implementation of the Storm Water Management Plan Program."

Commissioner Gomez moved, seconded by Commissioner McNear to approve and authorize Chair to sign the Intergovernmental Agreement between the Nebraska Dept. of Environmental Quality and

Dakota County regarding implementation of the Storm Water Management Plan Program awarding Dakota County \$15,234 for implementation of our Storm Water Management Plan.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Chad Kehrt, Rod Hanson and Fred Kellogg – Approve Engineering of C Street. County to approve and sign the Engineering Form."

LETTER AGREEMENT FOR  
PROFESSIONAL SERVICES

November 25, 2009

Dakota County  
Attn; Fred Kellogg  
1863 N. Bluff Road  
Hubbard, NE 68741

Re: AGREEMENT FOR PROFESSIONAL SERVICES  
C Avenue Paving Improvements "Project"  
Dakota County, Nebraska

Dear Fred:

It is our understanding that Dakota County, ("Client") requests Olsson Associates ("Olsson") to perform the following services pursuant to the terms of this Letter Agreement, Olsson's General Provisions and any exhibits attached thereto (hereinafter "the Agreement") for the Project.

1. Olsson has acquainted itself with the information provided by Client relative to the Project and based upon such information offers to provide the services described below for the Project. Client warrants that it is either the legal owner of the property to be improved by this Project or that Client is acting as the duly authorized agent of the legal owner of such property. Client acknowledges that it has reviewed the General Provisions (and any exhibits attached thereto), which are expressly made a part of and incorporated into this Agreement by this reference. In the event of any conflict or inconsistency between this Agreement and the General Provisions regarding the services to be performed by Olsson, the requirements of this Agreement shall take precedence.

2. Olsson shall provide Client all Basic Services for the Project as more specifically described in Exhibit A hereto. Should Client request work not described and included in the above Description of Basic Services, such as Additional Services, Olsson shall invoice Client for such services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Olsson shall not commence work on Additional Services without Client's prior approval in writing.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

SCHEDULE FOR OLSSON'S SERVICES

3. Unless otherwise agreed, Olsson would expect to begin performing its services under this Agreement promptly upon your signing.

COMPENSATION

4. Compensation for Olsson's services for Phases 1 through 2, as described in Exhibit A, shall be a fixed fee of Fifty-Five Thousand One Hundred Dollars (\$55,100.00).

Compensation for Olsson's services for Phase 3, as described in Exhibit A, shall be considered on a Time and Expense basis.

These financial arrangements are proposed with the assumption Olsson's bills will be paid promptly and the Project will progress orderly and continuously. Client agrees to pay Olsson the amounts due for services rendered and expenses incurred pursuant to the terms of this Agreement within thirty (30) days after Olsson has provided its invoice for such services. In the event Client disputes any invoice item, Client shall give Olsson written notice of such disputed item within fifteen (15) days after receipt of such invoice and shall pay to Olsson the undisputed portion of the invoice according to the provisions hereof. If Client fails to pay any invoiced amounts when due, interest will accrue on each unpaid amount at the rate of thirteen percent (13%) per annum from the date due until paid according to the provisions of this Agreement. Interest shall not be charged on any disputed invoice item which is finally resolved in Client's favor. Payment of interest shall not excuse or cure any default or delay in payment of amounts due.

TERMS AND CONDITIONS OF SERVICE

5. We have discussed with you the risks, rewards and benefits of the Project and our fees for services. The risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, Olsson's total liability to the Client for any and all injuries, claims, losses, expenses, damages, or claims expenses of any kind arising from any services provided by or through us under this Agreement, shall not exceed the total amount of Olsson's fees earned under this Agreement. Client acknowledges that such causes include, but are not limited to, Olsson's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

6. The Agreement represents the entire understanding between Client and Olsson with respect to the Project and may only be modified in writing signed by both parties.

7. If this proposal satisfactorily sets forth your understanding of our agreement, please sign the Letter Agreement in the space provided (indicating Client's designated Project representative if different from the party signing the Agreement). Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of

30 days from the date set forth above, unless changed by us in writing.

8. By signing below, you acknowledge that you have full authority to bind Client to this agreement.

OLSSON ASSOCIATES

By \_\_\_\_\_ By \_\_\_\_\_  
Rodney L. Hanson Louis E. Lamberty

If you are in agreement with the preceding proposal, please sign:

Dakota County "Client"

By \_\_\_\_\_

Title \_\_\_\_\_

Dated:

If different from above,

\_\_\_\_\_  
Client's Designated Project Representative

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Engineering Agreement for Professional Services C Avenue Paving Improvements "Project."  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Commissioner Committee Reports."  
Commissioner Gomez said that the LEC Board did not have an LEC Meeting last week.  
Commissioner Bousquet said that there was not a Planning and Zoning Meeting last week.

Chair McLarty called for the agenda item "Commissioner Member Reports" and there were none.

Chair McLarty called for the agenda item "Public Comment."  
Susan Church said that the County has to find residents of Millis Beach another access out. Sunday a train had a break down and it was broke down for an extended period of time (50 Minutes). There was discussion concerning that.

Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner McNear moved, seconded by Commissioner Bousquet to adjourn the meeting at 4:35 p.m.  
ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED at 4:35 p.m.



\_\_\_\_\_  
William I. McLarty, Chair Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk Date entered in book



Dakota County Board of Commissioners  
Monday, December 21, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 p.m. The Pledge of Allegiance was said and the location of the Open Meetings Act was noted.

Present: Commissioners Gomez, McNear, McLarty, Bousquet and Ted Piepho, Secretary. Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney, were also present.  
Absent: Commissioner Rohde.

Meeting was advertised to begin at 4:00 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

Miscellaneous Agenda Items

- Jared Junge - Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.
  - Board to approve said contract
- Officials- Adopt Salary Resolutions for Elected Official's term beginning 2011.
  - County Commissioners, County Clerk, Clerk of the District Court, County Treasurer, County Attorney, County Sheriff, Public Defender, County Surveyor
- Chair to sign off on Project IM-129- 1(29), US-20 Missouri River C.N. 31799

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Commissioner McNear moved, seconded by Commissioner Gomez to excuse Commissioner Rohde from the meeting because he had called and said that he would not be present.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Approve Minutes of previous meeting".

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the minutes of December 14, 2009, as typed and prepared for the official record.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Accounts Payable Claims submitted by County Clerk for payment".

There was considerable discussion on two road employees, who turned in claims for boots, sweatshirts, face masks and leather gloves. Everything, except the boots does not meet the definition of Safety Equipment in the Union Contract.

The board discussed the claim submitted by the Veteran's Service Officer for \$1,000. There was money left in his budget but the money had not come into the Treasurer's Office. He was asking for a loan from the Inheritance Tax Fund until the money comes into the Treasurer's Office in April, 2010.

The consensus of the board was that they wanted the Veteran's Service Officer to come before them to explain the situation.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve a claim in part and that is the claim for boots and a sweatshirt. Be it resolved that the part of the claim for boots be approved and to deny the part for the sweatshirt and to deny the claim for the face mask and leather gloves and cap.

ROLL CALL VOTE: Rohde- Absent, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner McNear to table the claim for the Veteran's Service Officer until he can appear before the board to explain the claim.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Absent.  
UNANIMOUS MOTION CARRIED.

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the following claims submitted by the County Clerk as follows:

GENERAL FUND: Dakota County Star, publishing- 225.53; Perkins, supplies- 8.24; AJ Phillips, supplies- 175.00; AS Central Services, storage- 15.00; Charlotte Doenhofer, prior yrs- 10.00; Duggan

Business Forms, forms- 510.00; Fred Proctor Company, supplies- 322.50; Robert Giese, mileage- 135.30; Ruth Jensen, prior yrs- 12.00; Redfield & Company, supplies- 377.00; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 394.67; Terrascan, contract- 3710.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging Systems, lease- 240.00; William Binkard, reimburse- 234.79; City of SSC, lec cost share- 30617.96; Maureen Biggar, mileage- 128.15; Pam Devries, mileage- 102.02; Nebr Dept of HHS, licensure renewal- 650.00; Sanofi Pasteur, service- 1082.31; Dr Thomas Wente, physician- 250.00; Deanna Beckman, hours- 1275.00; Dakota County Star, subscription- 36.00; Pam Devries, mileage- 79.48; Maureen Biggar, mileage- 24.75; Sharon Erickson, clinics- 95.00; Pat Glover, clinics- 190.00; Jackie Heaton, clinics- 120.00; Judi Neswick, clinics- 135.00; Perkins, supplies- 450.03; SSC Police Officers Union, officer- 200.00; Benita Yacevich, clinics- 60.00; Roxanne Voss, clinics- 165.00; Fibercomm, phone- 1199.46; FSH Comm, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; MIPS, support- 407.84; Net Sys Plus, antivirus renewal- 672.99; NACO, dues- 1401.51; Region IV Mental Health, services- 7476.50; Spencer Fane Britt Browne, legal services- 609.00; Thompson Publishing, subscription- 438.50; Three Rivers Benefit, admin fees- 85.00; US Postal Service, postage- 2500.00; Alan Boyd, mileage- 643.50; Electronic Engineering, pager- 13.95; Luken Memorial, markers- 370.00; Century Business Products, service- 286.88; J Zahn Co, supplies- 40.25; Perkins, supplies- 355.30; Theodore Piepho, phone/tape- 22.88; Staples, supplies- 104.93; Todds Storeall, storage- 80.00; Dakota County Star, publishing- 13.37; Arnie Mellick, phone- 30.00; Perkins, supplies- 90.30; AS Central Services, supplies- 178.23; Dakota Business Systems, leased equip- 99.00; Microfilm Imaging, scanning- 100.50; Midwest Office Systems, copier- 319.95; Teresa McGill, calendars- 8.00; Raul Escobedo, interpret- 156.75; Shelly Hodges, interpret- 500.00; Nebraska State Bar Assoc, dues- 595.00; Perkins, supplies- 48.75; Abdullahi Salad, interpret- 25.00; Dakota County Court, costs- 1378.59; Eustacio Gutierrez, witness fee- 28.25; Randy Hisey, counsel- 642.00; Kueny & Begley, counsel- 204.00; Joseph Mildorfer, witness fee- 28.80; Stuart Mills, counsel- 465.00; Alfonso Quezada, witness fee- 22.20; Eludin Quezada, witness fee- 20.00; Douglas Roehrich, counsel- 734.54; Richard Thramer, counsel- 266.64; Patrick Tott, counsel- 378.00; Dakota County Sheriff, papers/warrants- 832.75; District Court, claims- 1337.00; Dr Awad Berruin, witness fee- 130.00; HyVee, supplies- 54.95; Norfolk Printing, sheet- 54.70; MIPS, jury list/scanning- 810.49; Patrick Parry, counsel- 1616.28; Michael Schmiedt, counsel- 255.00; Richard Thramer, counsel- 976.04; Patrick Tott, counsel- 126.00; Bekins Fire & Safety, extinguishers- 65.00; Benstar Packaging, supplies- 170.28; Bomgaars, repair- 152.42; Gill Hauling, service- 120.00; Grainger, repair/supplies- 15.91; Janitor Depot, supplies- 306.60; Richard Jensen, mileage- 116.65; Joes Dept Store, repair/supplies- 110.97; Menards, supplies- 585.84; Midamerican Energy, utilities- 1169.00; Nebr Public Power Dist, utilities- 1485.51; Robertson Imp, mower- 225.44; Sams Club, supplies- 153.90; Share Corp, supplies- 340.80; Trembly Pest Control, service- 50.00; Verizon, phone- 58.29; PMNRD, rent- 833.33; UNL Extension, reimburse- 1123.01; BioKey International, software- 4483.14; Kerry Bligh, animal control- 50.00; City of SSC, fuel- 4395.62; Dakota County Sheriff, stamps/pants- 49.35; Dakota Food & Fuel, fuel- 237.04; Electronic Engineering, radio- 10.00; Fremont Tire, service/repair- 3979.13; Harolds, service- 63.63; Jackson Glass, repairs- 40.00; Joes Dept Store, supplies- 283.30; Lexis Nexis Matthew Bender, law books- 4.86; Net Sys Plus, service- 157.50; RACOM, t1- 707.40; Verizon, phone- 276.86; Walmart, supplies- 58.75; Cartridge World, ink- 30.98; Dept of Motor Vehicles, transcripts- 4.00; Douglas County Sheriff, witness fee- 22.64; H204U, water- 34.00; Holiday Inn, lodging- 366.24; Iowa Office Supply, contract- 95.10; Kim Watson, mileage- 113.30; NE State Bar Assoc, dues- 960.00; Pathology Medical Services, autopsy- 1000.00; Quill, supplies- 87.11; Thomson West, plan- 168.50; Verizon Wireless, phone- 137.51; Ace Refrigeration, repair- 186.13; Ateam Heating, service- 1788.90; BI Inc, monitoring- 1073.14; Redwood Biotech, lab test- 25.00; Staples, supplies- 72.97; Verizon, phone- 55.10; Amsan, supplies- 2355.73; Aramark, service- 52.88; BI Inc, monitoring- 92.40; Bekins Fire Safety, medical- 269.50; Bob Barker, supplies- 1089.40; CBM Food Service, meals- 20626.62; Crescent Electric, bulbs- 48.24; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, mileage/certifications- 744.60; Dakota Food & Fuel, fuel- 167.36; Sandy Dickens, mileage- 110.00; Gill Hauling, service- 120.00; Grainger, ladder- 249.25; Jackie Heaton, mileage- 183.70; Hough Distributing, gloves- 299.92; Jacks Uniforms, supplies- 221.15; Joes Dept Store, supplies- 42.67; Lincare, oxygen concentrator- 175.79; Mercy Business Health, medical- 1025.00; Mercy Medical Center, medical- 4900.05; Midamerican Energy, utilities- 1115.74; Midlands Clinic, medical- 230.00; Midwest Office Automations, contract- 203.35; Moore Medical, medical- 412.69; NE Nebr Juvenile Services, boarding- 1133.75; Net Sys Plus, service- 140.00; Nebr Public Power Dist, utilities- 1924.84; NW Iowa Emerg Phys, medical- 1085.00; Doyle Pilgrim, mileage- 22.00; Siouxland Federal Credit Union, fuel/fees/meals/lodging- 2789.28; Siouxland Pathology, medical- 110.00; Siouxland Radiology Partners, medical- 266.00; Speedy Rooter, repairs- 80.03; Staples, supplies- 214.47; Stateline Electric, outlets- 122.00; Treat America Foods, meals- 10507; Trembly Pest Control, service- 35.00; TriTec Innovations, camera system- 5000.00; Verizon, phone- 197.74; Walmart, supplies/prescriptions- 2706.87; Woodbury Co Juv Det, boarding- 3800.00; Verizon, phone- 34.96; Thomson West, service- 977.61; Road Fund, budget transfer- 30000.00; Road Improvement Fund, budget transfer- 14000.00; Weed Fund, budget transfer- 1000.00; ROAD FUND: Advance Auto, supplies- 79.91; Aramark, service- 546.58; AZ Inc, fuel- 365.35; Bank of Dixon, grader payment- 16351.76; Bekins Fire & Safety, extinguishers inspection- 301.40; Bomgaars, supplies- 65.47; City of SSC, salt- 2529.06; Frame Aligners, parts/labor- 766.90; Fremont Tire, repair- 17.00; Gill Hauling, service- 55.00; Grainger, supplies- 107.20; Ron Harder, clothing allowance- 75.00; Walter Heinemann, prior yrs serv- 29.00; Heritage Express, fuel- 2.58; Hans Houfek, clothing allowance- 38.51; Hubbard Minimart, fuel- 1976.08; H204U, water- 8.50; Inland Truck Parts, parts- 78.78; J&J Pronto, fuel- 750.02; Jensen Imports, parts- 82.21; Joes Dept Store, supplies- 102.07; Kinetic Leasing, loader payment- 2458.00; LG Everist, rock- 8244.32; Linweld, oxy- 40.14; Kimon Litras, clothing allowance- 68.46; Marx Truck Trailer, parts- 43.40; Medical Enterprises, testing- 29.90; Marlan Millard, prior yrs serv- 15.00; NAPA, parts/supplies- 518.49; Nebr Public Power Dist, utilities- 24.74; NE Nebr Public Power Dist, utilities- 256.33; Northeast NE Telephone, phone- 163.94; Peterson Sand & Gravel, gravel- 9229.00; KIP Reinbold, clothing allowance- 75.00; Steffen, parts- 78.66; St Lukes Center, testing- 20.00; Superior Lamp Inc, supply- 309.34; Jim Swanson, clothing allowance- 34.00; UECO, pipe- 894.00; Verizon, phone- 58.61; Warren Oil, fuel- 8419.40; Zieglers, supplies/blades- 15661.39;

ROAD IMPROVEMENT: Barkley Asphalt, asphalt- 13426.18;  
 POOR RELIEF: Becker-Hunt Funeral Home, burial expense- 1400.00;  
 LE EQUIPMENT GRANT: BioKey International, software- 3522.30; L-Tron, imager kits- 1182.45;  
 MicroFormat, paper- 895.00; Sleuth Software, laptops/upgrades/backlights- 22999.94;  
 INSTITUTIONS: Beatrice State Dev Center, qtrly pymnt- 534.00;  
 VETERANS AID: Veterans Service Office, relief- 1000.00;  
 PUBLIC SAFETY: City of SSC, sls tax- 3180.90; Jail Bond Fund, sls tax- 23326.59;  
 JAIL BOND FUND: Fremont National Bank, principal/interest- 102412.50;  
 WEED FUND: Dakota Business Systems, rental- 102.00; Dixon County Weed Control, chemicals-  
 242.50; Heritage Express, fuel- 54.00; Hubbard Minimart, fuel- 283.00; J&J Pronto, fuel- 65.00; Nebr  
 Weed Control Assoc, membership- 131.00; Leon Pies, workshop- 10.00;  
 ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Absent.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Jared Junge - Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012."  
 The contract had not been signed by all the union representatives; therefore they tabled the approval until next meeting when all union representatives could sign it.

There was considerable discussion concerning the Official's Salaries.

Sally Reinert stepped up to the podium and said that the county should try and bring the officials salary closer in line with what other counties are getting in comparison to our County's population.

Chair McLarty said that study has already been done and that would be \$46,000.

Commissioner Bousquet moved, seconded by Commissioner Gomez to set the Sheriff's Salary at \$50,000 for the year 2011 and a 3% cost of living adjustment in subsequent years 2012, 2013 and 2014 and to set the salaries for the other officials at an increase of 3% more than they received in 2010 and additional 3% increase for 2012, 2013 and 2014, as set out in Resolutions 09C-021, 09C-022, 09C-023, 09C-024 and Resolution 09C-025.

Dennis Reinert supported that resolution.

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

**RESOLUTION 09C-021**

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 2011.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Attorney be established at \$73,540.55 for the calendar year 2011. That for each year thereafter (2012, 2013, 2014) a three percent (3%) 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 21<sup>st</sup> day of December, 2009, at Dakota City, Nebraska.

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

SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS

RESOLUTION 09C-022

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 2011.

BE IT THEREFORE RESOLVED: The annual salary for the office of Public Defender be established at \$56,851.43 for the calendar year 2011. That for each year thereafter (2012, 2013, 2014) a three percent (3%) 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 21<sup>st</sup> day of December, 2009, at Dakota City, Nebraska.

ATTEST:

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County Clerk

SALARY, COST-OF-LIVING ADJUSTMENTS, BENEFITS

RESOLUTION 09C-023

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 2011.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Sheriff be established at \$50,000.00 for the calendar year 2011. That for each year thereafter (2012, 2013, 2014) a three percent (3%) 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 a be 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 21<sup>st</sup> day of December, 2009, at Dakota City, Nebraska.

ATTEST:

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County Clerk

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

**RESOLUTION 09C-024**

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 2011.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Clerk, County Treasurer, and Clerk of District Court be established at \$45,453.99 for the calendar year 2011. That for each year thereafter (2012, 2013, 2014) a three percent (3%) 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 21<sup>st</sup> day of December, 2009, at Dakota City, Nebraska.

ATTEST:

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County Clerk

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

**RESOLUTION 09C-025**

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 2011.

BE IT THEREFORE RESOLVED: The annual salary for the office of County Commissioners be established at \$15,546.39 for the calendar year 2011. That for each year thereafter (2012, 2013, 2014) a three percent (3%) 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 2011, 2012, 2013, and 2014.

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 21<sup>st</sup> day of December, 2009, at Dakota City, Nebraska.

ATTEST:

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County Clerk

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Nay, Bousquet- Yea and Rohde- Absent.  
MOTION CARRIED.

Commissioner McNear moved, seconded by Commissioner Bousquet to authorize the Chair to sign off on Project IM-129- 1(29), US-20 Missouri River C.N. 31799 that there will not be any corners that need to be referenced as part of this project.

ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde- Absent and McNear- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Commissioner Committee Reports" and there were none.  
Chair McLarty called for the agenda item "Commissioner Member Reports" and there were none.  
Chair McLarty called for the agenda item "Public Comment" and there was none.  
Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.

With no further business Chair McLarty called for a motion to adjourn.

Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn the meeting at 4:50 p.m.

ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde- Absent, McNear- Yea and Gomez- Yea.  
UNANIMOUS MOTION CARRIED at 4:50 p.m.



Dakota County Board of Commissioners

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William I. McLarty, Chair                      Date Chair signed

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Theodore A. Piepho, County Clerk                      Date entered in book

Dakota County Board of Commissioners  
Monday, December 28, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:00 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Rohde, McNear and Gomez. Joan Spencer, Administrative Assistant to the Board acted as secretary. None were absent.

The agenda for the meeting was as follows:

Meeting was advertised to begin at 4:00 p.m. This agenda is subject to change up until 24 hours before the start of the meeting. The Board Chair reserves the right to modify the order of the agenda.

Call to Order with reciting the Pledge of Allegiance

A current copy of the Open Meetings Act is posted on the side wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- Roll Call
- Approve Minutes of previous meeting.
- Approve Payroll claims submitted by County Clerk for payment.
- Review and approve Accounts Payable Claims submitted by Co. Clerk.

Open Public Hearing - The purpose of the hearing is to take oral and/or written testimony in favor of, or in opposition to, the County Board of Commissioners amending Section 518. Violations, Penalty of the Zoning Regulations.

**SECTION 518. VIOLATIONS, PENALTY INSERT**

23-114.05 County zoning; violations; penalty; injunction. The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of sections 23-114 to 23-115.02, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376 or of any regulation made by the county board under such sections shall be a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating such sections or any regulation of the county board or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. (Class III Misdemeanor = Maximum: 3 months imprisonment, or \$500 fine, or both. Minimum; None (Neb. Rev. Stat. 28-106)). Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the county board or the proper local authorities of the county, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by such sections or in resolutions adopted pursuant to such sections. Proponents, Opponents, Neutral. County Board to take action on amending Section 518 Violations, Penalty of the Zoning Regulations.

Miscellaneous Agenda Items

- Accept Erwin Larson's resignation on the DC Board of Adjustments
- Jared Junge - Consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009 through June 30, 2012.
  - Board to approve said contract

Tabled Items: Motion to take from the table the Veteran's Service Office Claim that was tabled last meeting. Approve the Veteran's Service Officer Claim.

Commissioner's Committee Reports

Commissioner Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Commissioner McNear moved, seconded by Commissioner Gomez, to approve the minutes of December 21, 2009, as presented.

Roll Call Vote: Bousquet- yea, Rohde- yea, McNear- yea, Gomez- yea and McLarty- yea.

Unanimous Motion Carried.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the payroll claims as follows:

COUNTY GENERAL FUND: Gross salaries- \$117,394.75, General Fund Employees Net Pay- \$86,939.04, Employer deductions paid: Retirement- 8,207.62, FICA- 7,278.47, Medicare- 1,702.20.

Joan Spencer- 1305.72, Daniel Christoffers- 533.20, Tracey Corkin- 889.20, Bobbi Jo Harsma- 1065.60, Marisol Curiel- 928.45, Darlene Davis- 866.44, Ruth Gillaspie- 1235.89, Jolene Heinemann- 927.53, Kim Kuehl- 866.44, Phyllis Ridge- 963.38, Margaret Rahn- 1229.82, Daniel Christoffers- 499.88, Arnold Mellick- 216.26, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, Guadalupe Kennedy- 991.20, Richard Jensen- 1796.03, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1817.77, Anthony Bos- 1694.85, Sandy Dickens- 463.70, Brian Ellinger- 2171.64, Penny Epting- 1650.83, Michael Estes- 1384.80, Brent Gilster- 2351.28, Todd Hammer- 1570.79, Richard Hansen- 1727.70, Melvin Harrison III- 2166.16, Rodney Herron- 1830.92, Jason James- 2085.97, Kimberly Johnson- 312.11, Jared Junge- 2179.86, Michael Kregar- 2261.22, Gayle Richards- 816.75, Kevin Rohde- 1764.65, Randall Walsh- 1687.87, Kerry Johnson- 880.08, Sara

Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1093.36, Caterina Chapman- 1200.21, Jacob Acero- 1469.32, Ermelinda Ballesteros- 1684.98, Joshua Blatchford- 1223.64, Dusty Boyd- 1505.58, Rebecca Broer- 1455.63, Sandy Dickens- 706.42, Lisa Ford- 1271.01, Robert Foster- 1471.14, Linda Frost- 759.90, John Gilles- 1481.53, Alma Gunderson- 1589.94, Amber Hamman- 841.50, Paula Harrigfeld- 607.37, Cathy Harsma- 1562.20, Deanna Haukap- 1487.06, Jackie Heaton- 1685.27, Jeffrey Heitzman- 1429.93, Adam Hough- 1187.88, Matthew James- 1474.79, Brett Johnson- 1,333.24, Nicholas Kellen- 1306.80, Brenda Kelly- 1327.84, Terry Kern- 1884.62, Keith Klein- 1456.52, Mark Nelson- 1365.38, Travis Olander- 1159.86, Kimberly Peterson- 1456.52, Doyle Pilgrim- 966.96, Daniel Rodasky- 1516.81, Jutharatana Ruenprom- 1487.06, Stephanie Ryan- 1575.97, Linda Schovanec- 1299.20, Francis Tope- 1484.76, Charvette Williams- 1603.51, Jewel Williams- 1433.11, Matthew Wise- 1487.59, Cara Wood- 1514.98, Jolene Gubbels- 1018.40, Leon Pies- 761.46, Maureen Biggar- 1049.27, Pamela DeVries- 1636.90, Bonnie Kahler- 741.85, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 10,159.74, State- 4,234.16, FICA- 7,278.47, Medicare- 1,702.20, Retirement- 5,566.23, Deferred Comp- 332.00, Garnishments- 1,182.91. Madelyn Thorsland- Prior years service- 10.00

COUNTY ROAD PAYROLL: Gross salaries- \$18,806.46, Road Employees Net Pay- \$13,788.32, Employer deductions paid: Retirement- 1,269.44, DC Health Plan-, DC Dental Plan-, Life Insurance-, FICA- 1,166.01, and Medicare- 272.70.

Brent Byroad- 1603.07, Robert Hacker- 1579.98, Ronald Harder- 1387.54, Hans Houfek- 1361.21, Robert Jacobsen- 1502.37, Fred Kellogg- 1648.00, Robert Lillard- 1239.20, Kimon Litras- 1259.02, Arnold Mellick- 1537.68, Willie Peters II- 1642.01, Leon Pies- 621.60, Kip Reinbold- 1796.96, James Swanson- 1627.82.

ROAD FUND: Employee withholding paid to: Federal- 1,554.13, State- 661.78, FICA- 1,166.01, Medicare- 272.70, Retirement- 846.29, DC Health Plan-, DC Dental Plan-, Reassure America Life-, Deferred Comp. - 91.68, Garnishments- 425.55, Aflac Health-, Aflac Life/Dsbl-, Flex Plan- and Union Dues-

VETERAN'S AID: Emergency Relief- 1,000.00

INHERITANCE TAX: Loan to be paid with April tax revenue- 1,000.00

Roll Call Vote: Rohde- yea, McNear- yea, Gomez- yea, McLarty- yea and Bousquet- yea.

Unanimous Motion Carried.

Chair McLarty opened the Public Hearing for the purpose of taking oral and/or written testimony in favor of, or in opposition to, the County Board of Commissioners amending Section 518. Violations, Penalty of the Zoning Regulations at 4:03 p.m.

Chair McLarty read the following: SECTION 518. VIOLATIONS, PENALTY INSERT

23-114.05 County zoning; violations; penalty; injunction. The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of sections 23-114 to 23-115.02, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376 or of any regulation made by the county board under such sections shall be a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating such sections or any regulation of the county board or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. (Class III Misdemeanor = Maximum: 3 months imprisonment, or \$500 fine, or both. Minimum; None (Neb. Rev. Stat. 28-106)). Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the county board or the proper local authorities of the county, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by such sections or in resolutions adopted pursuant to such sections.

Chair McLarty asked to hear the proponents for such change. Sally Reinert spoke in support of the addition of this penalty section. She thought it would promote peaceful relations with your neighbor as the only recourse currently available is a lawsuit if Planning and Zoning regulations are not enforced. She stated it would allow Planning and Zoning to enforce its own regulations and encouraged the Commissioners to support this addition.

Chair McLarty asked for further proponents. There were none.

Chair McLarty asked is there was anyone who wished to speak in opposition to the amendment.

Betty O'Neill came forward but was asked to address her comments during the Public Comment period as they did not pertain to the current hearing. No one else spoke in opposition to the amendment.

Chair McLarty asked for anyone wishing to speak from a neutral position. There were no further comments. Chair McLarty closed the Public Hearing at 4:12 p.m.

Commissioner Rohde asked what happened in the past if there were violations? Commissioner McLarty stated there was no penalty clause in the past. County Attorney Kim Watson stated that their regulations referred to state statute and this would add that statute to their regulations. Commissioner Bousquet stated those getting a permit would be made aware of the regulation amendment. Commissioner Rohde thought it would be a good idea to also inform the public of the amendment and penalties.



Commissioner Rohde moved, seconded by Commissioner Bousquet, to approve Section 518 Violations, Penalty amending the Zoning Regulations.

Roll Call Vote: McNear- no, Gomez- yea, McLarty- yea, Bousquet- yea, Rohde- yea. Motion Carried.

Chair McLarty asked for action regarding the resignation of Erwin Larson as a member of the Dakota County Board of Zoning Adjustments. Commissioner Bousquet moved, seconded by Commissioner McNear to accept Mr. Larson's letter of resignation from the Board of Adjustments.

Roll Call Vote: Gomez- yea, McLarty- yea, Bousquet- yea, Rohde- yea, McNear- yea. Unanimous Motion Carried.

Chair McLarty called for consideration of proposed tentative Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board of Commissioners for July 1, 2009, through June 30, 2012. It was noted that the Agreement was signed by the officers of FOP Lodge #49. Commissioner Bousquet moved, seconded by Commissioner McNear, to approve the proposed Agreement between the Fraternal Order of Police Lodge #49 (Correctional Officers) and Dakota County Board and authorize the Chair to sign.

Roll Call Vote: McLarty- yea, Bousquet- yea, Rohde- yea, McNear- yea, Gomez- yea. Unanimous Motion Carried.

Commissioner Bousquet moved, seconded by Commissioner McNear, to remove from the table the Veteran's Service Officer Claim.

Roll Call Vote: Bousquet- yea, Rohde- yea, McNear- yea, Gomez- yea, McLarty- yea. Unanimous Motion Carried.

Chair McLarty explained that the claim was for \$1,000 and there was no money in the Treasury from tax collections to make payment on the claim. The Board can deny the claim or approve a transfer from the Inheritance Tax Fund to the Veterans Service Fund which would be paid back when tax monies are available and approve the claim.

Commissioner Bousquet asked Alan Boyd, Veterans Service Officer, to explain why all the funds were spent. Mr. Boyd addressed the Board and said that there is not enough money to cover all the requests for help that he receives from Veterans. He receives requests for help with electric and gas bills and food and many are unemployed.

Commissioner Bousquet moved, seconded by McNear, to approve the claim for \$1000 and permit money to be borrowed from the Inheritance Tax Fund and transferred as a loan to the Veteran's Aid Fund until tax monies come in.

Roll Call Vote: Rohde- yea, McNear- yea, Gomez- yea, McLarty- yea, Bousquet- yea. Unanimous Motion Carried.

Commissioner McNear reported that the Safety Committee purchased a Safety Mate with NIRMA Assist grant monies paying half the cost. The Safety Mate is a first aid portable talking guide that would help you respond to 12 different emergency situations such as choking, bleeding, heart attack, etc. It is located in the first floor break room.

Chair McLarty informed the public that an organization from Norfolk, Prevention Pathways, donated \$10,000 to the Dakota County Health Department. The Board signed a thank-you card that will be sent to Prevention Pathways.

Chair McLarty asked if anyone from the Board would be able to attend an emergency management workshop on January 7<sup>th</sup> at the Wayne Fire Station.

Chair McLarty informed the Board that he was requested to attend a meeting at the Law Enforcement Center tomorrow to discuss if there were any emergency situations that occurred during the recent snow storm that would qualify for reimbursement money from FEMA.

Chair McLarty called for the agenda item "Public Comment".

Betty O'Neill made public comment. She stated that she is filing a formal complaint regarding the Conditional Use Permit issued at the Board of Commissioner meeting of November 16, 2009, to Nelson Construction. She believes the permit should have been issued to the property owner, Leonard Gill. She also noted the Conditional Use Permit was issued after the tower was constructed.

Ms. O'Neill also made public comment complaining that the Open Meetings Act was violated in the Dakota County Board of Commissioners meeting on December 15, 2008. A letter to the Nebraska Liquor License should not have been sent. Mr. Gomez was not issued a Conditional Use Permit for his rodeo and the liquor license was not filed properly. She also noted that Gary Smith applied for a Conditional Use Permit for a rodeo and was denied.

Sally Reinert made public comment that she felt Erwin Larson should have recognition for the years he served on the Board of Adjustments.

Commissioner McNear motioned, seconded by Commissioner Bousquet, to adjourn the meeting.  
Roll Call Vote: McNear- yea, Gomez- yea, McLarty- yea, Bousquet- yea, Rohde- yea. Unanimous  
Motion Carried 4:36 p.m.



Dakota County Board of Commissioners

\_\_\_\_\_  
William I. McLarty, Chair                      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk                      Date entered in book